

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF ██████████ IN RELATION TO
INFORMATION REQUESTED FROM SASKATCHEWAN
AGRICULTURE, FOOD AND RURAL REVITALIZATION**

1. ██████████ (the "Applicant") submitted an Access to Information Request Form dated March 20th, 2002, wherein the Applicant requested from Saskatchewan Agriculture, Food and Rural Revitalization (the "Respondent") the following:

"Please provide all material prepared by or for the department that was used by or contemplated for use by officials of the department in response to inquires about the report of the Conflict of Interest Commissioner of March 15th, 2002, for example: anticipated questions and suggested answers, talking points, etc."

2. By letter dated May 2nd, 2002, Ross Johnson, Access Officer, Freedom of Information of the Respondent, replied, and I quote:

"The record you are requesting has never been created."

3. The Applicant applied to me for a review on May 6th, 2002, and I quote:

"it is my contention that the response of the department does not satisfy the request. Specifically: the contention that the record "has never been created" is not credible and necessitates close examination and explanation."

4. On May 9th, 2002 I contacted the Respondent advising that it was my intention to conduct a review of this matter, and requested from them any further representations they wished to make regarding this matter.

5. On May 24th, 2002, I received from Ross Johnson, Access Officer, Freedom of Information, the following reply:

"██████████ requested "anticipated questions and suggested answers, talking points etc.". As we indicated to ██████████ the record does not exist. Saskatchewan Agriculture, Food and Rural Revitalization did not prepare anticipated questions and answers, talking points, etc. for response to inquires about the report of the Conflict of Interest Commissioner."

6. On May 24th, 2002, I forwarded this information to the Applicant. He responded, advising that he has reviewed the material and offered no additional submissions.

7. Without any further evidence to the contrary, I must accept the Respondent's response that these documents do not exist, and therefore, cannot be supplied to the Applicant. If the Applicant has any further information that such documents do exist, I would be pleased to review this decision.

Dated at the City of Swift Current, in the Province of Saskatchewan, this 4th day of June, 2002.

FRANK A. MacBEAN, Q.C.
Acting Freedom of Information
and Privacy Commissioner
Province of Saskatchewan