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AUTHORIZATION FOR INDIRECT COLLECTION OF PERSONAL INFORMATION

MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

Michael McEvoy, Information and Privacy Commissioner

April 11, 2019

SUMMARY

Under s. 42(1)(i) of the *Freedom of Information and Protection of Privacy Act* (FIPPA), the Commissioner authorizes the Ministry of Public Safety and Solicitor General (the Ministry) to indirectly collect the names, relationships, genders, ages, and additional descriptors of family or household members from a family or household or household representative when they register with Emergency Management BC's (EMBC) Emergency Support Services (ESS).

In addition, the Ministry may collect the family or household or household's permanent address, post-disaster address, information about how the disaster has affected the family or household, whether the family or household has insurance, family and friend support, any services, medical or dietary needs, what the family or household's long-term recovery plan is, whether the family or household requires a follow-up, and any cross-referenced ESS file numbers for the purpose of assessing need and allocating resources.

BACKGROUND

Section 27 of FIPPA requires that public bodies collect personal information directly from the individual the information is about, with specific exceptions. The basis of this requirement is the privacy principle that individuals should have control of their personal information and that the collection of personal information should be transparent so that individuals can exercise their privacy rights. One of those exceptions is s. 42(1)(i) of

FIPPA, which gives the Commissioner the authority to permit public bodies to collect personal information from other sources.

On March 25, 2019, the Office of the Information and Privacy Commissioner received a request from the Ministry to indirectly collect personal information from a family or household representative seeking services from EMBC's ESS program. EMBC would collect and use the personal information during large emergencies for two purposes:

- Identification, reunification, and keeping families together; and
- Assessing the immediate, short-term needs of families

The Ministry's stated purpose of ESS is to help preserve the well-being of British Columbians during or immediately following emergencies and to assist people re-establishing themselves as quickly as possible after a disaster. ESS helps people affected by large emergencies involving mass evacuations and also assists during smaller emergencies, such as house fires or disasters affecting a few members of a community.

If the scope of the emergency forces people to evacuate their homes the ESS program may direct them to ad-hoc reception centres such as community centres, recreation centres, churches, or schools, established specifically to support evacuees. These reception centres are a safe place where people can go to receive accurate and up-to-date information about the emergency, obtain help planning their recovery from the disaster, and register for ESS.

The Ministry asserts that ESS depends on household level assessments because the EMBC systems connect all individual members of that household and ESS only uses one file to register all immediate family or household members who live within the same household.

The Ministry states asking family or household representatives to register the household streamlines the process during large emergencies and minimizes the length of wait time for evacuees to register in what is already a stressful environment. It argues that for EMBC to fulfill its mandate it must indirectly collect the personal information of members of a household from the family or household representative.

To accomplish this, the Ministry states it is necessary to collect:

- first name, last name, and middle initial;
- relationship to the family or household or household representative;
- gender;
- age; and
- any additional comments that may add information to identify the individual if an inquiry is made, to help explain this person's situation.

This information allows EMBC to identify family or household members and reunite them as individuals arrive at the emergency centres. Should the emergency cause

households to separate again in a subsequent evacuation, the Ministry has the information necessary to identify each individual with their household and needs. As an example, the Ministry states that there might be circumstances where some members of the family or household will not have arrived at the ESS reception centre at the same time as other members. Therefore, the household may be receiving first aid and other health services, while others may have predisposed conditions that would make them wait in line for hours.

The Ministry also wants to have an understanding of each family or household member so they can assess the household's needs as soon as possible. To accomplish this, the Ministry has requested authorization to indirectly collect:

- who the household representative was that made the report;
- what services each individual requires;
- whether the family or household has any medical or dietary needs;
- a statement of how the disaster has affected the family or household;
- whether the family or household has insurance to cover immediate needs;
- whether the family or household has other friends or family they can stay with;
- whether or not concerned family or household and friends can receive information about the family or household's location and contact information;
- time and date of report;
- whether the family or household has any other agency referrals;
- what the family or household's long-term recovery plan is;
- permanent address, community, province, country, postal code, phone number, and alternate number;
- post-disaster address, community, province, country, postal code, phone number, and email address
- ESS file number and any cross-referenced file numbers; and
- whether the family or household requires a follow-up meeting.

The circumstances of evacuations vary, resulting in instances where the family or household representative may need to register their family or household members even though not all of those members are present.

DISCUSSION

In previous decisions where the exercise of the Commissioner's discretion under s. 42(1)(i) was at issue, the following questions have been considered:

1. Has a clear and sufficiently compelling public interest or objective been identified that cannot reasonably be accomplished through direct collection of personal information?
2. Is the requested departure from FIPPA's rule of direct collection clearly justified when judged against the nature of the personal information to be collected and the purpose for which (and to whom) it is to be disclosed or used?

I have considered these same questions in relation to this request.

Compelling public interest

The Ministry submits that ESS is a critical component of emergency support in BC in both the delivery of Emergency Support Services and in the efficiency of these services and it is therefore in the public interest for the Commissioner to authorize the Ministry to collect this personal information from sources other than from the individuals the information is about. The circumstances under consideration in the Ministry's request are high stress emergencies. These are not everyday occurrences, and when these events do happen, the impacts on families can be dramatic.

The purpose for collection is to enable EMBC to fulfill its mandate and to help preserve the well-being of British Columbians during or immediately following such emergencies and to assist people in re-establishing themselves as quickly as possible after a disaster.

The alternative to indirectly collecting the personal information would involve the recruitment of more volunteers than communities could muster, creating long lines and potential harm to individuals as they wait to receive critical assistance.

The collection of third party personal information happens under irregular circumstances and the purpose of the ESS program is to assist families' access vital services during difficult times. Further, the program helps reconnect separated families and assist those seeking assurances about the safety of their families and friends. Therefore, I agree with the Ministry that this creates a compelling public interest for the indirect collection of individuals' personal information.

Indirect collection

The Ministry submits that the indirect collection of the personal information of members of a household from the family or household representative is often the only feasible means for collection. It states that in many circumstances, individuals may not be physically able to wait in line together or may be in need of reunification services at the time of the ESS registration.

I agree with the Ministry that, in an emergency setting, it would be cumbersome for everyone to stand in line when the Ministry is processing families. Lines containing everyone, rather than a selection of individuals, could slow the interview process through distractions and delay the Ministry's ability to provide for the individual's needs.

When considering the re-unification of families, the Ministry will need to receive an adequate description of their missing family or household members so that, when the individual arrives at a reception centre, the Ministry can facilitate the family or household's reunion. In this circumstance, it would be impossible for the Ministry to collect a description of the individual when their whereabouts are unknown.

AUTHORIZATION

For the reasons noted above, under s. 42(1)(i) of FIPPA, I authorize the Ministry of Public Safety and Solicitor General to indirectly collect the following personal information about third parties:

- First name, last name, and middle initial of family or household members and the family or household representative;
- The name of the family or household member who made the report;
- Each individual's relationship to the family or household representative;
- Gender;
- Age;
- Additional comments that may add information to identify the individual if an inquiry is made, to help explain this person's situation;
- Statement of how the disaster has affected the family or household;
- Whether the family or household has insurance to cover their immediate needs;
- Whether the family or household has other friends or family they can stay with;
- Whether or not concerned family and friends can receive information about the family or household's location and contact information;
- Time and date of report;
- The services the individuals require;
- Whether any family or household members have any medical or dietary needs;
- Whether the family or household has any other agency referrals;
- The family or household's long-term recovery plan;
- Whether the family or household requires a follow-up meeting with EMBC;
- Permanent address, community, province, country, postal code, phone number, and alternate number;
- Post-disaster address, community, province, country, postal code, phone number, and email address; and
- ESS file number and any cross-referenced file numbers

This Ministry may collect this information, during an emergency, from a family or household representative so that the Ministry may identify family and household members, as well as their individuals and household needs.

April 11, 2019



Michael McEvoy

Information and Privacy Commissioner
for British Columbia