



## REVIEW REPORT 147-2022

### Saskatchewan Telecommunications

February 1, 2023

#### Summary:

The Applicant submitted an access to information request to Saskatchewan Telecommunications (SaskTel). SaskTel responded by denying access to the record, in full, but applied subsection 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP) to certain line items. The Commissioner found that SaskTel properly applied subsection 29(1) of FOIP to a portion of the record, but not the rest. The Commissioner recommended that SaskTel continue to withhold the portions where he found it properly applied subsection 29(1) of FOIP, but to release the remainder of the record, including the portions that no exemption was applied, to the Applicant within 30 days of issuance of this Report.

#### I BACKGROUND

[1] On June 9, 2022, SaskTel received the following access to information request from the Applicant:

Good morning we have had nonstop harassment from SASK TEL [sic] SMS text service starting in about 2017 till now. Please review and have this harassment of our family stopped by Sask tel [sic] SMS TEXT Service text messages from unknown sender, of these text messages through Sask tel [sic] SMS SERVICE . To cell phone number [telephone number]. We have asked so many times to SASK TEL to stop this nonstop harassment from SMS TEXT MESSAGES TO PHONE NUMBER [telephone number] and SASK TEL so far just telling us that our privacy is protected. Nothing done by SASK TEL AT ALL. Please help us and have this issue no more SMS TEXT MESSAGES that are so poor in content that make you sick to your stomach, stop this harassment of our family. Thanks [Applicant]

[2] The Applicant included the following timeframe for this access request:

Starting in 2017 we received [sic] SMS TEXT MESSAGES from Sask tels [sic] SMS TEXTING SERVICE till April 2022 we want the messages stopped and identity of the sender or person sendinG [sic] these messages. According to [name removed] SaskTel Corporate Security [telephone number] [another telephone number] he can help with this. [email address] or [email address]

- [3] On June 10, 2022, SaskTel received a further access to information request for the following information:

Good morning we have had nonstop SASK TEL SMS text service texting to [telephone number] starting in about 2017 till now. Please review and have this harassment of our family stopped by Sask tel [sic] SMS TEXT Service text messages from unknown sender, of these text messages through Sask tel [sic] SMS SERVICE. To cell phone number [telephone number]. We have asked so many times to SASK TEL to stop this nonstop SMS TEXT MESSAGES TO PHONE NUMBER [telephone number] and SASK TEL so far just telling us that our privacy is protected . Nothing done by SASK TEL AT ALL. Please help us with this issue no more SMS TEXT MESSAGES that are so poor in content that make you sick to your stomach, Our privacy [sic] is not being protected by SASK TEL we ask [name removed] at SASK TEL [sic] Privcy [sic] office to have these SMS TEXTING messages stopped coming to our cell number [telephone number] and protect our Privcy [sic]. Have the IP address and location of sender and name of sender of these SMS text messages to [telephone number] give to RCMP and have chargers [sic] laid for this privcy [sic] violation. Please protect our privcy [sic]. Thanks [Applicant]

- [4] The Applicant included the following timeframe on their June 10, 2022, request:

Good morning we have had nonstop SASK TEL SMS text service starting in 2017 till now in 2022. Which have been reported to Sask tel [sic] Security [name removed]. Sask tel [sic] SMS TEXT Service text messages from unknown sender, of these text messages through Sask tel [sic] SMS SERVICE. To cell phone number [telephone number]. We have asked so many times to SASK TEL to stop this SMS TEXT MESSAGES TO PHONE NUMBER [telephone number] start protecting our privcy [sic]. Stop this SMS TEXTING TO US.

- [5] Although there were two separate access to information requests submitted by the Applicant, SaskTel clarified with the Applicant and sent them one section 7 decision letter on July 8, 2022. In its section 7 decision letter, SaskTel informed them that access to the requested record from both requests was denied in full as the information contained in the record is personal information pursuant to subsection 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

- [6] On July 8, 2022, the Applicant sent my office a request for review.
- [7] On August 17, 2022, my office informed the Applicant and SaskTel of my office's intention to undertake a review of SaskTel's reliance on subsection 29(1) of FOIP to withhold the record in full.
- [8] On September 15, 2022, my office received the index and copy of the record from SaskTel.
- [9] On October 17, 2022, my office received SaskTel's submission. The Applicant did not provide my office with a submission.

## **II RECORDS AT ISSUE**

- [10] At issue is a two-page record SaskTel redacted information on pursuant to subsection 29(1) of FOIP. SaskTel applied 30 severances on the two-page record and did not release the remainder of the record to the Applicant though no other exemptions were applied.

## **III DISCUSSION OF THE ISSUES**

### **1. Do I have jurisdiction?**

- [11] SaskTel qualifies as a "government institution" pursuant to subsection 2(1)(d)(ii) of FOIP, and section 3 and Part I of the Appendix of *The Freedom of Information and Protection of Privacy Regulations* (FOIP Regulations). Therefore, I have jurisdiction to review this matter.

### **2. Did SaskTel properly apply subsection 29(1) of FOIP to the withheld record?**

- [12] Subsection 29(1) of FOIP 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 related in accordance with this section or section 30.

[13] Subsection 29(1) of FOIP is a mandatory exemption intended to protect the privacy of individuals whose personal information may be contained within records responsive to an access to information request made by someone else (*Guide to FOIP*, Chapter 4, “Exemptions from the Right of Access”, updated April 30, 2021 [*Guide to FOIP*, Ch. 4] p. 281).

[14] The first step in dealing with information in a record that appears to be personal information is to confirm the information indeed qualifies as personal information pursuant to subsection 24(1) of FOIP.

[15] To determine if the information qualifies as “personal information”, the information must: 1) be about an identifiable individual and 2) be personal in nature.

[16] SaskTel withheld the record in its entirety from the Applicant. However, in its submission, SaskTel provided my office with an index of records where it applied severances to portions of the record. SaskTel severed information on pages 1 and 2 of the record asserting that the severed portions could lead to disclosing personal information about other individuals including location information, IP addresses, and email addresses. SaskTel applied subsection 29(1) of FOIP to the following information on pages 1 and 2 of the record:

- On page 1, the severance numbers 1, 2, 5, 6, 7 and 8 refer to server numbers and location information which are specific to various service areas in the province.
- Further, on page 1, severances 3 and 4 refer to specific IP and email address information.
- On page 2, severance numbers 1, 2, 6, 7, 8, 11, 12, 13, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 31, and 32 refer to location information, and server numbers.

- Further on page 2, severance numbers 3, 4, 5, 9, 10, 14, 15, 22, 23, 28, 29, and 30 include number letter/sequences that comprise email and IP addresses.

[17] SaskTel indicated in its index of records that the information severed discloses personal information about another individual including personal email addresses and location information. SaskTel stated this is personal information pursuant to subsections 24(1)(d), (e) and (k)(i) of FOIP, which provide 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:

...

(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;

...

(k) the name of the individual where:

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

[18] SaskTel offered the following argument for its application of subsection 29(1) of FOIP to portions of the record:

The access requests were for the IP address and location of sender and name of sender of the SMS text messages. SaskTel submits that the IP address, location, and name of sender all constitute personal information about an identifiable individual.

[19] My office asked SaskTel to provide additional information about the record and how the redacted information qualifies as personal information. SaskTel advised the record is a back-end server log extracted from the system that ran the SMS messaging service. The log contains information specific to processing the messages.

[20] In my office’s [Review Report 186-2019](#), my office established that IP addresses, qualify as personal information pursuant to subsections 24(1)(e) and (k) of FOIP. In that report,

my office also established that email addresses qualify as personal information pursuant to subsections 24(1)(e) and (k) of FOIP. I find, therefore, that SaskTel properly applied subsection 29(1) of FOIP to severances 3, and 4 on page 1 and severances 3, 4, 5, 9, 10, 14, 15, 22, 23, 28, 29, and 30 on page 2. I recommend SaskTel continue to withhold this information pursuant to subsection 29(1) of FOIP.

[21] SaskTel also redacted “location information”. SaskTel submitted that the location information can identify an individual when combined with date and time of the text messages and other data elements.

[22] SaskTel described that location information are “server numbers” that are “specific to various areas of the province”. SaskTel explained that when this information is combined with other types of information (e.g., an IP or email address) that it can lead to identifying an individual. Our office requested further information from SaskTel regarding how this location data could lead to identifying an individual and it said, “the information regarding server numbers in this instance are servers located in Saskatoon, and are capable of handling provincial data.”

[23] Upon review of the record and based on SaskTel’s explanation, I am not convinced that the location information as it is presented in the record is an element that can identify an individual. As such, I find SaskTel has not properly applied subsection 29(1) of FOIP to the following severance numbers: 1, 2, 5, 6, 7, 8 on page 1 and severance numbers 1, 2, 6, 7, 8, 11, 12, 13, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 31, and 32 on page 2. I recommend SaskTel release this information.

[24] I note however that SaskTel withheld the record in full, though it indicated to my office that subsection 29(1) of FOIP would only apply to portions of the two pages. What I need to consider, then, is if there are any portions of pages 1 and 2 that SaskTel should have released to the Applicant. As previously mentioned, the log contains information specific to processing the messages. SaskTel considered the remainder of the record to be meaningless and thus, withheld the entire record. If no exemptions were applied to the

remaining part of the record, it should have been released with the redactions noted and I recommend SaskTel do so.

#### **IV FINDINGS**

[25] I find I have jurisdiction to undertake this review.

[26] I find that SaskTel properly applied subsection 29(1) of FOIP as I outlined at paragraph [20] of this Report.

[27] I find that SaskTel did not properly apply subsection 29(1) of FOIP to the redacted location information as I have outlined at paragraph [23] of this Report. I also find that subsection 29(1) of FOIP does not apply to the portions of the record as I have outlined at paragraph [24] of this Report as these portions do not qualify as personal information.

#### **V RECOMMENDATIONS**

[28] I recommend that SaskTel continue to withhold the information as I have outlined at paragraph [20] of this Report pursuant to subsection 29(1) of FOIP.

[29] I recommend that SaskTel release the information as I have outlined at paragraph [23] and [24] of this Report respectively within 30 days of the issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 1<sup>st</sup> day of February, 2023.

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