



Office of the
Saskatchewan Information
and Privacy Commissioner

INVESTIGATION REPORT 279-2024

Saskatchewan Health Authority

March 11, 2025

Summary:

The Complainant submitted a complaint to the Saskatchewan Health Authority (SHA) regarding a cockroach infestation in the apartment building they had been living in at the time. The SHA conducted an inspection and then emailed the building's property management company. In the email, the SHA identified the Complainant by their unit and building address and revealed that they were the only person to have submitted a complaint regarding the matter. The Complainant submitted a privacy complaint to the SHA. The SHA took the position that a privacy breach had not occurred. The Complainant requested that the A/Commissioner undertake an investigation. The A/Commissioner found that *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) applied to the personal information at issue in this matter. The A/Commissioner found that subsection 28(2)(a) of LA FOIP authorized the SHA to disclose the Complainant's unit and building address. However, he found that the SHA did not comply with the data minimization principle when the SHA disclosed that the Complainant had submitted a complaint about the cockroach infestation and was the only one to do so. Therefore, the A/Commissioner found that a privacy breach occurred. He recommended that the SHA issue an apology to the Complainant. He also recommended that the SHA amend its practices so that it ensures its public health inspectors disclose the information necessary in accordance with the data minimization principle.

I BACKGROUND

- [1] In November 2023, the Complainant submitted a complaint to the Saskatchewan Health Authority (SHA) regarding a cockroach infestation in the apartment building they had been living in at the time. The Complainant had also provided the SHA a doctor's note where the doctor confirmed that the Complainant had an allergy to cockroaches.

[2] On December 5, 2023, the Public Health Inspector met with the Complainant at the Complainant's apartment.

[3] Then, on December 7, 2023, the Public Health Inspector at the Saskatchewan Health Authority (SHA) sent the following email to the building's property management company, which identified the Complainant as the person who submitted a complaint to the SHA:

Good afternoon, **I met with the tenant of [Unit number – Building Address] on Tuesday to confirm [their] complaint regarding cockroaches in [their] suite.** While the infestation is not extreme there was evidence of a cockroach infestation noted during my inspection. **Presently, this is the only complaint about a cockroach infestation I have for this apartment block,** however, the tenant did state that others on [their] floor have mentioned seeing cockroaches either in their suite or in common areas such as the laundry room. Given the current situation I would recommend having a licensed pest control company coming in and inspecting and treating the suites on the same floor as unit [Unit number] as well as potentially some of the suites on other floors as well. I would also like copies of the pest control invoices sent to me so I can see that the problem is being addressed.

[Emphasis added]

[4] On November 30, 2024, the Complainant reported a privacy concern to the SHA:

Good evening. I reported a cockroach infestation in my apartment to the Saskatchewan Health Authority in October 2023. [Name of Public Health Inspector] inspected my unit on Tuesday, December 5, 2023. On Thursday, December 7, 2023, [Name of Public Health Inspector] revealed my identity (including my address) to the landlord I complained about. Normally, complaints of this nature are supposed to remain anonymous. I was subjected to mistreatment and maybe even retaliation by the landlord [Name of building management company]. There's absolutely no good reason whatsoever for [Name of Public Health Inspector] breaching my privacy like this. [Name of Public Health Inspector] could have simply said that there was a complaint, that he saw cockroaches and that treatment was needed. I didn't discover the privacy breach until May 9, 2024. [Name of Public Health Inspector] "ratted me out". I was singled out as the only one in the building who formally complained about cockroaches.
...

[5] On December 2, 2024, the SHA responded to the Applicant:

I am sorry you had to experience an infestation of cockroaches. IT [sic] must have been alarming and very uncomfortable.

The SHA investigates cockroach complaints under *The Public Health Act, 1994* and have assigned public health inspectors throughout the province.

<https://www.saskatchewan.ca/residents/health/public-health/public-health-inspectors>

Complaints relating to infestations must be identified by unit to the building owners/managers for treatment to begin, and personal health information (including name and address) obtained for public health services are not subject to *The Health Information Protection Act's* requirements as noted at clause 4(4)(g). This is not a breach of privacy.

Treatment would not be possible without the identification and location of the infestation.

However, if your former landlord subjected you to mistreatment and retaliation because of your concerns related to the building then your concern needs to be addressed by the Saskatchewan Office of Residential Tenancies, and you can find more information regarding that oversight agency here:

<https://www.saskatchewan.ca/residents/housing-and-renting/renting-and-leasing/requesting-repairs>

- [6] The following day, the SHA informed the Complainant that they (the Complainant) could submit a complaint to my office. The Complainant requested an investigation by my office. A portion of the Complainant's concern is below:

Cockroach infestations in apartment buildings are not contained to one unit. That's because apartments are not self-contained (they share walls, plumbing, floors and ceilings with other apartments). [Name of Public Health Inspector] is indecisive. He should have told 3J Holdings to treat all the common areas and all the apartments of [building address], **instead of ratting me out and scapegoating me by divulging my identity.**

[Emphasis added]

- [7] On January 7, 2025, my office notified both the SHA and the Complainant that my office would be undertaking an investigation.
- [8] On January 10, 2025, the SHA provided its submission and supporting documentation to my office. The SHA did not state anything could be shared with the Complainant.
- [9] The Applicant did not provide a submission to my office.

II DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[10] The Public Health Inspector is from the Environmental Public Health Department at the SHA. The SHA qualifies as both a “trustee” as defined by subsection 2(1)(t)(ii) of *The Health Information Protection Act* (HIPA) and as a “local authority” as defined by subsection 2(1)(f)(xiii) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). Therefore, I must consider which of the Acts apply to this matter.

[11] As noted in the background, the SHA disclosed the Complainant’s unit number and building address to a building management company and indicated it was the tenant in that unit (the Complainant) who had submitted the complaint. SHA also disclosed that they were the only tenant to have submitted a complaint. Therefore, I must determine if the Complainant’s unit number and building address, and the fact they were the only tenant to have submitted a complaint, qualify as “personal health information” defined by subsection 2(1)(m) of HIPA or as “personal information” as defined by subsection 23(1) of LA FOIP.

a. The SHA’s position

[12] In its submission, the SHA asserted that the information at issue qualifies as “personal information” as defined by subsections 2(1)(m)(i) and (iv) of HIPA. The SHA said:

The Complainant volunteered [their] personal health information to the SHA Environmental Public Health Office to support the severity of [their] concern including [their] medical conditions, and indicators of [their] mental and physical health coming from the alleged presence of cockroaches in [their] private dwelling

[13] Since the SHA took the position that the information qualifies as personal health information, it said that the information cannot qualify as personal information under LA FOIP because of subsection 23(1.1) of LA FOIP, which provides:

23(1.1) On and after the coming into force of subsections 4(3) and (6) of *The Health Information Protection Act*, with respect to a local authority that is a trustee as defined in that Act, **“personal information”** does not include information that constitutes personal health information as defined in that Act.

b. What information is at issue?

[14] The Complainant’s concern is regarding information that was in the December 7, 2024 email from the SHA to the building’s property management company, which was quoted in the background of this Report. The email included the Complainant’s unit number and building address and the fact that they were the only one who had submitted a complaint.

[15] Information that is not at issue is the doctor’s note submitted by the Complainant to the SHA.

c. Does the information at issue qualify as “personal health information” as defined by subsection 2(1)(m) of HIPA?

[16] HIPA is engaged when three elements are present: 1) a trustee, 2) personal health information, and 3) the personal health information is in the custody or control of the trustee. I have already established that the SHA is a trustee as defined by subsection 2(1)(t)(ii) of HIPA. Therefore, I must determine if personal health information is present. That is, does the Complainant’s unit number and building address and the fact that the Complainant submitted the complaint qualify as “personal health information”?

[17] Subsection 2(1)(m) of HIPA defines “personal health information” as follows:

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;

(ii) information with respect to any health service provided to the individual;

(iii) information with respect to the donation by the individual of any body part or any bodily substance of the individual or information derived from the testing or examination of a body part or bodily substance of the individual;

(iv) information that is collected:

(A) in the course of providing health services to the individual; or

(B) incidentally to the provision of health services to the individual; or

(v) registration information;

[18] I should also note that subsection 2(1)(q) of HIPA defines “registration information” as follows:

2(1) In this Act:

...

(q) “**registration information**” means information about an individual that is collected for the purpose of registering the individual for the provision of health services, and includes the individual’s health services number and any other number assigned to the individual as part of a system of unique identifying numbers that is prescribed in the regulations;

[19] Based on the above definitions of “personal health information” and “registration information,” I find that the information at issue does not qualify as personal health information. That is, the Complainant’s unit number and building address and the fact that they had submitted a complaint do not qualify as personal health information. Such information does not indicate anything about the Complainant’s health or regards any health service provided to them. As such, HIPA is not engaged in this matter.

d. Does the information at issue qualify as “personal information” as defined by subsection 23(1) of LA FOIP?

[20] LA FOIP applies to the personal information in the possession or control of a local authority. Earlier, I established that the SHA qualifies as a local authority as defined by subsection 2(1)(f)(xiii) of LA FOIP. Therefore, I must determine if personal information is present. That is, does the Complainant’s unit number and building address and the fact that they submitted a complaint qualify as “personal information”?

[21] In this review, subsections 23(1)(e) and (f) of LA FOIP are relevant and provide as follows:

23(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:

...

(e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;

(f) the personal opinions or views of the individual except where they are about another individual;

[22] Since the Complainant’s unit number and building address are their home address, then I find that the information at issue qualifies as “personal information” as defined by subsection 23(1)(e) of LA FOIP. The home address was enough for the recipient of the information to identify the Complainant. Further, their complaint represents their personal views (see [Investigation Report 227-2022](#) at paragraph [14]), and so qualifies as personal information as defined by subsection 23(1)(f) of LA FOIP.

[23] Since the SHA qualifies as a local authority as defined by subsection 2(1)(f)(xiii) of LA FOIP and since the information at issue qualifies as “personal information” as defined by subsections 23(1)(e) and (f) of LA FOIP, then LA FOIP is engaged. I find that I have jurisdiction to undertake this investigation.

2. Did a privacy breach occur?

[24] A privacy breach occurs where there is an unauthorized collection, use and/or disclosure of personal information (*Guide to LA FOIP*, Chapter 6: “Protection of Privacy”, updated February 27, 2023 [*Guide to LA FOIP*, Ch. 6], p. 234). Therefore, I must first determine if personal information at issue was collected, used, and/or disclosed. Then, I must determine if there was authority under LA FOIP for the collection, use and/or disclosure of personal information.

a. *Was there a collection, use or disclosure of the Complainant's personal information?*

[25] "Collection" means to bring or come together; assemble, accumulate; obtain personal information from any source by any means (*Guide to LA FOIP*, Ch. 6, p. 132).

[26] "Use" indicates internal utilization of personal information by a local authority and includes the sharing of the personal information in such a way that it remains under the control of the local authority (*Guide to LA FOIP*, Ch. 6, p. 152).

[27] "Disclosure" is the sharing of personal information with a separate entity, not a division or branch of the local authority in possession or control of that information (*Guide to LA FOIP*, Ch. 6, p. 163).

[28] In their complaint to my office, the Complainant identified that their concern was that the SHA identified them as the person who submitted a complaint to the SHA to the building's property management company. That is, the Public Health Inspector's email dated December 7, 2024, to the building's property management company revealed the Complainant's address and that they were the person who had submitted a complaint. Since the building's management property company is an entity separate from the SHA, then I find that the SHA disclosed the Complainant's personal information.

b. *Did the SHA demonstrate that there was authority for the disclosure of the Complainant's personal information to the building's property management company?*

[29] Section 28 of LA FOIP prohibits the disclosure of personal information unless the individual about whom the information pertains consents to its disclosure or if disclosure without consent is authorized by one of the enumerated subsections of 28(2) or section 29 of LA FOIP (*Guide to LA FOIP*, Ch. 6, p. 163).

[30] As described earlier, the SHA asserted that LA FOIP did not apply in this matter. Therefore, in its submission, it did not offer any arguments as to how LA FOIP authorized the disclosure of the Complainant's personal information.

[31] Subsection 28(2)(a) of LA FOIP provides that a local authority may disclose an individual's personal information for the same purpose for which it was originally obtained or compiled or for a "use" that is consistent with that purpose (*Guide to LA FOIP*, Ch. 6, p. 166). Subsection 28(2)(a) of LA FOIP provides as follows:

28(2) Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:

(a) for the purpose for which the information was obtained or compiled by the local authority or for a use that is consistent with that purpose;

[32] Earlier, I had found that the Complainant's unit number and building address qualify as the Complainant's personal information as defined by subsection 23(1)(e) of LA FOIP. The SHA, in its email dated December 2, 2024, to the Applicant, said that treatment of the cockroach infestation "would not be possible without the identification and location of the infestation". I agree – to treat the Complainant's apartment, the building management company would need to know the address or location. The disclosure of the Complainant's unit number and building address, then, would be consistent with the purpose for which it was obtained by the SHA. Therefore, I find that subsection 28(2)(a) of LA FOIP authorized the disclosure of the Complainant's unit number and building address to the building management company.

[33] However, the Complainant took issue with how the SHA disclosed that they were the person who submitted a complaint about the cockroach infestation and that they were the only one to do so.

[34] The data minimization principle is the rule that an organization (such as the SHA) should always collect, use and disclose the least amount of personal information for the purpose (*Guide to LA FOIP*, Ch. 6, p. 24). In its submission, the SHA said:

The SHA did practise data minimization and provided only the required information to the Apartment Site Manager to mitigate the environmental concern. The SHA did not name the Complainant nor provide [their] medical (physical or mental) concerns to the Apartment Site Manager.

[35] Based on the information before me, I am of the view that SHA did not need to disclose that the Complainant was the person who submitted a complaint about the cockroach infestation and that they were the only one to do so. The only information that SHA should have disclosed was the location of the cockroach infestation as this is what was required for the purpose of treating the infestation. Because it disclosed information it shouldn't have, I find that the SHA did not abide by the data minimization principle. I find that a privacy breach has occurred.

[36] I recommend that the SHA issue an apology to the Complainant within 30 days.

[37] I recommend that the SHA amend its practices so that its public health inspectors only disclose what is necessary to address public health concerns, in accordance with the data minimization principle.

III FINDINGS

[38] I find that I have jurisdiction to undertake this investigation.

[39] I find that the information at issue does not qualify as personal health information. As such, HIPA is not engaged in this matter.

[40] I find that the information at issue qualifies as "personal information" as defined by subsections 23(1)(e) and (f) of LA FOIP.

[41] I find that subsection 28(2)(a) of LA FOIP authorized the disclosure of the Complainant's unit number and building address.

[42] I find that the SHA did not abide by the data minimization principle.

[43] I find that a privacy breach has occurred.

IV RECOMMENDATIONS

[44] I recommend that the SHA issue an apology to the Complainant within 30 days.

[45] I recommend that the SHA amend its practices so that its public health inspectors only disclose what is necessary to address public health concerns, in accordance with the data minimization principle.

Dated at Regina, in the Province of Saskatchewan, this 11th day of March, 2025.

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