



Office of the  
Information and Privacy  
Commissioner of Alberta

**June 4, 2012**

## **Commissioner seeks leave to appeal to the Supreme Court of Canada**

Information and Privacy Commissioner Jill Clayton will apply to the Supreme Court of Canada for leave to appeal the recent decision of the Alberta Court of Appeal in *United Food and Commercial Workers, Local 401 v. Alberta (Attorney General)*, 2012 ABCA 130.

The Court of Appeal decided that Alberta's *Personal Information Protection Act* (PIPA) is unconstitutional because it infringes the Union's Charter right to freedom of expression. The case dates back to 2006 when complaints were filed with the Commissioner's Office that the Union was videotaping and photographing people crossing a picket line during a strike. The Union said it would post the images to a website, and used some personal information in posters and leaflets. The Commissioner's Office found that the Union contravened PIPA when it dealt with personal information for purposes other than for an investigation or legal proceeding.

Commissioner Clayton says the Court's decision that PIPA is unconstitutional has significant implications for the rights of Albertans. "The decision impacts the ability of individuals to control personal information about their activities in public places. It also has broader implications for substantially similar legislation across Canada."

The Court of Appeal's decision can be viewed at [www.albertacourts.ca](http://www.albertacourts.ca).

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