

**SASKATCHEWAN
INFORMATION AND PRIVACY COMMISSIONER**

REVIEW REPORT 083-2015

Saskatchewan Telecommunications

Summary: The Applicant requested records from Saskatchewan Telecommunications (SaskTel). SaskTel responded that the requested records did not exist and denied access to the records pursuant to subsection 7(2)(e) of *The Freedom of Information and Protection of Privacy Act* (FOIP). The Commissioner found that SaskTel provided a reasonable explanation for why the records did not exist. The Commissioner recommended that SaskTel take no further action with regard to this record.

I BACKGROUND

- [1] On March 5, 2015, my office received a Request for Review from the Applicant, copies of correspondence between herself and Saskatchewan Telecommunications (SaskTel) and an Access to Information Request.
- [2] Based on conversations with my office, it was found that the Applicant had not submitted the Access to Information Request to SaskTel. My office obtained permission from the Applicant to forward the form to SaskTel so it could respond to her request.
- [3] The Applicant requested a “copy of my personal incoming calls to my personal home phone – for the month of Jan [sic] 2012. Not long distance – only local incoming calls...”
- [4] SaskTel replied to the Applicant’s Access to Information Request in a letter dated March 27, 2015 advising it was refusing access to the requested record pursuant to subsection

7(2)(e) of *The Freedom of Information and Protection of Privacy Act* (FOIP) indicating that the records did not exist.

[5] On April 10, 2015, my office received a copy of SaskTel's response to the Applicant. In a telephone conversation with the Applicant, she requested my office proceed with a review of SaskTel's response to her Access to Information Request.

[6] On April 14, 2015, my office notified both the Applicant and SaskTel of its intention to conduct a review. My office requested SaskTel provide a submission to support their position that the records did not exist. We asked that SaskTel provide details of their search efforts that resulted in the conclusion that the records did not exist.

[7] My office received SaskTel's submission on April 27, 2015 and provided my office with permission to share the submission with the Applicant.

[8] In SaskTel's submission, they explained that a search was not conducted and provided an explanation of how it came to the conclusion that the records do not exist.

II RECORDS AT ISSUE

[9] There are no records at issue as SaskTel has taken the position that the requested records do not exist.

III DISCUSSION OF THE ISSUE

[10] SaskTel qualifies as a "government institution" pursuant to subsection 2(1)(d)(ii) of FOIP.

1. Has SaskTel provided a reasonable explanation for why the records do not exist?

[11] SaskTel's submission provided the following:

...SaskTel will focus on the technical aspects of local calling records and why SaskTel arrived at the conclusion that the requested records do not exist, rather than the conduct of what would have been a fruitless search...

...

SaskTel's central office equipment is programmed to produce call detail records (CDR) when a call originates within the city/town limits and terminates outside those limits...

The CDR is created by SaskTel's central office equipment and documents the details of the call such as time, duration, completion status, originating number, and destination number. Some of this call detail appears on the customer's paper bill along with an associated long distance charge.

...

SaskTel's central office equipment is programmed to produce a CDR for long distance calls only. SaskTel has a business need to create this transactional record as the information is required to calculate a long distance charge that is placed on the customer bill. A record for local calling is not produced as there is no business need to create a record. Customers of local service have unlimited local calling, outgoing and incoming, without additional charge.

...

The data that flows back and forth on these links is transitory meaning the data is present for the set up of the call, to provide a feature during the call and when the customer hangs up, it signals the central office equipment to disconnect the call. When the call is complete the transitory data associated with the call is gone.

SaskTel utilizes tools within our network that taps into the transitory data stream. This data is used by SaskTel technicians to troubleshoot issues in its network. The data captured by these tools is stored on a hard drive for various periods of time ranging from a few hours up to 80 days... Once the hard drive reaches capacity the oldest data is overwritten with new data...

A local call that originates and terminates in the same central offices does not produce any transitory data by design as the central office equipment performs all the call routing and set up...

[12] My office requested SaskTel provide further support that the system was over-writing this data. SaskTel provided my office with additional documentation to support its position.

[13] Based on SaskTel's submission and the supporting documentation provided to my office, it is reasonable to conclude the records do not exist.

IV FINDING

[14] I find that SaskTel has provided a reasonable explanation to conclude that the records do not exist.

V RECOMMENDATION

[15] I recommend that SaskTel take no further action with regard to this record.

Dated at Regina, in the Province of Saskatchewan, this 30th day of June, 2015.

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