

**SASKATCHEWAN  
INFORMATION AND PRIVACY COMMISSIONER**

**REVIEW REPORT 111/2013**

**Ministry of Health**

**Summary:** The Applicant submitted an access to information request to the Ministry of Health (Health). Health withheld portions of the responsive record pursuant to subsection 19(1)(b) of *The Freedom of Information and Protection of Privacy Act* (FOIP). The Applicant appealed to the Information and Privacy Commissioner (IPC). The IPC found that subsection 19(1)(b) of FOIP did not apply and recommended release of the responsive record in its entirety.

**I BACKGROUND**

[1] The Applicant submitted the following access to information request to the Ministry of Health (Health):

A copy of the Provincial Laundry Business Case prepared by 3sHealth in November 2012

[2] Health provided the Applicant with redacted copies of the responsive records. It cited subsection 19(1)(b) of *The Freedom of Information and Protection of Privacy Act* (FOIP) as its reason for withholding some of the information.

**II RECORDS AT ISSUE**

[3] The responsive record is a 58-page report entitled “Health Shared Services Saskatchewan Business Case: For Public Delivery of Saskatchewan Health Care Laundry and Linen Processing Services”. The report was written by 3sHealth.

**III DISCUSSION OF THE ISSUES**

**1. Does subsection 19(1)(b) of FOIP apply to the information in question?**

[4] 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;

[5] The test to determine if subsection 19(1)(b) applies is as follows:

1. Is the information in question financial, commercial, scientific, technical or labour relations information?

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

3. Was the information supplied in confidence implicitly or explicitly?

[6] I will determine if the first part of the above test is met.

[7] In the past, my office, in referencing Orders by other jurisdictions, determined that financial information would include information regarding the monetary resources or financial capabilities of a third party, that technical information would be information that belonged to an organized field of knowledge which would fall under the general categories of applied sciences or mechanical arts, that scientific information is information belonging to an organized field of knowledge, and that commercial information is information related to the buying, selling or exchange of merchandise or services. Labour relations information can be defined as information that relates to the management of personnel and would include information regarding the collective relationship between an employer and its employees (Alberta IPC Order 2000-003; Ontario IPC Order P-1614). 3sHealth also cited Ontario IPC Orders PO-3310 and PO-3311 where they define labour relations in its submission.

- [8] Three sentences were withheld on page 7 and the names of three organizations were severed from a table that also appears on that page. The first sentence describes the cost of Saskatchewan laundry system relative to other provinces. It provides a percentage to describe the difference in costs between Saskatchewan and the other provinces. Then it describes efforts undertaken by these two other provinces regarding the cost of their laundry systems. While these sentences discuss costs, it does not qualify as financial information because it is not about the monetary resources or financial capabilities of a third party.
- [9] The severed information on page nine are references to two documents created by two consulting firms. The severed information does not contain financial, commercial, scientific, technical or labour relations information. They are merely references to the two documents.
- [10] The severed information on page 10 is the name of an organization. Such information would not qualify as financial, commercial, scientific, technical or labour relations information.
- [11] Three sentences were withheld on page 12 and the names of three organizations were severed from a table. The sentences refer to two consulting firms that were hired by other jurisdictions, and how the projected costs of laundry systems in other jurisdictions compare to 3sHealth's projected costs. Such information, although a discussion of costs, do not reveal the monetary resources of a third party nor does it reveal the financial capabilities of a third party. Therefore, such information would not qualify as financial information. It would also not qualify as commercial, scientific, technical or labour relations information.
- [12] The severed information on page 34 is the name of an organization. Such information would not qualify as financial, commercial, scientific, technical or labour relations information.

- [13] The severed portions of pages 22, 23, 25, and 39 of the records detail expected costs of dealing with employees if any of the options described in the 58 page report is undertaken. The expected costs are for severance, reemployment support, employee workshops and HR professionals. 3sHealth gathered information from health regions and calculated these expected costs. 3sHealth presented these expected costs of hypothetical scenarios to Health in the report for its consideration. I find that expected costs would not qualify as financial information because it is not about the monetary resources or financial capabilities of a third party. Further, such information would not qualify as labour relations information because the information is about expected costs of undertaking proposed options, not the relationship between the health regions and its employees.
- [14] Some of severed information on page 23 is a statement that refers the reader to another section of the report. This statement does not qualify as financial, commercial, scientific, technical or labour relations information.
- [15] The information on pages 27 to 29 is a list of stakeholders identified by 3sHealth and their interest in the options described in the 58 page report. The list also includes 3sHealth's anticipated position and reaction to a new laundry and linen service model of some of the stakeholders. Such information does not qualify as financial, commercial, technical, scientific or labour relations information.
- [16] Since I do not find that the first part of the test is met for any of the severed information, there is no need to consider the second and third part of the three-part test to determine if subsection 19(1)(b) of FOIP applies.

#### **IV FINDINGS**

- [17] I find that subsection 19(1) of FOIP does not apply to any portion of the 58-page report.

#### **V RECOMMENDATIONS**

[18] I recommend that Health release the 58 page report in its entirety.

Dated at Regina, in the Province of Saskatchewan, this 23rd day of January, 2015.

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