

**SASKATCHEWAN
INFORMATION AND PRIVACY COMMISSIONER**

REVIEW REPORT 148/2014

Ministry of Central Services

Summary: In November 2014, the Ministry of Central Services (Central Services) received an access to information request. In response, Central Services advised the Applicant that it was denying access pursuant to subsection 16(1)(a) of *The Freedom of Information and Protection of Privacy Act* (FOIP). Upon review, the Commissioner found that Central Services had appropriately applied subsection 16(1)(a) of FOIP to the record and recommended it continue to be withheld.

I BACKGROUND

[1] On November 5, 2014, the Ministry of Central Services (Central Services) received an access to information request for the following records:

Any documents related to the development, construction, or planning of a Premier's Library, a Premiers' Library and/or a Premiers's [sic] Library.

[2] In Central Services' December 5, 2014 response to the Applicant, it advised that it was denying access in full to the responsive record pursuant to subsection 16(1)(a) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

[3] The Applicant submitted a request for review to my office dated December 9, 2014.

[4] In emails dated December 11, 2014, my office notified both parties of our intention to conduct a review. My office requested Central Services provide a copy of the record, index of records (index) and submission in support of subsection 16(1)(a) of FOIP.

[5] On December 24, 2014, my office received a copy of the record, an index and a submission from Central Services.

II RECORD AT ISSUE

[6] The record at issue consists of a 15 page report.

III DISCUSSION OF THE ISSUE

[7] Central Services is a “government institution” pursuant to subsection 2(1)(d)(i) of FOIP.

1. Does subsection 16(1)(a) of FOIP apply?

[8] Subsection 16(1)(a) of FOIP is a mandatory exemption and provides:

16(1) A head shall refuse to give access to a record that discloses a confidence of the Executive Council, including:

(a) records created to present advice, proposals, recommendations, analyses or policy options to the Executive Council or any of its committees;

[9] Central Services applied subsection 16(1)(a) of FOIP to all pages of the responsive record.

[10] Documentation reflecting advice, proposals, recommendations, analyses or policy options developed from sources outside of the Executive Council for presentation to the Executive Council is intended to be covered by the provision.

[11] *Advice* includes the analysis of a situation or issue that may require action and the presentation of options for future action.

- [12] *Recommendations* include suggestions for a course of action as well as the rationale for a suggested course of action.
- [13] *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.
- [14] In its submission, Central Services indicated that the proposal was created for the consideration of Treasury Board as part of Central Services 2014-15 budget submission. Further, that the record was presented before Treasury Board on January 14, 2014. Finally, Central Services provided additional documentation to support that the record was presented before Treasury Board.
- [15] The Legislative Assembly of Saskatchewan website describes Treasury Board as “a committee of Executive Council responsible for reviewing and prioritizing standard government expenditures and programs, etc.” Therefore, records meant for Treasury Board would be captured by the exemption.
- [16] Therefore, I agree with Central Services that the record contains proposals setting out the advantages of a particular course of action. I also find that some of the information would constitute advice and recommendations. Further, the record was included in a budget submission to Treasury Board. As such, the record would qualify for exemption pursuant to subsection 16(1)(a) of FOIP.

IV FINDINGS

- [17] I find that Central Services appropriately applied subsection 16(1)(a) of FOIP to withhold the record.

V RECOMMENDATIONS

[18] I recommend that Central Services continue to withhold the record pursuant to subsection 16(1)(a) of FOIP.

Dated at Regina, in the Province of Saskatchewan, this 6th day of February, 2015.

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