



INVESTIGATION REPORT 260-2019

Saskatchewan Power Corporation

December 1, 2020

Summary: Saskatchewan Power Corporation (SaskPower) received an alleged breach of privacy complaint related to the collection of the Complainant's personal information and association with a SaskPower account. SaskPower responded to the Complainant indicating that no privacy breach had occurred and provided documentation to support SaskPower's position for associating the Complainant with the SaskPower account. The Commissioner investigated the complaint and found that no privacy breach had occurred. The Commissioner recommended that SaskPower take no further action regarding this complaint.

I BACKGROUND

[1] On June 13, 2019, the Complainant emailed the Saskatchewan Power Corporation (SaskPower) with a privacy breach complaint:

One day some years down the road my name appeared on these bills, I swore I would get to the bottom, today is that day.

[name of employee] at SaskPower phished me into giving [them] my birth date and drivers license, [sic] [they] could prove who I am, [they] said if I lived at the address by law my name needs to be on [the account], I need the legislation on this, the [employee of SaskPower] switched its [sic] a rule... I also need a signed conformation [sic] that I or [name of Applicant's spouse] gave SaskPower, [name of second government institution] my info [sic], if not SaskPower, [name of second government institution] are in violation of the privacy act [sic]...

...

[2] On June 20, 2019, SaskPower responded to the Complainant stating:

...According to our records, your name has been associated with this account since 1997. When you contacted our call centre to inquire as to why your name was on the bill, the customer service representative took your call, following [their] training and took appropriate steps to verify your identity... In reviewing our records it looks like there was a problem with the data conversion in 2011 when our former billing system was converted to our current system. When this conversion took place, the data fields for the date of birth and driver's licence number we had on file for both you and your spouse [name of Complainant's spouse] were inadvertently switched. This has been corrected.

You had expressed concerns that your name on the account was somehow unlawful or improper. Under *The Power Corporation Act*, section 8(3) provides as follows:

8(3) Notwithstanding any other Act but subject to subsection (5), every person who accepts, uses or otherwise is a recipient of a service provided by the corporation shall:

(a) pay any charges and rates; and

(b) comply with any terms and conditions;

established and revised by the corporation.

By virtue of this section of our legislation, our *Terms and Conditions of Service* are legally binding as the contract between SaskPower and the users of our services. Our *Terms and Conditions of Service* (located on SaskPower.com) provide in part as follows:

...

7.2 Customer information

(a) Individuals

The following information is required for billing of an individual:

(i) Two pieces of identification acceptable to SaskPower

(ii) information including place of employment, contact name, residential and business phone number, date of birth, mailing address and previous address, and

(iii) identification of all Persons over the age of 18 whom will be receiving Electrical Service or any other SaskPower Service.

SaskPower is legally entitled to be paid for the provision of electrical service and by virtue of *The Power Corporation Act* and the *Terms and Conditions of Service*, all

persons over the age of 18 are liable to pay for the service and are to be identified to SaskPower...

You have verbally advised our personnel that you do not live at the [name of city] address, but instead you are on the road as a long haul highway transport operator and you live in the sleeper cab of your highway tractor. You maintain on this basis that your name should be removed from the account.

The telephone number you called me from is located in Saskatoon, Saskatchewan. When I searched that phone number in Google, one of the search returns is from the US DOT [United States Department of Transportation] website. The web address of that website is: [website address]

From the information on this website, it is clear that you have advised the US DOT that your trucking company is based at the address in [name of city] that is on your power bill.

...

That telephone number is also associated (using public source data available on Google) with a company called: [name of transportation company]. From the records publicly available, you and your spouse [first name of Complainant's spouse] are listed as both shareholders and directors of that company. It is a legal requirement that a physical address for both the company and its directors be on file with the Saskatchewan Corporate Registry. That physical address matches the [name of city] address on the SaskPower bill that has your name and [first name of Complainant's spouse] name. The registry search results are enclosed with this letter.

I also entered the street address of your power account into Google and retrieved a Google earth street view image of the front of the house at that address dated July 2015. That image shows a portion of the sleeper cab of a highway tractor unit sitting on the driveway. The [last name of Complainant] is visible on the cab. A copy of that image is also attached to this letter.

Based on my review of the interactions you had with the customer service representative, there was no privacy breach. [The SaskPower employee] conducted herself completely appropriately...

...

Based on all of the information that is available from public sources, it is clear that you do reside at least part of the time at the [name of city] address, where you are in receipt of, and benefit from, electrical service. SaskPower is entitled to have your name associated with the bills for the [name of city] address and your name will not be removed from the power account.

[3] On June 30, 2019, the Complainant emailed my office outlining alleged breach of privacy concerns involving SaskPower. Through multiple email exchanges between the

Complainant and my office's Early Resolution Officer, my office clarified that the Applicant was requesting my office undertake an investigation and clarified what issues my office could consider.

[4] On July 24, 2019, my office notified both SaskPower and the Complainant of my office's intention to undertake an investigation of the Complainant's alleged privacy breach complaint.

[5] SaskPower has taken the position that no privacy breach has occurred. In an effort to provide an option to informally resolve this matter, SaskPower did offer to remove the Complainant's name from their system and destroy the information it had collected online. However, the Complainant indicated this would not resolve their concerns and asked that my office proceed with the investigation.

[6] While the Complainant indicated that it would not resolve their concerns, SaskPower did note in its response to my office's investigation that it had still removed the Complainant from the SaskPower account in question in August 2019.

II DISCUSSION OF THE ISSUES

1. Does my office have jurisdiction?

[7] SaskPower is a government institution pursuant to subsection 2(1)(d)(ii) of *The Freedom of Information and Protection of Privacy Act* (FOIP). Therefore, I have jurisdiction to investigate this matter.

2. Did a privacy breach occur?

[8] As noted in the Background section of this Report, SaskPower has indicated that the Complainant's name had been associated with the SaskPower account since 1997. However, SaskPower indicated that the information they were able to retrieve from their legacy system did not indicate how the Complainant's name was added to the account when

it was initiated. SaskPower has taken the position that because all individuals receiving its services at a premises are legally obligated to pay for the services, pursuant to subsection 8(3) of *The Power Corporation Act*, it was entitled to have the Complainant on the SaskPower account.

[9] When the Complainant contacted SaskPower to inquire about their association with the SaskPower account, SaskPower requested details to verify the Complainant's identity before discussing the account. SaskPower requested the Complainant's date of birth and driver licence number. SaskPower found that neither of these details matched the identification information it had listed on the account. SaskPower attempted to collect other details to verify the Complainant was who they claimed to be, however the Complainant refused to provide further details and the call was ended by SaskPower.

[10] Based on SaskPower's records, the Complainant's name has been associated with the SaskPower account for over 20 years. When the Complainant contacted SaskPower, it took steps to verify the Complainant's identity based on details it had in its system. The Complainant chose to supply that information to SaskPower in order to verify their identity to discuss the SaskPower account. Unfortunately, details for identification were inadvertently switched for those of the Complainant's spouse and as such, SaskPower was not able to confirm the identity of the Complainant.

[11] It is unclear how the individual's name was originally associated to the account due to the amount of time that has passed, however, I have not been provided with any details to convince me that it was added to the account in contravention of FOIP. SaskPower's request for the Complainant's date of birth and driver licence number during the telephone call were in an effort to confirm their identity in order to assist them with the account inquiry. The Complainant chose to provide these details to SaskPower to allow the representative to assist them. As such, I have not found a privacy breach to have occurred from these actions.

[12] While I do not find that a privacy breach has occurred, I note that in Investigation Report F-2012-001, my office considered the need for SaskTel to collect driver licence numbers,

Social Insurance Numbers (SIN) and other unique identifiers in order to verify an individual's identity and questioned why the following details would not be sufficient:

[58] If making inquiries over the phone, why would name, contact and account related information and date of birth not be sufficient proof of identity, especially when coupled with a password?...

[13] In the Office of the Privacy Commissioner of Canada resource, *Guidelines for Identification and Authentication*, it provides:

Identification typically occurs when an individual first enrolls or registers with an organization. Establishing identity is the process of linking an identifier to an individual so that he or she can be remembered. Identifying an individual allows an organization to ensure, for example, that an individual's transactions are associated with their account, and that their records are retrievable.

Depending on legal requirements and the nature of a business, the identifier that is attached to the individual need not be a "real world" identifier such as a name (e.g., John Doe). It could be an identifier created for the purposes of the interaction (e.g., customer A167). Both are identity attributes used as identifiers to identify an individual - but they are distinguishable by how much they reveal about an individual's actual identity.

...

When someone presents themselves to an organization, or their website, and claims to be a customer with whom the business has a relationship, the organization may need to authenticate that claim.

There are different ways to authenticate an individual's identity. Those are:

- Something that is known to the individual (for example, a password, a personal identification number or PIN, an account number, favourite colour, name of first pet);
- Something that the individual has (for example, a bankcard, token, identity card, public-key digital certificate); and,

...

Authentication based on two elements from the same category, for example an account number and a password-both things that someone knows-is more appropriately referred to as multi-layer authentication, not multi-factor authentication.

- [14] If not already a practice, SaskPower should consider providing customers with alternate options to authenticate their identity, rather than the collection of information from pieces of identification (such as a driver licence). Additionally, if customers have other options to authenticate their identity, other than the use of personal identification details, SaskPower should ensure individuals are aware of this option.
- [15] Following the call with the Complainant, SaskPower contacted Saskatchewan Government Insurance (SGI) to confirm the Complainant's driver licence number and date of birth. Based on details provided by an SGI representative, SaskPower found that the driver licence number and date of birth it had recorded in its system for the Complainant did not match the information in SGI's database. SaskPower also confirmed that the address SGI had listed in their database for the Complainant matched the SaskPower account the Complainant was associated with.
- [16] It appears that SaskPower's actions were related to investigating the concerns raised by the Complainant that they should not be associated with the account, as well as to verify the identification details it had recorded on the account for the Complainant were accurate to ensure it could properly assist the Complainant in the future. I am in agreement that when SaskPower receives a complaint from an individual it will need to take some type of action to investigate the complaint in order to respond. Additionally, section 27 of FOIP provides an obligation for government institutions to ensure personal information is accurate:
- 27** A government institution shall ensure that personal information being used by the government institution for an administrative purpose is as accurate and complete as is reasonably possible.
- [17] It appears when SaskPower contacted SGI to verify the driver licence number and date of birth for the Complainant, it also confirmed that the Complainant's address associated with their driver licence was the same as the address associated with the SaskPower account. This appears to be a reasonable action to ensure the personal information being used was accurate and complete and would be authorized by provisions such as subsection 16(a)(iii) of *The Freedom of Information and Protection of Privacy Regulations* (FOIP Regulations) (verifying the accuracy of personal information held by the other government institution).

[18] In addition to verifying the Complainant's details with SGI, SaskPower also used the telephone number that the Complainant had contacted them from to undertake a Google search which produced search results for the Complainant's transportation business. This included search results showing the telephone number was associated to a transportation company that had the Complainant's last name in it and a US DOT website that listed the associated telephone number and the address associated to the SaskPower account to the transportation company. Additionally, a search on the Information Service Corporation website resulted in a Saskatchewan Corporate Registry for the transportation company that referred to both the Complainant and their spouse as Directors for this transportation company. The details on the Corporate Registry also listed the physical and mailing address for the transportation company as the address associated to the SaskPower account. SaskPower then used the address for a Google Earth street view search which resulted in an image of a residence with part of a highway tractor on the driveway bearing the last name of the Complainant.

[19] SaskPower had taken the position that the online search results it had collected to support its position that the Complainant should be listed on the SaskPower account was not subject to FOIP pursuant to subsection 3(1) of FOIP:

3(1) This Act does not apply to:

(a) published material or material that is available for purchase by the public;

(b) material that is a matter of public record; or

...

[20] It appears the details collected from their online search relate to the Complainant's transportation business. In Investigation Report 070-2018, my office considered a local authority's collection practices from a social media post relating to a utility bill for a property, but found it did not qualify as personal information as it related to the individual in a business capacity. As such, the details collected by SaskPower online do not appear to qualify as the Complainant's personal information.

[21] While in this instance the information collected online does not appear to qualify as personal information, when a government institution is collecting personal information, even if there is authority for their actions, the data minimization principle should also be considered. The *data minimization* principle requires that a government institution collect, use or disclose the least amount of identifying information necessary for the purpose.

[22] In this case, SaskPower's actions were in an effort to verify the Complainant's identification details, as well as confirm the Complainant's address, as the Complainant asserted that was not their residence. SaskPower's actions to contact SGI and conduct an online search were to fully investigate the Complainant's claims and ensure the personal information it was using was accurate and complete. As such, I find that no privacy breach has occurred. I would caution SaskPower, or any public body conducting online searches, to ensure that the data minimization principle is adhered to so that only the details required for the purpose are collected and that the sources used are credible to ensure that the information collected is accurate and complete.

III FINDING

[23] I find that no privacy breach has occurred.

IV RECOMMENDATION

[24] I recommend SaskPower take no further action.

Dated at Regina, in the Province of Saskatchewan, this 1st day of December, 2020.

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