ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER PIPA2026-03

August 12, 2026

THE WAWANESA MUTUAL INSURANCE COMPANY

Case File Number 038819

Office URL: www.oipc.ab.ca

Summary: An Applicant made a request to The Wawanesa Mutual Insurance Company (the Organization) for a copy of a letter containing a decision to deny coverage and the reasons for the decision.

The Applicant was not satisfied with the Organization's response and requested review by the Commissioner under the *Personal Information Protection Act* (PIPA).

The Adjudicator determined that the Applicant has not made an access request for personal information.

The Adjudicator confirmed that the Organization had not failed to meet any obligations imposed by PIPA.

Statutes Cited: AB: *Personal Information Protection Act*, S.A. 2003, c. P-6.5, ss. 1, 24, 27, 52

Authorities Cited: AB: Order P2006-004, Decision P2011-D-003

I. BACKGROUND

[para 1] On May 27, 2024, the Applicant made a request to a field representative of The Wawanesa Mutual Insurance Company (the "Organization") for the following details regarding an insurance claim.

> My coverage was initially denied for many months and then eventually my coverage was approved. I would like clarification as to why the coverage was approved. I believe my broker (retired now) discussed our case with Wawanesa reps and showed that we had coverage under the policy. I never have received details as to why we were denied & then approved. Can you please provide the details. In December 2021 when Wawanesa approved our coverage I was informed by phone of the approval but never received a letter. Was there an approval documentation (letter/communication) and if so can I have a copy of that.

The Applicant requested reasons for decisions regarding coverage and copies of any such decisions.

[para 2] On February 25, 2025, the Applicant made the following request for review to the Commissioner:

> As I understand one of the roles of your office is to ensure insurers provide access to records when requested. 336 days ago I requested a copy of a client letter that my insurer (Wawanesa) claims to have previously sent me. In the attached email communications you will see that on Feb 18th the Wawanesa Privacy office began claiming that the reason they have failed to provide me with a copy of the record under the PIPA act as they may refuse to provide access as an organization may refuse access under section (1) if the information is protected by any legal privilege. I notified Wawanesa Privacy Office on Feb 20th that the PIPA act states that insurers must justify the denial under privacy laws. Privilege must be clearly established. An insurer cannot simply label all internal documents as privileged. I asked Wawanesa to either provide the info I requested 336 days ago or clearly justify the denial under privacy laws.
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> Over the last 336 days in my view Wawanesa has not been compliant with the PIPA act as they have failed to provide me with a copy of my requested client info & failed to justify the denial.
> I request the OIPC of Alberta office to investigate:
>
> 1. if Wawanesa can label all of my requested documents as privileged?
> 2. Has Wawanesa properly justified their denial to provide me with my client information as outlined in the PIPA act?

[para 3] The Commissioner assigned a senior information and privacy manager to investigate and attempt to mediate the matter. At the conclusion of this process, the matter proceeded to inquiry.

II. ISSUES

Issue A: Is the information requested by the Applicant "personal information" as defined in section 1(1)(k) of PIPA?

Issue B: If the requested information is personal information within the terms of section 1(1)(k) of PIPA, did the Organization properly apply section 24(2)(a) (legal privilege) to the information at issue?

Issue C: If the requested information is personal information, did the Organization respond to the Applicant in accordance with section 28(1) of the Act (time limit for responding)?

Issue D: If the requested information is personal information, did the Organization comply with section 27(1)(a) of the Act (duty to assist, including duty to conduct an adequate search for responsive records)?

III. DISCUSSION OF ISSUES

Issue A: Is the information requested by the Applicant "personal information" as defined in section 1(1)(k) of PIPA?

[para 4] As noted in the background, above, the Applicant requested a copy of a decision made by the Organization regarding his claim for coverage.

[para 5] Section 24(1) of PIPA creates a right of access. It states:

> *24(1) An individual may, in accordance with section 26, request an organization*
>
> > *(a) to provide the individual with access to personal information about the individual, or*
> >
> > *(b) to provide the individual with information about the use or disclosure of personal information about the individual.*

[para 6] Section 1 of PIPA defines "personal information" in the following way:

> *1(1) In this Act,*
>
> > *(k) "personal information" means information about an identifiable individual […]*

[para 7] PIPA does not authorize an individual to request information that only relates to or affects the individual's interests. The requested information must be *about* the individual before PIPA will apply to it.

[para 8] While it is the role of the Commissioner to ensure that organizations comply with PIPA in their treatment of personal information, it is not the role of the Commissioner to ensure that insurers provide records at the request of individuals. It is only when a request is for personal information that PIPA is engaged.

[para 9] In Order P2006-004, former Commissioner Work said the following:

> The Act defines "personal information" as "information about an identifiable individual". In my view, "about" in the context of this phrase is a highly significant restrictive modifier. "About an applicant" is a much narrower idea than "related to an Applicant". Information that is generated or collected in consequence of a complaint or some other action on the part of or associated with an applicant – and that is therefore connected to them in some way – is not necessarily "about" that person. In this case, only a part of the information that the [Applicant] asked for was information "about" him. Had he relied on PIPA to obtain information, he would not have received much of the information that was made available to him under the *Legal Profession Act* and the Rules created thereunder, or pursuant to the requirements of fairness.

In the foregoing excerpt, former Commissioner Work distinguished between information "relating to an applicant" and information "about an applicant". Only the latter falls under PIPA.

[para 10] In Decision P2011-D-003, former Commissioner Work commented that in some cases, personal information will amount to meaningless or insignificant "snippets" of information contained in a record. He said:

> I note as well that on the basis of the ability of organizations to take into account what is reasonable in responding to access requests under section 24 of the Act, it is open to an organization to argue, in appropriate circumstances, that it is not reasonable to provide access to an applicant's personal information, or parts of this information. This may apply for information that consists of meaningless or insignificant snippets, particularly if it reveals nothing of substance to an applicant. It may also apply where providing information would require an organization to review a large volume of information only to provide an applicant with minor items of information of which he is already well aware […]

[para 11] Past orders have differentiated between information that is about an individual versus information that relates to or affects the individual. A decision made by an insurer regarding coverage under a policy may not be personal information or contain personal information although it may affect an applicant's interests.

[para 12] The following is an example of “personal information” as defined by section 1(1)(k) of PIPA: “John Smith lives at 123 Main Street”. From the sentence, once can determine that an individual lives at a particular address. In contrast, the sentence “the claim was denied as it did not meet our policy” is not about an identifiable individual, although it may affect the individual. PIPA applies to the former sentence, but not the latter.

[para 13] As PIPA is limited in its application to personal information, an applicant cannot request an entire record unless all the information in the record is the applicant’s personal information. Instead, the applicant may request the applicant’s personal information contained in a record.

[para 14] In the Applicant’s reply submissions, the Applicant provided the following clarification of the access request:

> On May 27, 2024, the Applicant wrote to […], Field Claims Representative Sr. with the Organization, requesting clarification of the reason for the reversal of the Organization's coverage decision on the Applicant's claim and access to any approval documentation [App-1]. The Applicant wrote: "My coverage was initially denied for many months and then eventually my coverage was approved. I would like clarification as to why the coverage was approved... I never have received details as to why we were denied & then approved." The Applicant continued:
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>> In December 2021 when we Wawanesa approved our coverage I was informed by phone of the approval but never received a letter. Was there an approval documentation (letter/communication) and if so can I have a copy of that."
>
> The request had two distinct elements: clarification of the reason for the coverage reversal, and access to any approval documentation in any form (letter or other communication). Docusign Envelope ID: E490AE5A-0DD3-4EF0-A6F4-7C92C1C10D4F
>
> The May 30, 2024 representation and the Privacy Office direction On May 30, 2024, the Applicant received a response from […]. [She] stated that she had looked into the claims, confirmed that they were closed, and continued [App-2]: "I am unable to send copies of the documentations previously sent. However, I confirmed that they can still be requested through our Privacy Office. Please submit your request to privacy@wawanesa.com." That response introduced two elements into the access chain: a factual representation about the existence of prior documentation, and an institutional direction to the Privacy Office as the access channel.

From the foregoing, I conclude that the Organization did not understand the Applicant to be making a request under PIPA. Instead, the Organization understood the Applicant to be asking for records relating to an insurance claim, from it as insurer. It also responded to the Applicant as the insurer. It is unclear that the Applicant referred to PIPA in communications with the Organization before requesting review by the Commissioner. More significantly, it is unclear that the Applicant requested personal information from the Organization.

[para 15] The Organization states:

> In response to the notice of inquiry, we would like to reiterate that [the Applicant] was not refused access to his personal information. Over a year after his insurance claim was paid out in accordance with the terms {the Applicant acknowledged and agreed to, [the Applicant] re engaged with his claims adjuster and made multiple requests for general information about his policy and claim coverage. Wawanesa responded to the general requests, but ultimately [the Applicant] elected, as is his right, to litigate his claim and sue Wawanesa. After Wawanesa was advised of the litigation proceedings, additional requests made by [the Applicant} for further information about his policy and claim coverage were redirected to legal counsel. [The Applicant] was advised that Wawanesa would defer all requests for information that was not personal information to the litigation process through various channels, including the Privacy Office.
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> When [the Applicant] made a more formal request to the Privacy Office for access to his personal information the request was relating exclusively to claim/coverage and litigation issues. Although this request was not for personal information, the Privacy Office nevertheless responded multiple times within the 45-day period following his request.
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> In responding to and sending the specific communication [the Applicant] originally requested, the Privacy Office was attempting to support both [the Applicant] as well as the business to reach resolution. Again, although his requests were not for personal information protected by legislation and notwithstanding the active litigation, the Privacy Office, in consultation with the claims department and legal team resources, realized that since [the Applicant] was asking for a copy of an email sent to him previously that such a document would not, by definition, be protected by legal privilege. Accordingly, Wawanesa provided [the Applicant] with the requested copy. The copy of the letter is not personal information and, in the alternative, was provided within 45 days of his request to the Privacy Office anyway (previously provided and attached as C. Privacy Office Response March 3 Email).
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> The Privacy Office has taken the feedback provided in the original review of the complaint to ensure that when requests are made to the Privacy Office a review is completed to determine if the request applies to personal information or not before responding and causing confusion around requirements under PIPA. Wawanesa Privacy Office has amended its processes accordingly.

[para 16] The Organizations' position is that the Applicant did not request personal information.

[para 17] While it is true that the Organization must comply with PIPA, it does not follow from this that all records created by the Organization contain personal information and can be requested under section 24 of PIPA. If a record contains personal information, that personal information may be requested under section 24(1)(a) of PIPA. Otherwise, the record and the information it contains cannot be the subject of an access request under PIPA.

[para 18] I also note that the Organization suggested to the Applicant that the requested records could be obtained from its "Privacy Office". The fact that the records could be obtained from the Privacy Office does not mean that the records contain personal information or that the records may be requested under PIPA. It means only that this is the office that the Organization uses to process requests for records and information.

[para 19] I am unable to characterize the information the Applicant requested as personal information. From my review of the decision the Applicant requested – an email of February 2, 2022, I am unable to identify any personal information about the Applicant in the body of it. Rather, the decision references the terms of the policy and how they apply. While the email does contain the Applicant's name and email address, the Applicant did not make the request to obtain that information but to obtain the substance of the decision which does not contain personal information.

[para 20] The Applicant has not pointed to any personal information that was requested from the Organization. As the Applicant has not requested personal information, the access request is not one to which PIPA applies. Providing the Applicant with only the personal information in the email would not satisfy the Applicant's request. The Applicant was only concerned with the Organization's reasons for its decision.

[para 21] I find that the Applicant has not requested personal information within the terms of section 1(1)(k). As a result, the Applicant has not made an access request under section 24(1)(a). PIPA does not apply to the Applicant's access request or the Organization's response to it.

Issue B: If the requested information is personal information within the terms of section 1(1)(k) of PIPA, did the Organization properly apply section 24(2)(a) (legal privilege) to the information at issue?

[para 22] I have found that the request is not one for personal information. As a result, I need not answer the question of whether the Organization properly applied privilege. I note, too, that the Organization is no longer claiming privilege and provide the email to the Applicant.

Issue C: If the requested information is personal information, did the Organization respond to the Applicant in accordance with section 28(1) of the Act (time limit for responding)?

[para 23] I have already found that the access request is not a request for personal information and is therefore not one that can be made under PIPA. I have also found that the Organization was not required to respond to the access request under PIPA. It follows that I find that section 28(1) did not require the Organization to respond to the access request within a particular time period.

Issue D: If the requested information is personal information, did the Organization comply with section 27(1)(a) of the Act (duty to assist, including duty to conduct an adequate search for responsive records)?

[para 24] I have found that the access request was not made under section 24(1) of PIPA and that the Organization is not required to respond to it under PIPA. It follows that I find that the Organization was not required to assist the Applicant by conducting a search for records.

IV. ORDER

[para 25] I make this Order under section 52 of the PIPA. I confirm that the Organization did not fail to meet any duties to the Applicant imposed by PIPA.

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Teresa Cunningham
Adjudicator