

# Release of Private Client Information to Animal Protection Officers

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SVMA Bylaw 12.4 h. states:

*Members and their associates shall protect the personal privacy of clients. Members shall not reveal confidences unless required to by law or unless it becomes necessary to protect the health and welfare of other individuals or animals.*

This respects the Personal Information Protection and Electronic Documents Act (PIPEDA), which is Canada's federal privacy law for the private sector. This Act applies to personal information collected during the course of commercial activities including any transaction, act, or conduct that is commercial in nature, such as selling, buying, or leasing.

PIPEDA also applies to the private sector of each province unless a province has enacted its own privacy law that is substantially similar to PIPEDA. Only British Columbia, Alberta, and Quebec have privacy laws that have been deemed to be "substantially similar" to PIPEDA.

Regarding disclosure of information without knowledge or consent from the client, PIPEDA states:

### ***Disclosure without knowledge or consent***

*(3) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may disclose personal information without the knowledge or consent of the individual only if the disclosure is*

*(c) required to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records;*

*(d.1) made to another organization and is reasonable for the purposes of investigating a breach of an agreement or a contravention of the laws of Canada or a province that has been, is being or is about to be committed and it is reasonable to expect that disclosure with the knowledge or consent of the individual would compromise the investigation;*

Under the authority of the PIPEDA clauses quoted above, SVMA members may disclose private information collected from clients without their knowledge or consent under certain circumstances. For example, when contacted by an Animal Protection Officer (APO) who is investigating a complaint, release of private information about a client or a client's animal is allowed. APOs are authorized to request and can compel release of information when conducting an investigation. This authority is granted by Section 10 of Saskatchewan's new Animal Protection Act (APA).

### ***Prescribed animal protection officers as peace officers***

*10. All prescribed animal protection officers or prescribed classes of animal protection officers have the powers of peace officers to enforce this Part and the regulations made pursuant to this Part and are entitled, while performing their duties, to all the protection to which peace officers are entitled pursuant to the Criminal Code.*

In addition, the APA requires veterinarians to report suspected contraventions to an Animal Protection Officer or an animal protection agency.

Section 7 of the Animal Protection Act states:

***Veterinarian's duty to report contraventions***

*7(1) A veterinarian shall, without delay, report to an animal protection officer or agency any event that the veterinarian believes on reasonable grounds is a contravention of sections 3 to 6.*

*(2) An animal protection officer or agency may require the veterinarian to provide the animal protection officer with additional information relevant to the event that is known by, or readily available to, the veterinarian.*

In summary, when an APO who is investigating a complaint under the APA contacts a veterinarian requesting information about a client or client's animal, the veterinarian must release the information to the APO. Subsequent to the APO officially identifying themselves and providing a written request for information which includes the case file number, the veterinarian can release the requested information.

Because the APA provides for immunity as described in Section 26 below, SVMA members who release private information to an APO or who in good faith and on their own initiative report a suspected contravention of the APA need not worry about repercussions for doing so.

***Immunity***

*26. No action or proceeding lies or shall be commenced against the minister, the Crown in right of Saskatchewan, any animal protection officer, veterinarian, caretaker, animal protection agency or officer or employee of an animal protection agency if that person is acting pursuant to the authority of this Part or the regulations made pursuant to this Part, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Part or the regulations made pursuant to this Part or in the carrying out or supposed carrying out of any order made pursuant to this Part or any duty imposed by this Part or the regulations.*