



**F09-07-MS Public Scrutiny Overrides Privacy Considerations about
Job Competition Information**

For several years a public body had proactively disclosed to the union with which it had a collective agreement a list of the union members who had competed for each job competition, their seniority, the identity of the winner of the competition and his or her seniority. However, in the fall of 2007 the public body decided that for “privacy reasons” it could no longer disclose that information to the union.

Without access to the competition information, the union felt it had no way of ensuring the public body was hiring in accordance with the requirements of the collective agreement. Consequently, the union filed a grievance and made a series of access to information requests. The public body denied access, stating that the disclosure would be an unreasonable invasion of personal privacy within the meaning of section 22 of the *Freedom of Information and Protection of Privacy Act*. The union asked us to review that decision.

Section 22(2)(a) of FIPPA provides that, in determining whether disclosure of personal information would be an unreasonable invasion of privacy, a public body must take into account whether “the disclosure is desirable for the purpose of subjecting the activities of the government of British Columbia or a public body to public scrutiny”. During the mediation process we initiated in the course of our review, the public body and the union agreed that the disclosure of the limited personal information the public body had released in the past would not be an unreasonable invasion of personal privacy, taking into account section 22(2)(a), as the public interest in ensuring compliance with collective agreements are complied with outweighs the privacy interests associated with the type of personal information at issue.

The parties also agreed that the public body was authorized to proactively disclose the information because its disclosure to the union was for a use consistent with the purpose for which it was obtained, as permitted by section 33.2(a) of FIPPA.