



REVIEW REPORT 243-2022

Saskatchewan Power Corporation

March 8, 2023

Summary: The Applicant submitted an access to information request to Saskatchewan Power Corporation (SaskPower). SaskPower denied access to portions of some records, and to other records in full, pursuant to subsection 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP). The Commissioner found SaskPower properly denied access to some records pursuant to subsection 29(1) of FOIP, but not to others. He recommended, within 30 days of issuance of this Report, SaskPower continue to withhold and release records accordingly.

I BACKGROUND

[1] On March 28, 2022, the Saskatchewan Power Corporation (SaskPower) received an access to information request from the Applicant for the following:

Account, [number redacted] plus Accounts at [land description redacted]. All your notes, call recordings, callouts, service checks done at these addresses.

[2] In correspondence dated April 28, 2022, SaskPower responded to the Applicant that it was denying access to portions of the records pursuant to subsection 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

[3] On December 7, 2022, the Applicant contacted my office to request a review of SaskPower's decision.

[4] On December 16, 2022, my office sent notification to SaskPower and the Applicant advising of my office’s intention to undertake a review. At issue is SaskPower’s reliance on subsection 29(1) of FOIP to deny access.

[5] On February 16, 2023, SaskPower provided my office with its submission. The Applicant did not provide a formal submission.

II RECORDS AT ISSUE

[6] At issue are 12 pages of records which SaskPower has partially redacted pursuant to subsection 29(1) of FOIP as follows (index modified from its original):

Page	Redaction Numbers	Description
1 to 3	1 to 13	Customer Support Account Logs – Transaction History & Notes Section
3	14	Customer Support Notes Sections
3	15 and 16	Customer Support Account Logs – Transaction History & Notes Section
4 to 8	17 to 22	Customer Support Notes Sections
9 to 12	23 to 42	Customer Support Account Logs – Transaction History & Notes Section

[7] At issue are also seven telephone call recordings which SaskPower has withheld in full pursuant to subsection 29(1) of FOIP.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[8] SaskPower qualifies as a “government institution” pursuant to subsection 2(1)(d)(ii) of FOIP and section 3 and Part I of *The Freedom of Information and Protection of Privacy Regulations* (FOIP Regulations). Therefore, I have jurisdiction to conduct this review.

2. Did SaskPower properly apply subsection 29(1) of FOIP?

[9] Subsection 29(1) of FOIP provides as follows:

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.

[10] Subsection 29(1) of FOIP protects the privacy of individuals whose personal information may be contained within records responsive to an access to information request made by someone else. Without consent, a government institution cannot release personal information unless one of the provisions under subsection 29(2) of FOIP applies (*IPC Guide to FOIP*, Chapter 4, “Exemptions from the Right of Access”, updated April 30, 2021 [*Guide to FOIP*, Ch. 4], pp. 82-83).

[11] For subsection 29(1) of FOIP to be engaged, “personal information” must be involved as defined by subsection 24(1) of FOIP. The list of examples at subsection 24(1) of FOIP is not exhaustive. Other types of information may qualify as personal information if it: 1) is about an identifiable individual; and 2) is personal in nature (*Guide to FOIP*, Chapter 6, “Protection of Privacy”, updated January 18, 2023 [*Guide to FOIP*, Ch. 6], pp. 31-32).

[12] SaskPower applied subsection 29(1) of FOIP, in part, as follows:

- Redactions 1 to 13, 15, 16, 20, 23 to 42 – “Non-Applicant Customer personal/account information”
- Redactions 14, 17 to 19, 21, 22 – “Current Customer Support Employee Personal Lines. This information is not made public”

[13] The seven telephone call recordings that SaskPower withheld in full pursuant to subsection 29(1) of FOIP are dated as follows:

- June 15, 2020 (3 calls)
- October 10, 2018 (1 call)
- January 31, 2017 (2 calls)

- October 15, 2020 (1 call)

Non-Applicant related personal information & account information and telephone call recordings

- [14] Regarding its reliance on subsection 29(1) of FOIP on this type of information, SaskPower submitted as follows:

When dealing with customer account information, SaskPower has established procedures for communicating with customers and ensures communication is only with the individual(s) named on the account. The Applicant was provided with records for the time period [they were] on the account or serving as the Power of Attorney for [redacted].

The Power of Attorney moved between the Applicant and [family member] back and forth, with the property owner [family member] being the only individual named on the account at various times.

Information withheld is the personal information of the individual named on the account at the time.

...

SaskPower submits that records consisting of customer details, account information, as well as detailed conversations between SaskPower and customers about account information in relation to acting as Power of Attorney, is confidential information and the duty of SaskPower to protect.

...

SaskPower submits that the portion of the records that reveals the account and personal information, as well as phone calls of certain members of the public who are not the applicant. This is confidential information as it is not published nor accessible online. SaskPower also submits that the applicant was informed of the sensitivity and rules around obtaining the personal information associated with other customers and that a written consent would be needed. This detail was provided to the applicant on April 1, 2022, long before the request was completed, and no consents were provided at any time.

Further the Applicant was not acting Power of Attorney on file relative to the redacted information's timeline. As a result, [they are] not entitled to another customers personal information, even if it's a family member.

- [15] Upon review of the redacted pages and the telephone call recordings, and from SaskPower's descriptions, I note they involve data elements including names of individuals along with their contact and account information, including details about account activity

(e.g., payments). This is “personal information” as defined by subsections 24(1)(b), (d), (e) and (k)(i), (ii) 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:

...

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

...

(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

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

[16] In past reports, I have also stated that a person’s voice, when paired with other identifying information, would qualify as personal information pursuant to subsection 24(1) of FOIP (see [Review Report 135-2018](#)). The individual on the telephone calls (Individual X) would be identifiable to the Applicant, and the nature of the calls pertain to Individual X’s business dealings with SaskPower and not to the Applicant’s. As such, in this matter, Individual X’s voice paired with information that is personal in nature to them can also be personal information as defined by subsection 24(1) of FOIP.

[17] Upon review of the redacted pages, I note the portions SaskPower redacted as “non-applicant related personal information and account information” do not appear to pertain to the Applicant, but rather to other individuals. It does not appear these individuals have consented to the Applicant receiving their information.

[18] Regarding the telephone calls, I note the conversations that occurred do not directly involve or relate to the Applicant. One telephone call confirms that Individual X had a responsibility regarding the account information for another individual contained in the records the Applicant now seeks. Other calls pertain to accounts or account information that do not appear to belong to or involve the Applicant.

[19] SaskPower indicated that the Applicant at various times acted as power of attorney (POA) for a family member. At other times, the POA apparently switched to a different family member. If the Applicant was POA at the time the records were established, or if they had any legal right to be involved in the account activity that falls within the dates of these records, they did not establish this with my office. Regarding a POA, subsection 59(c) of FOIP establishes their rights as follows:

59 Any right or power conferred on an individual by this Act may be exercised:

...

(c) where a power of attorney has been granted, by the attorney if the exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney;

[20] The Applicant does not appear to have been a POA for the family member in question at the time the records were created or for the timeframes covered. The Applicant also does not have permission from the family member or Individual X to have access to the records. Based on this, I find SaskPower properly applied subsection 29(1) of FOIP to redactions 1 to 13, 15, 16, 20, 23 to 42 as well as to the seven telephone calls and I recommend it continue to withhold these pursuant to subsection 29(1) of FOIP.

Customer Support Representatives personal telephone lines

[21] Regarding this type of information, SaskPower submitted as follows:

SaskPower submits that the portion of the records that reveal personal phone lines of SaskPower employees that are not published or made available to the public.

- [22] SaskPower clarified that this would be the “customer support reps direct desk line at SaskPower”. It appears, then, to be an internal telephone line or number that SaskPower assigns to employees for internal use.
- [23] The *Guide to FOIP*, Ch. 6 (p. 34) states that “personal” means relating to a personal rather than professional life. Depending on the context, information about an individual in a professional or business capacity could be “personal information” if it revealed something personal about the individual, such as their employment history. This does not appear to be the case here.
- [24] Further, in past reports, I have stated that telephone numbers used in a professional or business capacity are not “personal information”. This is especially so if the number is assigned to the employee (see [Review Report 277-2016](#)).
- [25] I find, therefore, SaskPower did not properly apply subsection 29(1) of FOIP to redactions 14, 17 to 19, 21, 22 and recommend, within 30 days of the issuance of this Report, it release that information to the Applicant.

IV FINDINGS

- [26] I find I have jurisdiction to conduct this review.
- [27] I find SaskPower properly applied subsection 29(1) of FOIP to redactions 1 to 13, 15, 16, 20, 23 to 42 and to the seven telephone calls.
- [28] I find SaskPower did not properly apply subsection 29(1) of FOIP to redactions 14, 17 to 19, 21, 22.

V RECOMMENDATION

[29] I recommend SaskPower continue to withhold redactions 1 to 13, 15, 16, 20, 23 to 42 and the seven telephone calls pursuant to subsection 29(1) of FOIP, and that it release redactions 14, 17 to 19, 21, 22 to the Applicant within 30 days of the issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 8th day of March, 2023.

Ronald J. Kruzeniski, KC
Saskatchewan Information and Privacy
Commissioner