

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”



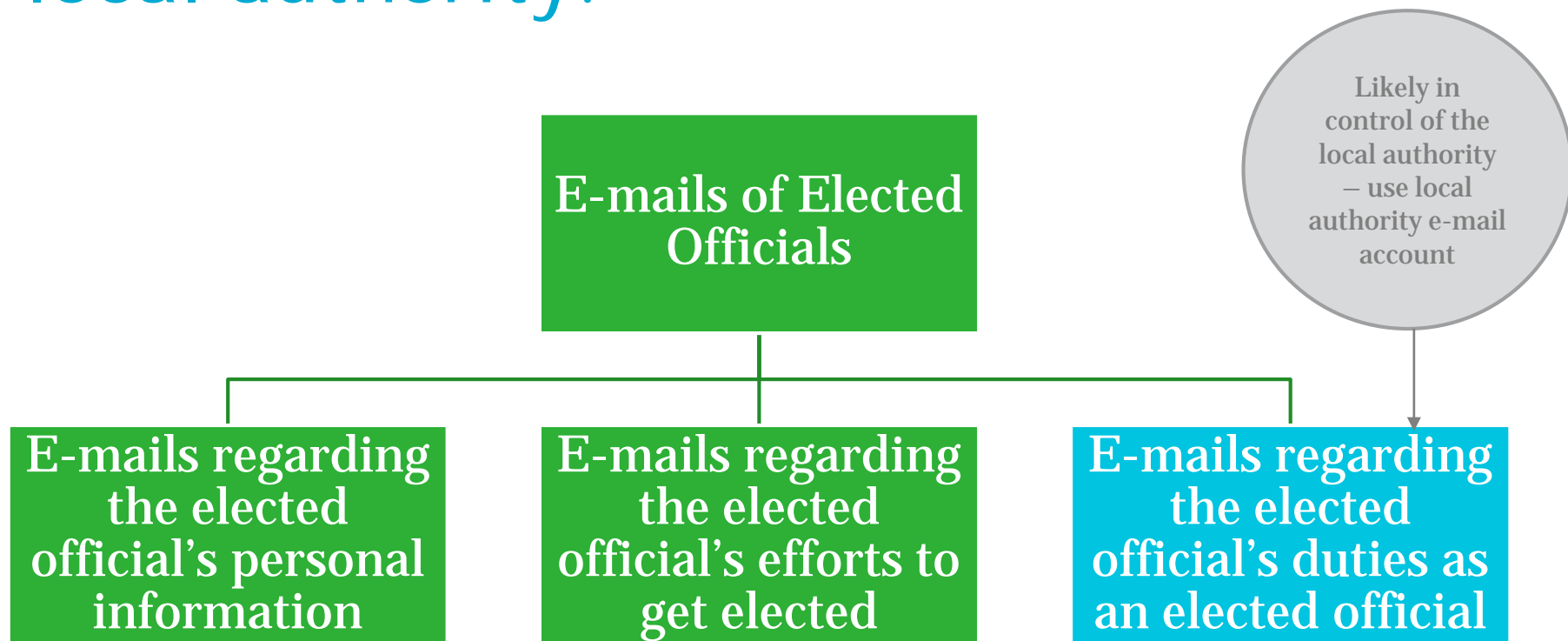
Can elected officials use personal e-mail for conducting the business of the local authority?

- 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.

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

- 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.

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?

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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