NORTHWEST TERRITORIES
INFORMATION AND PRIVACY COMMISSIONER

Review Recommendation 13-121
13-143-4
October 16th, 2013

This matter came to my attention as a result of a complaint filed by an individual who objected to the fact that the Sheriff's Office obtained and used his personal information from the Department of Health and/or other government agencies in the Northwest Territories for the purpose of identifying and locating him to summons him for jury duty. He feels that this is an invasion of his privacy in that he never expected or intended that his personal information would be used in this way when he signed up for health care benefits. Furthermore, he takes the position that the Sheriff's Office could and should obtain jury candidates from public sources, including the telephone book and voters lists.

THE PUBLIC BODY'S POSITION

In response to the concerns raised by the Complainant, the Department of Justice pointed me to Sections 8(2) and 8(3) of the *Jury Act*, which provides as follows:

> 8(2)   To enable compilation of the jury list, the Director of Medical Insurance appointed under the *Medical Care Act* shall, on the request of the Sheriff, provide the Sheriff with the names and addresses of those "insured persons", as defined in section 1 of the *Medical Care Act,* who have attained the age of 18 years.

> (3)   Subsection (2) applies notwithstanding the *Access to Information and Protection of Privacy Act*.

Under this provision, the Department of Health and Social Services provides the Sheriff's Office with the following information:

a)   first, middle and family name of individuals over 18 years of age;

b)   mailing information, including street number, unit/apartment number, street name, municipality, postal code, postal box number and territory

The department also confirmed that the information is provided to the Sheriff's Office pursuant to an information sharing agreement between the Department of Health and Social Services and the Department of Justice, Courts Administration which provides for:

-     a prohibition on subsequent use of the personal information;

-     a retention and disposal schedule;

-     standards for the security and confidentiality of the information;

-     the frequency of data sharing transfer;

-     the format in which the information is provided;

DISCUSSION

In any other circumstances, the Complainant's concerns would be well founded. However, the Government of the Northwest Territories, as a matter of legislated policy, has decided that it is important to have a reliable list of potential jurors. While not all residents will have a driver's licence, or will appear on a voter's list, there is a high probability that the vast majority of NWT residents will have registered with the health care system. The health card information is, therefore, the best source of current information available to identify potential jurors and allow these people to be contacted for the purpose of jury duty. To this end, the Legislative Assembly has seen fit to over-ride the privacy protections contained in the *Access to Information and Protection of Privacy Act* to the extent necessary to allow the Sheriff's Office access to a limited amount of personal information about individuals over the age of 18 held by the Department of Health and Social Services. This is consistent with legislation in most, if not all, other Canadian jurisdictions. I am satisfied, based on the information provided by the Department of Justice, that the two departments have taken the appropriate

steps to ensure that the information is not further used or disclosed and that the information collected is securely stored and disposed of.

RECOMMENDATIONS

In the circumstances, while I appreciate the Complainant's concerns, I make no further recommendations in light of the fact that the Legislative Assembly has provided for the sharing of a limited amount of personal information between the Department of Health and Social Services and the Sheriff's Office for the purpose of creating jury lists.

Elaine Keenan Bengts
Information and Privacy Commissioner