



Office of the
Saskatchewan Information
and Privacy Commissioner

INVESTIGATION REPORT 285-2016

Saskatchewan Government Insurance

February 3, 2017

Summary: The Complainant alleged that an employee of Saskatchewan Government Insurance (SGI) accessed her personal information inappropriately. The Office of the information and Privacy Commissioner (IPC) was unable to determine whether a privacy breach occurred. The IPC recommended that SGI implement a solution that would enable it to determine with more certainty whether an employee's access was for legitimate business purposes or not.

I BACKGROUND

[1] The Complainant alleged that an employee of Saskatchewan Government Insurance (SGI), who is also a long-time acquaintance of the Complainant, inappropriately accessed the Complainant's personal information. She alleged that the employee also shared information from the claim file with mutual friends.

[2] The Complainant requested that SGI investigate the matter. SGI ran an audit of its Government Insurance System (GIS) and found that the employee accessed the Complainant's claim file on May 13, 2016. The employee asserted that the reason why she accessed the Complainant's claim file was because the Complainant called and inquired about her claim file. Since the adjuster who was assigned to the Complainant was absent on May 13, 2016, the employee took the inquiry. According to its internal investigation report, the employee looks after the adjuster's files when the adjuster is

away from the office and vice-versa. SGI concluded that there is no evidence that the Complainant's personal information was inappropriately accessed.

- [3] The Complainant was dissatisfied with SGI's response. The Complainant asserted that she did not make an inquiry to SGI on May 13, 2016. She submitted a complaint to my office. On December 13, 2016, my office notified both the Complainant and SGI that it would be undertaking an investigation.

II DISCUSSION OF THE ISSUES

- [4] SGI is a "government institution" as defined in subsection 2(1)(d)(ii) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

1. Is personal information involved in this matter?

- [5] Subsection 24(1) of FOIP defines personal information as follows:

24(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:

...

(d) any identifying number, symbol or other particular assigned to the individual, other than the individual's health services number as defined in *The Health Information Protection Act*;

(e) the home or business address, home or business telephone number or fingerprints of the individual;

...

(k) the name of the individual where:

(i) it appears with other personal information that relates to the individual;

- [6] According to SGI, the employee would have been able to view the Complainant's name, address, claim information, vehicle information, customer number, estimate of damage, photos, file notes and any attachments to the file. I find that the information would qualify as personal information under FOIP.

2. Was there “use” of the Complainant’s personal information without authority?

[7] The activity at issue in this case is the “use” of the Complainant’s personal information. “Use” is the internal utilization of personal information by the government institution. An example of a “use” is when an employee of the government institution views an individual’s personal information that is stored on an electronic system.

[8] Section 28 of FOIP establishes the rules around a government institution’s use of personal information as follows:

28 No government institution 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 government institution pursuant to subsection 29(2).

[9] As noted earlier, the employee said the reason she accessed the Complainant’s personal information on May 13, 2016 was so she could respond to an inquiry by the Complainant. The Complainant’s adjuster was absent that day so she took the inquiry. She did not record a note to file because that is not standard practice when responding to an “informal” inquiry. According to SGI’s internal investigation report, the employee reported to the Complainant’s adjuster that she took an inquiry from the Complainant but that she did not want any further involvement in the Complainant’s claim file. In the course of SGI’s internal investigation into the matter, the adjuster confirmed that he had such a conversation with the employee.

[10] The Complainant argued that she did not make an inquiry with SGI on May 13, 2016. She provided my office with a copy of her and her husband’s telephone records to demonstrate she did not call SGI on May 13, 2016. Based on a review of the telephone records, it does not appear she called SGI from her or her husband’s mobile phones on May 13, 2016. However, that is not to say she did not contact SGI from a telephone apart from her or her husband’s mobile phones.

- [11] The Complainant also provided my office with a copy of messages she exchanged with the employee on Facebook on June 6, 2016 and June 7, 2016. The Complainant initiated the exchange by asking the employee if the employee knew anything about her claim file. The employee responded by saying she does not “have any idea what is going on with [the Complainant’s] claim” and that the Complainant should contact her adjustor instead.
- [12] The Complainant had originally forwarded the Facebook messages to SGI for its internal investigation to make the point that since the employee declined to help, then the employee should not have had access to her claim file.
- [13] It is difficult to determine whether the employee accessed the Complainant’s file for a legitimate purpose or not. There is not enough evidence for me to conclude that the employee accessed the Complainant’s file for an illegitimate purpose. I find that the complaint is not well-founded.
- [14] In my office’s Investigation Report 189-2015, a similar complaint was investigated. That case dealt with an employee’s access to SGI’s Auto Fund database. My office recommended to SGI that it explore solutions that will enable it to determine with more certainty whether employees’ accesses are legitimate purposes and advise my office of its conclusions. SGI responded to the recommendation in a letter dated June 7, 2016 by saying it is still in discussions with the business area regarding the monitoring of employee access. SGI said it would provide a response to my office “within the next few months”. My office did not receive any further correspondence.
- [15] In the course of this investigation, my office recommended that SGI implement a solution that will enable it to determine with more certainty whether an employee’s accesses are for legitimate purposes. This may include making it a standard practice for SGI employees to record a note to file every time it accesses an individual’s claim file. In a letter dated February 2, 2017 to my office, SGI indicated that the business area that accesses customer information through SGI’s claims database will implement a policy that requires staff to make a note to file each and every time there is a conversation concerning the file.

III FINDING

[16] I find that the complaint is not well-founded.

IV RECOMMENDATION

[17] I recommend that SGI follow through with the implementation of the policy described in paragraph [15].

Dated at Regina, in the Province of Saskatchewan, this 3rd day of February, 2017.

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