



Office of the
Saskatchewan Information
and Privacy Commissioner

INVESTIGATION REPORT 289-2018, 290-2018, 047-2019, 048-2019

Saskatchewan Workers' Compensation Board Minister Responsible for the Saskatchewan Workers' Compensation Board

October 4, 2019

Summary: The Complainants', a married couple who both have claims with the Saskatchewan Workers' Compensation Board (WCB), requested a meeting with the Minister Responsible for the WCB (the Minister). The Complainants' had concerns about the flow of personal information between the Minister's office and WCB. The Commissioner found that the flow of personal information was authorized by *The Freedom of Information and Protection of Privacy Act* and *The Freedom of Information and Protection of Privacy Regulations*. The Commissioner recommended that the WCB and the Minister's office take no further action.

I BACKGROUND

[1] On December 5, 2018, my office received a complaint about the Saskatchewan Workers' Compensation Board (WCB) and the Minister Responsible for the Saskatchewan Workers' Compensation Board (the Minister) and his office (the Minister's office). The two Complainants, who are husband and wife, both have claims with WCB.

[2] In the summer of 2018, the Complainants sought a meeting with the Premier and the Minister to discuss their general concerns about WCB. The Complainants took two avenues to attempt to arrange the meeting. The first way was by sending a request by email to the Saskatchewan Party (the "meeting request" email). That email was sent to the office of the Executive Council. The "meeting request" email was then sent on to the Minister's

office. Secondly, the Complainants also met with their member of the legislative assembly (MLA) and provided a written document outlining their concerns (the *Concerns for Discussion* document). The MLA received consent from the Complainants to share the written document with the Minister's office. The complaint to my office does not include any of the data transactions that occurred up to this point.

[3] The Complainants found out later that the "meeting request" email, the *Concerns for Discussion* document and a response letter from the Minister dated August 13, 2018, ended up on both of their WCB files. The Complainants also allege that the Minister's office requested information from WCB about their claim files and that WCB subsequently disclosed information to the Minister's office. The Complainants allege that they did not want to speak to the Minister about the specifics with their claims with WCB. Instead, the topic of their intended conversation would be more general topics and concerns regarding WCB.

[4] The Complainants also had other concerns about the data transactions involved. These include:

- the allegation that the *Concerns for Discussion* document was intended to be read by the Minister only;
- the Minister's office did not verify the Complainants' identity before they acted; and
- the allegation that the Minister's office collected the Complainants' personal information from WCB.

[5] See Appendix A of this Report for a detailed account of the data transactions included in this investigation.

[6] On December 12, 2018, the Complainants made a complaint to my office. On December 12, 2018, my office notified WCB of my office's intention to undertake a review.

[7] On February 5, 2019, the Complainants asked my office to investigate their complaint regarding the Minister's office's collection and disclosure of their personal information. On February 21, 2019, my office notified the Complainants and the Minister's office of my intention to undertake an investigation.

II DISCUSSION OF THE ISSUES

1. How does FOIP apply in this situation?

[8] Usually, the privacy provisions of *The Freedom of Information and Protection of Privacy Act* (FOIP) apply when three elements are present. The first element is at least one government institution, the second element is personal information, and the third element is if the personal information is in the possession or control of a government institution.

a. Are there government institutions involved?

[9] The Ministry of Labour Relations and Workplace Safety qualifies as a government institution pursuant to subsection 2(1)(d)(i) of FOIP.

[10] Subsection 2(1)(d)(ii) of FOIP provides that the definition of a government institution includes a body that is prescribed in *The Freedom of Information and Protection of Privacy Regulations* (the Regulations). Subsection 3(a) of the Regulations indicates bodies listed in Part I of the Appendix are prescribed government institutions. WCB is one of the bodies listed in Part I of the Appendix, and as such qualifies as a government institution for purposes of FOIP.

[11] The Minister's office does not fall under the definition of a government institution provided by subsection 2(1)(d) of FOIP. Amendments to FOIP that came into effect on January 1, 2018 included the addition of subsection 3(4) of FOIP, which provides as follows:

3(4) Subject to the regulations, the following sections apply, with any necessary modification, to offices of members of the Executive Council and their employees as if the members and their offices were part of the government institution for which the member of the Executive Council serves as the head:

(a) sections 24 and 24.1;

(b) sections 25 to 30;

(c) section 33.

- [12] I have not had the opportunity to consider this provision in a report in the past.
- [13] Sections 24, 24.1, 25 to 30 and 33 of FOIP are found in Part IV of FOIP, which addresses protection of privacy. Included in these sections are the definition of personal information, the duties of government institutions to protect personal information and the rules surrounding the collection, use and disclosure of personal information.
- [14] The intention of subsection 3(4) of FOIP is to apply the protection of privacy obligations of FOIP to “offices of members of the Executive Council and their employees”. The Minister’s office and its employees would qualify as “offices of members of the Executive Council and their employees” as described in subsection 3(4) of FOIP. I note that, at the time of the incident, the Minister not only served as Minister Responsible for WCB, but also the Minister of Labour Relations and Workplace Safety and the Minister of Justice and Attorney General.
- [15] As described in subsection 3(4) of FOIP, the privacy provisions of FOIP only apply “as if” the offices “were part of the government institution for which the member of the Executive Council serves as the head.”
- [16] A head, for the purposes of FOIP, is defined by subsection 2(1)(e) as follows:

2(1) In this Act:

...

(e) “head” means:

(i) in the case of an agency mentioned in subclause (d)(i), the member of the Executive Council responsible for the administration of the agency; and

(ii) in the case of a board, commission, Crown corporation or body mentioned in subclause (d)(ii), the prescribed person;

[17] As WCB qualifies as a government institution pursuant to subsection 2(1)(d)(ii) of FOIP, its head is prescribed in subsection 4(c) of the Regulations as follows:

4 For the purposes of subclause 2(1)(e)(ii) of the Act:

...

(c) the chairpersons of all other bodies that are prescribed as government institutions pursuant to clause 3(a) or the chairpersons of the boards of those bodies, as the case may be, are prescribed as the heads of their respective government institutions;

[18] In this case, the Minister in question is not the head of WCB.

[19] However, the Minister is the head of both Ministries mentioned above pursuant to subsection 2(1)(e)(i) of FOIP. Therefore, for the purposes of this investigation, I will investigate the data transactions in which the Minister's office was involved as if the Minister's office was part of the Ministry of Labour Relations and Workplace Safety (the Ministry).

b. Is personal information involved?

[20] The definition of personal information is found in subsection 24(1) of FOIP. The relevant portions 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:

(a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;

...

(f) the personal opinions or views of the individual except where they are about another individual;

(g) correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence,

except where the correspondence contains the views or opinions of the individual with respect to another individual;

...

(k) the name of the individual where:

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

(ii) the disclosure of the name itself would reveal personal information about the individual.

[21] The list provided in subsection 24(1) of FOIP is not meant to be exhaustive. There can be other types of information that would qualify as personal information that are not listed. Part of that consideration involves assessing if the information has both of the following:

1. Is there an identifiable individual?
2. Is the information personal in nature?

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 for example, information that fits the definition of employment history.

[22] This investigation will examine the data transactions involving the “meeting request” email, the *Concerns for Discussions* document and the Minister’s response to the Complainants. The “meeting request” email, the *Concerns for Discussions* document, signed by both Complainants, contained the following personal information about them:

- opinions and views of the Complainants (subsection 24(1)(f) of FOIP);
- marital status and family status of the Complainants (subsection 24(1)(a) of FOIP);
- details of WCB claims and correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies (subsection 24(1)(g) of FOIP); and
- other information that is personal in nature (subsection 24(1)(k) of FOIP).

[23] The Minister’s response to the Complainants would qualify as personal information pursuant to subsection 24(1)(g) of FOIP.

[24] Finally, the Complainants allege that WCB disclosed information about their claim files to the Minister's office. However, during my investigation, I found no evidence that this occurred. WCB only disclosed the unsigned letter for the Minister's signature to the Minister's office

[25] There is personal information involved in these circumstances.

c. Is the personal information involved in the possession or control of WCB or the Minister's office?

[26] As WCB and the Minister's office had collected all of the personal information in question, it is in the possession and under the control of both the Ministry and WCB. FOIP applies in these circumstances.

2. Does HIPA apply in this situation?

[27] *The Health Information Protection Act* (HIPA) applies in full 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.

[28] A trustee is defined by subsection 2(t) of HIPA. It provides, in part:

2 In this Act:

(t) "trustee" means any of the following that have custody or control of personal health information:

(i) a government institution;

[29] Subsection 2(h) of HIPA defines a government institution as follows:

2 In this Act:

...

(h) “government institution” means a government institution as defined in *The Freedom of Information and Protection of Privacy Act*;

[30] The Minister’s office does not qualify as a trustee pursuant to subsection 2(t) of HIPA.

[31] As discussed earlier in this Report, the WCB qualifies as a government institution for the purposes of FOIP, and therefore, as a government institution for the purposes of subsection 2(h) of HIPA. This means that the Ministry and WCB also qualify as trustees for the purposes of subsection 2(t)(i) of HIPA.

[32] Subsection 2(m) of HIPA defines personal health information as follows:

2 In this Act:

...

(m) “**personal health information**” means, with respect to an individual, whether living or deceased:

(i) information with respect to the physical or mental health of the individual;

(ii) information with respect to any health service provided to the individual;

(iii) 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;

(iv) information that is collected:

(A) in the course of providing health services to the individual; or

(B) incidentally to the provision of health services to the individual; or

(v) registration information;

[33] The *Concerns for Discussion* document discusses the physical health of both Complainants as well as information with respect to health services provided to the Complainants. This qualifies as personal health information pursuant to subsections 2(m)(i) and (ii) of HIPA.

[34] Further, the “meeting request” email makes reference to the complainants’ physical health. This would qualify as personal health information for the purposes of subsection 2(m)(i) of HIPA.

[35] Finally, the personal health information in question has been collected by WCB. Therefore, it is in the custody and control of the WCB. HIPA applies in these circumstances.

[36] However, I note that subsections 4(4), (5) and (6) of HIPA provide:

4(4) Subject to subsections (5) and (6), Parts II, IV and V of this Act do not apply to personal health information obtained for the purposes of:

...

(h) *The Workers’ Compensation Act, 2013*;

...

(5) Sections 8 and 11 apply to the enactments mentioned in subsection (4).

(6) *The Freedom of Information and Protection of Privacy Act* and *The Local Authority Freedom of Information and Protection of Privacy Act* apply to an enactment mentioned in subsection (4) unless the enactment or any provision of the enactment is exempted from the application of those Acts by those Acts or by regulations made pursuant to those Acts.

[37] As Parts II, IV and V of HIPA do not apply to personal health information obtained for the purpose of *The Workers’ Compensation Act, 2013*, I can only investigate whether the WCB fulfilled its duty to protect the personal health information in question.

3. Did the Minister's office and the WCB collect personal information in accordance with section 25 of FOIP?

[38] Section 25 of FOIP provides:

25 No government institution shall collect personal information unless the information is collected for a purpose that relates to an existing or proposed program or activity of the government institution.

[39] Both the Minister's office and the WCB collected the *Concerns for Discussion* document, "meeting request" email and a version of the Minister's response. See transactions 1, 4, 8 and 10 in the data flow table in Appendix A.

[40] All of the personal information in these documents relate to the Complainants' concerns about WCB. The WCB is an existing activity of both the Minister's office and WCB. Both the Minister's office and WCB took the action of collecting the personal information for the purpose of responding to the Complainants.

[41] Therefore, the collection of the personal information in question was in accordance with section 25 of FOIP.

4. Did subsections 16(l) and (m) of the Regulations authorize the collection, use and disclosure of the Complainants' personal information in these circumstances?

[42] As described in Appendix A of this Report, the *Concerns for Discussion* document, the "meeting request" email and the Minister's response was exchanged between the Minister's office and WCB. The Minister's office has indicated it relied on subsection 16(l) of the Regulations for the collections and disclosures listed as data transactions 1, 3, 8 and 10. WCB has indicated that it relied on subsection 16(m) of the Regulations for data transactions 4, 5, 7 and 10.

i. How subsections 16(l) and 16(m) of the Regulations generally apply to disclosures

[43] Subsection 29(1) of FOIP indicates that a government institution cannot disclose personal information without consent. It provides:

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.

[44] However, subsection 29(2) of FOIP contemplates circumstances where personal information can be disclosed without the subject individual's consent. Subsection 29(2)(u) of FOIP provides:

29(2) Subject to any other Act or regulation, personal information in the possession or under the control of a government institution may be disclosed:

...

(u) as prescribed in the regulations.

[45] Additional circumstances where a government institution can disclose personal information without consent are described in the Regulations. Subsections 16(l) and (m) of the Regulations provide:

16 For the purposes of clause 29(2)(u) of the Act, personal information may be disclosed:

...

(l) to another government institution or a third party in order to obtain information from that government institution or third party to respond to an inquiry from the individual to whom the information relates, to the extent necessary to respond to that inquiry;

...

(m) to another government institution or to a local authority to enable that government institution or local authority to respond to an inquiry from the individual to whom the information relates, to the extent necessary to respond to that inquiry;

ii. How subsections 16(l) and 16(m) of the Regulations generally apply to collections and uses

[46] Subsections 16(l) and (m) of the Regulations can also authorize collections and uses of personal information in the same way it authorizes disclosures of personal information.

[47] Subsection 26(1)(b) of FOIP provides:

26(1) A government institution shall, where reasonably practicable, collect personal information directly from the individual to whom it relates, except where:

...

(b) the information is information that may be disclosed to the government institution pursuant to subsection 29(2);

[48] Subsection 28(b) of FOIP provides:

28 No government institution shall use personal information under its control without the consent, given in the prescribed manner, of the individual to whom the information relates, except:

...

(b) for a purpose for which the information may be disclosed to the government institution pursuant to subsection 29(2).

[49] Subsection 2(1)(b) and 28(b) of FOIP lead to subsection 29(2)(u) of FOIP. As such, subsections 16(l) and (m) of the Regulations can authorize collections and uses.

iii. What qualifies as a government institution for the purposes of subsections 16(l) and 16(m) of the Regulations?

[50] Before I begin my analysis of the application of subsections 16(l) and (m) of the Regulations to the data transactions in question, I must determine who qualifies as a government institution for the purposes of these provisions.

[51] As discussed earlier in this Report, for the purposes of certain privacy provisions in FOIP, it is as if the Minister's office is part of the government institution for which the Minister serves as head. Because those privacy provisions were engaged, the Minister's office was

acting as if it was part of the Ministry. As such, for the purposes of subsections 16(l) and (m) of the Regulations, the Minister's office qualifies as a government institution.

[52] Further, the Minister's office received the *Concerns for Discussion* document from the Complainants' MLA. Subsection 3(3) of FOIP provides:

3(3) Subject to the regulations, the following sections apply, with any necessary modification, to offices of members of the Assembly and their employees as if the members and their offices were government institutions:

(a) sections 24 to 30;

(b) section 33.

[53] Because the MLA's office disclosed the personal information in the *Concerns for Discussion* document and the Minister's office collected this personal information from the MLA's office, privacy provisions of FOIP are engaged. Therefore, for the purposes of subsections 16(l) and 16(m) of the Regulations, the MLA's office also qualifies as if it were a government institution.

iv. Were the data transactions in question authorized by subsections 16(l) and (m) of the Regulations?

[54] The Minister's office received two inquiries from the Complainants (data transaction 1). It collected the personal information in the Complainants' first inquiry, the *Concerns for Discussion* document, from the Complainants' MLA's office. As discussed, the MLA's office qualifies as a government institution in these circumstances. The Minister's office collected the "meeting request" email from Executive Council. Executive Council qualifies as a government institution pursuant to subsection 2(1)(d)(i) of FOIP. The Minister's office collected this personal information to respond to the Complainants' inquiries. I am satisfied that collection was authorized by subsection 16(l) of the Regulations.

[55] Next, staff in the Ministers office read the inquiries from the Complainants. This will be discussed later in this Report. The staff member concluded that the inquiries from the

Complainants “was a combination of specifics and generalities and systemic problems with the WCB.” As such, the staff member decided it should be sent to WCB so that a response could be drafted for the Minister (data transaction 3). I am satisfied that the disclosure to WCB, a government institution, was authorized by subsection 16(l) of the Regulations.

[56] WCB collected the personal information in the inquiries from the Minister’s office (data transaction 4). As discussed, the Minister’s office qualifies as a government institution in these circumstances. WCB used the personal information to produce a response for the Minister, as requested (data transaction 5). I am satisfied that these transactions were authorized by subsection 16(m) of the Regulations.

[57] WCB then disclosed an unsigned copy of the Minister’s response to the Minister’s office to continue the process of responding to the Complainants’ inquiry (data transaction 7). This is also authorized by subsection 16(m) of the Regulations. The Ministry collected this personal information in accordance with subsection 16(l) of the Regulations (data transaction 8).

[58] The Complainants were also concerned that the Minister’s office also copied its response to the Complainants’ MLA, the Premier and WCB (data transaction 9). I note that the Complainants’ sent the “meeting request” email to the Saskatchewan Party requesting a meeting with the Premier. The Saskatchewan Party forwarded the “meeting request” email on to Executive Council. Executive Council, on behalf of the Premier, forwarded the request to the Minister’s office. The Complainants did not include these transactions in its complaint. However, it appears the Minister’s office was closing the loop on the Complainants’ inquiry when it copied the Premier on the response. This was authorized by subsection 16(l) of the Regulations.

[59] Similarly, the Minister’s office copied the MLA’s office because it forwarded the Complainants’ *Concerns for Discussion* document to the Minister’s office. This was authorized by subsection 16(l) of the Regulations.

[60] Finally, the Minister's office forwarded a copy of the signed response to WCB because it prepared the response. This was authorized by subsection 16(l) of the Regulations. WCB's collection of the personal information was authorized by subsection 16(m) of the Regulations.

5. Did the Minister's office use accurate personal information?

[61] Section 27 of FOIP provides:

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.

[62] Part of the concerns expressed to my office by the Complainants' was that the Minister's office did not verify the Complainants' identity before responding to their concerns.

[63] There would be many ways to ensure that personal information is accurate and complete. In these circumstances, the Minister's response reached the correct individuals. Further, the Complainants provided the personal information in question. In other words, I have no reason to conclude that the personal information used by the Minister's office was not accurate or that the Minister's office did not take steps to make sure it was accurate and complete.

6. Did the Minister's office protect the Complainants' personal information in accordance with section 24.1 of FOIP?

[64] Section 24.1 of FOIP imposes a duty on government institutions to protect personal information. Section 24.1 of FOIP provides:

24.1 Subject to the regulations, a government institution shall establish policies and procedures to maintain administrative, technical and physical safeguards that:

(a) protect the integrity, accuracy and confidentiality of the personal information in its possession or under its control;

(b) protect against any reasonably anticipated:

(i) threat or hazard to the security or integrity of the personal information in its possession or under its control;

(ii) loss of the personal information in its possession or under its control; or

(iii) unauthorized access to or use, disclosure or modification of the personal information in its possession or under its control; and

(c) otherwise ensure compliance with this Act by its employees.

[65] The Complainants indicated that they only granted permission for their MLA and the Minister to view the *Concerns for Discussion* document that was forwarded to the Minister's office by the MLA's office (data transaction 2). The Complainants have not demonstrated that their desire to specifically restrict access to their personal information was communicated to either the MLA's office or the Minister's office.

[66] Subsection 24.1(b)(iii) of FOIP requires the Minister's office to protect personal information from unauthorized use. Subsection 24.1(c) of FOIP requires that the employees in the Minister's office are in compliance with FOIP. In other words, the Minister's office must ensure that only those with a need-to-know access personal information. Need-to-know is the principle that personal 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.

[67] The Minister's office indicated that it was the duty of the particular staff member to assist with all aspects of ministerial correspondence. Depending on the concern, it was this staff person's responsibility to determine how the concern should be handled. In this instance, staff in the Minister's office determined a letter for the Minister's signature was appropriate and sent a referral to WCB.

[68] I am satisfied that the staff person in the Minister's office had a need-to-know the personal information in question. The Minister's office met the duty to protect as described in section 24.1 of FOIP in this instance.

7. Did WCB protect the Complainants' personal information in accordance with section 24.1 of FOIP?

[69] The Complainants are unhappy that the correspondence that was intended for the Premier and the Minister, as well as the Minister's response, were placed on their respective WCB claim files (data transactions 6 and 11).

[70] I have already determined that WCB had authority to collect the personal information in question pursuant to subsection 16(m) of the Regulations. However, pursuant to subsection 24.1(b)(iii) of FOIP, WCB must reasonably protect the personal information from any unauthorized use of the information. Presumably, by placing the personal information on the Complainants' respective claim files, WCB is signaling to its employees that the information can be used when assessing the Complainants' claims.

[71] In response, WCB indicated that the Complainants had concerns about service quality and decision making which is relevant to adjudication of their compensation claims.

[72] Earlier in the Report, I indicated that the Minister's office determined that the "meeting request" email and *Concerns for Discussion* document included "a combination of specifics and generalities and systemic problems with the WCB". I agreed with the assessment of the Minister's office for the purpose of the action that the Minister's office needed to take at that moment in time.

[73] I also agree with WCB's assessment that both the *Concerns for Discussion* document and the "meeting request" email touch on the Complainants' claims with WCB. It is clear that the Complainants had general concerns about WCB, but also used themselves as examples in discussing their concerns. As such, I am also persuaded by WCB's rationale for keeping these documents on the Complainants' claim files. The logic also applies to the Minister's response that was also placed on the Complainants' claim file, as it shows how the Complainants' concerns were addressed.

[74] I am satisfied that WCB met the duty to protect the personal information in question.

8. Did WCB protect the Complainants' personal health information in accordance with section 16 of HIPA?

[75] Section 16 of HIPA is similar to section 24.1 of FOIP, but it deals with personal health information. Section 16 of HIPA provides:

16 Subject to the regulations, a trustee that has custody or control of personal health information must establish policies and procedures to maintain administrative, technical and physical safeguards that will:

- (a) protect the integrity, accuracy and confidentiality of the information;
- (b) protect against any reasonably anticipated:
 - (i) threat or hazard to the security or integrity of the information;
 - (ii) loss of the information; or
 - (iii) unauthorized access to or use, disclosure or modification of the information; and
- (c) otherwise ensure compliance with this Act by its employees.

[76] Again, the Complainants were dissatisfied that the *Concerns for Discussion* document and the "meeting request" email response were placed on the Complainants' claim file (data transaction 6). As discussed in relation to section 24.1 of FOIP, I am satisfied that the personal health information related sufficiently to the Complainants' claims. I am satisfied that WCB met the duty to protect the personal health information as described in section 16 of HIPA.

[77] Citizens need to know that if they make requests of the Premier or a minister, and provide those offices with documents, those offices will have to prepare a response. This may involve forwarding the necessary information to public servants who will prepare a response or briefing material or who may attend any meetings with the Premier or a minister to provide background information. Citizens have a right to make requests from elected officials; however, elected officials need to obtain the necessary information to give

reasoned responses. Our democratic system would not work well if elected officials did not prepare accordingly.

III FINDINGS

[78] I find that sections 24 and 24.1, 25 to 30 and 33 of FOIP apply to the Minister's office as if it were part of the Ministry of Labour and Workplace Safety.

[79] I find that the Minister's office and WCB collected personal information in accordance with section 25 of FOIP.

[80] I find that subsection 16(l) or (m) of the Regulations authorize data transactions 1, 3, 4, 5, 7, 8, 9 and 10 as described in Appendix A.

[81] I find that there is no reason to conclude that the Minister's office did not use personal information in accordance with section 27 of FOIP.

[82] I find that the Minister's office protected personal information in accordance with section 24.1 of FOIP.

[83] I find that WCB protected personal information in accordance with section 24.1 of FOIP.

[84] I find that WCB protected personal health information in accordance with section 16 of HIPA.

IV RECOMMENDATIONS

[85] I recommend that the Minister's office take no further action.

[86] I recommend that WCB take no further action.

Dated at Regina, in the Province of Saskatchewan, this 4th day of October, 2019.

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

Appendix A – Data Flow Table

#	Date	Transactions in Data Flow A (<i>Concerns for discussion</i>)	Transactions in Data Flow B ("meeting request" email)	Privacy Action
	August 7, 2018	The MLA forwarded the <i>Concerns for Discussion</i> document to the Minister's office.	Executive Council forwarded "meeting request" email to Ministers Office	Not part of the complaint
1	August 7, 2018	The Minister's office collected the <i>Concerns for Discussion</i> document.	The Minister's office collected the "meeting request" email.	Collection of PI
2	August 7, 2018	Minister's office staff read the <i>Concerns for Discussion</i> document allegedly for Minister only.		Safeguard of PI - Need to know
3	August 7, 2018	The Minister's office created a referral form and sent it to WCB. This included the <i>Concerns for Discussion</i> document and "meeting request" email.		Ministry disclosed PI to WCB
4	August 7, 2018	WCB collects referral form, <i>Concerns for Discussion</i> document and "meeting request" email from Minister's office.		WCB collected PI from Minister
5	August 7-9, 2018	WCB used referral form, <i>Concerns for Discussion</i> document and "meeting request" email to prepare response as requested by the Minister's office.		Use of PI by WCB
6		<i>Concerns for Discussion</i> document and "meeting request" email were placed on Complainants' claim files.		Safeguard of PI/PHI
7	August 9, 2019	WCB disclosed unsigned response to the Minister's office.		Disclosure by WCB
8	August 9, 2018	The Minister's Response, prepared by WCB, was received by Ministers office.		Collection of PI
	August 13, 2018	The Minister's Response was sent to the complainants.		Not part of the complaint
9	August 13, 2018	The Minister's response was sent back to WCB, and to the Premier and MLA.		Disclosure of PI
10	August 13, 2018	WCB collected the response to the Complainants signed by the Minister.		Collection of PI
11		WCB placed the Minister's signed response on the claim file.		Safeguard of PI
	August 14, 2018		Executive Council replied to the Complainants' "meeting request" email indicating that the request would be forwarded to the Minister's office.	Not part of the complaint

PI = personal information

PHI = personal health information