



## Report of Findings

**File** 7100-012446

### **Complaint under the *Privacy Act***

1. The complainant alleged that Health Canada (HC) disclosed his personal information contrary to the provisions of the *Privacy Act*. Specifically, he complained that in response to an Access to Information (ATI) request he made, that HC sent a letter containing his personal information to a third party without his consent.

### **Summary of Investigation**

2. Our investigation established that the complainant submitted an ATI request under the *Access to Information Act*, on May 12, 2011.
3. On June 28, 2011, HC's Access to Information and Privacy (ATIP) office sent the complainant a notification letter related to his ATI request. The letter contained his name, address and the details of his request.
4. On July 13, 2011, the Office of the Information Commissioner (OIC) contacted HC's ATIP office to advise them that they had received a phone call from an individual stating that the complainant's letter was accidentally released to them. It was later determined that the misdirected letter was mistakenly bundled up with a third party's correspondence on June 28, 2011.
5. On July 18, 2011, the misdirected letter was returned to HC's ATIP office from the OIC. The complainant was informed that his ATI notification letter was sent to a third party by mistake on July 26, 2011. As a result of our investigation we are satisfied that this letter was returned to HC and was neither shared with anyone nor copied.
6. In light of this breach, HC's ATIP office implemented preventative measures to reduce the risk of similar incidents occurring by sending their employees to customized privacy training. Additionally, HC is currently developing new privacy breach reporting tools and training for the department as a whole.



## **Application**

7. In making our determination, we considered sections 3 and 8 of the *Act*.
8. Section 3 of the *Privacy Act* defines personal information as information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing: information relating to race, national or ethnic origin, colour, religion, age, marital status, education, medical, criminal or employment history, financial transactions, identifying numbers, fingerprints, blood type, personal opinions, etc.
9. As determined by this investigation, the information disclosed was the complainant's name, mailing address and the details of his ATI request, which is the complainant's personal information as defined in section 3 of the *Privacy Act*.
10. The *Privacy Act* states that personal information can only be disclosed with an individual's consent – Section 8(1) – or in accordance with one of the categories of permitted disclosures outlines in section 8(2) of the *Privacy Act*.
11. Our investigation confirmed that the complainant's personal information was inappropriately disclosed to a third party and that the complainant did not agree to share this information with the third party. As such, in accordance with Subsection 8(1) of the *Privacy Act*, we find this to be in violation.

## **Findings**

12. Accordingly, this complaint is Well-founded.

## **Other**

13. This Office understands that the disclosure was identified as a result of a human error and that the issue has since been addressed by HC. As such, we believe that no other further actions are required by HC.