



REVIEW REPORT 014-2016

Rural Municipality of Birch Hills No. 460

June 24, 2016

Summary:

The Applicant requested records regarding payment of taxes for a building on her property. The Rural Municipality of Birch Hills No. 460 (the RM) denied access to the requested records stating that it contained personal information pursuant to subsection 23(1)(j) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The Commissioner found that subsection 28(1) of LA FOIP applied to portions of the record. The Commissioner recommended that the RM release the portions of the record where subsection 28(1) of LA FOIP was found not to apply.

I BACKGROUND

- [1] On January 26, 2016, the Applicant submitted an access to information request to the Rural Municipality of Birch Hills No. 460 (the RM) for information on tax payments for a building on her property and who made the payments.
- [2] The RM responded to the request stating that the request for the records was denied pursuant to subsection 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) as the records requested contained personal information as described at subsection 23(1)(j) of LA FOIP of someone other than the Applicant.

[3] On February 1, 2016, the Applicant submitted a request for review to my office. My office provided notification of the review to the Applicant and the RM on February 2, 2016.

II RECORDS AT ISSUE

[4] The responsive record consists of five pages of receipts for payment of taxes.

III DISCUSSION OF THE ISSUES

[5] The RM is a “local authority” pursuant to subsection 2(f)(i) of LA FOIP.

1. Did the RM properly apply subsection 28(1) of LA FOIP to the withheld record?

[6] Subsection 28(1) of LA FOIP provides as follows:

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.

[7] The RM applied subsection 28(1) of LA FOIP to all pages of the responsive record indicating that the information qualified as personal information as defined at subsection 23(1)(j) of LA FOIP. This section provides as follows:

23(1) Subject to subsection (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;

[8] The record contains receipts of the amount of taxes paid and the name of the individual that receipt was issued to. Pages one, two and five of the record appear to be receipts

issued to the Applicant. Based on this it is not clear how these pages would be exempt from release under subsection 28(1) of LA FOIP and should be released to the Applicant.

- [9] Pages three and four of the record appear to be receipts that were issued to an individual other than the Applicant. Based on a review of these pages of the record it does appear it would reveal financial activities of someone other than the Applicant. It appears the record contains personal information as described in subsection 23(1)(j) of LA FOIP. These pages should continue to be withheld under subsection 28(1) of LA FOIP.

IV FINDING

- [10] I find that subsection 28(1) of LA FOIP applies to portions of the record.

V RECOMMENDATION

- [11] I recommend that the RM release pages one, two and five of the record to the Applicant and continue to withhold pages three and four of the record.

Dated at Regina, in the Province of Saskatchewan, this 24th day of June, 2016.

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