



Office of the
Saskatchewan Information
and Privacy Commissioner

INVESTIGATION REPORT 178-2025

Village of Mortlach

February 6, 2026

Summary:

The Complainant complained that the Village of Mortlach (Village) disclosed their personal information without proper authority under *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*. The Complainant was not satisfied with the Village response and asked the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) to investigate. OIPC notified both parties that an investigation would be undertaken.

The Village position was that no personal information was involved in this allegation and as such, no privacy breach occurred. In the alternative, the Village argued that the disclosure of the Complainant's personal information was authorized under sections 28(2)(l) (to protect the mental or physical health or safety of any individual), 28(2)(n)(i) (public interest clearly outweighs an invasion of privacy) and/or 28(2)(n)(ii) (disclosure would clearly benefit the individual to whom the information relates) of *LA FOIP*.

There was a finding that the information involved in this matter qualified as the Complainant's personal information pursuant to section 23(1)(j) (information that describes an individual's assets or liabilities) of *LA FOIP* and that the Village did not have authority under sections 28(2)(l) or 28(n)(i) or (ii) of *LA FOIP* to disclose of the Complainant's personal information. As such, a privacy breach occurred.

The Commissioner recommended that the Village complete its own internal investigation into the privacy breach addressing the four investigation steps as recommended by this office and provide a copy of the report to the Complainant and this office, within 60 days of the issuance of this Investigation Report.

I BACKGROUND

- [1] On June 12, 2025, the Complainant visited the office for the Village of Mortlach (Village), to speak with the Village administrator. The exact details with respect to the verbal exchange between the Complainant and the administrator are in dispute. Nonetheless, both parties agree that the topic of discussion centered around the issue of title to the property and the water bill for the property as rented by the Complainant.
- [2] According to the Complainant, about five minutes after leaving the Village office, a text was received from the landlord. The Complainant provided OIPC a copy of this message, and because of the ongoing dispute in this matter, we must include the text verbatim. We note that this text confirms the call from the Village and that the responsibility for paying the water bills is with the Complainant:

Hey man what's going on. Not sure on the whole story but the village called and said you are trying to transfer land title? So I don't know the whole story or your side. But there is no way I can add you to the title as there is a mortgage on the house currently. I can not until the mortgage is paid Banks won't allow that ... I have no intent on screwing you out of the house if that's what you are worried about. Furthermore, there was no discussion of adding you to the title. Water/bills. Yes those are yours and mortlach should be adding you on that. Regards,

- [3] On July 2, 2025, the Complainant emailed the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) alleging a privacy breach and requesting an investigation.
- [4] On September 23, 2025, OIPC emailed the Village to inform of the Complainant's complaint and to inquire of the status of the matter. On October 1, 2025, legal counsel for the Village responded that efforts had been made to effect a resolution with the Complainant to no avail. OIPC was informed that since the matter had now escalated to the Court of King's Bench in Saskatchewan the Village was not prepared to provide a further response.
- [5] On December 10, 2025, OIPC sent notification emails to the Village and the Complainant that an investigation would begin. The purpose of this investigation is solely to determine

if the Complainant's personal information was disclosed by the Village to the Complainant's landlord. If this is the case, this report will pronounce on the issue of whether the Village had legal authority to disclose the information.

- [6] On January 8, 2026, the Complainant provided a submission to OIPC.
- [7] On January 11, 2026, OIPC received a submission dated January 9, 2026, from legal counsel for the Village.

II DISCUSSION OF THE ISSUES

1. Jurisdiction

- [8] The Village qualifies as a “local authority” as defined in section 2(1)(f)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.¹ OIPC has jurisdiction to conduct this investigation pursuant to section 32 of *LA FOIP*.

2. Is personal information involved and did a privacy breach occur?

- [9] This investigation focuses *only* on the question of whether a privacy breach occurred when the Village administrator phoned the landlord with respect to the interaction that had just occurred with the Complainant.
- [10] A privacy breach will always occur when a local authority collects, uses and/or discloses personal information without the authority of *LA FOIP*. The first step in determining if a privacy breach has occurred is to identify whether personal information is involved in the matter. If so, then the second step is to determine if the personal information was collected, used and/or disclosed in a way that was authorized by *LA FOIP*.

¹ [The Local Authority Freedom of Information and Protection of Privacy Act](#), S.S. 1990-91, c. L-27.1, as amended.

[11] The definition of “personal information” is assisted by means of the list in section 23(1) of *LA FOIP*, but we note the list is not exhaustive. Personal information is statutorily defined as information that is about an identifiable individual, and that is personal in nature. Information is about an identifiable individual if the individual can be identified from the information; a common example is if the information includes the name of the individual. Further, information is personal in nature if it provides something personal in nature about the identifiable individual.²

[12] In its submission to this office, the Village took the position that the Village administrator did not communicate the Complainant’s personal information to the landowner and simply related the details of the discussion with the Complainant.

[13] As previously stated, the Complainant provided this office with a copy of the text message they received from the landlord. In that text message, the landlord acknowledged a call from the Village with respect to the Complainant’s visit to the Village office. There is no doubt that the Complainant was identifiable to the landlord, and so the Complainant is an identifiable individual. We also know from the body of the text in paragraph [2] above that the administrator discussed the issue of the water bill with the landlord and title to the property.

[14] The fact that the Complainant attended the Village office to discuss a water bill and the title of the property qualifies the discussion to have centered around assets and liability in relation to the Complainant. A liability and/or an asset that identifies an individual qualifies as personal information under section 23(1)(j) of *LA FOIP*, which provides:

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:

...

(j) information that describes an individual’s finances, assets, liabilities, net worth, bank balance, financial history or activities or credit worthiness;

² OIPC [Review Report 231-2025](#) at paragraph [23].

[15] The issue of who is properly on title to a property is an issue that deals with an asset. The issue of the financial obligation in connection to a water bill is an issue of a liability. Therefore, the information involved in this matter qualifies as the Complainant's personal information pursuant to section 23(1)(j) of *LA FOIP* and there is a finding to this effect.

[16] *LA FOIP* does not define the term "collection", but it is relevant to do so in this case. This office has previously discussed that "collection" means to obtain personal information from any source by any means.³ A collection does not only occur when someone physically records or receives personal information in recorded form. A collection can occur when someone hears information, whether they move to later record it or not.⁴ The administrator then collected the Complainant's personal information during their interaction.

[17] *LA FOIP* also does not define the term "disclosure", but this office has defined "to disclose" as sharing personal information with a separate entity that is not a division or branch of the local authority.⁵ The landlord is a third party⁶ in this case, and so when the administrator contacted them about the Complainant, it qualified as a disclosure of the Complainant's personal information.

[18] A local authority is prohibited from disclosing personal information under section 28(1) of *LA FOIP* unless the individual about whom the information pertains consents to the disclosure. Disclosure may also be authorized without consent under sections 28(2) or 29 of *LA FOIP*.⁷ Section 28(1) of *LA FOIP* states:

³ OIPC [Investigation Report 139-2023](#) at paragraph [29].

⁴ OIPC [Investigation Report 199-2019](#) at paragraph [23].

⁵ OIPC [Investigation Report 105-2025](#) at paragraph [18].

⁶ Section 2(1)(k) of *LA FOIP* defines "third party" as a person, including an unincorporated entity, other than an applicant or a local authority.

⁷ Section 29 of *LA FOIP* provides that the personal information of a deceased shall not be disclosed until 25 years after the death. This is obviously not relevant to the matter at hand.

28(1) No local authority 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 29.

[19] The Village submits that if personal information was disclosed by the Village administrator, it was done for the sole purpose of communicating the Complainant's attempt to add themselves to the title of the property. The Village continued:

In the alternative, if it is determined that this constitutes personal information under the control of the Village, disclosure was permitted pursuant to section 28(2)(l) or (n) of the Act.

Disclosure to the property owner was done for the sole purpose of communicating [the Complainant's] attempt to add [themselves] to the property title. The property owner, and the protection of their property rights, constitutes a public interest that outweighs any potential invasion of privacy that may have occurred. [The Complainant] does not have any right to privacy over an interaction that occurred in a public location, particularly where that interaction has the potential to directly impact the property rights of another individual.

[20] While the discussion between the Complainant and the administrator may have occurred in a public location, the administrator was acting in their professional capacity on behalf of the Village. The Village is subject to the collection and disclosure rules set out in *LA FOIP*. This means the Complainant's personal information was in the Village's possession or control, and therefore, subject to the disclosure rules set out in *LA FOIP*.⁸ The administrator was required to treat the Complainant's personal information in accordance with *LA FOIP*.

[21] This leaves the question of whether the disclosure was authorized under sections 28(2) of *LA FOIP*. The sections relied upon by the Village provide:

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:

⁸ *Possession* means having physical possession over a record plus a measure of control over it. *Control* means having the authority to manage the record, including restricting, regulating and administering its use, disclosure or disposition. OIPC [Investigation Report 017-2019](#) at paragraph [8].

...

(l) where necessary to protect the mental or physical health or safety of any individual;

...

(n) for any purpose where, in the opinion of the head:

(i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure; or

(ii) disclosure would clearly benefit the individual to whom the information relates;

[22] The Village has not given any significant reasons for the assertion that sections 28(2)(l) or (n)(ii) of *LA FOIP* are of relevance and how these sections justify the disclosure in this case. The burden is on the party that raises the reason for disclosure. In this case we have no evidence to support the submission that the mental/physical health or safety of anyone was at stake due to the Complainant's encounter with the Village administrator, so legitimate disclosure under section 28(2)(l) of *LA FOIP* may be dismissed. The individual to whom the information relates in this matter is the Complainant. The Complainant objected to the disclosure. Objectively speaking, this office is at a loss to understand how it could ever be argued that the disclosure in this matter benefitted the Complainant, so we reject the argument that disclosure pursuant to section 28(2)(n)(ii) justified disclosure.

[23] A more interesting issue is the Village's submission that the landlord's property rights are tied to the public interest. Disclosure of the Complainant's personal information without consent, then, would need to have been done in the public interest under section 28(2)(n)(i) of *LA FOIP*. There are three factors to consider whether *disclosure of personal information without consent* is in the public interest: (1) There needs to be personal information involved; (2) There needs to be a public interest in the personal information; and (3) The public interest must outweigh any invasion of privacy.⁹

[24] There is personal information involved in this matter, so the next question is whether a compelling public interest would justify the disclosure of the Complainant's personal

⁹ OIPC [Investigation Report 043-2023, 044-2023](#) at paragraph [31].

information. A “public interest” means a matter that is central to public discussion or debate and that is closely aligned to the fundamentals of democracy. The issues at the core of the disclosure must relate to a shared concern of national or provincial consequence. The Ontario Information and Privacy Commissioner has provided seminal guidance on this issue. On page 5 of the bulletin “Public Interest Disclosure” the Commissioner writes:¹⁰

For there to be a compelling public interest in disclosure of a record, the information must serve the purpose of informing the citizenry about the activities of their government, adding in some way to the information the public has to make effective use of the means of expression public opinion or to make political choices.

- [25] Compelling public interests include issues that involve public safety/health as well as the integrity of the justice system, among others. We note that the compelling public interest in *Ontario (Public Safety and Security) v Criminal Lawyers' Association* centered around records in the hands of the provincial government of Ontario with respect to a murder investigation and the question of the propriety of the actions of the Crown Attorney's office and the police. The big question was whether the exemptions in the privacy legislation in Ontario should be overlooked in favour of disclosure of these documents and whether the public interest override in section 23 of the Ontario legislation was constitutional because it did not include public interest overrides for matters involving law enforcement and solicitor-client privilege.¹¹
- [26] We do not believe the subject matter of the disclosure in this case constitutes a matter of public interest. If the argument by the Village is that disclosure of the Complainant's personal information under the authority of section 28(2)(n)(i) of *LA FOIP* would apply broadly to *any and all* landlords and their property rights in this province, the argument is not convincing. It is very clear that the area of consideration in this argument involves the interest of *this* landlord only.

¹⁰ [Public Interest Disclosure](#). Ontario Information and Privacy Commissioner, September 2021.

¹¹ [Ontario \(Public Safety and Security\) v Criminal Lawyers Association](#), [2010] 1 SCR 815.

[27] There is a finding that the Village did not have authority under sections 28(2)(l), 28(n)(i) and 28(n)(ii) of *LA FOIP* to disclose the Complainant's personal information. As a result, a privacy breach occurred.

[28] When a privacy breach occurs, OIPC recommends that local authorities take the following four steps in response:

- (1) Contain the breach;
- (2) Notify affected individuals;
- (3) Investigate the breach (to identify the root cause); and
- (4) Implement a plan for preventing a similar breach in the future.¹²

[29] The recommendation is that within 60 days of this Investigation Report being issued, the Village complete its own internal investigation into the privacy breach that addresses the four factors as recommended by this office and provide a copy of the investigation report to the Complainant and this office.¹³

III FINDINGS

[30] OIPC has jurisdiction to conduct this investigation pursuant to section 32 of *LA FOIP*.

[31] The information involved in this matter qualifies as the Complainant's personal information pursuant to section 23(1)(j) of *LA FOIP*.

[32] The Village did not have authority to disclose the Complainant's personal information pursuant to sections 28(2)(l), 28(n)(i) and/or 28(n)(ii) of *LA FOIP*. As a result, a privacy breach occurred.

¹² OIPC [Investigation Report 211-2024](#) at paragraph [17].

¹³ The Village may reference the helpful OIPC resource [Privacy Breach Guidelines for Government Institutions and Local Authorities](#).

IV RECOMMENDATION

[33] I recommend that the Village complete its own internal investigation into the privacy breach that addresses the four steps recommended by OIPC and provide a copy of the investigation report to the Complainant and this office.

Dated at Regina, in the Province of Saskatchewan, this 6th day of February, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner