

SASKATCHEWAN
OFFICE OF THE
INFORMATION AND PRIVACY COMMISSIONER

INVESTIGATION REPORT LA-2013-002

Board of Education of the Saskatoon School Division No. 13

Summary:

A Union representing staff members of the Board of Education of the Saskatoon School Division No. 13 (the Division) made a complaint regarding the use of employee photographs in the internal e-mail system. Employees were not advised of the anticipated use of the photographs at the time of collection. The Commissioner found that the Division did not identify the primary purpose for the collection of employee photographs. It, therefore, is not able to rely on section 27(a) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The use of the photographs was not consistent with the alleged primary purpose for collection. The Division did not identify any other authority for the use of the photographs. The Division failed to clarify whether participation with respect to the use of photographs in the e-mail system was mandatory. Further, it did not demonstrate that this practice respected the 'need-to-know' or 'data minimization' principles or that it had adequate safeguards in place to protect against unauthorized use or disclosure. The Commissioner recommended suspension of the practice until the Division could address these issues through a Privacy Impact Assessment. He also requested that the Division provide him with a copy of any written delegation from the head pursuant to section 50 of LA FOIP.

Statutes Cited:

The Local Authority Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. L-27.1, ss. 2(f)(viii), 23(1), 23(1)(k)(i), 23(2)(a), 25, 25(2), 27, 27(a), 27(b), 28(1), 28(2), 28(2)(s), 32, 50; *The Local Authority Freedom of Information and Protection of Privacy Regulations*, S.S. 1993, c. L-27.1 Reg 1, ss. 10, 11; *The Freedom of Information and Protection of Privacy Act*, S.S. 1990-91, c. F-22.01; *The Health Information Protection Act*, S.S. 1999, c. H-0.021.

Authorities Cited: Saskatchewan OIPC Review Reports F-2012-006, F-2012-002, F-2010-001, F-2006-004, F-2006-001, F-2005-005, H-2006-001, LA-2012-004, Saskatchewan OIPC Investigation Reports F-2012-005, F-2012-004, F-2012-002, F-2009-001, F-2007-001, F-2005-001, LA-2013-001, H-2011-001, H-2007-001; Alberta IPC Order 2001-038; Ontario IPC Investigation Report I93-009M; *Professional Institute of the Public Service of Canada v. Canada Revenue Agency*, 2011 PSLRB 34.

Other Sources

Cited: Service Alberta, Policy and Governance Branch, *FOIP Guidelines and Practices (2009)*.

I BACKGROUND

[1] A Union made a complaint on behalf of its members regarding a policy of the Board of Education of the Saskatoon School Division No. 13 (the Division), also known as Saskatoon Public Schools. The policy was to collect a photograph of its employees for use on its intranet and e-mail system. The Union's letter of June 26, 2012 to my office stated:

The photographs are considered mandatory. These photos will be posted or pop up on our employer internal email system when we send or receive email. The employer's letter also indicates that the division's need for security and identification of employees on site.

Several of my members have requested that we contact your office to determine whether these photographs infringe in their right to privacy. One of the concerns being that even internal email systems can be subject to hacking, etc.

[2] The Union provided my office with its letter to the Division addressing these concerns dated April 30, 2012 and a reply from the Division dated May 22, 2012.

[3] We opened an 'own motion' file pursuant to section 32 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP)¹ and provided notification to both the Union and the Division by way of letters dated July 20, 2012. We asked the Division to provide a submission detailing its practice with respect to the use of photographs in the e-mail system.

¹*The Local Authority Freedom of Information and Protection of Privacy Act*, S.S. 1990-91, c. L-27.1, s. 32.

- [4] We received a submission from the Division dated August 30, 2012.
- [5] On or about February 19, 2013, we sent a letter to the Division asking whether the photographs in question were collected specifically for the purpose of use in the e-mail system or if they were collected for another purpose and used for such. Such information would help to narrow the focus of my office's investigation.
- [6] We received a reply from the Division dated March 4, 2013 stating that the photographs were collected for different purposes. The letter also stated: "...In both cases, participation **has been voluntary** and we have not followed up with employees who have not attended the photo sessions." [emphasis added]
- [7] My office provided an analysis to the Division on or about May 3, 2013, which asked for clarification on some issues and made suggestions for improvement. We asked for a response by June 3, 2013. When no response was received, we sent a reminder letter dated June 25, 2013 asking for a response no later than August 6, 2013. We received a letter dated July 5, 2013 from the Division asking for an extension to September 15, 2013. On July 11, 2013, we indicated that September would be too late as a new school year would begin and the Division would begin to collect new photographs.
- [8] We received a formal response from the Division dated July 22, 2013.

II ISSUES

1. **Do photographs of employees constitute personal information pursuant to section 23(1) of *The Local Authority Freedom of Information and Protection of Privacy Act*?**
2. **Did the collection of photographs comply with section 25 of *The Local Authority Freedom of Information and Protection of Privacy Act*?**

3. Does *The Local Authority Freedom of Information and Protection of Privacy Act* authorize the use of the photographs for the reasons identified by the Board of Education of the Saskatoon School Division No. 13?
4. Does the Board of Education of the Saskatoon School Division No. 13 have appropriate safeguards in place to protect the personal information in question from unauthorized use or disclosure of personal information?
5. Is there written delegation of responsibility for *The Local Authority Freedom of Information and Protection of Privacy Act* from the head of the Board of Education of the Saskatoon School Division No. 13 of?

III DISCUSSION OF THE ISSUES

[9] The Division is a “local authority” pursuant to section 2(f)(viii) of LA FOIP.²

1. Do photographs of employees constitute personal information pursuant to section 23(1) of *The Local Authority Freedom of Information and Protection of Privacy Act*?

[10] In its letter to the Union dated May 22, 2012, the Division stated:

We agree that photographs are considered personal under LA FOIPP and, as we do with the collection of other personal information from employees, we have carefully considered the need for this information before collecting it.

[11] Section 23(1) of LA FOIP defines personal information 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:

²Saskatchewan Information and Privacy Commissioner (hereinafter SK OIPC) Review Report LA-2012-004 at [15], available at: www.oipc.sk.ca/Reports/LA-2012-004/Review%20Report%20LA-2012-004.pdf.

- (a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;
- (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;
- (c) information that relates to health care that has been received by the individual or to the health history of the individual;
- (d) any identifying number, symbol or other particular assigned to the individual;
- (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;
- (g) correspondence sent to a local authority by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;
- (h) the views or opinions of another individual with respect to the individual;
- (i) information that was obtained on a tax return or gathered for the purpose of collecting a tax;
- (j) information that describes an individual's finances, assets, liabilities, net worth, bank balance, financial history or activities or credit worthiness; or
- (k) the name of the individual where:
 - (i) it appears with other personal information that relates to the individual; or
 - (ii) the disclosure of the name itself would reveal personal information about the individual.³

[12] Section 23(1) does not specifically list a photograph of an individual as personal information. However, this list is non-exhaustive. I have explained this interpretation in my Investigation Report F-2012-002 as follows:

³*Supra* note 1 at section 23(1).

[33] The existence of claim does not fit neatly in one of the subsections in section 24(1). However, the use of the term “and includes” means that this is a non-exhaustive list. This is supported by the Supreme Court of Canada decision *Canada (Information Commissioner) v. Canada (Commissioner of the Royal Canadian Mounted Police)*, which states:

Furthermore, I note that the examples given in this section are not exhaustive and do not reduce the general scope of the introductory phrase. Parliament has clearly expressed its intention that the introductory phrase keep its wide and general meaning by providing only non-exhaustive examples. It uses the expression “including” or “*notamment*” in the French version. I had the opportunity in *Lavigne, supra*, to express the following comments regarding the meaning of that expression in the context of the application of the *Privacy Act*, at para. 53:

Parliament made it plain that s. 22(1)(b) retains its broad and general meaning by providing a non-exhaustive list of examples. It uses the word “*notamment*”, in the French version, to make it plain that the examples given are listed only for clarification, and do not operate to restrict the general scope of the introductory phrase. The English version of the provision is also plain. Parliament introduces the list of examples with the expression “without restricting the generality of the foregoing”...⁴

[13] Photographs of individuals would be personal in nature. As such, photographs of the identifiable employees plus their names, in this circumstance, qualify as personal information pursuant to section 23(1)(k)(i) of LA FOIP.

[14] Further, in its letter dated August 30, 2012, the Division indicated that other data elements also appeared with the employee’s photograph. It stated:

a) Individual’s photos are associated with their internal Email Address only. The Address information (with/without photos) includes the following elements:

*Name – Title/Position – Work Location – Department/School – Email Address
– Organizational Groups for Email Distribution*

[15] The above data elements would qualify as information that discloses “employment responsibilities” of an employee of the Division and would be captured by section 23(2)(a) of LA FOIP as follows:

⁴SK OIPC Investigation Report F-2012-002 at [33], available at: www.oipc.sk.ca/Reports/IR%20F-2012-002.pdf.

23(2) “Personal information” does not include information that discloses:

(a) the classification, salary, discretionary benefits or employment responsibilities of an individual who is or was an officer or employee of a local authority;⁵

[emphasis added]

[16] This is consistent with my view as noted in my Review Reports F-2010-001⁶ and F-2006-001.⁷

[17] Although the above noted data elements of the Division employees do not constitute personal information, the photographs of the employees along with their name do qualify as personal information.

2. Did the collection of photographs comply with section 25 of *The Local Authority Freedom of Information and Protection of Privacy Act*?

[18] Section 25 of LA FOIP states:

25(1) A local authority shall, where reasonably practicable, collect personal information directly from the individual to whom it relates.

(2) A local authority that collects personal information that is required by subsection (1) to be collected directly from an individual shall, where reasonably practicable, **inform the individual of the purpose for which the information is collected.**

(3) Subsections (1) and (2) do not apply where compliance with them might result in the collection of inaccurate information or defeat the purpose or prejudice the use for which the information is collected.⁸

[emphasis added]

[19] It appears that the Division collected the photographs from many of its employees before notification of the purpose or use had been provided, while photographs from other

⁵Supra note 1 at section 23(2)(a).

⁶SK OIPC Review Report F-2010-001 at [121], available at: www.oipc.sk.ca/Reports/Report%20F-2010-001.%20March%209,%202010.pdf.

⁷SK OIPC Review Report F-2006-001 at [113], available at: www.oipc.sk.ca/Reports/F-2006-001.pdf.

⁸Supra note 1 at section 25.

employees had not been collected yet. This is evident in the copy of the memorandum dated March 26, 2012 which the Division provided to my office. It states:

This letter is to advise all Saskatoon Public Schools employees that commencing April 16, 2012 staff photos will be utilized for a number of division internal tools including e-mail, meeting planning with calendars, Lync messaging and other collaborative technology. Photos will not be attached to any external communications from the school division. The photos will also serve as an official employee record for the division for the purposes of security, threat assessment and Education Continuity Planning.

Audio Visual Services already have photos of the majority of school-based staff. Should a new or updated photo be required you will be contacted to arrange a time for a photo to be taken.

[20] When the Division directly collects personal information of individuals, it must notify the individuals of the potential purposes at the time of collection pursuant to section 25(2) of LA FOIP. It appears that notification did not occur until March 2012, although photographs of many of the Division's employees were collected prior to that date.

[21] Going forward, the Division must inform employees of all of the purposes of the photographs at the time of each collection, not after the fact. As a result, my office recommended the following to the Division on May 3, 2013: "At the time of future direct collections of photographs, [the Division] must inform employees of all of the potential uses for the photographs."

[22] In its response of July 22, 2013, the Division stated:

Employees will be notified of all of the uses for staff photographs in a manner similar to the letter of April 26, 2012 prior to the collection of photos. We believe that this letter was clear in establishing the use of photographs and the benefits it would provide to all employees of the organization.

[23] This appears to be a positive step, however, as I will discuss, the Division has not identified its authority for using these photographs in this manner.

3. Does *The Local Authority Freedom of Information and Protection of Privacy Act* authorize the use of the photographs for the reasons identified by the Board of Education of the Saskatoon School Division No. 13?

[24] I defined the term “use” in my Investigation Report F-2009-001 as follows:

[78] In any event, section 28 relates to “use” of personal information under its control without consent yet the sharing of information by [Saskatchewan Workers’ Compensation Board] with E.T. [an independent claims advisor] would have been a “disclosure”. In my 2008-2009 Annual Report, I defined the terms as follows:

...

“Use indicates the internal utilization of personal information by a public body and includes sharing of the personal information in such a way that it remains under the control of that public body.”⁹

[25] Section 27 of LA FOIP states:

27 No local authority shall use personal information under its control without the consent, given in the prescribed manner, of the individual to whom the information relates, except:

(a) for the purpose **for which the information was obtained or compiled**, or for a use that is **consistent with that purpose**; or

(b) for a purpose for which the information may be disclosed to the local authority pursuant to subsection 28(2).¹⁰

[emphasis added]

[26] As noted earlier, the Division sent a memorandum dated March 26, 2012 to its employees which informed them of ways their photographs would be used with respect to the email system. It stated: “The photos will also serve as an official employee record for the division for the purposes of security, threat assessment and Education Continuity Planning.”

⁹SK OIPC Investigation Report F-2009-001 at [78], available at: www.oipc.sk.ca/Reports/IRF%202009-001.pdf.

¹⁰*Supra* note 1 at section 27.

[27] The Division must identify how LA FOIP authorizes the use of employee photographs for the internal electronic communications system for the purposes of: 1) security and threat assessment, and 2) education continuity planning.

a. Use for a consistent purpose (section 27(a) of LA FOIP)

[28] Section 27(a) of LA FOIP allows a local authority to use personal information for purposes consistent with the reason it was collected.

[29] I then must consider what is meant by ‘consistent use.’

[30] I begin with Alberta’s resource *FOIP Guidelines and Practices (2009)* which states:

Section 39(1)(a) allows a public body to *use* personal information for a purpose that is consistent with the purpose for which the information was originally collected.

In most cases the public body using the information will be the public body that collected it. However, if the personal information has been collected for the purposes of delivering a common or integrated program or service, the public body using the information may not be the public body that originally collected it.

See section 7.7 of this chapter for further information on common or integrated programs and services (**section 40(1)(i)**). See also FOIP Bulletin No. 8: *Common or Integrated Programs or Services*, published by Access and Privacy, Service Alberta.

Section 40(1)(c) allows a public body to *disclose* personal information for a purpose that is consistent with the purpose for which the information was originally collected.

In most cases this provision will apply to disclosure outside the public body. The new purpose for using or disclosing must be consistent with the purpose for which the information was collected or compiled.

A use or disclosure has a *reasonable and direct connection to the original purpose* if there is a logical and plausible link to the original purpose. A consistent use should grow out of or be derived from the original use; it should not be an unrelated or secondary use of the information, otherwise known as “function creep.”¹¹

[emphasis added]

¹¹Service Alberta, Policy and Governance Branch, *FOIP Guidelines and Practices (2009)*, at pp. 294-295, available at: www.servicealberta.ca/foip/documents/chapter7.pdf.

[31] The Office of the Information and Privacy Commissioner of Alberta interpreted this in Order 2001-038 with respect to e-mail as follows:

[para 53] The Public Body collected the first and last name, year of birth, gender, and compiled the school code when registering the Complainant's Child in the school system. Using that personal information for setting up and administering the email system is a use for a different purpose. I must now determine if the use was for a consistent purpose, as set out in section 39(1)(a) [previously section 37(1)(a)].

...

[para 55] **The Public Body stated that its mandate is to educate students. The Public Body argued that education of students about the use of email and the Internet falls within this mandate and therefore should be considered as a consistent use.** The Public Body offered evidence that Alberta Learning has encouraged school divisions to offer this type of education within the school curriculum.

[para 56] Offering education to students about the use of email and the Internet has **a reasonable and direct connection** to the purpose for which the personal information was connected or compiled. Use of personal information *is necessary ... for operating a legally authorized program* of the Public Body. Therefore, I find that setting up and administering an email system is a use that is consistent with the purpose for which the personal information was collected or compiled, with the exception of gender.¹²

[emphasis added]

[32] The Information and Privacy Commissioner of Ontario describes consistent use in terms of whether it is 'reasonably compatible' or not. This is explained in Investigation Report I93-009M as follows:

Generally speaking, the fact that a use of personal information may extend beyond the intended use set out in a notice of collection would not, in itself, be cause for finding that it was not reasonably compatible with the intended purpose. **As the Board has noted, the Act includes provisions for the use of personal information for a consistent purpose, which would not be identical to the intended purpose for the collection. Our reasons for finding that a use is or is not reasonably compatible with the intended purpose are based on the specific circumstances of each case.**

In this particular case, the Board conducted a job competition for a specific position. The use described in the notice was "for the purpose of this competition only". The Board explained to us that this notice applied to the collection of reference

¹²Alberta Information and Privacy Commissioner, Order 2001-038 at [53] to [56], available at: www.oipc.ab.ca/pages/home/default.aspx.

information, which therefore included the arbitration decision. Our understanding of the Board's intent at the time the notice was provided was that there was to be one, and only one use for the collection -- for the purpose of the job competition. However, the Board used the information contained in the arbitration record to make a decision to remove the complainant's name from its list of occasional teachers (unrelated to this competition), and effectively terminate his employment with the Board.

In our view, by using the word “only” in its notice, the Board was giving assurance to all job candidates that the personal information to be collected would be used for a specific, limited purpose (the job competition). Accordingly, it is our view that the word “only” in the notice was meant to be taken literally -- and we have done so. **Thus, after considering the above circumstances, it is our view that using the personal information for the purpose of removing the complainant's name from the list of occasional teachers would be not be reasonably compatible with the purpose stated in the notice.** In light of the fact that we did not consider the use of the personal information to be reasonably compatible with the purpose for which it was collected, we conclude that the personal information was not used in accordance with section 31(b) of the Act when the Board used it for a purpose other than the competition (i.e. to remove the complainant's name from its list of occasional teachers, thereby terminating his employment).¹³

[emphasis added]

[33] Finally, a decision by the federal Public Service Labour Relations Board made the following comments:

...For a use to be consistent, it must have a reasonable and direct connection to the original purpose for collection. A test of whether a proposed use or disclosure is consistent with the original purpose is whether it would be reasonable for the individual to whom the information relates to expect that it would be used in the proposed manner...¹⁴

[34] I do not know if, at the time of collection, the Division had ever communicated with its employees about the primary purpose for collection. The Division has not clarified this. However, in its original reply to the Union dated May 22, 2012, it stated that the use is consistent with the purpose for which the photographs were collected:

It is the position of Saskatoon Public Schools that the collection of staff pictures complies with LAFOIPP due to the fundamental role we have in ensuring the safety

¹³Ontario Information and Privacy Commissioner, Investigation Report I93-009M, at p. 9, available at: www.ipc.on.ca/english/Home-Page/.

¹⁴*Professional Institute of the Public Service of Canada v. Canada Revenue Agency*, 2011 PSLRB 34 at [123].

of over 20,000 students spread over 55 campuses. It is crucial that our threat assessment and safety protocols allow for the ready identification of all adults within our employ. The use of pictures in internal communication allows **for identification of all employees by those who may be charged with responding to crisis events within our schools.**

...

The photos therefore, relate to an activity of the school division (Section 24 of LAFOIPP); have been collected appropriately (Section 25); **will be used solely for the purpose for which they have been collected** (Section 27) and will not be disclosed to any outside body or person without the appropriate consent of the employee (Section 28).

[emphasis added]

- [35] In a letter dated February 19, 2013, my office then asked the Division how the photographs were collected. It gave the following explanation in its letter dated March 4, 2013:

... Generally, there are two methods. The first is the traditional annual school photo session where pictures are taken of all staff and students in each school. **Staff pictures are used for both yearbook purposes (primarily at the secondary level as most elementary schools do not have yearbooks) and also to post a collection of staff photos at the front entrance of the school for public identification purposes.**

The second method we use to collect photos involves employees who do not work in schools. They are invited semi-annually to come to our central office to have photos taken primarily to **allow for name tags for identification purposes** when they visit schools...

[emphasis added]

- [36] The primary purpose for the Division's collection of the photographs is therefore one or two purposes: 1) use in yearbooks, although this does not include the Division staff who do not work in a secondary school setting or 2) "to post a collection of staff photos at the front entrance of the school for public identification purposes", which also does not include the Division staff who do not work in schools.

- [37] There is no evidence the two purposes for use of the photographs identified in the memorandum dated March 26, 2012 (security and threat assessment and education

continuity planning) align and are consistent with a legitimate purpose identified at the time of collection.

[38] Again, I look to the passage referenced earlier from the Division's original reply to the Union dated May 22, 2012:

...It is crucial that our threat assessment and safety protocols allow for the ready identification of all adults within our employ. The use of pictures in internal communication allows **for identification of all employees by those who may be charged with responding to crisis events within our schools.**

[emphasis added]

[39] There appears to be a disconnect between the stated purpose of collecting the photographs (eg. for use in yearbooks and identification purposes) and the stated purpose of use of the photographs with the e-mail system (eg. for identification during crisis events). Clearly, there would not be a crisis event every time an e-mail is sent internally. As such, the use of these photographs would, in actuality, not be needed for these purposes at all.

[40] In order to support this claim, my office asked the Division to provide additional information as follows:

- Who is typically charged with responding to crisis events within schools?
 - Please note if police or outside security/law enforcement agencies are responsible for this, then sharing the photographs would constitute a disclosure of personal information as it is shared with external parties.
- Please discuss how the routine use of the photographs in the e-mail system and for virtual meetings respects the need-to-know and data minimization principles.

[41] My office also asked the Division to provide us with copies of its "threat assessment and safety protocols" for this investigation.

[42] Copies of the Division's "threat assessment and safety protocols" were not provided; nor were further details on the purpose of identification during crisis events.

[43] The primary purpose for the collection of the photographs is unclear. Regardless, it does not appear that the two purposes for using the photographs in the e-mail system identified in the memorandum of March 26, 2012 are consistent with the possible primary purpose(s).

[44] As such, the Division cannot rely on section 27(a) of LA FOIP as authority for using the photographs.

b. Use for a purpose authorized by section 28(2) of LA FOIP

[45] As the Division cannot rely on section 27(a) of LA FOIP for authority to use the photographs for the three new identified purposes our focus must shift to section 27(b) of LA FOIP. This section allows a local authority to apply disclosure provisions found in section 28(2) of LA FOIP as justification for new uses of personal information.

[46] Section 28(2) of LA FOIP states:

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;

(b) for the purpose of complying with:

(i) a subpoena or warrant issued or order made by a court, person or body that has the authority to compel the production of information; or

(ii) rules of court that relate to the production of information;

(c) to the Attorney General for Saskatchewan or to his or her legal counsel for use in providing legal services to the Government of Saskatchewan or a government institution;

(d) to legal counsel for a local authority for use in providing legal services to the local authority;

(e) for the purpose of enforcing any legal right that the local authority has against any individual;

(f) for the purpose of locating an individual in order to collect a debt owing to the local authority by that individual or make a payment owing to that individual by the local authority;

(g) to a prescribed law enforcement agency or a prescribed investigative body:

(i) on the request of the law enforcement agency or investigative body;

(ii) for the purpose of enforcing a law of Canada or a province or territory or carrying out a lawful investigation; and

(iii) if any prescribed requirements are met;

(h) pursuant to an agreement or arrangement between the local authority and:

(i) the Government of Canada or its agencies, Crown corporations or other institutions;

(ii) the Government of Saskatchewan or a government institution;

(iii) the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions;

(iv) the government of a foreign jurisdiction or its institutions;

(v) an international organization of states or its institutions; or

(vi) another local authority;

for the purpose of administering or enforcing any law or carrying out a lawful investigation;

(h.1) for any purpose related to the detection, investigation or prevention of an act or omission that might constitute a terrorist activity as defined in the *Criminal Code*, to:

(i) a government institution;

(ii) the Government of Canada or its agencies, Crown corporations or other institutions;

(iii) the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions;

(iv) the government of a foreign jurisdiction or its institutions;

(v) an international organization of states or its institutions; or

- (vi) another local authority;
- (i) for the purpose of complying with:
 - (i) an Act or a regulation;
 - (ii) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada; or
 - (iii) a treaty, agreement or arrangement made pursuant to an Act or an Act of the Parliament of Canada;
- (j) where disclosure is by a law enforcement agency:
 - (i) to a law enforcement agency in Canada; or
 - (ii) to a law enforcement agency in a foreign country;pursuant to an arrangement, a written agreement or treaty or to legislative authority;
- (k) to any person or body for research or statistical purposes if the head:
 - (i) is satisfied that the purpose for which the information is to be disclosed is not contrary to the public interest and cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates; and
 - (ii) obtains from the person or body a written agreement not to make a subsequent disclosure of the information in a form that could reasonably be expected to identify the individual to whom it relates;
- (l) where necessary to protect the mental or physical health or safety of any individual;
- (m) in compassionate circumstances, to facilitate contact with the next of kin or a friend of an individual who is injured, ill or deceased;
- (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;

- (o) to the Government of Canada or the Government of Saskatchewan to facilitate the auditing of shared cost programs;
- (p) where the information is publicly available;
- (q) to the commissioner;
- (r) for any purpose in accordance with any Act or regulation that authorizes disclosure; or
- (s) as prescribed in the regulations.¹⁵

[47] It should also be noted that section 28(2)(s) of LA FOIP points to section 10 of *The Local Authority Freedom of Information and Protection of Privacy Regulations* (LA FOIP Regulations)¹⁶ which states:

10 For the purposes of clause 28(2)(s) of the Act, personal information may be disclosed:

- (a) to another local authority or a government institution for the purposes of:
 - (i) determining the eligibility of an individual to participate in a program of, or receive a product of service from, a local authority, the Government of Saskatchewan or a government institution, in the course of processing an application made by or on behalf of the individual to whom the information relates;
 - (ii) verifying the eligibility of an individual who is or was participating in a program of, or receiving a product or service from, a local authority, the Government of Saskatchewan or a government institution;
 - (iii) verifying the accuracy of personal information held by the other local authority or government institution;
 - (iv) collecting a debt or assisting in the collection of a debt owing to a local authority, Her Majesty in right of Saskatchewan or a government institution;
- (b) to an individual or body providing consulting or other services to a local authority if the individual or body agrees not to make a subsequent disclosure of the information in a form that could reasonably be expected to identify the individual to whom it relates;

¹⁵*Supra* note 1 at section 28(2).

¹⁶*The Local Authority Freedom of Information and Protection of Privacy Regulations*, S.S. 1993, c. L-27.1 Reg 1.

- (c) where disclosure may reasonably be expected to assist in the provision of services for the benefit of the individual to whom the information relates;
- (d) to a professional association or professional regulatory body for the purpose of carrying out the lawful activities of the association or body;
- (e) for the purpose of providing an employment reference with respect to a person who is or was employed by a local authority;
- (f) for the purpose of commencing or conducting a proceeding or possible proceeding before a court or tribunal;
- (g) to any person where the information pertains to:
 - (i) the performance of any function or duty or the carrying out of any responsibility by an officer or employee of a local authority; or
 - (ii) the terms or circumstances under which a person ceased to be an employee of a local authority, including the terms of any settlement or award resulting from the termination of employment;
- (h) with respect to health care information, in compassionate circumstances, unless the person to whom the information relates requests that the information not be disclosed;
- (i) to another local authority or a third party in order to obtain information from that local authority or third party to respond to an inquiry from the individual to whom the information relates, to the extent necessary to respond to that inquiry;
- (j) to another local authority or a government institution to enable that local authority or government institution to respond to an inquiry from the individual to whom the information relates, to the extent necessary to respond to that inquiry; or
- (k) by forwarding to another local authority or government institution a correspondence received from an individual to enable that government institution or local authority to reply directly to the individual where a direct reply is considered more appropriate; or
- (l) in the case of names, dates of birth, telephone numbers and addresses of individuals under the age of seven years, by a regional health authority to a board of education or the conseil scolaire, as defined in *The Education Act, 1995*, for the planning or administrative purposes of that board of education or the conseil scolaire;

(m) in the case of the academic ranks or departmental designations of members of the faculty of the Saskatchewan Institute of Applied Science and Technology, by the Saskatchewan Institute of Applied Science and Technology to any person.¹⁷

[48] In May 2013, my office asked the Division to provide our office with its authority under section 27(b) of LA FOIP for using the photographs for the three new identified purposes. In its response of July 22, 2013, the Division stated:

2. Please clarify your authority for using photographs of employees for each of the three newly identified purposes (ie Sections 27 (a), 27 (b) of LA FOIP or written consent).

The need for using photographs of employees is to ensure that members of staffs both in schools and Central Office **can identify the individual they are dealing with**. A statement to all employees would clarify this use of photographs to ensure and would allow them the opportunity to opt-out of the use of their photograph in the Saskatoon Public Schools E-mail/Messaging system.

[emphasis added]

[49] The Division failed to specifically identify its authority under sections 27(b) and 28(2) of LA FOIP or section 10 of the LA FOIP Regulations for the use of photographs in the e-mail system or for any purpose now suggested.

c. The consent alternative

[50] If authority cannot be found in section 27(a) or 27(b) of LA FOIP for justification to use the photographs for the three new purposes, the Division can obtain consent from each of the employees to go forward.

[51] It appears that the Union believes that participation with respect to the three newly identified purposes is mandatory for all employees of the Division and that photographs are included in every e-mail.

[52] However, in its letter of March 4, 2013, the Division stated:

¹⁷*Ibid.* at section 10.

In both cases, participation **has been voluntary** and we have not followed up with employees who have not attended the photo session.

[emphasis added]

[53] It appears that the Division treats the *collection* of photographs as voluntary; however, the question at issue is if the *use* of the photographs in the e-mail system is voluntary.

[54] In my office's analysis of May 3, 2013, we asked that the Division "provide further details on the voluntary nature of this program..."

[55] In its response of July 22, 2013, the Division stated:

The use for the "three identified purposes" would be voluntary in the same manner that the collection of photos is voluntary. We have not in the past followed-up and required employees to have photos taken. If they do not have their photo taken then it stands to reason that they would not be used for the purposes identified above.

It is our intention to discuss the use of employee photographs further with representatives of [the Union] to determine what would be a mutually desirable course of action, with particular reference to the opportunity for staff to opt-out as mentioned above.

[56] This response is vague and does not provide a definitive answer if and how employees can opt-out of this program.

[57] Further, it is not a matter of two parties, the Division and the Union, to simply agree on a mutually desirable course of action. Either the local authority has the authority to collect and use the photographs and it is reasonably necessary for the purposes, or it has the consent of each data subject, or not.

[58] Although it was requested, the Division provided vague information on the mandatory or voluntary nature of employee participation with respect to the use of photographs in the e-mail system. It did not explain how this aspect was communicated to employees. Further, I am left questioning the necessity of the use of employee photographs in the e-mail system if it is not required of all employees.

[59] The Division has not identified its legislative authority for using the photographs of its staff members in this manner, nor has it demonstrated that it is reasonably necessary. As such, it must receive consent from each of its employees before his/her photograph is used in the e-mail system. Further section 11 of the LA FOIP Regulations contemplates opt-in, not opt-out as follows:

11 Where the Act requires the consent of an individual to be given, the consent is to be in writing unless, in the opinion of the head, it is not reasonably practicable to obtain the written consent of the individual.¹⁸

[60] As it has not identified specific authority in LA FOIP for the use of employee photographs in its e-mail system, the Division must devise an opt-in strategy for this use. This includes notification of the use at the time of collection and receiving written consent from its employees.

d. ‘Need-to-know’ and ‘data minimization’ principles

[61] No matter what authorization the Division relies on with respect to the use of employee photographs in the e-mail system, it must respect the need-to-know and data minimization principles. I discussed these principles in my Investigation Report F-2012-005, as follows:

[65] For both the personal information and personal health information involved in the injury claim and RTW planning it appears that there are issues related to the ‘need-to-know’ and ‘data minimization’ principles.

[66] These two principles underlie section 28 of FOIP and sections 23 and 26 of HIPA. The need-to-know principle means that SGI should collect, use and disclose only on a need-to-know basis. As well, data minimization means that SGI should collect, use or disclose the least amount of identifying information necessary for the purpose.¹⁹

¹⁸*Ibid.* at section 11.

¹⁹SK OIPC Investigation Report F-2012-005, at [65] and [66], available at: www.oipc.sk.ca/Reports/Investigation%20Report%20F-2012-005.pdf.

[62] As discussed earlier, the Division has not identified an authority in LA FOIP for the use of employee photographs in the e-mail system. Further, it has not demonstrated there is a need for this use, as participation does not appear to be mandatory.

[63] In my office's analysis of May 3, 2013, we asked the following: "Please provide additional information regarding how this program respects the need-to-know and data minimization principles..."

[64] In its response dated July 22, 2013, the Division stated:

It is felt that the publication of staff photos on internal e-mail serves the same purpose as posting pictures of staff at the entrances of our schools. It allows for ready identification of school division employees and ensures that staff members know and recognize their fellow employees.

[65] The Division did not explain why it is necessary to have a visual identification at each e-mail transaction. Further, it is very different to have photographs on display at a physical location where a limited number of individuals will visit, than in an e-mail where it can potentially be altered, copied or sent to individuals all over the world. Therefore, it was not persuasive in demonstrating that it meets the need-to-know or data minimization principles.

4. Does the Board of Education of the Saskatoon School Division No. 13 have appropriate safeguards in place to protect the personal information in question from unauthorized use or disclosure of personal information?

[66] Finally, in an investigation such as this, I often look at safeguards in place to guard against unauthorized use and disclosure of personal information. In my Investigation Report LA-2013-001, I stated that a local authority must have administrative, technical and physical safeguards in place to protect personal information.²⁰

²⁰SK OIPC Investigation Report LA-2013-001 at [52] to [57], available at: www.oipc.sk.ca/Reports/Investigation%20Report%20LA-2013-001%20-%20April%2016,%202013.pdf.

[67] Further, section 28(1) of LA FOIP states:

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 29.²¹

[68] In its letter to the Union of May 22, 2012, the Division stated:

The photos are not shared with external parties. Security measures and Division Administrative Procedures are in place to prevent unauthorized use of photos just as we have security measures in place for other personal information.

[69] With its letter of March 4, 2013, the Division attached a copy of an internal memorandum to its staff which stated: “Photos will not be attached to any external communications from the school division...”

[70] Although the Division claims disclosure of personal information is not an issue in this situation, I require more information and direct confirmation to reach the same conclusion.

[71] In its letter to our office of August 30, 2012, the Division stated:

The address information and associated photographs are only available to individuals in the organization. (*Intranet use only*) Photographs are only displayed when emails are read/created and live/virtual internal meetings are planned/attended. Photos are not shared outside the Saskatoon Public Schools systems or networks. They are for internal audiences only and technically setup for that type of use.

[72] We asked the Division to provide more information on the technical setup. More specifically, if an internal e-mail to employees should then be forwarded to an external e-mail address, will the photograph continue to be attached to the e-mail? I am also mindful that employees of the Division might be able to copy and alter photographs of their co-workers for other use or disclosure that may not be authorized. My office asked what training and other safeguards are in place to mitigate this risk. This has not been addressed by the Division.

²¹*Supra* note 1 at section 28(1)

[73] As of July 22, 2013, the Division has not confirmed that photographs cannot be used or disclosed without authorization by forwarding e-mails to external sources or by other means. Instead, the Division provided the following:

Technical

Security measures including password protecting ALL access to secured systems including email and conferencing is undertaken as required by both Provincial and external auditors. The school division follows best practices related to both security and systems maintenance. Numerous technical references on the specific systems ([names of systems]) employed to facilitate this “Internal” use of photographs is available online. These technical references outline the security and associated systems design to ensure that “intranet” sharing is limited to internal use only.

Physical

No aggregated physical copies of the photographs are stored centrally for administrative purposes.

Administratively

As outlined above, ALL individual users of the computer system are required annually to agree to the Administrative Procedure related to Computer Acceptable Use and are subject to disciplinary action if unacceptable use takes place.

[74] The Division’s response did not adequately address my concerns regarding the potential unauthorized use and disclosure of personal information. Further, the information provided on these safeguards is not adequate.

[75] The Division’s discussion of physical safeguards lacks details of other physical safeguards required, such as protection of hardware that house the photographs.

[76] In terms of administrative safeguards, the *Administrative Procedure 140 – Computer/Online Services Acceptable Use* was provided to us by the Division with its letter of August 30, 2012. This procedure only addresses some of our concerns as follows:

2. Unacceptable use of computing technology, networks or online services, specifically includes but is not limited to the following:

...

2.2 Creating or distributing communications, materials, information, data or images reasonably regarded as threatening, abusive, harassing, discriminatory,

obscene, or in violation of or inconsistent with any Board policy or administrative procedure.

...

2.11 Disclosing information to individuals or organizations with no written or formal authority to possess such information.

[77] However, neither of these passages, nor the entire procedure, address the collection, use and disclosure of personal information. As such, the procedure is not compliant with LA FOIP. The Division did not provide any policies that would address these issues (such as referenced in 2.2 above).

[78] Also, as noted earlier, my office asked about specific training for employees. No information was provided.

[79] In its letter of August 30, 2012, the Division stated: “Saskatoon Public Schools systems are annually subject to provincial audits for compliance with [information technology] control standards.” My office asked the Division to provide us with a copy of its most recent audit so that I could verify that the Division is following relevant standards.

[80] With its July 22, 2013 response, the Division provided a report created by a well known external auditing firm entitled:

Saskatoon Public Schools Boar...
Appendix B – General IT Controls
For the year ended August 31, 201...

[end of title cut off on copy provided]

[81] The audit report identifies many failings in the Information Technology department of the Division. Our practice is not to particularize technical safeguards in a public report to prevent abuse by unauthorized persons exploiting that kind of information. I, therefore, am including only a summary but will provide the Division with particulars when I issue this Report. Some of the failings relevant to this investigation are:

- Inadequate password and logon security,
- Developers having unrestricted access,
- Weaknesses in segregation of duties,
- Insufficient review of certain user activities, and
- High number of vulnerabilities on servers and work stations.

[82] The issues identified in the external auditor's report raise concerns for not only the protection of the photographs in question, but for all of the personal information within the Division's possession or control. The Division has not provided any update on the progress it has made to address these issues.

[83] Further, the Division offered this report to demonstrate that the protection of the photographs in the e-mail system was adequate. This report does not specifically address the e-mail system or assess the risk of unauthorized use or disclosure of the photographs.

[84] The Division does not have adequate technical safeguards in place. Further, it appears its information technology system has major weaknesses.

[85] It appears that the Division did not address my concerns over unauthorized use or disclosure of the photographs. It also appears that the Division does not have adequate physical or administrative safeguards in place to protect the photographs.

[86] The Division never indicated whether it had performed a Privacy Impact Assessment (PIA) before it had started using photographs of its employees in the e-mail system. The Division has fallen short of complying with collection rules, identifying authorities, and ensuring appropriate safeguards for this project. The Division should complete a PIA which addresses the concerns raised under Issues 2, 3 and 4 of this Investigation Report.

5. Is there written delegation by the head of the Board of Education of the Saskatoon School Division No. 13 for responsibility for *The Local Authority Freedom of Information and Protection of Privacy Act*?

[87] Section 50 of LA FOIP states:

50(1) A head may delegate to one or more officers of the local authority a power granted to the head or a duty vested in the head.

(2) A delegation pursuant to subsection (1):

(a) is to be in writing; and

(b) may contain any limitations, restrictions, conditions or requirements that the head considers necessary.²²

[88] Fairly recently, my office conducted a review involving the Division, resulting in Review Report LA-2012-004. We have dealt with several Division officials on both that review and this investigation, so it was unclear as to who within the Division had proper delegated authority for LA FOIP.

[89] In our letter of May 3, 2013 to the Division, my office asked for a copy of its written delegation. None was provided.

[90] In our reminder letter of July 11, 2013, my office again reminded the Division to provide this to my office.

[91] While a written delegation has not been provided, the Division did state in its letter of July 22, 2013 that:

I would first like to inform you that [the Superintendent of Education] has been delegated with the responsibility for compliance with LA FOIP for Saskatoon Public Schools. I have been dealing with this matter as it originally arose as an employee relations matter and I have been consulting with [the Superintendent of Education] and [the Director of Education] on this matter throughout.

[92] One of the purposes of having a delegated officer of a public body with responsibility for LA FOIP is to allow a person to gain expertise and deal with all access requests and privacy issues consistently. This person is often called a “FOIP Coordinator” or “Privacy Officer”.

²²*Ibid.* at section 50.

[93] I have commented in a number of my Reports²³ on the importance of having a consistent person handle these roles with respect to *The Freedom of Information and Protection of Privacy Act* (FOIP),²⁴ LA FOIP and *The Health Information Protection Act* (HIPA).²⁵ Most notable are the following passages.

[94] In Review Report F-2006-004, I made the following comment:

[67] On the Commission's argument that the time extension was warranted due to staff unavailability, I considered advice from Ontario's *Freedom of Information Guidelines*. Of relevance is the following:

*A qualified, trained FOI Coordinator is essential to the proper and timely conduct of an institution's FOI business and acts as its liaison with requesters, appellants and the IPC. Consequently, institutions should identify the FOI Coordinators as a critical position for succession planning purposes and ensure that a qualified individual is available at all times to discharge the Coordinator's responsibilities.*²⁶

[95] In Investigation Report F-2007-001, I stated:

[244] That WCB reconsider the question of administration policy and consider a single FOIP Coordinator or FOIP Officer role with responsibility for overseeing compliance with FOIP and HIPA. This would be in substitution for the two separate offices of Access Officer and Privacy Officer and would capture all of the responsibilities currently assigned to both of these two positions. The job description for the FOIP Coordinator or FOIP Officer should reflect the job description described in our January, 2004 FOIP FOLIO. This single officer should be a senior person who reports directly to the Chief Executive Officer of WCB.²⁷

[96] In Review Report F-2012-002, I further stated:

[50] I have in a number of past Reports discussed a 'duty to assist' that is implicit in FOIP...

²³SK OIPC Review Reports F-2005-005 at [4], F-2006-004 at [67], F-2012-002 at [50] to [51], F-2012-006 at [Postscript], H-2006-001 at [43]; SK OIPC Investigation Reports F-2005-001 at [121], F-2007-001 at [34], [66], [158] and [244], F-2012-004 at [150], H-2007-001 at [13], H-2011-001 at [92], all available at: www.oipc.sk.ca/reviews.htm.

²⁴*The Freedom of Information and Protection of Privacy Act*, S.S. 1990-91, c. F-22.01.

²⁵*The Health Information Protection Act*, S.S. 1999, c. H-0.021.

²⁶SK OIPC Review Report F-2006-004 at [67], available at: www.oipc.sk.ca/Reports/F-2006-004.pdf.

²⁷SK OIPC Investigation Report F-2007-001 at [244], available at: www.oipc.sk.ca/Reports/InvReportF-2007-001.pdf.

[51] Interestingly, in this case, the response to the Applicant after he submitted his formal access request was from a Case Manager Support person who appears to have not read the request carefully and failed to understand the scope of WCB's responsibility under FOIP in responding to an access request. This is one of the reasons our office recommends that all formal access requests be reviewed at least, if not answered, by the FOIP Coordinator who should have a comfortable understanding of FOIP requirements and practices. If WCB intends to task Case Manager Support persons with responsibility for responding to formal access requests, it needs to ensure they have appropriate training to ensure compliance with FOIP. This should also involve an appropriate instrument for delegation of the head's powers pursuant to section 60 of FOIP.²⁸

[97] Finally, I stated in Investigation Report F-2012-004:

[150] A privacy officer is essential for both FOIP and HIPA compliance. This individual would be responsible for fostering a culture of privacy and have sufficient rank as to advise and influence senior management to make necessary changes. This individual would typically also be charged with access to information duties. More specifically with respect to privacy matters, the privacy officer would be responsible for the following:

- Be aware of and current with all privacy best practices.
- Ensure employees of the organization are trained for compliance with applicable privacy legislation. The privacy officer should be the individual with whom employees know to contact with privacy questions and report breaches.
- Ensure that personal information and personal health information in the possession or control of the organization is protected with adequate administrative, technical and physical safeguards. This would include monitoring effectiveness safeguards by tracking all breaches to ensure that safeguards remain effective.
- Respond to privacy breaches in a consistent and timely manner. This would include a thorough investigation of breaches. Investigations should always include an analysis of applicable privacy laws and internal policies, procedures and other safeguards.
- Respond to privacy complaints in a consistent manner using best practises.
- Liaise with oversight bodies on privacy investigations.²⁹

²⁸SK OIPC Review Report F-2012-002 at [50], available at: www.oipc.sk.ca/Reports/F-2012-002.pdf.

²⁹SK OIPC Investigation Report F-2012-004 at [150], available at: www.oipc.sk.ca/Reports/IR%20F-2012-004.pdf.

[98] It does not appear that the Division has a properly delegated officer with expertise and specific responsibility for compliance with LA FOIP.

IV FINDINGS

[99] Photographs and names of individuals qualify as personal information pursuant to section 23(1) of *The Local Authority Freedom of Information and Protection of Privacy Act*.

[100] The collection of employee photographs did not comply with section 25(2) of *The Local Authority Freedom of Information and Protection of Privacy Act* as the Board of Education of the Saskatoon School Division No. 13 did not inform individuals about the potential uses at the time of collection.

[101] The Board of Education of the Saskatoon School Division No. 13 has not demonstrated that the primary purpose for the collection of employee photographs was identified or communicated to its employees at the time of collection.

[102] The Board of Education of the Saskatoon School Division No. 13 has not demonstrated that the use of employee photographs in the e-mail system aligned or was consistent with any particular primary purpose for which the photographs were collected pursuant to section 27(a) of *The Local Authority Freedom of Information and Protection of Privacy Act*.

[103] The Board of Education of the Saskatoon School Division No. 13 has not identified authority within sections 27(b) and 28(2) of *The Local Authority Freedom of Information and Protection of Privacy Act* for the use of employee photographs in the e-mail system.

[104] The Board of Education of the Saskatoon School Division No. 13 did not obtain consent from individuals to use their photographs in this manner.

[105] The Board of Education of the Saskatoon School Division No. 13 has not demonstrated that use of employee photographs in the e-mail system follows the need-to-know or data minimization principles.

[106] The Board of Education of the Saskatoon School Division No. 13 does not have appropriate safeguards in place to protect the personal information in question from unauthorized use or disclosure of personal information.

[107] Pursuant to section 50 of *The Local Authority Freedom of Information and Protection of Privacy Act*, the Board of Education of the Saskatoon School Division No. 13 has not demonstrated to my satisfaction that it has a properly delegated officer with specific responsibility for compliance with *The Local Authority Freedom of Information and Protection of Privacy Act*.

V RECOMMENDATIONS

[108] The Board of Education of the Saskatoon School Division No. 13 should suspend the use of employee photographs in its e-mail system until a thorough Privacy Impact Assessment has been completed.

[109] The Board of Education of the Saskatoon School Division No. 13 should perform a Privacy Impact Assessment for the use of employee photographs in its e-mail system. The Privacy Impact Assessment should:

- Clarify the primary purpose of the collection of employee photographs;
- Devise a system to inform employees of the anticipated uses for the photographs at the time of collection;
- Identify and support the purpose and necessity for the use of employee photographs in the e-mail system;
- Consider whether the use of employee photographs in the e-mail system respects the need-to-know and data minimization principles;
- If the use of employee photographs in the e-mail system can respect the need-to-know and data minimization principles, implement processes to comply with such;

- Identify the specific authority within *The Local Authority Freedom of Information and Protection of Privacy Act* for the use of employee photographs in the e-mail system;
- If no authority for the use of employee photographs in the e-mail system can be found, devise an opt-in system for employees; and
- Assess current safeguards for unauthorized use and disclosure of the photographs and address weaknesses. Particular emphasis should be put on addressing the weaknesses of technical safeguards identified in the information technology audit report.

[110] The Board of Education of the Saskatoon School Division No. 13 immediately designate a senior individual to provide operational leadership within the organization and provide my office with a copy of the written delegation by the head pursuant to section 50 of *The Local Authority Freedom of Information and Protection of Privacy Act* within 30 days.

Dated at Regina, in the Province of Saskatchewan, this 6th day of November, 2013.

R. GARY DICKSON, Q.C.
Saskatchewan Information and Privacy
Commissioner