



DICTIONARY

TERMS & PHRASES IN FOIP, LA FOIP & HIPA

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Office of the
Saskatchewan Information
and Privacy Commissioner

These are common terms and phrases used in administration of FOIP, LA FOIP, and HIPA in Saskatchewan, with some referenced from other jurisdictions across Canada. Terms marked with an asterisk (*) are defined directly from the Legislation. Other terms are provided with sections from the Acts for more details, understanding, and clarity.

This dictionary was created using many resources published not only by the Saskatchewan Information and Privacy Commissioner's office, but by publications from across Canada, including:

- *Black's Law Dictionary* Deluxe Tenth Edition. Garner, B.A, Editor in Chief. Thomson Reuters Canada
- *Federal Access to Information and Privacy Legislation Annotated 2018*. Drapeau, M.W; Racicot, M; Thomson Reuters Canada Limited, 2017.
- [Government of Alberta's FOIP Guidelines and Practices: 2009 Edition](#)
- [Government of British Columbia's FOIPPA Policy & Procedures Manual](#)
- [IPC Guide to FOIP](#)
- [IPC Guide to LA FOIP](#)
- [IPC Guide to HIPA](#)

This dictionary was compiled originally by Concilia Sikhosana, a student of the Health Information Management (HIM) program at Saskatchewan Polytechnic, and will be maintained by the Saskatchewan Information and Privacy Commissioner's office.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A

Access

The viewing or obtaining of personal information or personal health information.

Other definitions could include:

- The right of an individual or the individual's lawfully authorized representative to view or obtain copies of the records in the possession/custody or control of a government institution, local authority or trustee including personal information/personal health information ([SK OIPC's 2012-2013 Annual Report Appendix 3](#)).
- For the purposes of Part 3 of BC FOIPPA, disclosure of personal information by the provision of access to personal information ([British Columbia Freedom of Information and Protection of Privacy Act, Schedule 1](#)).
- The availability of records of a public body for a person to view or copy. The Act provides any person with a right of access to records or to their own personal information that is in the custody or under the control of a public body ([Government of Alberta's FOIP Guidelines and Practices: 2009 Edition, Appendix 1](#)).

(See also the [Right of Access](#); section 5 of FOIP, section 5 of LA FOIP or section 32 of HIPA.)

Ability to manage the economy

Refers to the responsibility of the Government of Saskatchewan to manage the province's economic activities by ensuring that an appropriate economic infrastructure is in place, and by facilitating and regulating the activities of the marketplace. This depends on a range of activities, including fiscal and economic policies, taxation, and economic and business development initiatives.

(See subsection 18(1)(g) of FOIP.)

Abuse of the right of access or correction

Where an applicant is using the access/correction provisions of FOIP or LA FOIP in a way that is contrary to its principles and objects.

(See subsection 45.1(2)(b) of FOIP or subsection 43.1(2) (b) of LA FOIP.)

Access to Information Request

Means a request for information under FOIP or LA FOIP submitted to a public body either on paper or electronically.

A written or oral request of an individual to a trustee for access to one's personal health information. The request could also be made by a representative of an individual authorized by section 15 or 56 of HIPA.

(See also [Written Request for Access](#).)

Account

Means a record of financial expenditure and receipts; a bill taking the form of such a record.

(See [IPC Guide to FOIP, Chapter 4: Exemptions from the Right of Access](#); [IPC Guide to LA FOIP, Chapter 4: Exemptions from the Right of Access](#))

Accounting

Means a detailed statement of the debits and credits between parties to a contract or to a fiduciary relationship; a reckoning of monetary dealings.

(See [IPC Guide to FOIP, Chapter 4: Exemptions from the Right of Access](#); [IPC Guide to LA FOIP, Chapter 4: Exemptions from the Right of Access](#))

Act

Means:

- *The Freedom of Information and Protection of Privacy Act*
- *The Local Authority Freedom of Information and Protection of Privacy Act*
- *The Health Information Protection Act*

Accurate

Means careful; precise; lacking errors. Further, it means the organization must provide the applicant with sufficient and correct information about the access process and how decisions are made.

(See [SK IPC Review Report 040-2019](#) at paragraph [44].)

Adequate search

A reasonable search is one in which an experienced employee expends a reasonable effort to locate records which are reasonably related to the request. The threshold that must be met is one of "reasonableness". In other words, it is not a standard of perfection but rather what a fair and rational person would expect to be done or consider acceptable.

(See [SK IPC Review Report 252-2017](#) at paragraph [9].)

Active dissemination or proactive disclosure

A process whereby information or records are periodically released, without any request, under a program or communications plan ([Government of Alberta's FOIP Guidelines and Practices: 2009 Edition, Appendix 1](#)).

Adjudication

Means the legal process of resolving a dispute, the process of judicially deciding a case.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Adjudicative function

A function conferred upon an administrative tribunal, board or other non-judicial body or individual that has the power to hear and rule on issues involving the rights of people and organizations.

Examples would be a school board hearing an appeal under Part V of *The Education Act, 1995*, or a hearing by a review board.

(See subsection 17(2) of FOIP or subsection 16(2) of LA FOIP.)

Administration of a public body

Comprises all aspects of a public body's internal management, other than personnel management, that are necessary to support the delivery of programs and services. Administration includes business planning, financial operations, and contract, property, information, and risk management.

(See subsection 17(1)(d) of FOIP or subsection 16(1)(d) of LA FOIP.)

Administration of an estate

Means the management and settlement of the estate of a deceased, including selling, collecting and liquidating assets, paying debts, and making claims for funds owing or exercising any right of a financial benefit of the deceased.

(See IPC Guide to FOIP, [Chapter 3: Access to Records](#); IPC Guide to LA FOIP, [Chapter 3: Access to Records; Report LA-2009-002 / H-2009-001; Review Report 282-2019.](#))

Administrative investigation

Refers to activities undertaken to enforce compliance or to remedy non-compliance with standards, duties and responsibilities imposed by statute or regulation.

(See section 15 of FOIP or section 14 of LA FOIP.)

Administration of personnel

Refers to activities related to staffing, job classification or compensation, recruitment and selection, salary, benefits, hours and conditions of work, leave management, performance review, training and development, occupational health and safety, and separation and layoff ([Government of Alberta's FOIP Guidelines and Practices: 2009 Edition, Appendix 1](#)).

(See also [Management of personnel](#); [SK IPC Investigation Report 266-2017](#) at paragraph [33].)

Administrative safeguards

Are controls that focus on internal organization, policies, procedures and maintenance of security measures that protect personal information or personal health information pursuant to section 24.1 of FOIP, section 23.1 of LA FOIP or section 16 of HIPA. Administrative safeguards include written policies and procedures, annual training for employees, confidentiality agreements, agreements with IMSPs, auditing programs, records retention and destruction schedules and access restrictions.

Admissibility

Means the quality, state, or condition of being allowed to be entered into evidence in a hearing, trial, or other official proceeding.

(See [IPC Guide to FOIP, Chapter 4: Exemptions from the Right of Access](#); [IPC Guide to LA FOIP, Chapter 4: Exemptions from the Right of Access](#))

Adversely affect

Refers to hurt, injury or impairment to the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention. See subsection 15(1)(a) of FOIP and subsection 14(1)(a) of LA FOIP; or, to **adversely affect** is to have unfavourable or negative impacts or to impair in some way. See subsection 14(1)(a) of FOIP.

Advice

Is guidance offered by one person to another.

(See [IPC Guide to FOIP, Chapter 4: Exemptions from the Right of Access](#); [IPC Guide to LA FOIP, Chapter 4: Exemptions from the Right of Access](#))

Affected individual

Means a person identified as having personal information or personal health information, being disclosed or in a privacy breach.

Affidavit

A written statement made under oath. An affidavit must be sworn or affirmed before a Commissioner for Oaths or a Notary Public for Saskatchewan.

(See IPC resource [Using affidavits in a Review with the IPC.](#))

Affiliate

Means an affiliate as defined in *The Provincial Health Authority Act*.

(See section 2 of HIPA.)

Agenda

A list of things to be done, as items to be considered at a meeting, arranged in order of consideration.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Agent

Means someone who is authorized to act for or in place of another.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Allied state

Is one with which Canada has concluded formal alliances or treaties.

(See section 14 of FOIP.)

Amendment

The act of making a change to the personal health information of the subject individual who believes there is an error or omission.

(See section 40 of HIPA.)

Analyses

A detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Annotate

Add an explanatory, descriptive or critical note to a record. To annotate personal information with a correction that was requested implies that the correction that was requested appears on the original

record, close to the information under challenge by the applicant ([Government of Alberta's FOIP Guidelines and Practices: 2009 Edition, Appendix 1](#)).

Anticipated

Means more than merely possible. To regard as probable.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Appeal

For the purposes of **FOIP**, within 30 days after receiving a decision of the head pursuant to section 56 of FOIP, an applicant or individual or third party may appeal that decision to the court *(see section 57 of FOIP)*.

For the purposes of **LA FOIP**, within 30 days after receiving a decision of the head pursuant to section 45 of LA FOIP, an applicant or individual or a third party may appeal that decision to the court *(see section 46 of LA FOIP)*.

For the purposes of **HIPA**, an individual has the right to appeal to the court a decision made by a trustee with respect to the trustee's compliance or non-compliance with a recommendation by the Commissioner *(see section 14 of HIPA)*.

(See [Guide to Appealing the Decision of a Head of a Government Institution, or a Local Authority, or a Health Trustee](#).)

Applicant*

Means an individual who makes a written request for access to personal health information about himself or herself. Also, an applicant can mean a person who makes an application for review. See section 31 and subsection 41(a) of HIPA.

Means a person who makes an application for access to information pursuant to section 6 of FOIP and LA FOIP or request for correction pursuant to subsection 32(1) of FOIP or 31(1) LA FOIP.

Application

A form filled in writing by an applicant requesting access to general information, personal health information or personal information.

Application to disregard

An application made by a public body to the Commissioner to disregard an access to information request or request for correction pursuant to section 45.1 of FOIP or 43.1 of LA FOIP.

Application for review

An application by an applicant to the commissioner for a review pursuant to section 49 of FOIP, section 38 of LA FOIP or section 42 of HIPA.

(See also [Review](#) and [Request for Review](#); see subsection 41(b) of HIPA.)

Arguments

Are the reasons why a party thinks that the evidence shows certain facts to be true, or why the Commissioner should interpret the law in a particular way, so as to make the decision that the party wants the Commissioner to make.

(See IPC Guide to FOIP, [Chapter 2: Administration of FOIP](#); IPC Guide to LA FOIP, [Chapter 2: Administration of LA FOIP](#).)

Associated state

Is one with which Canada may be linked for trade or other purposes outside the scope of a formal alliance.

(See section 14 of FOIP.)

Audit

A systematic identification, evaluation, and assessment of an organization's policies, procedures, acts, and practices against pre-defined standards. For instance, personnel audits, financial audits, and program audits.

(See subsection 20(b) of FOIP or subsection 19(b) of LA FOIP.)

Authentication

Is the process of proving or ensuring that someone is who he or she purports to be. Authentication typically relies on one or more of the following:

- something you know (e.g. password, security question, PIN, mother's maiden name);
- something you have (e.g. smart card, key, hardware token); or
- something you are (e.g. biometric data, such as fingerprints, iris scans, voice patterns).

(See IPC Guide to FOIP, [Chapter 3: Access to Records](#); IPC Guide to LA FOIP, [Chapter 3: Access to Records](#).)

Award

Means to give or to order to be given as a payment, compensation, or prize; to grant; to assign. In this context, it implies that the decision-maker has some authority to give or to order that benefit be granted.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

B

Background research

Encompasses a wide range of study, review and fieldwork aimed at analyzing and presenting an overview of issues.

(See subsection 17(2) of FOIP or subsection 16(2) of LA FOIP.)

Balance of probabilities

This term is difficult to define, but it is more than a mere possibility. It has been taken to mean that the person deciding a case must find that it is more probable than not that a contested fact exists. In the FOIP context, a party will have proven its case on a balance of probabilities if the Commissioner can say “I think it is more likely, or more probable, than not.”

(See IPC Guide to FOIP, [Chapter 2: Administration of FOIP](#); IPC Guide to LA FOIP, [Chapter 2: Administration of LA FOIP](#); [A Guide to Submissions](#).)

Benefit

Means a favourable or helpful factor or circumstance, or an advantage.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Big Data

Refers to data collections that cannot be easily managed or understood using traditional means because of the size, irregularity or complexity of the data. ([Ontario Information and Privacy Commissioner. Big Data and Your Privacy Rights: Privacy Fact Sheet](#).)

Briefing

Means a written summary of short duration; concise; using few words; a summary of facts or a meeting for giving information or instructions. An example would be a briefing note.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Budgetary

Means of or pertaining to a budget. A budget is a periodic, (especially annual) estimate of revenue and expenditure.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, Chapter 4: Exemptions from the Right of Access.)

Burden of proof

The obligation of one of the parties in a review to persuade the Commissioner to decide an issue in its favour.

(See section 61 of FOIP, section 51 of LA FOIP, and sections 47 of HIPA.)

Business card information

Is the type of information found on a business card (name, job title, work address, work phone numbers and work email address). This type of information is generally not personal in nature and therefore would not be considered personal information.

(See subsection 24(2) of FOIP or subsection 23(2) of LA FOIP.)

Bylaw

A rule adopted by a local public body with bylaw-making powers, such as a municipal council.

(See subsection 15(1)(a) of LA FOIP.)

C

Cabinet confidences

Defined as the broadest sense, the political secrets of Ministers individually and collectively, the disclosure of which would make it very difficult for the government to speak in unison before Parliament and the public. (Federal Access to Information and Privacy Legislation Annotated 2015)(Canada: Thomas Reuters Canada Limited, 2014, page 1-644.4.).

Cancer Agency*

The Saskatchewan Cancer Agency continued pursuant to *The Cancer Agency Act*.

(See subsection 2(c) of HIPA Regulations.)

Capacity

In the context of exercising individual rights afforded by HIPA, means the ability:

- to understand information relevant to making a decision; and
- to appreciate the reasonably foreseeable consequences of making or not making a decision.

Case-by-case privilege

Is a privilege found by a decision-maker to exist for information in a particular case. In each case, the decision-maker must determine whether the public interest favours disclosure or non-disclosure of the record.

In order to determine if case-by-case privilege applies, the government institution must determine if the records at issue are “private records” or “Crown records”. If the records at issue are “private records, one must apply the Wigmore test to determine if the case-by-case privilege applies. If the records at issue are “Crown records”, then one must apply the criteria for public interest immunity.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Centre of lawful detention

A centre where persons are detained when suspected of a crime, awaiting trial or sentencing, found to be an illegal immigrant or youthful offender, or for political reasons. It can also include a centre where persons are in custody under federal or provincial statute.

Circle of care

A term not found in HIPA, but is a popular term among Saskatchewan trustees. It refers to an analogy where the patient is at the center of the circle. Health care professionals involved in the diagnosis treatment and care of the patient are also in the circle. The IPC prefers the need-to-know principle.

(See also [Need-to-know principle](#).)

Circumstance

A fact or condition connected with or relevant to an event or action (Oxford English Dictionary)

(See subsection 10(g)(ii) of LA FOIP Regulations; [SK IPC Investigation Report 296-2017](#) at paragraph [20].)

Class-based

Exemptions apply where the information falls within the class of information described in the exemption and there is no reference to any consequence that might result from the release of the information.

(See also [Harm-based](#).)

Clearly

Means distinctly, plainly, manifestly, obviously.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Client*

An individual who has received a health service, whether as an in-patient or an out-patient, at a hospital operated by a designated trustee.

(See section 7.1 of the HIPA Regulations.)

Client information*

For the purpose of section 7.1 of the HIPA Regulations, means the name and address of a client, which qualifies as personal health information.

Client list*

A list prepared in accordance with subsection 7.1(4) of the HIPA Regulations.

Collect*

To gather, obtain access to, acquire, receive or obtain personal health information from any source by any means.

(See subsection 2(b) of HIPA.)

Collection

A term used to describe the action of having gathered, obtained access to, acquired, received or obtained personal information or personal health information.

Commercial information

Information relating to the buying, selling or exchange of merchandise or services. This includes third party associations, past history, references, insurance policies and pricing structures, market research, business plans, and customer records.

(See SK IPC Review Report 210-2017 at paragraph [21].)

Commissioner*

The Information and Privacy Commissioner appointed pursuant to section 38 of *The Freedom of Information and Protection of Privacy Act* and includes any acting commissioner appointed pursuant to section 40.1 of FOIP. The Commissioner is an Officer of the Legislative Assembly and is appointed by the Legislative Assembly.

(See section 38 of FOIP, subsection 2(b) of LA FOIP or subsection 2(c) of HIPA.)

Committee

A committee designated as a quality improvement committee by a health services agency to carry out a quality improvement activities. The purpose is to examine and evaluate the provision of health services.

Committee of the Executive Council

Also known as a Cabinet committee, includes one or more Cabinet ministers. The committee exercises some or all of the powers of Cabinet as a whole, or develops and provides recommendations to Cabinet. Also included in the definition is an entity or individual to which the Executive Council or any of its committees has delegated decision-making authority on their behalf.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Common or integrated service*

A program or activity designed to benefit the health, safety, welfare or social well-being of an individual that is delivered by a government institution and one or more of the following:

- another government institution;
- a local authority;
- a trustee as defined in *The Health Information Protection Act*;
- a First Nation;
- a police service or regional police service as defined in *The Police Act, 1990*;
- the Royal Canadian Mounted Police;
- a non-profit organization that provides a service of the type to be included in the common or integrated service;
- any other agency or organization that the Minister of Health determines is appropriate.

(See subsection 5.2(1) of HIPA Regulations.)

Common interest privilege

Is a privilege that exists when records are provided among parties where several parties have a common interest in anticipated litigation.

Disclosure of privileged information to outsiders generally constitutes as a waiver of privilege. However, if there is a sharing of information between parties where the parties have a sufficient “common interest”, then the privilege is preserved (or not waived).

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Communication

is the process of bringing an idea to another's perception; the message or ideas so expressed or exchanged; the interchange of messages or ideas by speech, writing, gestures or conduct.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Complainant

Means an individual who has made a complaint alleging a breach has occurred that involves the complainant's personal information or personal health information under FOIP, LA FOIP or HIPA.

Complaint

A written concern that there has been a breach of privacy by government institution, local authority or trustee ([SK OIPC's 2012-2013 Annual Report Appendix 3](#)).

Complete

Means having all its parts; entire; finished; including every item or element; without omissions or deficiencies; not lacking in any element or particular. Further, it means the information from an organization must be comprehensive and not leave any gaps in its response to an applicant's access to information request. An organization should provide all the necessary details to enable an applicant to understand how a decision was reached.

(See [SK Review Report 040-2019](#) at [45].)

Comprehensive health record*

A comprehensive health record described in subsection 18.1(2) of HIPA.

(See subsection 2(c.1) of HIPA.)

Compulsory supply

Means there is a compulsory legislative requirement to supply information. Where supply is compulsory, it will not ordinarily be confidential. In some cases, there may be indications in the legislation relevant to the compulsory supply that establish confidentiality. The relevant legislation may even expressly state that such information is deemed to have been supplied in confidence. Where information is required to be provided, unless otherwise provided by statute, confidentiality cannot be built in by agreement, informally or formally.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Confidentiality

Implies a trust relationship between the person supplying information and the individual or organization collecting it.

The duty to protect personal information and personal health information once obtained against improper or unauthorized use or disclosure. This is just one aspect of privacy and is not synonymous with 'privacy'.

Confidential source

Someone who has provided information with the assurance of not being named or identified.

Consent

Informed, voluntary agreement with what is being done or proposed with respect to the collection, use or disclosure personal information. FOIP provides government institution with three different options, and so is LA FOIP with local authority (see *section 18 of FOIP Regulations or section 11 of LA FOIP Regulations.*)

Informed, voluntary agreement with what is being done or proposed with respect to the collection, use or disclosure personal health information. HIPA provides trustees with three different options (see *section 6 of HIPA*).

Express consent

is the highest standard and can be written (e.g. form or letter) or verbal. It must be informed and meet all the following conditions:

- The specific personal health information to be collected, used or disclosed;
- Anticipated uses and/or disclosures;
- To whom the personal health information may be disclosed;
- The date the consent is effective and the date on which the consent expires; and
- Any potential risks associated with the collection, use or disclosure.

Implied consent

must first meet a number of conditions. The consent to the collection, use or disclosure of personal health information by a trustee may only be implied if:

- In all circumstances, the purpose of the collection, use or disclosure is or will become reasonably obvious to the individual.

- It is reasonable to expect that the individual would consent to the collection, use or disclosure.
- The trustee is not aware that the individual withdrew consent.
- The trustee uses or discloses the information for no other purpose other than the purpose for which it was collected.
- The individual has the right to “opt out”.

Deemed consent

means a trustee can forgo express or implied consent in certain circumstances, such as when an individual is unable to give consent, is unconscious or in emergent circumstances (*see subsection 27(2) of HIPA*).

(*See more about the above mentioned types of consents in [IPC Guide to HIPA](#).)*)

Consent to fundraising statement*

A brief statement to the effect that, unless a client opts out, client information may be used by the designated trustee for fundraising purposes or disclosed to a fundraising agency for fundraising purposes as authorized by section 7.1 of the HIPA Regulations.

Consultation

When the views of one or more officers or employees of a public body are sought as to the appropriateness of a particular proposal or suggested action.

(*See section 17 of FOIP, section 16 of LA FOIP; [IPC Guide to Exemptions for FOIP and LA FOIP](#).)*)

Consultations with IPC

Refers to consultations between IPC and government institution, local authority, and trustees regarding access and privacy, and to provide feedback and non-binding advice to provided materials but not designing, approving or endorsing any program or initiative.

(*See IPC blog [Consulting with the IPC](#).)*)

Control

Connotes authority. A record is under the control of a public body/trustee when the public/trustee has the authority to manage the record, including restricting, regulating and administering its use, disclosure or disposition. Possession/custody is not a requirement for control.

Control is a term used to indicate that the records in question are not in the physical possession of the public body or trustee, yet still within the influence of that body via another mechanism (e.g. contracted service) ([SK OIPC’s 2012-2013 Annual Report Appendix 3](#)).

(See [SK IPC Investigation Report 109-2017](#) at paragraphs [1] to [21].)

Correspondence

An interchange of written communications.

Could reasonably be expected to

For harm-based exemptions, the parties do not have to prove that a harm is probable, but need to show that there is a “reasonable expectation of harm” if any of the information were to be released. In *British Columbia (Minister of Citizens’ Service) v. British Columbia (Information and Privacy Commissioner)*, (2012), Bracken J. confirmed it is the release of the information itself that must give rise to a reasonable expectation of harm.

The Supreme Court of Canada in *Ontario (Community Safety and Correctional Service) v. Ontario (Information and Privacy Commissioner)*, (2014) set out the standard of proof for harms-based provisions as follows:

This Court in *Merck Frosst* adopted the “reasonable expectation of probable harm” formulation and it should be used wherever the “could reasonably be expected to” language is used in access to information statutes. As the Court in *Merck Frosst* emphasized, the statute tries to mark out a middle ground between that which is probable and that which is merely possible. An institution must provide evidence “well beyond” or “considerably above” a mere possibility of harm in order to reach that middle ground: paras. 197 and 199. This inquiry of course is contextual and how much evidence and the quality of evidence needed to meet this standard will ultimately depend on the nature of the issue and “inherent probabilities or improbabilities or the seriousness of the allegations or consequences”...

(See “*Class-based versus Harm-based exemptions*” in [IPC Guide to Exemptions for FOIP and LA FOIP](#).)

Creed

An individual’s basic beliefs of a religion or an idea or set of beliefs that guide the actions of a person.

Criminal intelligence

Is information relating to a person or group of persons compiled by law enforcement to anticipate, prevent or monitor possible criminal activity. Intelligence-gathering is sometimes a separate activity from the conduct of specific investigations. Intelligence may be used for future investigations, for activities aimed at preventing the commission of an offence, or to ensure the security of individuals or organizations.

(See *IPC Guide to FOIP*, [Chapter 4: Exemptions from the Right of Access](#); *IPC Guide to LA FOIP*, [Chapter 4: Exemptions from the Right of Access](#))

Criteria

Are standards, rules, or tests on which a judgement or decision can be based or compared; a reference point against which other things can be evaluated.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#).)

Crown records

Are records containing information relating to government activities or operations, and decisions at the highest level of government.

When determining whether records are private records or Crown records, what matters is whose information it is, not necessarily who is in possession of the records.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Custody

The physical possession of a record by a trustee with a measure of control. It is a term that is used interchangeably with “possession” (see [SK IPC Investigation Report H-2007-001](#) at paragraph [29]).

D

Data linking

The linking or combining of personal information in one database with personal information in one or more other databases if the purpose of the linking or combining is different from:

- the purpose for which the information in each database was originally obtained or compiled, and
- every purpose that is consistent with each purpose referred to in the (first bullet point) ([British Columbia Freedom of Information and Protection of Privacy Act, Schedule 1](#))

Data linking initiative

Means a new or newly revised enactment, system, project, program or activity that has, as a component, data linking between:

- two or more public bodies, or
- one or more public bodies and one or more agencies ([British Columbia Freedom of Information and Protection of Privacy Act, Schedule 1](#)).

(See section 36.1 of BC FOIPPA.)

Data matching

The comparison (generally by electronic means) of one or more databases or sets of records of personal information held by one public body or organization with one or more other databases or sets of records held by a different public body or organization, where the matching program creates or merges files on identifiable individuals. Data matching tends to involve electronic data because its effectiveness is generally based on the comparison of databases containing large volumes of transactional data ([Government of Alberta's FOIP Guidelines and Practices: 2009 Edition, Appendix 1](#)).

(See SK IPC's resource [Data Matching](#).)

Data minimization principle

Means that an organization should collect, use or disclose the least amount of identifying information necessary for the purpose.

Principle 4 of [Schedule 1 of the Personal Information Protection and Electronic Documents Act \(PIPEDA\)](#), defines this principle as "Limiting Collection" meaning that the collection of personal information shall be limited to what is necessary for the purpose identified by the organization. Information must be collected by fair and lawful means.

(See [SK IPC Investigation Report 212-2016](#) at paragraph [18].)

De novo

A hearing de novo means a review of a matter anew, as if the original hearing had not taken place.

(See [IPC Guide to FOIP, Chapter 2: Administration of FOIP](#); [IPC Guide to LA FOIP, Chapter 2: Administration of LA FOIP](#); [Guide to Appealing the Decision of a Head of a Government Institution, or a Local Authority, or a Health Trustee](#).)

Decision

Means the action of coming to a determination or resolution with regard to any point or course of action; resolution or conclusion arrived at.

(See [IPC Guide to FOIP, Chapter 4: Exemptions from the Right of Access](#); [IPC Guide to LA FOIP, Chapter 4: Exemptions from the Right of Access](#))

Deemed refusal

FOIP: means that a government institution has not responded to an access request within 30 days and it will be interpreted that the government institution will not provide the applicant with the requested information pursuant to subsection 7(5) of FOIP.

LA FOIP: means that a local authority has not responded to an access request within 30 days and it will be interpreted that the local authority will not provide the applicant with the requested

information pursuant to subsection 7(5) of LA FOIP. See [SK IPC Review Report 106-2016](#) at paragraph [1] to [9].

HIPA: means that a trustee has not responded to an access request within 30 days and it will be interpreted that the trustee will not provide the applicant with the requested personal health information pursuant to subsection 36(3) of HIPA.

Defence of Canada

Any activity or plan relating to the defence of Canada, including improvements in the nation's ability to resist attack.

(See section 14 of FOIP.)

De-identified personal health information*

Means personal health information from which any information that may reasonably be expected to identify an individual has been removed

(See section 2(d) of HIPA and [SK IPC Investigation Report 109-2016](#) at paragraph [28].)

Delegation

The formal process whereby the head of a public body authorizes an employee or officer within the public body to perform certain duties or to exercise certain powers or functions of the head under the Act. A delegation under the Act must be in writing (Alberta FOIP Guidelines and Practices, 2009).

(See section 60 of FOIP and section 50 of LA FOIP.)

Deprive

Means to take away or withhold something that one needs.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Deliberations

Discussions and consideration conducted with a view towards making a decision, of the reasons for and against an action, by persons described in subsection 17 (1)(b) of FOIP and/or subsection 16(1)(b) of LA FOIP.

Designated archive*

An archive designated in the regulations for the purposes of section 22 of HIPA (HIPA subsection 2(e)). Section 4 of the *HIPA Regulations* designates several archives.

(See [IPC Guide to HIPA](#).)

Designated trustee*

With respect to section 7.1 of the HIPA Regulations, means a regional health authority, an affiliate or the Athabasca Health Authority.

(See [IPC Guide to HIPA](#).)

Destruction

To destroy personal health information or personal information in a manner that protects the privacy of the subject individual.

The Commissioner recommends that government institutions, local authorities, and trustees to use a company that is certified by the National Association of Information Destruction (NAID) to protect privacy and confidentiality of personal information and/or personal health information during the destruction period.

(See section 17 of HIPA in [IPC Guide to HIPA](#) and [SK IPC Investigation Report 107-2015](#) at paragraphs [1] to [36].)

Details

Means the small or minor items or events collectively, the meticulous account or description of particulars; a small part of a whole; to relate or describe minutely; give particulars of something; to itemize

(See [IPC Guide to FOIP, Chapter 4: Exemptions from the Right of Access](#); [IPC Guide to LA FOIP, Chapter 4: Exemptions from the Right of Access](#))

Detection

The act of discovering or revealing something that is hidden or barely perceptible, especially to solve a crime.

Disclosure

The exposure of personal information or personal health information to a separate entity, not a division or branch of the government institution, local authority and/or trustee in custody or control of that information.

The act of making known or revealing. Disclosure can also mean providing access to records or personal information ([Government of Alberta's FOIP Guidelines and Practices: 2009 Edition, Appendix 1](#))

(See section 29 of FOIP, section 28 of LA FOIP, or section 27 of HIPA and [SK IPC Investigation Report 218-2017](#) at paragraph [7] on disclosure.)

Discovery

The act or process of finding or learning something that was previously unknown.

(See IPC Guide to FOIP, [Chapter 2: Administration of FOIP](#); IPC Guide to LA FOIP, [Chapter 2: Administration of LA FOIP](#).)

Discretion

The power to make a decision that cannot be determined to be right or wrong in an objective sense. Discretion amounts to the power of the decision-maker to choose a particular course of action for good reasons and in good faith, after considering the relevant facts and circumstances; the applicable law, including the objects of the FOIP, LA FOIP or HIPA Act; and the proper application of the law to the relevant facts and circumstances (Alberta FOIP Guidelines and Practices, 2009).

Discretionary Exemptions

Are introduced with the wording “A head may refuse...”. This indicates that the public body has the option to withhold or release the information. The head should exercise discretion when deciding whether to apply the exemption.

HIPA uses the phrase “refusing access”, where a trustee may deny an applicant access to personal health information within its custody or control, in accordance with section 38 of HIPA.

(See [IPC Guide to Exemptions for FOIP and LA FOIP](#).)

Draft

A version of the resolution, bylaw that has not been finalized for consideration in public by the local authority.

(See subsection 15(1) of LA FOIP.)

Draft legislation or subordinate legislation

Preliminary versions of legislative instruments, such as draft Acts or regulations. A regulation is often referred to as subordinate legislation.

Drug*

For the purposes of sections 6.1, 6.2 and 6.3 of the HIPA Regulations, means a drug that is listed in section 18.1 of the College of Physicians and Surgeons of Saskatchewan’s bylaws and is approved by the Minister of Health.

Duty to assist

Means responding openly, accurately and completely to an individual requesting access to his or her own personal information or personal health information in accordance with subsection 5.1(1) FOIP, subsection 5.1(1) LA FOIP and/or subsection 35 of HIPA.

(See IPC resource [Understanding the duty to assist](#) and [SK IPC Review Report 059-2014](#) at paragraphs [1] to [40].)

Duty to protect

Requires that a government institution or local authority or a trustee has administrative, technical and physical safeguards in place to protect personal information or personal health information in accordance with section 24.1 FOIP, section 23.1 LA FOIP, or section 16 of HIPA.

The Commissioner also states that part of the duty to protect is to ensure collections, uses and disclosures adhere to the data minimization and need-to-know principles.

(See [IPC Guide to HIPA](#) and [SK IPC Investigation Report 230-2016](#) at paragraph [20] and [SK IPC Investigation Report 266-2017](#) at paragraph [30].)

E

Economic interest

The broad interests of a public body and for the government as a whole, in managing the production, distribution and consumption of goods and services. The term also covers financial matters such as the management of assets and liabilities by a public body and the public body's ability to protect its own or the government's interests in financial transactions.

(See section 18 of FOIP.)

eHealth Saskatchewan*

eHealth Saskatchewan created by the Lieutenant Governor in Council as a Crown corporation pursuant to *The Crown Corporations Act*, 1993.

(See subsection 2(f.1) of HIPA; read more about disclosure and registration by eHealth in [IPC Guide to HIPA](#).)

Eligible client*

A client who meets the criteria set out in subsection 7.1(5) of the HIPA Regulations.

Employee*

An individual employed by a local authority and includes an individual retained under a contract to perform services for the local authority.

(See section 2(b.1) of LA FOIP.)

Employee of a government institution*

An individual employed by government institution and includes an individual retained under a contract to perform services for the government institution.

(See section 2(1)(b.1) of FOIP.)

Employee number

A unique identification number that identifies an employee and when linked with a name found to be personal information.

(See IPC Review Report [F-2005-001](#) at paragraph [19].)

Employment history

Is the type of information normally found in a personnel file such as performance reviews, evaluations, disciplinary actions taken, reasons for leaving a job or leave transactions. It does not include work product. Employment history is considered personal information. See subsection 24(1)(b) of FOIP and subsection 23(1)(b) of LA FOIP.

Employment reference*

Personal information that is evaluative or opinion material compiled solely for the purpose of describing an individual's suitability, eligibility or qualifications for employment.

(See subsection 2(1)(b) of FOIP Regulations and 2(1)(b) of LA FOIP Regulations.)

Enactment

An Act or a regulation or any portion of an Act or regulation.

Endanger

The act of putting someone or something in danger; exposure to peril or harm.

To endanger the life or physical safety refers to situations in which disclosure of information could threaten, or put in peril, someone's life or physical well-being. An individual's physical safety can be threatened as a result of a physical attack or an attack against property that is likely to cause casualties.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Enforcement

The act or process of compelling compliance with a law, mandate, command, decree, or agreement.

Environment

Means the totality of the physical conditions in which a human society lives.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Error

A mistake or something wrong or incorrect.

Escape

Means the act or an instance of breaking free from confinement.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Evaluative

To have assessed, appraised, to have found or to have stated the number of.

Evidence

The material that parties must submit in reviews/investigations to establish the facts on which they are relying.

(See IPC Guide to FOIP, [Chapter 2: Administration of FOIP](#); IPC Guide to LA FOIP, [Chapter 2: Administration of LA FOIP](#).)

Exclusions

Are prescribed records and organizations that are not subject to FOIP, LA FOIP or HIPA ([SK IPC Annual report, 2012-13, Appendix 3](#)).

(See section 3, section 23 of FOIP, section 12 of FOIP Regulations, section 3, section 22 of LA FOIP, section 8.1 of LA FOIP Regulations and subsection 3, 4(4) of HIPA.)

Executive Council

Consists of the Premier and Cabinet Ministers. Executive Council is also referred to as “Cabinet” (Government of Saskatchewan, Cabinet Secretariat, Executive Council, Executive Government Processes and Procedures in Saskatchewan: A Procedures Manual, 2007, p. 16).

(See SK IPC [Review Report 041-2015](#) at paragraph [8].)

Exemptions

Sections of the relevant statutes referenced to justify the denial of access to records by government institutions and local authorities for either mandatory or discretionary reasons. See Part III & Part IV of FOIP or See Part III & Part IV of LA FOIP.

(See SK IPC [Review Report 019-2017](#) at paragraphs [1] to [65].)

Exercise

Means to make use of; to put into action; to execute

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Exercise of discretionary power

Making a decision that cannot be determined to be right or wrong in an objective sense.

(See subsection 17(2)/16(2) in [IPC Guide to Exemptions for FOIP and LA FOIP](#).)

Explicitly

Means that the request for confidentiality has been clearly expressed, distinctly stated or made definite. There may be documentary evidence that shows that the information was obtained with the understanding that it would be kept confidential.

F

Fair trial

A hearing by an impartial and disinterested tribunal that renders judgment only after consideration of the evidence, the facts, the applicable law and arguments from the parties

Family status

Is defined by *The Saskatchewan Human Rights Code* as the status of being in a parent and child relationship. **Child** is defined as a son, daughter, stepson, stepdaughter, adopted child and person to

whom another person stands in place of a parent. **Parent** is defined as a father, mother, stepfather, stepmother, adoptive parent and person who stands in place of a parent to another person.

(See [SK IPC Review Report 109-2015](#) at paragraph [40].)

Facilitate

Means to make the occurrence of escape easier; to render less difficult

(See *IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#)*; *IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#)*)

Fair trial

Refers to a trial by an impartial tribunal in accordance with regular procedures; especially a criminal trial in which the defendant's constitutional and legal rights are respected. It means a hearing by an impartial tribunal; a proceeding which hears before it condemns, which proceeds upon inquiry, and renders judgement only after consideration of evidence and facts as a whole.

(See *IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#)*; *IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#)*.)

Fees

The charges that an applicant pays to a public body or trustee for services related to the processing of an access request.

The FOIP or LA FOIP Regulation, section 6 or 5 respectively, sets out the services for which fees may be charged and the maximum charges for providing these services. Fees may not exceed the actual cost of providing the service.

“Preparation” includes time spent preparing the record for disclosure including time anticipated to be spent physically severing exempt information from records.

“Search” time consists of every half hour of manual search time required to locate and identify responsive records.

(See *FOIP section 9, LA FOIP section 8 or HIPA section 39; [IPC Guide to Exemptions for FOIP and LA FOIP about fee, service, and preparation](#)*.)

Financial

Means of or pertaining to revenue or money matters.

(See *IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#)*; *IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#)*)

Financial assistance

Means any economic benefit, such as a scholarship or stipend, given by one person or entity to another.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Financial information

Information regarding monetary resources, such as financial capabilities, assets and liabilities, past or present. Common examples are financial forecasts, investment strategies, budgets, and profit and loss statements. The financial information must be specific to a particular party.

Financial loss or gain

Must be monetary, have a monetary equivalent, or value (e.g. loss of revenue or loss of corporate reputation).

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Fiscal year*

The period commencing on April 1 in one year and ending on March 31 in the following year.

(See subsection 2(g) of HIPA.)

FOIP

The Freedom of Information and Protection of Privacy Act that came into force in 1992.

FOIP Coordinator

An individual designated pursuant to section 60 of FOIP for managing access and privacy issues in any public body with this title ([SK OIPC's 2012-2013 Annual Report Appendix 3](#)).

FOIP regime

The statute, regulations, as well as the policies, practices and procedures for the implementation of the statute and regulations ([SK OIPC's 2012-2013 Annual Report Appendix 3](#)).

Foreign jurisdiction

A government or its institutions of any foreign nation or state outside of Canada.

(See subsection 13(1) of FOIP.)

Foreign state

The government of any foreign nation or state, including the component state governments of federated states.

(See section 14 of FOIP.)

Formulation

Means to create or prepare methodically.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Frivolous

Is typically associated with matters that are trivial or without merit, lacking a legal or factual basis or legal or factual merit; not serious; not reasonably purposeful; of little weight or importance.

(See also [Trivial matter](#); subsection 45.1(2) of FOIP and subsection 43.1(2) of LA FOIP.)

Fundraising activity*

A fundraising activity for a health-related charitable purpose.

(See subsection 7.1(1)(g) of the HIPA Regulations.)

Fundraising agency*

A registered charity as defined in the *Income Tax Act* (Canada) that:

- is incorporated in Saskatchewan for the sole purpose of carrying out fundraising activities for the benefit of a designated trustee; and
- has entered into a fundraising agreement with a designated trustee.

(See subsection 7.1(1)(h) of HIPA Regulations.)

Fundraising agreement*

An agreement between a designated trustee and a fundraising agency by which the fundraising agency is authorized to carry out fundraising activities on behalf of the designated trustee.

(See subsection 7.1(1)(i) of HIPA Regulations.)

G

Good faith

Means that state of mind denoting honesty of purpose, freedom from intention to defraud, and, generally speaking, means being faithful to one's duty or obligation. Good faith is an intangible quality encompassing honest belief, the absence of malice and the absence of design to defraud or take advantage of something.

(See *IPC Guide to FOIP, Chapter 2: Administration of FOIP*; *IPC Guide to LA FOIP, Chapter 2: Administration of LA FOIP*.)

Government institution*

A government institution as defined in subsection 2(1)(d) of FOIP (subsection 2(h) of HIPA). It includes:

- the office of Executive Council or any department, secretariat or other similar agency of the executive government of Saskatchewan; or
- any prescribed board, commission, Crown corporation or other body, or any prescribed portion of a board, commission, Crown corporation or other body, whose members or directors are appointed, in whole or in part:
 - by the Lieutenant Governor in Council;
 - by a member of the Executive Council; or
 - in the case of:
 - a board, commission or other body, by a Crown corporation; or
 - a Crown corporation, by another Crown corporation;

It does not include:

- a corporation the share capital of which is owned in whole or in part by a person other than the Government of Saskatchewan or an agency of it;
- the Legislative Assembly Service or offices of members of the Assembly or members of the Executive Council; or the Court of Appeal, Her Majesty's Court of Queen's Bench for Saskatchewan or the Provincial Court of Saskatchewan.

Grant an application to disregard

The Commissioner agrees that an access to information request or request for correction should be disregarded.

(See *IPC resource [Application to Disregard an Access to Information Request or Request for Correction](#)*.)

Guardian

Someone who has the authority to make decisions for an adult. A personal guardian makes decisions about an adult's personal welfare and a property guardian makes decisions about an adult's finances and property.

(See subsection 59(b) of FOIP, subsection 9 (b) of LA FOIP, subsection 56(b) of HIPA and IPC blog [Who signs for an adult?.](#))

H

Harm-based

Are exemptions based on a determination by the head of the public body that it is reasonable to expect that some injury, harm or prejudice will occur if the information is released (see also *Class-based*).

Hazard

A risk, peril or danger.

Head*

The individual accountable by law for making the final decision on access requests, but may delegate these powers to someone else in the organization. This is typically the Minister of a ministry, the mayor of a municipality and the CEO of a local authority or Crown corporation ([SK OIPC's 2012-2013 Annual Report Appendix 3](#)) (see section 58 of HIPA).

For purposes of FOIP, includes the member of the Executive Council responsible for the administration of the agency (i.e. Minister, President/CEO) (see subsection 2(e) of FOIP and section 4 of FOIP Regulations).

For purposes of LA FOIP, includes the mayor, reeve or chairman of the local advisory committee or the chairperson of the governing body or the individual designated as the head by the governing body of the local authority (see subsection 2(e) of LA FOIP).

(See [IPC Guide to Exemptions for FOIP and LA FOIP.](#))

Health care organization*

A health care organization as defined in *The Provincial Health Services Act*.

(See subsection 2(h.1) of HIPA.)

Health professional*

A person who is licensed pursuant to an Act for which the minister is responsible and is authorized by *The Drug Schedules Regulations, 1997* to prescribe or dispense a drug.

Health professional body*

A body other than the college that, pursuant to an Act for which the minister is responsible, regulates health professionals. Examples of these bodies include the College of Physicians and Surgeons of Saskatchewan, Saskatchewan Registered Nurses Association, Chiropractors' Association of Saskatchewan, etc.

(See subsection 6.1(1) of HIPA Regulations.)

Health Quality Council*

Is the council described in section 3 of *The Health Quality Council Act*. See section 2(b) of HIPA Regulations.

Health related charitable purpose*

A charitable purpose related to a health services facility situated in Saskatchewan or to the provision in Saskatchewan of a health service or program.

(See subsection 7.1(1)(j) of the HIPA Regulations.)

Health service*

As defined by subsection 2.2 of *The Regional Health Services Administration Regulations*, means services as follows:

- alcohol, drug or substance abuse or addiction assessment, education and treatment services;
- chronic disease management services;
- community health services;
- convalescent care and palliative care services;
- counselling services;
- diagnostic imaging services;
- disability management services;
- disease and injury prevention services;
- emergency medical response services;
- emergency stabilization services;
- health assessment and screening services;

- health education services;
- health promotion services;
- home care services;
- hospital services;
- laboratory services;
- long-term care services;
- medical services;
- mental health services;
- nursing services;
- personal care services;
- physician services;
- provision of drugs, medical supplies and surgical supplies;
- public health services;
- registered nurse or nurse practitioner services;
- rehabilitation services;
- specialty and subspecialty medical services and surgical services;
- therapy services;
- any other goods and services ancillary or incidental to health promotion and protection or respecting the care, treatment or transportation of sick, infirm or injured individuals.

Health services number*

A unique number assigned to an individual who is or was registered as a beneficiary to receive insured services within the meaning of *The Saskatchewan Medical Care Insurance Act*.

(See subsection 2(i) of HIPA.)

HIPA

The Health Information Protection Act that came into force in 2003.

Applies when **three** elements are present. The **first** element is personal health information, the **second** element is a trustee, and the **third** element is if the personal health information is in the custody or control of the trustee.

Hospital*

A facility designated as a hospital pursuant to *The Facility Designation Regulations*, and includes a hospital operated by the Athabasca Health Authority.

(See subsection 7.1(1)(k) of the HIPA Regulations.)

I

Identifiable individual

Means that it must be reasonable to expect that an individual may be identified if the information were disclosed.

Identity

Includes the name and any identifying characteristics, symbols and numbers relating to the source.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Identity theft

When a person uses another person's personal information without the individual's knowledge or consent to commit a crime such as fraud or theft ([SK OIPC's 2012-2013 Annual Report Appendix 3](#)).

Immediate family

The IPC recommends that Trustees in Saskatchewan adopt the list for "nearest relative" provided by subsection 15(1) of *The Health Care Directives and Substitute Health Care Decision Makers Act* for the definition of immediate family. The list is as follows:

- the spouse or person with whom the person requiring treatment cohabits and has cohabited as a spouse in a relationship of some permanence;
- an adult son or daughter;
- a parent or legal custodian;
- an adult brother or sister;
- a grandparent;
- an adult grandchild;
- an adult uncle or aunt;
- an adult nephew or niece.

(See [IPC Guide to HIPA](#).)

Impartial adjudication

A proceeding in which the parties' legal rights are safeguarded and respected.

Impede

Means to delay or block the progress or action of detection.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Implementation

The point when the implementation of a decision begins, in simple terms to put a decision into active plan.

Implicitly

Means that the confidentiality is understood even though there is no actual statement of confidentiality, agreement, or other physical evidence of the understanding that the information will be kept confidential.

Phrase applied to information that is furnished on the understanding of both parties that it be kept secret. There may be no actual statement of confidentiality, written agreement or other

Physical evidence of the understanding that the information will be kept confidential. Some of the relevant facts and circumstances that may show an understanding of confidentiality are how the information was provided, for what purpose, and how it was managed, secured or distributed by or within the public body ([Government of Alberta's FOIP Guidelines and Practices: 2009 Edition, Appendix 1](#)).

In confidence

Describes a situation of mutual trust in which private matters are relayed or reported.

Information that may be trivial from one person's perspective, however, may be of importance from another's.

A term applied to information that is furnished with the intent that it be kept secret. In the context of the Act, the concept is applied to information or records supplied to a public body by third parties (including individuals and other levels of government) or by confidential sources of law enforcement information. ([Government of Alberta's FOIP Guidelines and Practices: 2009 Edition, Appendix 1](#))

Information management service provider*

Means a person who or body that:

FOIP subsection 2(1)(e.1)

- processes, stores, archives or destroys records of a government institution containing personal information; or
- provides information management or information technology services to a government institution with respect to records of the government institution containing personal information.

LA FOIP subsection 2(e.1)

- processes, stores, archives or destroys records of a local authority containing personal information; or
- provides information management or information technology services to a local authority with respect to records of the government institution containing personal information.

HIPA subsection 2(j)

- processes, stores, archives or destroys records of a trustee containing personal health information; or
- provides information management or information technology services to a trustee with respect to records of the trustee containing personal health information; and
- includes a trustee that carries out any of those activities on behalf of another trustee, but does not include a trustee that carries out any of those activities on its own behalf

Information sharing agreement*

An agreement that governs the collection, use disclosure and safeguarding of personal health information by the parties. For the purposes of section 5.2 of the HIPA Regulations, the information sharing agreement must meet the requirements set out in subsection 5.2(2) of the HIPA Regulations.

Injury

Implies damage or detriment, harm suffered.

Injurious

Means harmful; tending to injure.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Inspection

Has been defined, in general, as a careful examination.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Instructions

Directions or orders.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Integrity

The condition of information being whole or complete; not modified, deleted or corrupted.

(See [IPC Guide to HIPA](#); [SK IPC Investigation Report 024-2018](#) at paragraph [11].)

Intelligence information

Information that has been secretly or covertly gathered in furtherance of police or other penal investigations and/or prosecutions.

Interfere with

Includes hindering or hampering an ongoing investigation and anything that would detract from an investigator's ability to pursue the investigation.

(See [SK IPC Review Report 126-2015](#) at paragraphs [13], [20], [21] and [25] and subsection 15(1) of FOIP and 15(1) of LA FOIP.)

Interfere with contractual or other negotiations

To obstruct or make much more difficult the negotiation of a contract or other sort of agreement involving the public body or third party.

(See subsection 18(1)(d) and 19(1)(c)(iii) of FOIP, subsection 17(1)(e) and 18(1)(c)(iii) of LA FOIP and [SK IPC Review Report 203-2016](#) at paragraph [31].)

Interference

To obstruct or hinder the range of effectiveness of the public body's activities.

International organization of states

Any organization with members representing and acting under the authority of the governments of two or more states.

(See subsection 13(1)(d) of FOIP.)

Investigation

Means an investigation pursuant to sections 33 and 51 of FOIP, sections 32 and 40 of LA FOIP or section 52 of HIPA.

To look into, examine, observe, study carefully, discover the factor and conduct a legal inquiry. For purposes of the exemptions, investigations may be police, security or administrative investigations.

Investigative techniques and procedures

Techniques and procedures used to conduct an investigation or inquiry for the purpose of law enforcement.

L

Labour relations information

Relates to the management of personnel by a person or organization, whether or not the personnel are organized into bargaining units. It includes relationships within and between workers, working groups and their organizations as well as managers, employers and their organizations. Labour relations information also includes collective relations between a public body and its employees.

Common examples of labour relations information are hourly wage rates, personnel contract and information on negotiations regarding collective agreements (Alberta FOIP Guidelines and Practices, 2009).

(See subsection 19(1) of FOIP, subsection 18(1) of LA FOIP.)

Law enforcement

Means:

- policing, including criminal intelligence operations, or
- investigations, inspections or proceedings conducted under the authority of or for the purpose of enforcing an enactment which lead to or could lead to a penalty or sanction being imposed under the enactment.

(See section 15 of FOIP and section 14 of LA FOIP.)

Law enforcement and investigations

Include a police, security or administrative investigation or a combination of these.

(See section 15 of FOIP and section 14 of LA FOIP.)

Law enforcement matter

A situation under investigation within the law.

LA FOIP

The Local Authority Freedom of Information and Protection of Privacy Act that came into force in 1993.

Saskatchewan proclaimed *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) on July 1, 1993, which came into force immediately for municipal bodies. The Act came into force on July 1, 1994 for health care facilities, and on September 1, 1994 for educational facilities.

Lawful investigation

An investigation that is authorized or required and permitted by law.

(See section 15 of FOIP and section 14 of LA FOIP.)

Lawfully detained

Being held in custody pursuant to a valid warrant or other authorized order

Legal advice

Includes a legal opinion about a legal issue, and a recommended course of action, based on legal considerations, regarding a matter with legal implications.

Legal custodian

Means a person having lawful custody of a child.

(See IPC Guide to FOIP, [Chapter 3: Access to Records](#); IPC Guide to LA FOIP, [Chapter 3: Access to Records](#).)

Legal proceedings

Legal proceedings are proceedings governed by rules of court or rules of judicial or quasi-judicial tribunals that can result in a judgment of a court or a ruling by a tribunal. Legal proceedings include all proceedings authorized or sanctioned by law, and brought or instituted in a court or legal tribunal, for the acquiring of a right or the enforcement of a remedy. See subsection 15(1)(d) of FOIP; or, **legal proceedings** means any civil proceeding or inquiry in which evidence is or may be given, and includes a proceeding for the imposition of punishment by way of fine, penalty or imprisonment to enforce an Act or a regulation made pursuant to an Act. See subsection 17(3) of FOIP and section 10 of *The Evidence Act*.

(See [SK IPC Review Report 210-2017](#) at paragraph [10].)

Legal service

Includes any law-related service performed by a person licensed to practice law.

Legislative privilege

Also known as parliamentary privilege, is a unique class privilege that extends to members of the Legislative Assembly immunity to do their legislative work. It has been defined as “the sum of the privileges, immunities and powers enjoyed by the Senate, the House of Commons and provincial legislative assemblies, and by each member individually, without which they could not discharge their functions.”

(See *IPC Guide to FOIP*, [Chapter 4: Exemptions from the Right of Access](#); *IPC Guide to LA FOIP*, [Chapter 4: Exemptions from the Right of Access](#))

Likely

Means probable, a likely outcome; reasonably expected

(See *IPC Guide to FOIP*, [Chapter 4: Exemptions from the Right of Access](#); *IPC Guide to LA FOIP*, [Chapter 4: Exemptions from the Right of Access](#))

Litigation

The process of carrying on a lawsuit.

(See *IPC Guide to FOIP*, [Chapter 1: Purpose and Scope of FOIP](#); *IPC Guide to LA FOIP*, [Chapter 1: Purpose and Scope of LA FOIP](#).)

Local authority*

Pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP), means:

- a municipality;
- a committee of a council of a municipality;
- any board, commission or other body that is appointed pursuant to *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act*, 2010 and is prescribed;
- the board of a public library within the meaning of *The Public Libraries Act, 1984*;
- the Northern Library Office established pursuant to *The Public Libraries Act, 1984*;
- any board of education or conseil scolaire within the meaning of *The Education Act*;
- a regional college within the meaning of *The Regional Colleges Act*, other than the Saskatchewan Indian Community College;
- the Saskatchewan Polytechnic;
- the University of Saskatchewan, including Saint Thomas More College;
- the University of Regina, including Champion College and Luther College with respect to its post-secondary level activities;

- the provincial health authority or an affiliate, as defined in *The Provincial Health Authority Act*;
- any board, commission or other body that receives more than 50% of its annual budget from the Government of Saskatchewan or a government institution; and is prescribed.

(See section 5.2 of LA FOIP.)

M

Management of personnel

Refers to all aspects of the management of human resources of a public body that relate to the duties and responsibilities of employees.

Mandatory exemptions

Mandatory exemptions are introduced with the wording “A head shall refuse...” This indicates that there is no option but to refuse access to the information. There are some “shall” provisions, however, which contain certain conditions under which the public body can still release the information. For example, subsection 13(1) of LA FOIP provides that the public body “shall refuse to give access” unless the government institution from which the information was obtained gives consent or makes the information public.

Matter of public record

Documents that one would typically find in a public register that the members of the public have ready access to.

(See [SK IPC Investigation Report 249-2017](#) at paragraph [8].)

Mediation

The process of facilitating discussion between the parties involved in a review or investigation by the OIPC with the goal of negotiating a mutually acceptable resolution to the dispute without the issuance of a formal report ([SK OIPC’s 2012-2013 Annual Report Appendix 3](#)).

Mental health

Refers to the functioning of a person’s mind in a normal state.

Minister*

The member of the Executive Council to whom for the time being the administration of FOIP or HIPA or LA FOIP is assigned.

(See subsection 2(1)(f) of FOIP) or 2(g) of LA FOIP or 2(k) of HIPA.)

Monetary value

Amount of value in something, could be measured in currency.

Mutual understanding

Means that the public body and the third party both had the same understanding regarding the confidentiality of the information at the time it was supplied.

Mutually generated

One or more parties (could be a public body and a third party) in agreement to bring a product or productions into existence.

N

Need-to-know principle

The principle that trustees and their staff should only collect, use or disclose personal health information needed for the diagnosis, treatment or care of an individual or other authorized purposes.

A trustee should limit collection and use of personal health information to a need-to-know basis, and not a nice-to-know basis.

Personal information or personal health information should only be available to those employees in an organization that have a legitimate need-to-know that information for the purpose of delivering their mandated services.

(See section 23 of HIPA and blog [Need-to-Know' in the Workplace: When is it crossing the Line?](#))

Next of kin

It is the Commissioners view that “next of kin” be interpreted the same as immediate family in the context of HIPA.

(See [Immediate family](#).)

Notation

Is a note made on the individual’s personal information/ personal health information or in an electronic record indicating that the individual has requested an amendment to personal information or personal health information pursuant to section 32 of FOIP or section 31 of LA FOIP or section 40 of HIPA.

A notation should include the date, who requested the amendment, what the requested amendment was and a signature of the decision maker.

Not in good faith

Generally implying or involving actual or constructive fraud, or a design to mislead or deceive another, or a neglect or refusal to fulfill some duty or other contractual obligation, not prompted by an honest mistake as to one's rights, but by some interested or sinister motive. The opposite of "good faith".

Not reasonably practicable

Refers to something that is not feasible or possible from a realistic or practical standpoint.

O

Observation

A comment based on something one has seen, heard, or noticed, and the action or process of closely observing or monitoring.

Obtain

To acquire in any way; to get possession of; to procure or to get a hold of by effort.

Offence

A violation of law, rule, custom, or an illegal act.

An offence under an enactment of Saskatchewan or Canada, including an offence under section 68 of FOIP Act, 56 of LA FOIP or 64 of HIPA.

Office of the Information and Privacy Commissioner

The individuals employed to assist the Information and Privacy Commissioner. The acronym IPC is used for this term.

Omission

Something is missing, left out or overlooked.

Open

Means to be honest, forthcoming and transparent. Where a decision is made to not provide an applicant with all or part of a record, an organization should provide reasons for the refusal in an upfront and informative manner. Being open would also include explaining to an applicant other

things such as: how and why a decision was made, how responsive records were searched for, any additional information necessary to explain something found in the record that is believed to be confusing; how a fee is calculated; and creating when a record when appropriate.

(See [SK IPC Review Report 040-2019](#) at paragraph [43].)

Openness and transparency

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information. See section 65 of FOIP, section 53 of LA FOIP.

(See Principle 8 of [Schedule 1 of the Personal Information Protection and Electronic Documents Act \(PIPEDA\)](#)).

Opinion

A belief or assessment based on grounds short of proof, a view held as probable.

Opinion material

A belief or assessment based on grounds short of proof; a view held as probable for example, a belief that a person would be a suitable employee, based on that person's employment history. An opinion is subjective in nature, and may or may not be based on facts (Alberta IPC Order 98-021).

Opt out*

To inform a designated trustee or a fundraising agency, in accordance with subsection 7.1(10) of the HIPA Regulations, that a client does not consent to the use or disclosure of personal health information by the designated trustee or the fundraising agency for the purposes of a fundraising activity.

Opting-out procedure*

A procedure by which a client may inform a designated trustee or a fundraising agency, as the case may be, that the client wishes to opt out pursuant to section 7.1 of the HIPA Regulations.

P

Person

Includes an individual, a corporation, a partnership and the legal representatives of a person.

Personal guardian

Makes decisions about an adult's personal welfare

(See IPC Guide to FOIP, [Chapter 3: Access to Records](#); IPC Guide to LA FOIP, [Chapter 3: Access to Records](#).)

Personal health information*

Means, with respect to an individual, whether living or deceased:

- information with respect to the physical or mental health of the individual;
- information with respect to any health service provided to the individual;
- information with respect to the donation by the individual of any body part or any bodily substance of the individual or information derived from the testing or examination of a body part or bodily substance of the individual;
- information that is collected:
 - in the course of providing health services to the individual; or
 - incidentally to the provision of health services to the individual; or
- registration information.

(See subsection 2(m) of HIPA.)

Personal information*

Personal information about an identifiable individual that is recorded in any form (section 24 (1) and subject to (1.1) & (2) of FOIP, section 23 (1) and subject to (1.1) & (2) of LA FOIP).

Is "recorded information about an identifiable individual" and includes details such as your name, address, phone number, SIN, race, driver's license number, health card number, credit ratings, and opinions of another person about you ([SK OIPC's 2012-2013 Annual Report Appendix 3](#)).

Personal in nature

Means that the information reveals something personal about the individual. Information that relates to an individual in a professional, official or business capacity could only qualify if the information revealed something personal about the individual (such as employment history).

See [SK IPC Investigation Report 224-2016](#) at paragraph [9].

Personal representative

An executor under a will or an administrator appointed by the court as Executor or Administrator of an estate.

Person in a close personal relationship

Could include a common-law spouse, a close friend or other person who can demonstrate that he or she has such a relationship with the individual who is the subject of the information.

Physical health

The well-being of an individual's physical body.

Physical safeguards

Are physical measures, policies, and procedures to protect personal health information and related buildings and equipment, from natural and environmental hazards and unauthorized intrusion. Physical safeguards include locked filing cabinets, offices and storage rooms, alarm systems and clean desk approaches.

PIA

An abbreviation for a *Privacy Impact Assessment*. A PIA is a diagnostic tool designed to help organizations assess their compliance with the privacy requirements of Saskatchewan legislation (SK OIPC Annual Report Appendix 3, 2012-13).

A process that assists public bodies in reviewing the impact that a new program, administrative process or practice, information system or legislation may have on individual privacy. (Alberta FOIP Guidelines and Practices, 2009).

(See also [SK IPC PIA Guidance Document](#).)

Plan

A formulated and especially detailed method by which a thing is to be done; a design or scheme.

Policy

A course or principle of action adopted or proposed by an organization or individual.

Policing

Refers to the activities of police services. This means activities carried out under the authority of a statute regarding the maintenance of public order, detection and prevention of crime or the enforcement of law.

(See *IPC Guide to FOIP*, [Chapter 4: Exemptions from the Right of Access](#); *IPC Guide to LA FOIP*, [Chapter 4: Exemptions from the Right of Access](#))

Position, function, responsibilities or hours of work

Pertains more to a job description of an individual than personal information.

(See [SK IPC Review Report LA-2012-002](#) at paragraph [25].)

Positions and plans

Information that may be used in the course of negotiations.

Possession

Physical possession plus a measure of control of the record.

(See [SK IPC Review Reports 156-2017 & 264-2017](#) at paragraph [46].)

Power of attorney

An authority given to one person (called the attorney) to do certain acts in the name of, and personally representing, the person granting the power (called the grantor).

(See *IPC Guide to FOIP*, [Chapter 3: Access to Records](#); *IPC Guide to LA FOIP*, [Chapter 3: Access to Records](#).)

Prejudice

A detriment to economic interests ([IPC Guide to Exemptions](#)).

“Prejudice” in its ordinary form means damage or harm to one’s legal right or claims from some action or judgement. (Black’s Law Dictionary, 2014).

Prevail

Means a provision of one Act having priority over a conflicting provision in another Act. The Ordinary meaning of the word means to be superior in strength or influence.

(See *IPC Guide to FOIP*, [Chapter 1: Purposes and Scope of FOIP](#); *IPC Guide to LA FOIP*, [Chapter 1: Purposes and Scope of LA FOIP](#).)

Primacy clauses

Clauses in a statute that define how a statute is interpreted if its provisions are inconsistent with another statute in the same jurisdiction.

Primacy

Means the state or position of being first in order, importance, or authority.

(See *IPC Guide to FOIP*, [Chapter 1: Purposes and Scope of FOIP](#); *IPC Guide to LA FOIP*, [Chapter 1: Purposes and Scope of LA FOIP](#).)

Preparation date*

For the purpose of section 7.1 of the HIPA Regulations, means the date on which a client list is prepared.

Prescribed*

Means prescribed in the regulations. See [Regulations](#).

Within the Act, means prescribed by regulation. For example, where the Act allows for use or disclosure of personal information or personal health information where the individual concerned has provided consent “in the prescribed manner” the consent must meet the requirements set out in the FOIP or HIPA or LA FOIP Regulations.

(See section 2(1)(h) of FOIP and section 2(d) of LA FOIP.)

Primary purpose*

The purpose for which personal health information was originally collected, and includes any purpose that is consistent with that purpose.

(See subsection 2(o) of HIPA.)

Privacy

The “general right of the individual to be left alone, to be free from interference, from surveillance and from intrusions”. It is the right of an individual to be able to control access to as well as the collection, use and disclosure of personal information / personal health information. Privacy captures both security and confidentiality of personal information/ personal health information ([SK OIPC’s 2012-2013 Annual Report Appendix 3](#)).

Privacy... connotes concepts of intimacy, identity, dignity, and integrity of the individual. [Canada \(Information Commissioner\) v. Canada \(Transportation Accident Investigation and Safety Board\), \[2007\] 1 FCR 203, 2006 FCA 157](#)

Privacy breach

Happens when there is an unauthorized collection, use or disclosure of personal information or personal health information, regardless of whether the personal health information ends up in a third party’s possession.

(See [IPC Guide to HIPA](#).)

Privacy impact

Is when there are inadequate safeguards to protect information/personal health information, or FOIP, LA FOIP or HIPA does not authorize the collection, use, and/or disclosure of personal information or personal health information.

(See SK IPC blog [Privacy Impact Assessments](#).)

Private records

Are third party records not in the hands of the Crown.

(See *IPC Guide to FOIP*, [Chapter 4: Exemptions from the Right of Access](#); *IPC Guide to LA FOIP*, [Chapter 4: Exemptions from the Right of Access](#))

Privilege

A special right, exemption, or immunity granted to a person or class of persons.

(See *IPC Guide to FOIP*, [Chapter 4: Exemptions from the Right of Access](#); *IPC Guide to LA FOIP*, [Chapter 4: Exemptions from the Right of Access](#))

Procedural fairness

Concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. It is highly likely that a decision-maker who follows a fair procedure will reach a fair and correct decision.

(See *IPC Guide to FOIP*, [Chapter 2: Administration of FOIP](#); *IPC Guide to LA FOIP*, [Chapter 2: Administration of LA FOIP](#).)

Procedures

A course of actions or manner to be followed established by an organization or individual.

Procedures, criteria, instructions and considerations

Are much broader in scope, covering information relating to the factors involved in developing a particular negotiating position or plan.

Professional

Means of or relating to or belonging to a profession.

Project

An enterprise carefully planned to achieve a particular aim.

Property guardian

Makes decisions about an adult's finances and property.

(See *IPC Guide to FOIP*, [Chapter 3: Access to Records](#); *IPC Guide to LA FOIP*, [Chapter 3: Access to Records](#).)

Proposals and analyses or policy options

Are closely related to advice and recommendations and refer to the concise setting out of the advantages or disadvantages of particular courses of action.

Proprietary interest

The interest held by a property owner together with all appurtenant rights, such as a stockholder's right to vote the shares.

Prosecution

Proceedings in respect of a criminal or quasi-criminal charge laid under an enactment of Saskatchewan or Canada and may include regulatory offences that carry true penal consequences such as imprisonment or a significant fine.

(See subsection 17(1)(c) of FOIP, subsection 16(1)(c) of LA FOIP and SK IPC [Review Report 223-2016](#) at paragraph [9].)

Provincial health authority*

Means the provincial health authority continued pursuant to *The Provincial Health Authority Act* found in subsection 2(o.1) of HIPA.

Public bodies

Organizations in the public sector including government institutions and local authorities ([SK OIPC's 2012-2013 Annual Report Appendix 3](#)).

Public interest

A common concern by the citizens regarding the affairs of a local, provincial, and national government management.

(See [SK IPC Review Report 082-2017](#) at paragraph [29] to [30]; [SK IPC Review Report 111-2015](#) at paragraph [43]; [SK IPC review Report 145-2014](#) at paragraph [13]; subsection 19(3), 29(k)(i), 29(o)(i) of FOIP and 9(1)(a) of FOIP Regulations; and subsection 18 (3), 28(k)(i), 28(n)(i) and 8(1)(b) of LA FOIP.)

Public record

A record that a government unit is required by law to keep, such as land deeds kept at a county courthouse. Public records are generally open to view by the public.

(See IPC Guide to FOIP, [Chapter 1: Purposes and Scope of FOIP](#); IPC Guide to LA FOIP, [Chapter 1: Purposes and Scope of LA FOIP](#).)

Published

To make known to people in general; an advising of the public or making known of something to the public for a purpose (Black's Law Dictionary, 2014).

(See [SK IPC Investigation Report 249-2017](#) at paragraph [7].)

R

Readable

Means that the personal information or personal health information is able to be read or is legible.

Real risk of significant harm

Means there is a probability of significant harm including bodily harm, humiliation, damage to reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the credit record and damage to or loss of property.

Reasonable

Fair, proper, just, moderate, suitable under the circumstances. There are a variety of situations under the Act where reasonableness comes into play in a decision or course of action on the part of a public body, in particular:

- Fulfilling the duty to assist applicants and to respond to requests without delay;
- Deciding whether disclosure of information that may be subject to certain exemptions under the Act could reasonably be expected to cause harm; and
- Making certain determinations with respect to the collection, use, disclosure, and protection of personal information ([Government of Alberta's FOIP Guidelines and Practices: 2009 Edition, Appendix 1](#)).

Reasonable care

Means the degree of care that a prudent and competent person engaged in the same endeavor would exercise under similar circumstances.

(See *IPC Guide to FOIP*, [Chapter 2: Administration of FOIP](#); *IPC Guide to LA FOIP*, [Chapter 2: Administration of LA FOIP](#).)

Reasonable effort

What a fair and rational person would expect to be done or would find acceptable and helpful in the circumstances.

(See [SK IPC Review Report 040-2019](#) at paragraph [42].)

Reasonable expectation

According to Supreme Court of Canada, it means something that is at least foreseen and perhaps likely to occur, but not necessarily probable ([Merck Frosst Canada Ltd. v. Canada \(Health\)](#), [2012] 1 SCR 23, 2012 SCC 3).

Reasonable fee estimate

Means an estimate that is proportionate to the work required on the part of the public body to respond efficiently and effectively to an applicant's request.

Reasonable search

Is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records which are reasonably related to the request.

(See also [adequate search](#); [SK IPC Review Report 116-207](#) at paragraph [17].)

Reasons for decision

The motive, rationale, justification or facts leading to a decision.

(See [IPC Guide to Exemptions for FOIP and LA FOIP](#).)

Recommendations

Relate to a suggested course of action as well as the rationale for a suggested course of action. Generally more explicit and pointed than advice.

(See subsection 17(1) of FOIP and subsection 16(1) of LA FOIP.)

Record*

As defined in subsection 2(1)(i) of FOIP, 2(j) of LA FOIP or 2(p) of HIPA, means a record of information in any form and includes information that is written, photographed, recorded, digitized or stored in any manner, but does not include computer programs or other mechanisms that produce records.

(See IPC resource [Application to Disregard an Access to Information Request or Request for Correction](#).)

Refuse to confirm or deny

Pertains to a public body withholding information if the information itself falls under the enumerated exemptions. The public body must be certain that the exemptions apply for the refusal to confirm or deny.

(See subsection 7(4) of FOIP or subsection 7(4) of LA FOIP.)

Registration information*

Information about an individual that is collected for the purpose of registering the individual for the provision of health services, and includes the individual's health services number and any other number assigned to the individual as part of a system of unique identifying numbers that is prescribed in the regulations. Registration information constitutes as personal health information.

(See subsection 2(q) of HIPA.)

Refuse an application to disregard

The Commissioner disagrees that an access to information request or request for correction should be disregarded.

(See section 45.1 of FOI and section 43.1 of LA FOIP.)

Registry

Means a book authorized or recognized by law, kept for recording or registration of facts or documents.

(See IPC Guide to FOIP, [Chapter 1: Purposes and Scope of FOIP](#); IPC Guide to LA FOIP, [Chapter 1: Purposes and Scope of LA FOIP](#).)

Regulations

Are a set of rules, laws and trends defined by authority. Also, understood to mean a regulation as defined by section 2 of *The Interpretation Act, 1995*.

(See FOIP, LA FOIP or HIPA Regulations for more details.)

Relations

A term intended to cover both formal negotiations and more general exchanges and associations between the Government of Saskatchewan and other governments.

(See subsection 14(a) of FOIP.)

Repetitious requests

Are requests that are made two or more times.

(See [SK IPC Review Report 225-2015](#).)

Report

A document prepared by the Saskatchewan Information and Privacy Commissioner that issues recommendations to a public body for changes and/or actions in response to the findings of a formal access review or breach of privacy complaint ([SK OIPC's 2012-2013 Annual Report Appendix 3](#)).

Representation

Means the documents, other evidence and/or arguments provided by a party to the Commissioner's office setting out its position with respect to a review or investigation and often referred to as a submission.

Request

An application under the Act for access to records or personal information in the custody or under the control of a public body.

Request for correction

A request by the individual for correction of his or her personal information or personal health information

Request for review

A request made pursuant to section 49 of FOIP, section 38 of LA FOIP or section 42 of HIPA.

(See also [Review](#) and [Application for Review](#).)

Resolution

A formal expression of opinion or will of an official body or public assembly, adopted by a vote of those present. The term is usually employed to denote the adoption of a motion such as an expression of opinion, a change to rules or a vote of support or censure.

(See section 15(1) of LA FOIP.)

Research

A systematic investigation designed to develop or establish principles, facts or generalized knowledge, or any combination of them, and includes the development, testing and evaluation of research (ON IPC Order PO-3464-I).

Responsive record

The term describes anything that is reasonably related to the request.

Retention

The ability of a trustee to store individual's personal health information in a format that is retrievable, readable, and in a useable manner for the purpose for which it was collected.

(See also [retrievable](#) and [readable](#); section 17 of HIPA and the [IPC Guide to HIPA](#).)

Retrievable

Means that the trustee must be able to access personal health information with reasonable ease when required to do so.

Review

The process by which the Saskatchewan Information and Privacy Commissioner considers a decision of a government institution, local authority or trustee regarding granting access to an individual's own

personal information or personal health information or general information for the failure to respond to a request.

(See Part VII of FOIP, Part VI of LA FOIP or Part VI of HIPA.)

Right of access

The right of an individual to view or obtain copies of records in the possession/custody or control of a government institution or local authority or trustee granted by section 5 of FOIP, section 5 of LA FOIP or section 32 of HIPA.

Right to know

The citizen's right to access information held by public bodies or trustees.

Right to be informed

Means an individual has the right to be informed about the anticipated use and disclosure of personal health record. The trustee is responsible for informing the individual of the anticipated use and disclosure of the information.

(See section 9 of HIPA.)

Routine disclosure

In response to an inquiry or request, occurs when access to a record can be granted without a request under FOIP or LA FOIP

(See IPC Guide to FOIP, [Chapter 3: Access to Records](#); IPC Guide to LA FOIP, [Chapter 3: Access to Records](#).)

S

Safety

Implies relative freedom from danger or risks.

Safeguard

A measure that a government institution, local authority or trustee must take to protect individual's personal information or personal health information in its possession or custody or control.

(See Section 24.1 of FOIP, section 23.1 of LA FOIP, section 16 of HIPA and [SK IPC Investigation Report 299-2017](#) at paragraph [4])

Scientific information

Information belonging to an organized field of knowledge in the natural, biological or social sciences or mathematics.

Information exhibiting the principles or methods of science. The information could include designs for a product and testing procedures or methodologies.

Secondary purpose

The use or disclosure of personal information or personal health information for a purpose other than that for which it was originally collected (e.g. research, use for health system planning, fundraising, etc.).

Section 7 response

The letter, notice or email provided by the head of a public body pursuant to section 7 of FOIP or LA FOIP.

Section 36 response

The letter, notice or email provided by the trustee pursuant to section 36 of HIPA.

Security

A condition of safety or freedom from fear or danger.

In terms of ‘personal information’ and ‘personal health information’, refers to steps taken to protect information from unauthorized disclosure ([SK OIPC’s 2012-2013 Annual Report Appendix 3](#)).

Security investigations

To look into, examine, and to determine the quality and state of security.

Severability

The principle described in section 8 of FOIP/LA FOIP requiring that information be disclosed if it does not contain, or if it can be reasonably severed from, other information that the head of a government institution is authorized or obligated to refuse to disclose under the Act.

(See IPC Guide to FOIP, [Chapter 3: Access to Records](#); IPC Guide to LA FOIP, [Chapter 3: Access to Records](#).)

Severing

The exercise by which portions of a document are removed before that document is provided to an applicant.

(See section 8 of FOIP; section 8 of LA FOIP; subsection 38(2) of HIPA; IPC blog [Severing](#).)

Signatures

Found not to be personal information when made in a work-related capacity. However, a signature may be personal in nature outside of a professional context.

(See [SK IPC Review Report 156-2015](#) at paragraph [6].)

Signing a petition

Found to be personal information because the individual is indicating that they agree with the petition by signing. This would constitute the opinions or views of the individual.

(See [SK IPC Review Report 156-2015](#) at paragraph [12].)

Snooping

Means a person who has unauthorized access into someone's personal information or personal health information with an intent to find out information regarding the person. Snooping could result in a breach of trust between the individuals and organizations. It could also constitute as an offence under FOIP, LA FOIP and /or HIPA.

(See [SK IPC Investigation Report 228-2015](#) at paragraphs [1] to [42]; [SK IPC Investigation Report 088-2013](#) at paragraphs [1] to [42]; IPC blog [Snooping: When Will People Learn?](#))

Statement

A formal written or oral account, setting down facts, a document setting out the items of debit and credit between two parties.

(See IPC Guide to FOIP, [Chapter 4: Exemptions from the Right of Access](#); IPC Guide to LA FOIP, [Chapter 4: Exemptions from the Right of Access](#))

Statement of financial assistance

A document showing credits and debits.

Statistical surveys

General views or considerations of subjects using numerical data.

Subject individual*

The individual to whom personal health information relates.

(See HIPA ssubsection2(s).)

Substance

Generally means more than just the subject or basis of the meeting. Rather, it is the essential or material part of the deliberations themselves.

Substantial financial hardship

Is where any money spent outside of life sustaining requirements (food, water, clothing and shelter) is cause for financial difficulties (ON IPC Order PO-2464). Applicant's expenses exceed their income.

(See sections 9(1), 9(2) of FOIP Regulations or sections 8(1), 8(2) of LA FOIP Regulations.)

Successor

The person or organization that obtains ownership of or title to a trustee's facility or practice when the trustee ceases to be a trustee. A successor could be an individual, a partnership, corporation or other unincorporated organization or sole proprietorship. See section 22 of HIPA.

Summary advice

Refers to the non-binding, general advice provided by the IPC to questions from government institutions, local authorities, trustees, or the public.

Surrogate

Refers to someone other than the individual exercising rights or powers under section 59 of FOIP, section 49 of LA FOIP, section 56 of HIPA on behalf of the individual.

Supply

To provide; or make available; something in possession needed.

Systematic requests

Are those requests made according to a method or plan of acting that is organized and carried out according to a set of rules or principles.

(See section 45.1 of FOIP and section 43.1 of LA FOIP.)

T

Technical information

Information belonging to an organized field of knowledge which would fall under the general categories of applied sciences or mechanical arts.

Technical safeguards

Technologies and the policy and procedures that protect personal health information and control access to it. Examples include: User identifications, passwords, firewalls, identification and authentication controls, virus scanners and audit capabilities in digital systems.

(See section 24.1 of FOIP, section 23.1 OF LA FOIP and section 16 of HIPA.)

Term

A contractual stipulation (Black's Law Dictionary, 2014)

(See subsection 10(g)(ii) of LA FOIP Regulations; [SK IPC Investigation Report 296-2017](#) at paragraph [18].)

Third party*

FOIP: A person, including an unincorporated entity, other than an applicant or a government institution. See subsection 2(1)(j) of FOIP.

LA FOIP: A person, including an unincorporated entity, other than an applicant or a local authority. See subsection 2(k) of LA FOIP.

Threat

A sign or cause of possible harm.

Threaten

To expose to risk or harm.

To revoke consent

Means an individual may withdraw consent to the collection of personal information or personal health information.

(See section 7 of HIPA.)

Trade secret

Information, including a plan or process, tool, mechanism or compound which possesses each of the four following characteristics:

- the information must be secret in an absolute or relative sense (is known only by one or a relatively small number of people);
- the possessor of the information must demonstrate he/she has acted with the intention to treat the information as secret;
- the information must be capable of industrial or commercial application; and

- the possessor must have an interest (e.g. an economic interest) worthy of legal protection. ([Merck Frosst Canada Ltd. v. Canada \(Health\) 2012 SCC 3](#)).

(See subsection 19(1)(a) of FOIP and subsection 18(1)(a) of LA FOIP.)

Transitory records

Records of temporary usefulness that are needed only for a limited period of time, to complete a routine task or to prepare an ongoing document. Also, exact copies of official records made for convenience of reference. These records are not required to meet statutory obligations or to sustain administrative or operational functions. Once they have served their purpose and, in the case of convenience copies the official record has been identified, these records should be destroyed in accordance with internal disposal procedures (Provincial Archives of Saskatchewan, 2014)

(See IPC blog [Transitory Records and Access-to-Information Requests](#).)

Trivial matter

Is something insignificant, unimportant or without merit.

(See [frivolous](#); subsection 45.1 (2) of FOIP and subsection 43.1 of LA FOIP.)

Trustee*

Means any of the following that have custody or control of personal health information:

- a government institution;
- a provincial health authority or a health care organization;
- a licensee as defined in *The Personal Care Homes Act*;
- a person who operates a facility as defined in *The Mental Health Services Act*;
- a licensee as defined in *The Health Facilities Licensing Act*;
- a licensee as defined in *The Patient Choice Medical Imaging Act*;
- an operator as defined in *The Ambulance Act*;
- a licensee as defined in *The Medical Laboratory Licensing Act, 1994*;
- a proprietor as defined in *The Pharmacy and Pharmacy Disciplines Act*;
- a community clinic:
 - as defined in section 263 of *The Co-operatives Act, 1996*; or
 - incorporated or continued pursuant to *The Non-profit Corporations Act, 1995*;
- the Saskatchewan Cancer Foundation;
- a person, other than an employee of a trustee, who is:

- a health professional licensed or registered pursuant to an Act for which the minister is responsible; or
- a member of a class of persons designated as health professionals in the regulations;
- a health professional body that regulates members of a health profession pursuant to an Act;
- a person, other than an employee of a trustee, who or body that provides a health service pursuant to an agreement with another trustee;
- any other prescribed person, body or class of persons or bodies;

Currently, subsection 3(a) of the HIPA Regulations prescribes the Saskatchewan Health Quality Council as a trustee.

(See subsection 2(t) of HIPA.)

U

Unauthorized access

Occurs when individuals have access to personal information or personal health information that they do not need-to-know, either by accident or on purpose. This would also qualify as either an unauthorized use or unauthorized disclosure.

Unauthorized collection

Occurs when personal information or personal health information is collected, acquired, received or obtained by any means for purposes that are not allowed under FOIP, LA FOIP or HIPA.

Unauthorized use

The use of personal information or personal health information for a purpose that is not authorized under FOIP, LA FOIP or HIPA.

Unauthorized disclosure

The act of revealing, showing, providing copies, selling, giving or relaying the content of personal health information in ways that are not permitted under FOIP, LA FOIP or HIPA.

Undue

Defined as “excessive or disproportionate.” (Oxford English Dictionary)

In British Columbia IPC Order 00-08, former Commissioner Loukidelis stated, “the word ‘undue’ must be given real meaning, determined in the circumstances of each case. Generally speaking, that which is

‘undue’ can only be measured against that which is ‘due.’” Further, in British Columbia IPC Order 00-10, the former Commissioner stated further that:

- When is a financial gain or loss “undue”? ...The ordinary meanings of the word “undue” include something that is unwarranted, inappropriate or improper. They can also include something that is excessive or disproportionate, or something that exceeds propriety or fitness. Such meanings have been approved regarding the similar provision in Alberta’s freedom of information legislation...The courts have also given ‘undue’ such meanings, albeit in relation to other kinds of legislation...

(See [SK IPC Review Report 290-2017 and 346-2017](#) at paragraph [33].)

Unreasonable invasion of privacy

A not guided by reason unjustified access of one’s personal information or personal health information.

Use

FOIP: “use” includes reference to or manipulation of personal information by the government institution that has possession or control of the information, but does not include disclosure to another person or government institution.

LA FOIP: “use” includes reference to or manipulation of personal information by the local authority that has possession or control of the information, but does not include disclosure to another person or local authority.

HIPA: “use” includes reference to or manipulation of personal health information by the trustee that has custody or control of the information, but does not include disclosure to another person or trustee.

For example, in a provincial health authority and its facilities, the sharing of information between employees constitutes ‘use’ of the personal health information since the sharing happens under the control of the regional health authority.

(See section 2(u) of HIPA and [SK IPC Investigation Report 100-2015](#) at paragraph [8].)

V

Vexatious

Means without reasonable or probable cause or excuse. A request is vexatious when the primary purpose of the request is not to gain access to information but to continually or repeatedly harass a public body in order to obstruct or grind a public body to a standstill. It is usually taken to mean with intent to annoy, harass, embarrass, or cause discomfort.

(See section 45.1 of FOIP, section 43.1 of LA FOIP and [SK IPC Review Report 225-2015](#) at paragraph [14].)

W

Wigmore test

Is a four-part test set out by Wigmore in *Evidence in Trials at Common Law*, Vol. 8 (McNaughton rev.) (Boston: Little, Brown & Co, 1961), and adopted by the Supreme Court of Canada in [Slavutych v. Baker et al., 1975 CanLII 5 \(SCC\), \[1976\] 1 SCR 254](#). If the records are *private records*, the Wigmore test should be applied. The four fundamental conditions necessary to the establishment of a privilege against the disclosure of communications are:

1. the communications must originate in a confidence that they will not be disclosed;
2. this element of confidentiality must be essential to the full and satisfactory maintenance of the relation between the parties;
3. the relation must be one which in the opinion of the community ought to be sedulously fostered; and
4. the injury that would inure to the relation by the disclosure of the communications must be greater than the benefit thereby gained for the correct disposal of litigation.

(See *IPC Guide to FOIP*, [Chapter 4: Exemptions from the Right of Access](#); *IPC Guide to LA FOIP*, [Chapter 4: Exemptions from the Right of Access](#))

Work product

Is information generated by or otherwise associated with an individual in the normal course of performing professional or employment responsibilities, whether in a public or private setting. This is not considered personal information ([Government of Alberta's FOIP Guidelines and Practices: 2009 Edition, Appendix 1](#)).

Written authorization

A document in writing signed by an individual who authorizes another individual to do certain acts in the name of and on behalf of the individual signing the document.

(See *IPC Guide to FOIP*, [Chapter 3: Access to Records](#); *IPC Guide to LA FOIP*, [Chapter 3: Access to Records](#).)

Written request for access*

Means a request made pursuant to section 34 of HIPA.

(See section 31(b) of HIPA; [access request](#) and [access to information request](#).)

Contact Information

If you have any questions or concerns, please contact us:

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