



Office of the
Saskatchewan Information
and Privacy Commissioner

INVESTIGATION REPORT 041-2017

Prince Albert Parkland Regional Health Authority

May 17, 2017

Summary: The Prince Albert Historical Society (Historical Society) contacted the Office of the Information and Privacy Commissioner (IPC) when it received records containing the personal information of graduates of the Holy Family School of Nursing at Holy Family Hospital that was in Prince Albert. The IPC determined that the Prince Albert Parkland Regional Health Authority (Parkland) has control over these records. The IPC recommended that Parkland retrieve the records from the Historical Society.

I BACKGROUND

- [1] In a letter dated February 22, 2017, the Prince Albert Historical Society (Historical Society) advised my office that it received a filing cabinet that contained the records of nursing students. These students were graduates of Holy Family School of Nursing at Holy Family Hospital that was in Prince Albert. The records are dated from 1910 to 1969. The records include student entrance forms to the school, grades, and exit appraisals. In terms of volume, the records take up two drawers of a filing cabinet. PAHS sought my office's advice on how to provide access to these records.
- [2] My office initiated an investigation to determine if the Prince Albert Parkland Regional Health Authority (Parkland) has possession or control over the records. It notified Parkland that it would be undertaking an investigation by email on March 14, 2017.

History

- [3] According to the Encyclopedia of Saskatchewan, the Holy Family Hospital (and the Holy Family School of Nursing) opened in 1910 in Prince Albert, Saskatchewan. It was founded by the Sisters of Charity of the Immaculate Conception. They operated the School of Nursing from 1910 to 1969. Holy Family Hospital was closed in September 1997.
- [4] Holy Family Hospital's Director of Nursing had then left to work at the Victoria Hospital, then to the old Pineview Terrace Lodge, and then to the new Pineview Terrace Lodge. The records of the nursing students moved with her as she moved. The records remained at the new Pineview Terrace Long Term Care Home when she retired.
- [5] In October 2016, Pineview Terrace Long Term Care Home undertook an initiative called 5S. Through this initiative, Pineview contacted an individual who had graduated from the Holy Family Hospital School of Nursing and was a former nurse at Holy Family Hospital to take the records. This individual took the records and passed them to the Historical Society.

II DISCUSSION OF THE ISSUES

- [6] Parkland qualifies as a "local authority" as defined by subsection 2(f)(xiii) of *The Local Authority Freedom of Information and Protection of Privacy Act*.

1. Does Parkland have control over the records?

- [7] According to section 3 and Part I of the Appendix of *The Health Districts Amalgamation Regulations*, the Holy Family Hospital qualified as a "health corporation" for the purposes of subsection 2(h) of *The Health Districts Act*.
- [8] Section 14 of *The Health Districts Act* sets out how a health corporation and a health district may amalgamate, which includes executing a notice of amalgamation in the prescribed form:

14(1) One or more health corporations and a district health board may amalgamate and continue as one corporation in accordance with this section.

(2) Where one or more health corporations and a district health board wish to amalgamate, they shall execute a notice of amalgamation in accordance with subsection (3) and file the notice with the minister.

(3) A notice of amalgamation:

- (a) is to be in the prescribed form;
- (b) is to be executed by a duly authorized officer of:
 - (i) each health corporation pursuant to a resolution of the board of directors of the health corporation authorizing its execution; and
 - (ii) the district health board pursuant to a resolution of the board; and
- (c) is to specify the effective date of the amalgamation.

...

(5) On receipt of a notice of amalgamation, the minister may issue an order:

- (a) amalgamating the corporations in accordance with the notice; and
- (b) declaring the effective date of the amalgamation to be the effective date specified in the notice.

(6) The minister shall not issue an order pursuant to subsection (5) after the effective date specified in the notice of amalgamation has passed.

...

(9) On the day that an amalgamation takes effect:

- (a) the amalgamating health corporations and the district health board are amalgamated as one corporation under the name of the district health board;
- (b) the members of the district health board continue as the members of the amalgamated corporation and are deemed to have been elected or appointed as the members of the amalgamated corporation pursuant to the provisions of this Act pursuant to which they were elected or appointed to the district health board;
- (c) the chairperson and vice-chairperson of the district health board continue as the chairperson and vice-chairperson of the amalgamated corporation and are deemed to have been designated or elected as the chairperson and vice-chairperson of the amalgamated corporation pursuant to the provisions of this Act pursuant to which they were designated or elected as chairperson and vice-chairperson of the district health board;
- (d) the bylaws of the district health board continue as the bylaws of the amalgamated corporation;
- (e) all membership interests in the amalgamating health corporations are extinguished;
- (f) subject to section 19, the assets, liabilities, rights and obligations of the amalgamating health corporations and the district health board continue as the assets, liabilities, rights and obligations of the amalgamated corporation;
- (g) the amalgamated corporation:
 - (i) is deemed to have been established pursuant to section 5; and

- (ii) continues to be the district health board for the health district bearing the corresponding name;
- (h) where an amalgamating health corporation is a union hospital board, the union hospital district of the union hospital board is disestablished; and
- (i) where an amalgamating health corporation is an ambulance board, the ambulance district of the ambulance board is disestablished.

- [9] In 1993, *The Health Districts Act* was proclaimed and the Prince Albert Health District Health Board (the Board) was formed. Parkland provided my office with a copy of the amalgamation order dated August 19, 1997 that was issued by the Minister of Health pursuant to subsection 14(5) of *The Health Districts Act*. It also provided my office with a copy of the prescribed form, Notice of Amalgamation (Form 1 of *The Health Districts Amalgamation Regulations*), described in subsections 14(2) and 14(3) of *The Health Districts Act*. This form indicated that Holy Family Hospital and the Board wished to amalgamate, that they have entered into an agreement in contemplation of the amalgamation, and they have obtained the approval of their members by special resolution. Parkland provided my office with the agreement that contemplated the amalgamation. This agreement provided that all assets of Holy Family Hospital would become assets of the amalgamated corporation.
- [10] In 2002 *The Regional Health Services Act* was proclaimed. Subsection 14(9) of *The Regional Health Services Act* amalgamated the Board and the Parkland Health District Board as the Prince Albert Parkland Regional Health Authority. It provides as follows:
- 14(9) The Parkland District Health Board and the Prince Albert District Health Board are amalgamated and continued under the name Regional Health Authority #9 as the regional health authority for Health Region #9.
- [11] Based on the above, the records were assets of the Holy Family Hospital. These records then became the assets of the amalgamated corporation, which was the Board. Then, the records became an asset of Parkland when *The Regional Health Services Act* was proclaimed in 2002.
- [12] I find that Parkland has control over the records. Since I find that Parkland has control, I recommend that it retrieve the records from PAHS.

2. Does LA FOIP apply to the records?

[13] As mentioned in the background, the records contain information such as student entrance forms to the school, grades, and exit appraisals. Subsection 23(1) of LA FOIP defines personal information as follows:

Subject to subsections (1.1) and (2), “personal information” means personal information about an identifiable individual that is recorded in any form, and includes:

...

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

[14] Since Parkland qualifies as a local authority pursuant to subsection 2(f)(xiii) of LA FOIP and it has control over the records, then I find that LA FOIP applies to these records.

[15] I recommend that Parkland integrate these records into its records management system.

[16] In the course of this investigation, my office was told these records have historical value and would be a great addition to the exhibits at the Historical Society.

[17] Former students of the Holy Family School of Nursing may still request access to their own records under LA FOIP and share these records with Historical Society if they choose. I note that some of these records date back to 1910, which makes some of these records over 100 years old. Some former students may no longer be alive. If the former student has been deceased for more than 25 years, then I note that subsection 29(1) of LA FOIP would enable Parkland to disclose the personal information. However, if the former student has not been deceased for more than 25 years, Parkland may consider disclosing the records pursuant to subsection 29(2) of LA FOIP. Section 29 of LA FOIP provides as follows:

29(1) Subject to subsection (2) and to any other Act, the personal information of a deceased individual shall not be disclosed until 25 years after the death of the individual.

(2) Where, in the opinion of the head, disclosure of the personal information of a deceased individual to the individual’s next of kin would not constitute an

unreasonable invasion of privacy, the head may disclose that personal information before 25 years have elapsed after the individual's death.

III FINDING

[18] I find that Parkland has control over the records.

IV RECOMMENDATION

[19] I recommend that Parkland retrieve the records from the Historical Society and integrate the records into its records management system.

Dated at Regina, in the Province of Saskatchewan, this 17th day of May, 2017.

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