

## There are limits to what personal information organizations can collect from the internet

Organizations sometimes believe that it's "fair game" to search and collect whatever personal information they want to from online sources. However, BC's [Personal Information Protection Act](#) (PIPA), which regulates the collection, use and disclosure of personal information does set some limits. With some notable exceptions, organizations should first get an individual's consent before collecting and using their information and this includes from online sources.<sup>1</sup> Even with consent, organizations still cannot collect or use personal information for an unreasonable purpose.

A good example of the limits of online collection can be found in our investigation of a company called Clearview AI. The [report](#), which we co-authored with other privacy regulators in Canada, found that the organization broke BC and Canadian privacy laws when it collected and copied online images of individuals to create a mass surveillance tool to sell to police. This is because Clearview AI did not get consent from the individuals to copy their images. Moreover, even if they had obtained consent, the purpose for which they wanted to use the images was not reasonable.

## Personal information that organizations can usually collect online

Not everything online is off limits for organizations to collect. PIPA allows organizations to collect "prescribed" sources of information *without* the consent of the individual the information is about. Section 6 of PIPA's [Regulation](#) sets out what the "prescribed" sources are. They include telephone directories, professional directories, government registries, and electronic publications like online newspapers. However, they do not include social media.

## Examples of personal information that can be collected online

### 1. Organizations can always collect business contact information

Under PIPA, personal information does not include information used to contact someone at a place of business, including contact information collected from social media or other online sources. This means organizations may freely collect this information, because PIPA does not apply to it.

---

<sup>1</sup> Keep in mind that viewing personal information qualifies as "collecting" it under PIPA ([Order P10-01](#)).

## 2. Employee background information as described below

[PIPA](#) allows organizations to collect employee or volunteer personal information *without consent* if the collection is reasonable for the purposes of establishing, managing or terminating an employment relationship. Before organizations collect this information, they must notify the individual about the purposes for the collection before collecting it, unless PIPA otherwise authorizes the collection without consent. For example, an employer could search a directory of a regulated profession to confirm the individual is a member in good standing.

Information typically found on social media rarely meets the high standard of being reasonable for the purpose of establishing, managing or terminating an employment relationship. Additionally, employers risk collecting inaccurate information from social media. The best practice is to limit collection of information to sources that are provided or authorized by the individuals being considered. This is especially the case in hiring decisions where there is no substitute for carefully canvassing references provided by applicants.

## 3. Tenant background checks

Landlords may collect personal information about a prospective tenant with their consent, or without consent if the information is from a prescribed source (like a newspaper), or if PIPA otherwise authorizes the collection without consent. In all cases, the collection of the information must be for a reasonable purpose. For example, a landlord might use a directory to confirm a prospective tenant's current address. For detailed information about landlords and tenants, please see our guide; [Private Sector Landlord and Tenants](#).

Whether an organization is evaluating a prospective tenant or employee, to stay within the requirements of PIPA, it is best to collect information directly from the applicant, or from other reasonable sources with that individual's consent.

### Other things organizations should know when collecting information online

- If an organization uses personal information to make a decision about an individual, PIPA requires that they keep that information for at least one year so that the individual has a reasonable opportunity to obtain access to it ([Section 35](#)).
- Individuals have a right under PIPA to ask organizations how they have used their personal information. The practice is for organizations to be ready at any time to answer this question.

*These guidelines are for information purposes only and do not constitute a decision or finding by the Office of the Information and Privacy Commissioner for British Columbia. These guidelines do not affect the powers, duties, or functions of the Information and Privacy Commissioner regarding any complaint, investigation, or other matter under FIPPA or PIPA.*