



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 086-2018

Ministry of Health

March 21, 2019

Summary:

The Ministry received an access to information request which generated 1,697 pages of responsive records. The Ministry withheld information on 513 pages of the record pursuant to subsections 13(2), 17(1)(a), (b)(i), (c), (e), (g), 18(1)(b)(i), (d), (e), 19(1)(b), 22(a) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP). The Commissioner agreed with less than five percent of the exemptions that the Ministry applied and recommended that more records be released to the Applicant. The Commissioner also recommended that the Ministry search for more records, continue to review and improve its access and privacy processes and to provide my office with updates on its progress.

I BACKGROUND

- [1] On June 21, 2017, the Applicant made a request to the Ministry of Health (the Ministry) for “information pertaining to the Ministry of Health EMS Working Group... all emails, letters, agendas, minutes and attachments related to the EMS Working Group since its creation around 2003 to the current date.”
- [2] On December 18, 2017, the Applicant had not yet received a response from the Ministry and requested a review by my office. On January 31, 2018, I issued Review Report 326 to 332-2017 which addressed the Ministry’s delay in responding to this request and six others.

- [3] On April 17, 2018, the Ministry provided the Applicant with 1,697 pages of responsive records. It also notified the Applicant that information within those pages were being withheld pursuant to subsections 13(2), 17(1)(a), (b)(i), (c), 18(1)(b)(i), 19(1)(b), 22(a) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP).
- [4] On May 7, 2018, the Applicant requested a review by my office of the Ministry's search for records, its duty to assist and application of the exemptions. On May 22, 2018, my office notified the Ministry, the Applicant and several third parties that I would proceed with the review.
- [5] In response, several third parties indicated that they did not object to release of the records. On November 19, 2018, the Ministry provided additional records to the Applicant.
- [6] On November 21, 2018, the Ministry informed the Applicant and my office that it was also applying subsections 17(1)(e), (g), 18(1)(d) and (e) of FOIP to the record.

II RECORDS AT ISSUE

- [7] The Ministry withheld information on 513 pages of the record. It withheld the information pursuant to subsections 13(2), 17(1)(a), (b)(i), (c), (e), (g), 18(1)(b)(i), (d), (e), 19(1)(b), 22(a) and 29(1) of FOIP.
- [8] For a more detailed description of the record, please see Appendix A.

III DISCUSSION OF THE ISSUES

1. Does my office have jurisdiction in this matter?

- [9] The Ministry qualifies as a government institution pursuant to subsection 2(d)(i) of FOIP. Therefore, my office has jurisdiction in this matter.

2. Did the Ministry perform a reasonable search for records?

[10] Section 5 of FOIP provides:

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.

[11] The threshold that must be met is one of “reasonableness”. In other words, it is not a standard of perfection, but rather what a fair and rational person would expect to be done or consider acceptable. FOIP does not require the public body to prove with absolute certainty that records do not exist. Public bodies can provide information in describing its search efforts. Examples of the type of information that can be provided can be found in my office’s resource *IPC Guide to Exemptions for FOIP and LA FOIP*.

[12] When requesting this review, the Applicant pointed out that Health did not appear to have provided attachments to several emails that were identified as responsive to the request. After receiving the Ministry’s submission, he also questioned whether the emails and papers of the Executive Director of the Acute and Emergency Services Branch were searched, as the individual in the role was not mentioned in the Ministry’s submission where other employees were listed.

[13] In his request for review, the Applicant indicated that it did not appear that the Ministry included the attachments for several responsive emails, especially those on pages 549-550, 663, 796-797, 1043, 1085, and 1087-1117 of the record. The Applicant was not sure if the attachments were provided to him, withheld or not considered a responsive record. My office asked the Ministry to identify the attachments. The Ministry did so in its submission; which was provided to the Applicant. The Applicant did not identify any further issues with the email attachments.

[14] My office also asked the Ministry to address the Applicant’s concern that the emails and other documents of the Executive Director of the Acute and Emergency Services Branch had not been searched. It informed my office that although the Executive Director did not

perform the search, two assistants did search her email account and documents. The search was requested on September 26, 2017 and the Ministry informed us the search happened after that, but did not give a specific date. Health did not offer further explanation on why the search of this Executive Director's emails was not listed in its submission with the names of other employees in the same branch that were searched. It is best practice to keep a detailed log of a search for records. Some ministries have developed a search log/checklist to record the details of a search.

[15] I am not persuaded that the Ministry made a reasonable search for records.

[16] I recommend that the Ministry perform a second search of this Executive Director's email account and other records. I recommend the Ministry provide a detailed account of the search to my office and let the Applicant know the results. It would be best practice if the Executive Director performed the search. The account of the search should include who performed the search, when the search was performed, what keywords were used, what physical space was searched and what records were found.

3. Is there information not responsive to the access request?

[17] When a government institution receives an access to information request, it must determine what information is responsive to the access to information request.

[18] Responsive means relevant. The term describes anything that is reasonably related to the request. It follows that any information or records that do not reasonably relate to an Applicant's request will be considered "not-responsive". The Applicant's access to information request itself sets out the boundaries of relevancy and circumscribes the records or information that will ultimately be identified as being responsive.

[19] A government institution can sever information as non-responsive only if the Applicant has requested specific information, such as his or her own personal information. The government institution may treat portions of a record as non-responsive if they are clearly separate and distinct and not reasonably related to the access to information request.

- [20] The purpose of FOIP is best served when a government institution adopts a liberal interpretation of a request. If a government institution has any doubts about its interpretation, it has a duty to assist the Applicant by clarifying or reformulating the request.
- [21] In this case, the Applicant requested all emails, letters, agendas, minutes and attachments related to the EMS Working Group.
- [22] The Ministry withheld three types of information: file path information, a remark in an e-mail and minutes of a STARS related meeting.
- [23] The Ministry withheld file path information from 44 pages of the record. These are file paths in the footer or at the end of a document that indicates where in the author's electronic system the document is kept. To support its claim that the information is not responsive to the Applicant's request, the Ministry's submission indicated that the file paths are not responsive to the request because they are clearly separate and not relevant to the access request.
- [24] The file paths are part of the records related to the EMS Working Group. As such, they are responsive to the Applicant's request.
- [25] In the same vein, the Ministry severed a comment about an individual from page 557. Again, the rest of the document is responsive as it relates to the EMS Working Group. The comment was also part of the document and related to the EMS Working Group. As such it is responsive to the Applicant's request. However, I will consider if the comment qualifies as personal information later in this report.
- [26] Finally, the Ministry indicated that information of five pages of minutes from a STARS related committee was not responsive to the request, yet it released other information on these pages to the Applicant. The Ministry's submission did not explain why the information was not related to the Applicant's request. Since it appears that this document

was shared with the EMS Working Group, the information is related to the EMS Working Group. As such, it is responsive to the Applicant's request.

[27] I find that all of the records are related to the Applicant's request.

4. Does subsection 13(2) of FOIP apply to the record?

[28] Subsection 13(2) of FOIP provides:

13(2) A head may refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from a local authority as defined in the regulations.

[29] Subsection 2(2) of *The Freedom of Information and Protection of Privacy Regulations* provides:

2(2) For the purposes of these regulations and subsection 13(2) of the Act, "local authority" means a local authority as defined in *The Local Authority Freedom of Information and Protection of Privacy Act*.

[30] My office has established the following test for this exemption:

1. Was the information obtained from another local authority or a similar body in another province or territory of Canada?
2. Was the information obtained implicitly or explicitly in confidence?

[31] The Ministry withheld information pursuant to subsection 13(2) of FOIP on 120 pages of the record.

[32] The Ministry's submission indicated that the information it redacted was obtained from the former regional health authorities.

[33] As of December 4, 2017, the former regional health authorities were amalgamated in to the Saskatchewan Health Authority. The regional health authorities qualified as local

authorities for the purposes of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) before the amalgamation. The Saskatchewan Health Authority qualifies as a local authority pursuant to subsection 2(f)(xiii) of LA FOIP.

[34] For subsection 13(2) to apply, the Ministry must show that the information was obtained explicitly or implicitly in confidence. In its submission, the Ministry indicated that the information was provided implicitly in confidence from the former regions. It indicated that if it receives information from other organizations, even without the written statement of confidentiality, it will always regard the information as confidential and assume it was provided implicitly in confidence and will withhold the information from access requests unless consent is provided from the organization to release it.

[35] Implicitly means that the confidentiality is understood even though there is no actual statement of confidentiality, agreement, or other physical evidence of the understanding that the information will be kept confidential.

[36] Factors to consider when determining whether information was obtained in confidence implicitly include (not exhaustive):

- What is the nature of the information? Would a reasonable person regard it as confidential? Would it ordinarily be kept confidential by the public body or the local authority?
- Was the information treated consistently in a manner that indicated a concern for its protection by the public body and the local authority from the point it was obtained until the present time?
- Is the information available from sources to which the public has access?
- Does the public body have any internal policies or procedures that speak to how records such as the one in question are to be handled confidentially?
- Was there a mutual understanding that the information would be held in confidence? Mutual understanding, in this context, means that the public body and the local authority both had the same understanding regarding the confidentiality of the information at the time it was provided. If one party intends the information to be kept confidential but the other does not, the information is not considered to

have been obtained in confidence. However, mutual understanding alone is not sufficient. Additional factors must exist.

[37] The above factors are not a test but rather guidance on factors to consider. It is not an exhaustive list. Each case will require different supporting arguments. The bare assertion that the information was obtained implicitly in confidence would not be sufficient.

[38] The Ministry has not provided me with enough information to conclude that all of the information in question was provided implicitly in confidence. In its submission, it alluded to the fact that the information may have been provided with a mutual understanding that it was to be kept confidential, because it reproduced some of the guidance material above. However, the Ministry did not explain how the former regions demonstrated this understanding.

[39] The Ministry's mere assertion that it "assumes" it was provided implicitly in confidence is not enough to persuade me that the second test is met.

[40] However, during the course of the review, the Ministry also provided my office with a copy of the EMS Working Group's Terms of Reference dated September 2015.. It contains the following confidentiality provisions:

Working Group members / observers, both while having and after ceasing to have status, are expected to treat as confidential all information regarding the policies, internal operations, systems business or affairs of the Working Group obtained by reason of her or his status as a Working Group member / observer and not generally available to the public.

[41] As such, I find that all portions of the record that were obtained from a local authority after September 1, 2015 was done so explicitly in confidence. As such, I am persuaded that subsection 13(2) of FOIP applies to eight pages of the record as described in Appendix A.

[42] I also note that the confidentiality statement in the terms of reference is general. It would be best practice for the confidentiality statement to recognize the parties' obligations under

FOIP and LA FOIP and to be specific about the type of information to which the statement applies.

5. Does subsection 17(1)(a) of FOIP apply to the record?

[43] Subsection 17(1)(a) of FOIP provides:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

(a) advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council;

[44] This exemption is meant to allow for candor during the policy-making process, rather than providing for the non-disclosure of all forms of advice or all records related to the advice. The object of the provision includes maintaining an effective and neutral public service capable of producing full, free and frank advice.

[45] In order for this exemption to be found to apply, all three parts of the following test must be met:

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?

2. The advice, recommendations, proposals, analyses and/or policy options must:

i) be either sought, expected, or be part of the responsibility of the person who prepared the record; and

ii) be prepared for the purpose of doing something, for example, taking an action or making a decision; and

iii) involve or be intended for someone who can take or implement the action.

3. Was the advice, recommendations, analyses and/or policy options developed by or for the public body?

[46] I will use this test to evaluate the application of subsection 17(1)(a) of FOIP to various portions of the record.

[47] The Ministry applied subsection 17(1)(a) of FOIP to portions of 260 pages of the record. In its submission, the Ministry used one paragraph to explain how subsection 17(1)(a) the information met the test.

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?

[48] In its submission, the Ministry indicated that the information in question qualified as advice, proposals, analyses and policy options. My office has defined these terms as follows:

Advice includes the analysis of a situation or issue that may require action and the presentation of options for future action, but not the presentation of facts. Advice has a broader meaning than recommendations.

Advice includes the views or opinions of a public servant as to the range of policy options to be considered by the decision maker even if they do not include a specific recommendation on which option to take.

Proposals, analyses and policy options are closely related to advice and recommendations and refer to the concise setting out of the advantages and disadvantages of particular courses of action.

[49] The Ministry applied subsection 17(1)(a) of FOIP to a wide variety of information. However, only some of the record qualifies as advice, proposals, analyses and/or policy options. As noted in the definitions above, the information must be tied to making a decision or taking an action. Upon review of the record, the following types of information do not meet the first part of the test:

- drafts documents for “discussion only”;
- policies and procedures marked draft but that appear to have been approved;
- a map of current processes;
- summary of next steps;
- summary of conversations that indicate advice or policy options were discussed but does not reveal the actual advice or policy options;
- needs expressed by stakeholders;
- questions from stakeholders;
- views about stakeholders; and

- definitions, background information and statistical data.

[50] There is information that could qualify as advice, analyses and/or policy options such as draft documents with editorial comments or actual policy options listed in a document. However, the other two parts of the test must also be met.

2. The advice, recommendations, proposals, analyses and/or policy options must:

- i) be either sought, expected, or be part of the responsibility of the person who prepared the record; and***
- ii) be prepared for the purpose of doing something, for example, taking an action or making a decision; and***
- iii) involve or be intended for someone who can take or implement the action.***

[51] The Ministry did not address these questions in its submission. It simply noted that the information in question consists of email exchanges between the Ministry, regional health authorities, and third party organizations.

[52] While preparing its submission, the Ministry relied heavily on my office's resource *IPC Guide to Exemptions* and quoted it extensively. For this exemption, the resource indicates that the role of the individuals involved should be explained by the public body. The Ministry did not provide an explanation.

[53] Given the variety of the information in question, these answers could be different for each page the exemption is applied. It is not evident from a review of the record what the reporting relationship is in each circumstance. As one example, draft policy options appear to have been prepared by a stakeholder and given to the Ministry and other stakeholders. It is unclear who will make the ultimate decisions.

[54] Government institutions should not assume that it is self-evident on the face of the record that a test is met. Section 61 of FOIP provides as follows:

61 In any proceeding pursuant to this Act, the burden of establishing that access to the record applied for may or must be refused or granted is on the head concerned.

[55] The second part of the test has not been met.

3. Was the advice, recommendations, analyses and/or policy options developed by or for the public body?

[56] For information to be developed by or for a public body, the person developing the information should be an official, officer or employee of the public body, be contracted to perform services, be specifically engaged in an advisory role (even if not paid), or otherwise have a sufficient connection to the public body. The role of the individuals involved should be explained by the public body. In other words, the decisions must be internal to the Ministry.

[57] The Ministry's submission noted that the information in question consist of email exchanges between the Ministry of Health, regional health authorities, and third party organizations. It did not explain if each decision was internal to the Ministry or how the authors of each document had an advisory role to the Ministry.

[58] The third part of the test has not been met.

[59] The Ministry has not demonstrated that subsection 17(1)(a) of FOIP applies to the record as described in Appendix A.

6. Does subsection 17(1)(b)(i) of FOIP apply to the record?

[60] Subsection 17(1)(b)(i) of FOIP provides:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(b) consultations or deliberations involving:

(i) officers or employees of a government institution;

[61] The provision is meant to permit public bodies to consider options and act without constant public scrutiny.

- [62] A consultation occurs when the views of one or more officers or employees of a public body are sought as to the appropriateness of a particular proposal or suggested action.
- [63] A deliberation is a discussion or consideration, by the persons described in the section, of the reasons for and against an action. It refers to discussions conducted with a view towards making a decision.
- [64] In order to qualify, the opinions solicited during a consultation or deliberation must:
- i) be either sought, expected, or be part of the responsibility of the person who prepared the record; and
 - ii) be prepared for the purpose of doing something, such as taking an action, making a decision or a choice.
- [65] The Ministry applied this exemption to portions of 65 pages of the record. In its submission, in support of this exemption, it stated that the information was sought and expected from the employees of the Ministry as part of their job responsibilities and was prepared for the EMS working group in order to make decisions and choices.
- [66] Upon review of the record, it is clear that not all of the information in question qualifies as consultations or deliberations. Updates including background factual information captured in meeting minutes, draft documents that do not explain the pros or cons of adopting the draft, agenda items and questions for discussion are all examples of portions of the record that do not qualify under subsection 17(1)(b)(i) of FOIP
- [67] There is information that may qualify for subsection 17(1)(b)(i) of FOIP. However, I cannot make assumptions. The submission is not persuasive because it does not explain how the information on the 65 pages qualifies. For example, I am unable to determine how the information in the 65 pages constitutes consultations or deliberations, what the action is that will be taken or what the employee's role was who prepared the records and why it was the employee's responsibility. There is no explanation as to how the exemption applies to individual line items or sections of this information.

[68] As the Ministry has not met its obligation under section 61 of FOIP to explain how the exemption applied, I find it has not demonstrated that subsection 17(1)(b)(i) applies to 65 pages of the record as described in Appendix A.

7. Does subsection 17(1)(c) of FOIP apply to the record?

[69] Subsection 17(1)(c) of FOIP provides:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Saskatchewan or a government institution, or considerations that relate to those negotiations;

[70] In order to demonstrate that subsection 17(1)(c) of FOIP applies, all three parts of the following test must be met:

1. Does the record contain positions, plans, procedures, criteria, instructions or considerations that relate to the contractual or other negotiations?

A plan is a formulated and especially detailed method by which a thing is to be done; a design or scheme.

Positions and plans refer to information that may be used in the course of negotiations.

Procedures, criteria, instructions and considerations are much broader in scope, covering information relating to the factors involved in developing a particular negotiating position or plan.

2. Were they developed for the purpose of contractual or other negotiations?

The contractual or other negotiations can be concluded, ongoing or future negotiations.

3. Were the contractual or other negotiations being conducted by or on behalf of a public body?

[71] The Ministry applied subsection 17(1)(c) of FOIP to three pages of the record. In support of this exemption, the Ministry's submission indicated that the information in question is "EMS working group discussions" regarding "the model BLS service cost and Activity plan for essential services" document.

[72] Upon a review of the records, I was not able to glean the information I require to determine if subsection 17(1)(c) of FOIP applies to the record. The one sentence from the Ministry's submission does not answer the parts of the test identified above.

[73] Again, the Ministry has not met its obligation under section 61 of FOIP to explain how this exemption applied. I find it has not demonstrated that subsection 17(1)(c) of FOIP applies to the record as described in Appendix A.

8. Does subsection 17(1)(e) of FOIP apply to the record?

[74] Subsection 17(1)(e) of FOIP provides:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(e) contents of draft legislation or subordinate legislation;

[75] The Ministry applied this information to three pages of the record.

[76] My office has not had an opportunity to consider this exemption since 2003. Subordinate legislation often refers to regulations.

[77] Subsection 24(1)(e) of Alberta's *Freedom of Information and Protection of Privacy Act* is a provision similar to subsection 17(1)(e) of FOIP. Service Alberta's *FOIP Guidelines and Practices* provide the following definition:

Draft legislation or regulations refers to preliminary versions of legislative instruments, such as draft Acts, regulations...

[78] I adopt this definition. Order F2018-33 from the Office of the Information and Privacy Commissioner of Alberta (AB OIPC) found that “Orders F2004-026 and F2008-028 state that this section applies to information that reveals the substantive contents of the draft legislation or regulations.” I agree that for subsection 17(1)(e) of FOIP to apply, the record in question must not simply be draft legislation or subordinate legislation, it may also disclose the content of draft legislation or subordinate legislation.

[79] Upon review of the record, it is apparent that the record would disclose the content of draft or subordinate legislation. I am satisfied that subsection 17(1)(e) of FOIP applies to the three pages of the record in question.

[80] However, I note that subsection 17(1)(e) of FOIP is a discretionary exemption. In other words, the government institution has the option to withhold or release the record. When applying discretionary exemptions, the government institution should consider several factors such as the general purposes of the Act (i.e. public bodies should make information available to the public, the nature of the record and the extent to which the record is significant or sensitive to the public body; and the age of the record). In this case, the record is 14 years old and the specific piece of legislation has been amended five times since the record’s creation. I recommend that the Ministry reconsider its exercise of discretion in this case.

9. Does subsection 17(1)(g) of FOIP apply to the record?

[81] Subsection 17(1)(g) of FOIP provides:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(g) information, including the proposed plans, policies or projects of a government institution, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

[82] This provision allows public bodies to prevent premature disclosure of a policy or budgetary decision. Once a policy or budgetary decision has been taken and is being implemented, the information can no longer be withheld under this exemption. A decision has been implemented once those expected to carry out the activity have been authorized and instructed to do so. In order to demonstrate that subsection 17(1)(g) of FOIP applies to a record, both parts of the following test must be met:

1. Is it information of a government institution?
2. Could disclosure reasonably be expected to result in disclosure of a pending policy or budgetary decision? The public body must tie the information in the record to the pending policy or budgetary decision that could be disclosed.

[83] The Ministry applied this exemption to three pages of the record. Its submission noted that the information in question is regarding budget development for a government institution regarding pending plans and projects that pertain to budgetary decisions.

[84] Upon review, the record concerns the 2009-2010 budget. Decisions regarding the 2009-2010 budget have been made. Therefore, the decisions are no longer pending. The second test is not met.

[85] Subsection 17(1)(g) of FOIP does not apply to the record as described in Appendix A.

10. Does subsection 18(1)(b)(i) of FOIP apply to the record?

[86] Subsection 18(1)(b)(i) of FOIP provides:

18(1) A head may refuse to give access to a record that could reasonably be expected to disclose:

...

(b) financial, commercial, scientific, technical or other information:

(i) in which the Government of Saskatchewan or a government institution has a proprietary interest or a right of use;

[87] In order to find that subsection 18(1)(b)(i) of FOIP applies to a record, all three parts of the following test must be met:

1. Does the information contain financial, commercial, scientific, technical or other information?
2. Does the public body have a proprietary interest or a right to use it?
3. Does the information have monetary value for the public body or is it likely to?

[88] The Ministry has applied this exemption to telephone log information for teleconferences. This includes the telephone number of the teleconference service, identification numbers of organizers and meetings and passcodes. The Ministry severed this information from 28 pages of the record.

[89] The Applicant has indicated he is not interested in the passcodes. They are no longer a part of this review.

2. Does the public body have a proprietary interest or a right to use it?

3. Does the information have monetary value for the public body or is it likely to?

[90] I will begin my analysis with parts two and three of the test. The public body must be able to demonstrate rights to the information. For example, a municipality may have a proprietary interest in geographical information systems mapping data or statistical data. 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.

[91] Monetary value may be demonstrated by evidence of potential for financial return to the public body.

[92] In its submission, the Ministry stated that it has a proprietary interest in and a right of use of this information as it is used for teleconferences and is paid for by the Ministry for the right to use it.

[93] The Ministry did not explain how it has a proprietary right to the information in question.

[94] In the context of this exemption, my office has referred to Ontario Information and Privacy Commissioner (ON IPC) Order M-1282 in past reports (Review Report 215 to 217-2015, Report 2005-006). It reasoned:

The Assistant Commissioner has thus determined that the term “belongs to” refers to “ownership” by an institution, and that the concept of “ownership of information” requires more than the right simply to possess, use or dispose of information, or control access to the physical record in which the information is contained. For information to “belong to” an institution, the institution must have some proprietary interest in it either in a traditional intellectual property sense - such as copyright, trade mark, patent or industrial design - or in the sense that the law would recognize a substantial interest in protecting the information from misappropriation by another party.

[95] Further, ON IPC Order PO-3464-I found that the “mere fact that the institution incurred a cost to create the record does not mean it has monetary value”.

[96] While it appears that the Ministry may have contracted with a service provider to use a teleconference system, it has not demonstrated that it has a proprietary interest in the information, the right of use or that it has monetary value for the Ministry. The second and third parts of the test have not been met.

[97] The Ministry has not demonstrated that subsection 18(1)(b)(i) of FOIP applies to the record as described in Appendix A.

11. Does subsection 18(1)(d) of FOIP apply to the record?

[98] Subsection 18(1)(d) of FOIP provides:

18(1) A head may refuse to give access to a record that could reasonably be expected to disclose:

...

(d) information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of the Government of Saskatchewan or a government institution;

[99] To find that subsection 18(1)(d) of FOIP applies to the record, both parts of the following test must be met:

1. Are there contractual or other negotiations occurring?
2. Could release of the record reasonably be expected to interfere with the contractual or other negotiation(s)?

[100] The Ministry applied this exemption to one page of the record. The Ministry's submission indicated that the information in question is regarding other methods of transportation and potential budget initiatives for ambulance units that would result in negotiations and contracts and there would be a reasonable expectation in disclosing the information would result in interference of those contracts and negotiations.

[101] The Ministry's submission was not specific in detailing the specific negotiations to which it referred to and whether those negotiations were on going. Further, it did not detail how the information in question would interfere with the negotiations. I note that the records in question are from 2008 and 2016.

[102] Again, the Ministry has not met its obligation under section 61 of FOIP to explain how this exemption applied. The Ministry has not met either part of the test. Therefore, it has not demonstrated that subsection 18(1)(d) of FOIP applies to the record as described in Appendix A.

12. Does subsection 18(1)(e) of FOIP apply to the record?

[103] Subsection 18(1)(e) of FOIP provides:

18(1) A head may refuse to give access to a record that could reasonably be expected to disclose:

...

(e) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Saskatchewan or a government institution, or considerations that relate to those negotiations;

[104] The provision is meant to protect positions, plans, procedures, criteria, instructions and/or considerations developed for contractual or other negotiations. Examples of the type of information that could be covered by this exemption are the various positions developed by public body negotiators in relation to labour, financial and commercial contracts. In order for subsection 18(1)(e) of FOIP to apply, the following test must be met:

1. Does the record contain positions, plans, procedures, criteria, instructions or considerations?
2. Were they developed for the purpose of contractual or other negotiations?
3. Were they developed by or on behalf of the public body?

[105] The Ministry applied this exemption to three pages of the record. Its submission noted that the information in question is regarding other methods of transportation and potential budget initiatives for ambulance units which contain plans, instructions and considerations with the respect of negotiations and contractual process.

[106] Positions and plans refer to information that may be used in the course of negotiations. Procedures, criteria, instructions and considerations are much broader in scope, covering information relating to the factors involved in developing a particular negotiating position or plan.

[107] Again, the Ministry's submission was not specific in detailing the specific negotiations to which it referred to and whether those negotiations were on going. It has not met its obligation under section 61 of FOIP to explain how this exemption applied. The second part of the test has not been met.

[108] The Ministry has not demonstrated that subsection 18(1)(e) of FOIP applies to the record as described in Appendix A.

13. Does subsection 19(1)(b) of FOIP apply to the record?

[109] Subsection 19(1)(b) of FOIP provides:

19(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

...

(b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to a government institution by a third party;

[110] The Ministry applied subsection 19(1)(b) of FOIP to 18 pages of the record. There are three third parties involved.

[111] The Ministry originally applied subsection 19(1)(b) of FOIP to many more pages. However, when the Ministry gave notice to the third parties pursuant to subsection 52 of FOIP, many of the third parties consented to release of those records. The Ministry has since released the records and they are not subject to the review.

[112] In order for subsection 19(1)(b) of FOIP to apply, the three parts of the following test must be met.

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?
2. Was the information supplied by the third party to a public body?
3. Was the information supplied in confidence implicitly or explicitly?

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?

[113] In its submission, the Ministry indicated that the information that was provided by the third parties through emails and financial documents contained financial information.

[114] Financial information is information regarding monetary resources, such as financial capabilities, assets and liabilities, past or present. Common examples are financial

forecasts, investments strategies, budgets, and profit and loss statements. The financial information must be specific to a third party that must demonstrate a proprietary interest or right of use of the financial information.

[115] The first portion of the record that is being withheld pursuant to subsection 19(1)(b) of FOIP are pages 403 to 404. The relevant third party, Kelvington Mobile Health Services (KMHS), provided representations to my office and the Ministry. It indicated that it consented to the release of the record with the exception of two passages. The passages describe a physician's role in a project. KMHS indicated that the passages do not accurately describe this physician's role.

[116] The two statements identified do not qualify as financial information as described by the Ministry. As this is a mandatory exemption, I considered whether the passages qualified as labour relations information. From a review of KMHS' website, the physician in question does not appear to be employed by KMHS. The first part of the test is not met. Subsection 19(1)(b) of FOIP does not apply to pages 403 to 404 of the record.

[117] The next portion of the record to which the Ministry has applied subsection 19(1)(b) of FOIP is pages 411 to 424 of the record. It appears to be a protocol proposal from an employee of Midway and Shamrock Ambulance Care Ltd. (Midway). Midway was notified of the review and invited to make representations. It did not do so.

[118] The proposal does not qualify as financial information as it is a proposal about a protocol for providing care. I considered, however, if it qualified as scientific information. Scientific information is information belonging to an organized field of knowledge in the natural, biological or social sciences or mathematics. In addition, for information to be characterized as scientific, it must relate to the observation and testing of specific hypothesis or conclusions and be undertaken by an expert in the field. Finally, scientific information must be given a meaning separate from technical information.

[119] The proposal relates to biological sciences and it tests a hypothesis with research on the topic. The information on pages 411 to 424 of the record qualifies as scientific information.

The first part of the test is met. I will consider whether the other tests apply to this record below.

[120] The final portion to which the Ministry has applied subsection 19(1)(b) of FOIP is pages 1540 to 1542 of the record. It is a description of a webinar hosted by the Paramedic Chiefs of Canada (Paramedic Chiefs). The Paramedic Chiefs were invited to provide representations in this review, but did not do so.

[121] A portion of the document that describes the webinar is available on the Paramedic Chiefs' website. I recommend that the Ministry provide this portion to the Applicant. The other portion of the document provides instructions on logging into the webinar. This does not qualify as financial information as noted in the Ministry's submission. The information on pages 1540 to 1542 does not meet the first part of the test.

2. Was the information supplied by the third party to a public body?

[122] Information may qualify as "supplied" if it was directly supplied to a public body by a third party, or where its disclosure would reveal or permit the drawing of accurate inferences with respect to information supplied by a third party.

[123] The Ministry's submission indicates that pages 411 to 424 was provided to the Ministry by Midway. However, this is not consistent with the record itself. The second part of the test is not met.

[124] Subsection 19(1)(b) of FOIP does not apply to the record, as described in Appendix A.

14. Does subsection 22(a) of FOIP apply to the record?

[125] Subsection 22(a) of FOIP provides:

22 A head may refuse to give access to a record that:

(a) contains any information that is subject to any privilege that is available at law, including solicitor-client privilege;

[126] The Ministry has applied subsection 22(a) of FOIP to a portion of one page of the record. It has provided both my office and the Applicant with the remainder of the page. However, it has not provided my office with the portion of the page to which the Ministry has applied subsection 22(a) of FOIP.

[127] On May 16, 2018, the Court of Appeal for Saskatchewan determined whether my office had authority to require local authorities to produce records that may be subject to solicitor-client privilege. *University of Saskatchewan v Saskatchewan (Information and Privacy Commissioner)*, 2018 SKCA 34 concluded that my office should follow the “absolutely necessary” principle. As a result, it suggested that my office follow a process to gather information about records and consider whether a prima facie case for solicitor-client privilege has been made before requiring a record.

[128] My office has established a process to consider a claim of solicitor-client privilege. When considering claiming solicitor-client privilege, public bodies have three options when preparing records for review with the Information and Privacy Commissioner (IPC):

1. Provide the documents to the IPC with a cover letter stating the public body is not waiving the privilege;
2. Provide the documents to the IPC with the portions severed where solicitor-client privilege is claimed; or
3. Provide the IPC with an affidavit with a schedule of records (see sample in the [Rules of Procedure](#)).

[129] My office has established the following test for subsection 22(a) of FOIP:

1. Is the record a communication between solicitor and client?
2. Does the communication entail the seeking or giving of legal advice?
3. Was the communication intended to be confidential?

[130] The Ministry provided my office with an affidavit that was signed on December 18, 2018.

[131] With respect to the first part of the test, it is clear that the document was prepared by a solicitor and contained legal advice.

[132] The Ministry indicated that the information was requested by a member of the EMS Working Group who worked for the Saskatoon Regional Health Authority.

[133] The Ministry shared the EMS Working Group's *Terms of Reference* with my office. The purpose of the group is as follows:

The Emergency Medical Services Working Group will provide a forum for ongoing discussion and collaboration between regional health authorities and the Saskatchewan Ministry of Health on strategic directions and their priorities related to ground emergency medical services and or paramedic services.

These directions may arise from emergency medical service providers, the Ministry or regulatory authorities, and may concern the planning and implementation of emergency medical service related policies, programs and services at the regional, provincial or national level.

The Working Group is to take a leadership role in the development and deployment of common emergency medical service operating principles, business processes/rules, standards, practice, quality assurance and management information systems. The Working Group will also inform The Ministry of emerging operation issues.

[134] It appears that the EMS Working Group asked one of its members to ask the questions on behalf of the group. The answers were then shared with the group.

[135] Nova Scotia Court of Appeal decision *Baker v. Commercial Union Assurance Company of Canada*, 1995 CanLII 4341 (NS CA) made the following comments on the definition of a client.

In my view "client", for purposes of determining solicitor-client privilege, should not be defined restrictively nor technically, nor should it be a term of art. Seeking and receiving professional legal advice is at the heart of the solicitor-client relationship, and whether or not a charge is made for the advice to the person receiving it, another person, or at all has little to do with it.

[136] In this case, it appears the client is the EMS Working Group. As such, there is a solicitor client relationship.

[137] I accept that the portion that has been withheld entailed both the seeking of advice. The second part of the test has been met.

[138] Finally, the *Terms of Reference* for the EMS Working Group did not have a confidentiality statement when the record was created. The Ministry indicated that while there is no specific reference to confidentiality in the terms of reference, confidentiality with respect to legal advice was clearly understood by the recipients. I am satisfied that the third part of the test is met.

[139] Although I have not reviewed a portion of the record, I am satisfied that the Ministry has made a prima facie case that subsection 22(a) of FOIP applies to this portion of the record.

15. Did the Ministry properly apply subsection 29(1) of FOIP to the record?

[140] Subsection 29(1) of FOIP provides:

29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 30.

[141] In order for subsection 29(1) of FOIP to apply, the information in the record must first qualify as "personal information" as defined by subsection 24(1) of FOIP; however, it is not an exhaustive list. Some relevant provisions include:

24(1) Subject to subsections (1.1) and (2), “personal information” means personal information about an identifiable individual that is recorded in any form, and includes:

...

(g) correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;

(h) the views or opinions of another individual with respect to the individual;

[142] The list provided in subsection 24(1) of FOIP is not meant to be exhaustive. There can be other types of information that would qualify as personal information that are not listed. Part of that consideration involves assessing if the information has both of the following:

1. Is there an identifiable individual?

Identifiable individual means that it must be reasonable to expect that an individual may be identified if the information were disclosed. The information must reasonably be capable of identifying particular individuals because it either directly identifies a person or enables an accurate inference to be made as to their identity when combined with other available sources of information (data linking) or due to the context of the information in the record. Use of the term “individual” in this provision makes it clear that the protection provided relates only to natural persons. Therefore, it does not include information about a sole proprietorship, partnership, unincorporated association or corporation.

2. Is the information personal in nature?

Personal in nature means that the information reveals something personal about the individual. Information that relates to an individual in a professional, official or business capacity could only qualify if the information revealed something personal about the individual for example, information that fits the definition of employment history.

[143] The Ministry withheld information on three pages of the record indicating that it qualified as personal information. Its submission indicated that the information in question was about an identifiable individual and was personal in nature.

[144] The information severed from pages 319 and 320 of the record qualifies as personal information pursuant to subsection 24(1)(g) of FOIP as it is correspondence to a government institution that is of a personal nature.

[145] The information severed from page 1122 of the record appears to be an opinion about an individual. This would qualify as personal information pursuant to subsection 24(1)(h) of FOIP.

[146] Finally, the Ministry severed a remark from page 557 of the record because it believed it to be not responsive to the Applicant's request. I have found that it is responsive to the Applicant's request. However, it is also an opinion about another individual and qualifies as personal information pursuant to subsection 24(1)(h) of FOIP. The Ministry should also apply subsection 29(1) of FOIP to the remark.

[147] Subsection 29(1) of FOIP applies to the information in question.

16. Did the Ministry meet the duty to assist?

[148] As part of the request for review, the Applicant complained that the records he received were not in chronological order and that it was not made clear as to which records corresponded with particular parts of the request.

[149] Section 5.1 of FOIP imposes a duty on government institutions to assist an applicant. It provides:

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.

(2) On the request of an applicant, the government institution shall:

(a) provide an explanation of any term, code or abbreviation used in the information; or

(b) if the government institution is unable to provide an explanation in accordance with clause (a), endeavour to refer the applicant to a government institution that is able to provide an explanation.

[150] Section 5.1 does not address the order in which records should be provided. AB OIPC Order F2016-40 and British Columbia OIPC Order F09-05 examine the duty to assist and the order in which records should be provided. Order F2016-40 from Alberta reasoned that while “it may be helpful in some instances to put information in chronological order, in many cases, it may not assist the applicant at all or contribute to the significance of the records for the applicant.” Both Orders conclude that it is reasonable for a public body to charge a fee to put the records in chronological order if requested by the applicant before it is processed.

[151] In my view, it is not necessary for a government institution to put records in any specific order unless negotiated by the Applicant beforehand.

[152] The only exception to the order of the records, would be the attachments to emails. The Applicant also pointed out in the request for review that it appeared that several attachments to emails in the record were missing. I have discussed this issue at the beginning of the report where I examined the Ministry’s search. The Ministry’s submission was able to explain to the Applicant how to find the attachments and the Applicant did not note any outstanding issues. The Ministry’s submission explained that some were not provided (and were subsequently provided), some were not provided because they were duplicates and that some were provided out of sequence.

[153] The Office of the Information and Privacy Commissioner for Nova Scotia (IPC NS) provided these thoughts about email attachments in Review Report 18-02:

Where duplicates were removed, the package does not have any indication that a document had been removed, nor was the applicant advised in the response letter that duplicates had been removed, which pages were removed or where the original of the removed pages could be found.

...

Duplicates can be a no-win situation for public bodies. Some applicants are upset if they get packages of materials with repeated copies of the same document. Other applicants are upset if duplicates are removed because they suspect public bodies of hiding something – they want to see the duplicates and confirm for themselves that they are indeed exact duplicates.

The duty to assist requires that public bodies respond “openly, accurately and completely”. The goal is to ensure that public bodies are fully accountable to the public...

Where portions of responsive records include attachments that are duplicates public bodies have, in my view, three options:

1. Provide all duplicates, with any exemptions consistently applied.
2. Remove duplicates and include an explanation for the removal.
3. Contact the applicant and ask them how they would like duplicate attachments treated.

[154] I share the same view as the IPC NS. An applicant should not have to request a review from my office to find out about attachments. If a public body is going to leave duplicate attachments out of the record, or re-order the record, it is best practice to provide an explanation to the Applicant at the same time it provides the record. This would be part of the duty to assist.

[155] The Applicant was also concerned that he did not know what records correspond to each part of his request. The access request for this file is straight forward. I am not persuaded that the Ministry could have ordered the records any differently to indicate how the records were responsive to the request.

[156] I have already reviewed the Ministry’s delay in responding to this request, and six others, in Review Report 326 to 332-2017. I recommended the Ministry make changes to its processes and focus its resources in to processing the requests within legislated timelines. I have also made similar recommendations and recommended that the Ministry provide more resources to the unit that processes access requests in Review Reports 036-2018, 016-2016, 017-2016, 063-2015 to 077-2015, 112-2015, 209-2015 to 213-2015, 090-2014, 110-2014, 111-2014, 112-2014, 113-2014, 114-2014, 115-2014, 128-2014, 129-2014.

[157] The Ministry took almost 10 months to respond to this access request.

[158] Now that I have completed a review of the exemptions applied, I have only been persuaded that less than five percent of the information that the Ministry has withheld should be withheld (16 pages of 513 pages). It appeared that the Ministry took almost every opportunity to apply exemptions rather than focusing on what is most sensitive and how withholding the information is supported by the legislation. The application of exemptions and subsequent review also tacked on extra time that the Applicant has to wait for access to information. Access delayed is access denied.

[159] I note that the staff of the Ministry has been helpful and cooperative during this review.

[160] The Ministry noted that it has made many improvements to its processes, including some training initiatives. As a result, it reported that it has been meeting legislative timelines since completing this Applicant's requests.

[161] I recommend that the Ministry continue to review and improve their access and privacy processes and to provide my office with updates on its progress.

IV FINDINGS

[162] I find that the Ministry has not performed a reasonable search for records.

[163] I find that all records in question are responsive to the Applicant's request.

[164] I find that subsections 13(2), 17(1)(a), (b)(i), (c), (g), 18(1)(b)(i), (d), (e), 19(1)(b) and 22(a) of FOIP do not apply to the record.

[165] I find subsections 17(1)(e) and 29(1) of FOIP apply to portions of the record as described in Appendix A.

V RECOMMENDATIONS

- [166] I recommend that the Ministry perform a second search of the Executive Director's email account and other records and provide a detailed record of the search to my office within seven days of the issuance of this report. I recommend it inform the Applicant of the results of its search
- [167] I recommend that the Ministry release information in all but seven of the 513 pages where information was withheld, as indicated in Appendix A.
- [168] I recommend that the Ministry reconsider exercising its discretion in applying subsection 17(1)(e) of FOIP to the record.
- [169] I recommend that the Ministry continue to review and improve their access and privacy processes and to provide my office with updates on its progress.

Dated at Regina, in the Province of Saskatchewan, this 21st day of March, 2019.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner

Appendix A

PAGE OF THE RECORD	SECTION(S) APPLIED BY MINISTRY	DOES IT APPLY?	RELEASE OR WITHHOLD?
31-32	18(1)(b)(i)	No	Release
36	18(1)(b)(i)	No	Release
39	18(1)(b)(i)	No	Release
54	Non-responsive	No	Release
56-59	17(1)(a)	No	Release
60-65	17(1)(a)	No	Release
84	18(1)(b)(i)	No	Release
91	18(1)(b)(i)	No	Release
93-98	17(1)(a)	No	Release
101	Non-responsive	No	Release
105-108	17(1)(a)	No	Release
109	18(1)(b)(i)	No	Release
128	18(1)(b)(i)	No	Release
130-133	17(1)(a)	No	Release
133	Non-responsive	No	Release
135-137	17(1)(a)	No	Release
	17(1)(b)(i)	No	
138	17(1)(a)	No	Release
141	17(1)(a)	No	Release
147-152	17(1)(a)	No	Release
155	Non-responsive	No	Release
170-175	17(1)(a)	No	Release
224	18(1)(b)(i)	No	Release
225-227	17(1)(a)	No	Release
251-255	17(1)(a)	No	Release
	17(1)(b)(i)	No	
288	18(1)(b)(i)	No	Release
289-290	17(1)(a)	No	Release
	17(1)(b)(i)	No	
291	13(2)	No	Release
294	13(2)	No	Release
295	18(1)(b)(i)	No	Release
303-304	Non-responsive	No	Release
305	13(2)	Yes	Withhold
313-317	17(1)(a)	No	Release
	17(1)(b)(i)	No	
318	17(1)(a)	No	Release
320	17(1)(a)	No	Release
320	17(1)(a)	No	Release
	17(1)(b)(i)	No	
	18(1)(d)	No	

PAGE OF THE RECORD	SECTION(S) APPLIED BY MINISTRY	DOES IT APPLY?	RELEASE OR WITHHOLD?
	18(1)(e)	No	
322	17(1)(a)	No	Release
353	17(1)(a)	No	Release
359-360	17(1)(a)	No	Release
	17(1)(b)(i)	No	
367	17(1)(b)(i)	No	Release
396	13(2)	Yes	Withhold
398-399	13(2)	No	Release
403-404	19(1)(b)	No	Release
411-424	19(1)(b)	No	Release
432-433	17(1)(a)	No	Release
	17(1)(b)(i)	No	
434	17(1)(a)	No	Release
436-458	17(1)(a)	No	Release
461-467	Non-responsive	No	Release
468	Non-responsive	No	Release
523	13(2)	No	Release
551	13(2)	No	Release
555	13(2)	No	Release
557	Non-responsive	No	Withhold (subsection 29(1))
557-558	13(2)	No	Release
560	13(2)	No	Release
562	13(2)	No	Release
564	13(2)	No	Release
566	13(2)	No	Release
568	13(2)	No	Release
570-571	13(2)	No	Release
581-583	13(2)	Yes	Withhold
588	17(1)(a)	No	Release
589	13(2)	No	Release
592-593	13(2)	No	Release
595	13(2)	No	Release
599	17(1)(a)	No	Release
600	13(2)	No	Release
602	13(2)	No	Release
603-605	13(2)	No	Release
606	13(2)	No	Release
607	13(2)	No	Release
608	13(2)	No	Release
610	13(2)	No	Release
612-613	17(1)(a)	No	Release

PAGE OF THE RECORD	SECTION(S) APPLIED BY MINISTRY	DOES IT APPLY?	RELEASE OR WITHHOLD?
615-616	13(2)	Yes	Withhold
618-620	13(2)	No	Withhold personal information on pages 619-620
	29(1)	Yes	
623-624	13(2)	No	Release
626	13(2)	Yes	Withhold
628	17(1)(a)	No	Release
629	13(2)	No	Release
631-632	13(2)	No	Release
635	17(1)(a)	No	Release
640	17(1)(a)	No	Release
687-688	13(2)	No	Release
691-694	17(1)(a)	No	Release
696-709	17(1)(a)	No	Release
712-719	13(2)	No	Release
720-732	17(1)(a)	No	Release
734-735	Non-responsive	No	Release
739-741	17(1)(a)	No	Release
743-746	17(1)(a)	No	Release
750-751	17(1)(a)	No	Release
754-755	17(1)(a)	No	Release
757-759	17(1)(a)	No	Release
760	Non-responsive	No	Release
763	Non-responsive	No	Release
766	18(1)(b)(i)	No	Release
769-778	17(1)(a)	No	Release
	17(1)(b)(i)	No	
779	Non-responsive	No	Release
780	13(2)	No	Withhold
	22(a)	Yes	
783-786	17(1)(a)	No	Release
787	Non-responsive	No	Release
792	17(1)(a)	No	Release
792-794	13(2)	No	Release
798	18(1)(b)(i)	No	Release
802-805	13(2)	No	Release
802-805	Non-responsive	No	Release
807	Non-responsive	No	Release
808-815	17(1)(a)	No	Release
815	Non-responsive	No	Release
816	Non-responsive	No	Release
824-825	13(2)	No	Release
	17(1)(a)	No	

PAGE OF THE RECORD	SECTION(S) APPLIED BY MINISTRY	DOES IT APPLY?	RELEASE OR WITHHOLD?
826-834	17(1)(a)	No	Release
834	Non-responsive	No	Release
836	Non-responsive	No	Release
842	17(1)(a)	No	Release
847-854	17(1)(a)	No	Release
	17(1)(b)(i)	No	
859	17(1)(a)	No	Release
860-867	17(1)(a)	No	Release
	17(1)(b)(i)	No	
867	Non-responsive	No	Release
870	Non-responsive	No	Release
871-872	17(1)(a)	No	Release
	17(1)(b)(i)	No	
872	Non-responsive	No	Release
873-874	17(1)(a)	No	Release
	17(1)(b)(i)	No	
875-882	17(1)(a)	No	Release
	17(1)(b)(i)	No	
882	Non-responsive	No	Release
883	Non-responsive	No	Release
885-887	17(1)(a)	No	Withhold
	17(1)(e)	Yes	
889	13(2)	No	Release
893-894	13(2)	No	Release
896	13(2)	No	Release
898-899	13(2)	No	Release
900	13(2)	No	Release
907	13(2)	No	Release
916	18(1)(b)(i)	No	Release
918	17(1)(a)	No	Release
919	17(1)(a)	No	Release
920	17(1)(a)	No	Release
927-928	18(1)(b)(i)	No	Release
931-933	18(1)(b)(i)	No	Release
940	18(1)(b)(i)	No	Release
944	18(1)(b)(i)	No	Release
944	17(1)(a)	No	Release
	17(1)(b)(i)	No	
951	18(1)(b)(i)	No	Release
953-954	13(2)	No	Release
955-956	13(2)	No	Release
962	18(1)(b)(i)	No	Release

PAGE OF THE RECORD	SECTION(S) APPLIED BY MINISTRY	DOES IT APPLY?	RELEASE OR WITHHOLD?
964	Non-responsive	No	Release
966	Non-responsive	No	Release
968	Non-responsive	No	Release
974	Non-responsive	No	Release
975	17(1)(a)	No	Release
1001-1009	17(1)(a)	No	Release
1044-1049	17(1)(a)	No	Release
1049	Non-responsive	No	Release
1052	Non-responsive	No	Release
1053-1057	17(1)(a)	No	Release
1059	Non-responsive	No	Release
1060-1065	17(1)(a)	No	Release
1068	Non-responsive	No	Release
1085-1107	18(1)(b)(i)	No	Release
1109	17(1)(a)	No	Release
	17(1)(b)(i)	No	
1110	17(1)(a)	No	Release
	17(1)(b)(i)	No	
1113	Non-responsive	No	Release
1114-1117	18(1)(b)(i)	No	Release
1122	17(1)(a)	No	Withhold personal information only
	29(1)	Yes	
1123-1124	13(2)	No	Release
1125-1126	13(2)	No	Release
1126-1128	13(2)	No	Release
1128	13(2)	No	Release
1128-1131	13(2)	No	Release
	17(1)(a)	No	
1131-1132	13(2)	No	Release
	17(1)(a)	No	
1133	13(2)	No	Release
	17(1)(a)	No	
	17(1)(b)(i)	No	
1134-1136	13(2)	No	Release
	17(1)(a)	No	
1136	13(2)	No	Release
1137-1138	13(2)	No	Release
1140	13(2)	No	Release
1142	13(2)	No	Release
	17(1)(a)	No	
	17(1)(b)(i)	No	
1144-1145	13(2)	No	Release

PAGE OF THE RECORD	SECTION(S) APPLIED BY MINISTRY	DOES IT APPLY?	RELEASE OR WITHHOLD?
1145-1146	13(2)	No	Release
1146-1147	13(2)	No	Release
	17(1)(a)	No	
1148-1150	13(2)	No	Release
1150-1153	13(2)	No	Release
	17(1)(a)	No	
1155-1159	13(2)	No	Release
1164-1167	13(2)	No	Release
	17(1)(a)	No	
1168-1169	13(2)	No	Release
1173-1175	13(2)	No	Release
1176	13(2)	No	Release
1178	17(1)(c)	No	Release
1179	13(2)	No	Release
1188-1190	13(2)	No	Release
1197	18(1)(b)(i)	No	Release
1197-1200	13(2)	No	Release
1224-1225	17(1)(a)	No	Release
	18(1)(d)	No	
	18(1)(e)	No	
1344	Non-responsive	No	Release
1349	18(1)(b)(i)	No	Release
1421	Non-responsive	No	Release
1423-1424	17(1)(c)	No	Release
1540-1542	19(1)(b)	No	Release
1543-1545	13(2)	No	Release
1547-1548	17(1)(g)	No	Release
1569	17(1)(a)	No	Release
	17(1)(b)(i)	No	
1571	17(1)(a)	No	Release
	17(1)(b)(i)	No	
1572-1573	17(1)(a)	No	Release
	17(1)(b)(i)	No	
1576-1577	13(2)	No	Release
	17(1)(a)	No	
1580	13(2)	No	Release
	17(1)(a)	No	
1588	17(1)(a)	No	Release
1591	Non-responsive	No	Release
1632-1637	17(1)(a)	No	Release
1640	Non-responsive	No	Release
1643-1645	17(1)(a)	No	Release

PAGE OF THE RECORD	SECTION(S) APPLIED BY MINISTRY	DOES IT APPLY?	RELEASE OR WITHHOLD?
1653-1657	Non-responsive	No	Release
1666	17(1)(a)	No	Release
1687-1691	17(1)(a)	No	Release
1695	Non-responsive	No	Release