



Order P25-03

A PAWSH OASIS PET RESORT

Jay Fedorak
Adjudicator

March 4, 2025

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Summary: An individual complained that the organization disclosed her personal information contrary to the *Personal Information Protection Act* (PIPA) when it posted her personal information in reply to her online review of the organization. The adjudicator found that PIPA did not authorize the disclosure of the personal information, and that the organization had contravened s. 6. The adjudicator ordered the organization to remove all of the personal information about the complainant that it had posted on the internet.

Statutes Considered: *Personal Information Protection Act*, SBC 2003 c. 63, ss. 6, 8, 18.

INTRODUCTION

[1] This inquiry decides a complaint under the *Personal Information Protection Act* (PIPA) against A PAWsh Oasis Pet Resort (Resort). The complainant is a former client. She complained to the Office of the Information and Privacy Commissioner (OIPC) that the Resort disclosed her personal information contrary to PIPA. Specifically, she alleges the Resort posted her personal information on a publicly available site on the internet when it responded to her online review of the Resort.

[2] Mediation by the OIPC failed to resolve the matter and it proceeded to an inquiry. The OIPC issued a fact report and a notice of inquiry. The complainant and the Resort provided submissions.

ISSUE

[3] There is no dispute that what took place was a disclosure of information to the public. The only issues to decide are whether the information was the

complainant's personal information and, if so, whether PIPA authorized the Resort to disclose the complainant's personal information.

[4] PIPA does not say who has the burden of proof for this issue. Nevertheless, it is clearly in the interest of all parties to provide argument and evidence to support their positions.¹

DISCUSSION

[5] **Background** – The complainant used the services of the Resort to board her dog. The relationship between the parties broke down for a number of reasons and the complainant was dissatisfied with aspects of the service she received. She posted an online review about the Resort, providing details of her experience and why she was unsatisfied. The Resort replied to the review, including information about the complainant, which is publicly available on the internet.

[6] The complaint requested that the Resort delete the information about her from the internet. The Resort agreed but only if she made certain changes to her review, which she refused to make.

Did PIPA authorize the Resort to disclose the complainant's personal information?

[7] The first step is to determine whether the Resort disclosed any personal information. PIPA defines personal information as:

information about an identifiable individual and includes employee personal information but does not include

- (a) contact information, or
- (b) work product information;

[8] PIPA defines contact information as

information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual;

[9] PIPA defines work product information as

information prepared or collected by an individual or group of individuals as a part of the individual's or group's responsibilities or activities related to the

¹ Order F23-08, 2023 BCIPC 76 (CanLII), para. 13; Order P22-05, 2022 BCIPC 49 (CanLII), para. 11.

individual's or group's employment or business but does not include personal information about an individual who did not prepare or collect the personal information.

[10] The complainant has provided screen shots of the information that the Resort posted. It included her name, her financial information, information about her dog and information about her conversations with staff members at the Resort. It is clear that the information at issue is personal information, as it is about the complainant, who is an identifiable individual. From the face of the record, it is clear that the information is not contact information or work product information.

[11] Therefore, I find that the information at issue is the personal information of the complainant.

[12] The second step is to determine whether any provision in PIPA authorized the Resort to disclose this information online on a publicly available website.

[13] Section 6 of PIPA prohibits disclosure of personal information except in certain circumstances. The relevant parts of s. 6 read as follows:

6 (1) An organization must not

...

(c) disclose personal information about an individual.

(2) Subsection (1) does not apply if

(a) the individual gives consent to the collection, use or disclosure,

(b) this Act authorizes the collection, use or disclosure without the consent of the individual, or

(c) this Act deems the collection, use or disclosure to be consented to by the individual.

1. Did the complainant consent to the disclosure of her personal information in accordance with s. 6(2)(a)?

[14] The Resort has not made any submissions as to whether the complainant consented to the disclosure of her personal information. I see nothing in the submission of the complainant, including copies of the reply posts, to persuade me that the complainant consented to the disclosure of her personal information.

[15] Therefore, I find that the complainant had not consented to the disclosure of her personal information and s. 6(2)(a) did not authorise the Resort to disclose it.

2. Did ss. 6(2)(c) of PIPA deem the complainant to have provided consent to the disclosure of her personal information?

[16] Section 8 explains what deemed consent in s. 6(2)(c) means.

- 8 (1) An individual is deemed to consent to the collection, use or disclosure of personal information by an organization for a purpose if
 - (a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and
 - (b) the individual voluntarily provides the personal information to the organization for that purpose.

...

- (3) An organization may collect, use or disclose personal information about an individual for specified purposes if
 - (a) the organization provides the individual with a notice, in a form the individual can reasonably be considered to understand, that it intends to collect, use or disclose the individual's personal information for those purposes,
 - (b) the organization gives the individual a reasonable opportunity to decline within a reasonable time to have his or her personal information collected, used or disclosed for those purposes,
 - (c) the individual does not decline, within the time allowed under paragraph (b), the proposed collection, use or disclosure, and
 - (d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances.

[17] The Resort does not make any submissions as to whether PIPA deems that the complainant consented to the disclosure of her personal information. Having reviewed the facts of this case, I can see no reason to conclude that it would have been obvious to the complainant, at the time she provided her personal information to the Resort, that the resort would disclose her personal information publicly on the internet. Nor is there any evidence that she voluntarily provided her personal information for the purpose of the Resort publishing it on the internet.

[18] In addition, there is no evidence before me that the Resort provided the required notice in s. 8(3)(a) that it intended to publish the complainant's personal information on the internet.

[19] Therefore, I find that the disclosure of the complainant's personal information did not comply with ss. 6(2)(c) and 8 of PIPA.

3. Did s. 6(2)(b) of PIPA authorize the disclosure of the complainant's personal information without her consent?

[20] Section 6(2)(b) of PIPA authorizes the disclosure of personal information without consent in certain circumstances, which are described in s. 18. The only parts of s. 18 that could conceivably be relevant in this case are as follows:

- 18 (1) An organization may only disclose personal information about an individual without the consent of the individual, if
- (a) the disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way,
 - (b) the disclosure is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent,
 - (c) it is reasonable to expect that the disclosure with the consent of the individual would compromise an investigation or proceeding and the disclosure is reasonable for purposes related to an investigation or a proceeding,
 - (d) the personal information is collected by observation at a performance, a sports meet or a similar event
 - (i) at which the individual voluntarily appears, and
 - (ii) that is open to the public,
 - (e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,
 - ...
 - (g) the disclosure is necessary in order to collect a debt owed to the organization or for the organization to repay an individual money owed to them by the organization,
 - ...
 - (k) there are reasonable grounds to believe that compelling circumstances exist that affect the health or safety of any individual and if notice of disclosure is mailed to the last known address of the individual to whom the personal information relates,
 - ...

[21] The Resort has made no submissions as to whether any of these provisions apply in this case.

[22] From my review of the information at issue and the parties' submissions, I conclude that the sole intended purpose for the Resort disclosing the personal information was to refute the complainant's review of the Resort and discredit her account of events in the eyes of the public. Section 18 contains no provision that authorizes an organization to disclose personal information without consent for that purpose.

[23] Therefore, I find that s. 18 of PIPA did not authorize the Resort to disclose the personal information of the complainant without her consent.

Summary

[24] As the Resort disclosed publicly the personal information of the complainant without her consent or her deemed consent, and it did not have the authority to disclose it without her consent, I find the Resort has contravened s. 6 of PIPA. In addition, based on the information before me, the unauthorized disclosure at issue continues, because the complainant's personal information remains available for the public to view on the internet.

CONCLUSION

[25] For the reasons given above, I make the following order under ss. 52(3)(e) and 52(4) of FIPPA:

1. The Resort is not authorized to disclose the complainant's personal information in replying to the complainant's review on the internet.
2. I require the Resort to remove all personal information about the complainant that it has posted on the internet.
3. The Resort must provide confirmation that it has deleted the complainant's personal information by providing the OIPC and the complainant with a copy of a screen shot of its amended posting.

[26] Pursuant to s. 53 of PIPA, the Resort is required to comply with this order by **April 15, 2025**.

March 4, 2025

ORIGINAL SIGNED BY

Jay Fedorak, Adjudicator

OIPC File No.: P23-94680