



November 4, 2009

New guidelines to assist bar owners on collection of personal information

Amendments to the *Gaming and Liquor Act* (GLA) officially became law in Alberta this week. The GLA now explicitly authorizes bar operators to collect a patron's name, age and photograph to decide whether or not to allow that patron to enter the premises. This same information can be shared with other bar owners in certain circumstances.

Bar owners are not required to collect this personal information of patrons; however, if they choose to do so, they must comply with the provisions of the *Personal Information Protection Act* (PIPA). The Office of the Information and Privacy Commissioner has developed guidelines to assist bar operators in understanding their duties and obligations under PIPA when collecting, using, disclosing and generally handling personal information of patrons.

Information and Privacy Commissioner Frank Work urges bar operators to use caution in collecting personal information of patrons, and to carefully review the information provided in the guidelines. "This is serious stuff and bar operators must ensure they are behaving properly and responsibly, and that only those who truly deserve to be excluded are placed on any kind of 'bad guy' list."

"Making Alberta communities safer is one of this government's main priorities and the goal behind these amendments," said Fred Lindsay, Solicitor General and Minister of Public Security, responsible for the Alberta Gaming and Liquor Commission (AGLC). "Albertans should take comfort in knowing the police can help protect them by removing individuals who don't respect the law from establishments before a dangerous situation occurs."

A full copy of the guidelines can be accessed at the Office of the Information and Privacy Commissioner's website at www.oipc.ab.ca. A summary of the guidelines are attached as an At a Glance backgrounder.

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Bars and nightclubs collecting personal information

The *Gaming and Liquor Act* allows licensed premises to collect limited personal information from patrons. Should a licensee use scanning technology to collect a patron's name, age and photograph, the technology must be programmed to collect only this limited, specific information. Otherwise, it is against the law to scan or photocopy the entire face of a patron's driver's licence or other identification as a condition of allowing them to enter the licensed premises.

A licensee may examine identification to confirm the age of a patron and may collect a patron's name, photograph and age under the *Gaming and Liquor Act*. A licensee is not required to collect this information. It is discretionary.

A licensee can deny a person entry if they refuse to produce identification verifying their name and age, or if a person refuses to allow a photograph to be taken.

If a licensee does collect personal information, it may only be used to decide whether to let a person into the premises. Use for any other purpose would have to be reasonable and would require consent from the patron.

A licensee can disclose the information they collect:

1. to other licensees, if the licensee reasonably believes a patron has broken a law;
2. to other licensees, if a patron is a threat to others; and
3. to a police officer, upon request.

Other licensees may then use the information to decide whether or not to allow a specific person onto their premises, and for no other purpose.

A licensee must tell patrons why the information is being collected. This can be done using a sign.

Once it is collected, the licensee is responsible for protecting the information against loss, theft, or improper use. Access to the information should be restricted to those who need to know.

A licensee must give a person access to the information it has collected about that person. If someone asks, they should be directed to an employee of the licensee who can assist them.