



F15-12-MS

Contractor says his birthdate none of government's business

A ministry awarded a road-building contract to a man who operated as a sole proprietor and was therefore personally responsible for legal liabilities incurred in the operation of his business. The ministry needed to confirm he was at least 19 and therefore legally a responsible adult, so it asked him for two pieces of identification including one showing his date of birth. He objected and asked us to investigate the ministry's authority to require him to provide his date of birth.

Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (FIPPA) authorizes a public body to collect personal information that "relates directly to and is necessary for a program or activity of the public body." The ministry met the first part of that test by demonstrating to us that the complainant's name and date of birth related directly to the operation of the program for which he was hired to provide services.

Was the information also necessary for the program, as required by s. 26(c)? As noted in OIPC Order F07-10, "In assessing whether personal information is 'necessary,' one considers the sensitivity of the personal information, the particular purpose for the collection and the amount of personal information collected, assessed in light of the purpose of the collection." A person's name is not considered sensitive personal information, since it is publicly known and generally easily located in a phone book or on the internet. Date of birth may be considered more sensitive depending on the circumstances in which it is collected. In this case, the ministry required only this limited information for the purpose of verifying the age and identity of the complainant.

We concluded that the ministry collected the minimum amount of personal information, which could not be considered sensitive under the circumstances, solely for the purpose of verifying the identity and age of the contractor. We were satisfied that the collection of the personal information was necessary for the operation of the ministry's program and that the requirement of s. 26(c) of FIPPA was met.