



Office of the
Saskatchewan Information
and Privacy Commissioner

Annual Report

2023-2024

Change

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Office of the
Saskatchewan Information
and Privacy Commissioner

June 20, 2024

Hon. Randy Weekes
Speaker of the Legislative Assembly
129 Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Mr. Speaker:

I am pleased to present my tenth and last Annual Report as Information and Privacy Commissioner for Saskatchewan. I have prepared this Annual Report in accordance with the provisions of subsection 62(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP), subsection 52(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) and subsection 60(1) of *The Health Information Protection Act* (HIPA).

I would like to thank you, former Speakers, and the Board of Internal Economy for their support over the last 10 years. I also wish them good luck and wise discernment in selecting the next Information and Privacy Commissioner.

I thank the Members of the Legislative Assembly for their support of my office. Going forward, I ask for their support in modernizing the legislation.

I also thank the staff and former staff of my office for their hard work over the last 10 years in bringing us to issuing reports in less than 180 days.

Respectfully submitted,

Original signed by
Ronald J. Kruzeniski, K.C.
Information and Privacy Commissioner

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Commissioner's Message

Legislation

The FOIP Act is over 32 years old, the LA FOIP Act is over 31 years old and HIPA is 21 years old. In this, my last Annual Report, I hope to outline the road ahead in terms of legislative change. It is my hope that the Legislative Assembly will, in the years ahead, adopt many of the proposals contained in this Annual Report.

Security

Media reports in our country highlight cybersecurity attacks happening on a regular basis. Those attacks come from within our country or from other countries around the world. There is a need for every government institution, local authority and health trustee to bolster its security protection of its systems and to remain vigilant regarding the risks of cybersecurity attacks. An important part of this alertness is having mandatory annual privacy training for each employee in an organization.

Changes in the last 10 years

As this is my last Annual Report, I have reflected back on the changes and progress my office has made in the last 10 years. With the help of staff, past and present, my office has issued over 1100 reports. We have created a *Guide to FOIP* and a *Guide to LA FOIP* which help citizens and public bodies know what my office expects when we conduct a review or an investigation. We have also developed a website which we treat as our primary educational tool, and we attempt to keep the home page and all resources as up to date as we can. Finally, I have developed *Rules of Procedure* which is intended to help citizens, public bodies and trustees understand the procedures my office follows when conducting a review or an investigation. My hope is that all of this will assist those dealing with my office to know what to expect.

Artificial Intelligence

Artificial Intelligence (AI) has captured the imagination of many. Some point to the benefits of AI and others point to the risks of bias, discriminations and hallucinations. It would appear the developments in this area over the next few years may be nothing but astounding. It is incumbent on all of us who are interested in the protection of privacy to monitor developments, analyze the benefits and attempt to mitigate the risks.

Ronald J. Kruzeniski, K.C.
Information and Privacy Commissioner



Acknowledgement

I acknowledge my office operates on the lands of the First Nations who signed treaties 2, 4, 5, 6, 8, 10 and on the lands of the Metis.



*Map developed by the Treaty Commissioner of Canada.

About Us

The Office of the Saskatchewan Information and Privacy Commissioner (IPC) is an independent office of the Saskatchewan Legislative Assembly. It oversees three Saskatchewan statutes:

- *The Freedom of Information and Protection of Privacy Act (FOIP)*
- *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*
- *The Health Information Protection Act (HIPA)*



FOIP, LA FOIP and HIPA establish the access to information and privacy rights of citizens.

Our Mission

To ensure that access to information and privacy rights in Saskatchewan are respected.

Our Mandate

The IPC ensures that public bodies respect the privacy and access rights of the citizens of Saskatchewan by:

- Informing members of the public of their information rights.
- Resolving access and privacy disputes between individuals and public bodies.
- Making recommendations on appeals from access to information decisions by public bodies.
- Investigating and resolving privacy complaints.
- Issuing recommendations on public bodies' policies and practices
- Commenting on proposed laws, policies and practices.

Accomplishments 2023-2024

Education and Awareness

Goals	Accomplishments
Update our website and resources to ensure that they provide citizens, public bodies and health trustees with the latest information.	The website and resources were updated, and the plan is to continue to do this in the coming year.
Update the IPC <i>Guide to FOIP</i> , Chapters 3 and 4.	Chapters 3 and 4 updated in the IPC <i>Guide to FOIP</i> .
Update the IPC <i>Guide to LA FOIP</i> , Chapters 3 and 4.	Chapters 3 and 4 updated in the IPC <i>Guide to LA FOIP</i> .
Begin redevelopment of the <i>Guide to HIPA</i> , including a completion of Chapters 1 and 2.	Work began on updating the <i>Guide to HIPA</i> and will continue in the coming year.
Promote mandatory annual access, privacy and security training for employees within public bodies and health trustees.	Continue to promote mandatory training in reports and correspondence and will continue to do so in the coming year.
Promote public bodies and health trustees in making full use of their website to provide citizens with information and documents; and promote legislation requiring documents and information to be posted on an organization's website.	Continue to promote making full use of website to provide citizens with information and documents.
Promote government institutions, local authorities and health trustees improving the security of their electronic systems to reduce the risk of a breach.	Major portion of the 9 th Annual Report. We continue to promote improving the security of electronic systems.
Promote public bodies and health trustees developing a plan for random auditing of access to their systems.	Continue to promote organizations developing a plan for random auditing to their systems.

Navigating in a Digital World

Goals	Accomplishments
Promote the need for a Digital Credentials initiative in the province.	Continue to encourage the Government of Saskatchewan to begin a digital ID project.
Promote the elimination of traditional fax machines in the health sector.	18 new Investigation files opened, and two Reports were issued recommending a transition from communication by fax in the health care sector.

Advocating for Improvement

Goals	Accomplishments
Develop proposals for the modernization of FOIP and LA FOIP.	Proposals for legislative change developed and are contained in this Annual Report.
Develop proposals for the modernization of HIPA.	Proposals for legislative change developed and are contained in this Annual Report.
Request HIPA Regulation amendments including broadening the definition of "trustee."	Regulation amendments under HIPA effective August 1, 2023, including expanded definition of trustee.
Request regulation amendments to FOIP and LA FOIP including broadening the lists of government institutions or local authorities.	Request made.
Promote that all non-governmental organizations who receive government or local authority funds will be subject to Part IV of FOIP or LA FOIP (Protection of Privacy).	Continue to propose and suggest amendments to <i>The Saskatchewan Employment Act</i> .
Promote professional regulatory bodies utilizing their websites to provide documents and information to citizens.	Continue to promote the use of websites.
Promote independent schools be treated like school boards and made local authorities.	Continue to promote that independent schools be treated like school boards and will continue to promote in the coming year.

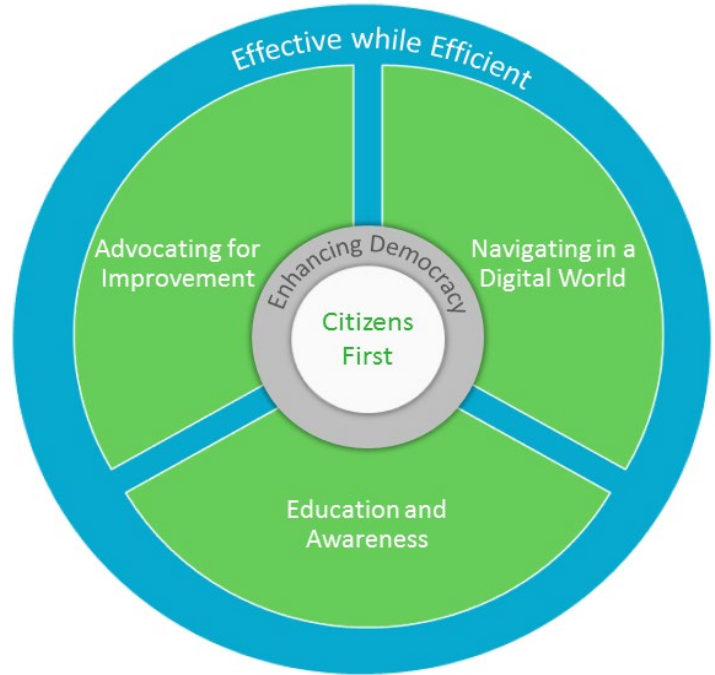
Efficient While Effective

Goals	Accomplishments
Enhance the security protection afforded to the office’s extremely confidential case files.	Continue to enhance security of the office’s system and will continue to do so in the coming year.
With an aim to continuous improvement, streamline our processes to issue our reports or close files faster.	Updated the <i>Rules of Procedure</i> to deal with expedited procedure and continue to use workflow functionality to complete them faster.
Provide summary advice to questions posed by citizens, public bodies and health trustees within 72 hours, 90% of the time.	Provided summary advice within 41.52 hours , 100% of the time.
After initial contact, setup file, explore early resolution and discontinue or assign to an Analyst within 30 calendar days.	Files are closed or assigned to an Analyst within 32.48 days .
Issue a Review Report or resolve a matter on review of an access request within 180 calendar days.	Issued a Review Report or resolved a matter within 107.08 days and the target will be reduced to 150 days for coming year.
Issue a Review Report or resolve a matter on a review of failure to meet legislative timelines, inadequate search, or fees within 90 calendar days.	This goal was added mid-year and the office issued or closed these expedited files within 34.46 days .
Issue an Investigation Report or resolve a matter regarding a breach of privacy within 180 calendar days.	Issued an Investigation Report or resolved a matter within 111.51 days and lowering the target to 150 days in the coming year.
Complete or close a consultation file within 30 calendar days.	Completed and closed a consultation file within 11.63 days .
Complete or close an application to disregard within 30 calendar days.	Completed and closed a disregard file within 11.78 days .

The Plan 2024-2025

Citizens First

Core to our work is that we support access to records as requested by citizens in a timely manner and promote protection of the privacy of those citizens wherever required. All other objectives in this document are intended to enhance and protect the rights of citizens to obtain information.



Enhancing Democracy

The freedom of information legislation in the province enshrines the principle that citizens should have access to information collected and generated by organizations supported by taxpayer dollars.

Education and Awareness

Goals

- Update our website and resources to ensure that they provide citizens, public bodies and health trustees with the latest information.
- Continue to update the IPC *Guide to FOIP*, and IPC *Guide to LA FOIP*.
- Develop Chapters 1 and 2 of the IPC *Guide to HIPA*.
- Promote mandatory annual access and privacy training for employees within public bodies and health trustees.
- Promote public bodies and health trustees in making full use of their website to provide citizens with information and documents and promote legislation requiring documents and information to be posted on an organization’s website.
- Comment on legislation introduced in the Legislative Assembly and regulations passed by Cabinet that have an impact on either access or privacy.
- Implement procedures and allocate resources to manage the expanded definition of “trustee” under the HIPA regulations.

Navigating in a Digital World

Goals

- Promote the release of digital information from public bodies in accordance with open government principles.

Promote government institutions and local authorities when responding to access requests that they issue the information in the format requested by the applicant.

Promote ways for public bodies and health trustees to deliver electronic information securely.

Promote the need for a Digital ID initiative.

Promote the elimination of traditional fax machines in the health sector.

Promote that government institutions, local authorities and health trustees carefully analyse the use of artificial intelligence in products they develop or acquire from service providers.

Advocating for Improvement

Goals

Promote the modernization of FOIP and LA FOIP as outlined in this [Annual Report](#).

Promote the modernization of HIPA as outlined in this [Annual Report](#).

Promote regulation amendments to FOIP and LA FOIP including broadening the lists of government institutions or local authorities.

Promote that all non-governmental organizations who receive government or local authority funds will be subject to Part IV of FOIP or LA FOIP (Protection of Privacy).

Promote regulatory bodies utilizing their websites to provide documents and information to citizens.

Promote amendments to *The Saskatchewan Employment Act* that would give employees who do not have protection of their personal information, protection under that Act.

Efficient while Effective

Goals

Enhance the security protection afforded to our extremely confidential case files.

Manage the caseload so that citizens obtain the results outlined below.

Resolve a matter by early resolution within 30 calendar days.

Issue a Review Report or resolve a matter on a review of failure to meet legislative timelines, inadequate search or fees within 90 calendar days.

Issue a Review Report or resolve a matter on a review of an access request within 150 calendar days.

Issue an Investigation Report or resolve a matter regarding a breach of privacy within 150 calendar days.

Complete or close a consultation file within 30 calendar days.

Complete or close an application to disregard within 30 calendar days.

Implement two releases of the office's case management software.

With an aim to continuous improvement, streamline processes to issue reports or close files faster.

Provide summary advice to questions posed by citizens, public bodies and health trustees on average, within 3 business days. .

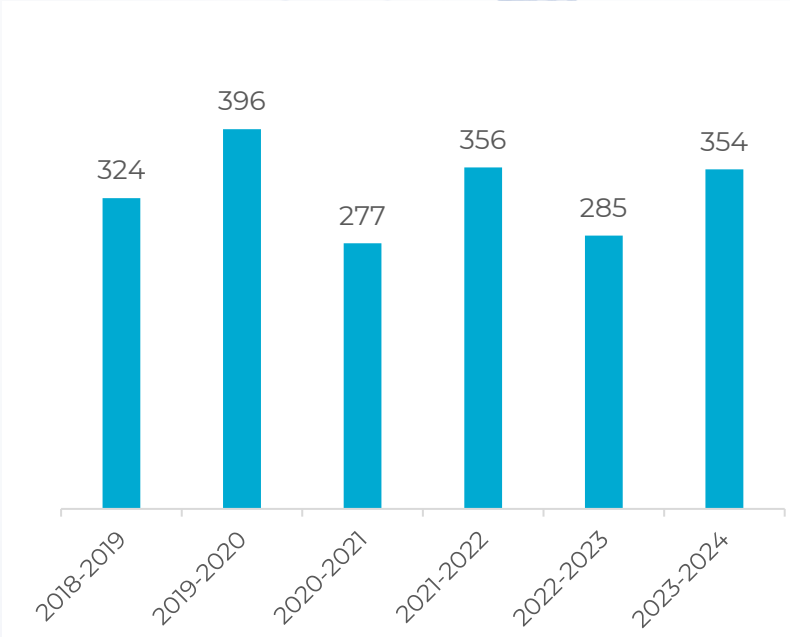
Files and Reports

In 2023, my office has been successful in closing many files and the files per analyst have decreased. The office has observed a notable decline in the number of days to issue a report. We have exceeded our target of 180 days and are reducing our target to 150 calendar days for 2024-2025.

Over the last number of years, I have asked the board for funding to hire more staff. I thank the board for their support over the past number of years. I believe we are currently at the right number of staff and can manage the caseload effectively. As of June 13th, 2024, we are issuing all reports within 150 days or less. As such, we will revisit this target over the course of the next few months to see if a further reduction is warranted.

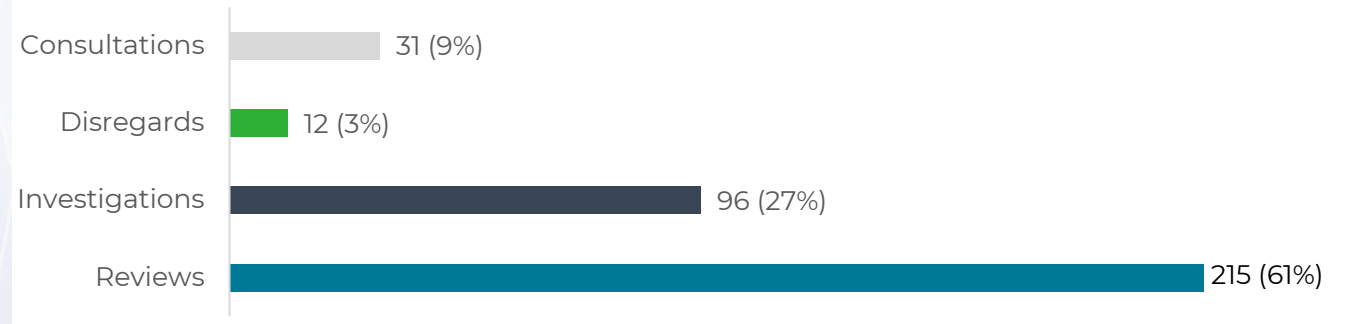
Files Opened

In 2023-2024, my office saw an increase in new case files from last year, but the office is able to manage that increase.



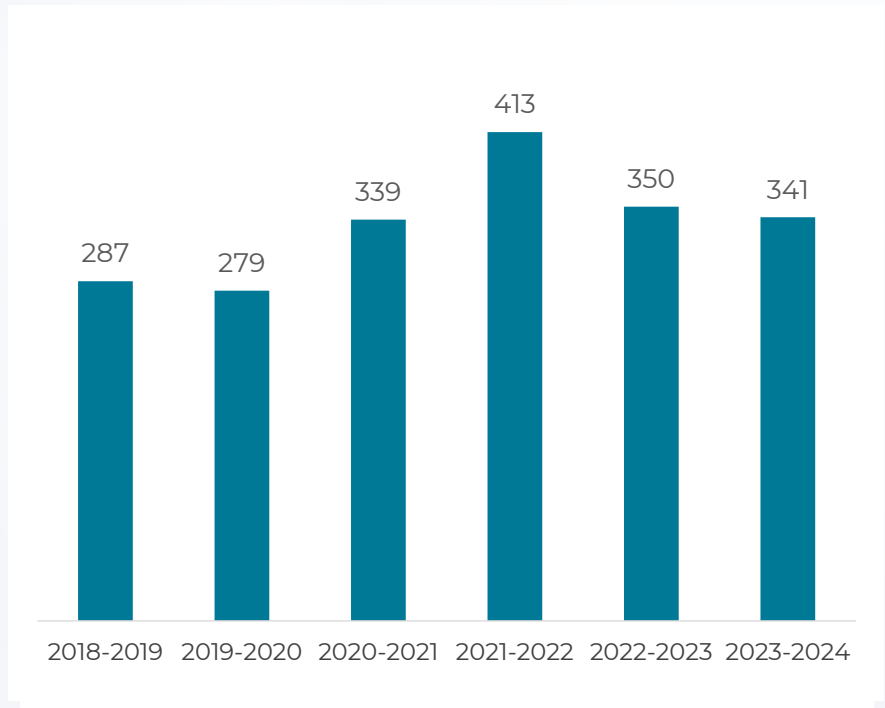
Types of Files Opened

61% of the files opened involved asking the office to do a review of the decision of a head relating to an access to information request and 27% involved files where my office was investigating a breach.



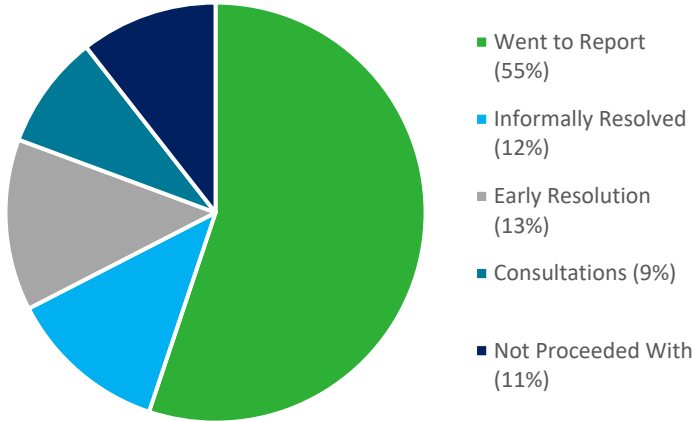
Files Closed

My office has seen some fluctuation in the past 6 years regarding file closures. Although my office opened more files than we closed in the 2023-2024 fiscal year, our file closures are still above the overall 6-year average.



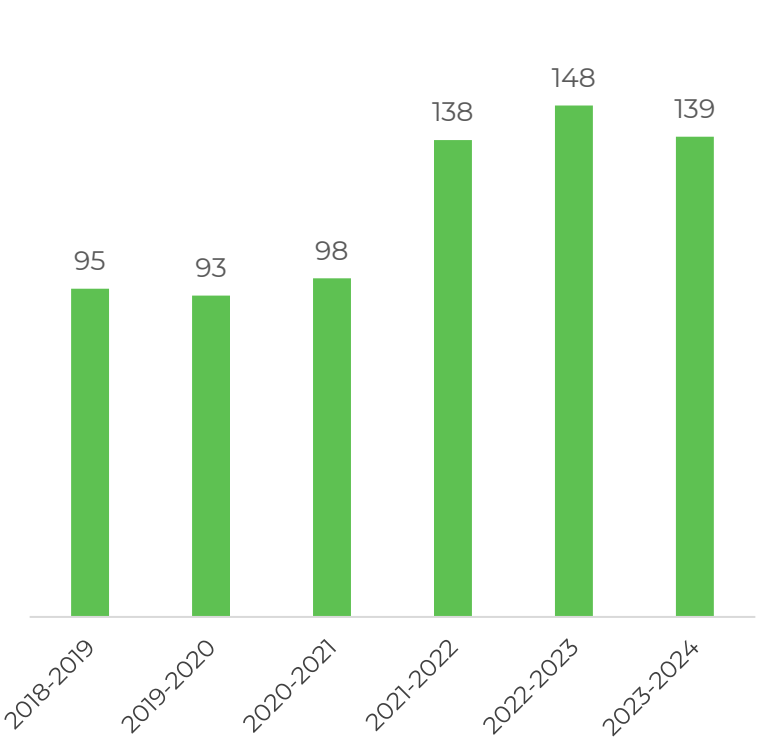
Resolution of Files

55% of review and investigation files resulted in a report, while the remainder were resolved in other ways.



Reports Issued

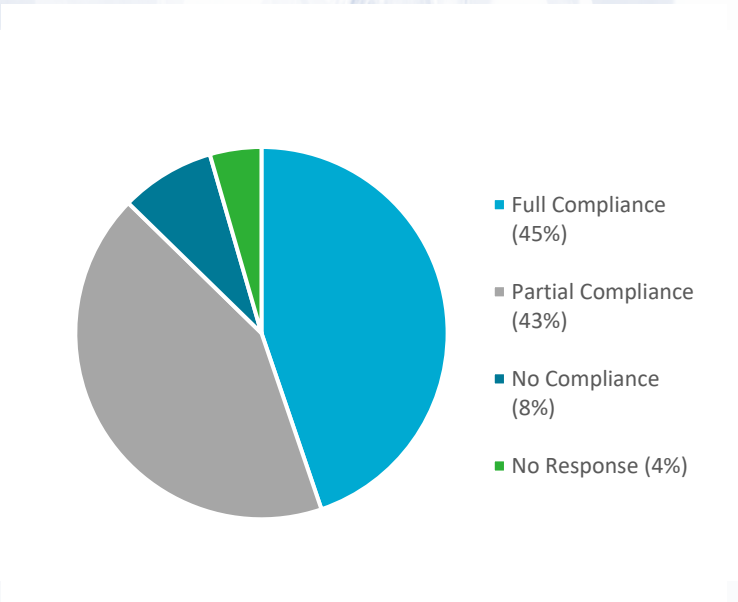
My office, during this year, issued 139 reports which includes reviews, investigations and disregard decisions.



Compliance with Recommendations

The office issued 134 review and investigation reports in the 2023-2024 fiscal year. A public body or trustee is required to respond to the recommendations within 30 days of receiving the report.

This is a chart showing the percentage of reports where there is full compliance, partial compliance, no compliance, and where no response was received. 45% of public bodies and health trustees were in full compliance with the recommendations.



My office is obligated to report on the recommendations that were not complied with - see FOIP, subsection 62(2); LA FOIP, subsection 52(2); and HIPA, subsection 60(2). Failure to respond to a report is considered to be non-compliance. On the following pages are three tables; the first table lists those public bodies and trustees that responded to a report with no compliance, the second table lists those public bodies and trustees that responded to a report with partial compliance, the third table lists those public bodies and trustees that did not respond at all.

NO COMPLIANCE		
Government Institution	Report #	Recommendation(s) not complied with*
Executive Council	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Ministry of Advanced Education	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[42]

Ministry of Agriculture	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Ministry of Corrections, Policing & Public Safety	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Ministry of Energy and Resources	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Ministry of Environment	Review Report 053-2023, 054-2023, 055-2023, 056-2023	[43], [44]
Ministry of Environment	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Ministry of Finance	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Ministry of Government Relations	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Ministry of Immigration and Career Training	Review Report 078-2023, 092-2023, 093-2023	[27]
Ministry of Immigration and Career Training	Review Report 120-2023	[43], [44], [45]
Ministry of Immigration and Career Training	Review Report 128-2023	[29]
Ministry of Immigration and Career Training	Review Report 259-2022	[34]
Ministry of Justice and Attorney General	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Ministry of Labour Relations and Workplace Safety	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Ministry of Parks, Culture & Sport	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]

Ministry of SaskBuilds and Procurement	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Ministry of Trade and Export Development	Review Report 244-2023 to 250-2023, 252-2023 to 257-2023	[41]
Saskatchewan Telecommunications	Review Report 205-2023	[44]
Saskatchewan Power Corporation	Review Report 270-2023	[22]
Water Security Agency	Review Report 026-2023	[18]
Local Authority	Report #	Recommendation not complied with
Saskatchewan Health Authority	Review Report 009-2023	[118]
Town of Radisson	Review Report 125-2023	[26]

PARTIAL COMPLIANCE

Government Institution	Report #	Recommendation(s) not or partially complied with*
Executive Council	Investigation Report 043-2023, 044-2023	[51]
Ministry of Corrections, Policing & Public Safety	Investigation Report 197-2022, 215-2022	[62]
Ministry of Corrections, Policing & Public Safety	Review Report 160-2023	[27]
Ministry of Corrections, Policing & Public Safety	Review Report 161-2023	[186]
Ministry of Corrections, Policing & Public Safety	Review Report 188-2023, 192-2023, 206-2023	[50]

Ministry of Education	Review Report 217-2022	[76]
Ministry of Education	Review Report 318-2023	[99]
Ministry of Environment	Review Report 220-2022, 255-2022	[110], [111]
Ministry of Environment	Review Report 171-2023	[104]
Ministry of Environment	Review Report 203-2023	[57]
Ministry of Finance	Review Report 101-2023	[120]
Ministry of Health	Review Report 185-2022	[85], [86]
Ministry of Health	Review Report 063-2023	[26]
Ministry of Health	Review Report 232-2023	[96]
Ministry of Health	Review Report 288-2023	[57]
Ministry of Health	Review Report 317-2023	[170], [171], [172], [173], [174]
Ministry of Immigration and Career Training	Investigation Report 032-2023	[71]
Ministry of Immigration and Career Training	Investigation Report 061-2023, 087-2023	[56], [57], [59]
Ministry of Immigration and Career Training	Review Report 119-2023	[50]
Ministry of Immigration and Career Training	Review Report 191-2023	[56]
Provincial Capital Commission	Review Report 181-2022, 182-2022	[157]
Public Complaints Commission	Review Report 109-2023, 144-2023	[74]

Public Service Commission	Review Report 168-2023	[90]
Saskatchewan Government Insurance	Review Report 060-2023	[23]
Saskatchewan Health Authority	Review Report 017-2023	[127]
Saskatchewan Housing Corporation	Review Report 141-2023	[181]
Saskatchewan Legal Aid Commission	Review Report 148-2023	[82]
Saskatchewan Liquor and Gaming Authority	Investigation Report 043-2023, 044-2023	[50]
Local Authority	Report #	Recommendation not or partially complied with
City of Regina	Review Report 152-2023	[103], [104], [105]
Chinook School Division No. 211	Review Report 237-2023	[48]
Downtown Saskatoon Business Improvement District	Review Report 176-2023	[30]
North East School Division No. 200	Review Report 018-2023	[168], [170]
Prairie Spirit School Division No. 206	Review Report 232-2022	[72]
Prince Albert Police Service	Review Report 250-2022	[70]
Regina Police Service	Review Report 238-2023	[52]
Regina Police Service	Review Report 293-2023	[65], [66]

RM of Rosthern No. 403	Review Report 188-2022	[140], [141], [143], [144], [145], [146]
RM of Rosthern No. 403	Review Report 001-2023	[47], [48]
Saskatchewan Health Authority	Review Report 022-2023, 028-2023	[117], [118], [119]
Saskatchewan Health Authority	Review Report 132-2023	[67], [68]
Saskatchewan Health Authority	Review Report 138-2023	[26]
Saskatoon Police Service	Review Report 020-2023	[37]
Saskatoon Police Service	Review Report 094-2023	[19]
Saskatoon Police Service	Review Report 122-2023	[108]
Saskatoon Police Service	Review Report 210-2023	[31]
Saskatoon Police Service	Review Report 239-2023	[78], [79], [80], [81], [82]
Saskatoon Police Service	Review Report 245-2022	[73]
Saskatoon Police Service	Review Report 254-2022	[135]
South East Cornerstone School Division No. 209	Investigation Report 200-2023	[86], [88]
Town of Fort Qu'Appelle	Review Report 204-2023	[61]
Town of Langham	Review Report 003-2023	[63]

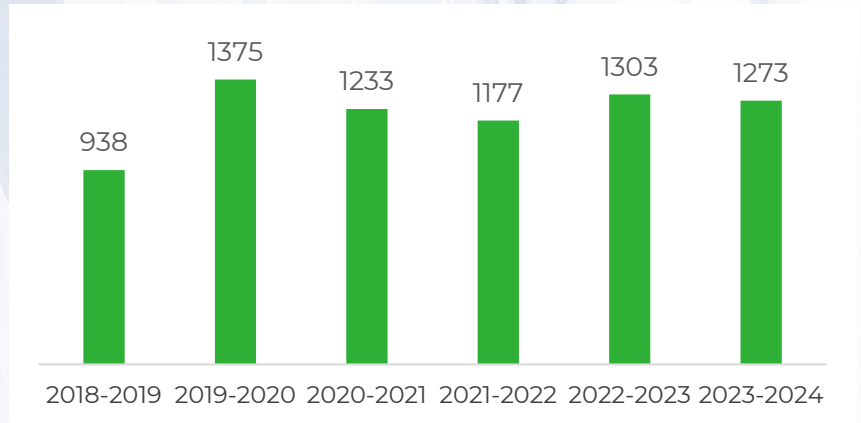
Town of Langham	Review Report 012-2023	[31]
University of Regina	Review Report 153-2023	[48]
Trustee	Report #	Recommendation not or partially complied with
Ministry of Health	Investigation Report 164-2023, 226-2023, 227-2023, 228-2023, 229-2023, 268-2023, 274-2023, 275-2023, 277-2023, 278-2023, 279-2023, 280-2023, 299-2023, 308-2023	[127] a)
Public Service Commission	Investigation Report 212-2022	[30]
Saskatchewan Coroners Service	Review Report 070-2023	[46]
Saskatchewan Coroners Service	Review Report 071-2023	[49]
Saskatchewan Health Authority	Investigation Report 164-2023, 226-2023, 227-2023, 228-2023, 229-2023, 268-2023, 274-2023, 275-2023, 277-2023, 278-2023, 279-2023, 280-2023, 299-2023, 308-2023	[113], [115], [116],
Saskatoon Smiles Dental Group/Studio, Dr. Wes Antosh	Investigation Report 014-2023, 015-2023	[60], [61]

NO RESPONSE RECEIVED

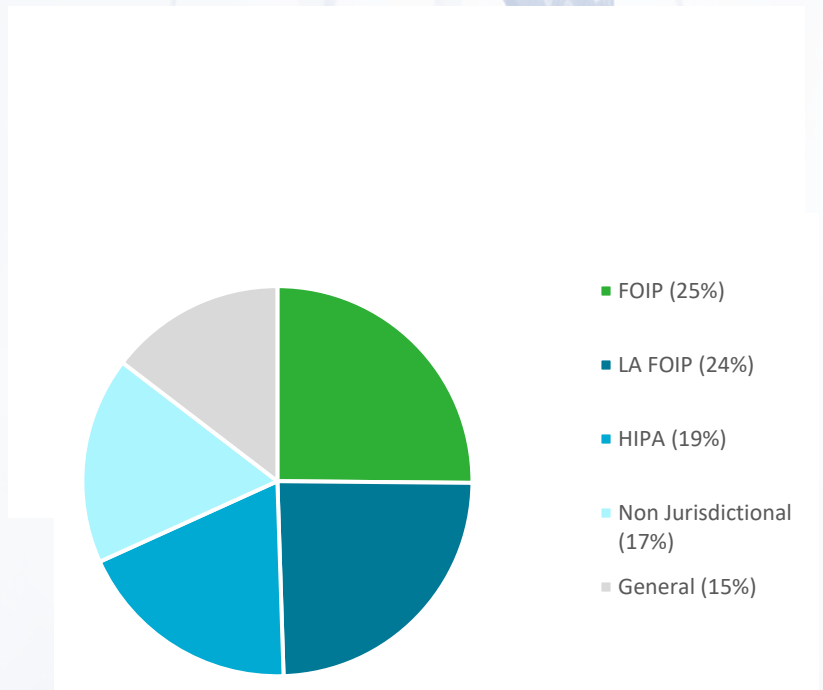
Government Institution	Report #	Recommendation(s) not complied with*
Ministry of Corrections, Policing & Public Safety	Review Report 024-2023	[75], [76], [77]
Ministry of Immigration and Career Training	Review Report 047-2023	[29]
Ministry of Justice and Attorney General	Review Report 290-2023	[61], [62], [63], [64]
Saskatchewan Government Insurance	Review Report 178-2023	[33], [34]
Saskatchewan Government Insurance	Review Report 189-2023	[39], [40]
Local Authority	Report #	Recommendation not complied with
Town of Hafford	Investigation Report 021-2023, 036-2023	[61], [62]

Summary Advice

In 2023-2024, my office provided advice to requestors in 1273 instances.



From the chart to the right, it is clear that the office gives advice related to the three main statutes where the office has jurisdiction; 68% of summary advice was given related to these pieces of legislation.



Change

Legislation	Came into Effect	Years Old
<i>The Freedom of Information and Protection of Privacy Act (FOIP)</i>	April 1, 1992	32 years
<i>The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)</i>	July 1, 1993	31 years
<i>The Health Information Protection Act (HIPA)</i>	September 1, 2003	21 years

Minor amendments were made to the above over the years with notable amendments to FOIP and LA FOIP in 2018 and some to HIPA on August 1, 2023, via *The Health Information Protection Amendment Regulations, 2023*.

All of this suggests it is time for a thorough review of the three statutes.



I have been saying for years that we are shifting or have shifted from a paper society to a digital society. We collect, use, store personal information and personal health information in databases, many of which are in the cloud. This shift does require our legislation to be modernized.

I read almost daily, headlines about AI. Many vendors who advertise their products indicate there is an AI component to the products or services they provide. Government, local authorities, and health trustees, if not already, will soon have AI components in the products or services they acquire. There is a need to ensure our legislation recognizes the benefits of AI functionality but protects us from the risks of inappropriate use or abuse of the technology.

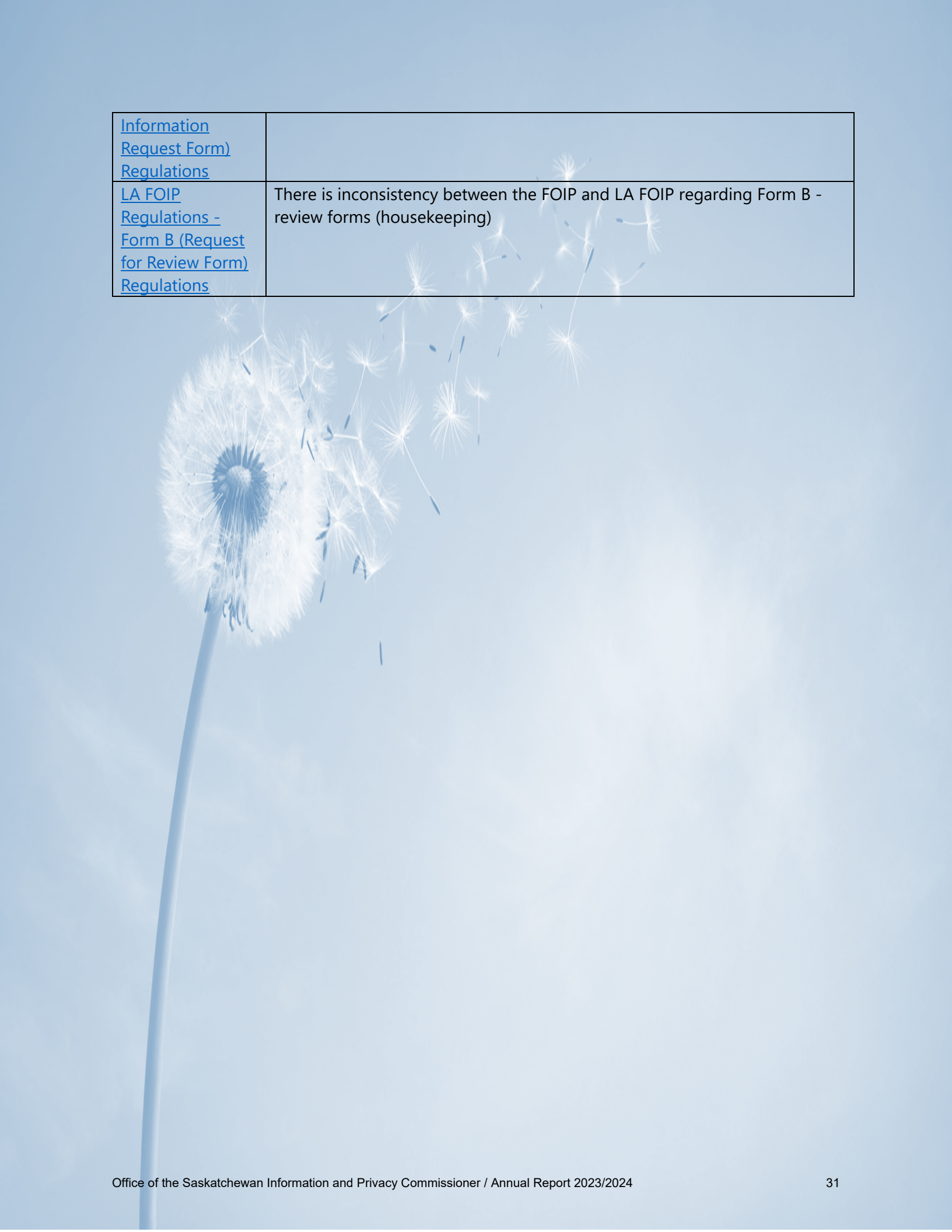
Over the years, my office, in reports and letters, has recommended amendments to the three Acts. I thought it was time to consolidate those suggestions and put my suggestions for change into one Annual Report. These are proposals based on reports, court cases and developments across the country. Others will have opinions on what amendments are important, but I do hope the government, the opposition and the Legislative Assembly could develop a set of amendments that would modernize the access and privacy legislation of the province.

In many of the proposals that follow, my office has considered the legislation across the country and proposed following a province or adapting a provision that would make the best sense for Saskatchewan. For a more in-depth explanation of the reasons for and the amendments being proposed to FOIP, LA FOIP, and HIPA, please click on the links in the table below.

Summary of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP) Proposed Amendments*

Citizens	
Object or purpose clause	It is proposed that that an object or purpose clause be added to both FOIP and LA FOIP that is similar in wording to what is used in Alberta's <i>Freedom of Information and Protection of Privacy Act</i> .
New Section – public interest	It is proposed that a new section be added that expands the ability of a local authority to consider release of documents in the public interest.
New Section 32.1 – Privacy Impact Assessments	It is proposed that provisions be added for when a Privacy Impact Assessment should occur to ensure privacy protection practices are embedded in program design at the outset.
Section 53.1 – proactive disclosure	It is proposed that section 53.1 be amended to be more expansive and to help clarify what type of government records should be proactively released outside of the formal application process. An alternative is to establish an open data directive, similar to what is found in Ontario, that outlines requirements for public bodies on how to manage its data inventories.
Section 5 Regulations - fees	It is proposed that section 5 of the LA FOIP Regulations be amended to recognize that no fees should be charged when the fees will be less than \$200.
Subsection 8(1)(b) of the LA FOIP Regulations – fee waivers	It is proposed that the requirement for determining if a fee waiver should be granted not be based on an applicant demonstrating both a financial hardship <u>and</u> that release be in the public interest; these conditions should be exclusive of each other.
Government	
New subsection 2(1)(f)(xviii) – new local authority	It is proposed that regional park authorities be added as a local authority at new subsection 2(1)(f)(xviii).
New subsection 2(1)(f)(xix) – new local authority	It is proposed that planning and development boards that are approved pursuant to <i>The Planning and Development Act</i> be added as a local authority at new subsection 2(1)(f)(xix).
Subsection 2(1)(f)(viii) – new local authority	It is proposed that subsection 2(1)(f)(viii) be amended to include in the definition "independent schools" within the meaning of <i>The Independent Schools Regulations</i> .
Subsection 2(1)(f)(xvii)(A) – new local authorities	It is proposed that subsection 2(1)(f)(xvii)(A) be amended by replacing 50% with 25% so that LA FOIP captures more organizations that receive government funding, such as non-profit organizations and charities.
Subsection 2(1)(f) – new definition	It is proposed that the definition of "dataset" be adopted into LA FOIP, and then the definition of "dataset" be added to the definition of "record", similar to what is found in Newfoundland and Labrador's legislation.

Repeal - subsections 21(b) and (c)	It is proposed that these subsections be repealed. Case law on the application of subsection 21(a) is solid in recognizing the seeking or giving of legal advice within the solicitor-client relationship and how it is different from counsel that is not privileged.
Repeal - subsection 23.2(1)(c)	It is proposed that this subsection be repealed because Information Management Service Providers who enter contracts with local authorities to manage personal information should not have the ability to take possession or control of personal information.
New section 29.01 – recovery of personal information	It is proposed that new provisions dealing with the recovery of personal information be added to LA FOIP and that it be an offence to not comply.
Commissioner	
Repeal - subsection 22(3)	It is proposed that this subsection be repealed. LA FOIP has many exemptions built into it, as well as many years of solid case law on how to interpret LA FOIP. Consequently, subsection 12 of the LA FOIP Regulations would also need to be repealed.
Section 28.1 – notify Commissioner	It is proposed that this section be amended to include the requirement that when a public body notifies an individual that a privacy breach poses a real risk of significant harm that it also notifies the Commissioner.
New section 32.2 – management programs and audits	It is proposed that new section 32.2 be added to require a local authority to develop privacy management programs and access management programs that are in accordance with directions from the Minister responsible for the Act. The Commissioner should be able to conduct audits.
Sections 38 to 43, 35 and 57 – consistent language	It is proposed these sections be amended to clean up the language in this part and add “investigations” in addition to reviews where appropriate.
Section 43 – clarifying powers	It is proposed that the Commissioner’s powers be changed to include language that aligns more with powers of the Ombudsman and the Advocate for Children and Youth.
Section 45 – compliance with recommendations	It is proposed that section 45 be repealed and replaced with language enabling the Commissioner to seek compliance with a recommendation by adopting legislation similar to sections 49 and 51 of Newfoundland and Labrador’s <i>Access to Information and Protection of Privacy Act</i> .
Other	
New section 57.1 - Statutory Review Period	It is proposed that a mandatory review period of once every five years be added.
LA FOIP Regulations - Review Form A (Access to	It is proposed that Form A in the Regulations include a date field in the “Information About You” section to capture the date an applicant makes an application for access to information (housekeeping)



Information Request Form) Regulations	
LA FOIP Regulations - Form B (Request for Review Form) Regulations	There is inconsistency between the FOIP and LA FOIP regarding Form B - review forms (housekeeping)

Summary of *The Freedom of Information and Protection of Privacy Act* (FOIP) Proposed Amendments

Citizens

Object or purpose clause	It is proposed that that an object or purpose clause be added to FOIP that is similar in wording to what is used in Alberta's <i>Freedom of Information and Protection of Privacy Act</i> .
New Section – public interest	It is proposed that a new section be added to FOIP that expands on when a government institution may consider releasing records in the public interest.
New Section 33.1 – Privacy Impact Assessments	It is proposed that provisions be added for when a Privacy Impact Assessment should occur to ensure privacy protection practices are embedded in program design at the outset.
Section 65.1 – proactive disclosure	It is proposed that section 65.1 be amended to be more expansive and to help clarify what type of government records should be proactively released outside of the formal application process. An alternative is to establish an open data directive, similar to what is found in Ontario, that outlines requirements for public bodies on how to manage its data inventories.
Section 6 of FOIP Regulations - fees	It is proposed that section 6 of the FOIP Regulations be amended to recognize that no fees should be charged when the fees will be less than \$200.
Subsection 9(1)(a) of FOIP Regulations – fee waivers	It is proposed that the requirement for determining if a fee waiver should be granted not be based on an applicant demonstrating both a financial hardship and that release be in the public interest; these conditions should be exclusive of each other.

Government

2(1) – new definitions	It is proposed that the definition of "dataset" be adopted into FOIP, and then the definition of "dataset" be added to the definition of "record," similar to what is found in Newfoundland and Labrador's legislation.
Repeal subsections 22(b) and (c)	It is proposed that these subsections be repealed. Case law on the application of subsection 22(a) is solid in recognizing the seeking or giving of legal advice within the solicitor-client relationship and how it is different from other services that counsel may provide that is not privileged.
Repeal subsection 24.2(1)(c)	It is proposed that this subsection be repealed because Information Management Service Providers who enter contracts with government institutions to manage personal information should not have the ability to take possession or control of personal information.

New section 28.01 – recovery of personal information	It is proposed that provisions dealing with the recovery of personal information be added to FOIP and that it be an offence to not comply.
Commissioner	
Repeal - subsection 23(3) of FOIP	It is proposed that this subsection be repealed. FOIP has many exemptions built into it, as well as many years of solid case law on how to interpret FOIP. Consequently, subsection 8.1 of the FOIP Regulations would also need to be repealed.
Section 29.1 – notify Commissioner	It is proposed that this section be amended to include the requirement that when a public body notifies an individual that a privacy breach poses a real risk of significant harm that it also notifies the Commissioner.
Sections 43 to 47 – extending to contractors	It is proposed that these sections be amended to include provisions recognizing contractors or individuals the Commissioner enters into contracts or agreements with to provide services.
New section 43.5 – ability to delegate	It is proposed that a new section 43.5 be added to enable the Commissioner to delegate functions to staff.
Subsection 45(2)(a) and New Section 32.2 – management programs and audits	It is proposed that provisions be added requiring government institutions to develop privacy management program and access management programs that are in accordance with directions of the Minister responsible for the Act. It should also be clear that the Commissioner may conduct audits.
Sections 49 to 54, 56 and 69 – consistent language	It is proposed these sections be amended to clean up the language in this part and add “investigations” in addition to reviews where appropriate.
Section 54 – clarifying powers	It is proposed that the Commissioner’s powers be changed to include language that aligns more with powers of the Ombudsman and the Advocate for Children and Youth.
Section 56 – compliance with recommendations	It is proposed that section 69 be repealed and replaced with language enabling the Commissioner to seek compliance with a recommendation by adopting legislation similar to certain sections of Newfoundland and Labrador’s <i>Access to Information and Protection of Privacy Act</i> .
Other	
New section 69.1 - Statutory Review Period	It is proposed that a mandatory review period of once every five years be added.

Coverage for Private and Non-profit Sector Employees	<p>It is proposed that Saskatchewan amend <i>The Saskatchewan Employment Act</i> to include sections pertaining to employee personal information. This includes adding a definition of “employee personal information,” clarifying the addition of the new Part, introducing the duty to protect and setting rules for the collection, use, disclosure, access to and correction of employee information. See letter-and-submission-to-sask-employment-labour-standards-act.pdf (oipc.sk.ca).</p>
Use of generative Artificial Intelligence (AI)	<p>It is proposed that the government adopt a framework for the use of generative AI that is similar to Ontario’s <i>Trustworthy Artificial Intelligence (AI) Framework</i>.</p>
FOIP Regulations - Form A (Access to Information Request Form)	<p>It is proposed that Form A in the Regulations include a date field in the “Information About You” section to capture the date an applicant makes an application for access to information (housekeeping).</p>

The Health Information Protection Act (HIPA) Proposed Amendments

Citizens

Subsection 10(2) – document disclosures	It is proposed that subsection 10(2) be amended to require a trustee to document or keep a record of when they disclose personal information without express consent unless the information system itself logs or records user activity.
Repeal - subsection 24(4)	It is proposed that subsection 24(4) be repealed. This provision allows a trustee to collect personal health information for “any purpose” with the consent of the subject individual; collection should only be for a specific purpose.
Repeal - subsection 25(1)(e)	It is proposed that subsection 25(1)(e) be repealed. This subsection allows a trustee to collect personal health information on an individual from public sources.
Subsection 26(3) – require express consent	It is proposed that subsection 26(3) be amended to add that “express” consent is required to authorize a trustee to access an employee’s or prospective employee’s personal health information.
Section 27 – additional disclosure provisions	It is proposed that section 27 be amended to clarify when it is appropriate to use or disclose personal health information for certain secondary purposes. These include when carrying out someone’s wishes with respect to donation of body parts, when a person is conducting an audit or reviewing an application for accreditation, and to the Canadian Institute for Health Information.
New Subsection 33(2), (3) – oral requests at hospital	It is proposed that when an oral request for personal health information is made by a patient in a hospital, that the trustee must respond within 24 hours.
Subsection 36(1)(d) – transfer within 15 days	It is proposed that section 36 be amended to require trustees to transfer a written request to another trustee within 15 days rather than 30 to be consistent with FOIP.
Subsection 38(1)(b) – release family health history	It is proposed that subsection 38(1)(b) be amended to release personal health information of third parties that was collected for the purposes of creating a family health history.
New subsection 39(2) – fee waiver	It is proposed that new subsection 39(2) be added to allow conditions under which a trustee may consider a request to waive a fee.
Subsection 42(1)(a) – may request a review of fees	It is proposed that subsection 42(1)(a) be amended to allow citizens to apply to the Commissioner to review a trustee’s decision regarding fees.
Subsections 45(1), (2) – third party intervention	It is proposed that subsections 45(1) and (2) be amended to allow for third party intervention in a review similar to provisions found in Alberta.

Government/Trustees	
Subsection 2(1) – new definitions	It is proposed that definitions for: “data matching,” “next of kin,” “disclosure,” “third party” be added. It is proposed that the definition of “record” be amended to explicitly include databases.
New subsection 22(4) – recoup costs	It is proposed a new subsection 22(4) be included to add a provision allowing the Government of Saskatchewan to recoup costs the Government incurs because of the failure of a trustee to comply with section 22.
Subsections 29(1)(c) and (d) – researchers to enter into agreements	It is proposed that these subsections be amended to require researchers to enter into written agreements with a trustee or designated archive.
New section 29.1 – data matching	It is proposed that new section 29.1 be added regarding data matching.
Section 39 – limiting charges	It is proposed that section 39 be amended to state that a trustee shall not charge more to provide access to personal health information than the costs for reproducing the record, and that a trustee shall not charge a fee for a record of user activity. These are similar to provisions found in both Alberta and Nova Scotia.
New Section 40.1 – abandoned requests	It is proposed that new section 40.1 be added to allow trustees to consider a request for access to personal health information to be abandoned under certain circumstances, and the right for an individual to request a review by the Commissioner when this occurs.
Subsections 43(1), (2) – consistent approach to discontinuing a review or investigation	It is proposed that subsections 43(1) and (2) be amended or replaced to align with language used in FOIP and LA FOIP when the Commissioner may discontinue a review or investigation.
Subsection 64(1), new subsection 64(3.4) – new offences	It is proposed that section 64 be amended to include offence provisions when someone knowingly collects, uses, or discloses personal health information, or knowingly gains access to personal health information in contravention of HIPA. This is similar to provisions found in Alberta and Nova Scotia.
Commissioner	
Repeal - subsections 4(4), (5) and (6)	It is proposed that these subsections be repealed. HIPA has many requirements for the use and disclosure of personal health information, as well as many years of solid case law on how to interpret HIPA. We no longer have a need for this override.
New Section 30.1 – notify Commissioner of breach	It is proposed that new section 30.1 be included to require trustees to provide notice of a privacy breach to an affected individual if there is real risk of significant harm to be consistent with FOIP and LA FOIP; when this occurs, the trustee must also notify the Commissioner of the privacy breach.

New Section 30.2 – submit PIAs	It is proposed that new section 30.2 be added to require trustees to complete and submit PIAs to the Commissioner in certain circumstances.
Sections 41 to 63 – consistent language adding investigations	It is proposed that these sections be amended, as necessary, to recognize that the Commissioner conducts investigations as well as review.
Section 44 – alignment with FOIP/LA FOIP, requiring immediate action	It is proposed that the requirement that the Commissioner provide notice of a review or investigation in “no less than 30 days” be modified to not include a time limit so that it aligns with amendments to FOIP and LA FOIP in 2018.
Section 46 – clarifying powers to produce, etc	It is recommended that section 46 be amended similarly to proposals made for LA FOIP and FOIP regarding the Commissioner’s powers.
Section 49 and New Sections 49.1, 49.2 – compliance and recommendations	It is proposed that section 49 be changed to allow the Commissioner to seek an order for compliance with his recommendations.
New subsection 53(d) – make procedures	It is proposed that new subsection 53(d) be added to support the Commissioner’s ability to make procedures.
New Section 53.1 – extra-provincial agreements	It is proposed that new section 53.1 be added regarding the Commissioner’s ability to enter into extra-provincial agreements when necessary to include language similar to what is found in FOIP.
Subsection 54(3) – disclosure authorized	It is proposed that subsection 54(3) be amended to disclose personal health information in limited circumstances.
Other Items	
Subsection 51(2) – clarifying what form of privilege	It is proposed that this subsection be amended to include the phrase “including solicitor-client privilege.”
New Section 64.1 – Statutory Review Period	It is proposed that new section 64.1 be added to require a statutory review of HIPA every five years.