

**SASKATCHEWAN
INFORMATION AND PRIVACY COMMISSIONER**

REVIEW REPORT 078/2013

Village of Pierceland

Summary: The Applicant submitted an access to information request to the Village of Pierceland (the Village). The Village cited subsection 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) to withhold the record in its entirety. The Applicant appealed to the Information and Privacy Commissioner (IPC). The IPC found that not all portions of the record qualified as personal information and therefore, subsection 28(1) of LA FOIP was not applicable. The IPC recommended that the Village sever a portion of the record as non-responsive and release the remainder to the Applicant.

I BACKGROUND

[1] The Applicant requested a copy of the deposit slip for repayment of overpayment of vacation pay to a former employee from the Village of Pierceland (the Village). The Applicant's access to information request was as follows:

Copy of Deposit Slip for Repayment of Over payment of Vacation Pay – Chq #2323 - \$3100.05 – Feb. 27/13 Meeting as discussed at April 24, 2013 Village Meeting – 97/13. Would like a copy of this Deposit Slip

[2] The Village refused the Applicant access to records, citing subsection 23(1)(b) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). In its submission to our office, the Village clarified it was relying on subsection 28(1) of LA FOIP to withhold the records.

II RECORDS AT ISSUE

[3] The record in question is one page. The one page is a deposit slip. The deposit has three portions. The first portion is the line that has the former employee's name and the amount she paid back to the Village by cheque. The second portion is the list of names of payors or last endorsers – besides the former employee – of cheques, money orders or grain tickets. The third portion of this deposit slip is the cash amount that the Village was depositing into its general account.

[4] The Village withheld the deposit slip in its entirety.

III DISCUSSION OF THE ISSUES

[5] Pursuant to subsection 2(f)(i), the Village is a "local authority" for purposes of LA FOIP.

1. Does subsection 28(1) of LA FOIP apply to the record?

[6] Subsection 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.

[7] In order for subsection 28(1) of LA FOIP to apply, the information in the record must contain third party personal information as defined by subsection 23(1) of LA FOIP. In order for information to be considered personal information, it must be information about an identifiable individual that is of a personal nature. The Village specifically cited subsection 23(1)(b) of LA FOIP, which provides 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:

...

(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;

[8] The first portion of the deposit cheque - the line on the deposit cheque that has the former employee's name and the amount she paid back to the Village by cheque - would not qualify as personal information. The amount she is paying back suggests nothing of a personal nature about the former employee. The Village made an overpayment and the former employee was simply paying the Village back. If, the financial transaction, revealed something of a personal nature of the former employee, such as a service she had received, then perhaps the information would qualify as "personal information" as defined by subsection 23(1)(b). The Village made the overpayment and the former employee was merely paying back a portion of the overpayment by cheque.

[9] The second portion of the cheque – the list of names of payors or last endorsors – besides the line that details the former employee's name and amount she paid – is non-responsive to the Applicant's request. The Applicant did not request such information. This portion of the deposit slip is "non-responsive".

[10] The third portion of the deposit cheque that details the amount of cash that the Village is depositing into its general account would not qualify as personal information. This portion does not describe anything of a personal nature about any person. This portion is responsive to the request since the Village asserts that the former employee paid back the overpayment by cash and cheque. Even though this portion of the deposit slip does not break down precisely how much the former employee paid back by cash, this portion does not qualify as "personal information" as defined by subsection 23(1) of LA FOIP.

IV FINDINGS

[11] I find that not all portions of the deposit slip qualify as personal information as defined by subsection 23(1) of LA FOIP.

V RECOMMENDATIONS

[12] I recommend that the Village sever the second portion of the deposit slip as "non-responsive" and release the remainder of the deposit slip to the Applicant.

Dated at Regina, in the Province of Saskatchewan, this 9th day of October, 2014.

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