



INVESTIGATION REPORT 190-2018

Saskatchewan Government Insurance

June 12, 2019

Summary:

The Office of the Information and Privacy Commissioner (IPC) received a complaint alleging that Saskatchewan Government Insurance (SGI) breached the privacy of the Complainant by disclosing the individual's personal information to Impark. Upon investigation, the Commissioner found that the Complainant's name and home address constituted *details of a license* pursuant to subsection 24(2)(e) of *The Freedom of Information and Protection of Privacy Act* (FOIP). As such, it did not constitute personal information and no privacy breach occurred. The Commissioner recommended that SGI request the Ministry of Justice study an amendment that would change the definition of personal information and instead list circumstances in which disclosure of vehicle registration information and drivers licence information would be permissible.

I BACKGROUND

- [1] On September 13, 2018, my office received a complaint from an individual (the Complainant) that Saskatchewan Government Insurance (SGI) breached the Complainant's privacy by releasing her personal information to Impark without her consent. Impark is a parking management company.
- [2] The Complainant first raised privacy concerns with SGI on September 12, 2018. SGI responded by indicating that due to a court ruling, SGI is compelled to release a registered owner's name and address associated with a specific license plate to Impark. Despite the response, the Complainant was still not satisfied and requested that my office investigate.

[3] On September 18, 2018, my office notified SGI and the Complainant that it would be conducting a privacy breach investigation pursuant to section 33 of *The Freedom of Information and Protection of Privacy Act* (FOIP). My office requested that SGI provide a copy of its internal investigation report. SGI provided its response on October 16, 2018.

II DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[4] SGI is a “government institution” as defined at subsection 2(1)(d)(ii) of FOIP. Therefore, I have jurisdiction to conduct this investigation.

2. Is the Complainant’s personal information involved?

[5] In order for the privacy provisions under FOIP to be engaged, the data elements at issue must constitute personal information. The data elements at issue are:

- The Complainant’s name; and
- The Complainant’s home address.

[6] Subsection 24(1) of FOIP defines what qualifies as personal information. Specifically, subsections 24(1)(e) and (k)(i) of FOIP provide that the home address of an individual or the name where it appears with other personal information qualifies as personal information pursuant to these provisions. Subsections 24(1)(e) and (k)(i) of FOIP provide:

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:

...

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

...

(k) the name of the individual where:

(i) it appears with other personal information that relates to the individual;

...

[7] However, subsection 24(2)(e) of FOIP provides:

(2) “**Personal information**” does not include information that discloses:

...

(e) details of a licence, permit or other similar discretionary benefit granted to an individual by a government institution;

[8] There have been numerous court decisions concerning the release of the names and addresses of registered vehicle owners. Most recently, the court held that the names and addresses of registered vehicle owners was not personal information in *Shook Legal, Ltd v Saskatchewan (Government Insurance)*, 2018 SKQB 238. This is consistent with the 1993 decision of the Saskatchewan Court of Appeal in *City Collection Co. v. Saskatchewan Government Insurance*, 1993 CanLII 8956 (SK QB). Both decisions are relevant as the appellant in *City Collection v SGI* (1993) was Imperial Parking Limited who was seeking the names and addresses of the registered owners of vehicles based on license plate numbers it had. In *Shook Legal, Ltd v SGI* (2018), the appellant was an individual that was seeking the name and address of the last registered owner of a vehicle based on a vehicle identification number (VIN) that he had. In both decisions, the court determined that the names and addresses of registered vehicle owners was not personal information under FOIP because they constituted the details of a license pursuant to subsection 24(2)(e) of FOIP.

[9] Consistent with these court decisions, I find that the name and address of the Complainant constituted the details of a licence in this case. As such, it does not constitute personal information pursuant to subsection 24(2)(e) of FOIP.

[10] Without personal information involved, the privacy provisions of FOIP are not engaged. Therefore, I find that there was no breach of privacy in this case.

[11] In Review Report 063-2017, I recommended that SGI request the Ministry of Justice study an amendment to FOIP that would change the definition of personal information and instead list circumstances in which disclosure of vehicle registration information and drivers licence information would be permissible. I make that recommendation again.

3. Does SGI inform vehicle owners that it shares information with Impark?

[12] The Complainant raised the issue that SGI did not inform her via her licence agreement that her information would be shared outside of SGI.

[13] My office asked SGI to respond to this concern. In its response to my office, it advised that:

There are many reasons, and many organizations under that Act [FOIP] to which SGI may be obligated to share customer information. SGI has elected to address our legal obligations regarding disclosure through an on-line privacy policy located at SGI.sk.ca/privacy. This is available to all customers and had a detailed section on disclosure of customer information.

If a customer obtains his or her registration through SGI's on-line site "MySGI", access to this privacy policy is located at the bottom of the computer screen through a hyper link. As noted, this discussion includes an indication that name and address of vehicle owners is provided for parking enforcement.

I can also advise that all Impark parking lot signage notifies vehicle owners that their information will be obtained through SGI for enforcement purposes.

[14] Rather than address individual disclosures, it appears SGI has elected to inform customers via an on-line privacy policy. I reviewed this policy. Under the heading "Disclosing your information", it states that "**Without your consent, we can share your** information...with collection agencies, health districts, universities, etc. (name and address of vehicle owner only for parking enforcement)."

[15] It appears SGI does inform vehicle owners that it shares information such as name and address for the purposes of parking enforcement.

III FINDINGS

[16] I find that the Complainant's name and home address were details of a licence in this case pursuant to subsection 24(2)(e) of FOIP.

[17] I find that the details of a license do not constitute personal information pursuant to subsection 24(1) of FOIP.

[18] I find that there was no breach of privacy in this case.

IV RECOMMENDATION

[19] I recommend that SGI request the Ministry of Justice study an amendment to FOIP that would change the definition of personal information and instead list circumstances in which disclosure of vehicle registration information and drivers licence information would be permissible.

Dated at Regina, in the Province of Saskatchewan, this 12th day of June 2019.

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