

LA FOIP Sound Bytes

Webinar for cities, towns, villages, rural municipalities, etc.

Subjects:

- Personal e-mail
- Information of elected officials
- Accessing information from the Government of Saskatchewan



Office of the
Saskatchewan Information
and Privacy Commissioner

In this webinar

- **Mayors, reeves, councillors, etc., will be referred to as elected officials**
- **Cities, towns, villages, resort villages, hamlets and rural municipalities will be referred to as local authorities or public bodies**

**Can elected officials use personal
e-mail for conducting the
business of the local authority?**

Can elected officials use personal e-mail for conducting the business of the local authority?

- Section 5 of LA FOIP indicates that every person has the right to “access to records that are in the possession or under the control of a local authority”
- Section 23.1 indicates that a local authority has a duty to protect personal information within “its possession or under its control”

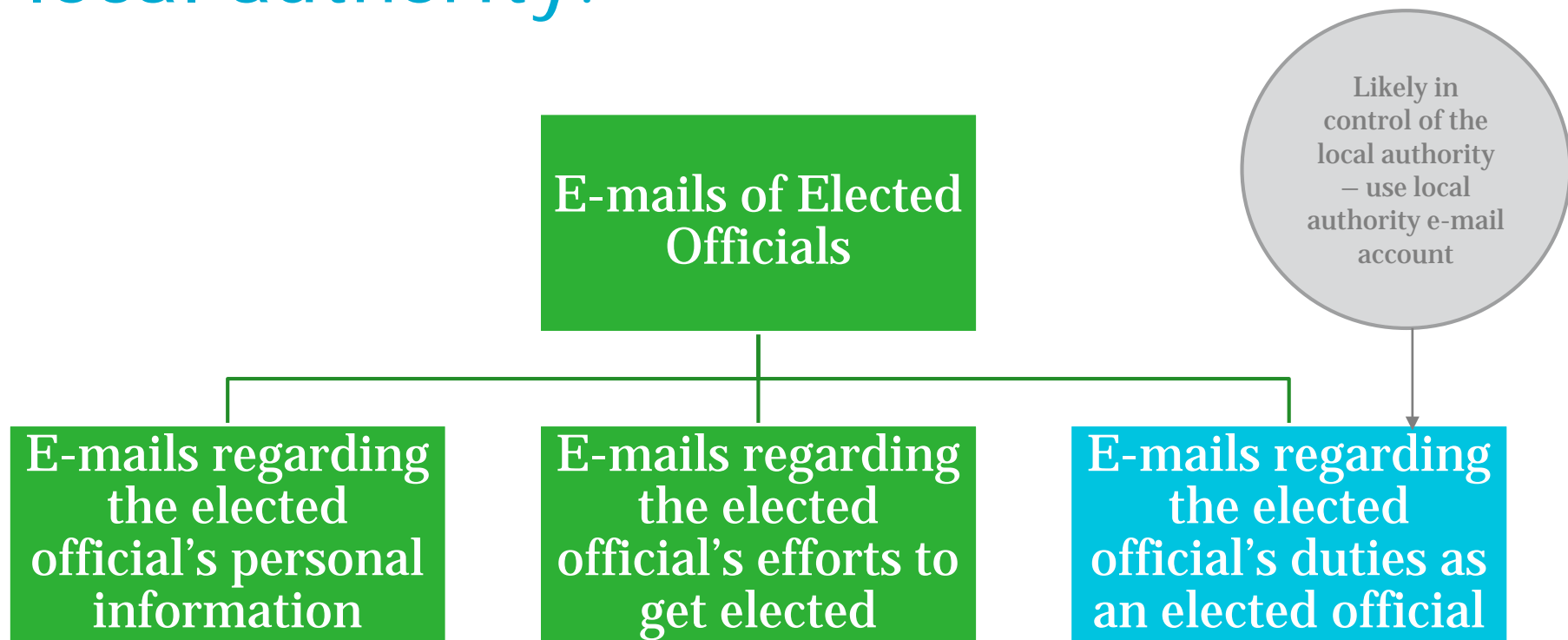
Can elected officials use personal e-mail for conducting the business of the local authority?

- Possession is physical possession plus a measure of control of the record.
- Control connotes authority. A record is under the control of a public body when the public body has the authority to manage the record including restricting, regulating and administering its use, disclosure or disposition.

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- **One test to determine control is:**
 1. Do the contents of the document relate to a departmental matter? and
 2. Can the public body reasonably expect to obtain a copy of the document upon request?
- Other factors to determine control can be found on page 75 of the *IPC Guide to Exemptions* found on our website.

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Can elected officials use personal e-mail for conducting the business of the local authority?

- **Further reading:**
 - [IPC Review Report 183-2015](#)
 - [IPC Investigation Report 101-2017](#)
 - [IPC Resource - IPC Guide to Exemptions \(IPC Guide to FOIP/IPC Guide to LA FOIP\)](#)

What are my rights as an elected official? Is all of “my information” available via access requests? What if I don’t want to release “my information”?

What are my rights as an elected official? Is all of “my information” available via access requests? What if I don’t want to release my information?

- Personal information is defined in subsection 23(1) of LA FOIP.
- A local authority may have possession or control of a lot of personal information of its elected officials, such as “employment history” and “personal opinions” or information related to the elected official as a ratepayer.
- ‘Employment history’ is the type of information normally found in a personnel file such as performance reviews, evaluations, disciplinary actions taken, reasons for leaving a job or leave transactions. It does not include work product.

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- **Work product is different**
- **‘Work product’ means information prepared or collected by an individual or group of individuals as a part of the individual’s or group’s responsibilities or activities related to the individual’s or group’s employment or business.**

What are my rights as an elected official? Is all of “my information” available via access requests? What if I don’t want to release my information?

- All information in the possession or under the control of the local authority is subject to access to information requests.
- A local authority must withhold personal information of an elected official pursuant to subsection 28(1) of LA FOIP unless there is a reason to disclose under 28(2) of LA FOIP or the individual provides consent.

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On the other hand...

- **The work product of an elected official must be released unless an exemption found in Part III of LA FOIP applies.**
- **The decision to withhold or release is up to the head.**

What are my rights as an elected official? Is all of “my information” available via access requests? What if I don’t want to release my information?

- **Further reading:**

- [IPC Blog: *Work product vs. personal information*](#)
- [IPC Review Report 035-2017](#)

**How does my local authority
access information from the
Government of Saskatchewan?**

How does my local authority access information from the Government of Saskatchewan?

- **Further reading:**
 - [IPC Resource: Guide to Requesting a Review from the IPC \(FOIP\)](#)
 - [IPC Resource: Guide to Requesting a Review from the IPC \(LA FOIP\)](#)

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Website: www.oipc.sk.ca
webmaster@oipc.sk.ca