

AUTHORIZATION FOR INDIRECT COLLECTION OF PERSONAL INFORMATION

BC Hydro and Power Authority

David Loukidelis, Information and Privacy Commissioner

November 5, 2003

1.0 NATURE OF THIS DOCUMENT

[1] Under s. 42(1)(i) of the *Freedom of Information and Protection of Privacy Act* (“Act”), this document authorizes the BC Hydro and Power Authority (“BC Hydro”) to indirectly collect personal information on the conditions set out below.

2.0 BACKGROUND

[2] In an August 13, 2003 letter, BC Hydro requested authorization, under s. 42(1)(i) of the Act, to collect information about the presence of dogs at locations served by BC Hydro.

[3] BC Hydro says that dogs on its customer routes are a workplace safety concern for its meter readers. It generally collects information on dogs from their owners, its account-holders, when their accounts are set up or transferred. Customers are also asked on BC Hydro’s website and in billing inserts to inform BC Hydro if they own a dog or acquire a dog that might be a safety concern to its meter readers. BC Hydro employees also collect this type of information when making their rounds.

[4] Because of the nature of the personal information involved here, and the purpose for its collection, I did not consider it necessary, in this case, to solicit public comment on the requested authorization.

3.0 DISCUSSION

[5] **3.1 BC Hydro’s Arguments** – BC Hydro submits that authorization of indirect collection of the presence of dogs on the property of its customers would be appropriate for the following reasons:

- It is not always able to collect the information directly from account holders as they may not be aware that their dogs are a safety concern or may not be willing to share that information with BC Hydro. For the same reason, account holders might not consent to indirect collection which would in any case be a costly and ineffective use of resources.
- Collection of information about dogs by meter readers is one of the most accurate sources for the information. Direct collection may result in inaccurate information which might put BC Hydro employees at risk.
- The collection of such information would not be an unreasonable invasion of privacy of account holders.

- In light of the safety risk, a departure from the norm of direct collection is justified.

[6] **3.2 Reasons For Granting Authorization** – I start with the observation that information about the presence of dogs on the property of account holders is “personal information”, as defined by the Act, because it is “recorded information about an identifiable individual”. Information about the presence of a dog on the property of an account holder is linked to that individual by name, address or account number and is retrievable the same way.

[7] I have approached the issue of whether indirect collection should be authorized in this case in light of the principles articulated in Part 3 of the Act. The policy of Part 3 is to ensure that individuals have a measure of control over their own personal information throughout its life-cycle. Part 3 is also aimed at ensuring transparency in the collection, use and disclosure of personal information. For this reason, Part 3 stipulates that personal information must be collected directly from the individual to whom the information relates and that it must be disclosed or used only for the purpose for which it was collected. There are exceptions to these rules, of which commissioner-authorized indirect collection is one. Part 3 expressly acknowledges that the commissioner may, under s. 42(1)(i), authorize a departure from the principle of direct collection, which is expressed in s. 27(1).

[8] Bearing in mind these policies of control and transparency – and also whether the proposed indirect collection would unreasonably invade the personal privacy of BC Hydro account holders, within the meaning of s. 22 of the Act – I have considered the following questions in assessing BC Hydro’s application:

1. Has a clear and sufficiently compelling public interest or objective been identified that cannot reasonably be accomplished through direct collection of the personal information in question?
2. Is the requested departure from the Act's rule of direct collection clearly justified when judged against the nature of the personal information to be collected and the purpose for which (and to whom) it is to be disclosed or used?

[9] As regards the first question, I am satisfied that a clear and sufficiently compelling public objective has been identified by BC Hydro that cannot, in these circumstances, reasonably be accomplished through direct collection of personal information. The objective of the collection of information about the presence of dogs on the property of account holders is to help establish a safe work environment for meter readers. I also acknowledge that the administrative efficiency of the proposed indirect collection. At all events, I accept that, in light of the non-sensitive nature of the personal information, the objectives of workplace safety and administrative efficiency are, in this case, clear and sufficiently compelling public objectives for the purposes of s. 42(1)(i) of the Act, that cannot reasonably be accomplished through direct collection of personal information.

[10] As for the second question, I am satisfied in light of BC Hydro’s submissions that the objective can only reasonably be accomplished by indirectly collecting personal information. As BC Hydro points out, the alternatives for direct collection are costly and perhaps most important, are susceptible to inaccuracy and incompleteness.

[11] I accept that information about dogs which are a potential safety concern should be collected indirectly from meter readers – those who are exposed to the safety risk – as they are the ones with the most accurate and timely information on their experiences with such dogs.

[12] As for the nature of the personal information to be collected, I note again that, although I am persuaded after careful consideration that this is technically personal information under the Act, it is not sensitive personal information (including personal information of a kind contemplated by s. 22(3) of the Act). It relates only to the presence of dogs on the property of account holders, a fact which is most likely obvious to the passing public as well as meter readers. Further, the personal information will not be used or disclosed for a purpose that engages important privacy interests of affected individuals. The information will be used only by BC Hydro to improve the safety of the working conditions of BC Hydro's employees.

[13] In addition, BC Hydro has agreed to provide notice to its customers, for example through its newsletter or via its website, of the indirect collection of this information.

[14] I consider that the indirect collection of this personal information is, in light of the above considerations, clearly justified as being the only reasonable manner in which to accomplish the objective identified above.

4.0 AUTHORIZATION

[15] In light of the above, under s. 42(1)(i) of the Act, I authorize BC Hydro to indirectly collect information about the presence of dogs on the property of account holders through its employees subject to the following conditions of this authorization:

1. This authorization is limited to the indirect collection of information by BC Hydro employees about the presence of dogs on the property of account holders.
2. This information may be used only for the purpose of ensuring the safety of BC Hydro meter readers or other BC Hydro employees and must not be used or disclosed for any other purpose
3. BC Hydro must notify its customers of this indirect collection, in an appropriate fashion and as soon as is practicable, of the possibility of indirect collection of information about the presence of dogs on the property of account holders.

November 5, 2003

ORIGINAL SIGNED BY

David Loukidelis
Information and Privacy Commissioner
for British Columbia