

Bulletin 2010-43

December 9, 2010

Removal of Personal Information Contained in Well Drilling and Completions Daily Operations Reports (Tour Reports)

Under Section 12.010 of the *Oil and Gas Conservation Regulations (OGCR)* and *Directive 059: Well Drilling and Completion Data Filing Requirements*, the Energy Resources Conservation Board (ERCB) requires licensees and/or their representatives to maintain and file records of daily operations (also known as tour reports) for wells that are in the process of being drilled, completed, reconditioned, or abandoned. Tour reports must contain the information prescribed in Appendix 3 of *Directive 059*.

Recently the ERCB discovered several tour reports that contained personal information other than the name and contact information of the person who submitted the report. The personal information contained in tour reports submitted by industry to the ERCB is not mandated in the *OGCR* or *Directive 059* and is not included as a result of or in response to any ERCB requirement.

Licensees and their representatives who include personal information in tour reports submitted to the ERCB may be in violation of applicable privacy legislation (including the *Personal Information Protection Act*) and may be subject to review by the Office of the Information and Privacy Commissioner of Alberta or by the Privacy Commissioner of Canada.

The ERCB is not permitted to collect or disclose personal information except in compliance with the *Freedom of Information and Protection of Privacy (FOIP) Act*. As most personal information included by licensees in tour reports is not mandated by ERCB requirements, the ERCB cannot accept or disclose tour reports containing such personal information.

Effective immediately, the ERCB will not accept tour reports that contain personal information (as defined in Section 1(n) of the *FOIP Act*; see attachment) that is not required by the ERCB. Licensees and other submitters of tour reports must submit only the information prescribed in Appendix 3 of *Directive 059* and must remove all personal information from tour reports (except the name and contact information of the person submitting the report) prior to submission to the ERCB. Parties submitting tour reports to the ERCB for filing must confirm on the tour report submission cover sheet that the tour report does not contain personal information that is not required by the ERCB.

Types of personal information that have been found in tour reports include

- social insurance numbers and employee financial and payroll information,
- information relating to employee performance or other employment-related information (resignation, termination, performance comments),
- comments or information relating to an incident or operations at a site that reveal an individual's personal information (including medical information), and
- information relating to discussions with or concerns raised by landowners.

A list of the crew members conducting operations on site may be included in the tour report submission. However, no other personal information about these individuals should be provided.

Licensees are reminded that the ERCB may take enforcement action against any licensee that fails to remove personal information from a tour report and the licensee will be required to submit the revised report in compliance with *Directive 059*.

Paper copies of the reports must be sent to the ERCB Core Research Centre, 3545 Research Way N.W., Calgary, Alberta, T2L 1Y7, where they will be made available for public viewing and copying.

For more information, contact Kevin Kardelis by phone at 403-297-7188 or by e-mail at kevin.kardelis@ercb.ca.

Cindy Seibel
CIO and Executive Manager

Attachment

Attachment

Definition of Personal Information

1(n) “personal information” means recorded information about an identifiable individual, including

- (i) the individual’s name, home or business address or home or business telephone number,
- (ii) the individual’s race, national or ethnic origin, colour or religious or political beliefs or associations,
- (iii) the individual’s age, sex, marital status or family status,
- (iv) an identifying number, symbol or other particular assigned to the individual,
- (v) the individual’s fingerprints, other *biometric information, blood type, genetic information or inheritable characteristics,
- (vi) information about the individual’s health and health care history, including information about a physical or mental disability,
- (vii) information about the individual’s educational, financial, employment or criminal history, including criminal records where a pardon has been given,
- (viii) anyone else’s opinions about the individual, and
- (ix) the individual’s personal views or opinions, except if they are about someone else; . . .

Business Card Exception

Disclosure of personal information

40(1) A public body may disclose personal information . . .

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(bb.1) if the personal information is information of a type routinely disclosed in a business or professional context and the disclosure

- (i) is limited to an individual’s name and business contact information, including business title, address, telephone number, facsimile number and e-mail address, and
- (ii) does not reveal other personal information about the individual or personal information about another individual, . . .