



**PRIVATE AND CONFIDENTIAL**

(Sent by email)

February 7, 2024

Dear [REDACTED]

**Re: Complaint under the *Freedom of Information and Protection of Privacy Act***  
**Public Body: Workers Compensation Board**  
**Our file: PP-23-123**

I write further to your privacy complaint regarding the Workers Compensation Board ("WCB"), in which you alleged that someone from the WCB disclosed your personal information without authority to do so, contrary to the *Freedom of Information and Protection of Privacy Act* (the "FOIPP Act").

We make every reasonable effort to investigate complaints that a public body or organization has failed to comply with the *FOIPP Act*. However, not every case goes to a full inquiry. On receiving a complaint or request for review, the OIPC will review the complaint and other evidence to assess whether the matter should proceed to an inquiry. We may ask for more information from a complainant in order to make this assessment. There are some circumstances where the Commissioner may decline to conduct an inquiry.

With respect to your complaint, we attempted to initiate an investigation, but did not have enough information to proceed further. For this reason, I am declining to conduct an inquiry in this matter.

In your complaint against the WCB, you generally alleged the WCB disclosed your personal information on two occasions to a former acquaintance of yours. After a phone call from you and an exchange of emails between you and our Deputy Commissioner, Maria MacDonald, Maria emailed you to confirm a general description of your concerns were as follows:

1. In early 2022, [REDACTED] an acquaintance also known as [REDACTED] told you that someone at the WCB told her that you ([REDACTED]) displayed drug seeking behavior. You do not agree that it is accurate information, and are very concerned because it could be harmful to your career in health care; and
2. On November 21, 2023, you left a voice message for [REDACTED] at the WCB about something else (disclosures to your employer), and mentioned this incident. That evening [REDACTED]'s boyfriend, [REDACTED], sent disparaging messages

about you to his Ex, [REDACTED], who is also your friend. You believe that someone at the WCB told [REDACTED] about your message to [REDACTED], who then told [REDACTED].

In that same email, Maria MacDonald asked you for more information, namely copies of screenshots you told her you had of the messages you or [REDACTED] received from [REDACTED], and contact information for [REDACTED], so we could find out more information from her about who she may have talked to at the WCB and what information they told her.

We did not receive the additional information we requested, and Maria MacDonald emailed you again on December 12, 2023 to follow up, and reminded you we needed more information from you to proceed. She asked that you provide the requested information by December 21, 2023.

On December 13, 2023, you telephoned Maria MacDonald and indicated you did not have [REDACTED]'s number and the texts you had screenshots of were generic. You also stated you were not interested in being involved, and that you felt reporting your concerns was enough.

We do not have sufficient information about the incidents you allege happened to be able to conduct an inquiry into your complaints. In the first part of your complaint, you do not know who may have disclosed your personal information to [REDACTED], and you have declined to provide us with information so that we can contact [REDACTED] and speak to her directly. Further, you made the complaint more than a year after [REDACTED] told you a disclosure occurred, and we do not know when a disclosure occurred. There is not enough information for us to go to the WCB and ask them to look into your allegation, and we cannot conduct an inquiry without that information.

In the second part of your complaint, you are alleging someone [REDACTED] texted disparaging remarks about you to another person [REDACTED], neither of whom are connected to the WCB. You have not given us any information to suggest that the texts contain personal information that the WCB had in their custody, or that any such information was disclosed to the individual [REDACTED] by the WCB.

The only basis for your belief that the information came from someone at the WCB is that the texts were sent within hours of you leaving a message for someone at the WCB about [REDACTED]'s remarks from November 2022. You assume someone from the WCB must have disclosed your personal information to the texter, but your belief is based solely on speculation. Speculation is not evidence. There is nothing to tie the texts to the WCB except the timing. Timing alone does not mean that your personal information was disclosed to anyone. We need something more than mere speculation to warrant conducting an inquiry, but you have not provided us with any further information to substantiate your conjecture.

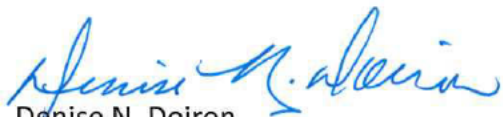
There is no reasonable means for us or the WCB to trace the incidents you have alleged happened. Asking us to review these incidents without any reasonable means to trace the incidents you are complaining about is insufficient information for us to investigate further.

We oversee public bodies, but we need enough information to investigate a complaint. It is the responsibility of a person making a complaint alleging a public body has violated the *FOIPP Act* to give us sufficient information that we can investigate. You have not provided us enough information to go on and have declined to provide additional information when we requested you to do so.

Clause 64.1 of the *FOIPP Act* authorizes me to refuse to conduct an inquiry if, in my opinion, the circumstances warrant refusing to conduct an inquiry. Because we have insufficient information to initiate a review, and you have declined to provide any additional information as we have requested, I consider these circumstances to warrant refusing to conduct an inquiry. I am therefore refusing to conduct an inquiry into your complaints against the WCB and will be closing our file.

I understand that you have been the subject of an unauthorized access in the past, unrelated to the WCB. We understand that because of your inquiries that this incident was addressed by the other public body. We are sorry to hear that this incident has led you not to trust the health system or any provincial public body to protect your privacy. Although we are declining to investigate this matter further, we encourage you to report any other incidents in the future, with as much information as can be reasonably provided.

Sincerely,



Denise N. Doiron  
Information and Privacy Commissioner

c. [REDACTED] Workers Compensation Board