



Order P26-07

ALTRAD SERVICES LTD.

Carol Pakkala
Adjudicator

May 7, 2026

CanLII Cite: 2026 BCIPC 48
Quicklaw Cite: [2026] B.C.I.P.C.D. No. 48

Summary: A former employee complained that Altrad Services Ltd. (Altrad) violated the *Personal Information Protection Act* (PIPA) by inappropriately collecting, using, and disclosing his personal information. The alleged violations arose from a drug dog search at a job site and a subsequent demand to submit to drug and alcohol testing. The adjudicator concluded Altrad had not met the consent requirements under s. 6 and was therefore not authorized to collect or use the personal information. The adjudicator further found there was insufficient evidence to find that Altrad disclosed any of the complainant's personal information.

Statutes Considered: *Personal Information Protection Act*, [SBC 2003], c. 63, ss. 1, 5(a), 6, 7, 8, 10, 11, 12, 13, 14, 15, and 16.

INTRODUCTION

[1] This order is a companion to Order P26-05,¹ which I also decided. The events leading to that complaint are the same here. Further, the parties in this inquiry make nearly identical arguments and provide similar evidence as that which I addressed in Order P26-05. Given the striking similarities, where I consider it reasonable and expedient, I simply refer to my reasoning in Order P26-05 to explain my findings here.

[2] This inquiry decides a complaint by a former employee (complainant) of Altrad Services Ltd. (Altrad). The complaint alleges Altrad violated the *Personal Information Protection Act* (PIPA)² by inappropriately collecting, using, and

¹ Order P26-05, 2026 BCIPC 35 (CanLII).

² From this point forward, unless otherwise specified, where I refer to section numbers, I am referring to sections of PIPA.

disclosing his personal information and by failing to develop and follow policies and practices necessary to meet its obligations under PIPA.

[3] Investigation and mediation by the Office of the Information and Privacy Commissioner (OIPC) did not resolve the complaint, and it proceeded to this inquiry. Both parties provided submissions in this inquiry.

Background³

[4] At the time of the events leading to this complaint, Altrad was a subcontractor on an LNG Canada project. Altrad was engaged by the general contractor, JGC Fluor LNG JV (JFJV).

[5] The project involves the construction of a liquefied natural gas processing plant in Kitimat, BC (the Project). The Project is a controlled access site, and security personnel monitor the points of entry.

[6] The complainant is a former employee of Altrad who worked as a lead hand on the Project. The complainant was the driver of an Altrad vehicle that was stopped and subjected to a random drug dog search by security personnel at an entry point to the Project site. There were other Altrad employees in the vehicle at the time of the search.

[7] Altrad used the information from the drug dog search to require the complainant submit to a drug and alcohol test.⁴

[8] Due to the above events, Altrad initially suspended, and later terminated the complainant's employment and JFJV banned him from the Project site for a period of 120 days.

Preliminary matters

[9] The preliminary matters here are the same as the ones I decided in Order P26-05. My decisions on those matters are the same because I have no new information that might change those decisions. I provided extensive reasons for those decisions and will not repeat them in full here. Instead, I summarize those decisions below:

³ These background facts were taken from the OIPC's Fact Report and the submissions of the parties and are not in dispute. Instead, the dispute centers around how PIPA applies and who is responsible for the events that took place, not whether they, in fact, took place.

⁴ Altrad specifically admits the use of information at para 36 of its submission.

- I have jurisdiction to consider this complaint. While the complaint arises in a union environment, the complainant's employment was not governed by a collective agreement at the time of the search.⁵
- I deny Altrad's requests to consolidate the related complaints against JFJV. Altrad is independently responsible for its compliance with PIPA, and, unlike JFJV, it has an employment relationship with the complainant.
- I deny Altrad's request for an oral hearing because I am not persuaded that it is necessary. Altrad's request is based on its perceived need to adduce expert evidence to address the efficacy of the various types of drug and alcohol testing on the Project. The efficacy of the various types of testing is not an issue in this inquiry.
- I am not persuaded that all the other contractors and LNG are appropriate persons under s. 48(1)(b) to include in this inquiry. Altrad does not sufficiently explain how these other contractors or LNG might reasonably be affected by the outcome of this inquiry.
- I see no reason to question the OIPC's Registrar of Inquiries' decision to decline Altrad's request for an extension of the submission deadlines.
- I will not consider the complainant's references to a 2021 OIPC letter.

ISSUES AND BURDEN OF PROOF

[10] The issues I must decide in this inquiry are:

1. Did Altrad collect the complainant's personal information? If so, did the collection comply with ss. 6 and 11 of PIPA?
2. Did Altrad use the complainant's personal information? If so, did the use comply with ss. 6 and 14 of PIPA?
3. Did Altrad disclose the complainant's personal information? If so, did the disclosure comply with ss. 6 and 17 of PIPA?
4. Has Altrad complied with its obligations under s. 5(a) to develop and follow policies and practices that are necessary for Altrad to meet its obligations under PIPA?

[11] PIPA does not say who has the burden of proof for an inquiry into the issues identified above. Previous OIPC decisions have found, however, that it will

⁵ The search at issue took place on June 14, 2023. The parties agree that a collective agreement between Altrad and the International Union of Painters and Allied Trades, Local 138 (Local 138) did not come into effect until July 7, 2023. Complainant's initial submission at paras 9-10 and Altrad's submission at para 6.

be in each party's interest to provide information and evidence to support and justify their position.⁶ I agree with, and adopt, this same approach.

DISCUSSION

Facts

[12] Before turning to the issues set out above, I set out here my findings about what happened. I set them out in their entirety to reflect the subtle nuances between the experiences of the complainant here over that of the complainant in Order P26-05.

[13] The complainant, who was present for the events, provided his sworn evidence about them.⁷ Altrad does not challenge this evidence except with respect to the complainant's consent to the testing which I address below. In my view, there is no real dispute about the factual events that happened.

[14] I accept the complainant's version of events. I accept it because his evidence is sworn, he was present for the events, and his evidence is not contradicted by other sworn evidence.

[15] From the complainant's sworn evidence and from the submissions of the parties, I find what happened is as follows:

- The complainant was an Altrad employee who worked as a lead hand on the Project.
- At no time, prior to the events described below, was the complainant ever subjected to a search (canine or otherwise) at the Project site.
- On June 14, 2023, the complainant and other Altrad employees⁸ were sent to work at a location off the Project site in an Altrad vehicle. The complainant had never previously been assigned to work with these employees.⁹ There was no work for them to do at the offsite location.
- After a short period of time at the offsite location, an Altrad representative phoned and ordered its employees to return to the Project site with haste.
- Upon returning to the Project site, the complainant was driving the Altrad vehicle when JFJV security guards pulled it over. The guards contacted

⁶ Order P21-06, 2021 BCIPC 35 (CanLII) at para 17 and Order P09-02, 2009 CanLII 67292 (BC IPC) at para 4.

⁷ Complainant's statutory declaration sworn February 2, 2024.

⁸ One of the other employees was the complainant in Order P26-05.

⁹ The complainant's evidence is that previously he had been assigned to work with the same group of co-workers, so it struck him as odd to be so assigned on that day. Complainant's statutory declaration at para 14.

Altrad management for authorization to search the vehicle. Altrad gave that authorization.

- The sniffer dogs searched the vehicle and its contents, which included the personal items of the vehicle's occupants. The dogs alerted (meaning detected something) on the vehicle and on personal items in the vehicle. JFJV guards communicated the results of the search to Altrad.
- As a result of the search, Altrad demanded that the complainant undergo drug and alcohol testing. The complainant submitted to that demand.
- Altrad initially suspended and later terminated the complainant's employment for a positive urinalysis test for marijuana.
- Someone communicated the complainant's test results to JFJV who then suspended the complainant's Project site access.

PIPA complaint

[16] The parties do not dispute that Altrad qualifies as an organization and is subject to PIPA. I find it is an organization under s. 3(1) and is subject to PIPA.

[17] The complainant alleges Altrad collected, used, and disclosed his personal information contrary to PIPA in the following ways:

- Jointly, with JFJV, collecting his personal information without his consent, through a random, unannounced drug dog search in the absence of any reasonable suspicion of impairment or evidence of a significant workplace safety issue.¹⁰
- Using that personal information, without his consent, through its demand he submit to drug and alcohol testing.¹¹
- Collecting his personal information, without his consent, through urinalysis.¹²
- Using his personal information, without his consent, by terminating his employment for his test result.¹³
- Disclosing his personal information, without his consent, to JFJV resulting in him being banned from the Project site.¹⁴

[18] The complainant further alleges Altrad failed to comply with s. 5(a).

¹⁰ Complainant's initial submission, p. 2 and at para 20.

¹¹ Complainant's initial submission at para 21.

¹² Complainant's initial submission, at para 22.

¹³ Complainant's statutory declaration at para 28.

¹⁴ Complainant's statutory declaration at para 30.

Information at issue

[19] The information at issue is not in dispute. This information is the indication by a drug dog in a vehicle search and the result of the complainant's drug test.

Did Altrad collect, use, and or disclose the information at issue?

[20] The complainant says Altrad and JFJV are collectively responsible for what happened in relation to the information at issue.¹⁵ Altrad says it was not involved in the collection of the search information.¹⁶ Altrad says it received information from JFJV the Altrad vehicle the complainant was driving, along with certain employee personal effects in the vehicle, had been indicated for drugs.¹⁷ Altrad therefore collected the information from another organization.¹⁸

[21] I find that Altrad collected the search information from JFJV and used it to demand the complainant submit to testing. I further find that Altrad collected the complainant's drug test result and used it to terminate his employment.¹⁹

[22] The complainant says Altrad instigated the drug test and JFJV received information as to the results. The complainant says that therefore there is a presumption that Altrad disclosed or authorized disclosure of that information to JFJV. The complainant says Altrad has not provided evidence to rebut that presumption.²⁰ The complainant offers sworn evidence that he believes JFJV banned him from the Project site as a result of the events of June 14, 2023.²¹ He does not say how JFJV found out his test results.

[23] Altrad says it did not disclose the complainant's testing information directly to JFJV. Altrad says the results of the test were disclosed by an independent third party to both Altrad and JFJV.²²

[24] While I am satisfied that the complainant's testing information was disclosed to JFJV, I find that I have insufficient evidence to conclude it was Altrad, rather than the independent third party, who disclosed that information. I am not persuaded by the complainant's argument that a presumption of disclosure to be rebutted exists under PIPA. For these reasons, I am not persuaded Altrad disclosed the complainant's personal information, and I will not consider disclosure any further.

¹⁵ Complainant's initial submission, p. 2.

¹⁶ Altrad's submission at para 38.

¹⁷ Altrad's submission at para 35.

¹⁸ The collection of personal information by one organization from another organization, rather than directly from an individual is also subject to PIPA. See s. 10(2).

¹⁹ Altrad's submission at para 35.

²⁰ Complainant's reply submission at para 14.

²¹ Complainant's statutory declaration at para 30.

²² Altrad's submission at para 37.

Personal information

[25] For PIPA to apply, the information at issue must fall within the definition of personal information. Section 1 provides the following definitions explaining what personal information means:

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

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

"employee personal information" means personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the organization and that individual, but does not include personal information that is not about an individual's employment;

"contact information" means 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;

"work product information" means 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 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.

[26] In Order P26-05, I found the information at issue, which was the search information and the testing information, was employee personal information. The relevant factual difference here lies in the responses of the two complainants to Altrad's demand for testing as a result of the search.

[27] The complainant in Order P26-05 refused to submit to testing. Here, the complainant swears he submitted to Altrad's demand for testing under compulsion, threat, and intimidation.²³ In my view, this difference does not change my conclusion in Order P26-05 that all of the information at issue is employee personal information.

[28] I am satisfied Altrad collected and used the information about the complainant solely for purposes reasonably required to manage its employment relationship with him. For that reason, I find that the information at issue is employee personal information. I turn next to whether PIPA authorizes the collection and use of that personal information.

²³ Complainant's statutory declaration at para 26.

Overview of collection and use analysis

[29] PIPA imposes a consent-based regime for the collection and use of all personal information, including employee personal information. Section 6 is the provision that provides the starting point for the analysis

[30] Section 6 provides:

6 (1) An organization must not

- (a) collect personal information about an individual,
- (b) use personal information about an individual, or
- (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.

[31] An organization can therefore only collect and use personal information about an individual in the following circumstances:

- Under s. 6(2)(a), where the individual gives consent. This consent is often referred to as “express” or “explicit” consent.
- Under s. 6(2)(b), where PIPA authorizes the organization to do so without consent.
- Under s. 6(2)(c), where PIPA deems the individual to have consented. This consent is often referred to as “deemed”, “implicit” or “implied” consent.²⁴

[32] In Order P26-05, I looked at the events surrounding the collection and use of personal information. That inquiry decided a complaint by another Altrad employee who was in the Altrad vehicle at the time of the search. I decided there that Altrad’s collection and use of personal information did not meet the requirements of s. 6.

[33] The events leading to this complaint are the same. This complainant was in the same vehicle that was subjected to a drug dog search. Here the complainant was driving the vehicle.

²⁴ Order P23-08, 2023 BCIPC 76 (CanLII) at para 60.

[34] Altrad says the same things in this inquiry about the search information and adds a new consent argument for the testing information. The factual difference for the testing information is that in P26-05, the complainant refused testing. Here, the complainant submitted to the demand for testing. I deal with the circumstances of his different response to the demand for testing below.

Express consent – s. 6(2)(a)

[35] In Order P26-05, I rejected Altrad’s argument that, by virtue of employment, the complainant both had notice of, and “expressly authorized” the collection and use of his personal information. As it did in P26-05, Altrad provides a copy of an employment offer that refers to its policies (offer). Altrad also provides a copy of its drug and alcohol policy (policy). Altrad does not directly say, but I conclude here, as I did in Order P26-05, that notice by virtue of employment means the notice provided in the offer and policy.

[36] In Order P26-05, I concluded that neither the offer or policy provided notice that an employee might be subject to any kind of search at the workplace, let alone a drug dog search, or that such a search might lead to a demand for testing. As a result, I found Altrad’s claim that it provided the complainant notice by “virtue of his employment” did not meet the notice requirements of s. 10(1)(a). For that reason, I found it failed to establish that it received the complainant’s express consent to collect and use his personal information. I make the same finding here.

[37] Altrad makes an additional express consent argument in this inquiry. Altrad says the complainant expressly consented to the drug test, although having failed it, he now alleges his consent was not freely given.²⁵

[38] To establish express consent, Altrad relies on its “Reasonable Cause Testing Form” (Form).²⁶ I can see the complainant’s signature on the Form, and he does not deny signing it. Instead, he says he did not voluntarily sign it.²⁷ The complainant says he was threatened, intimidated, and coerced and therefore any consent he purported to provide was not voluntary.²⁸ The complainant swears he submitted under “extreme pressure and intimidation by the show of force of the Security Guards accompanied by dogs”.²⁹

²⁵ Altrad’s submission at para 42.

²⁶ Altrad’s submission at para 26. The Form is attached as Exhibit “F” to Altrad’s submission.

²⁷ Complainant’s reply submission at para 11. The complainant’s sworn evidence is that he did not consent to the search of the vehicle or the collection of his urine sample for the purpose of a drug test at para 31 of his statutory declaration.

²⁸ Complainant’s reply submission at para 13. His sworn evidence is that he submitted to the demand for testing under compulsion, threat, and intimidation: Complainant’s statutory declaration at para 26.

²⁹ Complainant’s statutory declaration at para 31.

[39] I am satisfied that in these particular circumstances of being subjected to a search by drug dogs, the complainant's feelings are objectively reasonable, and I accept his evidence about that. I am not persuaded that his consent was voluntary. Given these circumstances, I find Altrad has failed to establish that it received the complainant's express consent under s. 6(2)(a) to collect and use the testing information.

Collection and use authorized without consent – s. 6(2)(b)

[40] In Order P26-05, I found Altrad was not authorized to collect and use employee personal information without consent. In this inquiry, Altrad repeats the same arguments about that, and the facts do not differ in any significant way. For that reason, my analysis is the same and I adopt but will not repeat in detail the reasons I provided in Order P26-05. What I will say in a briefer way is that given the nature of Altrad's arguments, I considered ss. 13(2)(a), 16(2)(a), 12(1)(c), and 15(1)(c).

[41] Sections 13(2)(a) and 16(2)(a) say that an organization may not collect or use employee personal information without consent unless ss. 12 and 15 allow. Sections 12(1)(c) and 15(1)(c) are provisions that allow an organization to collect and use employee personal information without consent if it is reasonable for the purposes related to an investigation or proceeding.

[42] Altrad does not sufficiently explain, and I cannot see, how ss. 12(1)(c) and 15(1)(c) apply in this case. Altrad does not say what investigation or proceeding it means, let alone how obtaining the complainant's consent would compromise the availability or accuracy of the information about him. In its submissions, Altrad merely refers to a JFJV investigation, but it does not further explain and connect it to ss. 12(1)(c) and 15(1)(c).³⁰ Therefore, I am not persuaded that ss. 12(1)(c) or 15(1)(c) apply to authorize the collection or use of personal information without consent.

[43] I find that 13(2)(a) and 16(2)(a) do not apply because ss. 12(1)(c) and 15(1)(c) do not apply. For that reason, I find ss. 13(2)(a) and 16(2)(a) did not authorize Altrad to collect and use the complainant's personal information without consent.

[44] As in Order P26-05, I considered here whether ss. 13(2)(b) and 16(2)(b) authorize the collection and use of employee personal information without consent. These sections require consideration of whether the activities of

³⁰ Altrad's submission at para 43.

collection and use (nature, amount, manner) are reasonable for the purposes of establishing, managing or terminating an employment relationship.³¹

[45] In Order P26-05, I considered the list of factors established by previous orders³² for deciding whether the nature, amount or manner of collection or use of personal information in the context of the drug dog search was reasonable. I was not persuaded that in these particular circumstances it was reasonable for Altrad to collect and use the complainant's employee personal information without his consent, for the purpose of managing Altrad's employment relationship with him. Those factors are the same here.

[46] As I did in Order P26-05, I considered the following factors about the nature, amount, and manner of the collection and use of the complainant's personal information:

- Sensitivity: the information is about personal choices with employment consequences and carries a risk of stigma, discrimination, and legal prosecution. It is the type of information that most people would not share widely.
- Amount: In my view, Altrad collected and used more information than was necessary to achieve a health and safety purpose. As with Order P26-05, the Form here also says impairment was not current while at the workplace. Altrad's demand in light of that observation is excessive under its own drug and alcohol policy which contemplates testing where an employee appears unfit for duty. The positive test result does not alter my conclusion because I am not persuaded that the ends justify the means.³³
- Likelihood of effectiveness: I cannot see, and Altrad does not say how the collection and use of the employee personal information fulfills its stated health and safety objective.
- Manner of collection and use: In my view, a search at ones' place of employment, particularly a search using drug dogs, and the resulting demand to submit to testing, are not neutral, objective or harmless measures.
- Less privacy-intrusive alternatives: Altrad does not say, and I cannot see, that it considered any other methods of achieving its stated health

³¹ Order P26-05, 2026 BCIPC 35 (CanLII) at para 114 citing Order P20-04, 2020 BCIPC 24 at para 39 referencing Order P12-01, 2012 BCIPC 25 at para 141 and Order P13-02, 2013 BCIPC 24 at para 43.

³² Order P26-05, 2026 BCIPC 35 (CanLII) at para 116 citing Order P20-04, 2020 BCIPC 24 at para 40; Order P12-01, 2012 BCIPC 25 at paras 123-166; and Order P13-02, 2013 BCIPC 24 at para 48.

³³ The complainant swears at para 11 of his statutory declaration that he had not consumed or contacted alcohol, marijuana or any other drugs in the five days preceding the search. Arguably the positive test result only supports a claim of prior use at some point, not current impairment. I need not consider or decide this point because the issue is not about the test results.

and safety objective. In my view, the search was not reasonable. Further, I am not satisfied that it was reasonable to conclude testing was necessary. In my view, Altrad should have considered less privacy-intrusive alternatives to a workplace search and demand for testing.

- Other relevant factors: In my view, the absence of a detailed procedure for workplace searches in Altrad's Policy is a relevant factor in this analysis. Viewed through an objective lens, its absence is not reasonable because such searches are invasive of personal privacy.

[47] After considering all of the above factors, I am not persuaded that in these circumstances it was reasonable for Altrad to collect and use the complainant's employee personal information without his consent, for the purpose of managing Altrad's employment relationship with him.³⁴ I find that ss. 13(2)(b) and 16(2)(b) did not authorize the collection or use of the complainant's employee personal information without consent under s. 6(2)(b).

[48] In summary, I find that ss. 13(2)(a), 13(2)(b), 16(2)(a), and 16(2)(b) did not authorize the collection and use of the complainant's employee personal information without consent under s. 6(2)(b). For that reason, it is not necessary for me to consider whether Altrad provided the required notification under ss. 13(3) and 16(3) prior to collection and use without consent.

Collection and use with deemed consent – s. 6(2)(c)

[49] In Order P26-05, I found that s. 6(2)(c) did not authorize Altrad to collect and use the complainant's personal information at issue. I adopt but will not repeat those reasons in detail. The circumstances of the collection and use are the same here.

[50] In brief, Altrad does not say, and I cannot see, how the complainant could be deemed to have consented to collection or use of his personal information. The complainant says there is no basis to deem consent was given under s.8.³⁵

[51] For the same reasons I gave in Order P26-05, which are summarized below, I find the requirements of ss. 8(1)(b), 8(3)(a), and 8(3)(b) were not met for deemed consent:

- I am not persuaded that voluntary consent can be implied in these circumstances as the complainant describes in his sworn evidence he was acting under compulsion, threat, and intimidation.³⁶
- Altrad did not provide notification of its stated health and safety purpose for its collection and use of the information at issue.

³⁴ For a similar finding, see Order P20-04, 2020 BCIPC 24 at para 71.

³⁵ Complainant's initial submission at para 45.

³⁶ Complainant's statutory declaration at paras 20 and 26.

- Altrad did not provide evidence in this inquiry to show it gave the complainant a reasonable opportunity to decline the collection and use of his personal information in these circumstances. The complainant's sworn evidence is that he had no opportunity to seek union representation or get advice on what to do or say in response to the vehicle search or the demand he submit to testing.³⁷

[52] I find that the requirements for deemed consent under s. 8 were not met and therefore s. 6(2)(c) did not authorize Altrad to collect and use the complainant's personal information at issue in this case.

Conclusion- s. 6

[53] I find that s. 6 did not authorize Altrad to collect or use the personal information of the complainant.

Sections 11 and 14

[54] Sections 11 and 14 place further limitations on the collection and use of personal information. They say that an organization may collect and use personal information only for purposes that a reasonable person would consider appropriate in the circumstances *and* that either fulfill the purposes that the organization discloses under section 10 (1) or are otherwise permitted under PIPA.

[55] I have already found that Altrad did not comply with s. 10(1) and its collection and use of the complainant's personal information was not permitted by PIPA. For that reason, I conclude it has not fulfilled the requirements of ss. 11 and 14.

Policies and Practices, s. 5

[56] Both the Fact Report and the Notice of Inquiry list s. 5(a) as an issue in this inquiry. Section 5(a) says:

5 An organization must

(a) develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act,

[57] Altrad says it has complied with its obligations under section 5(a) of PIPA.³⁸ The complainant makes no submission about Altrad's privacy policy.³⁹ I

³⁷ Complainant's statutory declaration at para 31.

³⁸ Altrad's submission at para 50.

³⁹ Altrad's submission, Exhibit "D".

am satisfied that a policy exists because Altrad provided a copy of the policy in this inquiry. For this reason, I find that Altrad has complied with s. 5.

Remedy

[58] The complainant seeks a declaration that Altrad collected, used, and disclosed his personal information without consent in violation of s. 6 and unreasonably in violation of ss. 11, 14, and 17.⁴⁰ The complainant further seeks a cease and desist order and a referral to the British Columbia Supreme Court on the question of damages.⁴¹ Altrad does not comment specifically on remedy.

[59] On completing an inquiry under s. 50, as the commissioner's delegate, I must dispose of the issues by making an order under s. 52 to:

- Either confirm that a duty has been performed or require it to be performed.⁴²
- Require Altrad to stop collecting and using the complainant's personal information.⁴³
- Specify terms or conditions.⁴⁴

[60] Section 52 does not give me the authority to make a declaration.

[61] On the request for a referral for damages, I considered s. 57(1) which provides as follows:

57 (1) If the commissioner has made an order under this Act against an organization and the order has become final as a result of there being no further right of appeal, an individual affected by the order has a cause of action against the organization for damages for actual harm that the individual has suffered as a result of the breach by the organization of obligations under this Act.

[62] Given this section, I find it unnecessary to consider whether s. 53(4) allows for a referral to the British Columbia Supreme Court on the question of damages for actual harm.

CONCLUSION

[63] For the reasons given above, I confirm that Altrad was not authorized under s. 6 to collect or use the complainant's personal information.

⁴⁰ Complainant's initial submission at para 118.

⁴¹ Complainant's initial submission at para 119.

⁴² Section 52(3)(a).

⁴³ Section 52(3)(e).

⁴⁴ Section 53(4).

[64] I decline to make any order requiring Altrad to perform a duty under s.52(3)(a) or requiring Altrad to stop collecting or using the complainant's personal information under s. 52(3)(e). The collection and use took place several years ago and are not ongoing because the complainant's employment with Altrad was terminated.

May 7, 2026

ORIGINAL SIGNED BY

Carol Pakkala, Adjudicator

OIPC File No.: P24-97130