Office of the
Saskatchewan Information
and Privacy Commissioner

DISREGARD DECISION 347-2026

Ministry of Justice and Attorney General

November 10, 2026

Summary: The Applicant submitted an access to information request dated September 25, 2026 to the Ministry of Justice and Attorney General (Justice). Justice deemed the request frivolous and asked the Office of the Saskatchewan Information and Privacy Commissioner to disregard the access request pursuant to section 45.1(2)(c) (frivolous or vexatious, not in good faith or concerns a trivial matter) of *The Freedom of Information and Protection of Privacy Act* (*FOIP*).

The Commissioner found that the requirements to disregard the Applicant's access to information request of September 25, 2026 under section 45.1(2)(c) of *FOIP* were not met. The Commissioner refused the application to disregard. The 30-day clock for processing the Applicant's request resumes on the date of the issuance of this Decision pursuant to section 45.1(5) of *FOIP.* Justice is required to continue processing the Applicant's access request.

I BACKGROUND

[1] On September 25, 2026, the Ministry of Justice and Attorney General (Justice) received an access to information request for the period "2022 to 2029, where available", which we have reproduced in the Appendix to this Decision. The Applicant is a law firm resident in the province of Québec.

[2] On October 5, 2026, Justice filed an application to disregard with the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) pursuant to section

45.1(2)(c) of *The Freedom of Information and Protection of Privacy Act* (*FOIP*).[1] Justice based its grounds on the allegation that the Applicant's request was frivolous. On the same date, OIPC notified both parties that the clock for processing the access request had been suspended.[2]

[3] On October 6, 2026, OIPC provided notice to each party and invited the Applicant to provide a response outlining their position with respect to Justice's application to disregard. The Applicant provided a response on October 19, 2026.

II DISCUSSION OF THE ISSUES

1. Jurisdiction

[4] Justice is a "government institution" pursuant to section 2(1)(d)(i) of *FOIP*. As this office has jurisdiction, this decision can be considered under section 45.1 of *FOIP*.

2. The section 45.1(2)(c) of *FOIP* analysis

[5] Section 45.1 of *FOIP* provides a local authority with the ability to apply to disregard an access to information request. Justice submitted that the sole ground for the application was that it was frivolous:

> **Power to authorize a local authority to disregard applications or requests**
> **45.1**(1) The head may apply to the commissioner to disregard one or more applications pursuant to section 6 or requests pursuant to section 32.
>
> (2) In determining whether to grant an application or request mentioned in subsection (1), the commissioner shall consider whether the application or request:
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> …
> (c) is frivolous or vexatious, not in good faith or concerns a trivial matter.

[1] *The Freedom of Information and Protection of Privacy Act*, SS 1990-91, c F-22.01, as amended.

[2] Section 45.1(3) of *FOIP* suspends the time a government institution has to respond to an access request until the Commissioner notifies the head of the Commissioner's decision.

[6] An application to disregard pursuant to section 45.1 of *FOIP* is a serious matter as it is a request to remove a quasi-constitutional right from an applicant. Any interference with a quasi-constitutional right must be carefully considered.[3]

[7] Section 5 of *FOIP* clearly establishes an applicant's right of access as follows:

> **Right of access**
> **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 government institution.

[8] *FOIP* recognizes that not all access requests are appropriate. Section 45.1 of *FOIP* exists to preserve the proper intent and functioning of the Act. Former British Columbia Information and Privacy Commissioner (BC OIPC), David Loukidelis, noted the following with respect to the equivalent provision in British Columbia's Act:[4]

> …Access to information legislation confers on individuals such as the respondent a significant statutory right, *i.e.*, the right of access to information (including one's own personal information). All rights come with responsibilities. The right of access should only be used in good faith. It must not be abused. By overburdening a public body, misuse by one person of the right of access can threaten or diminish a legitimate exercise of that same right by others, including as regards their own personal information. Such abuse also harms the public interest, since it unnecessarily adds to public bodies' costs of complying with the Act. Section 43 exists, of course, to guard against abuse of the right of access…

[9] The Supreme Court of Canada established that the overarching purpose of access to information legislation is to facilitate democracy, thus ensuring citizens have the information they need to participate in a democracy and to hold government accountable.[5] When exercising this right, *FOIP* does not require an applicant to state the purpose of their

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[3] *Canada (Information Commissioner) v. Canada (Minister of National Defence)*, 2011 SCC 25, [2011] 2 SCR 306 at paragraphs [40] and [79].

[4] BC OIPC Order F19-25 (June 21, 2019), at paragraph [8].

[5] Ontario (Attorney General) v. Ontario (Information and Privacy Commissioner), 2024 SCC 4 at paragraph [2].

access request, nor does *FOIP* require a demonstration that the access request was made for a legitimate purpose.[6] Still, frivolous requests constitute an abuse of the right of access, because they can be launched by an applicant who is motivated to act in a way that is contrary to the principles and objectives of the legislation.[7]

Should Artificial Intelligence Serve as a Factor in this Analysis

[10] The bedrock of the Justice application involves the allegation that the Applicant used Artificial Intelligence (AI) to craft the access to information request. To be fair, Justice conceded in its excellent application that it had no *prima facie* obligation to the use of AI in the making of access requests. The essence of the Justice submission is that the use of AI, in this case, made the request impossible to fulfill. We must disagree for the following reasons.

[11] When it comes to the use of AI in access requests, prior to a consideration of the frivolous nature of the access request, two options are available. Either there is a clear concession from the Applicant that AI was used and the access request is meaningless because of it; or if such an admission is absent, the results of the use must be so obvious that the application is granted on its face on the grounds that it is truly unintelligible – even after attempts to discuss the request with the applicant. That is not the case here.

[12] Justice speculated that the Applicant used AI in the formulation of the access request. Justice pointed to several bullet items in the Applicant's access request that it claimed are repetitious in places and contradictory in others. The objection seems rooted in the lack of attention to the final product that has produced a confusing result. We produce the relevant segments from the Justice application:

> [35] In the modern era, it has never been particularly expensive or time consuming for applicants to *submit* an ATI [access to information] request. Before the estimate of fees, the biggest "cost" to submitting an ATI request is the time spent by individuals formulating the shape of their request: deciding

[6] OIPC Disregard Decision 285-2020 at paragraph [56].

[7] OIPC Disregard Decision 225-2025 at paragraph [26].

> what they wanted to see, and how to phrase a request that resulted in the records they sought. The Ministry submits that this act – the formulation of a request based on a human-selected objective - is *a*, if not *the*, essential factor in exercising the right of access while meeting the responsibility on applicants to make requests (regardless of their ultimate purpose) which are not frivolous.
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> [36] When a request appears that is as self-repetitive, unnecessarily detailed, extremely broad, inherently contradictory and, in one case, outright impossible as the Applicant's, the Ministry is forced to take a stand. Whether the Applicant used AI or not in their request is irrelevant. What is relevant is the apparent indifference of the Applicant to the basic step of formulating their own purpose for a request and then requesting the records that will help them accomplish that purpose. An applicant is welcome to make such a request providing detailed examples, and to make extremely broad requests for records, they are not meant to submit requests that are impossible to comply with, or which request the same documents duplicatively (or multiplicatively) within a single request.
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> [37] By requesting records from the future, the Applicant is wasting the Ministry's time, but also taxpayer dollars. By couching the request in language that is duplicative, purposelessly detailed, and self-contradictory, the Applicant doubles down on the idea that a request is something to be fired off at a whim, and the Ministry can work out which (substantive) portions of the request duplicate or contradict themselves.
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> [38] One individual displaying such an attitude on a single access request will not cripple the Ministry. But as the data shows, the trends for requests in the AI-enabled world are rising rapidly, and there is no indication that this trend is slowing. To keep the ATI process functioning, to allow individuals to demand transparency for matters which they believe are important, those who treat the process as valueless must be removed from the queue. That is what the Ministry is seeking to do with this disregard request: set a minimum standard that Applicant's must, at first instance, treat this democratically vital process with the respect it deserves, and to meet their minimum responsibilities that keep the ATI process open and available to all.
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> ...
> [40] The Ministry submits that, taken together and considered alongside the responsibilities of Applicants and the rise of AI ATI requests; a disregard is called for in this case.

[13] The Applicant addressed the allegation that the request was "impossible" in paragraph [8] of its submission and responded more generally thereafter:

> 8. The request does not ask the Ministry to create records in 2027, 2028, or 2029. It asks for records already in existence that govern, approve, schedule, or describe terms applicable during the stated period. Multi-year collective

> agreements and related instruments commonly establish salary increases, progression mechanisms, premiums, benefits, and other conditions that take effect in future years. An agreement executed before September 25, 2026, may therefore contain binding or approved terms applicable through 2027, 2028, or 2029.
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> 9. The words "where available" confirm that the request is confined to existing records. Properly read, the date range captures existing records concerning future effective dates; it does not demand records that have not yet been created.
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> ...
> 30. The Ministry acknowledges that it has no factual knowledge that artificial intelligence was used and that the mere use of such a tool would not justify disregard. Speculation based on tone, detail, repetition, or stylistic features does not establish the Applicant's purpose, good faith, or seriousness. The request must be assessed on its substance and surrounding facts.
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> 31. Broader concerns about increasing access-request volumes cannot determine whether this particular request is frivolous. A disregard remedy must rest on evidence concerning this Applicant and this request.

[14] The Applicant explained that it was looking for existing records, such as collective bargaining agreements and related information, that may reflect the years 2027 to 2029. On a careful reading of the access request, the Applicant clearly asked for "information" and not "records" for items including "negotiated or approved future salary increases" and for copies of collective bargaining agreements. The Applicant also explained that its use of "where available" was to recognize the possibility that such records may not yet exist. Reasonably, this "information" *may* exist for the years 2027 to 2029 in different records today, and if not, then such records would obviously not be available.

[15] The use of AI in the hands of the public is a growing issue that affects public bodies, local authorities and information and privacy offices across the country. Those who feel isolated and mistrustful of authorities now have an online source to assist in the framing of access requests to meet their information needs. Unfortunately, even this office has been subject to several submissions of a lengthy and meaningless nature that were undoubtedly drafted with the assistance of AI. Those submissions were incomprehensible and required hours of discussion and liaison to get to the actual nut of the request/submission. We understand the frustration that motivates this application on the part of Justice.

[16] Nonetheless, OIPC cannot judge this particular application without evidence of the impenetrable nature of the request because of an admitted use of AI. We are not convinced that the request is so meaningless that it should be entirely frustrated because it *may* have been developed with the use of AI. On the basis of what is included in Appendix A to this Report, we are not in a position to consider whether the use of AI is a relevant factor in the overall consideration of the frivolous nature of this access request. This is not the access request for that consideration.

The Section 45.1(2)(c) Analysis

[17] For section 45.1(2)(c) of *FOIP* to apply, Justice must demonstrate that the applicant's access to information request is frivolous, in the sense that the request is trivial or without merit, that it lacks a legal or factual basis/merit, that the request is not serious or reasonably purposeful, or that the request itself is of little weight or importance.[8] A government institution may consider an access request to be frivolous, but what may not be important to a government institution may be of great importance to a member of the public.[9]

[18] In determining whether an access request should be disregarded as frivolous and an abuse of the right of access under section 45.1(2)(c) of *FOIP*, this office considers the following factors:[10]

a. **Number of requests**: are they excessive by reasonable standards?

b. **Nature and scope of the requests**: are they excessively broad and varied in scope or unusually detailed?

c. **Purpose of the requests**: are the requests intended to accomplish some objective other than to gain access. For example, are they made for

[8] OIPC Disregard Decision 272-2026 at paragraph [9]. This case considers the mirror provision, section 43.1(2)(c) of *The Local Authority Freedom of Information and Protection of Privacy Act*, SS 1990-91, c. L-27.1, as amended.

[9] Office of the Information and Privacy Commissioner of Ontario (ON OIPC) Order M-618 (October 18, 1995).

[10] OIPC Disregard Decision 363-2025 at paragraph [23].

> "nuisance" value, or is the applicant's aim to harass the public body or to break or burden the system?
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> d. **Timing of the requests**: is the timing of the requests connected to the occurrence of some other related event, such as a court or tribunal proceeding?
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> e. **Wording of the request:** are the requests or subsequent communications in their nature offensive, vulgar, derogatory or contain unfounded allegations?

[19] Justice submitted that the broad and repetitive nature of the access request, its scope, purpose and language led to an "impossible demand":

> [13] The focus of the submissions of the Ministry are on the scope of the request, the language used, and what can be gleaned about the purpose of the requests from the request's language. The Ministry will also provide certain considerations that are not directly encapsulated by the above-noted factors, but which may be relevant to the Commissioner's resulting decision.
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> [Emphasis added]

[20] As mentioned earlier, Justice raised concerns that the Applicant appeared to be asking for records for 2027 to 2029, or years that would not yet exist. As we determined, however, the Applicant was asking for records that *may* contain information regarding years beyond 2026, such as records that may speak to collective bargaining. If such records do not exist – it is a simple notion with which to respond.

[21] Justice submitted that the access request contained 16 unnumbered bullets that appear to be contradictory or duplicative on "plain meaning":

> [21] Bullet two repeats the contradictory scope noted in para (18) of this brief: with the date range already set, the line item adds "as well as historical data for previous years, where available". Given that the scope of the request has already been set by the Applicant (2022-2029), this sentence seems written with indifference to an earlier portion of the request.
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> [22] Bullet 3 is an extremely broad request for career progression records. The examples provided relate mostly to policies and criteria, but the request itself is clearly understood to also include information reflecting individual decisions. It is incontestable law that a broad request does not equate to an invalid request.

> However, Bullet 4 is a request for information that is a subset of the records that will already be caught by the broad opening of Bullet 3 "information regarding career progression". The Ministry submits that this repetition, as well as the scope of both points, is both broad and overly detailed, as well as repetitive.
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> [23] Similarly, Bullet 5 is a broad request for policies, criteria, and real information reflecting decisions on individuals. Bullet 6 is a repetition of the request in Bullet 5, or a subset of it, with extensive and unnecessary detail. Taken together, these two items are simultaneously broad, yet overly detailed, and are repetitive.
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> [24] Bullet 9 requests vacation entitlements, but these entitlements are already caught by the requests at Bullets 5, 6, and 8. This Bullet does not add meaningful clarification or capture new records: it is simply repetitive of earlier requests and is overly detailed.
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> [25] Bullet 10 contains a request for "all other forms of paid […] leave applicable to prosecutors". This information will already be captured in records relating to Bullets 5, 6, and 9. The other half of that Bullet, for "unpaid" forms, would also arguably be captured by Bullets 5, 6, and 9. This is repetitive of an earlier portion of the request.
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> [26] Bullet 12 is, in its entirety, a reframed request that duplicates the substance of Bullets 1 and 2.
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> [27] Bullet 13 seeks aggregate information about age. Age is a factor that would be considered demographic information. Bullet 14 seeks aggregated information about all demographic information. Bullet 13 is therefore a fully repetitive subset of the information requested at Bullet 14 and is therefore repetitive of itself and unusually detailed.
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> [28] Bullet 15 seeks demographic information (geographic distribution). For that portion of the Bullet, it is duplicative of Bullet 14. It also seeks information related to special allowances. That means Bullet 15, insofar as it talks about allowances, premiums, and pay, is duplicative of the already broad requests found in Bullets 5, 6, and potentially Bullets 9 and 10.
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> [29] Bullet 16 contains, *inter alia*, a request for compensation policies. These policies have already been requested at Bullets 1 and 3. This Bullet is duplicative. It also contains the simultaneous qualities of being broad and overly detailed: the examples provided are all encapsulated in the request for "documents governing or describing […]".

[22] The Applicant's response to our office narrowed the access request considerably. The submission noted that the access request was filed as the result of ongoing collective-bargaining involving Crown prosecutors in the province of Québec. The Applicant seeks

records related to subjects such as compensation, benefits and general workforce structures, and stated their request was not intended to be a nuisance or burden. The Applicant was content to narrow the scope of the request:

> 24. Bullets 3 and 4: progression rules and outcomes. Bullet 3 seeks the rules, criteria, and expected timing governing career progression. Bullet 4 seeks aggregate information about how often prosecutors are considered and successfully advance in promotions. The first concerns the formal framework; the second concerns its practical operation. They are complementary, not identical.
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> 25. Bullets 5 and 6: variable compensation and premiums. Bullet 5 concerns bonus, performance-pay, incentive programs or similar programs. Bullet 6 concerns premiums, allowances, additional remuneration, and other monetary benefits tied to circumstances such as location, availability, acting assignments, or supervisory responsibilities. These compensation mechanisms differ in nature, purpose, and eligibility. The examples clarify the distinction.
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> 26. Bullets 8, 9, and 10: benefits, vacation, and other leave. Group insurance and employee benefits are not the same as vacation or statutory, sick, personal, family-related, paid, or unpaid leave. These subjects may appear in the same collective agreement, but they are separate conditions of employment and are commonly addressed in distinct provisions or records.
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> 27. Bullets 1, 2, and 12: compensation structure and workforce composition. Bullet 1 seeks salary structure and governing instruments. Bullet 2 seeks the current and historical distribution of prosecutors across classifications, levels, and steps. Bullet 12 seeks broader workforce information, including total headcount, hiring, departures, vacancies, turnover, and recent trends. To the extent that a headcount field overlaps, the Ministry need only produce it once.
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> 28. Bullets 13, 14, and 15: age, demographics, and geography. Average age by classification is a specific workforce indicator. Bullet 14 seeks other demographic information maintained and lawfully disclosable in aggregate form. Bullet 15 concerns geographic distribution and location-related premiums. These categories serve distinct comparative purposes. The request expressly seeks aggregate information and does

[23] Frivolous requests are those that are without merit, lack a factual or legal basis, are not serious or reasonably purposeful, or are of little weight or importance. An applicant need not justify the reason or purpose behind the request. An applicant abuses the right of access only if it can be shown that the applicant has used the legislation in a way that is contrary to its objectives and principles.

[24] While at first glance the nature/scope of the access request appears broad and detailed, this request is still a legitimate request for provincial data with respect to Crown prosecutors in a neighbouring province. Once the access request is parsed, those themes become apparent. Indeed, in the case of out-of-scope Crown prosecutors in Saskatchewan some of this information is already available online.[11] Further, *FOIP* does not require Justice to create new records. Section 7(2)(e) of *FOIP* allows for the appropriate notice to be given for records that do not exist.

[25] Justice also questioned the seriousness of the Applicant's purpose connected to a timeframe involving the future year 2029. As the Applicant explained, and as we agree, the request wasn't formulated around records that would not yet exist, but for records that may contain information regarding future years. Records regarding collective bargaining agreements may have *information* regarding a timespan beyond 2026.

[26] We cannot conclude that the Applicant fashioned an access request that violates the spirit and nature of *FOIP*. The Applicant has established a clear reason for the need for these records. It stems from a need to prepare a comparative analysis and this supports the purpose of the access request. Through the process of this application to disregard, the Applicant has clearly articulated the nature and scope of their request.

[27] The Applicant concluded its submission with the fact that if Justice found the wording ambiguous or confusing, then section 5.1(1) of *FOIP* imposes a duty upon the government body to seek clarification:

> **Duty of government institution to assist**
> 5.1(1) Subject to this Act and the regulations, a government institution shall respond to a written request for access openly, accurately and completely.

[28] The duty to assist requires that government institutions make reasonable efforts to not only identify and seek out records responsive to an applicant's access request but to explain the steps in the process and seek any necessary clarification on the nature or scope of the

[11] Government of Saskatchewan Website: Human Resources Manual – *Section 1200: Out-of-Scope Compensation Policies and Programs*.

request within the legislated timeframe.[12] Responding "accurately" means understanding what records an applicant seeks and clarifying within the nature of their request.[13] An applicant will not necessarily know what records a government institution has in its holdings, or what records may be responsive to a request. A government institution is obligated to contact the applicant and seek such clarification.

[29] The real issue in this application to disregard is the failure on the part of Justice to assist the Applicant as laid out in section 5.1 of *FOIP*.

[30] The Applicant's request of September 25, 2026, is not frivolous. The requirements to disregard the access request under section 45.1(2)(c) of *FOIP* are not met. As a result of this decision, the 30-day clock for processing the Applicant's request of September 25, 2026, resumes as of the date of this Decision pursuant to section 45.1(5) of *FOIP*, and Justice is required to continue processing the Applicant's access request.

III DECISION

[31] The application to disregard the Applicant's access to information request of September 25, 2026 is refused. The 30-day clock for processing this request resumes on the date of the issuance of this Decision pursuant to section 45.1(5) of *FOIP*. Justice is required to continue processing the Applicant's access request.

Dated at Regina, in the Province of Saskatchewan, this 10th day of November, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner

[12] OIPC Review Report 281-2025 at paragraph [29].

[13] OIPC Review Report 181-2020 at paragraph [18].

Appendix A

OIPC reproduces the Applicant's access request of September 25, 2026, as follows:

> Without limiting the generality of this request, we are seeking the following information for the period 2022 to 2029, where available:
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> - detailed information regarding prosecutors' salary structures, including all salary scales and classifications in effect during that period, the salary applicable to each level and step, negotiated or approved future salary increases, progression mechanisms (including whether progression is based on seniority, experience, merit, performance or other criteria), and any related policies, directives, agreements or guidelines;
> - for each prosecutor classification, level and salary step, the number of prosecutors currently assigned to that classification, level and step, as well as historical data for previous years, where applicable;
> - information regarding progression, including the criterial for progression from one level or classification to another, the number of years normally or typically required to progress through the salary structure and to reach each prosecutor level or classification, and any minimum or maximum periods applicable to such progression;
> - the number and proportion of prosecutors who apply or are considered for promotion or advancement to the next level or classification, and the number and proportion who are successful, by year and by level, where available;
> - details regarding any bonus, performance pay, incentive pay or other variable compensation programs applicable to prosecutors, including eligibility criteria, amounts or ranges, frequency and actual payout practices;
> - details regarding all premiums, allowances, additional remuneration and other monetary benefits available to all prosecutors, including the nature and amount of each premium or allowance (including, where applicable, retention, major or complex criminal investigations, remote or northern regions, availability, on-call duties, acting assignments, supervisory responsibilities or other similar circumstances);
> - information regarding pension arrangements applicable to prosecutors, including the applicable pension plan, plan design, employee and employer contribution rates, retirement eligibility and any other retirement-related benefits;
> - information regarding group insurance and employee benefit programs, including life, dental, disability and other coverage, as well as employer contributions and employee cost-sharing arrangements;
> - an overview of vacation entitlements, including initial entitlement, progression based on years of service or other criteria, maximum entitlement, carry-over, accumulation and monetization provisions;

- information regarding all other types of paid or unpaid leave applicable to prosecutors, including sick leave, personal days, statutory holidays, family-related leave and any other leave, including the applicable number of days or hours and whether such leave may be accumulated, carried forward or monetized;
- information regarding official or contractual working hours, including the normal workweek, actual hours worked where such information is available, flexible work arrangements, overtime requirements and practices, and whether overtime is paid, compensated through time off or otherwise recognized;
- workforce data regarding prosecutors, including total headcount and, for each year for which information is available, the number of prosecutors by classification, prosecutor level and salary step, together with information regarding recent workforce trends, including hiring, departures, vacancies and turnover;
- the average age of prosecutors overall and at each classification or prosecutor level, where available;
- demographic information regarding the prosecutor workforce, including the number and percentage of women and men overall and at each prosecutor classification or level, and any other workforce demographic information that is maintained and may be lawfully disclosed in aggregate form;
- information regarding the geographic distribution of prosecutors, including the number or prosecutors by office, region or location, and information regarding the prevalence and amount of regional, northern, remote-location, recruitment or retention premiums and allowances; and
- copies of any collective agreements, compensation policies, employment policies, directives, manuals, guidelines, schedules or other documents governing or describing the compensation, benefits, terms and conditions of employment of prosecutors.