

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

PRIVACY COMPLAINT REPORT

PRIVACY COMPLAINT MC11-84

City of Kingston

June 18, 2014

Summary:

The Office of the Information and Privacy Commissioner/Ontario (the IPC) received a complaint alleging that the City of Kingston (the city) inappropriately disclosed personal information to a named individual and the Social Benefits Tribunal (SBT). In response, the IPC opened a privacy complaint file to determine if the disclosure of the complainant's personal information was in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*).

This Privacy Complaint Report finds the disclosure of the complainant's personal information to the named individual and the SBT was in accordance with the *Act*.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, amended, sections 2(1), 32(c), 51(1), 51(2), *Ontario Works Act*, 1997 S.O. 1997, Sched. A, c. 25 sections 7, 8, 15, 28(1), 28(3), 58(2), 74(28); Ontario Regulation 134/98, section 76(2); *Ontario Disability Support Program Act*, 1997, S.O. 1997, c. 25, Schedule B; *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.

Orders and Investigation Reports Considered: Information and Privacy Commissioner/Ontario Orders M-852 and M162; Information and Privacy Commissioner/Ontario Privacy Complaint Report I95-005P.

OVERVIEW:

This complaint concerns an allegation of unauthorized disclosure of personal information under the *Act* by the City of Kingston (the city). The complaint is that records of personal information regarding the complainant were disclosed to a named individual and the Social Benefits Tribunal (SBT) during an SBT proceeding. The complainant was not a party to the proceeding.

The records at issue contain, among other information, the complainant's name, address, living arrangements and information about her receipt of social assistance.

In this report, I find that the disclosure of the complainant's personal information was not contrary to the *Act*.

BACKGROUND:

Initially, the complainant filed a complaint against the city under the *Act*, and against the Ministry of Community and Social Services (the ministry) under the *Freedom of Information and Protection of Privacy Act* with the IPC.

Two files were opened to process the complaints - MC11-84 and PC11-72. During the processing of the complaint files, it was clarified that the complainant's only issue was with respect to the disclosure of her personal information by the city to the SBT and to a named individual. Therefore, the concerns that the complainant initially raised about the ministry are no longer at issue and Privacy Complaint PC11-72 has been closed. In addition, the concerns the complainant raised about the city's collection of her personal information are no longer at issue here.

The complainant was a recipient of social assistance benefits under the Ontario Works (OW) program in the past. This program is provided under the *Ontario Works Act* and is administered by municipalities. All applications for OW benefits are made to the municipality in which the applicant resides.

The complainant subsequently applied for and received benefits under the Ontario Disability Support Program (ODSP). ODSP is a social assistance program administered by the ministry pursuant to the *Ontario Disability Support Program Act, 1997*.

During the course of her application for benefits and various reviews of her entitlement status, the complainant's personal information was collected by the city and the ministry. The city's authority to collect the information is set out in section 15(1) of the *Ontario Works Act* and section 17(2) of Regulation 134/98 under that statute which allows the administrator to collect basic information about social assistance applicants in order to determine and verify eligibility to receive OW. The ministry's authority to collect information in the context of the application for ODSP is set out in section 10(1) of the *Ontario Disability Support Program Act, 1997* and section 14(2) of Regulation 222/98 under that statute. Both sections allow for the collection of personal information relating to the applicant's budgetary requirements.

As part of the initial application process, the complainant signed a form entitled "Consent to Disclose and Verify Information." The Consent states that it applies to "inquiries made relating to my/our initial eligibility for, as well as my/our past and ongoing receipt of, social assistance" and states that "inquiries may take the form of electronic data exchanges." A notice of collection appears at the bottom of the Consent which states:

This information is collected under the legal authority of the *Family Benefits Act*, R.S.O. 1990, c.F.2, sections 8 & 12, the *Ontario Disability Support Program Act*, 1997, sections 5 & 10, or the *Ontario Works Act*, 1997, sections 7, 8 & 15, for the purpose of administering Government of Ontario social assistance programs. For more information contact (a named individual) in your Ontario Works or ODSP office.

In addition to securing the complainant's consent, the notice of collection on this form advises the complainant of the legal authority for the collection and specifies the principal purpose or purposes for which the personal information is intended to be used, all in compliance with the requirements of s. 29(2) of the *Act*. I observe here that the description of the purpose is not limited to determining the complainant's own eligibility for benefits but is framed broadly to encompass "the purpose of administering Government of Ontario social assistance programs" generally. The form makes it clear that this purpose may be accomplished through the use of "electronic data exchanges", as discussed below, which could potentially relate to other social benefit recipients.

In Ontario, all information, including personal information regarding applications for ODSP and OW, is maintained on a database operated by the ministry, and used by both the ministry and municipalities in Ontario that administer the OW program. The database is referred to as the Service Delivery Model Technology Information system (the database). Therefore, authorized ministry employees and city employees have access to the shared database to process applications for both benefits. In addition to other information management processes, the database is designed to alert users in those cases where more than one applicant for either of the two benefit programs provides the same address details. The system is configured this way to enable the OW and ODSP staff to fully consider relevant information about the financial circumstances of individuals who share accommodation and who may be sharing expenses.

An individual named in this complaint submitted an application to the city for OW benefits under the *Ontario Works Act*. Information relating to this individual was collected by the city in the course of the OW application process including the individual's home address and information about his budgetary needs.

The individual's application for OW benefits was granted. Subsequently, the city conducted an investigation into the individual's eligibility for OW benefits. During the investigation, the city learned, among other things, that the individual's home address and phone number was the same address and phone number as that used by the complainant in the context of her application for social assistance benefits. Further, the investigation revealed that the benefit application forms filed by the complainant and the individual did not disclose that they shared the same residence.

Subsequently, a determination was made by the city that the individual was not eligible for OW. The benefits were terminated and he was assessed for an overpayment and failure to provide information.

This individual appealed the city's decision to the Social Benefits Tribunal. The SBT is also administered by the ministry. Applicants for OW benefits and for ODSP have the right to appeal to the SBT if they are not satisfied with the decision made regarding entitlement to receive benefits. As noted above, the complaint is that in the course of the individual's OW appeal, the city inappropriately disclosed the complainant's personal information to the SBT and the individual.

The complainant's position is that the city does not have the authority to disclose the complainant's personal information to the SBT and to the individual in the context of the appeal before the SBT. The complainant's position is that the disclosures were inappropriate, without consent, and contrary to the *Act*.

The city's position is that the disclosures were authorized pursuant to section 32(b), (c) and (d) of the *Act*. In addition, the city has claimed that section 51(2) of the *Act* applies in the circumstances of this complaint.

DISCUSSION:

The issues raised by this complaint and the results of my investigation into this matter are set out below.

Is the information at issue personal information as defined in section 2(1) of the *Act*?

"Personal information" is defined in section 2(1) of the *Act* which states, in part:

"personal information" means recorded information about an identifiable individual, including,

...

(h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual..

The records the complainant states were disclosed to the SBT and the individual include the notes of an investigator – some of these notes appear on preprinted forms. On some of the pages the complainant's name was severed in accordance with the city's usual practice. Through inadvertence, the complainant's name was not severed on other pages. I understand that the city has apologized for the failure to follow its usual practice.

The complainant provided this office with copies of the records that were disclosed to the SBT and the individual. I note that they include 10 pages of notes taken by the investigator, an 8 page document entitled "Accommodation", and one document with no heading which appears to be a narrative report to the SBT from OW.

I have reviewed the records and I find that on some records the complainant is identified by name and that these records include information such as her address, her living arrangements and reveal the fact that she was in receipt of social assistance, among other things. In those records where the complainant's name was severed, I find that the complainant was identifiable, despite the severance of her name, based on the other information contained in the records.

In these circumstances, I am satisfied that the documents contain personal information as defined in section 2(1) of the *Act*. The city does not dispute this finding.

Does section 51 apply? If yes, what is the impact of section 51 in the circumstances of this complaint?

As noted above, the city submits that section 51(2) of the *Act* applies. In my view, section 51(1) is also relevant here. Those sections state:

- (1) This Act does not impose any limitation on the information otherwise available by law to a party to litigation.
- (2) This Act does not affect the power of a court or a tribunal to compel a witness to testify or compel the production of a document.

The city claims that if section 51(2) applies, the provisions in the *Act* that govern the collection, use and disclosure of personal information do not apply. In particular, it states:

These provisions of [the *Act*] bar any authority to make determinations under [the *Act*] on evidence presented before any tribunal hearing... The *Ontario Works Act* provides the City of Kingston with full authority to gather and submit evidence to the tribunal in this matter as it does as part of the proper conduct of any of its social benefits eligibility investigations.

On this issue, the complainant states the city is only entitled to rely on section 51(2) if the SBT issues a subpoena for the personal information. The complainant also states that the city cannot claim the application of section 51(2) in those cases where it decides to disclose personal information to the SBT and to the other party to the appeal before the SBT, on its own initiative.

I am guided by the comments of former Commissioner Linden in Order P-53 where, in the context of a consideration of the implications of section 64 (the provincial equivalent to section 51), he stated:

The *Act* was not intended to prevent tribunals from carrying out their statutory functions.

In Order M-852, former adjudicator Holly Big Canoe considered the possible application of section 51 in an access appeal. In that case, the appellant argued that this section authorized the disclosure of portions of a record because to hold otherwise would "impose a limitation on information otherwise available by law to a party to litigation." While the issues in Order M-852 are different from those before me here, the former adjudicator made the following general comment about the purpose of section 51:

Section 51 ensures that the *Act* and its exemptions do not operate in a way which would deny access to information through other legal rules or principles, including the rules of natural justice and the requirements of the *Statutory Powers Procedure Act*.

I adopt the same approach here and find that the *Act* does not operate in a way that would prohibit the collection, use and disclosure of personal information according to the legal rules and processes governing matters arising before tribunals, including rules of procedural fairness and the principles of natural justice. More specifically, sections 51(1) and (2) together operate to ensure that the prohibitions against disclosure in the *Act* do not act as a barrier to prevent personal information from being available for use as evidence in a proceeding before a court of tribunal where, but for the provisions of the *Act*, such information would otherwise be available.

I now turn to a consideration of the matter before the SBT and the rights of the parties to records and information in that proceeding. It is worth repeating here that the city made a decision to deny the individual benefits under the *Ontario Works Act* after obtaining information suggesting that the individual may have been residing in the same home as another individual who was also receiving benefits, namely the complainant. The city also made a claim for recovery of previous OW payments and claimed that this individual had filed false information on his application form. The individual filed an appeal of this decision with the SBT. Therefore, the question before the SBT was the city's decision to deny the claim and the basis for that decision.

The individual's right to appeal a decision of the city is set out in section 28(1) of the *Ontario Works Act* which states:

An applicant or recipient may appeal a decision of an administrator within the prescribed period after an internal review by filing a notice of appeal that shall include reasons for requesting the appeal.

Pursuant to section 28(3) of the *Ontario Works Act*, an appeal under section 28(1) shall be conducted in accordance with the regulations under that act. The regulation making power is set out in section 74(28) which states:

The Lieutenant Governor in Council may make regulations,

28. respecting the commencement and conduct of and procedures for appeals to the Tribunal ...;

Ontario Regulation 134/98, section 76, requires that the parties to a hearing before the SBT who intend to produce written or documentary evidence at an oral hearing must provide copies to the SBT and the other parties prior to the hearing. Specifically, sections 76(2) and (3) state:

(2) Unless the parties agree otherwise, a party who intends to produce written or documentary evidence or written submissions at an oral hearing shall provide copies of that evidence or those submissions to the other parties and the Tribunal,

(a) in the case of the appellant, at least 20 days before the hearing; and

(b) in the case of the administrator and any other parties, at least 10 days before the hearing.

(3) If a party does not produce evidence or submissions in accordance with subsection (2) or subsection 73(2), the Tribunal may, on the terms and conditions it considers appropriate,

(a) adjourn the hearing;

(b) refuse to accept the evidence or written submissions; or

(c) accept the evidence or written submissions.

Once the individual appealed the city's decision to deny him OW benefits, the very basis or reasons for the city's decision were called into question and were subject to review by the SBT. In order to explain and provide support for its decision to deny the benefits, the city needed to provide the SBT with the information and evidence that it relied on to make its decision. The SBT also has a statutory and common law duty to ensure fairness in its proceedings which is reflected by the procedural requirement in section 76(2) of the regulations under the *Ontario Works Act*, to disclose documentary evidence and written submissions prior to a hearing to the parties and the board itself.

Section 76(2) compels the city to disclose to the individual and to the SBT any written or documentary evidence or written submissions that it intends to rely on at the hearing. The individual's right to know the basis of the city's decision to deny him benefits and his right to know the case he has to meet triggers an obligation on the part of the city to produce the records at issue pursuant to that section.

Finally, I observe that the hearings of the SBT are largely governed by the *Statutory Powers Procedure Act (SPPA)*. There are some provisions of the *SPPA* that do not apply to hearings before the SBT – those exceptional circumstances are set out in the *Ontario Works Act* and its regulations. Section 12 of the *SPPA* gives the SBT the authority to issue summons to compel any person to give evidence and to produce evidence relevant to the subject-matter of the proceeding.

Turning first to the operation of section 51(1) of the *Act*, I am of the view that the circumstances of this case fall squarely within its ambit.

As noted above, section 51(1) provides that the *Act* "does not impose any limitation on the information otherwise available by law to a party to litigation." Previous orders of this office have found that proceedings before tribunals qualify as "litigation." In Order M-162, former adjudicator Fineberg stated that "no distinction should be made between court actions and matters heard before administrative tribunals," such as the Ontario Municipal Board. I agree and find that proceedings before the SBT constitute "litigation."

It is important to consider next the meaning of the phrase "available by law to a party to litigation." The word "available" is defined in the *Concise Oxford Dictionary* (8th ed.) as "1. capable of being used; at one's disposal. 2. within one's reach." The primary meaning given to "available" in the *Shorter Oxford English Dictionary* (3rd ed.) is "capable of producing a desired result." In my view, the context within which the term "available" appears in section 51(1) indicates that each of these variations in meaning are intended.

I note that the City is in lawful possession of the information at issue and, subject to considerations of relevance or the application of any exclusionary rule of evidence - issues that are not before me - the information is "capable of being used" in evidence in the normal course of litigation to advance the City's position before the SBT. The information is thus "otherwise available by law" to the City as a party to the SBT litigation for use in making its case. In the same connection, the information is also "available" for use by the City in complying with its statutory disclosure obligations under section 76(2) of the *Ontario Works Act* regulations by providing copies of the relevant records to the named individual.

By the same token, the named individual, as a party to the litigation before the SBT, is entitled to receive disclosure of this information pursuant to section 76(2) of the *Ontario Works Act* regulations. For that reason, the information must be considered to be "within the reach" of or "available" to the named individual "by law" in the SBT litigation.

Given my conclusion that section 51(1) applies in the circumstances of this case, the result is that the *Act* "does not impose any limitation" on disclosure of the complainant's personal information either to the SBT or to the named individual for use in the litigation before the SBT.

While this finding is sufficient to dispose of the complaint, in my view the wording and operation of section 51(2) reinforce my conclusion.

The complainant's submissions raise the question of whether section 51(2) only applies in those cases where a tribunal has actually compelled the production of records by order or subpoena. My consideration of this issue requires an interpretation of the language in section 51(2): "This Act does not affect the power of [] a tribunal [to] compel the production of a document." It is noteworthy that the wording of s. 51(2) does not specifically require that the power to compel production of a document actually be exercised for this provision to have effect. I refer to the example where a court or tribunal indicates that it is prepared to order production of a document and, under threat of compulsion, the document is produced without the need for an order. In my view, it would produce an anomalous result if the provisions of the *Act* could be invoked to prohibit disclosure in one instance and not the other. In addition, I note that the

production of records can be compelled either by order of the tribunal or by operation of the statutory rules governing its procedure. The result is the same in either case: the parties subject to the rule or the order are compelled to produce the records. Accordingly, while it does not appear that the power to issue a summons or order production was actually exercised in this case, in my view the operation of section 51(2) should not always or necessarily turn on whether that power is actually invoked.

It also bears observing that public authorities, including the city and the SBT, have the duty and responsibility to ensure that public funds are properly expended and, in a case such as this, to act to prevent the possible abuse of Ontario's social benefits programs. That duty includes enforcing the eligibility requirements of the legislation where potential irregularities are identified. The named individual in this case has appealed the city's eligibility determination to the SBT and, to fulfil its public duty, the city is obliged to respond to the appeal and produce to the SBT and the individual the records and information that formed the basis of its denial of benefits, in accordance with section 76(2) of the *Ontario Works Act* regulations. Viewed from this perspective, the documentary disclosure rules governing proceedings before the SBT effectively compel production of the record and section 51(2) would apply.

Consequently, while section 51 of the *Act* obviously has much broader application than the specific circumstances of this case, I have no hesitation in finding that it applies here. I conclude that provisions of the *Act* impose no limitation on the city's use of the complainant's personal information in the SBT proceedings or the necessary disclosure of the same information to the SBT and the individual in that context. Nor, in my view, does the *Act* affect the requirement for production of the same information to the SBT and the named individual in compliance with the statutory rules governing the SBT's procedures

To conclude, I find that section 51 applies and that the city's disclosure of the complainant's personal information to the individual and the SBT was not contrary to the *Act*.

Was the disclosure of the personal information at issue in accordance with section 32 of the *Act*?

Regardless of my findings as to the application of section 51, I now turn to consider whether the disclosure was permissible under section 32. Section 32 of the *Act* creates a general prohibition against the disclosure of personal information subject to the enumerated exceptions. If any one of the exceptions applies, then disclosure is in accordance with the *Act*. As noted, the city relies on sections 32(b), (c) and (d) of the *Act*. I will only be addressing the possible application of section 32(c) in the discussion that follows:

An institution shall not disclose personal information in its custody or under its control except,

(c) for the purpose for which it was obtained or compiled or for a consistent purpose;

As previously stated, the city and the ministry use a shared database to process applications for OW and ODSP. The personal information collected in the course of processing these applications for social assistance is stored in this database. Among other things, this database

is used to determine eligibility. As eligibility for benefits turns, in part, on an individual's income and expenses, the city uses this database to identify possible relationships between recipients of benefits who may be sharing accommodations and expenses and filing duplicate claims for those expenses. If these expenses are being shared between two or more individuals, the individuals can only claim their own share of the expenses.

The city's position is that the *Ontario Works Act* provides it with full authority to gather and submit evidence to the SBT as it did in this case, as part of the proper conduct of any of its social benefits eligibility investigations. More specifically, it states that section 58(2) of the *Ontario Works Act* authorizes the city to collect, use and disclose information when investigating a person's past or present eligibility for payment and that any disclosure of information that took place was in accordance with sections 32(b), (c) and (d) of the *Act*.

As I understand the complainant's submission, the complainant does not dispute the authority of the city to collect her personal information either initially when she signed the consent form referred to at the beginning of this report or in the investigator's notes or other documents prepared in the course of its investigation into the individual's entitlement to benefits. Nor does the complainant appear to raise any other issue concerning the manner or purpose of the collection.

The complainant's position is that the city did not have the authority to disclose the complainant's personal information to the SBT and to the individual for the following reasons:

- The complainant was no longer a recipient of OW at the time the city disclosed her personal information, but rather a recipient of ODSP;
- Any consent she provided to the disclosure and use of information at the time of the complainant's application for OW ended when she was no longer receiving OW benefits and the consent did not apply to the collection, use and disclosure of information for the purposes of investigating another individual;
- The complainant's eligibility for OW was never at issue and it was not at issue in the matter that was before the SBT;
- No person in the complainant's circumstances would foresee that her personal information might have been relevant to the eligibility of someone else;
- The information sharing arrangements that exist between the OW and the ODSB do not allow the complainant's personal information to be disclosed for the purpose of reviewing another individual's entitlement to benefits;
- As the complainant was not a party to this matter before the SBT, the city should have obtained her consent to the disclosure of her personal information or should have sought a summons to obtain the information and use it in that proceeding.

The complainant states that:

[I]t is inconceivable that [she] at any point contemplated that the City of Kingston's case presenting officer would have disclosed her information to the

Social Benefits Tribunal in a case where her rights and obligations, and more specifically her eligibility, was not in issue.

Analysis

Section 32(c) provides that institutions are permitted to disclose personal information for the same purpose for which that information was obtained or compiled or for a purpose that is consistent with that original purpose. I take note of the similar provision at section 31(b) of the *Act* which permits an institution to use personal information "for the purpose for which it was obtained or compiled or for a consistent purpose."

It is first necessary to determine the purposes for which the information was obtained or compiled. I note that the collection of the complainant's personal information on a signed consent form was for the immediate purpose of determining her eligibility for OW and subsequently to determine her eligibility for the ODSB benefit. However, the notice of collection appearing on this consent form goes on to state more broadly that "[t]his information is collected under the legal authority of the *Family Benefits Act* [], the *Ontario Disability Support Program Act* [] or the *Ontario Works Act* [] for the purpose of administering Government of Ontario Social Assistance Programs." The stated purpose of collection is thus not limited to the administration of the complainant's own claim for benefits but could extend to other benefit claimants. In addition, the form states that "inquiries may take the form of electronic data exchanges" without limitation to the complainant's own application or eligibility. Again, this indicates that the purpose of the collection is to ensure the integrity of the social benefits programs and prevent potential abuse.

In my view, the foregoing clearly indicates that the city's purpose in obtaining or compiling the complainant's personal information at the time of her application, and subsequently, included comparing or matching it with information in its possession about any other individual connected with the complainant in some way where this may affect the eligibility of either or both of them to benefits.

As noted above, the subsequent collection of the complainant's personal information by the city in the investigator's notes and other documents was for the purpose of determining the named individual's eligibility for OW under the *Ontario Works Act*. Accordingly, any disclosure of that information for the same purpose would be in compliance with section 32(c).

Following the collection of the personal information by the city, it relied on that information to conclude that the complainant and the individual were living together in the same residence and it issued its decision denying the individual benefits. The reasons for the city's decision were provided to the individual and when the individual filed an appeal with the SBT, the complainant's information was also disclosed to it.

The city's position is that the disclosure was consistent with the original purpose of the collection which was to determine the individual's eligibility for OW benefits. Upon filing an appeal with the SBT, the individual put the issue of his eligibility before the SBT. The city's disclosure to the SBT and the individual of the information it relied on to support its initial decision was reasonably compatible with the original purpose of the collection.

Having carefully considered the representations submitted by the city and the complainant, I find that the disclosure of the complainant's personal information to the individual and to the SBT was for the same purpose as that for which it was obtained by the city.

The city provided the complainant with a notice of collection at the benefit application stage stating that the purpose of collection was the administration of Ontario's social benefits programs and that data exchanges were employed for this purpose. Personal information subsequently obtained by the city in its investigation was collected for the same purpose, which now specifically included determining the named individual's eligibility for benefits. This information was disclosed by the city in the context of the SBT hearing which was mandated to consider the issue of the individual's entitlement to benefits. Therefore, I find that the purpose of the disclosure was the same as the purpose for which it was obtained, and as a result it was in compliance with section 32(c).

These findings are consistent with findings made in similar circumstances in Privacy Complaint Report I95-005P where the Workers' Compensation Board (WCB) disclosed information relating to the complainant and his benefit application to the College of Physicians and Surgeons in order to respond to a complaint filed about the WCB's physician. Like the circumstances there, the disclosure of the complainant's personal information to the SBT and the individual was to provide an appropriate and full response to the individual's appeal of the decision of the city to deny him benefits and permit the individual to know the case he had to meet. In these circumstances, I find that the city was entitled to disclose the personal information it appropriately collected for the purposes of its investigation into the individual's entitlement, even in circumstances where the personal information at issue relates to another individual – in this case, the complainant.

For all of these reasons, I find that the disclosure of the complainant's personal information to the named individual and to the SBT was consistent with the purpose for which it was obtained or compiled and was therefore in accordance with section 32(c) of the *Act*. In light of my findings that the information disclosed was personal information, and that the disclosure was in accordance with section 32(c) of the *Act*, it is not necessary to consider the complainant's argument regarding consistent purpose. It is also not necessary to consider the possible application of sections 32(b) and (d).

CONCLUSION:

I have reached the following conclusions based on the results of my investigation:

- The information in question qualifies as personal information as defined in section 2(1) of the *Act*.
- Section 51 of the *Act* applies in the circumstances of this complaint. The result is that the disclosure of personal information to the named individual and the Social Benefits Tribunal is not contrary to the *Act*.

- Regardless of my findings regarding the application of section 51, the disclosure to the named individual and to the Social Benefits Tribunal was in accordance with section 32(c) of the *Act*.

In light of the above, this file has been closed.

Lucy Costa
Investigator

June 18, 2014