



Order P23-05

FHBW INVESTMENTS CO. LTD.

Celia Francis
Adjudicator

May 25, 2023

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Summary: A tenant complained that the organization, FHBW Investments Co. Ltd. (FHBW), owner of the rental building in which she lives, was collecting, using and disclosing her video images in contravention of s. 6 of the *Personal Information Protection Act* (PIPA). The adjudicator agreed and ordered FHBW to disable the video cameras, to stop collecting, using and disclosing her video images and to delete the video images.

Statutes Considered: *Personal Information Protection Act*, ss. 1, 2, 3, 6, 7, 8(1), 8(3), 10(1), 12(1)(c).

INTRODUCTION

[1] This order arises out of a tenant’s complaint that the organization, FHBW Investments Co. Ltd. (FHBW), contravened the *Personal Information Protection Act* (PIPA) by improperly handling the tenant’s video images.

[2] The tenant (complainant) sent two email complaints to FHBW. In the first, she complained that FHBW had improperly collected, used, viewed and disclosed her video images without her consent. She also asked for FHBW’s privacy policy and asked that FHBW destroy her personal information. In the second email, she complained to FHBW that its building manager had improperly disclosed her emails to her ex-husband.

[3] When the complainant did not receive a response from FHBW, she complained about FHBW’s handling of her video images to the Office of the Information and Privacy Commissioner (OIPC). The complainant said that FHBW’s building manager had done the following:

- harassed her for having a house sitter when she left the country;
- threatened to evict her and empty her apartment while she was gone;
- admitted that she (the building manager) frequently watched video recordings from the building's video surveillance system, not to investigate a significant security or safety incident or criminal activity, but to monitor and report on the complainant's comings and goings, and to catch other tenants flouting her rules; and
- improperly disclosed, both to the Residential Tenancy Branch (RTB) and to her ex-husband, video images (still photographs) from the building's video surveillance system.

[4] The complainant also expressed concern to the OIPC over the retention and security of, and access to, the building's video recordings. She also said that she had not received a response to her complaint to FHBW nor to her request for FHBW's privacy policy. She added that she had never given FHBW consent for the collection, use and disclosure of her personal information.

[5] Investigation of the complaint did not resolve the matter and it proceeded to inquiry regarding FHBW's collection, use and disclosure of the complainant's personal information under s. 6 of PIPA. The OIPC received submissions from the complainant and FHBW.

PRELIMINARY MATTERS

New issues

[6] The complainant raised several issues in her inquiry submission that were not included in the OIPC's fact report or notice of inquiry. She raised concerns about FHBW's storage, retention and access to her personal information and the adequacy of FHBW's privacy policy, as well as disclosure of her email correspondence to her ex-husband and another tenant.

[7] The complainant's complaint to the OIPC concerned the collection, use and disclosure of her video images only. Moreover, only collection, use and disclosure under s. 6 of PIPA were listed in the notice of inquiry as issues to be decided in this inquiry.

[8] The notice of inquiry also states that parties may not raise new issues without the OIPC's consent. There is no indication that the complainant asked that these other issues be added to this inquiry. She also did not explain in her submission why she was raising these new issues so late in the inquiry process and without first asking for the OIPC's permission to do so. For these reasons, I decline to deal with these additional issues here.

Partner's personal information

[9] The complainant complained that FHBW disclosed her partner's personal financial information to her ex-husband. There is no indication that the partner authorized the complainant to act for him in this inquiry. I have, therefore, not considered this issue. The partner is, of course, free to complain to the OIPC on his own account about this matter.

ISSUES

[10] The issue to be decided in this inquiry is whether FHBW contravened s. 6 of PIPA in collecting, using and disclosing the complainant's personal information in the form of her video images.

[11] PIPA does not set out a burden of proof in an inquiry involving the collection, use and disclosure of personal information. Past orders have said that, in such cases, it is in the interests of the parties to provide argument and evidence in support of their positions.¹ Therefore, each party should provide information and arguments to justify its position on the issue.

DISCUSSION

Background

[12] The complainant said she has lived in her rental apartment in FHBW's building since 2004. She said the building manager has for some time been using and viewing video surveillance in the building to enforce rules and monitor tenants' behaviour.

[13] The complainant informed the building manager that she would be leaving Canada for a trip overseas to visit family. I understand from the complainant's submission and complaints that she arranged for her partner to look after her apartment while she was gone but that she intended to return. The complainant said this led to a series of harassing threats by the building manager, the withholding of her tenancy agreement, a notice of eviction in November 2020,² monitoring of her movements by video surveillance and sending her correspondence to her ex-husband and another tenant. The complainant received a copy of her tenancy agreement with the notice of eviction.

[14] The complainant applied to the RTB for assistance in resolving her disputes with FHBW, including the matter of the notice of eviction. As a result of

¹ Order P22-05, 2022 BCIPC 49 (CanLII), para. 14; Order P21-06, 2021 BCIPC 35 (CanLII), para. 17; Order P09-02, 2009 BCIPC 67292 (CanLII), para. 4.

² I understand that the notice of eviction alleged that the complainant had breached her tenancy agreement regarding her house sitting arrangement with her partner.

the RTB proceeding, which took place in January 2021 (and which dealt only with the notice of eviction), the complainant was successful in having the notice of eviction cancelled. She later received a copy of FHBW's August 2021 privacy policy.³

Is FHBW an “organization” under PIPA?

[15] PIPA's purpose is to govern the collection, use and disclosure of personal information by organizations (s. 2). PIPA applies to organizations (s. 3). Section 1 of PIPA says an “organization” includes “a person, an unincorporated association, a trade union, a trust or a not for profit organization.” Under the *Interpretation Act*, a “person” includes a corporation.⁴

[16] There is no dispute that FHBW is an organization under PIPA. I am satisfied that FHBW, which is a corporation, is an organization under PIPA.

Are the video images the complainant's personal information?

[17] The complainant's main complaint is that FHBW improperly collected, used and disclosed her personal information in the form of video images of her, which she said FHBW took, as still photographs, from its video surveillance system. Thus, I will first consider if these video images are the complainant's personal information.

[18] PIPA defines personal information as follows:

“personal information” means information about an identifiable individual and includes employee personal information but does not include

- (a) contact information, or
- (b) work product information;

[19] Section 1 of PIPA defines employee personal information, contact information and work product information.⁵

³ This background information is drawn from the complainant's initial submission.

⁴ *Interpretation Act*, RSC 1996, c 238 at s. 29.

⁵ **“employee personal information”** means personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the organization and that individual, but does not include personal information that is not about an individual's employment; **“contact information”** means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual; and **“work product information”** means information prepared or collected by an individual or group of individuals as a part of the individual's or group's responsibilities or activities related to the individual's or group's employment or business but does not include personal information about an individual who did not prepare or collect the personal information.

[20] The parties did not provide copies of any video recordings of the complainant from the building's video surveillance system. However, the complainant provided copies of four still photographs, i.e., the video images, which she said are from FHBW's video surveillance system. The complainant said she received these video images via the RTB process, as part of FHBW's evidence package.⁶

[21] FHBW said that it installed video surveillance in the building in 2010.⁷ It did not dispute that it collected the video images of the complainant. It also acknowledged providing the four video images in question to the RTB and that some are of the complainant.⁸

[22] Past orders have found that an individual's video images are personal information if the individual can reasonably be identified from those images.⁹

[23] Three of the video images in question show a woman going through a doorway in what the photographs identify as the "back hall". The complainant said she is that woman. She is accompanied in two of these photographs. The fourth video image shows a male figure in the doorway. The complainant said that this man is her partner.¹⁰

[24] The video images are dark and blurry. However, for the purposes of this discussion, I accept the complainant's statement, which FHBW does not dispute, that she is identifiable from three of these video images. I am, therefore, satisfied that the three video images are the complainant's personal information.

[25] The video images show the complainant apparently engaged in personal activities. I therefore conclude that the information in question is not contact or work product information or employee personal information.

Did FHBW collect, use and disclose the complainant's personal information in the form of her video images?

[26] The complainant said that FHBW collected video images of her from its video surveillance system and that it then used and disclosed them as part of the RTB process.¹¹ FHBW acknowledged that it did these things.¹²

⁶ Complainant's initial submission, p. 1.

⁷ FHBW's response, p. 1.

⁸ FHBW's response, p. 2; list of "evidence photos" attached to FHBW's response.

⁹ See for example, Order P21-06, 2021 BCIPC 35 (CanLII), and Order P22-08, 2022 BCIPC 74 (CanLII).

¹⁰ Complainant's initial submission, p. 1.

¹¹ Complainant's initial submission, p. 1.

¹² FHBW's response, p. 2; list of "evidence photos" attached to FHBW's response.

[27] I find that FHBW collected, used and disclosed the complainant's personal information in the form of her video images.

Did s. 6 of PIPA authorize FHBW to collect the complainant's personal information?

[28] I will first consider whether s. 6 of PIPA authorized FHBW's collection of the complainant's video images. I will then consider if s. 6 authorized FHBW's use and disclosure of the complainant's personal information.

[29] Under s. 6 of PIPA, an organization must not collect an individual's personal information except under the following circumstances:

- where the individual has given consent to the collection (s. 6(2)(a));
- where PIPA authorizes collection without the individual's consent (s. 6(2)(b)); or
- where PIPA deems the individual to have consented to the collection (s. 6(2)(c)).

[30] The complainant said she did not give FHBW consent under s. 6(2)(a) to the collection of her personal information to monitor her comings and goings or to collect evidence that she had improperly sublet her apartment. Indeed, she said she expressly told FHBW that she did not consent.¹³

[31] FHBW said it installed video surveillance in 2010 to deter theft and unauthorized entry and to identify those associated with these activities.¹⁴ FHBW said it was authorized under s. 6(2)(b) of PIPA to collect the complainant's personal information without her consent for these purposes. Alternatively, FHBW said, the complainant implicitly consented to the collection for these purposes, under s. 6(2)(c).¹⁵

Did the complainant consent to collection under s. 6(2)(a)?

[32] To determine if s. 6(2)(a) applies, it is necessary to consider ss. 7(1) and 10. The relevant provisions read as follows:

7(1) An individual has not given consent under this Act to an organization unless

¹³ Complainant's complaint of December 6, 2020 to FHBW; complainant's reply, para. 6.

¹⁴ FHBW's response, p. 1. As I explain below in the discussion of s. 8(1), the complainant's tenancy agreement says that anyone staying in a suite for more than 14 days without FHBW's permission has gained unauthorized entry.

¹⁵ FHBW's response, pp. 1-2.

(a) the organization has provided the individual with the information required under section 10(1), and

(b) the individual's consent is provided in accordance with this Act.

10(1) On or before collecting personal information about an individual from the individual, an organization must disclose to the individual verbally or in writing

(a) the purposes for the collection of the information, and

(b) on request by the individual, the position name or title and the contact information for an officer or employee of the organization who is able to answer the individual's questions about the collection.

...

(3) This section does not apply to a collection described in section 8(1) or (2).

[33] Past orders have said that s. 6(2)(a) of PIPA applies where an individual gives clear and unambiguous consent to the collection, use or disclosure of her personal information.¹⁶

Did FHBW provide notice under ss. 7(1)(a) and 10(1)?

[34] FHBW said it posted signs about the video surveillance. However, it did not provide copies of these signs. Nor did it explain what the signs say about the purpose of the video surveillance or where the signs are posted. FHBW said that, under its "de facto" privacy policy, its employee also verbally told tenants about the purpose of the video surveillance.¹⁷ FHBW did not explain what this employee said, however. As a result, I am unable to conclude that FHBW complied with s. 10(1)(a) of PIPA.

[35] There is also no indication that FHBW provided the complainant with any contact information for the purposes of s. 10(1)(b) of PIPA at the time it collected the video images.

[36] I am, therefore, unable to conclude that FHBW complied with the notice requirements under ss. 7(1)(a) and 10(1)(a) and (b) of PIPA.

Did the complainant give consent in accordance with s. 7(1)(b)?

[37] In order to comply with s. 7(1)(b), FHBW must provide evidence that establishes that the complainant provided her express consent for FHBW to collect her personal information in the form of video images.

¹⁶ Order P22-08, 2022 BCIPC 74 (CanLII), para. 16.

¹⁷ FHBW's response, para. 4, p. 2.

[38] FHBW did not claim that the complainant provided her express consent to FHBW's collection of her video images, for any purpose.

[39] The complainant said that she does not object to FHBW conducting video surveillance to investigate security, safety and criminal matters. However, she said, she did not consent to FHBW collecting her video images to monitor her comings and goings, to collect evidence that she had improperly sublet her apartment (which she disputes) or to disclose that information to the RTB.¹⁸

[40] I find, therefore, that FHBW did not comply with s. 7(1)(b) of PIPA. There is no evidence to establish the complainant provided her consent to FHBW to collect her personal information by way of video images.

Conclusion on s. 6(2)(a)

[41] I find, for the reasons given above, that FHBW did not comply with ss. 7(1) and 10(1) of PIPA. I find, therefore, s. 6(2)(a) did not authorize FHBW to collect the complainant's personal information.

Did s. 6(2)(b) of PIPA authorize FHBW to collect the complainant's personal information without consent?

[42] Section 12 permits an organization to collect personal information without consent under specified circumstances. FHBW relied on s. 12(1)(c) of PIPA as its authority to collect the complainant's personal information, without her consent, for the RTB proceeding.¹⁹ It did not elaborate on this argument.

[43] Section 12(1)(c) permits an organization to collect personal information, without consent, as follows:

- where it is reasonable to expect that the collection with the consent of the individual would compromise the availability or the accuracy of the personal information; and
- the collection is reasonable for an investigation or a proceeding.

[44] In the complainant's view, personal information should be collected through video surveillance, without consent, only when security interests are sufficiently important, and then only as a last resort, when all other reasonable measures have been exhausted.²⁰ The complainant said the four video images showed the following: the complainant and her partner coming in from shopping; the partner bringing in a tiered shelf; and her leaving with a friend to go to the

¹⁸ Complainant's complaint of December 6, 2020 to FHBW; complainant's reply submission.

¹⁹ Organization's response, p. 3.

²⁰ Complainant's reply, paras. 4-5. The complainant also referred to the OIPC's guidelines on public surveillance: <https://www.oipc.bc.ca/guidance-documents/1601>

airport for her flight. The complainant said the video images were intended to show she was improperly subletting her apartment, which she disputed.²¹

[45] In order for s. 12(1)(c) to apply, the individual in question would have to be unaware that she is under video surveillance.²² Order P22-08 had this to say about s. 12(1)(c):

[27] It is important to note that this provision would only apply in a case where an organization uses video cameras surreptitiously. It relates to circumstances where a suspected individual would likely change their behaviour, if they knew they were being recorded. This provision does not apply where there is yet no probable cause to commence an investigation. Nor does it apply where the individual is aware of the collection of their personal information, as was the case here. With the posting of signs and the dissemination of the Privacy Policy, it is clear that the complainant would be aware of the collection of her personal information through video cameras.²³

[46] I agree with the adjudicator's comments on the application of s. 12(1)(c).

[47] In this case, I understand from the complaints and parties' submissions that the video cameras are obvious to tenants and visitors. I understand that FHBW also posted signs about the video cameras, although I do not know what they say. It thus seems inconsistent for FHBW to argue that it needed to collect the complainant's video images surreptitiously. In any case, the presence of signs and obvious placement of cameras would, in my view, defeat the purpose of surreptitious video surveillance, whatever its purposes.

[48] I need not, in light of this conclusion, consider whether the collection was reasonable for an investigation or proceeding.

[49] I find that s. 12(1)(c) did not authorize FHBW to collect the complainant's video images without her consent.

[50] FHBW did not refer to any other parts of s. 12(1) as authority for its actions and I do not consider any others apply here. It follows that I find that s. 6(2)(b) of PIPA did not authorize FHBW to collect the complainant's video images without consent.

Was the complainant deemed to have consented under s. 6(2)(c)?

[51] Under s. 6(2)(c) of PIPA, an organization may collect personal information about an individual, if PIPA deems the individual to have consented to the

²¹ Complainant's initial submission, p. 1.

²² Order P22-08, 2022 BCIPC 74 (CanLII), para. 26.

²³ Order P22-08, 2022 BCIPC 74 (CanLII), para. 27.

collection. It is necessary, therefore, to consider s. 8(1) because it sets out certain conditions under which an individual is deemed to consent to collection by an organization. The notice requirements in s. 10(1) do not apply to deemed consent under s. 8(1).²⁴ Section 8(3) sets out other conditions under which an individual is deemed to have consented to collection, including certain notice requirements.

[52] The relevant provisions in s. 8 read as follows:

8(1) An individual is deemed to consent to the collection, use or disclosure of personal information by an organization for a purpose if

- (a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and
- (b) the individual voluntarily provides the personal information to the organization for that purpose.

...

(3) An organization may collect, use or disclose personal information about an individual for specified purposes if

- (a) the organization provides the individual with a notice, in a form the individual can reasonably be considered to understand, that it intends to collect, use or disclose the individual's personal information for those purposes,
- (b) the organization gives the individual a reasonable opportunity to decline within a reasonable time to have his or her personal information collected, used or disclosed for those purposes,
- (c) the individual does not decline, within the time allowed under paragraph (b), the proposed collection, use or disclosure, and
- (d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances.

(4) Subsection (1) does not authorize an organization to collect, use or disclose personal information for a different purpose than the purpose to which that subsection applies.

Section 8(1)

[53] FHBW said it installed video surveillance in 2010 to deter theft and unauthorized entry. It said cameras were placed at five points of entry and “high

²⁴ Section 8(2), which deals with collection for things such as insurance plans, is not relevant here.

traffic areas”.²⁵ FHBW argued that the complainant impliedly consented to the collection of her personal information, to enhance building security (i.e., to deter theft and unauthorized entry), as she was aware for 11 years that there were video cameras and posted signage, and she did not complain. FHBW said the complainant was also aware of clause 10 of the tenancy agreement. Clause 10 limits occupancy of a suite to the tenants specified in the tenancy agreement and says anyone else occupying a suite for more than 14 days without FHBW’s permission is unauthorized.²⁶

[54] In FHBW’s view, a “reasonable person would agree that it was acceptable for FHBW to monitor the entrance and exit of persons when it is suspected that a guest is staying in a suite for a continuous period of two weeks or more without FHBW’s permission.” FHBW said that, to enforce clause 10 of the tenancy agreement, it would have to use live monitoring or video surveillance of those coming into the building, in order to identify those not authorized to reside there. FHBW argued that it is in the interests of the tenants not to allow unauthorized people into the building and that “all reasonable tenants would have consented to the landlord monitoring to identify and exclude unauthorized occupants.”²⁷

[55] FHBW added that the “four impugned photos taken from video surveillance for use at the RTO [*sic*] hearing, show two people with baggage apparently moving into/out of the building.” It said that “[m]onitoring unauthorized occupants in the building has to do with security.”²⁸ It said that its video surveillance was being used for the purpose intended, that is, investigation of the security of the building, and that a reasonable person would have understood that from the signage in the building and would have consented to it as being appropriate.²⁹

[56] The complainant acknowledged that she was aware of the video surveillance. She said it was not, however, being used to investigate a crime but to monitor her and her partner’s comings and goings from her suite, in an attempt to show she was improperly subletting her apartment, which she said she was not doing.³⁰ In her view, constant monitoring to identify unauthorized entry does not enhance security and is not a reasonable purpose for collecting her personal information.³¹

[57] The complainant also said that there are three entrances but six cameras, including in the lobby and the hall leading to the laundry room, where tenants

²⁵ FHBW’s response, p. 1. FHBW said the high traffic areas were where rents are deposited and the Resident Manager’s unit door.

²⁶ FHBW’s response, p. 3.

²⁷ FHBW’s response, p. 3.

²⁸ FHBW’s response, p. 3.

²⁹ FHBW’s response, p. 3.

³⁰ Complainant’s initial submission, p. 1.

³¹ Complainant’s reply, para. 2.

should be free to gather and socialize without unwanted monitoring and surveillance by the landlord.³² The complainant noted that her 2004 tenancy agreement does not mention video surveillance and that FHBW did not have a privacy policy until August 2021. In her view, FHBW is suggesting that she “should have impliedly consented to a nonexistent policy six years before the installation of video cameras.”³³ The complainant believes FHBW is attempting to get rid of her so it can raise the rent on her suite to market rates.³⁴

[58] FHBW did not explain how the purpose of the collection of video images would be obvious, for the purposes of s. 8(1)(a). It is certainly not obvious, in my view, that the four video images in question show people moving into or out of the building, as FHBW asserts, or that any of them is an unauthorized occupant. FHBW also did not explain how video surveillance could reasonably be expected to accomplish the stated aims of deterring theft and unauthorized entry.

[59] Moreover, FHBW did not provide any details on the number and nature of incidents of theft or unauthorized entry which might justify video surveillance. FHBW also did not explain what, if any, other less privacy intrusive methods it had tried to resolve or reduce any such problems. Nor did FHBW say if incidents of theft and unauthorized entry had decreased since it introduced the video surveillance system. In the absence of details on these factors, it is not obvious, in my view, that the purpose of the video surveillance would be to deter theft and unauthorized occupants.

[60] Based on the parties’ descriptions of the placement of the video cameras, I also conclude that the tenants in this building have no choice but to be monitored as they enter or leave the building or use the lobby or laundry room. I am not, therefore, satisfied that the complainant or the building’s other tenants can be said to have voluntarily provided their personal information to FHBW, for the purposes of s. 8(1)(b).

[61] For these reasons, I find that the complainant is not deemed to have consented under s. 8(1) to FHBW’s collection of her personal information, for the purposes of s. 6(2)(c) of PIPA.³⁵

Section 8(3)

[62] I also considered whether s. 8(3) applies here. This section applies where the purpose of collection is not obvious and thus the purpose must be specified.

³² Complainant’s reply, para. 1.

³³ Complainant’s reply, para. 6.

³⁴ Complainant’s reply, para. 7.

³⁵ Order P22-08, 2022 BCIPC 74 (CanLII) came to a similar conclusion at paras. 46-47.

In such cases, an organization must provide the individual with notice under s. 8(3)(a) and ensure it complies with the other s. 8(3) requirements.³⁶

[63] I noted above that it would not, in my view, be obvious that a purpose of video surveillance in FHBW's building is to deter theft or unauthorized occupants, particularly in view of the lack of information on the number and nature of any incidents of theft or unauthorized entry. Such being the case, FHBW would need to give the complainant notice, in a form she can reasonably be considered to understand, that it intends to collect her personal information for the specified purpose and give her the opportunity to decline and, if she did not decline, ensure the collection is reasonable, having regard for its sensitivity.

[64] I do not know what notice FHBW gave the complainant that would comply with s. 8(3)(a). FHBW did not explain what its signs say about the specified purpose for the video surveillance, including whether they say the purpose is to deter unauthorized occupants. I am not satisfied that FHBW met the requirements in s. 8(3)(a). Further, although the complainant does not object to FHBW using video surveillance to deter criminal behaviour, she has expressly told FHBW that she does not consent to it collecting her personal information to deter unauthorized occupants (ss. 8(3)(b) and (c)).

[65] In addition, FHBW has not explained how the collection is reasonable under s. 8(3)(d), given the video cameras capture tenants' comings and goings, via the entrances and in the lobby of their residential building, as well as their use of other parts of the building.

[66] In conclusion, I find that s. 8(3) does not apply here either.

Conclusion on s. 6(2)(c)

[67] For reasons given above, I find that, under s. 6(2)(c), there was no deemed consent for FHBW to collect the complainant's personal information.

Conclusion on ss. 6(1) and (2)

[68] I find that s. 6(2) did not authorize FHBW to collect the complainant's personal information by means of its video surveillance system. This means that FHBW contravened s. 6(1) when it did so.

[69] As noted in Order P22-08:

In the absence of the authority under s. 6(2) to collect the personal information of the complainant, s. 6(1) prohibits the collection or use of this information. Whether collection complies with the reasonable person test

³⁶ Order P20-03, 2020 BCIPC 21 (CanLII), para. 59.

in s. 11 is not relevant in this case. This provision does not authorize the collection of personal information unless s. 6(2) also authorizes the collection. It is a component of what is required to establish consent was given freely. It is a requirement in addition to those that s. 6(2) imposes. The collection of personal information must comply with all of these provisions.³⁷

[70] I agree with this finding and conclude that the same applies here. As the requirements in ss. 6(1) and (2) apply equally to collection, use and disclosure of personal information, an organization cannot use or disclose personal information unless it was first authorized to collect that information. Since I have found that FHBW was not authorized to collect the complainant's personal information, it follows that I also find that FHBW was not authorized to use or disclose that information, either to the RTB or anyone else. Consequently, I find that FHBW contravened s. 6(1) when it used and disclosed the complainant's personal information.³⁸

CONCLUSION

[71] For the reasons given above, I have found that s. 6 did not authorize FHBW to collect, use and disclose the complainant's personal information. Therefore, I make the following orders under s. 52(3) of PIPA:

1. Under s. 52(3)(e) of PIPA, I require FHBW to stop collecting, using and disclosing the complainant's personal information, that is, her video images, in contravention of PIPA. FHBW must disable the video cameras covering areas of the building it is reasonable to conclude that the complainant may access.
2. Under s. 52(3)(f), I require FHBW to delete the complainant's personal information, that is, her video images, collected in contravention of PIPA.

[72] Under s. 52(4) of PIPA, I require FHBW to provide the OIPC Registrar and the complainant with evidence of its compliance with the orders in the previous paragraph by **July 7, 2023**.

May 25, 2023

ORIGINAL SIGNED BY

Celia Francis, Adjudicator

OIPC File No.: P21-85240

³⁷ Order P22-08, 2022 BCIPC 74 (CanLII), at para. 49.

³⁸ Order P22-08, came to a similar conclusion at paras. 48-49, 51.