



REVIEW REPORT 270-2023

Saskatchewan Power Corporation

March 25, 2024

Summary:

Saskatchewan Power Corporation (SaskPower) received an access to information request from the Applicant. SaskPower responded to the Applicant, denying access to part 1 of the access request in full, pursuant to subsection 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP), and claiming that the record did not exist for part 2 of the access request. The Applicant requested the Commissioner review only SaskPower's application of subsection 29(1) of FOIP to part 1 of their access request. The Commissioner found that SaskPower did not properly apply subsection 29(1) of FOIP to the record, as the record related to a business corporation and not an individual. The Commissioner recommended that SaskPower release the record to the Applicant within 30 days of issuance of this Report.

I BACKGROUND

[1] On September 12, 2023, Saskatchewan Power Corporation (SaskPower) received the following access to information request from the Applicant:

1. Cost of work required for service order numbers [number 1 + number 2] including the amounts paid by [name of customer] or [their] company.
2. Communications, text messages, emails send by [name of customer] and [their] representatives or sent by SaskPower to [name of customer] that mention [full name of the Applicant].

[2] On September 19, 2023, SaskPower emailed the Applicant, seeking clarification regarding their access request. SaskPower stated:

... need clarification regarding your request for work by a third party. The numbers you provided are not work orders in our system so we cannot find the referenced to work you asking for. Could you provide us more information about what work you are asking about. Like an address where the work was completed, the [customer's last name] company name or even a brief description was what was done would help us find the responsive records you are asking about.

[3] On September 20, 2023, the Applicant amended their access request to include:

3. Environmental Impact Assessments that include land location [number] (Surface Parcel No. [number]) and work covered in work order [number].

[4] On October 2, 2023, SaskPower responded to the Applicant. In response to part 1 of the access request, SaskPower denied access in full pursuant to subsection 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP). In response to part 2 of the access request, SaskPower responded that the record did not exist pursuant to subsection 7(2)(e) of FOIP. SaskPower released the record responsive to part 3 of the access request in full.

[5] On October 23, 2023, my office received a request for review from the Applicant. The Applicant requested the Commissioner review only the responsive record where SaskPower applied subsection 29(1) of FOIP (only part 1 of their access request).

[6] On December 1, 2023, my office provided notice to the Applicant and SaskPower of my office's intention to undertake a review.

[7] On January 3, 2024, the Applicant provided their submission to my office. On January 30, 2024, SaskPower provided its submission to my office.

II RECORDS AT ISSUE

[8] SaskPower denied access to the record responsive to part 1 of the Applicant's access request (15 pages), in full, pursuant to subsection 29(1) of FOIP.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[9] SaskPower qualifies as a “government institution” pursuant to subsection 2(1)(d)(i) of FOIP. Therefore, I have jurisdiction to conduct this review.

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

[10] 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 relates except in accordance with this section or section 30.

[Emphasis added]

[11] Section 29 of FOIP prohibits the disclosure of personal information unless the **individual** about whom the information pertains to consents to its disclosure, or if the disclosure without consent is authorized by one of the enumerated subsection 29(2) of FOIP or section 30 of FOIP (*Guide to FOIP*, Chapter 6, “Protection of Privacy”, updated January 18, 2023 (*Guide to FOIP*, Ch. 6), p. 183).

[Emphasis added]

[12] Section 29 of FOIP applies to personal information as defined by section 24 of FOIP (*Guide to FOIP*, Ch. 6, p. 183). Subsection 24(1) of FOIP starts with the following:

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:
...

[Emphasis added]

- [13] Pages 32 to 35 of the *Guide to FOIP*, Ch. 6, explain that broadly, to constitute personal information, two elements must be present: 1) the information must be about an identifiable individual; and 2) the information must be personal in nature.
- [14] Pages 33 of the *Guide to FOIP*, Ch. 6, defines “individual” as a natural person (human being). Use of the word “individual” in this provision makes it clear that the protection provided relates only to a natural person or human being.
- [15] This matter involves records that describe an agreement for SaskPower to provide electrical service to a customer. The customer’s name is “[name of customer] Inc.”
- [16] As the customer’s name is “[name of customer] Inc.”, it appears to be a corporate name, my office did a search of the name with Information Services Corporation of Saskatchewan (ISC). The ISC registry search indicated that the customer is listed as a “business corporation”.
- [17] In my office’s [Review Report 085-2021](#), the applicant requested access to utility bill information for a dairy farm. The utility bill in question contained both a farm-use and a home-use portion. I made the distinction that the portion relating to the home-use was personal in nature because it disclosed something personal in nature about the owners of the farm – their personal water usage or habits. This included units and costs associated with their home use. I further considered that the portion relating to the farm use was related to their business, and so was not personal information.
- [18] As I stated previously, the information in the records relates to the supply of power to the customer, which is an incorporated farming operation. There is no indication in the records that the supply of power is for home use; rather, based on the type of voltage supply outlined in the agreement, it would appear to be associated with commercial or industrial use.
- [19] The fact that the record appears to contain an agreement between SaskPower and a business corporation, not an individual, I find that SaskPower did not properly apply subsection

29(1) of FOIP to the record. I recommend that SaskPower release the record to the Applicant within 30 days of the issuance of this Report.

IV FINDINGS

[20] I find that I have jurisdiction to conduct this review.

[21] I find that SaskPower did not properly apply subsection 29(1) of FOIP to the record.

V RECOMMENDATION

[22] I recommend that SaskPower release the record to the Applicant within 30 days of issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 25th day of March, 2024.

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