



Office of the
Saskatchewan Information
and Privacy Commissioner

INVESTIGATION REPORT 007-2026

Saskatchewan Labour Relations Board

October 16, 2026

Summary:

The Saskatchewan Labour Relations Board (LRB) published a decision by an adjudicator on its website that contained the personal health information of the Complainant. The Complainant complained to the LRB indicating that their personal health information “is not anyone else’s business.” The LRB indicated that the Complainant disclosed such information in a public proceeding. The Complainant was dissatisfied with the LRB’s response and so they filed a complaint with the Office of the Saskatchewan Information and Privacy Commissioner.

The Commissioner found:

- (1) Section 27(2)(a) of *HIPA* authorized the LRB to disclose the Complainant’s personal health information;
- (2) The LRB published the adjudicator’s decision of August 7, 2025 in accordance with the open court principle; and
- (3) No privacy breach occurred.

The Commissioner recommended that the LRB take no further action.

I BACKGROUND

- [1] In 2023, the Complainant filed a complaint of discrimination against their employer with the Occupational Health and Safety (OHS) office at the Saskatchewan Labour Relations Board (LRB) against their employer. The Complainant believed the treatment they experienced at work and the termination of their employment constituted discriminatory action against them. The two OHS Officers made the decision to not investigate the

complaint because they determined that the Complainant was not seeking to be reinstated to their former position.

- [2] The Complainant appealed the decision by the two OHS Officers. An adjudicator was appointed to adjudicate the appeal pursuant to section 3-53 and 3-54 of *The Saskatchewan Employment Act*.¹ In a decision dated January 23, 2024, the adjudicator concluded that the Complainant's complaint be remitted back to the OHS office for redetermination since the Complainant asserted that they were interested in being reinstated to their former position.²
- [3] In an unreported decision dated June 5, 2024, two OHS Officers found that the employer's termination of the Complainant's employment was not an unlawful discriminatory action contrary to section 3-35 of *The Saskatchewan Employment Act*.
- [4] The Complainant appealed the June 5, 2024 decision and another adjudicator was appointed to adjudicate the appeal. In a decision dated August 7, 2025, the adjudicator found that the termination was considered a discriminatory act under *The Saskatchewan Employment Act*. The adjudicator's decision was published on the LRB website. At paragraphs 26, 29 and 39 of the decision, the adjudicator refers to a medical record that describes a medical condition of the Complainant.³ The medical condition of the Complainant was directly relevant to the adjudicator's decision.
- [5] The Complainant filed a health and safety complaint with respect to their employer and alleged that their employment was terminated for having done so. The employer raised several reasons for dismissal – one of them being the number of sick days taken by the Complainant as one of the many reasons leading to dismissal. Obviously the adjudicator had to mention the specific health issue of the Complainant to decide the ultimate issue – the reason for dismissal. It is important to note that it was the Complainant who provided

¹ [*The Saskatchewan Employment Act*](#), S.S. 2013, c S-15.1, as amended.

² Adjudicator Decision – Occupational Health and Safety, [LRB File No. 078-23](#) (January 23, 2024).

³ Adjudicator Decision – Occupational Health and Safety, [LRB File No. 135-24](#) (August 7, 2025).

the adjudicator with a medical record outlining the specific medical condition and this record formed part of the evidentiary record of the hearing.⁴

[6] On December 5, 2025, the Complainant sent an email to the LRB indicating that their personal health information “is not anyone’s business”. The Complainant asserted that if the LRB “does not deal with this matter”, they will file a complaint with the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

[7] On January 6, 2026, the Complainant filed a complaint with the OIPC.

[8] On January 9, 2026, the LRB responded to the Complainant:

You appear to refer to a decision of an adjudicator rendered under Part IV of *The Saskatchewan Employment Act*. That is not a decision of the Saskatchewan Labour Relations Board.

Further, it appears from that decision that the information you reference was disclosed/revealed by you in that public proceeding.

I trust this information assists you.

[9] On August 10, 2026, OIPC notified both the LRB and the Complainant that it would be undertaking an investigation as to whether a breach of privacy had occurred. The LRB provided its submission to OIPC on August 26, 2026. The Complainant did not provide a submission.

II DISCUSSION OF THE ISSUES

1. Jurisdiction

[10] *The Health Information Protection Act*⁵ (HIPA) is engaged when three elements are present: (1) a trustee; (2) personal health information; and (3) the trustee has custody or control over the personal health information.

⁴ *Ibid*, at paragraph [26].

⁵ [*The Health Information Protection Act*](#), S.S. 1999, c. H-0.021, as amended.

[11] First, the LRB is a “trustee” as defined by section 2(1)(t)(i) of *HIPA*.⁶

[12] Second, the information at issue is a reference in the adjudicator’s decision to a medical record describing a medical condition. There can be no question that such information qualifies as “personal health information” as defined by section 2(1)(m)(i) of *HIPA*, which says:

Interpretation

2(1) 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;

[13] Finally, since the adjudicator’s decision is posted on the LRB’s website, we can conclude that the LRB has custody and control over the personal health information. “Control” in this context means to have the ability to manage the record, including regulating its use.⁷

[14] All three elements are present and *HIPA* is engaged.

[15] OIPC undertakes this investigation pursuant to the jurisdiction as afforded by *HIPA*.

2. Did a privacy breach occur?

[16] A privacy breach occurs when personal health information is collected, used and/or disclosed in a way that is not authorized by *HIPA*. To determine whether a privacy breach has occurred, OIPC must first determine if personal health information is present. If so,

⁶ Section 2(1)(h) of *HIPA* provides that a “government institution” means a government institution as defined in [The Freedom of Information and Protection of Privacy Act](#), S.S. 1990-91, c. F-22.01 (*FOIP*). The LRB is “government institution” as defined by section 2(1)(d)(ii) of *FOIP* and section 3(a) and Part I of the Appendix of [The Freedom of Information and Protection of Privacy Regulations](#), RRS c. F-22.01 Reg 1 (April 1, 1992), as amended.

⁷ OIPC [Review Report 016-2021](#) at paragraph [22].

then OIPC will determine if there was authority for the collection, use, and/or disclosure of the personal health information. In this case, OIPC has already established that the information at issue in this matter qualifies as personal health information as defined by section 2(1)(m)(i) of *HIPA*.

[17] The Complainant's concern is how their personal health information was posted to the LRB website in the adjudicator's decision. The Complainant believes posting a written decision containing their personal health information is such an invasion of privacy that it constitutes a privacy breach. The term "disclosure" in the context of *HIPA* means the sharing of personal health information with an entity separate from the trustee organization.⁸

[18] The LRB submitted that section 27(2)(a) of *HIPA* is "relevant" to the analysis at hand. Section 27(2)(a) of *HIPA* provides:

Disclosure

27(2) A subject individual is deemed to consent to the disclosure of personal health information:

(a) for the purpose for which the information was collected by the trustee or for a purpose that is consistent with that purpose;

[19] The LRB submits it disclosed the Complainant's personal health information for the purpose for which the information was collected or for a purpose that is consistent with that purpose. We find that to be exactly the case in this instance.

[20] The adjudicator was duty bound to collect the Complainant's personal health information for the purpose of the hearing process so that a decision could be made on the ultimate issue and so that the parties could be issued a written decision. An adjudicator is an entity separate from the LRB. Adjudicators are appointed by the Lieutenant Governor in Council pursuant to section 4-1 of *The Saskatchewan Employment Act*.

⁸ OIPC [Investigation Report 303-2025](#) at paragraph [44]; OIPC [Investigation Report 080-2022](#) at paragraph [14].

- [21] Section 4-3(3) of *The Saskatchewan Employment Act* provides that the registrar selects an adjudicator upon being informed of an appeal or hearing pursuant to section 4-3(2) of *The Saskatchewan Employment Act*.
- [22] Section 4-5 of *The Saskatchewan Employment Act* sets out the powers of an adjudicator. Section 4-5(1)(b) of *The Saskatchewan Employment Act* empowers the adjudicator to require any party to produce documents or things that may be relevant to a matter before the adjudicator. Section 4-5(1)(e) of *The Saskatchewan Employment Act* empowers the adjudicator to receive and accept evidence and information on oath. Evidence is crucial to the ultimate decision making process.
- [23] Section 4-6(1)(b) of *The Saskatchewan Employment Act* requires that the adjudicator provide written reasons to the parties and to the LRB of the final decision. Section 4-7(5) provides that the LRB that shall serve the decision on all persons mentioned in section 4-4(1)(b) of *The Saskatchewan Employment Act*.⁹ The LRB is served with the written decision, including any personal health information contained within the written decision, so that it may be disseminated to all parties mentioned in section 4-4(1)(b) of *The Saskatchewan Employment Act*.
- [24] The LRB collected and disseminated the written decision for the purpose of meeting its duty pursuant to section 4-7(5) of *The Saskatchewan Employment Act*. Section 27(2)(a) of *HIPA* authorizes the LRB to disclose the Complainant's personal health information within this context. The disclosure of the Complainant's personal health information is consistent with the purpose for which the personal health information was collected in the first place.
- [25] *Germain v. Automobile Injury Appeal Commission (Germain)*, involved an application for injunctive and declaratory relief to prevent the Automobile Injury Appeal Commission

⁹ Section 4-7(5) of *The Saskatchewan Employment Act* provides:

4-7(5) As soon as is reasonably possible after receiving a decision, the board shall serve the decision on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.

from publishing a decision that contained personal health information on the internet.¹⁰ The Court noted that *The Automobile Accident Insurance Act*¹¹ does not furnish the Appeal Commission with direct statutory authority to publish decisions on the Internet. However, direction was taken from the Supreme Court of Canada that found administrative tribunals to be “masters in their own house”.¹²

[26] The Court in *Germain* considered arguments pursuant to sections 7 and 8 of the *Charter* as well as the three privacy statutes in this province. At the end of the day, the open court principle won out in a final balancing between privacy and public access to reasons.¹³

[103] The interplay between privacy and public access to judicial records is best summed up by *The Attorney General of Nova Scotia and Ernest Harold Grainger v. Linden MacIntyre, et al.*, [1982] 1 S.C.R. 175 where Dickson J. stated at pp. 185-187:

Let me deal first with the ‘privacy’ argument. This is not the first occasion on which such an argument has been tested in the courts. Many times it has been urged that the ‘privacy’ of litigants requires that the public be excluded from court proceedings. It is now well established, however, that covertness is the exception and openness the rule. Public confidence in the integrity of the court system and understanding of the administration of justice are thereby fostered. As a general rule the sensibilities of the individuals involved are no basis for exclusion of the public from judicial proceedings. The following comments of Laurence J. in *R. v. Wright*, 8 T.R. 293, are apposite and were cited with approval by Duff J. in *Gazette Printing Co. v. Shallow* (1909), 41 S.C.R. 339 at p. 359...

[104] These dicta are still the law in Canada and in my view apply to adjudicative tribunals which, although not courts, have a quasi-judicial function. The Commission is such a tribunal because it makes decisions based on *Germain*’s legal rights under the *AAIA*. *Germain*’s claim to privacy regarding publication on the net cannot withstand the force of the open courts principle. She has the onus of demonstrating limitations on public accessibility and I agree with the Commission in this case that she has not proven societal values of

¹⁰ [*Germain v. Automobile Injury Appeal Commission*](#), 2009 SKQB 106.

¹¹ [*The Automobile Accident Insurance Act*](#), RSS 1978, c. A-35, as amended.

¹² *Supra*, footnote 10 at paragraphs [44] and [47].

¹³ *Ibid*, at paragraphs [103] and [104].

superordinate importance nor any other exceptional circumstance which would warrant a limit. She has not met this onus.

[27] *The Saskatchewan Employment Act* does not give the LRB direct authority to publish decisions on its website. However, the LRB is the master of its own house and they are to be commended for publishing these decision and observing the “open court principle”.¹⁴

[28] The LRB’s *Privacy Policy* invites individuals to request by letter if they wish for sensitive personal information or personal health information to be masked. It says:

Individuals who are parties to proceedings are identified by name in hearing schedules and decisions posted on the Board’s website, and in print and online reporting services that publish the Board’s decisions. An exception to this general practice may be made, at the discretion of the Board, in cases where sensitive personal information or personal health information will be disclosed. Individuals wishing to have their names masked may apply to the Board by letter setting out the reasons for the request including what sensitive personal information or personal health information will be disclosed. Individuals should expect that letter to be treated as a submission.

[Emphasis added]

[29] The Complainant has not provided OIPC with any evidence that they requested the LRB to mask their name or sensitive personal health information in the adjudicator’s decision of August 7, 2025.

[30] We conclude that no privacy breach has occurred in this matter. The LRB published the adjudicator’s decision dated August 7, 2025 in accordance with the open court principle.

III FINDINGS

[31] As *HIPA* is engaged, OIPC has jurisdiction to undertake this investigation under the authority as afforded by *HIPA*.

¹⁴ The LRB [*Privacy Policy*](#) notifies individuals that decisions are posted to the LRB website. The *Privacy Policy* is available on the LRB website.

[32] Section 27(2)(a) of *HIPA* authorizes the LRB to disclose the Complainant's personal health information.

[33] The LRB published the adjudicator's decision dated August 7, 2025 in accordance with the open court principle.

[34] No privacy breach occurred.

IV RECOMMENDATION

[35] I recommend that the LRB take no further action.

Dated at Regina, in the Province of Saskatchewan, this 16th day of October, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner