

ATP16-015AR Summary

An employee of the Department of Education made a complaint to the Office of the Information and Privacy Commissioner (IPC) alleging the Department used or disclosed his personal information contrary to the requirements of the *Access to Information and Protection of Privacy Act (ATIPP Act)*. In his complaint he identified that several records containing his highly sensitive personal information was disclosed to his union representative who was representing him at a complaint level grievance under the Collective Agreement and that this information was also disclosed to and used by an Assistant Deputy Minister (ADM) in the Department who was chairing the meeting. The records contained information associated with the Complainant's claims to the Yukon Workers' Compensation Health and Safety Board and for disability benefits made several years prior. He alleged that the records were unrelated to his grievance and should not have been disclosed or used for the purpose of the grievance. The Department was of the view it had authority under subsections 2 (2) and 36 (d) to disclose the records to the union representative and under subsection 36 (d) and (f) to disclose them to the ADM. The IPC found the Department did not have authority to use or disclose the records. She recommended that the Department develop policy or procedure and train staff to ensure that they understand the requirements of the ATIPP Act when using or disclosing personal information for the grievance procedure under the Collective Agreement.