

Manitoba Ombudsman

REPORT UNDER

THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

CASE 2014-0029

CITY OF WINNIPEG WATER AND WASTE DEPARTMENT

PRIVACY COMPLAINT: DISCLOSURE OF PERSONAL INFORMATION

REPORT ISSUED ON APRIL 14, 2014

SUMMARY: The complainant alleged that, following a call to the City of Winnipeg's 311 inquiry service, an employee of the city's Water and Waste Department had disclosed her name and telephone number to a third party organization (that was doing infrastructure work in the area) without her consent. The Water and Waste Department acknowledged disclosing the personal information, saying that it had been done to help the complainant get answers to her questions. Subsequently, the Water and Waste Department implemented new procedures to protect citizens' personal information in the context of addressing citizen inquiries about works done by third parties. While the ombudsman found that disclosure of the complainant's personal information was not compliant with FIPPA, we are satisfied with the steps taken to improve procedures to prevent similar unauthorized disclosures from taking place in the future.

THE COMPLAINT

On January 23, 2014, Manitoba Ombudsman received a privacy complaint under *The Freedom of Information and Protection of Privacy Act* (FIPPA) alleging an unauthorized disclosure of personal information by the City of Winnipeg, Water and Waste Department (the city or the public body).

The complainant told our office that her name and phone number had been passed on to a local developer following a December 3, 2013 call by her to the city's 311 inquiry service. She had asked for the number of the person in the Water and Waste Department who could answer questions she had about drilling work that had been going on in and around a local park. The complainant believed that the city's action in sharing her contact information with the third party was an unauthorized disclosure of her personal information.

INVESTIGATION

FIPPA defines personal information, in part, as being recorded information about an identifiable individual. In this case, the information at issue is the complainant's name and her telephone number together with her views/concerns about what was happening in the local park. This is recorded information about the complainant and is therefore personal information of the complainant.

While not defined in FIPPA, the concept of 'disclosure' of personal information is generally understood to mean the release of recorded personal information outside of the public body. This includes the act of verbally revealing personal information from a record containing information about the individual.

When our office spoke to the public body on January 28, 2014, it acknowledged that the disclosure was a breach of the complainant's privacy. The public body also told our office that it had shared the complainant's information out of an honest desire to try to answer the complainant's questions to the 311 service and had apologized to her about the disclosure on December 17, 2013. It also promised our office that it would soon be instituting new procedures so that a mistake such as this one would not be repeated.

On April 3, 2014, our office received a letter from the city in which it outlined what it was doing to ensure that personal information was no longer passed on in the manner that it had been in this case. We were advised that the Water and Waste Department had instituted new procedures for coordinating responses to service requests that involve third parties. Staff were advised that they themselves could obtain the relevant information from the third party organization and then call the citizen back to provide the answers, or they could provide the citizen with the contact information of the third party organization so that the citizen could contact them directly. Staff were reminded that the personal information of citizens was not to be disclosed to third parties unless authorized by management in consultation with the department's records and information management coordinator.

While our office did find that the city disclosed the complainant's personal information in a manner that was not compliant with FIPPA, we are satisfied with the measures that the public body has taken to improve its processes to better protect citizen privacy when responding to future inquiries from members of the public.

CONCLUSION

Based on the ombudsman's finding, the complaint is supported.

April 14, 2014
Manitoba Ombudsman