



## **INVESTIGATION REPORT 136-2018**

### **Resort Village of Candle Lake**

**November 4, 2019**

**Summary:** The Resort Village of Candle Lake (RVCL) proactively reported an alleged breach of privacy. The Commissioner determined the data elements at issue are not personal information, and therefore a breach of privacy did not occur. The Commissioner recommended RVCL take no further action on this file.

#### **I BACKGROUND**

- [1] On July 16, 2018, the Resort Village of Candle Lake (RVCL) contacted my office to proactively report an alleged breach of privacy by a Councillor. RVCL advised that upon request, a Councillor was provided a copy of a letter dated April 20, 2018, which RVCL sent to private individuals at a private residence. The Councillor then emailed the letter to private individuals outside of RVCL Office and Council.
- [2] On July 19, 2018, my office notified RVCL that we would be conducting an investigation on this matter and requested that it provide our office with its internal investigation report.
- [3] On December 7, 2018, my office asked RVCL to provide the Councillor who shared the letter written details about the alleged breach of privacy. My office was provided with a copy of the letter sent to the Councillor dated December 19, 2018.

## II DISCUSSION OF THE ISSUES

### 1. Do I have jurisdiction?

[4] RVCL is a “local authority” pursuant to subsection 2(f)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). Thus, I have jurisdiction to conduct this investigation. I also have jurisdiction to investigate how RVCL handled this alleged breach of privacy.

### 2. Is there personal information involved?

[5] As noted above, RVCL advised my office that the Councillor shared a letter sent to private individuals at a private residence outside of RVCL and Council.

[6] In order for the privacy provisions under FOIP to be engaged, the data elements at issue must constitute personal information. From a review of the letter that was shared outside of RVCL, the data elements involved are the first and last name and mailing address of two individuals and an invitation to the individuals from RVCL to discuss a particular topic.

[7] In RVCL’s investigation report, it notes that the personal information shared outside of RVCL was the individual’s mailing address as well as information regarding their business.

[8] My office contacted RVCL to receive clarification and were advised the topic of the meeting was related to the individuals’ business. My office also confirmed that the mailing address used to contact the individuals was their business and home mailing address.

[9] In order for there to be personal information, two elements must exist. First, there must be an identifiable individual, and second the information must be personal in nature.

[10] Individuals being contacted by RCVL in regards to their business is not personal in nature. It is business information.

[11] I find the data elements at issue are not personal information, and therefore a breach of privacy has not occurred.

### **III FINDING**

[12] I find the data elements at issue are not personal information, and therefore a breach of privacy has not occurred.

### **IV RECOMMENDATION**

[13] I recommend RVCL take no further action on this file.

Dated at Regina, in the Province of Saskatchewan, this 4th day of November, 2019.

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