



**OFFICE OF THE
INFORMATION and PRIVACY COMMISSIONER
for Prince Edward Island**

Public Body	Department of Social Development and Seniors
OIPC File No.	C/24/00345
Statute	<i>Freedom of Information and Protection of Privacy Act</i>
Decision #	D-25-005
Decision-Maker	Maria C. MacDonald, Deputy Commissioner
Date of Decision	June 3, 2025

SUMMARY:

An individual made a complaint about an employee of the Department of Social Development and Seniors improperly disclosing their student financial aid information to their support worker from the Canadian Mental Health Association. The Department denies that this occurred. The Deputy Commissioner investigated and found that we do not have enough evidence to show that the employee disclosed this information.

BACKGROUND AND THE COMPLAINT:

The Department of Social Development and Seniors (the “Public Body”) gave financial assistance to the Complainant. The Canadian Mental Health Association (CMHA) also gave the Complainant temporary, emergency financial benefits to supplement the Complainant’s housing costs.

When the CMHA housing benefits were about to end, the Complainant was concerned that they would be evicted without this supplementary funding. On May 4, 2024, the Complainant wrote an email to both their Social Support Coordinator from the Public Body (the “Employee”), and to their support worker from the CMHA (the “CMHA Worker”). The three of them arranged to meet on May 24, 2024. The Employee recorded in the file that the purpose of the meeting was “to determine present supports and to create an Action Plan that would support Client”.

In the May 4, 2024 email, the Complainant wrote that they were studying. The Employee asked the Complainant about this and learned that they had been attending university for two semesters. The Employee was concerned that, as a student, the Complainant may not have been eligible to receive benefits from the Public Body. The Employee began requesting and collecting information, including student financial aid information, to verify the Complainant's eligibility to receive benefits.

The Complainant had no concerns about the Employee collecting information about them but says that the Employee improperly disclosed their student financial aid information to the CMHA Worker at the meeting on May 24, 2024.

The Commissioner delegated this matter to me to investigate whether the Employee disclosed the Complainant's personal information to the CMHA's Worker contrary to the *Freedom of Information and Protection of Privacy Act* (the "FOIPP Act").

BURDEN OF PROOF:

When someone says a public body improperly disclosed their personal information, there are two parts to the duty to provide evidence or arguments to us. The Complainant must show that it is more likely than not that the public body disclosed their personal information. And, if so, the public body must show that the *FOIPP Act* authorized the disclosure.

EVIDENCE AND POSITIONS:

The Complainant's evidence and position: The Complainant says, in part (I replaced the individual's names):

. . . [The Employee] calculated the exact amount of money that I had been granted for university. [The Employee] was saying that she could not believe that I had got that much money. She calculated and the amount that she reached to was about \$15,000. She said she was surprised and asked [the CMHA Worker] if he could believe that. [the CMHA Worker] then reacted "wow, that's a lot of money". [The Employee] also disclosed I had received George Coles Burasary as well in the amount of \$3,000. She was disclosing all of this information to [the CMHA Worker] in front of me. . . .

The Complainant participated in a hearing of the Social Program Appeal Board ("Appeal Board"). The Complainant says that, at that Appeal Board hearing, a supervisor of the Public Body stated that this disclosure occurred with the Complainant's permission.

Public Body's evidence and position: The Public Body investigated and concluded that their Employee did not disclose the financial aid information to the CMHA Worker. I did not review

them, but the Public Body advised me that the Employee's notes from the meeting on May 24, 2024, do not mention this disclosure. The Public Body also talked to the Employee who does not recall pulling out the list of financial aid or giving any specific financial details. However, the Employee recalls suggesting that the Complainant use the student financial aid funds to help pay for housing.

I spoke to two employees of the Public Body about the Complainant's comments that a supervisor stated at an Appeal Board hearing that the disclosure occurred with the Complainant's permission. One of the employees attended the Appeal Board hearing as an observer and says they do not recall this occurring. The other employee listened to an audio recording and told me that no one made any such statement.

CMHA Worker's evidence: The CMHA Worker recalls the meeting and says it was not adversarial. The purpose of the meeting was to help the Complainant, to make sure they had a place to stay and was not on the streets. The CMHA Worker recalls learning about the amounts of student financial aid at the meeting on May 24, 2024. They recalled learning about the amounts of financial aid because they thought that the Complainant was a part-time student, but the student financial aid information suggested they were a full-time student. The CMHA Worker could not recall whether the Complainant or the Employee disclosed this information.

Appeal Board Hearing: I told the Complainant that two people told me that there was no statement at the Appeal Board hearing. The Complainant responded and included a quote of the statement at the hearing (I replaced the individual's names):

Again, in one of the appeal hearing sessions we had, one of the social programs supervisors, who was a male, told the appeal hearing board that "[The Employee] disclosed [the Complainant]'s financial information to [the CMHA Worker] because [the Complainant] had granted the authorization to [the Employee], to share any information with [CMHA Worker] ". I am quoting what exactly he said because I took word by word notes from his speech. . .

With the Public Body's help, I listened to the audio recording. Although the supervisor discussed their Public Body's authority to collect financial information, no one commented about authority to disclose it. The supervisor did not say the words quoted by the Complainant.

DISCUSSION:

The Complainant says the Employee disclosed personal information, the Public Body says they did not, and the only other witness does not recall who disclosed the personal information. I must consider if any evidence shows it is more likely than not that the disclosure occurred.

A few of the Complainant's statements are contradicted by other evidence. For example:

- The Complainant said that the CMHA cancelled the Complainant's supplementary housing funding because the Employee disclosed the Complainant's student financial aid. The CMHA Worker said that, although they renewed the funding once because they were able to use funds from a new fiscal year, they had consistently advised the Complainant that the supplementary housing funding was temporary. The Complainant's email of May 4, 2024, was about the Complainant's concerns that the CMHA supplementary funding was ending. The Complainant knew before the meeting on May 24, 2024, that the supplementary housing funding was ending. The CMHA did not cancel the supplementary housing funding after the CMHA learned about the Complainant's student financial aid as the Complainant says.
- The Complainant said that this disclosure resulted in the CMHA banning the Complainant from their facility. The Public Body advised me that the meeting was at an office of the Public Body because the Complainant was not allowed at the CMHA facility. If the Complainant was banned from the CMHA facility, that occurred before the meeting on May 24, 2024. The CMHA did not ban the Complainant from their facility after the CMHA learned about the Complainant's student financial aid as the Complainant says.
- The Complainant inaccurately quoted one of the speakers at an Appeal Board hearing.

I do not suggest that the Complainant was dishonest, but these inconsistencies impact on my assessment of the reliability of the Complainant's recollection. I considered all the evidence, and find that I do not have enough evidence to find that the disclosure occurred.

FINDING AND CONCLUSION:

I have insufficient evidence to find that the Employee disclosed the Complainant's student financial aid information to the CMHA Worker. I will not consider whether the *FOIPP Act* would have authorized such a disclosure. As the Complainant has not proven that the disclosure occurred, I make no recommendations or orders.



Maria C. MacDonald
Deputy Commissioner