

**SASKATCHEWAN
INFORMATION AND PRIVACY COMMISSIONER**

REVIEW REPORT 122-2013

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) as its reason to withhold the record in its entirety. The Applicant appealed to the Information and Privacy Commissioner (IPC). The IPC found that only some portions, not all, qualified as personal information and could be withheld pursuant to subsection 28(1) of LA FOIP. The IPC recommended that the Village sever personal information from the record and release the remainder to the Applicant.

I BACKGROUND

[1] The Applicant submitted the following access to information request to the Village of Pierceland (the Village):

Copies of: Jan 2013 – June 2013 Bank Statements include all copies of cancelled cheques that accompany each statement

[2] The Village relied on subsections 23(1)(j) and 23(1)(k)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). In its submission to my office, the Village clarified it was relying on subsection 28(1) of LA FOIP to withhold the records.

II RECORDS AT ISSUE

[3] There are seventy pages that are responsive to the Applicant's requests. There are six bank statements (one for each month from January 2013 to June 2013). The bank statements feature mainly a five column table. The first column is the date of a transaction, the second column is a description of the transaction, the third column is the debit/interest amount taken

from the account, the fourth column is credit/principal amount, and the fifth column is the balance. Attached to each bank statement are copies of related cheques that are referenced in each statement.

[4] The Village withheld all seventy pages in their 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 subsections 23(1)(j) and 23(1)(k)(i) of LA FOIP, which are 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:

...

(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;

[8] The bank statements do not appear to contain any sort of information of an identifiable individual that is of a personal nature. It merely details transactions of the Villages’ chequing account.

[9] The copies of cheques that are attached to each bank statement are cheques made out to businesses, organizations, and individuals. The cheques to businesses or organizations do not qualify as personal information as defined by subsection 23(1).

[10] The cheques to individuals, though, require closer attention. The Village does not provide any information about who these individuals are. If they are private individuals, then the name and personal mailing address of these individuals should be severed out under subsection 28(1) of LA FOIP. Once the name and mailing address on the cheque is severed, it would seem the cheque is sufficiently de-identified so the dollar amount of the cheque can still be released.

[11] If the cheques are made out to employees or contractors of the Village to pay salary or a discretionary benefit to the employee, then the amount being paid to the employee or contractor would not qualify as personal information according to subsection 23(2)(a) of LA FOIP which provides as follows:

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;

[12] The personal mailing address on cheques made to employees or contractors, though, would qualify as personal information as defined by subsection 23(1). Such information should be severed out under subsection 28(1) of LA FOIP.

IV FINDINGS

[13] I find that subsection 28(1) of LA FOIP applies to some portions of the responsive records but not all.

V RECOMMENDATIONS

[14] I recommend that the Village release the 70 pages of responsive records that are responsive to the Applicant’s request but withhold any private individuals’ names and addresses and employees’ personal mailing addresses pursuant to subsection 28(1) of LA FOIP.

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

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