

Guide to Identifying and Developing Personal Information Banks

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Guide to Identifying Personal Information Banks

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Guide to Identifying Personal Information Banks

Introduction

The *Freedom of Information and Protection of Privacy Act* (the FOIP Act) requires all public bodies to make a directory that lists the public body's personal information banks (PIBs) available to the public for inspection and copying. The purpose of making this information available is to help the public know what personal information the public body might have about them as individuals.

The requirement for a public body to produce a directory of its PIBs is set out in **section 87.1** of the Act. The head of the public body is responsible for maintaining and publishing a directory of its PIBs, which may be in either printed or electronic form.

The directory must include:

- the title and location (responsible business unit/program area) of the PIB,
- a description of the kind of personal information and the categories of individuals whose personal information is included,
- the authority for collecting the personal information in the PIB, and
- the purposes for which the personal information is collected or compiled and the purposes for which it is used or disclosed.

Section 87.1(3) requires that if personal information is used or disclosed for a purpose different from that listed in the directory, the purpose is to be recorded, and either attached or linked to the personal information in question, and the purpose must be included in the next update to the directory.

Section 87.1(4) requires the head of a public body to ensure that the directory is kept as current as is practical.

Purpose of this Guide

The following discussion of PIBs is intended as a guide for public bodies. The purpose is to assist the public bodies with:

- identifying PIBs, and
- developing the list of PIBs in the custody or under the control of the public body.

What is a Personal Information Bank?

The FOIP Act defines PIBs as:

"...a collection of personal information that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual." (**section 87.1(5)**)

How to Identify Personal Information Banks

The definition of a PIB has three key components:

1. It contains "personal information."
2. It takes the form of "a collection."

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3. It is “organized or retrievable by the name or an identifying number, symbol or other particular assigned to an individual.”

To determine whether a collection of information should be identified as a PIB, consider the following three questions.

1. Is the information “personal” according to the Act?

The FOIP Act includes a description of the most common types of personal information (section 1(n)). “Personal information” means recorded information about an identifiable individual, including:

- the individual’s name, home or business address or home or business telephone number,
- the individual’s race, national or ethnic origin, colour, or religious or political beliefs or associations,
- the individual’s age, sex, marital status or family status,
- an identifying number, symbol or other particular assigned to the individual,
- the individual’s fingerprints, other biometric information, blood type, genetic information or inheritable characteristics,
- information about the individual’s health and health care history, including information about a physical or mental disability,
- information about the individual’s educational, financial, employment or criminal history, including criminal records where a pardon has been given,
- anyone else’s opinions about the individual, and
- the individual’s personal views or opinions, except if they are about someone else.

This list is not exhaustive. Rather, it includes common types of information that are considered personal. Any information that can be associated with a specific individual would also be considered personal information.

2. Does the “personal information” take the form of a “collection?”

The *Oxford English Dictionary* defines collection as “a group of things collected together, especially systematically.” In the context of records containing personal information, the number of records should not be the criteria. Below are some general types of “collections” that illustrate the range of personal information that may support operations of organizations:

- applications or registrations for benefits or services;
- client or customer files and databases;
- membership lists, mailing lists and contact databases;
- licensing applications and certificates;
- program participation information; and
- investigations, inspections, audits, claims adjudication.

A collection can also include records in multiple media, such as pictures, audio recordings, video recordings, print and electronic media.

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3. Is the collection of personal information organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual?

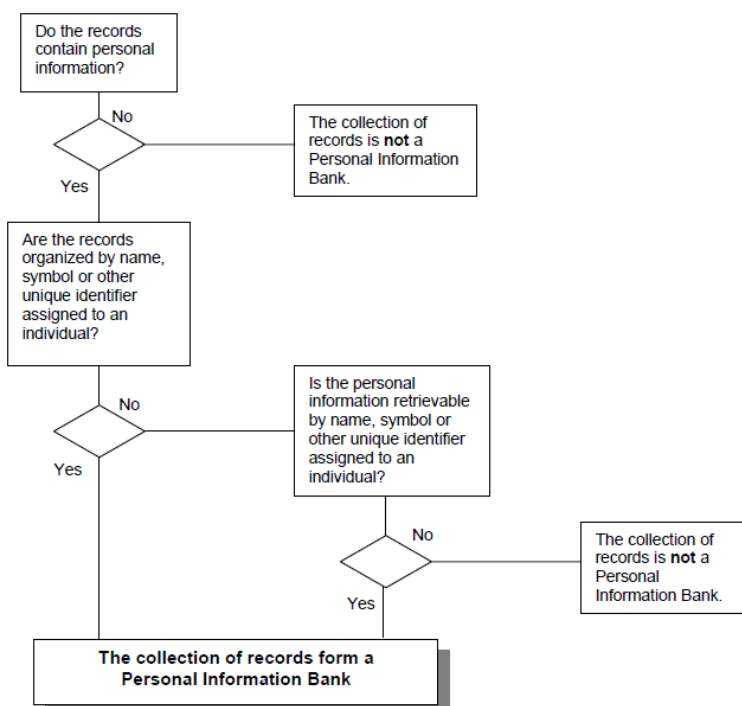
In practice, this means the information has to be organized or retrievable by name, health card number, driver's license number, student identification number or some other unique identifier. If the personal information is neither organized nor retrievable by a name, unique identifier, etc., then it is not considered a PIB.

In many cases, client files are organized by client number or the name of the client. These files are both organized and retrievable by the unique identifier (i.e., client number or client name) and would be considered a PIB. For example, a database of registrants for a training program that contains a person's name and telephone number, where each number is associated with a specific name, is both "organized" and "retrievable" by the person's name and is considered a PIB. Another example might be a list of "sign-in" sheets at secure buildings. These lists often include the names of individuals and the time the person enters and exits the building. While the list is not in alphabetical order, it is organized by name (as a column on the sheet).

Most electronic databases can be searched by any data field, including name or an identification number. However, in some electronic databases, personal information is incidental or not the main purpose of the database. For example, an inventory of computer equipment will list manufacturers, model numbers, peripherals, software, warranties, etc. It may also include the computer user's name. Such a database is not required to be listed as a PIB.

Figure 1 below is a decision chart that can help to identify PIBs in organizations.

Figure 1
Identifying personal information banks



For any questions, or help with identifying a PIB, please contact Privacy Services, Technology and Innovation at privacy@gov.ab.ca.

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What Information to Provide in a PIB Directory

For each of the PIBs that identified, the following information should be provided in the list of PIBs:

- **Title:** Describe the PIB. The title should be descriptive of the information contained, and not necessarily the public body's name or system acronym. The purpose is to alert the public about what types of information the public body may have about them.
- **Location:** List the location(s) where the information is maintained. Provide the name of the business unit or program but not the address. This will usually be the business unit that maintains the collection but may also include other offices that have copies of the PIB in their custody.
- **Information maintained:** Describe the kind of personal information contained in the collection. Do not include any actual personal information.
- **Individuals:** Describe the categories of individuals for whom personal information is contained in the collection.
- **Use:** Describe the purpose for which the personal information was collected or compiled and explain how the personal information is used or disclosed. List all current uses of the information by the public body or other authorized persons. Include authorized consistent uses, other permitted disclosures, and authorized information exchanges.
- **Legal authority:** List the specific legal authority for the collection of the personal information. This may be a statute or a regulation. If more than one legal authority exists, list all of them. Section 33 of the FOIP Act sets out the only authorities for collection of personal information:

33 No personal information may be collected by or for a public body unless
(a) the collection of that information is expressly authorized by or under an enactment of Alberta, or Canada,
(b) that information is collected for the purposes of law enforcement, or
(c) that information relates directly to and is necessary for an operating program or activity of the public body.

In some cases, there will be a specific Act or Regulation that expressly authorizes the collection of personal information (e.g., the *Education Act*, *Post-Secondary Learning Act*, *Child, Youth and Family Enhancement Act*, *Income and Employment Supports Act*, *Police Act*, etc.).

"Expressly authorizes" means that the Act or Regulation has relevant sections that speak directly to, and thereby authorize, the collection of personal information:

- E.g., section 105.797(1)(a) of the *Child, Youth and Family Enhancement Act* states, "For the purposes of determining or auditing eligibility or continuing eligibility for health benefits under section 105.795 or 105.796, a director may **collect**, use and disclose personal information."

When there is a relevant Act or Regulation that expressly authorizes the collection of personal information, list the name, the relevant section(s) and section 33(a) of the FOIP Act as the legal authorities. If an Act or Regulation does not expressly authorize the collection of personal information, it should not be listed.

If multiple Acts can be cited as legal authorities for collecting personal information, all Acts should be listed.

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In cases where there is not an Act of Alberta or Canada that expressly authorizes the collection of personal information, please note, sections 33(b) and/or 33(c) of the FOIP Act may allow for the collection of the personal information. If the collection of personal information meets the criteria of 33(b) and/or 33(c), list the relevant section(s) as the legal authority.

If a public body is maintaining PIBs for which historical records have already been sent to the Provincial Archives of Alberta or another archives, the public body as well as the Archives, will continue to list the PIBs. In these cases, the public body should consult with the Archives to ensure that the PIB is described consistently by both the Archives and the public body.

Commonly Asked Questions

Please note that the public bodies and PIBs cited in the below examples are for illustrative purposes only. For current information about a public body's PIBs, contact Privacy Services at privacy@gov.ab.ca.

1. What if a portion of information is taken from an existing PIB, such as a database, and exported to a new database or file?

Anytime data is exported, and a new collection of data is formed; it is considered a new PIB providing it meets all other criteria. Often, a new collection of personal information will be created as the result of data matching agreements within a public body, with other public bodies or with other levels of government. In these cases, a new PIB should be identified, and information reported on it.

Example #1 is one such case.

Example #1

The Ministry of Children and Family Services has implemented the Child Health Benefit. The ministry has created a database containing the names and other personal information about people eligible for the program. This database was created by “matching” information from existing PIBs at Children and Family Services and the Ministry of Education as well as information from other sources. The result of the match is maintained as a separate collection. In this case, the result of the match is a new PIB.

2. Does the source of the information affect its status as a PIB? For example, if a list of names and phone numbers are in the “public domain” (e.g., taken from a telephone book), can we exclude them from being a PIB?

Since the FOIP Act does not discuss source as part of the definition, the source of the information does **not** affect its status as “personal information” or a PIB. Regardless of the source, once personal information has been collected onto a list or into a database, it is a new PIB as long as it meets all three of the conditions discussed earlier.

Example #2 shows how a collection of contact names and mailing addresses to support program delivery is reported as a PIB.

Example #2

The Ministry of Seniors, Community and Social Services keeps a mailing list of contacts from community-based support services. The records include the names and business addresses of individuals. The records clearly contain personal information, are maintained as a collection, and the information is organized in a way that information is retrievable by the person's name or address. Here is how the ministry could identify the PIB for the directory.

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Title: Community Support Centres mailing lists.

Location: Alberta Supports

Information maintained: Names and business mailing addresses.

Individuals: Representatives of community-based support services who develop, present, or distribute income support education and resources.

Use: Invite or notify representatives and community partners of upcoming events.

Legal authority: *Income and Employment Supports Act, Freedom of Information and Protection of Privacy Act, s.33(a)*

3. What if the public body has similar collections of information, used in the same way, but located in a number of different offices? Is it one PIB or a number of separate PIBs?

If the information is identical, and there are simply copies in different locations, it can be listed as one PIB. However, all of the locations where this information is kept must still be reported, as in Example #3.

Example #3

The Ministry of Transportation and Economic Corridors maintains information about the Adopt-a-Highway Program. The information includes names of applicants and participants. The records clearly contain personal information, are maintained as a collection, and the information is organized in a way that personal information is retrievable by the person's name or address. The information is located in multiple offices – District Offices, the Program Services Branch, and Regional Offices. Here is how this PIB could be described in the directory.

Title: Adopt-a-Highway Program.

Location: District Offices; Program Services Branch; Regional Offices.

Information maintained: Names of program applicants and participants, addresses and phone numbers.

Individuals: Participants and applicants of program, members of the media.

Use: *Administer program and document contact with the media regarding local response to this highway clean-up program.*

Legal authority: *Freedom of Information and Protection of Privacy Act, s.33(c)*

Coordination with all the program areas that contain copies is required to ensure the PIB is accurate and consistent across the different offices. If a PIB is shared with a program area in a separate department, the PIB should be listed on both (or all) the respective departments' directories.

4. If information is maintained in a single collection, but the legal authority is different for different components of the collection, is it one PIB or multiple PIBs?

If the collection that maintains personal information is a single collection, it can be considered a single PIB, regardless of the number of Acts or legal authorities that may provide authority for parts of the collection. However, all of the legal authorities must be cited.

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5. When would a public body have “personal information” that would not be considered a PIB?

Many public bodies have files that may contain “personal information” such as names, addresses, and phone numbers, but which are not organized or searchable by a personal identifier. Because these collections do not meet **all** three criteria discussed earlier, they are not PIBs.

For example, there might be a collection of paper files containing research results that include a contact person. The files are organized by the ten individual research studies and are not searchable by the contact’s name. This would not be considered a PIB, although there is “personal information” maintained which must be safeguarded as personal information.

Sometimes, personal information in paper records is not considered a PIB because the information is neither organized nor retrievable by the individual’s name or other unique identifier. However, if the information has been entered into a computer system, it may become retrievable by an individual’s name or unique identifier. In these cases, the electronic collection of information may be considered a PIB. An example of this is illustrated in Example #4.

Example #4

The Ministry of Treasury Board and Finance manages the collection of taxes and certain receivables on behalf of the province. As part of the administration of the Hotel Room Tax, tax returns are stored in paper records and organized by the name of the hotel filing the tax return. While the collection of records (i.e., files) contains the personal information (for example, the names, addresses and financial information of hotel owners), the collection of personal information is not organized or retrievable by an individual’s unique identifier. Thus, the paper records of the tax returns are not a PIB.

However, certain information in the tax return, including the names and financial information of hotel owners, is entered into a computer system. While information in the paper files is not organized by individual or retrievable by an individual’s name or identifier, the computer system allows for a search, by individual, of hotel properties owned in the province. In this case, the paper records would not be considered a PIB. However, the computer database is considered a PIB because the personal information is retrievable by an individual’s name.

Next Steps

All new and updated PIBs are to be forwarded to the designated individual within the department who is responsible for keeping the PIB directory up to date.

Finalized PIBs are to be forwarded by the designated department contact to Privacy Services for review and approval.

Once approved, Privacy Services is responsible for ensuring they are posted to Alberta.ca.