



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 013-2025

University of Saskatchewan

July 14, 2025

Summary:

The Applicant submitted an access to information request to the University of Saskatchewan (U of S) for the veterinary records of a dog. U of S denied the Applicant access to the records pursuant to section 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC). The Commissioner found that the U of S properly applied section 28(1) of LA FOIP to some, but not all, information within the records. The Commissioner recommended that the U of S continue to withhold some of the information, but within 30 days of the issuance of this Report, the other information which was not properly withheld according to section 28(1) of LA FOIP should be released.

I BACKGROUND

- [1] On November 13, 2024, the Applicant submitted an access to information request to the University of Saskatchewan College of Veterinary Sciences (U of S). The access request alleged that the Applicant's dog had been stolen by an ex-partner in 2018, during the course of an acrimonious divorce. The Applicant stated that the pet had been stolen and later anesthetized without their consent or knowledge. This access request was to obtain all documents in connection with the anesthetization of the pet dog.
- [2] On November 20, 2024, the U of S provided its section 7 decision letter via email to the Applicant. In it, the U of S denied the Applicant's request in full, pursuant to section 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

- [3] On January 17, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [4] On February 20, 2025, OIPC notified both the U of S and the Applicant that it would be undertaking a review. OIPC requested the U of S provide a copy of the records and its index of records by March 17, 2025, and invited both parties to provide submissions by April 21, 2025.
- [5] On March 17, 2025, OIPC received the index of records and a copy of the withheld records. The U of S applied to argue a newly added discretionary exemption: section 17(1)(f) of LA FOIP. OIPC communicated to the U of S that it would not consider this newly suggested discretionary exemption. This denial was based on two important reasons. Firstly, the U of S did not raise the section 17(1)(f) of LA FOIP argument in its original November 20, 2024, section 7 decision letter to the Applicant. Second, the principle of fairness dictates that the Applicant be the first party to receive notice from the head, thus allowing time to respond in its submission. The raising of this issue with this office almost four months later from the original section 7 notice defeats that principle. While the *Rules of Procedure* allow for late consideration of a suggested exemption in the case of exceptional circumstances, in this instance there were none.¹
- [6] By April 21, 2025 both the U of S and the Applicant provided submissions.

II RECORDS AT ISSUE

- [7] The records at issue are 14 pages from the U of S. The records were withheld in full by the U of S pursuant to section 28(1) of LA FOIP. See the Appendix for details.

¹ OIPC's *Rules of Procedure* at section 2-4(3) states: "Discretionary exemptions, not included in the head's decision under FOIP/LAFOIP, will not be considered by the commissioner's office unless there are exceptional circumstances."

III DISCUSSION OF THE ISSUES

1. Does OIPC have jurisdiction?

- [8] The U of S qualifies as a “local authority” pursuant to section 2(1)(f)(xi) of LA FOIP. Therefore, OIPC has jurisdiction to undertake this review.

2. Did U of S properly apply section 28(1) of LA FOIP?

- [9] The U of S refused the Applicant access to the 14 pages in full, citing section 28(1) of LA FOIP as its reason. Section 28(1) of LA FOIP provides:

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.

- [10] The Applicant has expressed in writing that they do not wish to have OIPC consider the U of S application of section 28(1) of LA FOIP to names, home addresses and phone numbers, identifying numbers, or business card information that was already withheld in the 14 pages. Therefore, the focus of this Report is on the U of S’s application of section 28(1) of LA FOIP to the substantive veterinary records related to the dog.

- [11] For information to be exempt from access pursuant to section 28(1) of LA FOIP, the information must qualify as “personal information,” as defined at section 23(1) of LA FOIP.²

- [12] In its submission to OIPC, the U of S explained its reliance on section 28(1) of LA FOIP to refuse access as follows:

² Section 23(1) of LA FOIP does provide a long list of what may constitute “personal information” as it relates to an individual, but this list is not exhaustive and, as such, the provision is subject to interpretation.

USask submits that any information relating to [the dog] is the personal information of the owners on record.

...

This record is, in its entirety, information about the financial transactions, assets, personal property and actions and decisions of an identifiable individual with respect to their personal property. It is, in its entirety, personal information that must be withheld.

- [13] Although not overtly stated, it appears that one of the exemptions that the U of S has engaged is 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; or

- [14] The status of a pet as property has been considered in Canadian courts on numerous occasions and within several different levels of court.³ Most pertinent to this case is Justice Stewart’s recent decision in [Carvalho Estate v. Verma](#), 2024 ONSC 3915 where she noted, at paragraph [24]: “Dogs are personal property much like other chattels ...” It is fully accepted that a pet dog is the property of its owner, but the question in issue in this matter is whether and how an individual’s property can in some way be constituted as “personal information” within the context of the privacy laws of Saskatchewan?

- [15] For the purposes of section 23(1)(j) of LA FOIP, property is the equivalent of an “asset,” that it is an item that is owned and has value.⁴

³ See [Enei v Enei](#), 2024 ONSC 6323 at paragraphs [89], [90]; [Henderson v Henderson](#), 2016 SKQB 282 at paragraph [32]; [MacDonald v. Pearl](#), [2017] NSJ No. 93 at paragraph [25]; [Brown v. Larochelle](#), 2017 BCPC 115 at paragraph [11]; and [Duboff v. Simpson](#), 2021 ONSC 4979 at paragraph [15] .

⁴ *Black’s Law Dictionary, 12th Edition*. St. Paul, Minn.: West Group at pp. 133 and 134.

[16] The U of S understood that an individual other than the Applicant was the owner of the property (the dog). The Applicant was invited by OIPC to provide information to authenticate a claim of ownership of the dog. As of the date of this Report, the Applicant has been unable to provide sufficient evidence to support the claim. The only logical conclusion is that, from a legal perspective, the dog at the centre of this access request was owned by an individual other than the Applicant. For the purposes of this report, that individual will be referred to as the “owner” of the dog.

[17] The issue for final determination is whether the information withheld by the U of S was properly assigned as the personal information of the property owner.

[18] To be personal information, the information must be about an identifiable individual, and the information must be personal in nature.⁵ However, information that relates to an object or property does not become information “about” an individual just because that individual owns that property, there must be a “personal dimension” to the information. This principle was clarified by the Alberta Court of Appeal in a situation where a resident of the City of Edmonton was allowed access to records relating to herself *and* her property. The citizen applied for, and an adjudicator appointed by the Alberta Information and Privacy Commissioner granted, access to city records that included all animal complaints in connection to her property and all records that reflected others’ opinions about her.⁶

[25] In general terms, there is some universality to the conclusion ... that personal information has to be essentially “about a person”, and not “about an object”, even though most objects or properties have some relationship with persons. ... Where the information related to property, but also had a “personal dimension”, it might sometimes properly be characterized as “personal information.” In this case, the essence of the request was for complaints and opinions expressed about Ms. McCloskey. The adjudicator’s conclusion (at paras. 49-51) that this type of request was “personal”, relating directly as it did

⁵ See [OIPC Review Report 051-2025](#) at paragraph [44] where it is explained that the information must be about an identifiable individual, or the individual must be “reasonably capable” of being identified.

⁶ [Edmonton \(City\) v Alberta \(Information and Privacy Commissioner\)](#), 2016 ABCA 110 at paragraph [25].

to the conduct of the citizen, was one that was available on the facts and the law.

[19] The analysis now turns to a determination of whether there is information that is personal in nature, about the owner, within the records at issue.

[20] It is clear that some records regarding the property convey a personal dimension with respect to the owner and constitute personal information pursuant to section 23 of LA FOIP. This is evident in the case of the signed authorization forms. These records are personal in nature insofar as they reveal decisions and assertions made by the owner to the U of S veterinarians with respect to the dog. A similar observation may be made with respect to the pharmacy prescriptions because they reveal decisions that the individual made, and expenses possibly incurred, in connection with the medical treatment of the dog. Therefore, there will be a finding that the U of S properly applied section 28(1) of LA FOIP to signed authorization forms, notes from the veterinary clinic, a referral letter, and pharmacy prescriptions.

[21] However, it also appears that some of the records have no discernable connection to the owner. For example, a checklist administered by a veterinarian as they assessed the dog's vitals, has nothing to do with the owner of the dog. The same is true for the dog's wellness history, the dog's wellness assessment records, and its pathology and necropsy reports. These records contain nothing more than concise statements of observations regarding the dog and they are unconnected to its owner. This approach is consistent with the public policy statement of the Office of the Privacy Commissioner of New Zealand:⁷

We take the view that your pet's veterinary record is likely to contain some information that can be considered your personal information (such as notes of conversations with your vet, billing information). On this basis, we consider you're entitled to request it under the *Privacy Act* and make a complaint to us if you're not happy with the vet's response.

The *Privacy Act* won't apply to any information that's not information about you (such as information that's purely about your pet's medical care). However,

⁷ See Office of the Privacy Commissioner [*AskUs: Do I have a right to information about my pet?*](#)

under the contract you have with your vet, you may well be entitled to get the other information in any case.

[22] There will be a finding that the U of S did not properly apply section 28(1) of LA FOIP to the veterinary checklist, test report, and health history within the pages of the records.

[23] Based on these findings, there will be a recommendation that the U of S continue to withhold the information that constitutes personal information pursuant to section 28(1) of LA FOIP. In addition, there will be a recommendation that, within 30 days of the issuance of this Report, U of S release the information that does not constitute personal information. See the Appendix for details.

IV FINDINGS

[24] OIPC has jurisdiction to undertake this review.

[25] The U of S has properly applied section 28(1) of LA FOIP to some, but not all, information within the 14 pages.

V RECOMMENDATIONS

[26] I recommend that the U of S continue to withhold information to which section 28(1) of LA FOIP was properly applied. See Appendix A for details.

[27] I recommend that, within 30 days of the issuance of this Report, the U of S release the information to which section 28(1) of LA FOIP was not properly applied. See Appendix A for details.

Dated at Regina, in the Province of Saskatchewan, this 14th day of July, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner

Appendix A

Page Numbers	Record Description	OIPC Finding	OIPC Recommendation
1	Signed authorization form	U of S properly applied section 28(1) of LA FOIP.	Withhold
2	Signed authorization form	U of S properly applied section 28(1) of LA FOIP.	Withhold
3	Note to individual regarded by U of S as the owner	U of S properly applied section 28(1) of LA FOIP.	Withhold
4 to 5	Veterinary checklist	U of S did not properly apply section 28(1) of LA FOIP.	Release
6	Referral letter	U of S properly applied section 28(1) of LA FOIP.	Withhold
7 to 9	Test report	U of S did not properly apply section 28(1) of LA FOIP.	Release
10 to 13	History and physical	U of S did not properly apply section 28(1) of LA FOIP.	Release
14	Pharmacy prescriptions	U of S properly applied section 28(1) of LA FOIP.	Withhold