

2013

CHAPTER C-16.002

An Act respecting Common Business Identifiers

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(Assented to May 15, 2013)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Common Business Identifiers Act*.

Interpretation

2 In this Act:

- (a) **“business entity”** means a person or organization, whether or not incorporated, that provides information to a public body with respect to a business or non-profit undertaking carried on or to be carried on by the person or organization;
- (b) **“business information”** means the following information about a business entity:
 - (i) its name and any operating or business name used by it;
 - (ii) its legal structure;
 - (iii) its mailing and street address or legal land description, including its rural municipality name and number, if any;

- (iv) if it is a corporation:
 - (A) the date of its incorporation;
 - (B) the jurisdiction pursuant to whose laws it is incorporated and its incorporation number in that jurisdiction;
 - (C) its registration number in Saskatchewan if it is incorporated in a jurisdiction other than Saskatchewan; and
 - (D) the names of its directors;
 - (v) its business number;
 - (vi) its program account number;
 - (vii) an identification number assigned to it by a public body in administering a designated enactment before a common business identifier was assigned to it pursuant to this Act;
 - (viii) its telephone number and facsimile number;
 - (ix) its electronic mail address;
 - (x) the active or closed status of the business number, the reason for a change of status and the date on which the status changed;
 - (xi) the active or closed status of the program account number, the reason for a change of status and the date on which the status changed;
 - (xii) if it is a partnership, the names of at least two partners;
 - (xiii) any other prescribed information;
- (c) **“business number”** means a business number as defined in the regulations;
- (d) **“common business identifier”** means a common business identifier assigned pursuant to section 6;
- (e) **“designated enactment”** means a prescribed Act or regulation or a prescribed portion of an Act or regulation;
- (f) **“file”** means to file, register, submit, deposit, apply or otherwise make available;
- (g) **“government institution”** means a government institution as defined in *The Freedom of Information and Protection of Privacy Act*;
- (h) **“local authority”** means a local authority as defined in *The Local Authority Freedom of Information and Protection of Privacy Act*;
- (i) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (j) **“prescribed”** means prescribed in the regulations;

(k) “**program account number**” means a program account number as defined in the regulations;

(l) “**public body**” means any of the following with which the minister has entered into an agreement pursuant to section 5:

- (i) a government institution;
- (ii) a local authority;
- (iii) any other prescribed body.

Fees

3(1) The minister may determine:

(a) subject to the approval of the Lieutenant Governor in Council, the amount of fees, taxes, rates or other charges payable for any services provided pursuant to this Act; and

(b) the method of payment or collection of any fees, taxes, rates or other charges imposed pursuant to this Act.

(2) Notwithstanding subsection (1), the minister may enter into an agreement with a person to provide a special service to that person and, in that agreement, impose a special fee or charge for that special service if, in the opinion of the minister, a fee or charge mentioned in subsection (1) is not adequate to allow the minister to provide that service to the person.

(3) If the minister considers it appropriate or necessary, the minister may:

(a) waive, in whole or in part, the payment of any fee, tax, rate or other charge; or

(b) refund, in whole or in part, the amount of any fee, tax, rate or other charge.

System of common business identifiers

4(1) The Lieutenant Governor in Council may make regulations establishing or adopting a system of common business identifiers for business entities.

(2) Subject to the approval of the Lieutenant Governor in Council, the minister may enter into an agreement with the Government of Canada for the purpose of:

(a) facilitating the establishment or adoption of a system of common business identifiers; and

(b) integrating or coordinating the system of common business identifiers established or adopted in the regulations with a system of common business identifiers established by the Government of Canada.

Agreements with respect to system of common business identifiers

5(1) The minister may enter into an agreement with a public body for all or any of the following purposes:

(a) the use by the public body of the system of common business identifiers established or adopted pursuant to section 4;

(b) the access by the public body, or by a person or class of persons mentioned in the agreement, to information collected by the minister pursuant to this Act.

(2) Agreements entered into pursuant to subsection (1) may contain provisions that deal with all or any of the following matters:

- (a) the duties and responsibilities of the parties to the agreement;
- (b) the terms and conditions on which the public body may exercise any of its powers pursuant to this Act;
- (c) the collection of fees, taxes, rates or other charges pursuant to a designated enactment on behalf of the public body and the remittance of those fees, taxes, rates or other charges by the minister to the public body;
- (d) the manner in which an agreement may be terminated and the obligations of each party on termination of the agreement;
- (e) any other matters that the parties consider appropriate or necessary.

Assigning a common business identifier

6(1) For the purpose of assigning a common business identifier to a business entity, if the business entity provides information to a public body pursuant to a designated enactment, the public body or person acting for the public body may:

- (a) request that the business entity provide its business information to the public body; and
- (b) provide the business information mentioned in clause (a) to the Government of Canada.

(2) For the purpose of assigning a common business identifier to a business entity, a public body that has been provided information by the business entity pursuant to a designated enactment before the prescribed date may:

- (a) use the information in its possession or, if the information is incomplete, request from the business entity any additional business information not previously provided; and
- (b) provide the information mentioned in clause (a) to the Government of Canada.

(3) A public body may request business information in any form or format that the public body considers appropriate.

Use of common business identifier

7(1) A public body may require from a business entity its common business identifier when the business entity provides information to the public body pursuant to a designated enactment.

(2) If required to do so by a public body, a business entity shall provide its common business identifier for all matters relating to a designated enactment.

Information system

8(1) A public body that obtains information pursuant to section 6 or that obtains a common business identifier for a business entity shall provide that information to the minister.

(2) The minister may establish and manage an information system for the purpose of:

- (a) receiving and storing information mentioned in subsection (1); and
- (b) integrating and updating information with respect to business entities.

(3) The minister may receive and store the following information in the information system mentioned in subsection (2):

- (a) the date the common business identifier was assigned to the business entity;
- (b) the operation type of the business entity, as identified by a public body;
- (c) the registration status of the business entity;
- (d) any other prescribed information.

Disclosure of information

9(1) Information with respect to a business entity that is stored in the information system established pursuant to section 8 may be disclosed by the minister:

- (a) to a public body or person acting for a public body for the purpose of:
 - (i) correcting or updating information in the information system of the minister or the public body; or
 - (ii) administering or enforcing a law in effect in Saskatchewan; or
- (b) to a party to an agreement made pursuant to section 4 or 5 for the purpose of complying with that agreement.

(2) The authority pursuant to this section to disclose information with respect to a business entity is in addition to any other express or implied authority or obligation to disclose that information.

Filing and accessing of information

10(1) Information that business entities are required to file or are authorized to access pursuant to a designated enactment may be filed or accessed, as the case may be, by a person or a class of persons authorized to do so in the applicable agreement between the minister and the public body.

(2) The minister may attach conditions to an authorization given pursuant to subsection (1).

Immunity

11(1) Subject to subsection (2), no action or proceeding lies or shall be commenced against the Crown in right of Saskatchewan, the minister or any officer, employee or agent of the Crown in right of Saskatchewan if that person is acting pursuant to the authority of this Act or the regulations, 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 Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

(2) Subsection (1) does not apply to a claim for compensation that relates to the administration of a designated enactment if the designated enactment provides a right to compensation that may be payable to a person who suffers a financial loss.

Minister may delegate

12(1) The minister may delegate to any person the exercise of any of the powers given to, or the fulfilment of any of the responsibilities imposed on, the minister pursuant to this Act and the regulations.

(2) The minister may impose any terms and conditions on a delegation pursuant to this section that the minister considers appropriate.

(3) A decision or action of a delegate in relation to the exercise or performance of any power or responsibility delegated to that delegate pursuant to subsection (1) is deemed to be a decision or action of the minister.

Regulations

13(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of subclause 2(b)(xiii), prescribing information that is business information;
- (c) for the purposes of clause 2(e), prescribing an Act or regulation or a portion of an Act or a regulation as a designated enactment;
- (d) for the purposes of subclause 2(l)(iii), prescribing a body;
- (e) for the purposes of subsection 6(2), prescribing a date;
- (f) for the purposes of clause 8(3)(d), prescribing information that may be stored in the information system managed by the minister;
- (g) respecting the use of forms that are approved and accepted by the minister and requiring the use of those forms;
- (h) establishing or adopting standards, as amended from time to time or otherwise, with which persons must comply in the collection, transmission and presentation of information pursuant to this Act or in the provision of services pursuant to a designated enactment;

- (i) prescribing designated enactments, or provisions of them, that apply notwithstanding this Act or the regulations;
- (j) authorizing or requiring information that business entities are required to file pursuant to this Act or a designated enactment to be filed and maintained in an electronic or other format;
- (k) authorizing or requiring the use of forms to be used by business entities that must file information pursuant to this Act or a designated enactment and respecting the use on those forms of an electronic signature or a signature that is copied or reproduced, including establishing standards for reliability of any form of signature;
- (l) authorizing or requiring forms that business entities are required to file pursuant to this Act or a designated enactment to be filed without signatures;
- (m) prescribing the electronic format that may be used to file information pursuant to this Act or a designated enactment;
- (n) respecting when information that is filed in electronic format is deemed to be filed;
- (o) governing the filing of information that is presented in an electronic format;
- (p) prescribing procedures for the paying of fees, taxes, rates or other charges required pursuant to a designated enactment;
- (q) prescribing procedures for business entities to file information pursuant to a designated enactment;
- (r) requiring business entities to make financial and statistical reports, and prescribing the procedures for and manner of making those reports;
- (s) prescribing common dates or periods for business entities to file information or to make payments pursuant to designated enactments;
- (t) prescribing methods for allocating payments made pursuant to designated enactments;
- (u) requiring renewal of licences or filings pursuant to designated enactments, with or without conditions;
- (v) prescribing information to be provided for the purpose of administering and enforcing this Act and requiring a business entity to provide that information to the minister;
- (w) prescribing new or additional procedures and requirements that must be complied with respecting filing information, making reports, paying fees, taxes, rates or other charges or doing any other thing pursuant to a designated enactment respecting a matter regulated by this Act and the regulations;

- (x) exempting any person or category of persons from complying with all or any provision of this Act, the regulations or any designated enactment that deals with matters regulated by this Act and the regulations and prescribing terms and conditions that the person or category of persons must comply with in order to be eligible for exemption;
 - (y) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
 - (z) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) A regulation made pursuant to subsection (1) may be made retroactive to a day that is not more than one year before the date on which the regulation is made.

Act and regulations prevail

14 Subject to the regulations, this Act and the regulations prevail in the case of any conflict between:

- (a) this Act and the regulations; and
- (b) any provision of a designated enactment.

Coming into force

15 This Act comes into force on proclamation.