



The Personal Investigations Act

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In today's world, much of our legislation is necessary, but also necessarily complicated and maybe even obtuse. The Personal Investigations Act in Manitoba dates from 1995. Its depth cannot be fully explored in this short space, however, some basics are in order.

A "user" and "personal reporter" must follow strict guidelines in conducting a "personal investigation" of someone. This type of investigation means someone inquiring about information from sources other than the subject for purposes relating to credit, insurance, employment or tenancies.

No one can conduct a personal investigation without the subject's consent, except the Act does not apply to:

1. Provincial or municipal governments (except if for credit, jobs, insurance or tenancies);
2. Police officers acting on duty;

3. Corporations and Partnerships;
4. Company or Partnership due diligence on new owners;
5. Life insurance applications exceeding \$25,000.00.

No report can contain information regarding race, religion, ethnicity, or political ties unless supplied voluntarily by the subject. Neither can it contain information relating to first time bankruptcies over six years old; statute-barred writs, debts, or judgments; writs older than twelve months that are not updated as to status; and any other negative information more than six years old (unless voluntarily supplied); and any other information that is not corroborated (verified).

The writer of a personal report cannot knowingly divulge a report's contents other than to the user (customer or buyer of the report), the assignee of credit, insurance or tenancy contracts, or federal, provincial and municipal governments and police officers, or the subject of

the report if he or she asks for it.

If a personal report results in a benefit being denied, say insurance coverage, the subject has to be advised of the denial within ten days and the right to be advised of information in the report within thirty days. Important here is the right of the subject to get the source and detail of certain information, the nature of certain information, and the right to protest same. You generally cannot ask a personal reporting agency for your personal information more often than every six months.

Where a subject protests any information in the file, a statement of protest can be filed with the user of the report, who must then act on the protest by trying to verify the information. If it cannot be verified, the information must be dumped. If it is verified, it stays along with the protest. This is then reported to the subject and any user of that file information.

If the subject is still unhappy about the statement of protest

procedure results, he/she can appeal to the Director under the Act who will review, decide and direct any action to be taken.

It is an offence to breach the Act. It is illegal to agree or conspire to defeat the provisions of the Act. It is an offence to supply fake or misleading information knowingly.

Those liable to follow the Act cannot be sued civilly unless they reasonably should have known information was false or they obtained it negligently.

To investigate any complaint under the Act, the Director has full access to the documents of the user and reporter of the information relating to the subject.