



Information Services Corporation

Public Registry Information Policy

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Information Services Corporation Public Registry Information Policy

OVERVIEW AND HIGHLIGHTS

The Public Registry Information Policy outlines the several public registries that ISC administers, the type of information collected by ISC in its role as custodian of these registries and how that information is disclosed to our customers and safeguarded from inappropriate use or disclosure. The personal information contained in our public registries is a matter of public record and, therefore, **not** subject to *The Freedom of Information and Protection of Privacy Act*.

ISC collects information about individuals and other entities who own or have an interest in land or personal property to the extent necessary for the proper functioning of the public registries according to ISC's mandate. In addition to contact information, such as name and mailing address, ISC may collect other more sensitive financial information related to the value of land or personal property and any mortgages or other financial charges registered against the property to secure financing arrangements.

ISC's primary purpose for collecting public registry information is to make it publicly available to customers in relation to commercial activities involving the use, development or regulation of land, the purchasing of or lending of money against personal property and the charging of personal property for the purpose of enforcing specified financial obligations in accordance with applicable legislation. Public registry information may also be used for analytical purposes, as well as to generate statistics and reports for internal use.

ISC protects the security of public registry information from inadvertent disclosure with appropriate physical, electronic and procedural safeguards, recognizing that the legislation governing our public registries requires them to be searchable by members of the public. In order to facilitate our customers' access to public registry information, our search applications are Internet-based, and as such, widely available at all times (most searches incur a fee). Search results may contain personal information, such as name, address and certain financial information. ISC strives to act responsibly regarding our practices respecting the disclosure of public registry information. We have the authority to suspend the account of a person who has misused the information accessed via our search applications, and if the situation warrants, we will contact the relevant authorities regarding potential criminal proceedings.



ISC may sell public registry information in bulk form to clients who require multiple records in order to audit their own internal records, for government institutions that are required to keep high-volume, up-to-date records of land information, where public health and safety standards mandated by relevant legislation are best addressed by accessing public registry records in bulk form, where there is a demonstrated, legitimate public purpose for access to multiple records and where the purpose for dealing with multiple records is consistent with the objectives of our public registries and we determine that individual searches of the relevant records are not practical. In all cases of the sale of bulk data, except for clients requesting their own information, we enter into a contract with the customer to set appropriate terms and conditions as to the information provided and how it is accessed, as well as restricting the further disclosure of the information in appropriate circumstances. We may also make regulations pursuant to the relevant legislation to, among other things, confirm the criteria that are considered by ISC in responding to requests for bulk registry data.

The retention and possible disposal of public registry information is subject to *The Archives Act, 2004* and the requirements of the individual public registries and their relevant legislation. Inactive Land Titles records are required to continue to be searchable for several reasons. Inactive Saskatchewan Personal Property Registry records are not generally searchable by the public; however, they are maintained and are searchable by ISC staff. ISC may keep copies of records in digital form while paper copies are, ultimately, transferred to Saskatchewan Archives and disposed of according to approved records schedules.

It is important that ISC's public registry information is accurate and complete in order that we may provide the best possible service. We rely on our customers to inform us of changes to relevant registry information, such as name and address. Our procedures for updating public registry information include safeguards consistent with our fraud prevention strategy.

This policy will be available to customers and the public on our website or in hard copy at our Customer Service Centres. ISC may update the policy when appropriate. The updated version will be posted to our website: www.isc.ca and delivered to our Customer Service Centres in a timely manner.

Concerns, inquiries and comments about this policy are welcome, and can be made in writing to ISC's Privacy Officer, the Registrar of Titles, the Registrar of Personal Property Security, the Controller of Surveys and/or ISC's Director of Customer Services at the addresses referenced later in this policy, Part C of Division IV.



I. GUIDING PRINCIPLES

- ISC is a trusted and responsible custodian of public registry information. Formed in January 2000, but with a history older than Saskatchewan itself, our values include conducting business in a customer-focused manner by being open, reliable, responsible and responsive. We strive to conduct business with integrity and in a socially and financially responsible manner. With these values in mind, we have developed a policy respecting the public registries we administer. This policy recognizes the important role of our public registries in an innovative and professional environment in which our partners and stakeholders in the public and private sectors can conduct business, as well as recognizing that ISC is ultimately accountable to the people of Saskatchewan.

II. PURPOSE AND APPLICATION

- The purpose of this policy is to provide flexible guidelines that can be adapted to meet the demands of changing technology and varying consumer expectations regarding the use and disclosure of public registry information. The information contained in the Land Titles Registry, the Saskatchewan Writ Registry, the abstract directory, the Saskatchewan Personal Property Registry (“SPPR”), the Land Surveys Directory and the Cadastral Parcel Mapping System (collectively, the “public registries”) is a matter of public record and, therefore, not subject to *The Freedom of Information and Protection of Privacy Act*, and the principle of consent for the collection, use and disclosure of personal information contained therein. The Act otherwise applies to ISC as a government institution regarding all of the non-public registry personal information it obtains in the course of its business and employment relationships. More information on our public registries and the relevant legislation can be found in the Appendix to this policy.
- The public registries that ISC administers contain personal information, which is defined as information about an identifiable individual. This could include name, address, client number, telephone number, fax number and e-mail address, as well as the value of land on transfer and the principal amount of a mortgage on land or a lien on personal property. This policy strives to balance the interests and expectations of the public regarding the prudent handling of this personal information with the needs of our customers for highly valued goods and services, delivered in a responsive and innovative fashion, while achieving corporate objectives, such as our growth mandate, and providing a reasonable, sustainable return to our shareholder.
- Separate policies are in effect regarding the management of non-public registry personal information obtained from our customers and employees.

III. RULES FOR COLLECTION, USE, DISCLOSURE AND DISPOSITION

A. COLLECTION OF PUBLIC REGISTRY INFORMATION

1. **Manner of Collection:** ISC will, where reasonably practicable, collect information about individuals and other entities from the party affected, except where the law provides otherwise for lawful collection from other sources. Given the ways in which our public registries operate and the regular involvement of legal counsel and other specialized intermediaries and agents, it is commonplace for an institutional client to submit a registration on behalf of a party to the underlying transaction.
2. **Collect Only What is Needed:** ISC will limit collection of public registry information to that which is necessary for the proper functioning of its public registries.
3. **What Information does ISC Collect?** ISC may collect financial and other personal information when a client applies for a registration in one of our public registries. The information on the relevant public registry form may be obtained from our existing public registry records or from a party to the registration, or the party's agent. Examples of the types of information ISC may collect include:
 - name;
 - client number;
 - mailing address;
 - email address;
 - telephone number;
 - fax number; and
 - financial information related to the value of the property involved and/or the value of certain types of financial interests registered against the property.
4. **Mandatory and Optional Fields:** *The Land Titles Act, 2000, The Personal Property Security Act, 1993 and The Land Surveys Act, 2000* mandate that certain information must be collected by ISC in relation to registrations in the relevant public registry. ISC also collects information considered optional (e.g. email address and fax number in a Land Titles transfer) that may be used to better serve our customers. If a registrant chooses not to provide us with mandatory information, we will not be able to effect the registration requested.

B. USE OF PUBLIC REGISTRY INFORMATION

1. **How We Use Your Information:** ISC may use public registry information for the following purposes:
 - to comply with legal and regulatory requirements;
 - to provide notices of relevant registration activity to affected parties, with a view to minimizing the potential for error and fraud; and/or
 - for internal, external and regulatory audit purposes.
2. **Statistics:** We may also use the information provided to us for analytical purposes, to generate statistics and aggregate reports for internal use.

C. SECURITY

ISC undertakes appropriate security measures to protect against inadvertent disclosure of public registry information on its computer systems, devices, files and records. Additionally, we maintain physical, electronic and procedural safeguards to protect the information. This includes performing ongoing evaluations of our systems containing public registry information and making changes when appropriate.

- ISC protects the security of public registry information with safeguards appropriate to the sensitivity of the information, recognizing that the legislation referenced below mandates that our public registries be searchable by members of the public.
- With regard to the Land Registry, ISC sends notifications of registrations to parties with interests in the affected property, based on the address information contained in that registry.
- For registrations in the SPPR, unlike the Land Registry, it is the secured party that is responsible for providing the required notification to affected parties. However, in some limited circumstances, ISC may send notifications to the debtor based on the address information contained in that registry, as provided by the registrant.



D. DISCLOSURE OF PUBLIC REGISTRY INFORMATION

1. **Sharing Information:** The free flow of information is one of the main purposes for operating a public registry. ISC's success depends on our facilitating customers' access to public registry information. Generally, our search applications are Internet-based and incur fees. Being Web-based means that public registry information is available to anyone at any time, without the traditional constraints of paper-based public registries, such as restricted office hours and limited locations.
 - At times, the information accessed via our search functions will contain personal information. We cannot control the use of that information obtained by someone searching our public registries. However, the *Personal Information Protection and Electronic Documents Act* (Canada), or similar provincial legislation regulating the private sector, recognizes the right to privacy of individuals regarding their personal information. This legislation provides remedies to individuals whose privacy has been breached as a result of a contravention of the legislation. We will strive to act responsibly in formulating procedures and practices regarding the disclosure of the information contained in our public registries.
 - The search provisions for ISC's public registries are set out in detail in Part C of the Appendix to this policy.
 - Search results from our public registries may contain the name and address for service of the person(s) associated with the registrations searched. For individuals, the address for service will often be their home address. Public registries are, by definition, open to inspection by members of the public. The legislation referenced in the Appendix allows for the disclosure of information, including personal information contained in our public registries, without the consent of the individual affected. We also share this information with the companies we select as our business partners and who supply services to us. Examples of these companies include our data storage and output provider and the organizations with which we partner regarding improving and developing the technology components of our public registries.
 - Public registry information is disclosed to third parties in accordance with the search provisions of the relevant legislation set out in the Appendix. ISC cannot guarantee that persons to whom public registry information has been disclosed will use or further disclose that information in ways that are consistent with the purpose for which it was originally collected. In cases where ISC becomes aware of the misuse of public registry information, we may arrange to suspend or terminate that person's account and, in appropriate circumstances, contact the authorities regarding potential criminal proceedings. We may also share public registry information where the request is made by law enforcement agencies, the Ombudsman or other legally empowered entities.

- 2. Bulk Data:** We may also sell public registry information in bulk form in the following circumstances:
- institutional clients who request their own information (e.g. titles owned, interests held) for administrative purposes;
 - the Federal, Provincial and municipal governments and agencies whose mandates require them to keep up-to-date and high-volume records of land information, such as Saskatchewan’s larger cities, the Saskatchewan Assessment Management Agency, the Department of Corrections and Public Safety (Sask 911 initiative) and the Farm Land Security Board;
 - companies who are regulated in regard to public safety standards, where ISC determines that it is most practical to deliver the relevant records in bulk form;
 - organizations that demonstrate to ISC that they are meeting a legitimate public purpose (e.g. Saskatchewan Centennial initiatives); and
 - enterprises that wish to deal with multiple registry records for reasons consistent with the objectives for which our public registries collect and grant access to information (e.g. land regulation, use, development; SPPR searches by financial institutions in relation to their customers’ credit worthiness), where ISC determines that individual searches of the relevant records are not practical.
- In all cases, other than clients requesting their own information, ISC enters into third-party agreements with the customer in order to set the terms and conditions under which the bulk registry information is shared.
 - In cases where ISC partners with other organizations to improve or further develop our public registry data, in addition to concluding third-party agreements with our partners, we endeavour to control the further dissemination of the modified data, where appropriate, by having the end-users sign sublicensing contracts with us.
 - The legislation governing our public registries provides for the making of regulations respecting the disclosure of large volumes of information from each registry. The relevant provisions are set out in detail in Part D of the Appendix to this policy. ISC will ensure that appropriate regulations are in place in relation to bulk data arrangements not otherwise contemplated by current legislation and government mandate.

E. DISPOSITION OF PUBLIC REGISTRY INFORMATION

- 1. Retention Periods:** Public registry information is subject to *The Archives Act, 2004*. Historical registry records are ultimately transferred to the care and control of the Archives Board in accordance with an agreement between ISC and the Board and an approved records schedule. The retention schedules are timetables, which determine how long records are required to be retained in order to meet their physical, legal and operational requirements. It should be noted that in the Land Registry, in contrast to the SPPR, inactive records continue to be searchable for several reasons, including their relevance to genealogical initiatives, certification of



mineral titles pursuant to *The Land Titles Act, 2000* and with respect to ISC's internal audit and integrity standards. As such, although the physical (paper) records may be transferred to the Archives Board, and potentially destroyed, ISC may maintain copies of these records in digital form.

2. **Destruction:** ISC will routinely destroy duplicate records in cases where the official records are in electronic form, using an appropriate secure method in accordance with approved retention and destruction policies.

IV. PUBLIC REGISTRY INFORMATION: PROCESSES FOR GETTING IT RIGHT

A. ACCURACY

- **Let Us Know:** It is important that our registry information is accurate and complete. Having accurate registry information enables us to give the best possible service. We rely on our customers to keep us informed of any changes or to notify us of any inaccuracies or corrections. Our procedures for updating name and address information in our public registries, including authorizations, vary by registry, according to the relevant legislative requirements. In all cases, the requirements incorporate procedures to prevent fraud.

B. OPENNESS

- ISC's Public Registry Information Policy is available to customers and the public on our website or through our Customer Service Centres. We may add, modify or remove portions of this policy when we feel it is appropriate, so please review it periodically.

C. CONCERNS, INQUIRIES OR REQUESTS

- **Misuse:** If a third party has accessed public registry information and misused it, please let us know by contacting one of the offices noted on the following page. ISC may be able to address the matter according to the terms of any agreement the third party has entered into with us. The third party may also be subject to proceedings under Provincial or Federal privacy legislation or the *Criminal Code*.

- **Access:** Requests about whether information about a person contained in our public registries has been shared with organizations by way of bulk data transfer should be directed to the Director of Customer Services at the address noted below.
- **Contact:** Please contact us in writing regarding any concern, inquiry or request about our policy at any of the following addresses:

Privacy Officer
Information Services Corporation
300 – 10 Research Drive
Regina, Saskatchewan
S4S 7J7

Regulatory Policy Manager, Land Registry
Information Services Corporation
200 – 10 Research Drive
Regina, Saskatchewan
S4S 7J7

Regulatory Policy Manager, Personal Property Security
Information Services Corporation
1301 1st Avenue
Regina, Saskatchewan
S4R 8H2

Regulatory Policy Manager, Surveys
Information Services Corporation
1301 1st Avenue
Regina, Saskatchewan
S4R 8H2

Director of Customer Services
Information Services Corporation
200 – 10 Research Drive
Regina, Saskatchewan
S4S 7J7



APPENDIX: ISC'S PUBLIC REGISTRIES AND RELATED LEGISLATION

A. PUBLIC REGISTRIES AND RELATED SERVICES

Information Services Corporation (ISC) of Saskatchewan is the provincial Crown corporation responsible for several public registries relating to the administration of land titles, surveys, geographic information services (GIS) and the Saskatchewan Personal Property Registry.

A public registry is a set of official records (documents, microfilm, maps, photos and items stored on other forms of media) to which the public has broad access for the purposes of registrations and searches, both of which may incur a fee, in accordance with relevant governing legislation.

ISC provides everyone doing business in Saskatchewan with 24 hour, Internet-based Land Registry and GIS (Graphic Information System) products and services. It does this through the LAND (Land Titles Automated Network Delivery) System. LAND is an online, made-in-Saskatchewan, land ownership record system that can graphically describe almost every piece of property in the province. LAND and other related ISC systems underpin the public purposes of effective decision-making about, and appropriate use of, land.

Through the Saskatchewan Personal Property Registry, ISC offers customers a number of valuable search and registration services that can help put some peace of mind into buying or selling personal property in the province. ISC also offers extensive and made to order mapping products for professional and consumer use.

B. PRIVACY LEGISLATION AND PUBLIC REGISTRIES

The Freedom of Information and Protection of Privacy Act applies to all Saskatchewan government institutions, including ISC. The Act generally establishes rules for how the government may collect, use and disclose personal information. However, ISC's public registries are not subject to the Act, according to section 3:

Application

3(1) This Act does not apply to:

- (a) published material or material that is available for purchase by the public;
- (b) material that is a matter of public record; or
- (c) material that is placed in the custody of The Saskatchewan Archives Board by or on behalf of persons or organizations other than government institutions.

ISC's public registries are a matter of public record. Access to and disclosure of information in these public registries is provided only in accordance with the applicable legislation, set out below. For complete copies of the Acts and regulations cited below and elsewhere in this Appendix, please visit the Queen's Printer website at: www.qp.gov.sk.ca.

The Land Titles Act, 2000:

Abstract directory established

70(1) The abstract directory is established for the purpose of recording information respecting unpatented land.

...

(6) The abstract directory is a public registry of the people of Saskatchewan.

(7) All information in the abstract directory is the property of the Government of Saskatchewan.

(8) Access to and disclosure of information in the abstract directory is to be provided only in accordance with this Act, the regulations, and any rules established by the Registrar pursuant to subsection (3).

Status of land titles registry

77(1) The land titles registry is a public registry of the people of Saskatchewan.

(2) All information in the land titles registry is the property of the Government of Saskatchewan.

(3) Access to and disclosure of information in the land titles registry is to be provided only in accordance with this Act and the regulations.

Status of writ registry

163(1) The writ registry is a public registry of the people of Saskatchewan.

(2) All information in the writ registry is the property of the Government of Saskatchewan.

(3) Access to and disclosure of information in the writ registry is to be provided only in accordance with this Act and the regulations.

The Land Surveys Act, 2000:

Status of land surveys directory

67(1) The land surveys directory is a public registry of the people of Saskatchewan.

(2) All information in the land surveys directory is the property of the Government of Saskatchewan.

(3) Access to and disclosure of information in the land surveys directory is to be provided only in accordance with this Act and the regulations.

The Personal Property Security Act, 1993:

Status of registry

42.1(1) The registry is a public registry of the people of Saskatchewan.

(2) All information in the registry is the property of the Government of Saskatchewan.

(3) Access to and disclosure of information in the registry is to be provided only in accordance with this Act and the regulations.

C. LEGISLATION FOR SEARCHING PUBLIC REGISTRIES

ISC is bound by legislative requirements that are designed to balance the public purposes of the public registries with the responsible stewardship of the information entrusted to us. The provisions respecting a customer's ability to search our public registries are set out below.

- **Land Titles Registry and Abstract Directory:**

The Land Titles Act, 2000:

Searches

78(1) Any person may request a search of the land titles registry in the prescribed manner.

(2) The Registrar shall respond in the prescribed manner to a request made pursuant to subsection (1).

The Land Titles Regulations, 2001:

Current title searches

57 A search of the land titles registry for the current status of a title may be performed based on any one of the following criteria:

- (a) a parcel number;
- (b) a title number;
- (c) the name of a registered owner;
- (d) a legal land description.

Customized searches

58(1) In this section, “**client name**” means the name of, as the case may be:

- (a) a registered owner;
- (b) an interest holder;
- (c) a personal representative for the estate of a deceased person;
- (d) a trustee in bankruptcy;
- (e) a liquidator;
- (f) a guardian or trustee of the property of a child;
- (g) a property guardian for a dependent adult;
- (h) a person who has applied to the Registrar for registration.

(2) A customized search of the land titles registry may be performed based on any one of the following criteria:

- (a) a parcel number;
- (b) a title number;
- (c) a client name;
- (d) a legal land description;
- (e) an interest number;
- (f) an interest register number;



- (g) a number identifying a document mentioned in clause 38(2)(b);
- (h) a number assigned by the Controller of Surveys in approving a plan respecting an interest in land pursuant to subsection 31(2) of *The Land Surveys Act, 2000*;
- (i) a packet number; or
- (j) an abstract number.

Crown grant searches

59 A search of the land titles registry for a Crown grant may be performed based on any one of the following criteria:

- (a) the land description;
- (b) the name of person who appears on the Crown grant as the grantee.

Abstract directory searches

61 A search of the abstract directory may be performed based on any one of the following criteria:

- (a) a parcel number;
- (b) an abstract number;
- (c) a legal land description.

▪ **Saskatchewan Writ Registry:**

The Land Titles Act, 2000:

Searches of writ registry

164(1) Any person may request a search of the writ registry in the prescribed manner.

(2) The Registrar shall respond in the prescribed manner to a request made pursuant to subsection (1).

The Land Titles Regulations, 2001:

Writ registry searches

63(1) In this section, “**land titles registration number**” means the number assigned to the writ on the filing of the writ in a land titles office in a former land registration district pursuant to the former Act.

(2) Pursuant to subsection 164(1) of the Act, a search of the writ registry may be performed based on any one of the following criteria:

- (a) the name of a debtor;
- (b) a writ registry number;
- (c) a land titles registration number.

(3) Where a debtor is deceased, a search of the writ registry in the name of the debtor must be followed by the word “estate”.

▪ **Land Surveys Directory:**

The Land Surveys Act, 2000:

Searches

68(1) Any person may request a search of the land surveys directory in the prescribed manner.

(2) The Controller shall respond in the prescribed manner to a request made pursuant to subsection (1).

(3) Notwithstanding subsection (2), the Controller may decline to conduct a search of the land surveys directory with respect to any document that may be prescribed for the purposes of this subsection.

The Land Surveys Regulations:

Form of search requests

136(1) An applicant may request a search of the land surveys directory:

- (a) electronically, in the form provided, pursuant to subsection (2);
- (b) in person by attending at any customer service centre or at the Controller's office;
- (c) by mailing a search request, in the form provided, to the address provided by the Controller;
- (d) by sending a search request, in the form provided, to the Controller's office by facsimile transmission; or
- (e) by telephoning the Controller's office.

(2) Any person who, pursuant to an agreement with the Controller, has been assigned an electronic access account for the land surveys directory, may conduct an electronic search of the land surveys directory.

(3) Where an applicant requesting a search in accordance with clause (1)(b) or (c) does not have a client number, the applicant must include his or her name and mailing address with the search request.

Current survey searches

137 A search of the land surveys directory may be performed:

- (a) by any of the following attributes of a plan:
 - (i) plan site;
 - (ii) plan purpose;
 - (iii) corner legal land description;
 - (iv) quarter-section legal land description;
 - (v) urban legal land description;
 - (vi) National Topographic System (NTS) Mapsheet;
 - (vii) name of Indian reserve;
 - (viii) riverlot;

- (b) by feature;
- (c) by the identification number of:
 - (i) a plan; or
 - (ii) a highway plan; or
- (d) by any other method permitted by the Controller.

NOTE: The Cadastral Parcel Mapping System is a database that depicts the land surveys system and parcel boundaries in Saskatchewan and is not searchable via the Internet. It consists of information contained in the Land Surveys Directory – the public has access to this database on request.

▪ **Saskatchewan Personal Property Registry:**

The Personal Property Security Act, 1993:

Registry searches

48(1) A person may, in the prescribed manner, request one or more of the following:

- (a) a search according to the name of a debtor and the issue of a search result;
- (b) a search according to the serial number of goods of a kind prescribed as serial numbered goods and the issue of a search result;
- (c) a search according to a registration number and the issue of a search result;
- (d) a copy or certified copy of any printed registered document; or
- (e) if authorized by the minister, a search according to criteria other than those referred to in clauses (a) to (c).

The Personal Property Security Regulations:

Search requests

22.1 A person who wishes to search the registry may submit a search request to the registry:

- (a) orally or in printed format; or
- (b) electronically in a form and manner that meets the electronic search requirements of the registry.

D. LEGISLATION REGARDING BULK DATA

The legislation governing the public registries does not set limits on the size or number of searches that a customer can request from ISC. However, each of the relevant Acts provides for the making of regulations regarding bulk data as follows:

The Land Titles Act, 2000:

Regulations

187(1) The Lieutenant Governor in Council may make regulations:

...

(cc) respecting access to or disclosure of information in the land titles registry, the abstract directory or the writ registry, including disclosure of large volumes of information in the land titles registry, the abstract directory or the writ registry, and respecting any privacy requirements that must be complied with by any person to whom information in the land titles registry, the abstract directory or the writ registry is disclosed.

The Land Surveys Act, 2000:

Regulations

85(1) The Lieutenant Governor in Council may make regulations:

...

(cc) respecting access to or disclosure of information in the land surveys directory, including disclosure of large volumes of information in the land surveys directory, and respecting any privacy requirements that must be complied with by any person to whom information from the land surveys directory is disclosed.

The Personal Property Security Act, 1993:

Regulations

71(1) For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

...

(p.7) respecting access to or disclosure of information in the registry, including disclosure of large volumes of information in the registry, and respecting any privacy requirements that must be complied with by any person to whom information in the registry is disclosed;