Office of the
Saskatchewan Information
and Privacy Commissioner

Clarifying Access Requests vs. Narrowing The Scope:

What they mean vs. What they want

January 27, 2017 – Tristan Hungle, Early Resolution Officer

As a public body or health trustee, sooner or later you are going to receive an access to information request. Pending the applicant's experience submitting access to information requests, what information they are seeking, and their knowledge of the business conducted by the public body or trustee, that request could range from being very small and specific to being very large and vague. Conversely, an access request could also be small and vague or large and specific.

If an access request is vague, the public body or trustee will generally **need** the applicant to provide additional details in order to identify the records they wish to obtain, which we refer to as **clarifying**. A request is only officially deemed to have been received once the necessary clarification has been provided. If the request is detailed enough to identify the records sought but there is a large volume of records, the public body or trustee **may** engage the applicant in an effort to identify the specific information they are seeking, this is referred to as **narrowing the scope** and doing so is entirely at the applicant's discretion. So when is it appropriate to clarify and when is it appropriate to try and narrow the scope?

"I would like my entire criminal record from the Ministry of Justice."

Above is an example of an access request that may require some clarification. What does the applicant mean by criminal record? What type of information do they hope to obtain? As mentioned, clarifying happens when an access request is received and the record simply cannot be identified with the information provided. In April of 2015, our office published a blog on clarification called *Clarifying Access Requests: Unclogging the Pores of FOIP*. It is worth mentioning that a trustee or public body has duty to assist. Within the context of clarifying an access request, the duty to assist essentially means that as the applicant is likely not familiar with the records management system of a program area, the trustee/public body have a duty to assist that applicant; provide them with background information and work with them to clarify the request and identify the records. The ability to require additional clarification is not a free pass to place an access request on hold indefinitely, there must be communication and cooperation between both parties to identify records and advance the request. Occasionally, the applicant and public body/trustee will disagree on the necessity of clarification, and in that circumstance our office can review the matter and make recommendations as to how the request should proceed.

"*I would like copies of all contracts which the City of Regina has entered into.*"

With a tremendous amount of time and effort, this request could be responded to as it is written but is there a specific date range that the applicant is interested in? Is there a specific type of contract that they are looking for? When access requests are overly broad or would require a very substantial effort to conduct the search, it may benefit all parties involved to narrow down the scope of the request. This can be done informally through a conversation between the applicant and the public body wherein the public body will attempt to learn what type of information the applicant is seeking. If the request is for a large number of records it is likely that the public body is considering issuing a fee estimate. As discussed in this blog from November 2014 *Using an Index to Clarify an Access Request and Reduce the Cost*, providing an index of records along with a fee estimate can reduce time and effort for the public body as the applicant has a good idea of what they **can** get and from there choose what they would like. If while preparing the fee estimate the cost rises unreasonably high, it may be worthwhile to try to first informally narrow the scope with help from the applicant.

Obviously not all situations will be this simple, and there will be times where you have to clarify the request and narrow the scope, but for both cases the resolution is the same. Communicate with the applicant. Try to find out what the applicant is looking for while at the same time explaining the types of information that your organization has to offer. If your organization does not have the information they are looking for but you know who does let them know, make appropriate referrals, forward the request if possible. When all the cards are on the table it becomes much easier to locate and provide access to the information being sought… and potentially not having to deal with our office on a review is a nice incentive as well.