



Office of the  
Saskatchewan Information  
and Privacy Commissioner

# 2024-2025

## Annual Report



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June 25, 2025

Honourable Todd Goudy  
Speaker of the Legislative Assembly  
129 Legislative Building  
Regina, Saskatchewan  
S4S 0B3

Dear Mr. Speaker,

I am pleased to present my first Annual Report as Information and Privacy Commissioner for the province of Saskatchewan. I have prepared this Annual Report in accordance with the provisions of section 62(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP), section 52(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP), and section 60(1) of *The Health Information Protection Act* (HIPA).

I would like to thank you and the Board of Internal Economy for my appointment, and I look forward to working with the Board to provide our citizens with a continuing high level of service.

I also wish to thank the Members of the Legislative Assembly for their support of this office. Going forward, we are committed to this office's mandate – the provision of access to information to the people of Saskatchewan while also working with our stakeholders to ensure that the privacy rights and protections afforded by our legislation prevails.

Finally, I wish to thank the team at the Office of the Information and Privacy Commissioner for their kind assistance with my transition and in the preparation of this Annual Report.

Respectfully,

Grace Hession David  
Saskatchewan Information and Privacy Commissioner

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# Commissioner's Message

Even though my time as the new Commissioner is in its infancy, I cannot help but be concerned with the rapidly developing consequences of technology in every area of our lives in this province. The priorities of this office will be to address and advocate for privacy in this era of rapid technological change. We are committed to protecting and promoting privacy with maximum impact through education and a firm commitment to our mandate.

Last month, my federal counterpart, Mr. Philippe Dufresne, the Privacy Commissioner of Canada, publicly released the results of his office's cross-country survey of Canadians' thoughts on privacy.<sup>1</sup> Nine out of ten Canadians expressed some level of concern about the protection of their privacy, with more than a third registering that they were "extremely concerned". That same survey reported that 62% of those surveyed believed that various levels of governments respected their privacy rights but only 40% said the same for private corporations. Our mandate in Saskatchewan is solely with respect to government institutions, local authorities and health care trustees. The team at the Saskatchewan Office of the Information and Privacy Commissioner is completely dedicated to ensuring that the people of Saskatchewan know that their privacy and access rights are paramount within the four corners of the legislation that we administer. The people of Saskatchewan should be able to freely participate in the digital world and not worry about overreach with respect to the collection of personal information. Our citizens should never have to worry that their personal information will be held for ransom by criminals and perhaps become available on the Dark Web after a cyber breach. Our website has been designed and regularly updated to provide the most recent information on privacy legislation and privacy rights in Saskatchewan. We also publish our reports so our readers can fully understand how we reach our decisions and why. Our staff offer blogs to assist those who must make difficult decisions with respect to privacy. We are moving forward by expanding our gaze with an aim to *work with* our government institutions, local authorities, and health care trustees. We welcome them when they

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<sup>1</sup> [https://www.priv.gc.ca/en/opc-news/speeches-and-statements/2025/sp-d\\_20250512/](https://www.priv.gc.ca/en/opc-news/speeches-and-statements/2025/sp-d_20250512/)



reach out and proactively report to us. We wish to be approachable and to offer assistance. We are committed to fighting for the privacy rights of Saskatchewan residents, but we can also be of great assistance in a difficult situation. With this in mind, I join my federal counterpart and underline that the top priorities of this office for the next five years will be to:

- protect and promote the privacy rights of the people of Saskatchewan with maximum impact;
- address and advocate for privacy in this time of great technological transition;
- champion children's digital privacy rights.

I am grateful to work with a wonderful team of experts who join me in this commitment for the future. And I cannot close without expressing my sincere thanks and gratitude to Commissioner Kruzeniski, K.C. He has greatly assisted me in my transition to this office. He established an expert team of committed individuals, and we all acknowledge with great gratitude his ten years of dedication and commitment to the people of Saskatchewan.

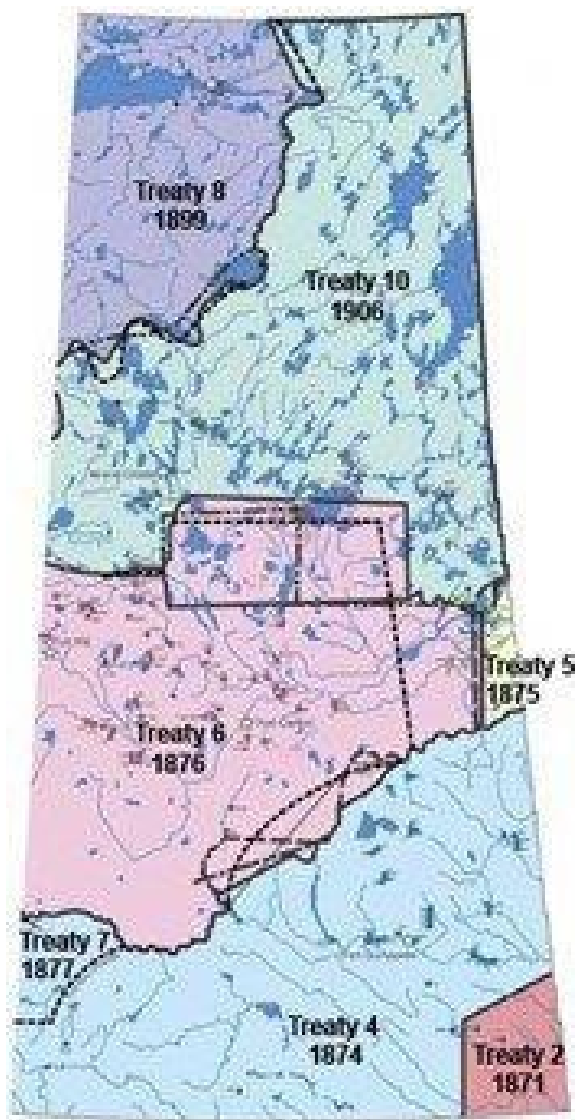


*Grace Hession David*  
Saskatchewan Information and Privacy Commissioner

# Acknowledgement

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We acknowledge our office operates on the lands of the First Nations who signed treaties 2, 4, 5, 6, 8, 10 and on the lands of the Metis.



\*Map developed by the Treaty Commissioner of Canada.<sup>2</sup>

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<sup>2</sup> The OIPC has developed a [Land Acknowledgement](#) that is displayed on the website | IPC with a map developed by the [Treaty Commissioner of Canada](#).

# About Us

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The Office of the Saskatchewan Information and Privacy Commissioner (OIPC) is an independent office of the Saskatchewan Legislative Assembly. It oversees three Saskatchewan statutes:



***The Freedom of Information and Protection of Privacy Act,***

S.S. 1990-91, c. F-22.01, as amended.

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***The Local Authority Freedom of Information and Protection of Privacy Act,***

S.S. 1990-91, c. L-27.1, as amended.

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***The Health Information Protection Act,***

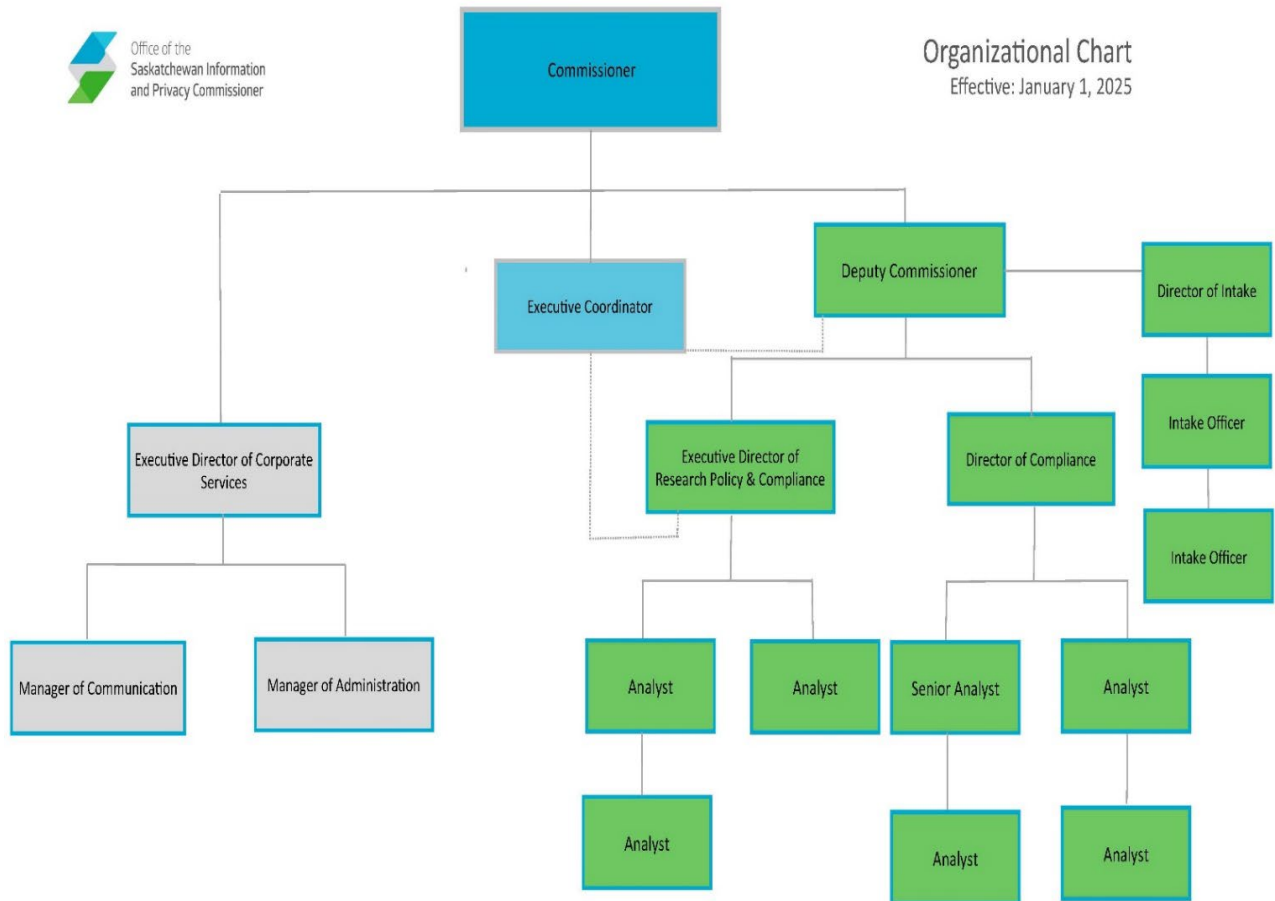
S.S. 1999, c. H-0.021, as amended.

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FOIP, LA FOIP and HIPA establish the access to information and protection of privacy rights of the citizens of Saskatchewan.



# Organizational Chart



## Our Mission

To ensure that access to information and privacy rights in Saskatchewan are respected.

## Our Mandate

The OIPC ensures that local authorities, government institutions and health trustees respect the privacy and access rights of the citizens of Saskatchewan by:

- Informing members of the public of their access to information and privacy rights.
- Resolving access and privacy disputes between individuals and public bodies or trustees.
- Making recommendations on appeals from access to information decisions by public bodies.
- Investigating and resolving privacy complaints.
- Issuing recommendations on public bodies' policies and practices.
- Commenting on proposed laws, policies, and practices.

## Core Values

- **Excellence**
- **Fairness**
- **Responsibility and Accountability**
- **Integrity**
- **Respect**

# Accomplishments 2024-2025

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## Education and Awareness

Goals	Accomplishments
Update our website and resources to ensure that they provide citizens, public bodies and health trustees with the latest information.	OIPC website has been updated, resources added and the ability to translate into French was added.
Continue to update the OIPC <i>Guide to FOIP</i> , and OIPC <i>Guide to LA FOIP</i> .	Updated the <i>Guide to FOIP</i> .
Promote mandatory annual access and privacy training for employees within public bodies and health trustees.	Saskatchewan Health Authority (SHA) now has a new mandatory training plan.
Promote public bodies and health trustees in making full use of their website to provide citizens with information and documents and promote legislation requiring documents and information to be posted on an organization's website.	Made submissions re: <i>The Regulated Health Professions Act</i> and proposed amendments to <i>The Municipalities Act</i> , <i>The Cities Act</i> , and <i>The Northern Municipalities Act, 2010</i> .
Comment on legislation introduced in the Legislative Assembly and regulations passed by Cabinet that have an impact on either access or privacy.	Have reviewed Bills and Regulations and made comments on some including proposed Regulations under HIPA.
Implement procedures and allocate resources to manage the expanded definition of "trustee" under the HIPA Regulations.	Have implemented and now are applying Regulations.

# Navigating in a Digital World

Goals	Accomplishments
Promote the release of digital information from public bodies in accordance with open government principles.	Promoted through proposed legislative changes including through amendments to Municipal Acts.
Promote ways for public bodies and health trustees to deliver electronic information securely.	<p>Updated the following resources on OIPC website:</p> <p><a href="#"><i>Best Practices for Managing the Use of Personal Email Accounts, Text Messaging and Other Instant Messaging Tools</i></a></p> <p><a href="#"><i>Best Practices for the Management of Non-Work Related Personal Emails in Work-Issued Email Accounts</i></a></p> <p><a href="#"><i>Best Practices for Administrative Tribunals When Publishing Decisions   IPC</i></a></p> <p><a href="#"><i>Guidelines For Professional Regulatory Bodies</i></a></p> <p><a href="#"><i>Helpful Tips: Mobile Device Security</i></a></p>
Promote government institutions and local authorities when responding to access requests that they issue the information in the format requested by the applicant.	Promoted in blog, <a href="#"><i>Providing a Record in the Format Requested by the Applicant</i></a> .
Promote government institutions, local authorities and health trustees carefully analyze the use of Artificial Intelligence (AI) in products they develop or acquire from service providers.	Amended <a href="#"><i>Rules of Procedure</i></a> to recognize AI possibilities.

## Advocating for Improvement

Goals	Accomplishments
Promote the modernization of FOIP and LA FOIP as outlined in this Annual Report.	Promoted the modernization of FOIP and LA FOIP and included proposals in the previous <a href="#">Annual Report</a> .
Promote the modernization of HIPA as outlined in this Annual Report.	Promoted the modernization of HIPA and included proposals in the previous <a href="#">Annual Report</a> .
Promote regulation amendments to FOIP and LA FOIP include broadening the lists of government institutions or local authorities.	Promoted and regulations were amended to add government institutions and independent schools in the previous <a href="#">Annual Report</a> .
Promote regulatory professional bodies utilizing their websites to provide documents and information to citizens.	Promoted in the previous Annual Report and made a submission on <i>The Regulated Health Professions Act</i> .

# Efficient While Effective

Goals	Accomplishments
Enhance the security protection afforded to our extremely confidential case files.	Implemented updates to enhance user authentication, and threat detection and response capabilities, augmenting the security of our systems and case files.
Resolve a matter by early resolution within 30 calendar days.	Resolved a matter by early resolution in <b>24.92 days</b> .
Issue a Review Report or resolve a matter on a review of failure to meet legislative timelines, inadequate search or fees within 90 calendar days.	Resolved a matter on review of failure to meet legislative timelines, inadequate search or fee in <b>43.30 days</b> .
Issue a Review Report or resolve a matter on a review of an access request within 150 calendar days.	Resolved a matter on a review of an access request <b>108.77 days</b> .
Issue an Investigation Report or resolve a matter regarding a breach of privacy within 150 calendar days.	Issued an Investigation Report within <b>99.95 days</b> .
Finalize or close a consultation file within 30 calendar days.	Finalized or closed a consultation file within <b>15.70 days</b> .
Finalize or close an application to disregard within 30 calendar days.	Finalized or closed a disregard file within <b>16.00 days</b> .
Provide summary advice to questions posed by citizens, public bodies and health trustees on average, within 3 business days.	Provided summary advice <b>48.72 hours (2.03 days)</b> , 100% of the time.
Implement two releases of the office's case management software.	Releases 15 and 16 implemented, and Release 17 developed and tested.
With an aim to continuous improvement, streamline our processes to issue our reports or close files faster.	Release 15 workflow functionality allows analyses of workflows and bottlenecks. Checklist functionality coming in Release 17.



# The Strategic Plan 2025-2026

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## **Goal 1: Continued Accessibility to the Public**

We hope to continue our commitment to, and pursuit of, the mandate of this organization. Ensuring timely access to information and the provision of a moderating voice in disclosure disputes is one of the most important goals to which we remain committed. The office will continue to function as an independent and impartial officer of the Saskatchewan legislature. We will continue to provide a careful investigation of complaints and privacy breaches in this province that involve government institutions, local authorities and health trustees. We hope to go even further in our messaging to the public. We hope to produce a service charter, a Code of Conduct for the public that will clearly outline our responsibilities and obligations in keeping with our core values.

## **Goal 2: Prioritizing Youth Privacy**

Federally, the Privacy Commissioner of Canada has announced an exploratory consultation on the development of a Children's Privacy Code. The need to protect children's privacy in this emerging digital world is paramount. The hope is that the establishment of a federal code of practice and the development of special protections in privacy legislation can empower children to know and exercise their privacy rights online. In Saskatchewan, this office joins our federal and provincial counterparts as they support the development of the Children's Privacy Code. The collection of personal information from young people is a sensitive domain and those who are the guardians of this information must preserve its integrity. The December 2024 cyber breach of the popular PowerSchool data set across Canada has resulted in the Alberta Office of the Information and Privacy Commissioner investigating 41 Alberta schools where the personal information of young students is in jeopardy. We now have a proactive report of the same in Saskatchewan. We must acknowledge that the collection of children's personal information is at a point where increased concern and attention is a priority. We hope to work with our educational stakeholders in the province who use or will be using digital technology in schools and universities. We are committed to harm prevention through the indiscriminate use of this technology. We are dedicated to ensuring the protection of the personal information of young people.



### **Goal 3: Raising Awareness Around Cyber Security and Cyber Breaches**

Hackers can wreak great havoc in systems that are audited infrequently. They prey on employees who are uneducated and who do not know how to deal with phishing attempts by email/text or vishing messages by voicemail. One lapse in judgment can fling the gates of an informational security system wide open. Personal devices should never be charged from, or linked to, work devices. Cyber breaches have touched many of our statutory stakeholders over the past five years and they are on the increase. In fact, the default position must be that a cyber breach is inevitable. The consequences of a cyber breach are significant in magnitude. Thousands of dollars are spent to hire experts to respond to the resulting negotiations and demands for ransom money. A thorough investigation must follow. Daily business is interrupted to salvage personal information that has been stolen or encrypted. The fear of personal information surfacing on the Dark Web casts a pall and mandates security searches for years. Innocent victims must be notified and offered identity protection and credit monitoring. This office must be speedily notified. By far the worst consequence of a cyber breach is the loss of trust in the governments, local authorities and health trustees of the province. Everyone suffers when cyber security is not routinely monitored and scrupulously guarded. The proper protocols must be in place. Our office hopes to educate and raise awareness by means of our reporting and outreach. We are committed to maintaining the security of the personal information of the people of this province. Timely notification and engagement with this office can result in our working to assist in containing the breach, in effective notification, we can assist with the emplacement of proper protocols and policies to prevent future breaches. We are here to help and helping in this way is an essential aspect of our mandate.

### **Goal 4: Privacy Concerns with Generative AI**

It is no secret that our stakeholders are attracted to, and investigating the use of, generative AI in their daily tasks. Generative AI tools offer freedom and efficiency in the workplace. Health trustees may now embrace a medical note-taking script tool that allows for the capture and summary of consultations between doctors and patients. Legal AI programs can summarize documents and the reasoning capabilities within the algorithm can result in the provision of novel suggestions where an argument is “weak”. This kind of assistance is such a time saver for those preparing for civil discovery or criminal trials. In the same vein, the emergence of generative AI tools can offer conversational interactive assistance that analyzes data and provides contextual assistance. Universities are using



exam AI proctoring software as part of their lawful mandate to monitor and proctor exams to ensure the academic integrity of the results. Aspects of this software ensure that students are not conducting internet searches or accessing other files on their computers when the exam is closed book. Still, there is a need to ensure that in the course of proctoring, more sensitive data is only collected with the proper informed consent from the student. This software can collect biometric information, and it can make consequential inferences with respect to a student's movements and behavioural conduct through AI technology. This aspect of the process raises distinct privacy concerns. Those who are in the legal field need to understand that if they use a platform that does not allow for an opting out of the training model – the information that is provided for the AI analysis may eventually result in a violation of solicitor/client privilege because the training models train on *all* the material that is fed into the platform. Data leakage can result in privileged information becoming public unless a siloed large language model (LLA) is engaged. Our work in the next five years will raise awareness of the privacy and accuracy concerns that must be carefully considered when adopting the assistance of generative AI – especially as it pertains to our health trustees and educational local authority sectors.

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**Grace Hession David,  
Saskatchewan's  
Information and  
Privacy Commissioner  
with Philippe Dufresne,  
the Privacy  
Commissioner of  
Canada at the  
International  
Association of Privacy  
Professionals  
conference in Toronto,  
May 13, 2025.**

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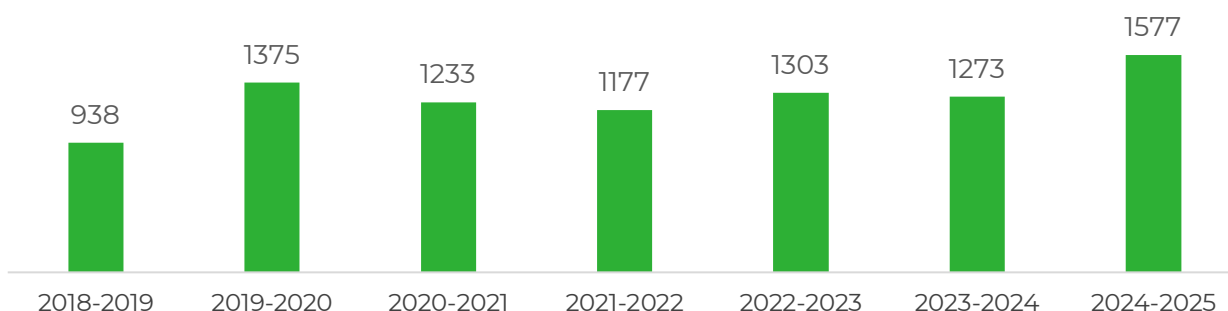


# Summary Advice

Outside of undertaking formal reviews and investigations, the OIPC offers advice, such as providing answers to questions posed from the public and stakeholders. It is called summary advice. There are two types:

General Summary Advice	<ul style="list-style-type: none"><li>• We provide summary advice most often as the result of a question from a member of the public.</li><li>• We can effectively assist and respond to questions that involve issues of process involving FOIP, LA FOIP and HIPA.</li><li>• We respond with answers that touch on the role, mandate and jurisdiction of the OIPC.</li><li>• We can provide the basics to inquiries with respect to simple questions dealing with FOIP, LA FOIP or HIPA.</li><li>• We are pleased to assist if we can provide referrals, contacts and we can sometimes offer helpful resources from other sources.</li></ul>
Substantive Summary Advice	<ul style="list-style-type: none"><li>• Most often, these requests originate from an organization.</li><li>• Without giving an advanced ruling or legal advice, we are happy to offer guidance in interpreting/applying the legislation in particular situations.</li></ul>

**The chart below demonstrates the demand for both general and substantive summary advice. This service has spiked in the last year.**



## Goal of Summary Advice

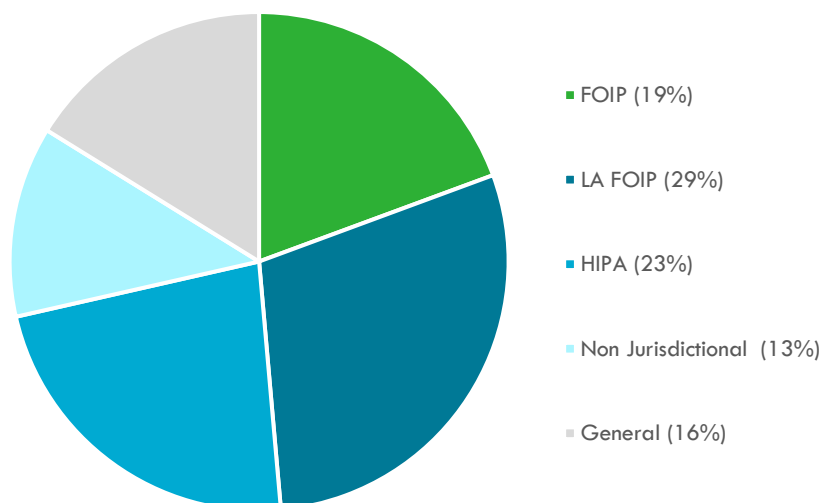
Our goal was to provide summary advice within 3 business days. As noted earlier, the OIPC provided summary advice, on average, within 48.72 hours (2.03 days), 100% of the time.

Advice offered falls into five different categories.

## Summary Advice Categories

<b>FOIP</b>	Anything FOIP related
<b>LA FOIP</b>	Anything LA FOIP related
<b>HIPA</b>	Anything HIPA related
<b>Non-jurisdictional</b>	Access and privacy related, but not the OIPC's jurisdiction
<b>General</b>	Everything else

## Percentages of Summary Advice Requests per Category



# Types of OIPC Files

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The OIPC opens case files to undertake reviews of access and/or correction requests when attempts to effect an informal resolution is unsuccessful. Files are also opened with respect to access-related procedural issues, and investigations into privacy breaches. For example, a **Review Report** will report on the Commissioner’s opinion with respect to a request for an access to information issue. An **Investigation Report** will report on the Commissioner’s opinion with respect to a cyber breach investigation and the steps that were taken to contain the breach.

A **Disregard Request** is different from a review or investigation. In this instance, the OIPC informs a government institution or local authority whether it can disregard an access request or correction request before the expiry of the 30-day response period. Instead of a report, a version of a report called a “decision” is issued.



A **Consultation File** is usually opened when the OIPC is approached by a stakeholder and asked to offer commentary on draft work product such as a policy, privacy impact assessment, piece of legislation, a regulatory amendment, etc.







# Files Opened and Closed

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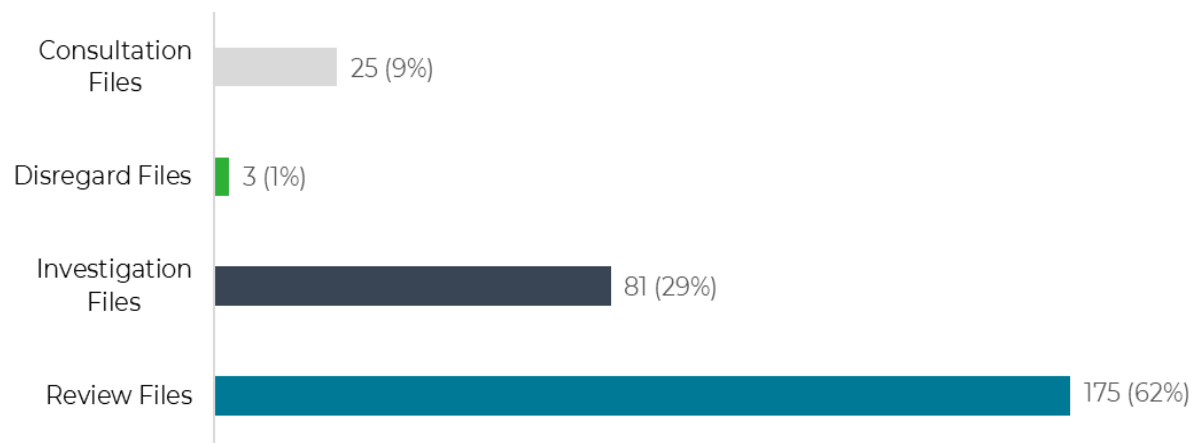
Last fiscal year, the OIPC **opened 284** files, and successfully **closed 306**. We closed more than we opened, of course, because we were still dealing with files from the previous year.

## Files Opened

Type		Number
Review		175
Investigation		81
Disregard		3
Consultation		25
<hr/>		
Total		284

## Types of Files Opened

Out of the 284 files opened last fiscal year, the majority were review files. The full breakdown is as follows:



# File Closure

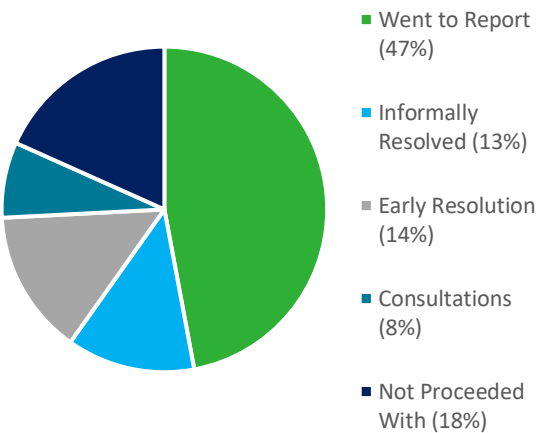
A primary goal of the OIPC is to resolve matters through early resolution at the intake stage within 30 calendar days, which only can occur with the cooperation of the parties involved. If a matter is resolved by the Intake team, it is closed without moving to the formal process which may result in the issuance of a public report. The Intake team closed 44 files via early resolution this past fiscal year, on average within 24.92 calendar days. Alternatively, a file may be closed via informal resolution without the issuance of a report, if after moving to formal notices, an Analyst is able to mediate or otherwise resolve issues to the satisfaction of the parties.

It is still an OIPC priority to issue decisions and reports in a timely fashion without sacrificing accuracy and quality. It must be acknowledged that we approach each matter on a case-by-case basis. Some cyber breaches involve massive investigations, and we work in conjunction with the stakeholder. This focus can occur over the course of many months. The resulting Investigation Report will be complicated and lengthy. Putting a timeline on this kind of work is impossible. All the same, the usual access request is something that can be investigated and reported on within the efficient timelines as established by this office.

The following is a breakdown of how the 306 files closed were resolved by the OIPC.

2024-2025 Resolution		#of Files
Went to Report	=====>	144
Informally Resolved	=====>	39
Early Resolution #	=====>	44
Consultations	=====>	24
Not Proceeded With	=====>	55
Total		306

**Only 47%** of files resulted in the **issuance of a public Review or Investigation Report**. This demonstrates the commitment of the OIPC to work with government institutions, local authorities and trustees to resolve matters informally instead of making the matter public.



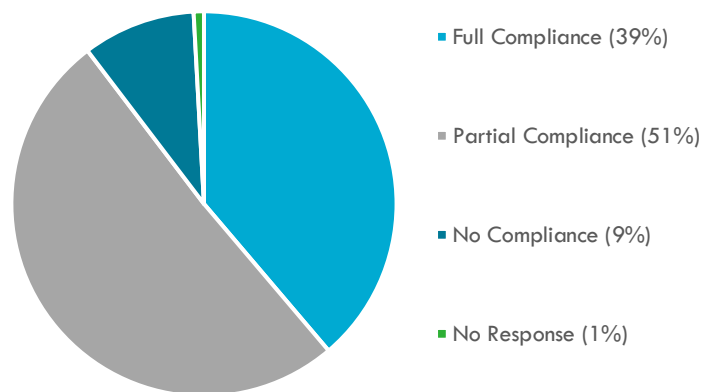
# Reports and Recommendations

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When the OIPC issues a Review or Investigation Report, the Commissioner makes formal findings and recommendations. In terms of compliance with recommendations made, as indicated in the pie chart below, only 10% of the time there was no compliance or response received. Conversely, in almost all other cases (90%), there was compliance and/or partial compliance.

The office issued 144 Review and Investigation Reports in the 2024-2025 fiscal year. A public body or trustee is required to respond to the recommendations within 30 days of receiving the report.

This chart shows the percentage of reports where there is full compliance, partial compliance, no compliance and where no response was received. 39% of public bodies (government institutions and local authorities) and health trustees were in full compliance with the recommendations.



The OIPC is obligated to report on the recommendations that were not complied with - see FOIP, section 62(2); LA FOIP, section 52(2); and HIPA, section 60(2). Failure to respond to a report is considered to be non-compliance. On the following pages are three tables; the first table lists those public bodies and trustees that responded to a report with no compliance, the second table lists those public bodies and trustees that responded to a report with partial compliance, the third table lists those public bodies and trustees that provided no response.

## NO COMPLIANCE

Government Institution	Report #	Recommendation(s) not complied with*
Ministry of Environment	Review Report 056-2024	<a href="#">[24]</a>
Ministry of Justice and Attorney General	Review Report 206-2024	<a href="#">[36]</a>
Ministry of Immigration and Career Training	Review Report 093-2024	<a href="#">[44]</a>
Saskatchewan Power Corporation	Review Report 053-2024	<a href="#">[62]</a>
Saskatchewan Power Corporation	Review Report 068-2024	<a href="#">[124]</a>
Saskatchewan Power Corporation	Review Report 301-2023	<a href="#">[121]</a> , <a href="#">[122]</a> , <a href="#">[123]</a> , <a href="#">[124]</a> , <a href="#">[125]</a>
Water Security Agency	Review Report 001-2024	<a href="#">[46]</a> , <a href="#">[47]</a>
Local Authority	Report #	Recommendation not complied with
Regina Police Service	Review Report 072-2024	<a href="#">[26]</a> , <a href="#">[27]</a>
Saskatchewan Health Authority	Review Report 050-2024	<a href="#">[29]</a>
Trustee	Report #	Recommendation not complied with
Innomar Strategies Inc.	Investigation Report 136-2024, 169-2024, 183-2024, 187-2024, 191-2024	<a href="#">[52]</a>

## PARTIAL COMPLIANCE

Government Institution	Report #	Recommendation(s) not or partially complied with*
Crown Investments Corporation	Review Report 060-2024	<a href="#">[136]</a>
Financial and Consumer Affairs Authority	Review Report 213-2024	<a href="#">[63]</a>
Ministry of Advanced Education	Investigation Report 129-2024	<a href="#">[63]</a>
Ministry of Corrections, Policing & Public Safety	Review Report 300-2023	<a href="#">[90]</a> , <a href="#">[91]</a>
Ministry of Corrections, Policing & Public Safety	Review Report 110-2024	<a href="#">[54]</a>
Ministry of Education	Review Report 137-2024	<a href="#">[301]</a> , <a href="#">[304]</a> , <a href="#">[306]</a> , <a href="#">[307]</a>
Ministry of Education	Review Report 144-2024	<a href="#">[61]</a> , <a href="#">[64]</a>
Ministry of Environment	Review Report 154-2024	<a href="#">[200]</a>
Ministry of Government Relations	Review Report 019-2024	<a href="#">[53]</a>
Ministry of Government Relations	Review Report 103-2024	<a href="#">[70]</a> , <a href="#">[71]</a>
Ministry of Health	Review Report 333-2023	<a href="#">[85]</a> , <a href="#">[86]</a>
Ministry of Justice and Attorney General	Review Report 145-2024	<a href="#">[33]</a>

## PARTIAL COMPLIANCE cont'd

Ministry of Social Services	Review Report 286-2023	<a href="#">[173]</a> , <a href="#">[174]</a> , <a href="#">[176]</a> , <a href="#">[177]</a>
Ministry of Social Services	Review Report 004-2024	<a href="#">[65]</a>
Ministry of Trade and Export	Review Report 148-2024, 163-2024	<a href="#">[140]</a> , <a href="#">[141]</a>
Saskatchewan Government Insurance	Review Report 126-2024	<a href="#">[45]</a> , <a href="#">[46]</a> , <a href="#">[47]</a> , <a href="#">[48]</a>
Saskatchewan Government Insurance	Review Report 182-2024	<a href="#">[108]</a>
Saskatchewan Housing Authority	Review Report 003-2024	<a href="#">[77]</a> , <a href="#">[79]</a>
Saskatchewan Housing Authority	Review Report 141-2024	<a href="#">[55]</a>
Saskatchewan Human Rights Commission	Review Report 284-2023	<a href="#">[103]</a>
Saskatchewan Workers' Compensation Board	Review Report 016-2024	<a href="#">[231]</a> , <a href="#">[232]</a> , <a href="#">[234]</a>
Water Security Agency	Review Report 331-2023	<a href="#">[98]</a> , <a href="#">[100]</a>
<b>Local Authority</b>	<b>Report #</b>	<b>Recommendation not or partially complied with</b>
City of Regina	Review Report 099-2024	<a href="#">[156]</a>
City of Saskatoon	Review Report 005-2024	<a href="#">[73]</a>



## PARTIAL COMPLIANCE cont'd

City of Saskatoon	Review Report 012-2024	<a href="#">[78]</a>
Holy Family Roman Catholic Separate School Division No. 140	Review Report 025-2024	<a href="#">[41]</a>
Living Sky School Division No. 202	Investigation Report 035- 2024, 047-2024, 052-2024, 059-2024	<a href="#">[72]</a>
Prairie Spirit School Division No. 206	Investigation Report 035-2024, 047-2024, 052-2024, 059-2024	<a href="#">[73]</a>
Regina Police Service	Review Report 036-2024	<a href="#">[57]</a>
Regina Police Service	Review Report 061-2024	<a href="#">[62]</a>
Regina Police Service	Review Report 095-2024	<a href="#">[36]</a>
Regina Police Service	Review Report 176-2024	<a href="#">[66]</a> , <a href="#">[67]</a>
Regina School Division No. 4	Review Report 192-2024	<a href="#">[121]</a>
Resort Village of Aquadeo	Review Report 338-2023	<a href="#">[52]</a>
RM of Baildon No. 131	Review Report 337-2023	<a href="#">[196]</a> , <a href="#">[197]</a> , <a href="#">[198]</a>
RM of Reford No. 379	Review Report 336-2023	<a href="#">[65]</a> , <a href="#">[66]</a>
RM of Reford No. 379	Review Report 071-2024	<a href="#">[110]</a> , <a href="#">[111]</a>
RM of Reford No. 379	Review Report 274-2024	<a href="#">[37]</a>

## PARTIAL COMPLIANCE cont'd

RM of Meota No. 468	Investigation Report 211-2024	<a href="#">[48]</a> , <a href="#">[50]</a> , <a href="#">[51]</a> , <a href="#">[52]</a>
Saskatchewan Cancer Agency	Review Report 101-2024	<a href="#">[189]</a> , <a href="#">[190]</a> , <a href="#">[191]</a>
Saskatchewan Cancer Agency	Review Report 152-2024	<a href="#">[79]</a> , <a href="#">[80]</a>
Saskatchewan Health Authority	Review Report 313-2023	<a href="#">[105]</a> , <a href="#">[107]</a>
Saskatchewan Health Authority	Review Report 314-2023	<a href="#">[84]</a>
Saskatchewan Health Authority	Review Report 315-2023	<a href="#">[150]</a> , <a href="#">[151]</a>
Saskatchewan Health Authority	Review Report 006-2024	<a href="#">[79]</a>
Saskatchewan Health Authority	Review Report 007-2024	<a href="#">[46]</a>
Saskatchewan Health Authority	Review Report 008-2024	<a href="#">[49]</a>
Saskatchewan Health Authority	Review Report 010-2024	<a href="#">[43]</a>
Saskatchewan Health Authority	Review Report 087-2024	<a href="#">[51]</a> , <a href="#">[52]</a>
Saskatchewan Health Authority	Review Report 127-2024	<a href="#">[69]</a>
Saskatchewan Health Authority	Investigation Report 279-2024	<a href="#">[44]</a> , <a href="#">[45]</a>
Saskatoon Police Service	Review Report 147-2024	<a href="#">[72]</a>

## PARTIAL COMPLIANCE cont'd

Saskatoon Police Service	Review Report 201-2024	<a href="#">[57]</a>
Saskatoon Public Library	Review Report 107-2024	<a href="#">[85]</a>
Saskatoon Public Library	Review Report 170-2024	<a href="#">[39]</a> , <a href="#">[40]</a>
Saskatchewan Rivers School Division No. 119	Review Report 031-2024, 067-2024	<a href="#">[71]</a>
Town of Dalmeny	Review Report 252-2024	<a href="#">[69]</a> , <a href="#">[70]</a> , <a href="#">[71]</a>
<b>Trustee</b>	<b>Report #</b>	<b>Recommendation not or partially complied with</b>
Bridges Health Services Inc.	Review Report 188-2024	<a href="#">[74]</a> , <a href="#">[76]</a>
Ministry of Corrections, Policing and Public Safety	Review Report 330-2023, 334-2023	<a href="#">[96]</a> , <a href="#">[97]</a>
Ministry of Health	Review Report 082-2024	<a href="#">[69]</a>
Saskatchewan Health Authority	Review Report 054-2024	<a href="#">[46]</a>

## NO RESPONSE RECEIVED

<b>Local Authority</b>	<b>Report #</b>	<b>Recommendation not complied with</b>
RM of Reford No. 379	Review Report 162-2024	<a href="#">[24]</a>



# Appeals

We report on appeals from the OIPC decisions during the past year. We are informed by, and take counsel from, the decisions of the Courts of Saskatchewan as they assist in the interpretation of the legislation:

**Saskatchewan Court of Appeal:**

[\*Saskatchewan Government Insurance v. Geisbrecht\*, 2025 SKCA 10 \(January 28, 2025\)  
Chief Justice Leurer, Justice Caldwell and Justice Kalmakoff](#)

**Summary:** This ruling provides guidance on the exemption contained in section 38(1)(f) of *HIPA*. The ruling effectively overturned OIPC's findings as well as that of the Kings' Bench Justice. The Saskatchewan Court of Appeal noted that by the time the matter reached their Court, the record had been supplemented from that which was originally before OIPC.

Saskatchewan Government Insurance (SGI) administers driver's licenses in this province. It accepts confidential reports from members of the public that question the medical fitness of others' abilities to safely operate a motor vehicle. SGI received a report with respect to Mr. Geisbrecht. Mr. Geisbrecht furnished medical evidence that dispelled SGI's concerns. Mr. Giesbrecht then asked SGI for a copy of the report. SGI refused to disclose the full report on the grounds that the report was exempt pursuant to section 38(1)(f) of *HIPA*. While SGI disclosed the details of the complaint contained in the report, it withheld the identity of the confidential source behind the complaint. Mr. Giesbrecht applied to OIPC for a copy of the report. After a lengthy review, OIPC issued Review Report 221-2020 (February 17, 2022) and found that SGI did not have the authority to refuse the report pursuant to section 38 of *HIPA* and recommended that SGI disclose the actual report with the confidential source's name on the report. A *de novo* review by a judge of the Saskatchewan King's Bench also resulted in a ruling that the report be disclosed.

The Saskatchewan Court of Appeal overturned the decision of the King's Bench Justice. In so doing, the Saskatchewan Court of Appeal made the three following important findings:

- Section 38(1)(f) of *HIPA* should not be restricted to circumstances where disclosure of information could interfere with an existing or identifiable prospective investigation. Looking past the words of the statute, there is a compelling public policy reason to protect the integrity of all lawful investigations. The purpose that the Legislature had for creating the exception found in section 38(1)(f) is engaged even where the investigation is not existing or is not specifically identifiable. Paragraphs [44], [51] and [58] of the ruling.
- Section 38(1)(f) of *HIPA* allows a trustee to withhold personal health information if its disclosure *could* interfere with a lawful investigation or *could* be injurious to the enforcement of *HIPA*. All that is required is that the trustee demonstrate an objective possibility that one of the feared results could occur from the disclosure. Paragraphs [62], [71], [73], [78], [79] and [80] of the ruling.
- The Court of Appeal commented on the fact that the record provided to OIPC was bare compared to that of the *de novo* reviews and hence, the conclusions must differ. The Saskatchewan Court of Appeal concluded that there is an objective possibility that the disclosure of the report to Mr. Giesbrecht might interfere with future lawful investigations into violations of the *Traffic Safety Act (TSA)*, and be injurious to the enforcement of that Act. This meets the test under section 38(1)(f) of *HIPA* and justifies SGI's decision to refuse to provide Mr. Giesbrecht a copy of the report:

[88] In the *2022 Review Report*, which contains OIPC's recommendation that SGI provide the Report to Mr. Giesbrecht, OIPC wrote that "SGI has not provided any examples or circumstances where a medical practitioner expressed an unwillingness to report, or general concerns about reporting to the Medical Review Unit" (at para 33). However, the material now brought forward in these proceedings provides the evidence that seems to have been lacking when this recommendation was delivered. In short, taken together, the evidence provides an objective basis for SGI's stated belief that, without a promise of confidentiality, even some medical professionals, who enjoy the protections afforded to them under s.283 of the *Traffic Safety Act*, *might* not in all cases report persons who may be unfit to drive.

### **Saskatchewan Court of King's Bench:**

[\*Tarasoff v. Saskatoon \(City\) Re\*, 2025 SKKB 41 \(March 13, 2025\)](#)  
[Justice Gerecke](#)

**Summary:** This ruling provides guidance on the exemptions contained in sections 13(1)(b) and 16(a) and 16(b) of *LA FOIP*. This *de novo* hearing resulted in the Kings' Bench Justice disagreeing with all three of OIPC's findings.

The City of Saskatoon (City) created a partnership comprised of numerous organizations and agencies, including the mayor, the chief of staff and representatives from various city departments. The City created the Community Safety and Well-Being (CSWB) partnership with the goal of better equipping itself to fulfill its mandate under sections 4(2) and 8(1) of *The Cities Act*, SS 2002, c C-11.1. The mandate included good government, maintenance of a safe and viable community, and the fostering of economic and social well-being. The City withheld portions of its records after receiving Mr. Tarasoff's request for access. Mr. Tarasoff was dissatisfied with the City's refusal of his request. He asked for a review by OIPC. OIPC released Review Report 005-2024 (September 6, 2024). In this report, OIPC recommended the release of a substantial portion of the remaining records. In a *de novo* hearing, Justice Gerecke disagreed with the Commissioner and made the following findings with respect to the following sections of LA FOIP:

- **Section 13(1)(b) LA FOIP:** The City properly relied on the exemption in section 13(1)(b) of *LA FOIP* in refusing disclosure of a PowerPoint presentation prepared by the Government of Saskatchewan. The Saskatoon Police Service received the presentation from the Government of Saskatchewan and provided it to the City under a CSWB subject line. Because the PowerPoint discussed government strategies, budgets, analyses, policy initiatives, plans and research priorities in areas relevant to the CSWB mandate, it would clearly be exempt from disclosure as the Government of Saskatchewan obviously intended that it remain confidential. The Court took pains to indicate that it did not accept the City's argument that a confidentiality footer on the covering email automatically invoked expectations of confidentiality. The City filed no evidence to show that the confidentiality footer was nothing other than routine. Further, for section 13(1)(b) to apply, the PowerPoint must have been obtained from the Government of Saskatchewan in circumstances of confidentiality and the footer does not assist in this determination. Still, the Court read behind the report and inferred that it was to be kept confidential after an analysis of the content and intention of the originating parties. Paragraphs [36] and [38] of the ruling.
- **Section 16(1)(a) LA FOIP:** OIPC erred in finding that CSWB is not a committee of the City. It is rather a steering or advocacy committee in which the City is a partner. The focus on CSWB as an external committee was misplaced. To the extent that CSWB was external to the City at any given time was only to effectively attract participation and engagement of other parties, and to encourage the flow of information both to the City and to the other participants in CSWB. CSWB was established as a working group to develop advice and recommendations for the City's benefit. There was no question that the intent was that CSWB would work in private, and its information would flow in circumstances of confidentiality to the City. Paragraphs [51] to [54] of the ruling.
- **Section 16(1)(b) LA FOIP:** OIPC erred in interpreting this exemption as requiring a decision-making component. Nothing in the entirety of section 16(1)(b) requires that consultations or deliberations involve a decision or a decision-maker before there can be an



exemption from disclosure. In interpreting this section of the legislation, the focus should not be on the party that did the work or for whom. Rather, it is sufficient if officers or employees of the local authority are involved in the consultations and deliberations. The Court was not sure what record was placed before OIPC, but in the Court's review of the evidence, it was noted that City officials and City employees were involved in all the consultations and deliberations at issue. Paragraphs [63] to [72] of the ruling.

[Schiller v. Saskatchewan Health Authority, 2025 SKKB 37 \(March 07, 2025\)](#)  
[Justice Dawson](#)

**Summary:** This ruling provides guidance on sections 14(1)(m), 17(1)(b) and 5.1 of *LA FOIP*. In this instance, the information that was being withheld was properly determined to be records that contained financial, commercial, scientific and technical information contrary to OIPC's finding. Further, the local authority properly relied on section 10(2) of *LA FOIP* in that the records did not exist and it would be reasonably impracticable to expect the creation of the records.

In June of 2022 the applicant made an access for information request pursuant to section 6 of *LA FOIP*. The request was made of the Saskatchewan Health Authority (SHA) and it included eight separate categories of information related to the scientific testing of COVID and gene sequencing testing for SARS-COVID2 and COVID 19. SHA provided the applicant with 1201 pages of records but indicated that it was withholding redacted portions of the records pursuant to sections 14, 16, 17 of *LA FOIP* and 27 of *HIPA*. OIPC conducted a review and in Review Report 132-2023 (October 5, 2023), and recommended that SHA continue to withhold the usernames and passwords since they could reveal security methods employed to protect SHA's computer and communications systems. However, OIPC recommended that SHA release several categories of materials such as file path addresses/links and barcodes. OIPC made a further recommendation that SHA conduct a search to determine if raw data could be extracted and provided to the applicant in record format as "records of accuracy". SHA responded that it would continue to withhold file path addresses/links, database system usernames, passwords and barcodes pursuant to sections 14(1)(m) and 17(1)(b) of *LA FOIP*. With respect to the records of accuracy request, SHA indicated no such records existed and that it was not reasonably practicable to extract the raw data from the records to provide this information to the applicant in report format. The applicant filed an application with the Kings' Bench pursuant to sections 46 and 47 of *LA FOIP*. He requested the file path addresses/links, database system usernames, passwords and barcodes. He also requested SHA conduct a reasonable search of its records pursuant to section 5 of *LA FOIP*.

- **Section 14(1)(m) of *LA FOIP*:** OIPC's recommendation that SHA continue to withhold usernames and passwords is in line with this section of the legislation. While OIPC's position is not binding on this Court, it is clear that this information would reveal the

security arrangements of computer and communication systems or methods employed to protect those systems. Paragraphs [50] to [52] of the ruling.

- **Section 17(1)(b) of LA FOIP:** The consideration of section 17(1)(b) entails a three-part test:
- i. The first determination is whether the information contains financial, commercial, scientific, technical or other information. The information that is withheld by SHA under this section of the legislation includes information within the documents that describe the process of accessing information/data stored in specific databases on a computer system. OIPC was correct in determining that this qualified as “technical information”. Paragraphs [59] to [61] of the ruling.
  - ii. The second determination is whether the local authority has a proprietary interest or a right to use the information. A *proprietary interest* is the interest held by a property owner together with all appurtenant rights – such as a stockholder’s right to vote the shares he owns. A *right to use* means a legal, equitable or moral title or claim to the use of property or authority to use. OIPC found that SHA had not established a proprietary interest in the file path addresses/links and barcodes and in so doing it erred. The information provides access to sensitive information, personal health information and security information as well as user credentials and is information that SHA has a substantial interest in protecting from misappropriation by another party. It is confidential technical information which resulted from the expenditure of money and the application of skill and effort to develop. Therefore, SHA has a proprietary interest in the file path addresses/links, barcodes, host/server names, directory structure and credentials. SHA has a right to use the information in that it has a legal claim to the use of the information and an authority to use it. Paragraphs [62] to [66] of the ruling.
  - iii. The third determination is whether the information has a monetary value for the local authority or is it reasonably likely to going forward? Monetary value requires that the information itself possess intrinsic value. The phrase “reasonably likely to” requires a party to produce evidence that establishes a monetary value of the requested information on a balance of probabilities. In this case SHA produced evidence to show that the file path address/links and barcodes had a high value for parties who seek to do harm to SHA. To release the information would expose the organization to a great deal of system risk including cybersecurity attack. On a balance of probabilities, there is a risk of financial damage if this information was disclosed. Paragraphs [67] to [70] of the ruling.
- **Section 5.1 of LA FOIP:** At the outset, OIPC indicated that SHA failed to conduct a reasonable search based on its interpretation of section 10(2) of LA FOIP. However, it is clear that the records do not exist. They would have to be created. Such a record cannot be produced using normal hardware and software and technical experience currently available

to SHA. Further, producing this information would unreasonably interfere with the operation of SHA. It would not be reasonably practicable to expect SHA to produce this material. SHA indicated it could provide the raw data to the applicant if it was clear what raw data was sought. There was no order for SHA to comply with the right of access and duty to assist provisions of *LA FOIP*. The applicant sought records of accuracy which do not exist. SHA could provide raw data but the applicant did not specify which data he sought. If the applicant could bring a request that identified the specific information, the request would be accepted. Paragraphs [79] to [81] of the ruling.

[\*Cherkewich v The Resort Village of Candle Lake and Borden Wasyluk as Head, 2024 SKKB 224\*](#)  
[October 29, 2024 \(\*Cherkewich No. 1\*\)](#)

[\*Cherkewich v. The Resort Village of Candle Lake and Terry Kostyna as Head, 2024 SKKB 225\*](#)  
[October 29, 2024 \(\*Cherkewich No. 2\*\)](#)  
[Justice Elson](#)

**Summary:** This ruling provides guidance on when an appeal may be brought pursuant to section 46 (1) of LA FOIP and when an appeal under this section of LA FOIP becomes moot in law. The Kings' Bench Justice did not believe that the appellant's true purpose was to seek access to information. Unfortunately, the finding was that the procedure offered by the legislation was only being used to "attain some form of vindication and redemption for the slights he experienced" as a member of the local council.

The appellant applied for access to records in the possession of the Resort Village of Candle Lake (RVCL). The appellant was not satisfied with the response and brought his access request to OIPC for a review. OIPC issued Review Report 049-2019 on January 29, 2020. OIPC concluded that RVCL had not improperly denied access to any of the records in dispute. OIPC issued three recommendations that RVCL advise the appellant of records that had been provided to him in previous communications. However, OIPC provided a fourth and final recommendation that the appellant and RVCL work together in the future so that the appellant have access to the records necessary for them to do their duties as a council. RVCL complied with the first three recommendations but was silent on the fourth. This appeal was brought with respect to the fourth recommendation. The appellant petitioned that silence on the part of RVCL was akin to a decision not to follow the recommendation which brought the appeal under the jurisdiction of section 46 of *LA FOIP*. Subsequent to the argument of the appeal, the appellant failed in his bid to be re-elected to Council.

- As a result, the appeal was deemed moot since a ruling in the appellant's favour would have no practical value. Paragraph [57] of the ruling in *Cherkewich No. 1*.

- The reviewing Justice also found that an appeal under section 46 of LA FOIP must be brought from a decision of a local authority's head. In this case the mayor issued a written notice to the appellant complying with OIPC's recommendations. The notice was silent with respect to the fourth recommendation and all parties agreed that this silence was akin to non-compliance. The reviewing Justice found that LA FOIP does not dictate that silence with respect to a recommendation equates to a "decision" from a local authority head. As such, section 46 of *LA FOIP* provided no jurisdiction for an appeal in this case. Paragraph [58] of the ruling in *Cherkewich No. 1*.
- Non-compliance with section 45 of *LA FOIP* is unfortunate and almost certainly unacceptable, but the legislation provides no curative remedy for non-compliance. In the context of a section 46 appeal, the Court does not have jurisdiction to address or correct non-compliance with section 45. The appellant's appeal in this matter did not originate from a section 45 decision because there was no decision or written notice of a decision. The appeal is jurisdictionally flawed and, as such, was dismissed. Paragraphs [26] to [32] of the ruling in *Cherkewich No. 2*.

