



Office of the
Saskatchewan Information
and Privacy Commissioner

INVESTIGATION REPORT 039-2024, 040-2024

Schomes Holdings Corp. (Sure Health Regina Inc.); Alliance Health Saskatchewan Inc.

April 22, 2024

Summary:

The College of Physicians and Surgeons of Saskatchewan (CPSS) reported a matter to the Commissioner's office involving 82 boxes of patient records being delivered to Sure Health Regina Inc., located at 4936 4th Avenue in Regina, Saskatchewan. It was unclear who was responsible for these patient records. The Commissioner found that Schomes Holdings Corp. (which owns Sure Health Regina Inc.) were responsible for the records. He found that Schomes Holdings Corp. qualified as a trustee with custody and control over the records. The Commissioner recommended that the shareholders of Schomes Holdings Corp. ensure they are complying with *The Health Information Protection Act* (HIPA) and *The Health Information Protection Regulations* (HIPA Regulations). This includes safeguarding personal health information pursuant to section 16 of HIPA, providing access to the patient records pursuant to sections 12 and 32 of HIPA, and retaining and destroying personal health information in accordance with section 17 of HIPA and section 6 of the HIPA Regulations.

I BACKGROUND

- [1] Sure Health Regina Inc., a medical clinic located at 4936 4th Avenue Regina, contacted the College of Physicians and Surgeons of Saskatchewan (CPSS) regarding 82 boxes of patient records that had been dropped off there by "Crown Store-All" (later confirmed to be "Crown Shred and Recycling"). The physician tied to the records was Dr. Petrus Groenewald (Dr. Groenewald). Dr. Groenewald, who worked for Alliance Health Medical Clinic in Yorkton, passed away in March 2023.

[2] On February 20, 2024, the CPSS reported the aforementioned matter to my office. CPSS indicated that Sure Health Regina Inc. does not accept responsibility for these 82 boxes of patient records. CPSS said:

The information that we have received is that Sure Health does not accept responsibility for those records and that the agreement between Alliance and Sure Health to acquire some of the Alliance medical clinics did not include an agreement to accept responsibility for the records that were in Alliance Health's possession.

...
The situation is that there are 82 boxes of patient records with Sure Health in Regina that Sure Health states are not their responsibility.

[3] My office undertook an investigation pursuant to subsection 42(1)(c) and section 52 of *The Health Information Protection Act* (HIPA) to determine who is responsible for the boxes of the personal health information.

1. Who is responsible for the boxes of patient records?

[4] Dr. Groenewald worked at a medical clinic in Yorkton called Alliance Health. "Alliance Health (Yorkton) Inc."

[5] On January 1, 2022, Alliance Health (Yorkton) Inc. was taken over by Alliance Health Saskatchewan Inc.

[6] On September 1, 2023, Schomes Holdings Corp. purchased Alliance Health Saskatchewan Inc.

[7] What I need to determine, then, is if Schomes Holding Corp. are responsible for the 82 boxes of patient records delivered to Sure Health Regina at 4936 4th Avenue in Regina.

Purchase Agreement between Alliance Health Saskatchewan Inc. and Schomes Holdings Corp.

[8] The purchase agreement between Alliance Health Saskatchewan Inc. and Schomes Holdings Corp. was signed on September 1, 2023.

[9] The purchase agreement defines “Assets”, and that there are “no excluded assets” as follows:

1a. The “Assets” to be included in this Agreement include all assets of the Seller. **There are no excluded assets.** The Assets consist of the following:

- i. all equipment used in carrying on the business of the Seller;
- ii. all names, brands and logos that relates to Alliance Health;
- iii. all inventory and packaging; and
- iv. any item at location not listed specifically.

and do not include any Excluded Assets;

[Emphasis added]

[10] Since the purchase agreement indicated there were no excluded assets, then I find that the 82 boxes of records were a part of the purchase by Schomes Holdings Corp. and that Schomes Holdings Corp has custody and control over the boxes of patient records which consist of personal health information pursuant to subsection 2(1)(m) of HIPA.

2. Does Schomes Holdings Corp. qualify as a trustee under HIPA?

[11] Subsection 2(1)(t)(xv) of *The Health Information Protection Act* (HIPA) provides:

2(1) In this Act:

...
(t) “**trustee**” means any of the following that have custody or control of personal health information:

...
(xv) any other prescribed person, body or class of persons or bodies;

[12] Subsection 4(b) of *The Health Information Protection Regulations* (HIPA Regulations) provides:

4 For the purposes of subclause 2(1)(t)(xv) of the Act, the following are prescribed as trustees:

...

(b) every person who owns or operates a privately-owned facility in or from which health services are provided by a health professional;

[13] Pursuant to subsection 2(1)(t)(xv) of HIPA and subsection 4(b) of the HIPA Regulations, I find that Schomes Holdings Corp is a trustee under HIPA.

[14] While I note that patient records may be viewed as an asset by business owners, my office's priority is to ensure the access and privacy rights of the patients involved are respected pursuant to HIPA. Since I have found that Schomes Holdings Corp is a trustees under HIPA, then it must manage patient records, including the 82 boxes containing Dr. Groenewald's patient records, in accordance with HIPA. This includes safeguarding personal health information pursuant to section 16 of HIPA, providing access to the patient records pursuant to sections 12 and 32 of HIPA, and retaining and destroying the personal health information in accordance with section 17 of HIPA and section 6 of the HIPA Regulations.

IV FINDINGS

[15] I find that Schomes Holdings Corp. has custody and control over the boxes of patient records that are at issue.

[16] I find that Schomes Holdings Corp. is a trustee under HIPA pursuant to subsection 2(1)(t)(xv) of HIPA and subsection 4(b) of HIPA Regulations.

V RECOMMENDATION

[17] I recommend that Schomes Holdings Inc. comply with HIPA and the HIPA Regulations. This includes safeguarding personal health information pursuant to section 16 of HIPA, providing access to the patient records pursuant to sections 12 and 32 of HIPA, and retaining and destroying the personal health information in accordance with section 17 of HIPA and section 6 of the HIPA Regulations.

Dated at Regina, in the Province of Saskatchewan, this 22nd day of April 22, 2024.

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