



Office of the
Information and Privacy
Commissioner of Alberta

February 23, 2010

Mark's Work Wearhouse investigated under the Personal Information Protection Act

The Office of the Information and Privacy Commissioner has found that Mark's Work Wearhouse (MWW) contravened the *Personal Information Protection Act* (PIPA) when the organization conducted pre-employment credit checks for its job applicants.

The complainant had applied for a job with MWW as a sales associate. During the complainant's in-person interview with the organization he signed a declaration of understanding for a credit check. Shortly after the interview he was contacted by MWW and asked to explain his credit rating and how he was resolving his credit issue. The complainant explained to MWW that in the past an error in processing his paper work between the federal government and his bank concerning his student loans had occurred. Due to a lack of financial resources he could not resolve the matter. The complainant was unsuccessful in obtaining the sales associate position with MWW.

MWW advanced that the organization conducted a pre-employment credit check in regard to the complainant as the information provides an assessment of how job applicants will handle financial responsibilities and tasks with their employment duties as a sales associate; and it is an assessment of whether the job applicants have a probable risk of in-store theft or fraud.

The investigator found that the personal credit information collected by MWW was not reasonably required to assess the complainant's ability to perform the duties a sales associate, or to assess whether he might have a tendency towards committing in-store theft or fraud.

MWW agreed to cease the collection of personal credit information of sales associate applicants as part of its hiring process.

