

## Instructions

There are three parts to this Privacy Impact Assessment (PIA). The first part will provide general instructions as to the purpose of this PIA and how it is to be used. The second section contains the questions that need to be considered in the PIA. These questions are divided into three separate sections:

### **Questions Dealing with Compliance to The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)**

These questions deal directly with compliance to LA FOIP. In addition to the questions, further details (i.e. wording of the legislation) can be easily navigated to.

[click here to view these questions](#)

### **Questions Dealing with Organizational Privacy Practices**

Additional Questions addressing organizational privacy practices. These questions address best practices above and beyond that which is required by legislation.

[click here to view these questions](#)

### **Questions Dealing with Program/Project Privacy Practices**

This set of questions may be used to address a specific project or program.

[click here to view these questions](#)

The third and final section contains additional details associated with the questions found in the PIA. These details may include references to The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP), examples, and any other appropriate resources

Please note that “navigational links” are found throughout this document. These links allow the reader to jump to specific sections of the document and then easily return to where they had originated. The links in the electronic version of this document are:

- From the Instructions section to the appropriate PIA questions (and vice-versa)
- From the PIA questions to the “Details” section (and vice-versa)

## Questions Dealing with Compliance to LA FOIP

[Return to Instructions](#)

### Definition of personal information & authorization to collect, use, and disclose

- Is personal information being collected? **LA FOIP Section 23** [details](#)
- What personal information is being collected?
- Is the organization recognized as a “local municipality” (LA FOIP) and accountable under the legislation for the collection, use, and disclosure of personal information? **LA FOIP 2(f)** [details](#)

### Access of Individuals to Personal Information for Amendment and Review

- Are policies and procedures in place to accommodate individual requests for access to personal information? **LA FOIP Section 30(1)** [details](#)
- Are there policies and procedures in place to, when appropriate, deny an individual request for access to personal health information? **LA FOIP Section 30(2), (3)** [details](#)
- Are there procedures in place to correct an individual's personal information, if requested? **LA FOIP Section 31 (1), (2)** [details](#)
- Are there policies and procedures in place to ensure that personal information is as accurate and complete as possible? **LA FOIP Section 26** [details](#)

### Limits on Collection, Use, and Disclosure

- Is personal information collected for a program, activity, or service that will be of benefit to the subject individual? **LA FOIP Section 24** [details](#)
- Is personal information being collected directly from the individual? In the situation(s) where personal health information is NOT collected directly from the individual, is it collected in a manner allowed by legislation? **LA FOIP Section 25(1)** [details](#)
- Will individuals be informed as to the anticipated uses and/or disclosures of their personal information? **LA FOIP Section 25(2)** [details](#)
- Is personal information being used for its originally prescribed purpose? If not, has consent been obtained to use the information in a different manner than originally intended? **LA FOIP Section 27** [details](#)
- Will consent be contained by the individual before the disclosure of personal information? **LA FOIP Section 28(1)** [details](#)
- In the event that consent is not obtained for the disclosure of personal information, will disclosure(s) be made in accordance with situations approved by legislation? **LA FOIP Section 28(2)** [details](#)
- Are there policies and procedures in place to accommodate the disclosure of personal information belonging to a person that is deceased? **LA FOIP Section 29** [details](#)

# Questions Dealing with Organizational Privacy Practices

[Return to Instructions](#)

## Organizational Governance

- Is there an organizational strategic plan or business plan that clearly addresses privacy protection?
- Does a written privacy charter or policy exist?
- Have privacy guidelines been developed for various aspects of the organization's operations?
- Is there an appointed privacy director or champion within the organization?
- Does a management reporting process exist to ensure that management is informed of any privacy compliance issues?
- Is senior management actively involved in the development, implementation and/or promotion of privacy measures within the organization?
- Is it understood in the organization that the Head is accountable for compliance with access and privacy legislation, and that any delegation of powers and duties should be formally recorded?
- Are there written organizational policies and procedures that define the responsibility for protecting personal information/personal health information?

## Human Resource Practices

- Do employees with access to personal information/personal health information receive training related to privacy legislation as well as organizational privacy policies and practices?
- Is an employee within the organization formally designated responsibility for the daily administration of privacy compliance? Is the identity of the individual known throughout the organization?
- Is there a list of the staff positions or categories that use this personal information/personal health information?
- Do staff receive ongoing training about security policies and procedures, and are they made aware of the importance of security and confidentiality on an ongoing basis?
- Can individuals within the organization obtain information about privacy policies and procedures with reasonable ease?

## Privacy Controls and Security

- Have security procedures for the collection, transmission, storage, and disposal of personal information/personal health information, and access to it, been documented?
- Is there an audit trail maintained to document when and by whom a file or record was created, updated, or viewed?

- Does staff maintain a disclosure log or audit trail of:
  - i. What information has been disclosed
  - ii. The recipient
  - iii. Purpose and authority for the disclosure
- Are access logs and audit trails reviewed on a regular basis?
- Are there written information security policies including a definition of roles and responsibilities and sanctions for breaches of policy?
- Are there security measures in place for personal information/personal health information regardless of media format?
- Is access to personal information/personal health information regularly monitored and audited?
- Are users assigned unique user identifications and passwords for access to personal information/personal health information and are passwords changed regularly?
- Are access privileges revoked promptly when required (e.g. when an employee leaves or moves)?
- Are external providers of information management or technology services covered by written agreements dealing with risks including unauthorized access, use, disclosure, retention, and destruction or alteration as a best practice?

## Questions Dealing with Program/Project Privacy Practices

[Return to Instructions](#)

- Has a listing of all personal information/personal health information or data elements to be collected, used or disclosed in the project/program been prepared?
- Is there a detailed description of the type of personal information/personal health information collected for this project/program?
- Have diagrams been prepared depicting the flow of personal information for this project/program?
- Are there physical, administrative and technical controls that limit access to identifiable personal information/personal health information to those who have a need to know?
- Have documents been prepared showing which persons, positions or employee categories will have access to which personal information/personal health information?
- Is the least amount of personal information/personal health information collected and used to meet the stated purpose?
- Will personal information/personal health information collected or used in this project/program be disclosed to any persons who are not employees of the responsible organization?

## Definition of personal health information & authorization to collect, use, and disclose

### LA FOIP Section 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:

- (a) information that relates to the race, creed, religion, colour, sex, sexualorientation, family status or marital status, disability, age, nationality,ancestry or place of origin of the individual;
- (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;
- (c) information that relates to health care that has been received by the individual or to the health history of the individual;
- (d) any identifying number, symbol or other particular assigned to the individual;
- (e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;
- (f) the personal opinions or views of the individual except where they are about another individual;
- (g) correspondence sent to a local authority by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;
- (h) the views or opinions of another individual with respect to the individual;
- (i) information that was obtained on a tax return or gathered for the purpose of collecting a tax;
- (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; or
  - (ii) the disclosure of the name itself would reveal personal information about the individual.

(1.1) On and after the coming into force of subsections 4(3) and (6) of *The Health Information Protection Act*, with respect to a local authority that is a trustee as defined in that Act, “**personal information**” does not include information that constitutes personal health information as defined in that Act.

(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;
- (b) the personal opinions or views of an individual employed by a local authority given in the course of employment, other than personal opinions or views with respect to another individual;
- (c) financial or other details of a contract for personal services;
- (d) details of a licence, permit or other similar discretionary benefit granted to an individual by a local authority;
- (e) details of a discretionary benefit of a financial nature granted to an individual by a local authority;
- (f) expenses incurred by an individual travelling at the expense of a local authority;
- (g) the academic ranks or departmental designations of members of the faculties of the University of Saskatchewan or the University of Regina; or
- (h) the degrees, certificates or diplomas received by individuals from the Saskatchewan Institute of Applied Science and Technology, the University of Saskatchewan or the University of Regina.

(3) Notwithstanding clauses (2)(d) and (e), “**personal information**” includes information that:

- (a) is supplied by an individual to support an application for a discretionary benefit; and
- (b) is personal information within the meaning of subsection (1). [return to question](#)

## LA FOIP Section 2(f)

(f) “local authority” means:

- (i) a municipality;
- (ii) **Repealed.** 2002, c.C-11.1, s.389.
- (iii) **Repealed.** 2002, c.C-11.1, s.389.
- (iv) a committee of a council of a municipality;
- (v) any board, commission or other body that:
  - (A) is appointed pursuant to *The Cities Act*, *The Urban Municipality Act, 1984*, *The Rural Municipality Act, 1989* or *The Northern Municipalities Act*; and
  - (B) is prescribed;
- (vi) the board of a public library within the meaning of *The Public Libraries Act, 1984*;
- (vii) the Northern Library Office established pursuant to *The Public Libraries Act, 1984*;
- (viii) any board of education or conseil scolaire within the meaning of *The Education Act*;
- (ix) a regional college within the meaning of *The Regional Colleges Act*, other than the Saskatchewan Indian Community College;
- (x) the Saskatchewan Institute of Applied Science and Technology;
- (xi) the University of Saskatchewan, including Saint Thomas More College;
- (xii) the University of Regina, including:
  - (A) Campion College; and
  - (B) Luther College with respect to its post-secondary level activities;
- (xiii) a regional health authority or an affiliate, as defined in *The Regional Health Services Act*;
- (xiv) **Repealed.** 2002, c.R-8.2, s.83.
- (xv) a special-care home within the meaning of *The Housing and Special-care Homes Act*;
- (xvi) **Repealed.** 2002, c.R-8.2, s.83.
- (xvii) any board, commission or other body that:
  - (A) receives more than 50% of its annual budget from the Government of Saskatchewan or a government institution; and
  - (B) is prescribed; [return to question](#)

## Access of Individuals to Personal Information for Amendment and Review

### LA FOIP Section 30

(1) Subject to Part III and subsections (2) and (3), an individual whose personal information is contained in a record in the possession or under the control of a local authority has a right to, and:

- (a) on an application made in accordance with Part II; and
- (b) on giving sufficient proof of his or her identity;

shall be given access to the record. [return to question](#)

### LA FOIP Section 30(2), (3)

(2) A head may refuse to disclose to an individual personal information that is evaluative or opinion material compiled solely for the purpose of determining the individual’s suitability, eligibility or qualifications for employment or for the awarding of contracts and other benefits by the local authority, where the information is provided explicitly or implicitly in confidence.

(3) The head of the University of Saskatchewan or the University of Regina may refuse to disclose to an individual personal information that is evaluative or opinion material compiled solely for the purpose of:

- (a) determining the individual’s suitability for:
  - (i) appointment, promotion or tenure as a member of the faculty of the University of Saskatchewan or the University of Regina;
  - (ii) admission to an academic program; or
  - (iii) receipt of an honour or award; or
- (b) evaluating the individual’s research projects or materials for publication;

where the information is provided explicitly or implicitly in confidence. [return to question](#)

## **LA FOIP Section 31 (1), (2)**

**(1)** An individual who is given access to a record that contains personal information with respect to himself or herself is entitled:

(a) to request correction of the personal information contained in the record if the person believes that there is an error or omission in it; or

(b) to require that a notation be made that a correction was requested but not made.

**(2)** Within 30 days after a request pursuant to clause (1)(a) is received, the head shall advise the individual in writing that:

(a) the correction has been made; or

(b) a notation pursuant to clause (1)(b) has been made. [return to question](#)

## **LA FOIP Section 26**

**26** A local authority shall ensure that personal information being used by the local authority for an administrative purpose is as accurate and complete as is reasonably possible. [return to question](#)

## **Limits on Collection, Use, and Disclosure**

### **LA FOIP Section 24**

No local authority shall collect personal information unless the information is collected for a purpose that relates to an existing or proposed program or activity of the local authority. [return to question](#)

### **LA FOIP Section 25(1)**

**(1)** A local authority shall, where reasonably practicable, collect personal information directly from the individual to whom it relates. [return to question](#)

### **LA FOIP Section 25(2)**

**(2)** A local authority that collects personal information that is required by subsection (1) to be collected directly from an individual shall inform the individual of the purpose for which the information is collected. [return to question](#)

### **LA FOIP Section 27**

No local authority 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;. [return to question](#)

### **LA FOIP Section 28(1)**

**(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. [return to question](#)

## LA FOIP Section 28(2)

(2) Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:

- (a) for the purpose for which the information was obtained or compiled by the local authority or for a use that is consistent with that purpose;
- (b) for the purpose of complying with:
  - (i) a subpoena or warrant issued or order made by a court, person or body that has the authority to compel the production of information; or
  - (ii) rules of court that relate to the production of information;
- (c) to the Attorney General for Saskatchewan or to his or her legal counsel for use in providing legal services to the Government of Saskatchewan or a government institution;
- (d) to legal counsel for a local authority for use in providing legal services to the local authority;
- (e) for the purpose of enforcing any legal right that the local authority has against any individual;
- (f) for the purpose of locating an individual in order to collect a debt owing to the local authority by that individual or make a payment owing to that individual by the local authority;
- (g) to a prescribed law enforcement agency or a prescribed investigative body:
  - (i) on the request of the law enforcement agency or investigative body;
  - (ii) for the purpose of enforcing a law of Canada or a province or territory or carrying out a lawful investigation; and
  - (iii) if any prescribed requirements are met;
- (h) pursuant to an agreement or arrangement between the local authority and:
  - (i) the Government of Canada or its agencies, Crown corporations or other institutions;
  - (ii) the Government of Saskatchewan or a government institution;
  - (iii) the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions;
  - (iv) the government of a foreign jurisdiction or its institutions;
  - (v) an international organization of states or its institutions; or
  - (vi) another local authority;for the purpose of administering or enforcing any law or carrying out a lawful investigation;
- (h.1) for any purpose related to the detection, investigation or prevention of an act or omission that might constitute a terrorist activity as defined in the *Criminal Code*, to:
  - (i) a government institution;
  - (ii) the Government of Canada or its agencies, Crown corporations or other institutions;
  - (iii) the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions;
  - (iv) the government of a foreign jurisdiction or its institutions;
  - (v) an international organization of states or its institutions; or
  - (vi) another local authority;
- (i) for the purpose of complying with:
  - (i) an Act or a regulation;
  - (ii) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada; or
  - (iii) a treaty, agreement or arrangement made pursuant to an Act or an Act of the Parliament of Canada;
- (j) where disclosure is by a law enforcement agency:
  - (i) to a law enforcement agency in Canada; or
  - (ii) to a law enforcement agency in a foreign country;pursuant to an arrangement, a written agreement or treaty or to legislative authority;
- (k) to any person or body for research or statistical purposes if the head:
  - (i) is satisfied that the purpose for which the information is to be disclosed is not contrary to the public interest and cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates; and

- (ii) obtains from the person or body a written agreement not to make a subsequent disclosure of the information in a form that could reasonably be expected to identify the individual to whom it relates;
- (l) where necessary to protect the mental or physical health or safety of any individual;
- (m) in compassionate circumstances, to facilitate contact with the next of kin or a friend of an individual who is injured, ill or deceased;
- (n) for any purpose where, in the opinion of the head:
  - (i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure; or
  - (ii) disclosure would clearly benefit the individual to whom the information relates;
- (o) to the Government of Canada or the Government of Saskatchewan to facilitate the auditing of shared cost programs;
- (p) where the information is publicly available;
- (q) to the commissioner;
- (r) for any purpose in accordance with any Act or regulation that authorizes disclosure; or
- (s) as prescribed in the regulations. [return to question](#)

### **LA FOIP Section 29**

**(1)** Subject to subsection (2) and to any other Act, the personal information of a deceased individual shall not be disclosed until 25 years after the death of the individual.

**(2)** Where, in the opinion of the head, disclosure of the personal information of a deceased individual to the individual's next of kin would not constitute an unreasonable invasion of privacy, the head may disclose that personal information before 25 years have elapsed after the individual's death. [return to question](#)