



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

Decision No.	D-26-008
OIPC File No.	C/26/00070
Public Body	Public Schools Branch
Statute and Sections for Review	<i>Freedom of Information and Protection of Privacy Act</i> Sections: 31, 32, 33, 36 and 37
Decision-Maker	Maria C. MacDonald, Deputy Commissioner
Date of Decision	June 10, 2026

Summary

An individual complained about a public body collecting their personal information from social media posts. The Deputy Commissioner refused to conduct an inquiry because, in these circumstances, it is plain and obvious that the PSB was authorized to collect, use, and disclose the personal information from the Complainant's social media posts for the purposes of managing human resources.

Background

- [1] The Public Schools Branch (the PSB) retained a lawyer who wrote a letter to a student's parents. The lawyer's letter refers to persistent emails, an incident at a school in which one of the parents (or both) were hostile towards school staff, and online attacks towards a school and staff. Through their lawyer, the PSB demanded the parents stop making further false or defamatory comments and advised that if the harassing or otherwise disrespectful conduct continued, they would use remedies under the *Trespass to Property Act* and other legal avenues. The PSB limited the parents' communication to a single staff member in a leadership position (later clarifying that the parents may contact the school about student attendance).
- [2] One of the parents (the Complainant) made an access to information request. Among the responsive records are emails from one employee of the PSB to another employee in the PSB's Human Resources division. Attached to the emails are screenshots of social media posts of the Complainant and others.

- [3] The Complainant wrote to our office about the PSB collecting their personal information from publicly available sources. The Complainant stated:

We were not notified that this information was being collected, nor were we advised of the authority, purpose, or intended use at the time of collection.

Some of the material appears to have been attributed to us without verification, including content that is not clearly ours. We are therefore concerned about the accuracy of the information attributed to us and whether reasonable steps were taken to verify it prior to its use in internal discussions and decision-making.

Our concern arises from the contents of these records, which indicate that school staff captured, compiled, and internally circulated screenshots and references to our family's social media activity.

To clarify, the personal information at issue appears to include:

- Screenshots and references to social media posts attributed to us as parents
- Online discussions believed to be associated with our family
- Internal sharing of this information between school staff and senior PSB administration

We consider this to be our personal information, as it relates to us as identifiable individuals and was compiled and used in connection with school matters involving our child.

- [4] I advised the Complainant that the *FOIPP Act* authorized the PSB to collect personal information under section 31(c) of the *FOIPP Act* as the information relates directly to, and is necessary for, an operating program or activity of the public body, and that we would not be investigating further.

- [5] In fairness to the Complainant, I had not addressed all of the Complainant's concerns. The PSB's authority to collect the information was not their only concern. The Complainant stated:

More specifically, our concerns relate to:

- the accuracy and attribution of the information collected, including instances where content appears to have been attributed to us without clear verification;
- the scope of collection, including whether the extent of the material gathered was reasonably necessary; and

- the use and internal sharing of that information, including how it was relied upon in decisions affecting our children, such as communication restrictions and changes in support arrangements.

We note that your conclusion relies **on an assumption** that the information in the social media posts constitutes our personal information. Our concern arises, in part, because not all of the content reflected in the screenshots appears to have originated from us and may, in some instances, relate to other individuals. This further underscores our concern regarding the accuracy and attribution of the information collected and relied upon.

- [6] Not all requests for review proceed to an inquiry. When we receive a request for review, we assess whether an inquiry is warranted. We need reasonable grounds to believe there may have been a violation of the *FOIPP Act*. The threshold for reasonable grounds is low but must be more than speculation or assertion.

Information at issue

- [7] The Complainant provided 48 pages of screenshots from social media (most pages have large font), that an employee of the PSB sent to another employee who works in the Human Resources Division of the PSB.
- [8] The Complainant also referred us to an email exchange between the same two employees which included two links to Reddit threads. In the body of the email, without specifics, the employee attributed some content to the Complainant, their spouse, or another person. I may not have copies of these threads. I went to the website, but portions of the threads have since been deleted by the user(s), including the original post. There is nothing in this thread attributed to the Complainant, their spouse or the other named person. As I am unable to examine or consider deleted information, the only information at issue is among the screenshots noted above.
- [9] The personal information is the Complainant's opinions about things, but not their opinions about other people. Opinions about other people is the other people's personal information.

Analysis

- [10] The Complainant's concerns relate to multiple aspects of the PSB's collection, use, and disclosure of the Complainant's personal information. I will address the following subjects:
- a) Authority to collect personal information,
 - b) Authority to collect personal information indirectly,
 - c) Notice of collection of personal information,
 - d) Accuracy of personal information,

- Accuracy when indirectly collecting personal information,
- Accuracy when using personal information to make a decision,
- e) Scope of personal information collected,
- f) Authority to use personal information, and
- g) Authority to disclose personal information.

a) Section 31 – authority to collect personal information

[11] Section 31(c) of the *FOIPP Act* authorizes a public body to collect personal information if it relates directly to, and is necessary for, an operating program or activity of the public body. We first consider the purpose of the collection.

[12] An employee collected the screenshots and forwarded them to the PSB's Human Resources division with an implicit request for assistance. The purpose of the PSB employee collecting screenshots from social media posts was to illustrate to the human resources employee the behavior that the employee was concerned about, which the PSB's lawyer described as harassing. The purpose of the collection was for human resources management, which is an existing program of the PSB. I am satisfied that the screenshots relate directly to, and are necessary for, an operating program or activity of the public body.

[13] From my review of the records, it is plain and obvious that section 31(c) of the *FOIPP Act* authorized the PSB to collect personal information from the screenshots. As such, the circumstances warrant us refusing to conduct an inquiry into the PSB's authority to collect the Complainant's personal information.

b) Section 32 - Authority to collect personal information indirectly

[14] The Complainant did not express any concerns about this, but the authority to collect personal information indirectly is relevant to the Complainant's concerns about notice and accuracy of their personal information.

[15] Section 32(1)(j) of the *FOIPP Act* authorizes a public body to collect personal information indirectly to manage or administer personnel. An employee originally collected the screenshots to inform and demonstrate their concerns to the Human Resources division of their employer. The employee of the Human Resources division received and collected the Complainant's personal information to consider the employee's concerns. These activities are within the scope of managing and administering personnel.

[16] It is plain and obvious that section 32(1)(j) of the *FOIPP Act* authorized the PSB to collect personal information indirectly from social media.

c) Notice of collection of personal information

[17] The Complainant says the PSB did not notify them that the PSB was collecting information from social media or advise them of the authority, purpose, or use of the collection.

[18] When a public body collects personal information *directly*, individuals have a right to be informed about the purpose of collection, legal authority for the collection, and contact information of an employee to ask questions. However, a public body is not required to notify an individual when they collect personal information *indirectly*, which is what occurred here.

[19] Because there was no statutory obligation for the PSB to notify the Complainant that they were collecting information indirectly from their social media posts, the circumstances warrant us refusing to conduct an inquiry into whether the PSB ought to have notified the Complainant about the collection.

d) Accuracy of personal information

[20] I had initially advised the Complainant that, for the purposes of this analysis, we would assume that the information they were concerned about the Public Body collecting is their personal information. The Complainant would not be entitled to complain about a public body collecting information that is not their personal information. The Complainant did not say that they did not post the information in the screenshots but is concerned that the PSB incorrectly attributed online information to them.

[21] The screenshots include posts of a few users. The employee who forwarded the screenshots to the employee in the Human Resources division states that the Complainant and others are making posts. There is no reason to believe that the PSB attributed all the posts in the screenshots to the Complainant. I will focus on the posts of the user with the same first and last name as the Complainant.

[22] There are two provisions of the *FOIPP Act* that addresses the accuracy of personal information. Section 32 applies when a public body collects personal information indirectly, that is, from sources other than the individual. Section 33 applies when a public body uses personal information to decide something that directly affects an individual.

Section 32 – accuracy when indirectly collecting personal information

[23] Section 32(3) of the *FOIPP Act* says that a public body cannot collect personal information indirectly if it could reasonably be expected to result in the collection of inaccurate personal information. A public body does not have to be certain that the personal information being collected indirectly is accurate but must have a reasonable expectation that it is accurate. The *FOIPP Act* does not require a public body to verify the personal information.

- [24] Contributors to online social media platforms are identified by usernames, profile pictures, and a profile, which might not be the user's legal names, an accurate or identifying picture, or accurate profile particulars. Although it is possible the identity of a user could be attributed to the wrong person, it does not mean everything on social media is inaccurate. The question is whether the PSB's collection of personal information from social media posts could reasonably be expected to result in collection of inaccurate information. I reviewed the screenshots and some of the content mirrors wording and sentiments of the Complainant from their other communications to the PSB. It is reasonable for the PSB to have attributed to the Complainant the posts of the user with the same first and last name as the Complainant.
- [25] Based on the content of the posts, collecting personal information from the social media posts would not reasonably be expected to result in collection of inaccurate personal information. Section 32(3) of the *FOIPP Act* does not prohibit the PSB from collecting information indirectly from the social media posts.
- [26] Because it is plain and obvious the PSB was authorized to collect personal information from the screenshots, the circumstances warrant us refusing to conduct an inquiry into the PSB's authority to collect the Complainant's personal information indirectly from online posts.

Section 33 – accuracy and using personal information to make a decision

- [27] We have no jurisdiction to decide what personal information a decision-maker should use when making a decision. However, if a public body uses personal information to make a decision that directly affects that person, section 33(a) of the *FOIPP Act* says the public body must take reasonable measures to ensure the accuracy of the personal information.
- [28] The Complainant has not said there is any inaccurate personal information about them, but questions whether the PSB inappropriately attributed some information to them.
- [29] There are three components to trigger a public body's requirement to take reasonable measures to ensure the accuracy of the personal information:
- a) The information must be the Complainant's personal information,
 - b) The information will be used to make a decision, and
 - c) The decision must directly affect the complainant.
- [30] If these conditions are satisfied, then the public body must make every reasonable effort to ensure the personal information is accurate and complete. Canadian jurisdictions have been consistent that a review under similar provisions is not the appropriate venue to revisit a public body's decision or challenge their decision-making process.

- [31] With respect to the first component, I am satisfied the screenshots contain the Complainant's personal information.
- [32] The second component is that personal information must have been used to make a decision. The employee collected the screenshots and forwarded them to the Human Resources division to address the employee's concerns and to consider whether a response from the PSB was warranted. I accept that the Complainant's personal information was used to make a decision.
- [33] The third component is whether the decision would directly affect the Complainant. The Complainant refers to a change in the support arrangements. There was a change of one of the employees among the team that works with the Complainant's child (a student), however this decision does not directly affect the Complainant.
- [34] I reviewed the letter from the PSB's lawyer to the Complainant to consider whether the PSB made any decision that directly affected the Complainant. The PSB's lawyer advised the Complainant that if the Complainant made further false or defamatory comments, they would consider further legal action including remedies under the *Trespass to Property Act*. I consider this to be the PSB's position, but not a decision.
- [35] The PSB's lawyer advised the Complainant that they were limiting their communication to a single staff member in a leadership position. The lawyer had remarked about the Complainant's persistent emails, and an incident when the Complainant attended the school. The Complainant's online social media posts do not relate to the Complainant's contacts to the PSB. But, if PSB used personal information from the Complainant's social media posts when they decided to limit the Complainant's contact with the PSB to a single employee, the decision to impose contact restrictions does not directly affect the Complainant. The Complainant was still permitted to contact the PSB, and the PSB did not limit access to any service.
- [36] If the PSB used the Complainant's personal information from social media posts to restrict the Complainant's contact with the PSB, and if the PSB's decision to put contact restrictions on the Complainant directly affects the Complainant, I consider checking the username, and the content of the screenshots to be sufficient measures to ensure the Complainant's personal information was accurate.
- [37] It is plain and obvious that, although section 33 of the *FOIPP Act* was not triggered, that the PSB took every reasonable measure to ensure the personal information was accurate. The circumstances warrant us refusing to conduct an inquiry into the PSB's authority to collect the Complainant's personal information from online posts.

e) Scope of personal information collected

- [38] The Complainant was concerned that the scope of the collection may have exceeded what is reasonable.
- [39] When a public body is investigating a concern, it is critical in the initial stage of information gathering that a public body be free to collect and review information that relates directly to the concern. Our office has held that a public body has considerable latitude in deciding what personal information is necessary to collect in each case, and its decision should not be interfered with, unless it is patently unreasonable¹.
- [40] The Complainant gave us a copy of 48 pages of screenshots that the PSB had collected from social media about the PSB, school or staff. The scope of the PSB's collection was not patently unreasonable.
- [41] Because it is plain and obvious that the scope of information the PSB collected was not patently unreasonable, the circumstances warrant us refusing to conduct an inquiry into the scope of the PSB's collection of personal information from online posts.

f) Section 36 – authority to use personal information

- [42] The Complainant questions the PSB's authority to use their personal information from their social media posts.
- [43] Section 36(1)(a) of the *FOIPP Act* authorizes a public body to use personal information for the purpose it was collected. The PSB collected and used the Complainant's personal information to assess and address the employee's concerns about the Complainant's online behavior.
- [44] Because it is plain and obvious that section 36 of the *FOIPP Act* authorized the PSB to use the Complainant's personal information to assess and address the employee's concerns about the Complainant's online behavior, the circumstances warrant us refusing to conduct an inquiry into the PSB's use of the Complainant's personal information.

g) Section 37 – authority to disclose personal information

- [45] The Complainant expressed concerns about internal sharing of screenshots of their social media activity.
- [46] One employee of the PSB sent the screenshots to another employee of the PSB in the Human Resources division. The duties of the employee in the PSB's Human Resources division include addressing employees' concerns. Two provisions of the *FOIPP Act*

¹ IR-16-001, *Re: Department of Justice and Public Safety, et al*, 2016 CanLII 23239 (PE IPC), at para 15

authorize the first employee of the PSB to disclose the information to the other PSB employee in the Human Resources division:

- a) Section 37(1)(b) of the *FOIPP Act* authorizes a public body to disclose information for the purpose it was collected, and
- b) Section 37(1)(g) of the *FOIPP Act* authorizes disclosure of personal information to an employee of the public body if the information is necessary for the performance of the duties of the employee.

[47] It is plain and obvious that section 37(1) of the *FOIPP Act* authorized the PSB to disclose screenshots containing the Complainant's personal information from social media to an employee of the PSB for the purpose of addressing an employee's concerns about the Complainant's online behavior. The circumstances warrant us refusing to conduct an inquiry into an employee of the PSB's disclosing the Complainant's personal information to the employee of the PSB's Human Resources division.

[48] We do not have evidence of this, but if the PSB disclosed the screenshots to the PSB's lawyer, this disclosure would also have been authorized by section 37(1)(g) of the *FOIPP Act* because it was necessary for the lawyer to perform their duties.

[49] If the PSB disclosed the screenshots to the PSB's lawyer, it is plain and obvious that section 37(1) of the *FOIPP Act* authorized the disclosure, and the circumstances warrant us refusing to conduct an inquiry into the PSB's disclosing of the Complainant's personal information to their lawyer.

Conclusion

[50] In summary, it is plain and obvious that:

- a) section 31(c) of the *FOIPP Act* authorized the Public Body to collect the Complainant's personal information from social media posts to address an employee's concerns about the Complainant's online behavior,
- b) section 32(1)(f), 32(1)(j), and 32(3) of the *FOIPP Act* authorized the Public Body to collect personal information indirectly from social media, and it was not reasonable to expect that collecting this information would result in the collection of inaccurate personal information,
- c) I am not persuaded that the PSB used any personal information from the screenshots from social media to make a decision that directly affected the Complainant. However, if they did, reviewing the content of the posts would have been a reasonable measure to ensure the accuracy of the personal information they used to make a decision,
- d) section 36(1)(a) of the *FOIPP Act* authorized the Public Body to use the personal information for the purpose it was collected (to address the employee's concerns about the Complainant's online behavior),

- e) the scope of the personal information they collected was not patently unreasonable, and
- f) sections 37(1)(b) and 37(1)(g) of the *FOIPP Act* authorized the employee of the Public Body to disclose personal information from the screenshots to another employee of the PSB whose duties include addressing concerns of the employee.

[51] Public bodies are not free to collect whatever personal information they want from online sources. But, in these circumstances, it is plain and obvious that the PSB was authorized to collect, use, and disclose the personal information from the Complainant's social media posts.

[52] In these circumstances, there are no reasonable grounds to believe there may have been a violation of the *FOIPP Act*.

Decision

[53] Subsection 64.1(b) of the *FOIPP Act* gives us the authority to refuse to conduct an inquiry if the circumstances warrant. The circumstances warrant us refusing to conduct an inquiry because it is plain and obvious that the PSB was authorized to collect, use and disclose the information.

[54] An inquiry is not warranted in the circumstances, and I am refusing to conduct an inquiry under section 64.1(b) of the *FOIPP Act*.



Maria C. MacDonald
Deputy Commissioner