



INVESTIGATION REPORT 011-2016 & 025-2016

Saskatchewan Power Corporation Saskatchewan Telecommunications

May 3, 2016

Summary: The Complainant alleged that she paid a Saskatchewan Power Corporation (SaskPower) bill and signed up for pre-authorized payments at a Saskatchewan Telecommunications (SaskTel) Store. She also alleged that the personal information used to set up the payments were disclosed to a Third Party and the Third Party was able to erroneously debit money from her account. The Commissioner could not determine with certainty that either SaskTel or SaskPower disclosed the personal information to the Third Party. However, he recommended that the two government institutions review their processes and strengthen safeguards.

I BACKGROUND

[1] The Complainant alleges that either Saskatchewan Power Corporation (SaskPower) or Saskatchewan Telecommunications (SaskTel) disclosed her personal information to a Third Party business. The personal information included banking information. As a result, the Third Party was able to erroneously debit money from the Complainant's account. The Third Party has since refunded the Complainant's money.

[2] After raising her concerns with SaskPower and SaskTel, the Complainant was dissatisfied with the response and made a formal complaint to my office. On January 27, 2016, my office undertook a formal investigation with SaskPower. On February 24, 2016, my office notified SaskTel that it would also be a part of the investigation.

II DISCUSSION OF THE ISSUES

[3] Both SaskPower and SaskTel qualify as government institutions pursuant to subsection 2(d)(ii) of *The Freedom of Information and Protection of Privacy Act* (FOIP). My office does not have any jurisdiction over the Third Party business.

1. Did SaskPower or SaskTel improperly disclose the Complainant's personal information?

[4] Before I can determine if SaskPower or SaskTel improperly disclosed the Complainant's personal information to the Third Party, I must first determine if either of these government institutions collected the Complainant's personal information. Sections 25 and 26 of FOIP address the collection of personal information by government institutions.

[5] The Complainant's written complaints to SaskPower and SaskTel, dated June 26, 2015, alleged that she attended a SaskTel Store in North Battleford, Saskatchewan to pay her SaskPower bill on November 28, 2013. The SaskPower bill that she allegedly paid that day totaled \$261.44. She also alleges that she filled out a *Pre-Authorized Payment Plan Application* (PPP Form) so that SaskPower could make automatic withdrawals from her account for payment of her power bill. She included a void cheque required to set up this service.

[6] The information required for both payment and the PPP Form includes the Complainant's address, SaskPower account number and banking information such as financial institution and bank account number. This data would qualify as personal information pursuant to section 24 of FOIP. The relevant portions of section 24 are as follows:

24(1) Subject to subsections (1.1) and (2), "**personal information**" means personal information about an identifiable individual that is recorded in any form, and includes:

...

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

...

(d) any identifying number, symbol or other particular assigned to the individual, other than the individual's health services number as defined in *The Health Information Protection Act*;

(e) the home or business address, home or business telephone number or fingerprints of the individual;

...

[7] SaskTel performs the services of taking payments and collecting PPP Forms for utility Crown Corporations in Saskatchewan. The PPP Forms provide an opportunity to the residents of Saskatchewan to set up pre-authorized payments for one or several utility companies on one form.

[8] My office asked both SaskPower and SaskTel to describe how a payment is processed when made to SaskPower through SaskTel. Both described the process but no formal procedure or common agreement was provided.

[9] Through this investigation, my office has learned that, generally, when a payment is made towards a SaskPower bill through SaskTel, the following occurs:

a. If a payment is made with cash, debit, credit card or a cheque addressed to SaskTel, the payment is received by SaskTel and transferred electronically with only the individual's account number. No information on paper, such as a bill's stub, is collected by SaskTel.

b. If a payment is received by SaskTel with a cheque addressed to SaskPower, SaskTel will courier the cheque to SaskPower for processing.

[10] When SaskTel receives a PPP Form for SaskPower, its process is to send the form to its Finance Department in Regina. It is then forwarded to SaskPower.

[11] SaskTel indicated that it would have no record of forwarding the form if it had done so. SaskPower also indicated that it would only have a record of receiving a payment or PPP

Form if the payment or form had been processed. The Complainant's payment of \$261.44 was eventually processed by SaskPower on December 13, 2013. This is an indication that SaskPower eventually collected the information required to process this payment. There is nothing to suggest that either SaskTel or SaskPower collected the PPP Form or that SaskTel collected the payment information.

[12] Given the information available to me at this time, I cannot make a determination whether or not SaskTel collected the PPP Form and the information regarding the payment. I cannot make a determination as to whether SaskPower collected the PPP Form.

[13] However, I am concerned with SaskTel and SaskPower's practices with respect to the flow of personal information, especially when it is in paper form. Safeguards could be improved such as developing formal procedures and introducing a way to track personal information as it is collected by SaskTel and then disclosed to SaskPower. I encourage SaskTel, SaskPower and the other relevant government institutions to review these processes, the safeguards and the relevant sections of FOIP.

2. Did SaskPower or SaskTel improperly disclose the Complainant's personal information?

[14] Subsection 29(1) of FOIP states:

29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 30.

[15] As discussed earlier in this Report, I could not determine with certainty what personal information may have been collected by SaskTel or SaskPower. This makes it difficult to ascertain if either of these government institutions were responsible for disclosing the personal information to the Third Party.

- [16] The Complainant claims that she provided her personal information, including a void cheque, completed PPP Form and SaskPower bill stub to SaskTel on November 28, 2013. SaskPower processed the payment on December 13, 2013. The Complainant noticed the withdrawals from the Third Party in March 2014. SaskPower's investigation report also notes that the withdrawals were used to make payments on SaskPower's account with the Third Party.
- [17] The Complainant shared a letter from the Third Party with my office. The Third Party indicated that it had received the Complainant's void cheque and the SaskPower bill stub in February 2014. The Third Party told my office that it believed the information was mailed to them by SaskPower, but could not be certain as it no longer had the envelope.
- [18] Upon review of SaskPower's detailed internal investigation report, it was unable to conclude how the personal information was forwarded to the Third Party. The internal investigation report describes different possible scenarios. However, it happened too long ago to determine exactly what occurred. Improving methods of tracking the personal information at the outset as previously suggested is crucial to avoid similar situations in the future. SaskPower and SaskTel have indicated that they have already made plans for addressing my recommendations.
- [19] I also note that the Complainant contacted SaskPower on January 14, 2014 and May 8, 2014 by telephone to discuss her concerns. However, SaskPower did not formally address the Complainant's privacy concerns until she wrote a letter of complaint dated June 26, 2015. SaskPower's investigation report was completed in August 2015. These investigations may have had more conclusive outcomes if the matter had been investigated at an earlier date. I recommend that SaskPower provide training to employees on when a privacy breach investigation should be triggered.

III FINDINGS

- [20] I cannot determine with certainty if SaskTel or SaskPower disclosed the Complainant's personal information to the Third Party.

IV RECOMMENDATIONS

- [21] I recommend that SaskTel review the program and agreements that allow customers to pay other utility bills and process PPP Forms through SaskTel. This would include the flow of personal information, the safeguards in place and the application of FOIP.
- [22] I recommend that SaskPower review the program and agreements that allow customers to pay utility bills and process PPP Forms through SaskTel. This would include the flow of personal information, the safeguards in place and the application of FOIP.
- [23] I recommend that SaskTel formalize its procedures when collecting personal information and disclosing it to other government institutions for the purpose of paying utility bills and processing PPP Forms.
- [24] I recommend that SaskPower formalize its procedures when collecting personal information for the purpose of paying utility bills and processing PPP Forms.
- [25] I recommend that SaskPower provide training to employees on when a privacy breach investigation should be triggered.

Dated at Regina, in the Province of Saskatchewan, this 3rd day of May, 2016.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner