



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

Decision No.	D-26-007
OIPC File No.	C/26/00049
Public Body	Public Schools Branch
Statute and Sections for Review	<i>Freedom of Information and Protection of Privacy Act</i> Sections: 60(3) [right to request a review]; 64.1 [refusal to conduct inquiry]
Decision-Maker	Denise N. Doiron Information and Privacy Commissioner
Date of Decision	April 28, 2026

Summary:

An Applicant requested access to records under the *Freedom of Information and Protection of Privacy Act*, and the Public Schools Branch disclosed responsive records to them. The Applicant asked for a review of the Public Schools Branch’s response to their access requests and identified three specific issues they wanted to be reviewed. Two of the issues the Applicant wanted reviewed are already included in open review files. The Commissioner refused to conduct a review of the third issue because the Applicant was not entitled to request a review about that issue.

Background:

- [1] The Applicant made access requests to the Public Schools Branch (the “PSB”) under the *Freedom of Information and Protection of Privacy Act* (“FOIPP Act”) for records about them, their spouse, and their children.

- [2] The Applicant has several active review files with our office resulting from these access requests. The Applicant has sent numerous emails to our office and tends to comingle information from different access requests and review files within their emails.

[3] On February 27, 2026, the Applicant sent us an email expressing multiple concerns about their access requests #2025-24 and #2026-03 and asked for a review the PSB's responses to these access requests. On the same date, Deputy Commissioner Maria MacDonald wrote to the Applicant to clarify what issues they were asking us to review in relation to these two files and provided a summary of what we believed their issues to be from the email. In their response to Deputy Commissioner MacDonald, dated March 2, 2026, the Applicant indicated that Deputy Commissioner MacDonald's summary was a fair summary of their concerns, and stated they were requesting a review on three specific points as follows:

1. FOIPP 2025-24: adequacy of search / missing records

We believe PSB's search was not adequate because we have copies of responsive emails and meeting minutes that were not included in PSB's disclosure and/or were described as not located.

As requested, I will provide:

- the full PSB decision letters, and
- copies of the some [sic] emails we have but did not receive (with dates/participants noted).

2. FOIPP 2026-03: delay (Board of Trustees request)

We are requesting review of PSB's delay in responding to FOIPP #2026-03.

We have not received records, a decision, or a meaningful update.

As requested, I will forward the PSB letter referenced in the February 10, 2026 email chain (subject: "FOIPP # 2026-03").

3. Privacy breach in PSB disclosure

PSB included another child's health information in our FOIPP release. Please confirm whether your office will investigate this as part of the current review(s). We are concerned about how this occurred and what safeguards/notifications were implemented.

Analysis:

[4] The Applicant has multiple review files with our office, most or all of which relate to these two access requests, filed at different stages. The first two points the Applicant asked us to review are already included in two other active review files the Applicant has with our office (C/26/00045 and C/26/0048), so it is neither necessary nor appropriate to initiate a new review on either of those points. I will not address these further in this decision.

[5] The third point the Applicant asked us to review was an allegation of a privacy breach, where the Applicant alleged that the records the PSB disclosed to them included personal information about another child.

- [6] Section 60(3) of the *FOIPP Act* permits an individual who believes their own personal information has been collected, used, or disclosed in violation of the *FOIPP Act* to ask the Commissioner to review that matter. However, the privacy breach alleged by the Applicant is not about the Applicant's own information or their child's information. It is information about someone else's child.
- [7] The *FOIPP Act* does not permit a person to ask for a review of a public body's possible unauthorized collection, use or disclosure of someone else's personal information. The only exception is if the person asking for the review has authority to represent the person whose information is in issue (e.g. parent/legal guardian of a minor child, legal counsel for the person, or someone appointed as agent pursuant to section 64(5) of the *FOIPP Act*).
- [8] It is not the Applicant's, nor the Applicant's child's, personal information the Applicant is alleging was disclosed improperly, and the Applicant does not have authority to represent the individual whose personal information they are alleging was disclosed to them. Therefore, the Applicant does not have a right to make a privacy complaint or request a review of the PSB's treatment of another child's personal information.
- [9] Even if the Applicant did have a right to request a review about another child's personal information being disclosed to them improperly, I would not be inclined to conduct a review in the circumstances of this case.
- [10] We did not consult the PSB on their position, but we did not need to. The Applicant first expressed their privacy concern to the PSB and provided our office with correspondence between them and the PSB on this issue. The Applicant's exchange with the PSB included pages from the responsive records they received, which contained information relating to a parent not accepting certain services that were offered for their child, which the Applicant said did not pertain to the Applicant's family.
- [11] The PSB acknowledged the specific information in question was not about the Applicant's child, but their position was that no personal information about another child was disclosed to the Applicant.
- [12] If information is personal information, section 15 of the *FOIPP Act* only prohibits public bodies from disclosing it if disclosure would be an unreasonable invasion of that person's personal privacy. But the first question is whether it is personal information.
- [13] The *FOIPP Act* defines personal information to be "information about an identifiable individual". Mere mention of another individual, or information relating to another

individual, without a name or other identifying information is not sufficient. It is not “personal information” unless the person can be identified.

[14] The Applicant did not give us any specific instance they were concerned about, only a non-specific complaint about another child’s health information appearing in the records. We reviewed the information the Applicant raised with the PSB, which is an email chain between employees. The record is responsive because it discusses the Applicant’s child, but it includes non-identifying information about another child.

[15] Because there is no identifying information about another child, there is no “personal information” disclosed about another child. Therefore, even if the Applicant had been authorized to request a review of the PSB’s treatment of another child’s personal information, there is no substantiation that any such personal information might have been disclosed to the Applicant.

[16] For all of the reasons outlined above, in my opinion the circumstances do not warrant conducting an inquiry into the Applicant request for review of the privacy complaint.

Decision:

[17] Section 64.1 (b) of the *FOIPP Act* gives the Commissioner the authority to refuse to conduct an inquiry if, in the opinion of the Commissioner, the circumstances warrant refusing to conduct an inquiry.

[18] In my opinion, the circumstances warrant refusing to conduct an inquiry because the Applicant does not have a right to make a privacy complaint about or request a review of someone else’s personal information.

[19] Therefore, I am refusing to conduct an inquiry into the Applicant’s privacy breach complaint about another child’s information being included in their responsive records.



Denise N. Doiron
Information and Privacy Commissioner