



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 239-2020

Rural Municipality of North Qu'Appelle No. 187

July 30, 2021

Summary:

The Applicant submitted an access to information request to the Rural Municipality of North Qu'Appelle No. 187 (RM). The RM extended the period of time to respond to the access request, citing subsection 12(1)(a) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) as its reason. When the RM responded to the Applicant's access request, it indicated it was relying on subsections 18(1)(b), (c), and 23(1)(b), (c), (d), (e), (f), (g), (h), (j), and (k) of LA FOIP as its reasons for redacting the portions of records, but would release the remainder of these records. Then, the RM said it was relying on subsections 22(1)(a), (b), and (c) and 23(1)(b), (c), (d), (e), (f), (g), (h), (j), and (k) of LA FOIP to withhold certain records since the release of the records would contravene subsection 117(1)(d) of *The Municipalities Act*. The RM also indicated that some of the records requested by the Applicant were available through the RM's website. Finally, the RM indicated that some of the requested records do not exist. The Commissioner made a number of findings, including that the RM's extension was in accordance with subsection 12(1)(a) of LA FOIP, that subsection 28(1) of LA FOIP applies to most portions to which the RM applied subsection 23(1) of LA FOIP, and that subsection 18(1)(b) of LA FOIP applies to some of the portions to which the RM applied 18(1)(b) of LA FOIP. The Commissioner however found that the RM cannot rely on subsection 22(1)(a) of LA FOIP to withhold records. The Commissioner made a number of recommendations including releasing records to which third parties did not object to the release, but withholding other records to which the Commissioner found exemptions to apply. The Commissioner also recommended that the RM consider utilizing the fee estimate provisions in LA FOIP and *The Local Authority Freedom of Information Regulations* as part of its access to information request process.

I BACKGROUND

[1] On July 28, 2020, the Applicant submitted an access request to the Rural Municipality of North Qu'Appelle No. 187 (RM). On August 6, 2020, the RM received payment of the \$20.00 application fee. The access request contained 46-parts. It is as follows:

- 2019 all letters that were associated to the snow fence and metal posts that were placed at rate payer at #72.
- 2020 signed employment contracts for all the office staff, all the RM crew and all contract employees.
- 2020 office staff interviews request to see all bids.
- 2019 signed Employee review Dawn Lugin.
- 2019 signed employment contracts for Dawn Lugin, Gwen Lowe, Bonnie Demery and Linda Peagam.
- 2019 letter that was to Bonnie Demery for discipline action.
- 2019 overtime hours for RM Administrator Dawn Lugin and the 2019 salary.
- 2019 Stop work order letter for # 354 rate payer.
- 2019 motion 19-198 request to see report.
- 2019 motion 19-349 request to see report.
- 2015, 2016, 2017, 2018 all discussions and notes from Hamlet of Pasqua Lake Meetings.
- Including AGM. (Annual General Meeting) minutes and other reports.
- All 2018, 2019 and 2020 Hamlet reports from the councillor [sic] and liaison.
- All 2020 RM committee agenda's [sic] and minutes.
- All 2020 RM special meetings, notices, agendas and minutes.
- All 2020 RM Notices for the committee and rm [sic] meetings.
- Request update on all out standing RM motions from 2019 and 2020.
- All 2020 gravel tenders motion 20W-021.
- 2020 Contract Public Works Labourer request positions bid motion 20W-020.
- 2020 motion 20W-024 request all quotes.
- 2020 motion 20-182 request all supporting information.
- 2020 motion 20-184 requesting the completed gas tax application form that was submitted.
- 2020 motion 20-185 requesting the Provision of services and the schedules A, Band C.
- 2020 motion 20-187 requesting the information.
- 2020 motion 20-188 requesting signed agreement for services cold mix.
- 2020 motion 20-208 request signed agreement for services.
- 2020 motion 20W-028 request to see the quotes.
- 2020 motion 20W-029 request to see the quotes.
- 2020 motion 20-218 request to see letter.
- 2020 motion 20-242 request to see rebuttal to Liaison report.
- 2020 motion 20-245 request legal options.

- 2020 July 08, 2020 special council meeting request to see all project tenders and Garbage collection tender.
- 2020 request to see MEEP (Municipal Economic Enhanced Program) completed application form that was submitted.
- 2020 May 26, 2020 RM meeting request Report 6 (c) Division 5 Edited October 22, 2019 Report.
- 2019 motion 19-525 Website request RFP.
- 2019 motion 19-387 request to letters.
- 2019 motion 19-388 request contract.
- 2020 motion 20W-003 request to see quotes.
- 2020 motion 20W-002 request to see quotes.
- 2020 motion 20-056 request to see all legal letters.
- 2020 motion 20-084 request to see quotes.
- 2020 motion 20-086 request update permits.
- 2020 motion 20-123 request investigated weight tickets.
- 2020 motion 20-135 request to see signed contracts.
- 2020 motion 20-134 request to see interviews of the candidates.
- 2020 Motion 20W-005 request to see.
- 2020 motion 20W-013 Dust Control request to quotes.

[2] In a letter dated August 26, 2020, the RM indicated it was extending the 30-day response period by an additional 30 days pursuant to subsection 12(1)(a) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

[3] On October 8, 2020, the Applicant requested a review by my office.

[4] On October 9, 2020, my office requested the following from the Applicant:

- A copy of their access to information request; and
- A copy of the response pursuant to section 7 of LA FOIP that the RM sent to the Applicant (if any).

[5] In an email dated October 22, 2020, the Applicant indicated they were sending to my office via mail a copy of what they received from the RM. On October 27, 2020, my office received a copy of what they received from the RM. The Applicant received 263 pages of partially redacted records.

- [6] On November 2, 2020, my office contacted the RM to request a copy of the response it should have issued to the Applicant pursuant to section 7 of LA FOIP.
- [7] On November 3, 2020, my office received a copy of the RM's section 7 response to the Applicant (which was post-dated November 4, 2020). The section 7 response appears to have four parts. The first part of the section 7 response indicated that the RM was relying on subsections 18(1)(b),(c), and 23(1)(b), (c), (d), (e), (f), (g), (h), (j), and (k) of LA FOIP as its reasons for redacting portions of records, but releasing the remainder of these records.
- [8] The second part of the section 7 response indicated that the RM was relying on subsections 22(1)(a), (b), and (c) and 23(1)(b), (c), (d), (e), (f), (g), (h), (j), and (k) of LA FOIP to withhold certain records since the release of the records would contravene subsection 117(1)(d) of *The Municipalities Act* or the release of the records would disclose the personal information of identifiable individuals.
- [9] The third part of the section 7 response was pursuant to subsection 7(2)(b) of LA FOIP. The RM indicated some of the records the Applicant was requesting were available through the RM's website.
- [10] The fourth part of the section 7 response was pursuant to subsection 7(2)(e) of LA FOIP. The RM indicated that some of the records that the Applicant requested do not exist.
- [11] On December 3, 2020, my office sent notifications to the RM and to the Applicant to indicate that my office was undertaking a review. Further, since the RM cited section 18 of LA FOIP as a reason for refusing access to records, my office notified 17 third parties that my office was undertaking a review.

II RECORDS AT ISSUE

- [12] At issue are 235 pages of records, portions of which were redacted.

[13] In its submission, the RM numbered each part of the Applicant's access request (listed above) from 1 to 46. Then, it numbered the records accordingly. For example, record 1.1 is related to the first item listed in the Applicant's access request and record 2.1 relates to the second item listed in the Applicant's access request.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[14] The RM qualifies as a "local authority" as defined by subsection 2(f)(i) of LA FOIP. Therefore, I find I have jurisdiction to review this matter.

[15] I also should note that the 17 third parties in this review qualify as a third party as defined by subsection 2(k) of LA FOIP.

2. Did the RM's extension of the response deadline satisfy the criteria set out in section 12 of LA FOIP?

[16] Subsection 7(2) of LA FOIP requires local authorities to respond to access to information requests within 30 days after the request is made. Subsection 7(2) of LA FOIP provides:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:...

[17] Subsection 12(1) of LA FOIP enables local authorities to extend the 30 days prescribed in subsection 7(2) of LA FOIP for a reasonable period not exceeding 30 days. However, pursuant to subsection 12(2) of LA FOIP, the local authority must provide notification to the Applicant that it will be relying on subsection 12(1) within the first 30 day period. Section 12 of LA FOIP provides:

12(1) The head of a local authority may extend the period set out in section 7 or 11 for a reasonable period not exceeding 30 days:

(a) where:

(i) the application is for access to a large number of records or necessitates a search through a large number of records; or

(ii) there is a large number of requests;

and completing the work within the original period would unreasonably interfere with the operations of the local authority;

(2) A head who extends a period pursuant to subsection (1) shall give notice of the extension to the applicant within 30 days after the application is made.

(3) Within the period of extension, the head shall give written notice to the applicant in accordance with section 7.

[18] As noted in the Background of this Report, the RM received payment of the \$20.00 application fee on August 6, 2020. As I have noted in my Review Report 152-2020, *The Legislation Act* provides guidance on calculating the date in which local authorities are to respond to an access request:

[11] Subsection 7(2) of LA FOIP requires a local authority to respond to an applicant within 30 calendar days of receiving an access to information request. In terms of calculating the due date, *The Legislation Act* establishes general rules that govern the interpretation of all statutory instruments in the province. Section 2-28 of *The Legislation Act* provides guidance on the computation of time and can be applied to the 30 day calculation as follows:

- The first day the access request is received is excluded in the calculation of time;
- If the due date falls on a holiday, the time is extended to the next day that is not a holiday;
- If the due date falls on a weekend, the time is extended to the next day the office is open; and
- As LA FOIP expresses the time in a number of days, this is interpreted as 30 calendar days, not business days.

[19] Since the RM received the application fee on August 6, 2020, then August 7, 2020 would be considered the first day in the calculation of time. Therefore, pursuant to subsection 7(2) of LA FOIP, the RM would have until September 5, 2020 to respond. As noted in the Background of this Report, the RM sent a letter dated August 26, 2020 to the Applicant

indicating that it was extending the 30-day time period by an additional 30 days pursuant to subsection 12(1)(a) of LA FOIP.

[20] In its submission, the RM indicated that it considered the volume of records requested by the Applicant and the staff's workload and determined that it required an extension of time pursuant to subsection 12(1)(a) of LA FOIP.

[21] I have already noted that the Applicant submitted a 46-part access request, which was quoted earlier in this Report. I agree with the RM that the Applicant's access request is for access to a large number of records. As such, processing such a large number of records would unreasonably interfere with the operations of the RM. I find that the RM's extension of 30 days is in accordance with subsection 12(1)(a) of LA FOIP. Further, I find that the RM's notice dated August 26, 2020 is in accordance with subsections 12(2) and 12(3) of LA FOIP.

3. Did the RM provide a section 7 compliant response to the Applicant within the legislated timeline?

[22] In the Background, I noted that the RM received the application fee of \$20 on August 6, 2020. Since I found that subsection 12(1)(a) of LA FOIP authorized the RM's extension of 30 days set out in subsection 7(2) of LA FOIP, then the RM would have had until October 5, 2020 to provide a written notice to the Applicant pursuant to subsection 7(2) of LA FOIP.

[23] In its submission, the RM indicated that it notified the Applicant on October 5, 2020 that the records were available for pick-up. It indicated that the Applicant picked up the records from the RM's office on October 6, 2020.

[24] As mentioned in the Background, the Applicant forwarded the response they received from the RM, which my office received on October 27, 2020. However, that response did not appear to meet the requirements of section 7 of LA FOIP. For example, the response appeared to not state the Applicant may request a review by my office within one year after

the response is given, pursuant to subsection 7(3) of LA FOIP. As a result, my office contacted the RM. Then, the RM forwarded a written response that met the requirements of section 7 of LA FOIP to both my office and to the Applicant. That response was dated November 4, 2020.

[25] While the RM provided a response to the Applicant within the legislated timeline, the RM's original response was not in compliance with section 7 of LA FOIP. As such, I find that the RM did not provide a section 7 compliant response to the Applicant within the legislated timelines. I recommend that the RM amend its procedures so that its response to formal access to information requests contain the elements required by section 7 of LA FOIP.

4. Did the RM properly apply subsection 28(1) of LA FOIP?

a. Does information qualify as “personal information” and did the RM properly apply subsection 28(1) of LA FOIP?

[26] In its letter dated November 4, 2020 to the Applicant, the RM indicated it was relying on subsections 23(1)(b), (c), (d), (e), (f), (g), (h), (j), and (k) of LA FOIP to withhold some records (or portions of records) from the Applicant. Subsection 23(1) of LA FOIP provides the definition of personal information, which is:

23(1) Subject to subsections (1.1) and (2), “personal information” means personal information about an identifiable individual that is recorded in any form, and includes:

...

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

(c) information that relates to health care that has been received by the individual or to the health history of the individual;

(d) any identifying number, symbol or other particular assigned to the individual;

(e) the home or business address, home or business telephone number, finger prints or blood type of the individual;

(f) the personal opinions or views of the individual except where they are about another individual;

(g) correspondence sent to a local authority by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;

(h) the views or opinions of another individual with respect to the individual;

...

(j) information that describes an individual's finances, assets, liabilities, networth, bank balance, financial history or activities or credit worthiness; or

(k) the name of the individual where:

(i) it appears with other personal information that relates to the individual;
or

(ii) the disclosure of the name itself would reveal personal information about the individual.

[27] When a local authority identifies information in a record it believes to be the personal information as defined by subsection 23(1) of LA FOIP of a third party individual, it is to apply subsection 28(1) of LA FOIP to withhold the information. Presumably, where the RM identified information it believed to qualify as personal information as defined by subsection 23(1) of LA FOIP, it intended to apply subsection 28(1) of LA FOIP to withhold the information. Therefore, where it cited subsection 23(1) of LA FOIP as its reason for withholding information, I will presume it intended to withhold the information pursuant to subsection 28(1) of LA FOIP.

[28] The RM applied subsection 28(1) of LA FOIP to the following records:

- Record 1.1 (in part)
- Record 2.1 (in part)
- Record 3.1 (in full)
- Record 4.1 (in full)
- Record 6.1 (in part)
- Record 7.1 (in part)

- Record 8.1 (in part)
- Records 11.1.18, 11.1.19, 11.1.20 (in part)
- Records 11.2.1, 11.2.2, 11.2.3 (in part)
- Records 11.3.3, 11.3.4, 11.3.5, 11.3.6, 11.3.7, 11.3.8, 11.3. 9 (in part)
- Records 11.4.1, 11.4.2, 11.4.3 (in part)
- Records 12.1.1, 12.1.2, 12.1.5 (in part)
- Records 12.2.8, 12.2.9, 12.2.10, 12.2.11, 12.2.12 (in part)
- Records 12.2.15, 12.2.16, 12.2.17 (in part)
- Records 12.3.2, 12.3.3 (in part)
- Record 18.1 (in full)
- Record 46.1 (in part)

[29] Subsection 28(1) of LA FOIP provides as follows:

28(1) No local authority shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 29.

[30] Subsection 28(1) of LA FOIP protects the privacy of individuals whose personal information may be contained within records responsive to an access to information request made by someone else. Subsection 28(1) of LA FOIP requires that the local authority have the consent of the individual whose personal information is in the record prior to disclosing it. Without consent, a local authority cannot release personal information unless one of the provisions at subsection 28(2) of LA FOIP or section 29 of LA FOIP apply.

[31] My office reviewed the records to which the RM applied subsection 28(1) of LA FOIP. For the most part, I found that the information the RM withheld pursuant to subsection 28(1) of LA FOIP qualifies as personal information as defined by subsection 23(1) of LA FOIP. My findings and recommendations are listed in Appendix A.

b. Record 11.3.7

[32] I should note that record 11.3.7 is a handwritten record. A typed version of [record 11.3.7](#) is available on the Organized Hamlet of Pasqua Lake's (Organized Hamlet) website (which consists of webpages of the RM's website). This particular typed version disclosed the

information that qualifies as personal information as defined by subsection 23(1) of LA FOIP. I note that subsection 28(2)(r) of LA FOIP and subsection 30(2) of *The Municipalities Regulations* authorizes the disclosure of the personal information. Subsection 28(2)(r) of LA FOIP provides:

28(2) Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:

...

(r) for any purpose in accordance with any Act or regulation that authorizes disclosure

[33] Subsection 30(2) of *The Municipalities Regulations* provide:

30(1) Within 30 days after a meeting of the hamlet board, the secretary of the hamlet board shall transmit to the council of the rural municipality in which the organized hamlet is located a copy of the minutes of the meeting.

(2) The minutes of all meetings of a hamlet board shall be open to inspection at the annual meeting of the organized hamlet.

[Emphasis added]

[34] Since a typed version of record 11.3.7 is already published on the Organized Hamlet's website, I recommend that the RM disclose record 11.3.7 in its entirety.

[35] While I note that the RM (and the Organized Hamlet) has the authority to disclose meeting minutes, I suggest that the RM take note of my office's blog, [Council Agendas and Meeting Minutes](#), which provides suggestions on the preparation of meeting documents to be published on a website that protects the privacy of individuals.

5. Did the RM properly apply subsection 18(1)(b) of LA FOIP?

a. Third parties who are not objecting to the release of records

[36] Subsection 18(2) of LA FOIP provides:

18(2) A head may give access to a record that contains information described in subsection (1) with the written consent of the third party to whom the information relates.

[37] As mentioned in the Background of this Report, the RM identified 17 third parties whose records were involved in this review. My office requested that the third parties make representations to my office.

[38] Of the 17 third parties, two of them indicated to my office – in writing – that it did not object to the release of information. The first third party’s record appears on page 203 of the PDF file “IPC 239-20 Index#1.pdf” that the RM provided to my office. The second third party’s record appears on page 205 of the PDF file. Since these two third parties have indicated that they do not object to the release of the records, I recommend that the RM release pages 203 and 205 of the PDF file “IPC 239-20 Index#1.pdf”.

[39] Another third party contacted my office by telephone and indicated verbally that it did not object to the release of information. However, when my office reviewed the record (record 46.1 or page 233 of “IPC 239-20 Index#1.pdf”), it noted that the RM did not apply subsection 18(1)(b) of LA FOIP to it but subsection 28(1) of LA FOIP. As set out in Appendix A, I found that subsection 28(1) of LA FOIP does not apply to the redacted information and I have recommended that the RM release the redacted portions of this record.

b. The remaining records – has the RM demonstrated that subsection 18(1)(b) of LA FOIP applies?

[40] The RM applied subsection 18(1)(b) of LA FOIP to portions of records 17.1, 17.1.1, 17.2, 17.2.1, 27.1.1, 31.1.1, 31.2.1, 37.1.1, 38.1.1, and 46.1.1. The records appear to be proposals, quotes or tenders by third parties. Based on a review of the records, the RM did not withhold these records in their entirety. Instead, the RM applied subsection 18(1)(b) of LA FOIP to portions of the records, including the unit prices of products/services.

[41] Subsection 18(1)(b) of LA FOIP provides as follows:

18(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

...

(b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to the local authority by a third party;

[42] My office uses the following three-part test to determine if subsection 18(1)(b) of LA FOIP applies:

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?
2. Was the information supplied by the third party to a local authority?
3. Was the information supplied in confidence implicitly or explicitly?

(Guide to LA FOIP, Chapter 4: Exemptions from the Right of Access, Updated April 29, 2021, at pp. 170 to 174 (Guide to LA FOIP))

[43] Below is an analysis to determine if subsection 18(1)(b) of LA FOIP applies to the records.

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?

[44] *Financial information* is information regarding monetary resources, such as financial capabilities, assets and liabilities, past or present. Common examples are financial forecasts, investment strategies, budgets, and profit and loss statements, the financial information must be specific to a third party (Guide to LA FOIP, p. 170).

[45] *Commercial information* is information relating to the buying, selling or exchange of merchandise or services. Types of information included in the definition of commercial information can include:

- offers of products and services a third-party business proposes to supply or perform;
- a third-party business' experiences in commercial activities where this information has commercial value;

- terms and conditions for providing services and products by a third party;
- lists of customers, suppliers or sub-contractors compiled by a third-party business for its use in its commercial activities or enterprises -such lists may take time and effort to compile, if not skill;
- methods a third-party business proposes to use to supply goods and services; and
- number of hours a third-party business proposes to take to complete contracted work or tasks.

(Guide to LA FOIP, pp. 170 to 171)

[46] In Review Report 109-2015 at paragraph [25], I found that proposal packages created by a third party with the aim of winning a contract with a local authority qualifies as “commercial information”.

[47] Further, in Review Report 229-2015, I found that the unit prices in a contract between a public body and a third party qualifies as commercial information of the third party. Justice Zarzeczny in *Canadian Bank note Limited v. Saskatchewan Government Insurance* 2016 SKQB 362 upheld this finding.

[48] Based on a review of the records, I find that the information in the records qualify as commercial information.

2. Was the information supplied by the third party to a local authority?

[49] *Supplied* means provided or furnished. Information may qualify as “supplied” if it was directly supplied to a local authority by a third party, or where its disclosure would reveal or permit the drawing of accurate inferences with respect to information supplied by a third party (Guide to LA FOIP, p. 172).

[50] Based on a review of the records, I find that the information in the records were supplied by third parties to the RM.

3. Was the information supplied in confidence implicitly or explicitly?

[51] *In confidence* usually describes a situation of mutual trust in which private matters are relayed or reported. Information obtained *in confidence* means that the supplier of the information has stipulated how the information can be disseminated. In order for confidence to be found, there must be an implicit or explicit agreement or understanding of confidentiality on the part of both the local authority and the third party providing the information (Guide to LA FOIP, p. 174).

[52] *Implicitly* means that the confidentiality is understood even though there is no actual statement of confidentiality, agreement, or other physical evidence of the understanding that the information will be kept confidential (Guide to LA FOIP, p. 174).

[53] *Explicitly* means that the request for confidentiality has been clearly expressed, distinctly stated or made definite. There may be documentary evidence that shows that the information was supplied on the understanding that it would be kept confidential (Guide to LA FOIP, p. 174).

[54] In this case, based on a review of what was provided to my office by both the RM and the third parties, there was no explicit expression of confidentiality before or at the time information was supplied. Therefore, I must analyze whether information was provided implicitly in confidence.

[55] Factors considered when determining whether a document was supplied in confidence implicitly include (not exhaustive):

- What is the nature of the information? Would a reasonable person regard it as confidential? Would it ordinarily be kept confidential by the third party or the local authority?
- Was the information treated consistently in a manner that indicated a concern for its protection by the third party and the local authority from the point at which it was supplied until the present time?
- Is the information available from sources to which the public has access?

- Does the local authority have any internal policies or procedures that speak to how records such as the one in question are to be handled confidentially?
- Was there a mutual understanding that the information would be held in confidence?
 - *Mutual understanding* means that the local authority and the third party both had the understanding regarding the confidentiality of the information at the time it was supplied. If one party intends the information to be kept confidential but the other does not, the information is not considered to have been supplied in confidence. However, mutual understanding alone is not sufficient. Additional factors must exist in addition.

[56] The above factors are not a test but rather guidance on factors to consider. It is not an exhaustive list. Each case will require different supporting arguments. The bare assertion that the information was supplied implicitly in confidence would not be sufficient (Guide to LA FOIP, pp. 175 to 176).

[57] In its submission to my office, the RM asserted that the redacted information was submitted in confidence. It advised my office that the third party records are “bids not accepted by Council.”

[58] The third parties who objected to the release of the redacted information indicated to my office that while they submitted proposals, tenders, or quotes to the RM, they were not awarded with any work or contract with the RM. They indicated they did not wish for their competitors to learn information that was related to their “competitive strategy”, “competitive model” or “business model”.

[59] In my Review Report 311-2017, 312-2017, 313-2017, 316-2017, 340-2017, 341-2017, 342-2017, I said that the cost to third parties for entering into agreements with a public body is that information exchanged may be released under LA FOIP or *The Freedom of Information and Protection of Privacy Act*. In this case, though, my office is not reviewing any agreements or records resulting from an agreement between any third party (or third parties) and the RM. The records at issue are records submitted to the RM prior to any agreement that were entered into by any of the third parties with the RM.

[60] When I consider the context of these records, I find that a reasonable person would regard the nature of the information to be confidential. The reason is that while third parties exchanging correspondence and creating records as a result of an agreement with a local authority (such as the RM) should not expect absolute confidentiality, I note that these records would have been provided to the RM by third party businesses who had not entered into a contract with the RM.

[61] I find that subsection 18(1)(b) of LA FOIP applies to the redacted portions of records 17.1, 17.1.1, 17.2, 17.2.1, 27.1.1, 31.1.1, 31.2.1, 37.1.1, 38.1.1, and 46.1.1. I recommend that the RM continue to withhold the portions redacted from records 17.1, 17.1.1, 17.2, 17.2.1, 27.1.1, 31.1.1, 31.2.1, 37.1.1, 38.1.1, and 46.1.1, except for pages 203 and 205 of “IPC 239-20 Index#1.pdf” where the two third parties have indicated to my office that they do not object to the release of the information.

[62] Since I find that subsection 18(1)(b) of LA FOIP applies to these records, I do not need to consider subsection 18(1)(c) of LA FOIP.

6. Is the RM able to rely on subsection 22(1)(a) of LA FOIP to withhold records?

[63] The RM cited subsection 22(1)(a) of LA FOIP as its reason for withholding records 13.1.1, 13.2.1, 13.3.1.

[64] Subsection 22(1)(a) of LA FOIP provides that if there is a conflict between any other Act and LA FOIP, that LA FOIP shall prevail. Subsection 22(1)(a) of LA FOIP provides:

22(1) Where a provision of:

(a) any other Act;

...

that restricts or prohibits access by any person to a record or information in the possession or under the control of a local authority conflicts with this Act or the regulations made pursuant to it, the provisions of this Act and the regulations made pursuant to it shall prevail.

[65] *Prevail* means a provision of one Act having priority over a conflicting provision in another Act. The ordinary meaning of the word means to be superior in strength or influence (Guide to LA FOIP, Chapter 1, p. 19).

[66] In its submission, the RM said that subsection 117(1)(d) of *The Municipalities Act* would not enable an individual to inspect a copy of the records (which are meeting minutes of council committees). The RM stated the following:

Records 13.1.1 and 13.2.1 and 13.3.1: Records withheld in full under authority of *The Municipalities Act* subsection 117(1)(d), minutes not approved as the next meeting had not yet been scheduled for the internal Committees.

[67] Subsection 117(1)(d) of *The Municipalities Act* provides as follows:

117(1) Any person is entitled at any time during regular business hours to inspect and obtain copies of:

...

(d) the minutes of the council after they have been approved by the council;

[68] Since the RM indicated that the meeting minutes have not been approved, then an individual would not be entitled to inspect and obtain copies of these meeting minutes pursuant to subsection 117(1)(d) of *The Municipalities Act*. However, even though *The Municipalities Act* restricts access, subsection 22(1)(a) of LA FOIP is clear that LA FOIP prevails over subsection 117(1)(d) of *The Municipalities Act*. I find that the RM cannot rely on subsection 22(1)(a) of LA FOIP to withhold records. Further, since time has elapsed since the access request was made, I expect the minutes have been approved and would at this time be public or releasable.

[69] Since the RM has not cited any exemption as set out in Part III of LA FOIP to withhold the records 13.1.1, 13.2.1, and 13.3.1, I find the RM has not met the burden of proof to refuse access pursuant to section 51 of LA FOIP:

51 In any proceeding pursuant to this Act, the burden of establishing that access to the record applied for may or must be refused or granted is on the head concerned.

[70] I recommend that the RM release records 13.1.1, 13.2.1, and 13.3.1 to the Applicant.

7. Did the RM respond appropriately pursuant to subsection 7(2)(b) of LA FOIP?

[71] Subsection 7(2)(b) of LA FOIP provides as follows:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:

...
(b) if the record requested is published, referring the applicant to the publication;

[72] In my Review Report 252-2018, I dealt with a matter involving a local authority who responded to an access request pursuant to subsection 7(2)(b) of LA FOIP. The local authority in that case indicated that responsive records were available on its website. However, it did not specify the titles of the records, the types of records, or provide specific links or an explanation how records on its website were responsive to the applicant's access request. Therefore, in that Review Report, I recommended that the local authority identify the specific records on its website (with a link to each record) for the applicant.

[73] As described in the Background section of this Report, the RM's letter dated November 4, 2020 to the Applicant indicated that some of the records were available through the RM's website. The RM explained which tabs under which the Applicant can click to locate the records. The RM's letter said:

Some of the records you have requested are published and are available on the RM's website at <http://www.4callinglakes.ca/regional/our-communities/rm-of-north-quappelle-no-187>. Information can be found under the 'Public Notices' tab, the 'Bylaws' tab, the 'Council Meeting Minutes' tab, and the 'Organized Hamlet of Pasqua Lake' tab. This notification has been provided pursuant to section 7(2)(b) of *The Local Authority Freedom of Information and Protection of Privacy Act*.

[74] As noted in the Background of the Report, the Applicant's access request had 46 parts. The RM's letter dated November 4, 2020 did not specify which records requested by the Applicant was publicly available. However, in its submission to my office, it identified the following records that were publicly available on its website. Below is a table that lists the record that was requested and where the RM indicated the record could be located:

Requested Record	Where the RM indicated where the record can be located
RM Administrator's salary	RM website "Minutes" 1/8/19
Special meeting notice March 2, 2020	RM website "Public Notice"
Special meeting notice July 8, 2020	RM website "Public Notice"
Special meeting notice Agendas	RM website "Minutes"
Special Meeting Minutes	RM website "Minutes"
Committee meeting notice June 23, 2020	RM website "Public Notice"
20-182 Support Info Bylaw	RM website "Bylaws"
20-192 Support Info Budget	RM website "Minutes" 04/28/19
20-182 Support Info Mun. Act	www.publications.gov.sk.ca
20-185 Schedules	RM Website "Minutes" 04/28

[75] In the course of this review, my office attempted to access the website link <http://www.4callinglakes.ca/regional/our-communities/rm-of-north-quappelle-no-187> provided to the Applicant by the RM but it appeared that the link was no longer active. The link certainly could have been active at the time when the RM sent the letter to the Applicant. Even if the link was active, I find that the link is not specific enough. Similar to my recommendation in Review Report 252-2018, I recommend that the RM amend its procedures so it provides specific links to documents if it is responding to access requests pursuant to subsection 7(2)(b) of LA FOIP.

[76] Based on a review, it appears as though the documents are available at <https://rmnorthquappelle.ca>. In Appendix B, I list the website link for each of the records, with the exception of public notices and for "20-182 Support Info Mun. Act".

[77] With regard to the public notices listed above, they could have been on the RM's former website. However, my office could not locate them on <https://rmnorthquappelle.ca>. Since

my office was not able to identify where the “public notices” are available on the RM’s website, I recommend that the RM provide either: 1) the specific links to the public notices to the Applicant; or 2) provide hard copies of the public notices to the Applicant within 30 days of the issuance of the final version of this Report.

[78] With regard to “20-182 Support Info Mun. Act”, the RM indicated in its Index of Records to my office that such a record is available at www.publications.gov.sk.ca. I recommend that the RM provide the Applicant with a more specific link.

[79] Going forward, I recommend that the RM amend its procedures so that when it responds to an access request pursuant to subsection 7(2)(b) of LA FOIP, that it specify the title of the record(s) that is responsive to the access request and provide a link to the specific record.

8. Did the RM conduct a reasonable search?

[80] Section 5 of LA FOIP provides an applicant the right of access to records in the possession or under the control of a local authority. Section 5 of LA FOIP provides:

5 Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a local authority.

[81] Section 5 of LA FOIP is clear that access to records must be granted if the records are in the possession or under the control of the local authority subject to any exemptions under Part III or Part IV of LA FOIP. However, a local authority cannot provide access to records that do not exist. Subsection 7(2)(e) of LA FOIP contemplates such situations. Subsection 7(2)(e) of LA FOIP provides:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:

...

(e) stating that access is refused for the reason that the record does not exist;

[82] As described in the Background of this Report, the RM indicated that some of the records that the Applicant requested do not exist. The RM's letter dated November 4, 2020 said the following:

This is to advise you that some of the record(s) you wish to access do not exist in the RM of North Qu'Appelle No. 187. For your information, this notification has been provided pursuant to clause 7(2)(e) of *The Local Authority Freedom of Information and Protection of Privacy Act*.

[83] Therefore, the RM did not specify for the Applicant which records do not exist. However, in its submission to my office, the RM specified that the following records did not exist:

- 2020 Contract Office staff
- 2020 Contract works staff
- 2019 signed office employee contracts
- Bridge Mot#19-198
- Special Meeting Notice March 16, 2020
- Special Meeting Notice June 30, 2020
- Committee Meeting Notice February 13
- Committee Meeting Notice February 28
- Committee Meeting Notice June 29
- Committee Meeting Notice August 5
- 2019 o/s motion list
- 2020 o/s motion list
- 20W-024 Tire quotes
- 20-185 PSA
- 20-187 Primary weight
- 20-188 Signed Agreement
- 20-208 Signed Agreement
- 20-218 Letter
- 20-245 legal options
- 19-387 letters
- 20-056 letters
- 20-084 quotes
- 20-086 update
- 20-123 weigh tickets
- 20-134 interviews

[84] When a local authority responds to an access request pursuant to subsection 7(2)(e) of LA FOIP, my office reviews the local authority's search efforts to determine if the efforts were reasonable.

[85] A *reasonable search* is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records related to the access to information request. A reasonable effort is the level of effort you would expect of any fair, sensible person searching areas where records are likely to be stored. What is reasonable depends on the access request and related circumstances. Examples of information that can be provided to my office to support a local authority's search efforts include the following:

- For personal information requests – explain how the individual is involved with the local authority (i.e. client, employee, former employee etc.) and why certain departments/divisions/branches were included in the search.
- For general requests – tie the subject matter of the request to the departments/divisions/branches included in the search. In other words, explain why certain areas were searched and not others.
- Identify the employee(s) involved in the search and explain how the employee(s) is experienced in the subject matter.
- Explain how the records management system is organized (both paper & electronic) in the departments/divisions/branches included in the search.
- Describe how records are classified within the records management system. For example, are the records classified by:
 - alphabet
 - year
 - function
 - subject
- Consider providing a copy of your organization's record schedule and screen shots of the electronic directory (folders & subfolders).
- If the record has been destroyed, provide copies of record schedules and/or destruction certificates.
- Explain how you have considered records stored off-site.

- Explain how records that may be in the possession of a third party but in the local authority's control have been searched such as a contractor or information management service provider.
- Explain how a search of mobile electronic devices was conducted (i.e. laptops, smart phones, cell phones, tablets).
- Explain which folders within the records management system were searched and how these folders link back to the subject matter requested. For electronic folders – indicate what key terms were used to search if applicable.
- Indicate the calendar dates each employee searched.
- Indicate how long the search took for each employee.
- Indicate what the results were for each employee's search.
- Consider having the employee that is searching provide an affidavit to support the position that no record exists or to support the details provided. For more on this, see my office's resource, *Using Affidavits in a Review with the IPC* available on my office's website.

(Guide to LA FOIP, Chapter 3, pp. 8 to 10)

[86] The above list is meant to be a guide. It is not an exhaustive list of what could be considered by my office in a review. Providing the above details is not a guarantee that my office will find that the search efforts were reasonable. Each case will require different search strategies and details depending on the records requested.

[87] In its submission and in the course of the review, the RM explained that it searched through both its paper records and electronic records. First, the RM explained that it searched through its paper records. Its paper records are organized and stored in six filing cabinets and storage room boxes. The records are organized by year and record type (such as tax roll, property assessment, and general correspondence). Further, records are sorted alphabetically and categorically.

[88] Second, the RM explained that it searched through its electronic records. It stated that it searched through the computer systems of the Administrator, Assistant Administrator, and Reception Officer. The RM explained that all three computer systems have access to a shared municipal drive in addition to individual drives for records to be saved. It searched through both the shared and individual drives using the following keywords: contract, resumes, Pasqua Lake, bridge, tender, quotes, bids, gravel paving, signs, and garbage. It also searched through the three office email addresses – rm187admin@sasktel.net, rm187assist@sasktel.net, and rm187@sasktel.net.

[89] In its submission, the RM explained that records do not exist for the following three reasons:

1. the information was received verbally during a telephone call or in-person conversation;
2. the record requested refers to a motion to investigate a service which was done verbally; and/or
3. the record has not been created and therefore does not exist.

[90] I should note that my office is reviewing whether the RM conducted a reasonable effort to search for records and not whether records should exist or not. Based on the above, and based on a review of the records that were provided to the Applicant, I find that the RM has conducted a reasonable search for records. Further, I note that the Applicant has not provided a submission that explains their basis for believing that the RM has not conducted a reasonable search for records.

9. Did the RM meet its duty to assist?

[91] Subsection 5.1(1) of LA FOIP provides as follows:

5.1(1) Subject to this Act and the regulations, a local authority shall respond to a written request for access openly, accurately and completely.

[92] To respond *openly* means to provide access to all or part of a record and to be upfront in the reasons for refusing access. To respond *accurately* means to understand every part of an access to information request and to clarify the nature if required. To respond *completely* means to not leave any gaps in a response to an applicant, thereby eliminating confusion (Guide to LA FOIP, Chapter 3, pp. 15 to 16).

[93] As noted in the Background of this Report, the Applicant submitted a 46-part access request to the RM. Within that access request, they requested:

2020 motion 20-185 requesting the Provision of services and the schedules A, B and C.

[94] To demonstrate to my office its efforts to clarify the access requests, the RM provided an email exchange it had with the Applicant to clarify this particular portion of the access request to support how it made efforts to meet its duty to assist. The email exchange took place between July 31, 2020 and August 7, 2020 with regards to motion 20-185 and a “Provision of Services” agreement, which is referred to as “POS”, “PSA”, or “schedules A, B and C” in the email exchanges.

[95] On July 31, 2020 to the Chair of the Organized Hamlet of Pasqua Lake and the RM Administrator:

Where are the adopted schedules A, B & C. You said I would have them asap, still not here.

[96] On August 6, 2020, the RM Administrator responded as follows:

I have attached an unofficial, reformatted version of the document approved by the RM Council at the April 28, 2020 meeting as per Resolution 20-185. This document has been reformatted and the rows re-aligned to better visually illustrate the relevant Schedules as accepted by the RM Council resolution 20-185.

I have also attached the original unaltered document as attached to the RM minutes for comparison.

- [97] On the same day, the Applicant indicated that what the RM Administrator sent was not what they were seeking and provided clarification as to what they were seeking:

This is not the adopted copies as requested. I am still waiting to see.

Motion 20-185 where is the whole "The Provision Of Services, along with schedules A, B, and C, constitute the hamlet's budget. This is a contract\agreement which according to the Chair has been signed by only 2 board members. The schedules shows the responsible person and dollars.

- [98] The RM Administrator, on the same day, clarified that the record sought by the Applicant is not the version of the record that was presented to the RM council. The RM Administrator said:

As I have noted to you in past emails, you are looking for a format that was not presented to the RM Council as at April 28, 2020 for the Organized Hamlet of Pasqua Lake for the 2020 fiscal year. The RM Resolution 20-185 clearly states that the Council accepts attached Schedules A, B & C, as the Agreement and Budget.

There is nothing more on this matter that the office can provide related to your request, as the only Council accepted document related to the Organized Hamlet of Pasqua Lake 2020 Provision of Services Agreement is what was sent to you again today as per resolution 20-185.

- [99] In an email dated August 6, 2020, the Applicant indicated that the record they sought was sent to the RM on April 23, 2020. The Applicant's understanding was that this particular version of the record was the version to be presented to council on April 28, 2020. They asked why the April 23 version of the document was not presented to council. Their email said:

According to what Larry said that on April 23, 2020 POS [Provision of Services] was the version that was sent to the office for the April 28th RM meeting.

Dawn you said "a format that was not presented to the RM Council as at April 28, 2020 meeting."

Larry did have POS and why was it not presented at the RM council meeting.

For the April 23 POS version I was the responsible person for the paving, why Dawn did the paving tender go out.

[100] On August 7, 2020, the RM Administrator confirmed that the RM did receive a version of the provision of services agreement on April 24, 2020. However, it had not been approved by the board of the Organized Hamlet of Pasqua Lake. As such, the version of the provision of services agreement received by the RM on April 24, 2020 was **not** presented to the RM Council. The RM Administrator explained as follows:

The office is in receipt of a draft PSA received April 24, 2020. As at the start of the council meeting on April 28, 2020, the RM was not in receipt of a report or copy of Hamlet minutes that conveyed that a resolution had been passed by the Organized Hamlet Board to approve that PSA, nor do the Council minutes record that, as Division 5 Councillor, you put forward a motion to present and approve said document. If I have overlooked a resolution of the OH Board that passed that PSA during the period of January 1, 2020 through to April 28, 2020, prior to the start of the RM council meeting, please provide me with reference to that resolution and I will ask Council to amend theirs. The RM Council can only debate and decide on resolutions passed by the OH Board, noting some exceptions in regulations. As such, the PSA draft received in this office on April 24, 2020, was not presented to Council. The document presented to and adopted by RM Council on April 28, 2020, is based on numerical information pulled out of the above noted draft document to provide for the ongoing cost sharing of items as approved in the budget by the RM Council after the Organized Hamlet missed the regulated deadline of March 1.

[101] Based on the above, the Applicant is clear that they sought the adopted provisions of services agreement related to motion 20-185. Even if the Applicant had a different understanding of which version of the provision of services agreement was to be presented and adopted by Council, it appears as though the RM did indeed provide the Applicant with the adopted provision of services agreement. I note that version of the adopted provision of services of agreement is publicly available on the RM's website here: https://rmnorthquappelle.ca/PDFS/Minutes/2020/4_April_28_Minutes_Regular_Mtg_R_M.pdf.

[102] I find that the RM has met its duty to assist by: 1) seeking clarification of the record sought by the Applicant; and 2) providing the Applicant with a copy of the record in a timely fashion. Further, I find that the RM went above its duty to assist required by LA FOIP by answering the Applicant's question as to why a particular version of the document was not presented to council. As I have said in my recent Disregard Decision 130-2021, LA FOIP does not require local authorities to respond to questions but only to provide records.

[103] I also note the challenge any local authority would face when it receives a 46-part access request under LA FOIP. As I have suggested in Disregard Decision 130-2021, I recommend that the RM consider utilizing the fee estimate provisions in LA FOIP and *The Local Authority Freedom of Information and Protection of Privacy Regulations* as part of its access to information request process. The fee regime promotes and encourages applicants to be reasonable and to cooperate with local authorities in defining and clarifying their access to information requests.

IV FINDINGS

[104] I find I have jurisdiction to review this matter.

[105] I find that the RM's extension of 30 days is in accordance with subsection 12(1)(a) of LA FOIP.

[106] I find that the RM's notice dated August 26, 2020 is in accordance with subsections 12(2) and 12(3) of LA FOIP.

[107] I find that the RM did not provide a section 7 compliant response to the Applicant within the legislated timelines.

[108] I find that subsection 28(1) of LA FOIP applies to most portions to which the RM applied subsection 28(1) of LA FOIP. My findings are listed in Appendix A.

[109] I find that subsection 18(1)(b) of LA FOIP applies to the redacted portions of records 17.1, 17.1.1, 17.2, 17.2.1, 27.1.1, 31.1.1, 31.2.1, 37.1.1, 38.1.1, and 46.1.1.

[110] I find that the RM cannot rely on subsection 22(1)(a) of LA FOIP to withhold records.

[111] I find that the RM has conducted a reasonable search for records.

[112] I find that the RM has met its duty to assist.

V RECOMMENDATIONS

[113] I recommend that the RM amend its procedures so that its response to formal access to information requests contain the elements required by section 7 of LA FOIP.

[114] I recommend that the RM comply with my recommendations set out in Appendix A.

[115] I recommend that the RM disclose record 11.3.7 in its entirety.

[116] Since the two third parties whose records are at pages 203 and 205 of the PDF file "IPC 239-20 Index#1.pdf" do not object to the release of the information, I recommend that the RM release pages 203 and 205 of "IPC 239-20 Index#1.pdf".

[117] I recommend that the RM continue to withhold the portions redacted from records 17.1, 17.1.1, 17.2, 17.2.1, 27.1.1, 31.1.1, 31.2.1, 37.1.1, 38.1.1, and 46.1.1, except for pages 203 and 205 of "IPC 239-20 Index#1.pdf" where the two third parties have indicated to my office that they do not object to the release of the information.

[118] I recommend that the RM release records 13.1.1, 13.2.1, and 13.3.1 to the Applicant.

[119] Since my office was not able to identify where the "public notices" are available on the RM's website, I recommend that the RM provide either: 1) the specific links to the public notices to the Applicant; or 2) provide hard copies of the public notices to the Applicant within 30 days of the issuance of the final version of this Report.

[120] With regard to "20-182 Support Info Mun. Act", I recommend that the RM provide the Applicant with a more specific link than www.publications.gov.sk.ca.

[121] Going forward, I recommend that the RM amend its procedures so that when it responds to an access request pursuant to subsection 7(2)(b) of LA FOIP, that it specify the title of

the record(s) that is responsive to the access request and provide a link to the specific record.

[122] Going forward, I recommend that the RM consider utilizing the fee estimate provisions in LA FOIP and *The Local Authority Freedom of Information and Protection of Privacy Regulations* as part of its access to information request process.

Dated at Regina, in the Province of Saskatchewan, this 30th day of July, 2021.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner

Appendix A – Subsection 28(1) of LA FOIP

Record	Exemption applied	Finding	Recommendation
1.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
2.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
3.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold records in their entirety pursuant to 28(1) of LA FOIP.
4.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold records in their entirety pursuant to 28(1) of LA FOIP.
6.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold record in its entirety pursuant to 28(1) of LA FOIP.

7.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
8.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.1.18	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.1.19	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.1.20	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.2.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.

		defined by 23(1) of LA FOIP.	
11.2.2	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.2.3	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.3.3	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.3.4	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.3.5	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.3.6	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.

		personal information as defined by 23(1) of LA FOIP.	
11.3.7	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Disclose this record in its entirety as a version of this record is available at https://rmnorthquappelle.ca/PDFS/Pasqua/Minutes/2017/1-Minutes_of_the_AGM_-_May_6_2017.pdf
11.3.8	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.3.9	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.4.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.4.2	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
11.4.3	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.

		information qualifies as personal information as defined by 23(1) of LA FOIP.	
12.1.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
12.1.2	28(1)	Redacted information does NOT qualify as personal information as defined by subsection 23(1) of LA FOIP. Redacted information is name of RM staff, which is business card information.	Release redacted information
12.1.5	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
12.2.8	28(1)	Name of individual at item #4 qualifies as PI as defined by 23(1) of LA FOIP; However, house numbers in item #7 does not qualify as PI as it does not reveal information that is personal in nature.	Continue to withhold name of individual at Item #4 pursuant to 28(1) of LA FOIP. Release the house numbers in item #7.
12.2.9	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold redacted information pursuant to 28(1) of LA FOIP.
12.2.10	28(1)	RM Division 5 Report o Hamlet Pasqua Lake – October 15, 2019	RM Division 5 Report o Hamlet Pasqua Lake – October 15, 2019

		<p>Information in the 4th, 12th and 13th bullets qualify as personal information per 23(1) of LA FOIP.</p> <p>The remainder of redacted information does not qualify per 23(1) of LA FOIP.</p> <p>Brief Summary: Culverts, ditching and rocks</p> <p>Redacted information does NOT qualify as personal information as defined by subsection 23(1) of LA FOIP.</p>	<p>Continue to withhold redacted information in the 4th, 12th and 13th bullets pursuant to 28(1) of LA FOIP. Release remainder of information.</p> <p>Brief Summary: Culverts, ditching and rocks</p> <p>Release redacted information.</p>
12.2.11	28(1)	Redacted information does not qualify as personal information as defined by subsection 23(1) of LA FOIP as it does not reveal anything personal in nature.	Release redacted information
12.2.12	28(1)	Redacted names and house numbers do not appear to reveal anything personal in nature.	Release redacted information
12.2.15	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold pursuant to 28(1) of LA FOIP.
12.2.16	28(1)	<p>Redacted information from the first, sixth, and 11th paragraphs qualifies as personal information as defined by 23(1) of LA FOIP.</p> <p>Redacted information from the second paragraph does not qualify as personal information.</p>	<p>Continue to withhold redacted information from first, sixth and 11th paragraphs pursuant to 28(1) of LA FOIP.</p> <p>Release information in second paragraph.</p>

12.2.17	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold records in their entirety pursuant to 28(1) of LA FOIP.
12.3.2	28(1)	Name of business at item #2 does not qualify as personal information as defined by 23(1) of LA FOIP. Redact information in first bullet at item #2 qualifies as personal information as defined by 23(1) of LA FOIP.	Release name of business at item #2
12.3.3	28(1)	Redacted numbers do not qualify as personal information as defined by 23(1) of LA FOIP as they do not appear to reveal anything personal in nature. Nature of appointment qualifies as personal information as define by 23(1) of LA FOIP.	Release numbers. Continue to withhold the nature of the appointment pursuant to 28(1) of LA FOIP.
18.1	28(1)	Redacted information qualifies as information that is personal in nature of an identifiable individual. The information qualifies as personal information as defined by 23(1) of LA FOIP.	Continue to withhold records in their entirety pursuant to 28(1) of LA FOIP.
46.1	28(1)	Redacted information does NOT qualify as personal information as defined by 23(1) of LA FOIP.	Release redacted information

Appendix B – Records that are publicly available

Requested record	Link
RM Administrator's salary (RM website Minutes 1/8/19)	https://rmnorthquappelle.ca/PDFS/Minutes/2019/1_Jan_8_Minutes_regular_mtg_RM.doc.pdf
Special meeting notice March 2, 2020	IPC was unable to locate on https://rmnorthquappelle.ca
Special meeting notice July 8, 2020	IPC was unable to locate on https://rmnorthquappelle.ca
Special meeting notice Agendas	https://rmnorthquappelle.ca/minutes/
Special Meeting Minutes	https://rmnorthquappelle.ca/minutes/
Committee meeting notice June 23, 2020	IPC was unable to locate on https://rmnorthquappelle.ca
20-182 Support Info Bylaw	https://rmnorthquappelle.ca/PDFS/Bylaws/Bylaw_2018-07_Organized_Hamlet_Procedures.pdf
20-192 Support Info Budget	https://rmnorthquappelle.ca/PDFS/Minutes/2020/4_April_28_Minutes_Regular_Mtg_RM.pdf
20-182 Support Info Mun. Act	www.publications.gov.sk.ca
20-185 Schedules	https://rmnorthquappelle.ca/PDFS/Minutes/2020/4_April_28_Minutes_Regular_Mtg_RM.pdf