



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## **REVIEW REPORT 159-2015**

### **Saskatchewan Transportation Company**

**September 9, 2015**

**Summary:** Saskatchewan Transportation Company applied subsections 18(1)(b) and 18(1)(f) of *The Freedom of Information and Protection of Privacy Act* (FOIP) to records responsive to a request for “ridership numbers for each specific [bus] route”. The Commissioner found that subsection 18(1)(f) of FOIP applied.

#### **I BACKGROUND**

[1] The Saskatchewan Transportation Company (STC) received an access to information request for “...the ridership numbers for each specific route (each of the last five fiscal years).” STC responded to the access request on August 10, 2015 indicating that access to the responsive records was denied pursuant to subsections 18(1)(b) and 18(1)(f) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

[2] The Applicant was dissatisfied with STC’s response and requested a review by my office on August 13, 2015. On August 17, 2015, my office provided notification to both the Applicant and STC of our intention to undertake a review.

#### **II RECORDS AT ISSUE**

[3] The record consists of four documents as follows:

<b>Name of Document</b>	<b>Pages</b>
Saskatchewan Transportation Company Year Over Year (Jan to Dec) Ridership Analysis (2014 and 2013)	7
Saskatchewan Transportation Company 3 <sup>rd</sup> Quarter (Jan to Dec) Ridership Analysis (2013 and 2012)	7
Saskatchewan Transportation Company 4 <sup>th</sup> Quarter (January to December) Ridership Analysis (2012 and 2011)	9
Saskatchewan Transportation Company 4 <sup>th</sup> Quarter (January to December) Ridership Analysis (2011 and 2010)	9

[4] STC has applied subsections 18(1)(b) and 18(1)(f) of FOIP to the entire record.

### **III DISCUSSION OF THE ISSUES**

#### **1. Did STC properly apply subsection 18(1)(f) of FOIP to the record?**

[5] Subsection 18(1)(f) of FOIP states:

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

...

(f) information, the disclosure of which could reasonably be expected to prejudice the economic interest of the Government of Saskatchewan or a government institution;

[6] In order to qualify, the public body must show how the information is expected to prejudice economic interests. The public body does not have to prove that the prejudice is probable, but needs to show that there is a “reasonable expectation of prejudice” if any of the information/records were to be released.

[7] Prejudice in this context refers to detriment to economic interests. Economic interest refers to both the broad interests of a public body and for the government as a whole, in managing the production, distribution and consumption of goods and services. The term also covers financial matters such as the management of assets and liabilities by a public

body and the public body's ability to protect its own or the government's interests in financial transactions.

[8] In its submission, STC stated the following:

STC works within a competitive business environment that is regulated by the Highway Traffic Board (HTB). There are competitors operating within the province that are providing intercity and other bus services. If the information was made public, competitors could apply for rights to operate on STC's profitable high volume routes. The profits from high volume routes are used to offset losses from the remainder of the network, thus allowing STC to fulfil its mandate to provide service throughout the province with the lowest possible operating grant from government. Increases in the operating grant to STC have the potential to impact the company's ability to maintain the current level of service provided throughout Saskatchewan. This directly impacts the economic interests of both STC and the Government of Saskatchewan.

[9] I am persuaded that if released, the information could reasonably prejudice the economic interests of STC. Therefore, STC appropriately applied subsection 18(1)(f) of FOIP.

[10] There is no need to consider subsection 18(1)(b) of FOIP.

#### **IV FINDINGS**

[11] I find subsection 18(1)(f) of FOIP applies to the record.

#### **V RECOMMENDATIONS**

[12] I recommend that STC take no further action with regard to this request.

Dated at Regina, in the Province of Saskatchewan, this 9th day of September, 2015.

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