



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 104-2016

Saskatoon Regional Health Authority

September 30, 2016

Summary:

The Applicant appealed to the Office of the Information and Privacy Commissioner (IPC) when he was not satisfied with the Saskatoon Regional Health Authority's (SRHA) response to his access to information request. The IPC found that some records were non-responsive, and that subsections 21(a) and 16(1)(b) of LA FOIP applied to portions of some of the responsive records. The IPC found that subsection 14(1)(d) of LA FOIP does not apply to the records. The IPC recommended that SRHA sever the responsive records based on the IPC's findings and release the remainder of the records to the Applicant. The IPC also recommended that SRHA release the additional records it found when it conducted a search for records.

I BACKGROUND

[1] On January 18, 2016, the Applicant submitted an access to information request to the Saskatoon Regional Health Authority (SRHA) for a copy of SRHA's Privacy Incident Report HC-2016-00229. SRHA initially refused to provide him with a copy of the record so the Applicant appealed to my office. Through my office's review process, the issue was informally resolved when SRHA provided a copy of its Privacy Incident Report.

[2] Then, on March 30, 2016, the SRHA received an access to information request. This request had two parts to it. The first part of the request is as follows:

I am in receipt of the privacy report (dated December 21, 2015) that you sent to me, which I received March 24, 2016. ...I am requesting that all information pertaining to this first privacy investigation be released to me. This would include, but not

limited to, all interview and other information obtained from the following individuals:

- 1) Ms. [name], Director of Mental Health
- 2) Ms. [name], Director of Mental Health
- 3) Ms. [name], Manager of Adult Mental Health
- 4) Ms. [name], Dr. [name]'s Research Assistant
- 5) Ms. [name], U of S, Summer Clerkship Intern
- 6) Mr. [name], Summer Clerkship Intern
- 7) Ms. [name], Labour Relations Officer
- 8) Mr. [name], Manager of Labour Relations
- 9) Dr. [name], Forensic Consultant Psychiatrist, University of Saskatchewan
- 10) Dr. [name], Chief of Psychiatry, University of Saskatchewan
- 11) Financial Officer, Adult Psychiatry, University of Saskatchewan
- 12) Psychiatry Staff, Adult Psychiatry, University of Saskatchewan
- 13) Adult Mental Health Staff, Nurses Alumni Wing, 715 Queen Street, 4th Floor
- 14) Ms. [name], Privacy Officer
- 15) Ms. [name of Privacy Officer]'s interview with Dr. [Name] (August 6, 2015), Neuropsychologist, AMH

[3] The second part of the access to information request is as follows:

As you are aware, I lodged a privacy complaint (HIPA violation) in July 2015 pertaining to patient files that were removed from my office, and any subsequent breaches of patient information. I am asking for this report and all information upon which this report was based upon.

[4] In a letter dated May 2, 2016, SRHA responded to the Applicant. For the first part of the request, SRHA stated that it was withholding the records pursuant to subsection 14(1)(d) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). For the second part of the request, SRHA provided the Applicant with a copy of its file, entitled Privacy Incident Overview File #: HC-2016-00294. SRHA asserted that “no other record exists regarding the unsubstantiated privacy breach”.

[5] In an email dated May 9, 2016, the Applicant requested a review by my office.

[6] My office notified the Applicant and SRHA that it would be undertaking a review on May 18, 2016. It invited both the Applicant and SRHA to provide submissions to my office. In its submission, SRHA also raised subsections 16(1)(b) and 21(a) of LA FOIP as

reasons for withholding records. It also asserted that some of the records yielded in its search for records qualified as “non-responsive” to the Applicant’s request.

II RECORDS AT ISSUE

[7] For the first part of the Applicant’s request, SRHA’s search for records yielded 927 pages of records. Included in these records are meeting/interview notes and emails. SRHA has not released any of the records on the basis that some of the records are non-responsive, and that records that are responsive qualify to be exempted from release pursuant to subsections 14(1)(d), 16(1)(b), and 21(a) of LA FOIP.

[8] For the second part of the Applicant’s request, SRHA had responded to the Applicant by providing him with a copy of its Privacy Incident Overview Report HC-2016-00294 and stated that “no other record exists regarding the unsubstantiated privacy breach”. Therefore, there are no records at issue for the second part of the Applicant’s request. Instead, SRHA’s search efforts are at issue.

III DISCUSSION OF THE ISSUES

[9] SRHA is a local authority as defined by subsection 2(f)(xiii) of LA FOIP.

1. Are portions of the records non-responsive to the first part of the Applicant’s request?

[10] Records that would be responsive to the first part of the Applicant’s request would be the records that were created or used by SRHA’s Privacy Officer to create the Privacy Incident Overview Report HC-2016-00229 (dated December 21, 2015). Therefore, when SRHA received the Applicant’s access to information request for records related to this privacy investigation by SRHA, SRHA’s search for records did not have to be very extensive. The responsive records should have been already gathered by SRHA’s Privacy Officer because she would have used them to write the report.

- [11] For the purpose of demonstrating transparency, though, SRHA conducted a search for records with all the SRHA employees listed by the Applicant in his access to information request in the course of my office's review. SRHA noted in its submission dated August 4, 2016 that it did not search for records with any employee from the University of Saskatchewan (U of S) that were listed by the Applicant because the Privacy Officer did not interview, speak or correspond with U of S employees in her privacy investigation. I find this reasonable.
- [12] The search for records yielded 927 pages of records. Some of these records were clearly non-responsive. For example, records dated 2016 would be non-responsive because the SRHA's Privacy Incident Report was dated December 21, 2015. It would be impossible for SRHA's Privacy Officer to have used records dated 2016 for a report she wrote in 2015. Therefore, I find the records dated after December 22, 2015 and onwards to be non-responsive.
- [13] Next, some of the records dealt with matters separate from the privacy investigation. For example, there were records about a grievance filed by the Applicant, a labour relations investigation, and the disciplining of the Applicant. These records are non-responsive to the first part of the Applicant's request. Other records, such as pages 2, 3, 447, and 448, included portions that dealt with matters separate from the Applicant. These portions would be non-responsive.
- [14] My office reviewed the records and identified the records that clearly, on the face of the record, were related to the Privacy Incident Overview Report HC-2016-00229. This included copies of emails, drafts of the report itself, and handwritten notes. Appendix A outlines these responsive records.
- [15] Therefore, I find that the records listed in Appendix A are the responsive records. The remainder of the records are non-responsive.
- [16] Next, I will determine if the exemptions raised by SRHA apply to any of the responsive records.

2. Did SRHA properly apply subsection 21(a) of LA FOIP?

[17] In its submission, SRHA asserts that subsection 21(a) of LA FOIP applies to some of the responsive record because they contain advice from SRHA's labour lawyer. Subsection 21(a) of LA FOIP provides:

21 A head may refuse to give access to a record that:

(a) contains information that is subject to solicitor-client privilege;

[18] The following three-part test must be met in order for subsection 21(a) of LA FOIP to apply:

1. The record must be a communication between solicitor and client,
2. The communication must entail the seeking or giving of legal advice or legal assistance,
3. The communication must be intended to be confidential.

[19] My office reviewed all the records to determine if subsection 21(a) of LA FOIP could apply. My office immediately found that subsection 21(a) of LA FOIP would not apply to the majority of the responsive records. For example, the majority of the records provided to my office do not include SRHA's legal counsel. Therefore, subsection 21(a) of LA FOIP would not apply to these records. However, my office found some records that included SRHA's legal counsel. My office had to determine, on the face of the records, if subsection 21(a) of LA FOIP would apply based on the three-part test. The following are the pages of the responsive records that my office considered:

Pages 205 to 206 – Internal SRHA emails where SRHA's legal counsel is included in the "To" field of the emails.

Pages 239 to 252 – Internal SRHA emails with attached draft of Privacy Incident Overview. SRHA's legal counsel provides feedback to the privacy investigation report. The feedback appears on the right hand margin of the Privacy Incident Overview on pages 242 and 243.

Pages 326 to 331 – SRHA's Privacy Officer's email to other SRHA employees, including SRHA's legal counsel with attached draft of privacy investigation report. SRHA's Privacy Officer advises that revisions have been made to the privacy investigation report.

Page 422 – This is a duplicate of page 239. It is the first page of email exchanges among SRHA employees, including SRHA's legal counsel. The email states that

SRHA's legal counsel's recommendations for changes to the privacy investigation report are attached. However, this email does not actually contain SRHA's legal counsel's recommendations.

Pages 423 to 424 – Handwritten notes dated November 16, 2015. Contains SRHA's legal counsel's opinion about a process.

Pages 428 to 429 – Handwritten notes dated November 23, 2015 of a meeting that included SRHA's legal counsel. Discussion was about the process for privacy investigation.

Page 430 – An internal SRHA email where SRHA's legal counsel is included in the "To" field.

Page 433 – Duplicate of page 430

[20] When I review the above pages of records, I find that a portion of page 240 and pages 241 to 244 qualify for exemption pursuant to subsection 21(a) of LA FOIP. The portion on page 240 is SRHA's legal counsel's advice on how to revise SRHA's privacy investigation report. Pages 241 to 244 are a draft of the privacy investigation report and SRHA's legal counsel provides advice on how to revise the report. Below is a breakdown of the three-part test:

1. Based on the email exchanges found on page 239 and 240, this draft of the privacy investigation report was a part of the communication between SRHA's legal counsel and SRHA human resources and SRHA labour relations, and then SRHA's labour relations forwards SRHA's legal counsel's revisions to SRHA's Privacy Officer.
2. Based on a review of the comments, I find that SRHA's legal counsel is giving legal assistance to SRHA employees on how to revise the privacy investigation report.
3. The email exchange on pages 239 and 240 is classified as "confidential". The privacy investigation report is an attachment to the email exchange so the "confidential" classification would extend to the privacy investigation report. Further, based on the nature of the email exchanges, the suggested revisions to the privacy investigation report were meant to be confidential.

[21] Further, I find that portions of handwritten notes on pages 423, 424, 428 and 429 would qualify for exemption pursuant to subsection 21(a) of LA FOIP. Below is a breakdown of the three-part test:

1. The handwritten notes are a record of a meeting between SRHA's legal counsel and SRHA employees,
2. Based on a review of the notes, SRHA's employees are seeking SRHA's legal counsel's advice on the privacy investigation, and SRHA's legal counsel is providing legal advice,
3. Based on the review of the notes, the nature of the conversation would imply that the legal advice provided by SRHA's legal counsel was meant to be confidential.

[22] I do not find that subsection 21(a) of LA FOIP applies to any of the other records responsive to the first part of the Applicant's request even though SRHA's legal counsel is included in the email exchanges because the three-part test is not met. For example, subsection 21(a) of LA FOIP would not apply to a record just because SRHA's legal counsel is included in the "To" field of an email exchange. Appendix A provides further details on why my office finds why subsection 21(a) of LA FOIP does or does not apply to the records.

3. Did SRHA properly apply subsection 16(1)(b) of LA FOIP?

[23] SRHA indicated it is relying on subsection 16(1)(b) of LA FOIP to refuse the Applicant access to records. It asserted that records contain consultations and deliberations of SRHA employees whose views were sought as to the next steps regarding the Applicant's actions and discipline.

[24] Subsection 16(1)(b) of LA FOIP provides:

16(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(b) consultations or deliberations involving officers or employees of the local authority;

[25] A consultation occurs when the views of one or more officers or employees of the public body are sought as to the appropriateness of a particular proposal or suggested action. A deliberation is a discussion or consideration, by the persons described in the section, of the reasons for and against an action. It refers to discussions conducted with a view towards making a decision.

[26] The two part test that must be met in order for subsection 16(1)(b) of LA FOIP to apply is as follows:

The opinions solicited during a consultation or deliberation must:

- a. Be either sought, expected, or be a part of the responsibility of the person who prepared the records; and
- b. Be prepared for the purpose of doing something, such as taking an action, making a decision or a choice.

[27] The consultations and/or deliberations must involve individuals that are officers or employees of the local authority. Further, subsection 16(1)(b) is not meant to protect the bare recitation of facts. In general, the exemption does not apply to the following:

- that a consultation or deliberation took place at a particular time;
- that particular persons were involved; or
- that a particular topic was involved.

[28] My office reviewed all the responsive records to determine if subsection 16(1)(b) of LA FOIP would apply. My office immediately found that subsection 16(1)(b) does not apply to the majority of the responsive records. For example, the majority of records included facts, and not opinions or views of officers or employees of SRHA. My office did review the following records to determine if subsection 16(1)(b) of LA FOIP would apply based on the two-part test set out above:

Pages 99 to 104 – Email from SRHA Privacy Officer with attached Privacy Incident Overview HC-2016-00229

Pages 190 to 192 – Emails involving SRHA Privacy Officer to set up meeting on December 15, 2015

Pages 205 to 206 – Emails between SRHA Labour Relations, SRHA Legal Counsel, and SRHA Privacy Officer.

Pages 207 to 211 – Email from SRHA Privacy Officer with attached Privacy Incident Overview HC-2016-00229

Pages 214 to 216 – Email involved SRHA Privacy Officer and SRHA Labour Relations with attached typed questions for Meeting with Applicant dated December 4, 2015.

Pages 217 to 219 – Emails between SRHA Privacy Officer, Director and Manager, Community Adult Programs, Mental Health and Addiction Services, informing SRHA Privacy Officer of alleged theft of patient information.

Pages 239 to 252 – Emails between SRHA Privacy, SRHA Legal Counsel, SRHA Labour Relations, and SRHA Human Resources. Attached to the emails is the Privacy Incident Overview.

Pages 267 to 276 – Emails between SRHA Employee Wellness & Accommodations, SRHA Labour Relations, SRHA Mental Health and Addictions, and Labour Relations, and SRHA Privacy Officer about preparing SRHA Privacy Officer for meeting with Applicant.

Pages 326 to 331 – Emails between SRHA Mental Health and Addictions, SRHA Human Resources, SRHA Legal Counsel, SRHA Risk Management, and SHRA Privacy Officer. Attached is Privacy Incident Overview HC-2016-00229

Pages 390 to 391 – Emails between SRHA Mental Health and Addictions and SRHA Labour Relations. Summary of meeting with SRHA Privacy Officer.

Pages 393 to 398 - Emails between SRHA Privacy Officer, SRHA Labour Relations, Director and Manager, Community Adult Programs, Mental Health and Addiction Services, informing SRHA Privacy Officer of alleged theft of patient information.

Pages 399 to 409 - Emails between SRHA Privacy Officer, SRHA Labour Relations, Director and Manager, Community Adult Programs, Mental Health and Addiction Services, informing SRHA Privacy Officer of alleged theft of patient information.

Page 413 – Email from SRHA Privacy Officer to SRHA Labour Relations and Mental Health and Addictions.

Pages 414 to 416 Handwritten notes (unknown author) that reference privacy investigation.

Pages 417 to 418 – Email between SRHA Privacy Officer and SRHA Labour Relations.

Pages 419 to 421 – Handwritten notes (unknown author). References privacy investigation.

Pages 422 –Emails between SRHA Labour Relations , SRHA Privacy Officer, and SRHA Legal Counsel.

Pages 423 to 424 – Handwritten notes (unknown author). References privacy investigation.

Pages 425 to 426 – Emails between SRHA Mental Health and Addictions, SRHA Privacy Officer, SRHA Labour Relations.

Pages 428 to 429 - Handwritten notes that reference privacy investigation. Involves SRHA Privacy Officer and SRHA Legal Counsel.

Pages 430 – Email between SRHA Labour Relations, SRHA Privacy Officer and SRHA Legal Counsel.

Page 433 – Email between SRHA Labour Relations, SRHA Privacy Officer and SRHA Legal Counsel.

Pages 434 to 436 – Email between SRHA Privacy Officer, SRHA Labour Relations, SRHA Mental Health and Addictions.

Page 437 to 442 – Handwritten notes about privacy investigation.

Page 447 to 448 – Emails between SRHA Privacy Officer and SRHA Labour Relations.

Pages 500 to 503 – Emails between SRHA Labour Relations and SRHA Privacy Officer. Preparation for meeting with Principal Investigator.

Page 658 – Email between SRHA Mental Health and Addictions, SRHA Labour Relations. Summary of meeting with SRHA Privacy Officer.

Page 662 – Handwritten notes which references SRHA Privacy Officer.

Page 783 – Handwritten notes which references privacy report.

Page 805 to 808 – Emails between SRHA Labour Relations, SRHA Mental Health and Addictions, and SRHA Privacy Officer. Emails are about preparing SRHA Privacy Officer for meeting with Applicant.

[29] Appendix A summarizes my office's review of the records. My office found that subsection 16(1)(b) of LA FOIP applies to some records. For example, pages 205 and 206 are emails by a SRHA Labour Relations employee. She provides her opinion about how to conduct an interview with the employee. This meets the two part test since 1) as an SRHA Labour Relations employee, it would be expected she provide support on how to conduct investigations involving employees, and 2) her opinion was prepared for the purpose of conducting an investigation with the Applicant.

4. Does SRHA properly apply subsection 14(1)(d) of LA FOIP?

[30] SRHA has indicated it is relying on subsection 14(1)(d) of LA FOIP to refuse the Applicant access to records. Subsection 14(1)(d) of LA FOIP provides:

14(1) A head may refuse to give access to a record, the release of which could:

...

(d) be injurious to the local authority in the conduct of existing or anticipated legal proceedings;

[31] The following criteria must be met in order for subsection 14(1)(d) of LA FOIP to be found to apply:

- i. The proceeding(s) must be existing or anticipated legal proceedings; and
- ii. Disclosure of the records could be injurious to the local authority in the conduct of the existing or anticipated legal proceeding(s).

[32] Legal proceedings are proceedings governed by rules of court or rules of judicial or quasi-judicial tribunals that can result in a judgement of a court or a ruling by a tribunal. Legal proceedings include all proceedings authorized or sanctioned by law, and brought or instituted in a court or legal tribunal, for the acquiring of a right or enforcement remedy. To qualify for this exemption, the legal proceedings must be “existing or anticipated”.

[33] SRHA did not specify precisely which portions of which records upon which it was applying subsection 14(1)(d) of LA FOIP. Based on its submission, though, I presume it was intending to withhold all responsive records pursuant to subsection 14(1)(d) of LA FOIP. SRHA asserts that it had disclosed its Privacy Incident Overview HC-2016-00229 to the Applicant and his union already and that it would disclose information related to the investigation during the arbitration hearing:

During the arbitration hearing both parties will disclose information relating to the investigation in keeping with the quasi-judicial tribunal’s normal processes as governed by The Saskatchewan Trade Union Act and HSAS’s collective agreement.

[34] Based on the above, an arbitration hearing between the union representing the Applicant and SRHA will take place once an arbitrator qualifies as a legal proceeding. Therefore, I find that the first part of the test is met.

[35] For the second part of its test, SRHA argued that the disclosure of records would be injurious to it by applying the harms test. The harms test is as follows:

- There must be a clear cause and effect relationship between the disclosure and the harm which is alleged,
- The harm caused by the disclosure must be more than trivial or inconsequential, and
- The likelihood of harm must be genuine and conceivable.

[36] SRHA argued that disclosing records in response to the Applicant's access to information request, and outside of the arbitration process, would give the Applicant an unfair advantage. It argued that using LA FOIP to gain access to records, records which will come at the "appropriate time during the arbitration, is an abuse of LA FOIP and is not within LA FOIP's intended use." It argued that it is trying to uphold the consequence against the Applicant, who was found to have enabled unauthorized access to personal health information, and if it prematurely releases evidence, the consequence against the Applicant will not stay.

[37] Further, SRHA argues that releasing records in response to the Applicant's access to information request would not be in keeping with subsection 4(a) of LA FOIP, which provides:

4 This Act:

(a) complements and does not replace existing procedures for access to information or records in the possession or under the control of a local authority;

[38] SRHA concluded that the Applicant will receive "evidence during the appropriate time leading up to and during the Arbitration Hearing". If SRHA knows that the Applicant will receive the records in another process, then the issue is merely timing.

[39] SRHA's argument that the Applicant gaining access to records prior to the time he will receive records during the arbitration process is not enough to demonstrate there will be

harm to SRHA in the upcoming arbitration hearing. The injury should be above and beyond any prejudice that relates to the production of a relevant non-privileged document in the usual course of a legal proceeding. The Applicant receiving the records before he receives the records through the arbitration process is not injurious at all.

[40] Access to information under LA FOIP is independent of any discovery or disclosure provisions in a legal proceeding. The Applicant's right to access to information under LA FOIP is not muted because there is an upcoming arbitration hearing. His right of access under LA FOIP remains.

[41] I find that subsection 14(1)(d) of LA FOIP does not apply.

5. Did SRHA conduct an adequate search for records for the second part of the Applicant's request?

[42] The Applicant sought records related to SRHA's Privacy Incident Overview Report HC-2016-00294 in the second part of his access to information request. My office had obtained a copy of this report for the purposes of my office's Investigation Report 007-2016.

[43] Within SRHA's Privacy Incident Overview Report HC-2016-00294, SRHA's Privacy Officer outlined the process she undertook to investigate the matter. The process included:

- the Applicant submitting his privacy complaint to SRHA,
- SRHA speaking with the Applicant by telephone,
- SRHA meeting with the Applicant, and
- SRHA speaking with the Manager.

[44] Based on the above process, if there are responsive records, then the records should detail the above. For example, there may be records documenting SRHA speaking with the Applicant by telephone.

- [45] In its submission, SRHA advised that it had provided the Applicant with a copy of the handwritten notes dated August 6, 2015. The handwritten notes were based on the meeting between SRHA and the Applicant. Further, I note that in a letter dated June 15, 2016, SRHA sent a letter to the Applicant which enclosed email communication between SRHA's email communication regarding the privacy investigation and the Privacy Officer's notes she took during her meeting with the Applicant.
- [46] Based on the submission and the letter dated June 15, 2016, my office initially found that SRHA had not demonstrated that it had conducted an adequate search for records. Therefore, SRHA conducted a second search for records and identified 15 pages of additional responsive records. These records are about the Applicant's privacy complaint and were stored in SRHA's Privacy and Access Department's electronic database.
- [47] SRHA severed a portion of the second page (out of 15 pages) pursuant to subsection 21(a) of LA FOIP. The test for subsection 21(a) of LA FOIP is at paragraph [18]. I find that subsection 21(a) applies to the severed portion because 1) it contains communication between SRHA's Privacy Officer and SRHA's legal counsel, 2) SRHA's Privacy Officer sought legal advice from SRHA's legal counsel, and 3) the nature of the contents would imply that the legal advice provided was meant to be confidential.
- [48] SRHA also severed portions of the 12th page (out of 15 pages) pursuant to subsection 16(1)(b) of LA FOIP. This 12th page is a duplicate of emails that are responsive to the first part of the Applicant's request, including pages 218, 402, 404 and 406. I have already found that subsection 16(1)(b) of LA FOIP applies to portions of the emails. SRHA's severing of this 12th page is consistent with the severing of the emails that are responsive to the first part of the Applicant's request.
- [49] I find that SRHA has now conducted an adequate search for records. I recommend that SRHA release these additional records to the Applicant.

IV FINDINGS

- [50] I find the records dated after December 22, 2015 and onwards to be non-responsive.

- [51] I find that the records listed in Appendix A are responsive records.
- [52] I find that subsection 21(a) of LA FOIP applies to pages 240, 241, 242, 243, 244, 243, 424, 428, and 429.
- [53] I find that subsection 16(1)(b) of LA FOIP applies to a portion (or all) of pages 101 to 104, 205, 206, 208 to 211, 218, 239, 327 to 331, 400, 402, 404, 406, 414, 418, 422, 425, 430, 433, 447, 500, 503.
- [54] I find that SRHA has not demonstrated that subsection 14(1)(d) of LA FOIP applies to the records.
- [55] I find that SRHA has conducted an adequate search for records.

V RECOMMENDATIONS

- [56] I recommend that SRHA sever the records based on my office's findings and release the remainder of the records to the Applicant.
- [57] I recommend that SRHA release the additional records described in paragraph [46].

Dated at Regina, in the Province of Saskatchewan, this 30th day of September, 2016.

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

Appendix A

Responsive records	Subsection 21(a) of LA FOIP	Subsection 16(1)(b) of LA FOIP	Non-responsive
Pages 1 to 10 – Handwritten notes by SRHA Privacy Officer			Portions of pages 2 and 3 are non-responsive. These portions contain handwritten notes that relate to matters that are separate from the Applicant.
Page 11 to 12 – Typed notes dated December 18, 2015 for meeting with Principal Investigator of research			
Page 13 – Screenshot of SRHA’s Privacy Officer’s Outlook Calendar for August 6, 2015			
Pages 14 to 17 – Typed notes dated December 16, 2015 for meeting with Applicant.			
Pages 18 to 19 - Typed notes dated December 18, 2015 for meeting with Principal Investigator of research			
Pages 23 to 36 – Privacy Incident Overview HC-2016-00229, including Appendices			

<p>Pages 99 to 104 – Email from SRHA Privacy Officer with attached Privacy Incident Overview HC-2016-00229</p>		<p>Based on an email on pages 99 and 100, subsection 16(1)(b) of LA FOIP applies to pages 101 to 104. The SRHA Privacy Officer is seeking the views of other SRHA employees regarding the appropriateness of the contents of the draft privacy incident overview prior to finalizing the report.</p>	
<p>Pages 190 to 192 – Emails involving SRHA Privacy Officer to set up meeting on December 15, 2015</p>		<p>16(1)(b) of LA FOIP does not apply. Union representative seeks SRHA’s Privacy Officer’s position on a matter. 16(1)(b) of LA FOIP only applies to consultations/deliberations among officers/employees of local authority</p>	
<p>Pages 205 to 206 – Emails between SRHA Labour Relations, SRHA Legal Counsel, and SRHA Privacy Officer.</p>	<p>Subsection 21(a) does not apply because SRHA’s legal counsel is merely included in the email exchange but he does not provide any legal advice.</p>	<p>Subsection 16(1)(b) of LA FOIP applies because contents qualify as a consultation about how to conduct interview with Applicant. The views of SRHA labour relation employees are sought regarding an interview to be conducted as part of privacy investigation.</p>	
<p>Pages 207 to 211 – Email from SRHA Privacy Officer with attached Privacy Incident Overview HC-2016-00229</p>		<p>Based on an email on page 207, subsection 16(1)(b) of LA FOIP applies to pages 208 to 211. The SRHA Privacy Officer is seeking the views of other SRHA employees regarding the appropriateness of the contents of the draft privacy incident overview prior to finalizing the report.</p>	
<p>Pages 214 to 216 –</p>		<p>16(1)(b) of LA FOIP does not</p>	

<p>Email involved SRHA Privacy Officer and SRHA Labour Relations with attached typed questions for Meeting with Applicant dated December 4, 2015.</p>		<p>apply. The contents of the record do not contain a consultation or deliberation.</p>	
<p>Page 217 to 219 – Emails between SRHA Privacy Officer, Director and Manager, Community Adult Programs, Mental Health and Addiction Services, informing SRHA Privacy Officer of alleged theft of patient information.</p>		<p>Subsection 16(1)(b) of LA FOIP applies to a portion of page 218. The email otherwise contains recitation of facts. The redacted portions are opinions of SRHA employees regarding how to deal with the Applicant’s complaint.</p>	
<p>Pages 239 to 252 – Emails between SRHA Privacy, SRHA Legal Counsel, SRHA Labour Relations, and SRHA Human Resources. Attached to the emails is the Privacy Incident Overview.</p>	<p>Subsection 21(a) of LA FOIP applies to a portion of email on page 240 because it describes SRHA’s legal counsel’s advice on how to revise SRHA’s privacy investigation Report. Subsection 21(a) of LA FOIP applies to the draft of the Privacy Incident Overview on pages 241 to 244.</p>	<p>Subsection 16(1)(b) of LA FOIP applies to a portion of page 239 because it is a view of a SRHA employee regarding how to discipline the Applicant.</p> <p>Subsection 16(1)(b) of LA FOIP applies to the draft Investigation Report. SRHA employees are seeking the views of other SRHA employees regarding the appropriateness of the contents of the draft privacy incident overview prior to finalizing the report.</p>	
<p>Pages 267 to 276 – Emails between SRHA Employee Wellness & Accommodations, SRHA Labour Relations, SRHA Mental Health and</p>			<p>Portions of pages 267 to 274 are non-responsive. These portions deal with</p>

<p>Addictions, and Labour Relations, and SRHA Privacy Officer about preparing SRHA Privacy Officer for meeting with Applicant.</p>			<p>matters related to labour relations, and not the privacy investigation.</p>
<p>Pages 326 to 331 – Emails between SRHA Mental Health and Addictions, SRHA Human Resources, SRHA Legal Counsel, SRHA Risk Management, and SHRA Privacy Officer. Attached is Privacy Incident Overview HC-2016-00229</p>	<p>Subsection 21(a) of LA FOIP does not apply because it does not contain a legal opinion.</p>	<p>Based on an email on page 326, subsection 16(1)(b) of LA FOIP applies to pages 327 to 331. The SRHA Privacy Officer is seeking the views of other SRHA employees regarding the appropriateness of the contents of the draft privacy incident overview prior to finalizing the report.</p>	
<p>Pages 390 to 391 – Emails between SRHA Mental Health and Addictions and SRHA Labour Relations. Summary of meeting with SRHA Privacy Officer.</p> <p>Pages 393 to 398 - Emails between SRHA Privacy Officer, SRHA Labour Relations, Director and Manager, Community Adult Programs, Mental Health and Addiction Services, informing SRHA Privacy Officer of alleged theft of patient information.</p>		<p>Subsection 16(1)(b) of LA FOIP does not apply. The contents do not contain consultations or deliberations.</p>	
<p>Pages 399 to 409 - Emails between SRHA Privacy Officer, SRHA</p>		<p>Subsection 16(1)(b) of LA FOIP applies to a portion of page 400 because it contains</p>	

<p>Labour Relations, Director and Manager, Community Adult Programs, Mental Health and Addiction Services, informing SRHA Privacy Officer of alleged theft of patient information.</p>		<p>an opinion of a SRHA employee regarding how to deal with the Applicant's complaint.</p> <p>Subsection 16(1)(b) of LA FOIP also applies to portions of emails on pages 402, 404, and 406. The redacted portions are opinions of SRHA employees regarding how to deal with the Applicant's complaint.</p>	
<p>Page 413 – Email from SRHA Privacy Officer to SRHA Labour Relations and Mental Health and Addictions.</p>		<p>Subsection 16(1)(b) of LA FOIP does not apply because it does not contain a consultation or deliberation.</p>	
<p>Pages 414 to 416 Handwritten notes of Labour Relations Consultant that reference privacy investigation.</p>		<p>Subsection 16(1)(b) of LA FOIP applies to a portion of page 414. The contents reflect deliberations between two SRHA employees regarding a particular action.</p>	
<p>Pages 417 to 418 – Email between SRHA Privacy Officer and SRHA Labour Relations.</p>		<p>Subsection 16(1)(b) of LA FOIP applies to page 418 because it contains a consultation between SRHA employees for the purpose of drafting the Privacy Incident Overview Report.</p>	
<p>Pages 419 to 421 – Handwritten notes (unknown author). References privacy investigation.</p>		<p>Subsection 16(1)(b) of LA FOIP does not apply because it does not contain a consultation or deliberation.</p>	
<p>Pages 422 –Emails between SRHA Labour Relations , SRHA Privacy Officer, and SRHA Legal Counsel.</p>	<p>Subsection 21(a) of LA FOIP does not apply because it does not contain any legal advice.</p>	<p>Subsection 16(1)(b) of LA FOIP applies to a portion of page 422 because it is a view of a SRHA employee regarding how to discipline the Applicant.</p>	

<p>Pages 423 to 424 – Handwritten notes (unknown author). References privacy investigation.</p>	<p>Subsection 21(a) of LA FOIP applies to portions of record on pages 423 and 424. These portions details SRHA’s legal counsel’s opinion.</p>		
<p>Pages 425 to 426 – Emails between SRHA Mental Health and Addictions, SRHA Privacy Officer, SRHA Labour Relations.</p>		<p>Subsection 16(1)(b) of LA FOIP applies to portions of Page 425. These portions reflect consultations between SRHA’s Privacy Officer and other SRHA employees regarding a suggested action.</p>	
<p>Pages 428 to 429 – Handwritten notes that reference privacy investigation. Involves SRHA Privacy Officer and SRHA Legal Counsel.</p>	<p>Subsection 21(a) of LA FOIP applies to pages 428 and 429.</p>		
<p>Pages 430 – Email between SRHA Labour Relations, SRHA Privacy Officer and SRHA Legal Counsel.</p>	<p>Subsection 21(a) of LA FOIP does not apply because it does not contain any legal advice.</p>	<p>Subsection 16(1)(b) of LA FOIP applies because contents qualify as a consultation about how to conduct interview with Applicant. The views of SRHA labour relation employees are sought regarding an interview to be conducted as part of privacy investigation.</p>	
<p>Page 433 – Email between SRHA Labour Relations, SRHA Privacy Officer and SRHA Legal Counsel.</p>	<p>Subsection 21(a) of LA FOIP does not apply because it does not contain any legal advice.</p>	<p>Subsection 16(1)(b) of LA FOIP applies because contents qualify as a consultation about how to conduct interview with Applicant. The views of SRHA labour relation employees are sought regarding an interview to be conducted as part of privacy</p>	

		investigation.	
Pages 434 to 436 – Email between SRHA Privacy Officer, SRHA Labour Relations, SRHA Mental Health and Addictions.		Subsection 16(1)(b) of LA FOIP does not apply because the contents do not contain consultations or deliberations.	
Page 437 to 442 – Handwritten notes about privacy investigation.		Appears to be meeting notes that involved the Applicant. Subsection 16(1)(b) does not apply because there does not appear to be consultations or deliberations	
Page 447 to 448 – Emails between SRHA Privacy Officer and SRHA Labour Relations.		Subsection 16(1)(b) of LA FOIP applies to a portion of page 447. Contains an employee’s suggested course of action and possible consequence of suggested course of action.	Portions of page 447 is non- responsive. These portions deal with matter related to the discipline of another employee.
Page 459 to 465 – Draft of Privacy Incident Overview HC-2016- 00229			
Pages 500 to 503 – Emails between SRHA Labour Relations and SRHA Privacy Officer. Preparation for meeting with Principal Investigator.		Subsection 16(1)(b) of LA FOIP applies to portions of page 500. These portions contain consultations between SRHA employees regarding the appropriateness of a briefing note. Subsection 16(1)(b) of LA FOIP applies to portions of pages 502 and 503 as it is a part of a deliberation (or	

		discussion) among SRHA employees on how to conduct an interview.	
Pages 542 to 556 – SRHA Privacy and Confidentiality Policy and Procedures			
Pages 559 to 573 – SRHA Privacy and Confidentiality Policy and Procedures			
Page 658 – Email between SRHA Mental Health and Addictions, SRHA Labour Relations. Summary of meeting with SRHA Privacy Officer.		Subsection 16(1)(b) of LA FOIP does not apply because it does not contain consultations or deliberations.	
Page 662 – Handwritten notes which references SRHA Privacy Officer.		Subsection 16(1)(b) of LA FOIP does not apply because it does not contain consultations or deliberations.	
Page 783 – Handwritten notes which references privacy report.		Subsection 16(1)(b) of LA FOIP does not apply because it does not contain consultations or deliberations.	
Page 805 to 808 – Emails between SRHA Labour Relations, SRHA Mental Health and Addictions, and SRHA Privacy Officer. Emails are about preparing SRHA Privacy Officer for meeting with Applicant.		Subsection 16(1)(b) of LA FOIP does not apply. The contents are facts about the Applicant and the next steps on the labour relations and privacy investigations.	Portions of pages 805 to 808 are non-responsive. These portions deal with matters related to labour relations, and not the privacy investigation.
Pages 836 to 838 –			

Handwritten notes about meeting with Principal Investigator on December 18, 2015.			
Pages 839 to 840 - Typed notes dated December 18, 2015 for meeting with Principal Investigator of research			
Pages 841 to 845 – Blank/unsigned SRHA Confidentiality Agreement			
Pages 895 to 904 – Copy of Privacy Incident Overview.			