



Public Registry Information Policy

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Policy Statement:

Under the Master Service Agreement between the Government of Saskatchewan and ISC, the Government of Saskatchewan owns the public registry information and ISC is the custodian of this information. This Public Registry Information Policy (“this Policy”) outlines the several public registries administered by ISC, 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 the public registries is a matter of public record and, therefore, not subject to *The Freedom of Information and Protection of Privacy Act* (“FOIPPA”).

ISC is a trusted and responsible custodian of public registry information. 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.

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 Corporate Registry, the Saskatchewan Judgement Registry, the abstract directory, the Personal Property Registry (“PPR”), the Land Surveys Directory and the Geomatics Services and Solutions (collectively, the ‘public registries’) is a matter of public record and, therefore not subject to FOIPPA or the principle of consent for the collection, use and disclosure of personal information contained therein. The *Personal Information Protection and Electronic Documents Act* (“PIPEDA”) does however apply to ISC with respect to 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.

Scope:

- This Policy applies to the public registries that ISC administers and the information about identifiable individuals contained therein.
- This Policy strives to balance the interests and expectations of the public regarding the prudent handling of this information with 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 shareholders.
- Separate policies are in effect regarding the management of non-public registry personal information obtained from our customers and employees.
- Non-compliance with this Policy may result in corrective and/or disciplinary action, according to ISC's Human Resources policies.

Rules for Collection, Use, Disclosure and Disposition

Collection of Public Registry Information

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.

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.

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.

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 property involved and/or the value of certain types of financial interests registered against the property.

Mandatory and Optional Fields: The legislation listed below 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 affect the registration requested.

- *The Land Titles Act, 2000;*
- *The Personal Property Security Act, 1993;*
- *The Land Surveys Act, 2000;*
- *The Business Corporations Act;*
- *The Business Names Registration Act;*
- *The Companies Act;*
- *The Condominium Property Act, 1993;*
- *The Co-operatives Act, 1996;*
- *The New Generation Co-operatives Act,*
- *The Non-profit Corporations Act, 1995;*
- *The Partnership Act;*
- *The Credit Union Act, 1985;*
- *The Credit Union Act, 1998;*
- *The Libel and Slander Act;*
- *The Names of Homes Act;*
- *The Enforcement of Money Judgments Act;*
- *The Metis Act;*
- Various professional associations

Use of Public Registry Information

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, the charging of personal property for the purpose of enforcing specified financial obligations in accordance with the applicable legislation and the registrations of business corporations, non-profit corporations, co-operatives, sole proprietaries, joint ventures and business partnerships. Public registry information may also be used for analytical purposes, as well as to generate statistics and reports for internal use.

How We Use Public Registry 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.

Statistics: We may also use the information provided to us for analytical purposes to generate statistics and aggregate reports for internal use.

Security

ISC protects the security of public registry information with safeguards appropriate to the sensitivity of the information, recognizing that the legislation governing the 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 acts 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 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.

- 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 PPR, 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.

Disclosure of Public Registry Information

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 customer's 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, PIPEDA recognizes the right to privacy of individuals regarding their personal information. The 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 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.
- 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; PPR 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 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 work with the Ministry of Justice to ensure that appropriate regulations are in place in relation to bulk data arrangements not otherwise contemplated by current legislation and government mandate.

Disposition of Public Registry Information

Retention Periods: Public registry information is owned by the Government of Saskatchewan and is therefore subject to *The Archives and Public Records Management Act*. The retention of public registry information is subject to a retention schedule that determines how long records are required to be retained in order to meet their physical, legal and operation requirements. It should be noted that in the Land Registry, in contrast to PPR, 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.

Public Registry Information: Processes for getting it right.

Accuracy

Let Us Know: It is important that the 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.

Openness

This 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.

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 below. 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, Delivery and Customer Experience at the address noted below.

Contact: Please contact us in writing regarding any concern, inquiry or request about our policy at any the following addresses:

Privacy Officer
Information Services Corporation
300-10 Research Drive
Regina, SK S4S 7J7
Email: privacy@isc.ca

Director, Delivery and Customer Experience
Information Services Corporation
200-10 Research Drive
Regina SK S4S 7J7

APPENDIX: Public Registries and Related Legislation

A. Public Registries Related Service

By way of a Master Service Agreement between ISC and the Government of Saskatchewan, ISC is responsible for the management and operation of several public registries relating to the administration of land titles, business corporations, surveys and geographic information services (GIS) and personal property security.

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, searches and maintenance transactions, all of which may incur a fee, in accordance with relevant governing legislation.

- Land Titles Registry issues titles to land and registers transactions affecting titles, including changes of ownership and the registration of interests in land.
- The Land Surveys Directory registers land survey plans and creates a representation of Saskatchewan land parcels in the cadastral parcel mapping system. Land Surveys plans define the geographic boundaries of land parcels throughout Saskatchewan, while the cadastral parcel mapping system depicts the land survey system with surface and mineral ownership parcel boundaries.
- Geomatics Services manage geographical data in relation to the cadastral parcel mapping system that is integrated with the Land Titles Registry and Land surveys.
- The Personal Property Registry (“PPR”) is a notice based public registry into which interests in movable types of personal property may be registered. The PPR enables lenders as well as buyers of personal property (e.g. motor vehicles) to search for information such as security interests registered against an individual, business or personal property used as collateral.
- Corporate Registry is a province wide system for registering business corporations, non-profit corporations, co-operatives, sole proprietorships, joint ventures and business partnerships. Every corporation must be registered in the Corporate Registry to maintain its legal status and carry on business within Saskatchewan. Records on all Saskatchewan businesses are maintained and made available to the public through the Corporate Registry.

B. Privacy Legislation and Public Registries

The Freedom of Information and Protection of Privacy Act (“FOIPPA”) applies to all Saskatchewan government institutions. ISC however, is not a government institution – it is a publicly traded Saskatchewan business corporation. FOIPPA generally establishes rules for how the government may collect, use and disclose personal information. However, the public registry information is not subject to FOIPPA, 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.

For access to Saskatchewan legislation referenced in this policy, please visit the Queen's Printer website at: www.qp.gov.sk.ca.

The registry legislation that ISC is responsible to comply with typically includes language that acknowledges that the 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 legislation. Below is an example of this type of language in *The Land Titles Act, 2000*:

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.

C. Legislation for Searching Public Registries

ISC is bound by legislative requirements that are designed to balance the purposes of the public registries with the responsible stewardship of the information entrusted with ISC. The public registry legislation includes provisions respecting an individual's ability to search the Saskatchewan public registries. Below are examples of this type of language in *The Land Surveys Act, 2000* and *The Personal Property Security Act, 1993* and regulations:

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 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, *The Land Titles Act, 2000*, *The Land Surveys Act, 2000*, and *The Personal Property Security Act, 1993* provide authority for the Government of Saskatchewan to make regulations for the provision of large volumes of information (or “bulk data”). These regulations have not yet been created. Below is an example of this regulation-making authority in *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.