



REVIEW REPORT 159-2016

Global Transportation Hub Authority

January 11, 2017

Summary: There were 179 records responsive to the Applicant's requests that were withheld by the Global Transportation Authority pursuant to subsections 16(1)(a), (d), 17(1)(a), (b)(i), (c), (f)(i)(ii), 18(1)(d), (e), (f), 19(1)(b), (c), 20(a), (b), 22(a) and (b) of *The Freedom of Information and Protection of Privacy Act* (FOIP). The Commissioner found that subsections 16(1)(a), (d), 17(1)(a), (f)(i)(ii), 18(1)(f), 19(1)(b), and 22(b) of FOIP applied to some of the record.

I BACKGROUND

- [1] On April 6, 2016, the Global Transportation Hub Authority (the GTH) received an access to information request for "all internal documentation/records related to Brightenview International Developments Inc. between January 1, 2013 and April 5, 2016."
- [2] On June 15, 2016, the GTH responded to the Applicant indicating that access to responsive records were denied pursuant to subsections 17(1)(a), (b)(i), (f)(i)(ii), 18(1)(b), (d), (f), 19(1)(a), (b), and (c) of *The Freedom of Information and Protection of Privacy Act* (FOIP).
- [3] The Applicant was dissatisfied with the GTH's response and, on June 20, 2016, requested a review from my office. On June 22, 2016, my office notified the GTH, the Applicant and the Third Party, Brightenview, of my intention to undertake a review.

II RECORDS AT ISSUE

- [4] For the purposes of this review, the GTH identified 312 records responsive to the Applicant's request. It released 133 of the records in full to the Applicant. It released portions of 12 additional records to the Applicant.
- [5] The GTH applied subsections 16(1)(a), (d), 17(1)(a), (b)(i), (c), (f)(i)(ii), 18(1)(d), (e), (f), 19(1)(b), (c), 20(a), (b), 22(a) and (b) of FOIP to the remaining 167 records and redacted portions of 12 records.
- [6] See Appendix A for more details about the record.

III DISCUSSION OF THE ISSUES

- [7] The GTH qualifies as a "government institution" pursuant to subsection 2(1)(d)(ii) of FOIP.

1. Do subsections 16(1)(a) and (d) of FOIP apply to the record?

- [8] Subsections 16(1)(a) and (d) of FOIP provide:

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;

...

(d) records that contain briefings to members of the Executive Council in relation to matters that:

(i) are before, or are proposed to be brought before, the Executive Council or any of its committees; or

(ii) are the subject of consultations described in clause (c).

- [9] The GTH has applied these exemptions to 25 records.

- [10] My office has determined that 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 subsection 16(1)(a) of FOIP.
- [11] In order for subsection 16(1)(d) of FOIP to apply, the records must contain briefings and be intended for the Executive Council. In addition, subsections 16(1)(d)(i) or (ii) must apply. The purpose for which the record was prepared is key. It is important to note that the records must be for the purpose of briefing a minister in relation to matters before Cabinet or for use in a discussion with other ministers.
- [12] Records 12a, 82A, 83A, 210A and 212 are various versions of a Cabinet Information Item. I have said in the past that draft versions of memorandums created for the purpose of presenting proposals and recommendations to Cabinet but that was never actually presented to Cabinet remains a confidence. Based on a review of the record, I am satisfied that these documents were created for the purpose of providing information to Cabinet and qualify as a Cabinet confidence. Subsection 16(1)(a) applies to these records.
- [13] Records 94A, 94B, 94C and 94D are records that I also considered in my Review Report 157-2016. I found subsection 16(1)(a) of FOIP applied at that time and I am satisfied that it continues to apply. In addition, subsection 16(1)(a) of FOIP also applies to records 12A, 31A, 37, 82A, 83A, 86, 121A, 210A, 212. They are drafts of these records 94A, 94B, 94C and 94D.
- [14] Nine of the records can be described as briefing notes. The GTH's submission indicates that all of the records to which these exemptions apply were prepared for making recommendations to the Executive Council. However, there is no other sign that these specific briefing notes were prepared for or intended for members of the Executive Council. When I have found that subsection 16(1)(a) and (d) of FOIP applied to other records, it was clear from reviewing those records. For these nine records I cannot rely

solely on the blanket statement in the GTH's submission. I do not find that subsections 16(1)(a) or (d) of FOIP applies to these records.

[15] Other exemptions apply to the remainder of the records. See Appendix A for details of where I have found subsections 16(1)(a) and (d) of FOIP apply.

2. Does subsection 17(1)(f) of FOIP apply to the balance of the record?

[16] Subsection 17(1)(f) 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:

...

(f) agendas or minutes of:

(i) a board, commission, Crown corporation or other body that is a government institution; or

(ii) a prescribed committee of a government institution mentioned in subclause (i);

[17] This exemption allows a government institution to withhold agendas and minutes of meetings because the meetings to which they relate provide the focus for decision-making within these types of bodies. The exemption can be applied only to the records of the governing body or a committee of the governing body.

[18] In order to qualify for this exemption a record must:

a. be an agenda of a meeting or minutes of a meeting;

b. the meeting must be of:

i. a governing body of a board, commission, Crown corporation or other body that is a government institution; or

ii. a prescribed committee of a board, commission,

- [19] The GTH has applied this exemption to 31 records. The Board of Directors of the GTH is the governing body of the GTH pursuant to section 13 of *The Global Transportation Hub Authority Act*.
- [20] Subsection 17(1)(f)(i) of FOIP applies to 11 of these documents that are either minutes or agendas of the GTH's Board of Directors.
- [21] Record 157A is minutes of a GTH Management meeting. This group of individuals would not qualify as the governing body of the GTH or a prescribed committee of the Board; therefore, this exemption does not apply.
- [22] Record 174 is an e-mail involving only internal GTH employees. It lists items requiring follow up by GTH employees resulting from a Board of Directors meeting. It does not qualify for this exemption as it is not the actual agenda or the minutes of the Board of Director's meeting.
- [23] The other records to which subsection 17(1)(f) of FOIP does not apply consists of other types of documents given to board members for discussion at a GTH board meeting. This includes "information items" for particular agenda items to be discussed, presentations or notes of the President and Chief Executive Officer's update or a project overview. These documents are not agendas or minutes and do not qualify for this exemption.
- [24] See Appendix A for details of where I have found subsection 17(1)(f) of FOIP to apply.

3. Does subsection 22(b) of FOIP apply to the balance of the record?

- [25] Subsection 22(b) of FOIP provides:

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

...

(b) was prepared by or for an agent of the Attorney General for Saskatchewan or legal counsel for a government institution in relation to a matter involving the provision of advice or other services by the agent or legal counsel;

[26] In order for subsection 22(b) of FOIP to apply to a record, the following criteria must be met:

1. Were the records “prepared by or for” an agent or legal counsel for a public body?
2. Were the records prepared in relation to a matter involving the provision of advice or other services by the agent or legal counsel?

[27] The GTH has applied this subsection to an invoice for legal services and the transmitting e-mail. They were prepared by a law firm involving the provision of legal services. Upon review of the record and the Ministry’s submission, I am satisfied that subsection 22(b) of FOIP applies to these portions of the record. Thus, there is no need to review subsection 22(a) of FOIP.

4. Does section 20 of FOIP apply to the balance of the record?

[28] Section 20 of FOIP provides:

20 A head may refuse to give access to a record that contains information relating to:

- (a) testing or auditing procedures or techniques; or
- (b) details of specific tests to be given or audits to be conducted;

if disclosure could reasonably be expected to prejudice the use or results of particular tests or audits.

[29] The terms ‘test’ and ‘audit’ cover a wide range of activities. Examples include environmental testing, staffing examinations, personnel audits, financial audits, and program audits. For this provision to apply there must be objective grounds for believing that disclosing the information would result in the prejudice alleged. The public body does not have to prove that the prejudice is probable, but needs to show that there is a reasonable expectation the prejudice will occur if any of the information or records were released.

[30] The GTH has applied this exemption to one e-mail where the GTH responds to questions of an external auditor who was hired to perform an audit for the GTH. It also applied this exemption to attachments to the e-mail that demonstrate the approval for travel of one of its employees.

[31] In its submission, the GTH noted that the external auditor uses specific techniques, and perform tests on a sample basis and these techniques could be taken out of context by release of these records. It said release of these records could reasonably be expected to result in prejudice by calling into question the tests and procedures performed by the external auditor which also calls into question the results of the audit.

[32] Section 20 of FOIP considers prejudice to the results of the audit itself, not the perception of the results of a completed audit. In the past, my office has said that this provision primarily protects testing or auditing procedures and techniques or the testing/auditing mechanism, not the content. The records relate to the content of the audit. I am not persuaded that release of these records would result in prejudice to the use or results of particular tests or audits. Section 20 of FOIP does not apply.

5. Does subsection 18(1)(f) of FOIP apply to the balance of the record?

[33] Subsection 18(1)(f) of FOIP provides:

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;

[34] 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.

[35] Prejudice in this context refers to detriment to economic interests. Economic interests 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.

[36] The GTH has applied subsection 18(1)(f) of FOIP to 140 of the remaining records.

[37] In its submission, the GTH noted that its "broad economic interest is to sell [GTH] land and manage the infrastructure within the GTH footprint, ultimately to contribute to the economy of Saskatchewan". Given the diversity of the information in the records, the GTH's submission outlined some ways that release of this information could prejudice the economic interests of the Government of Saskatchewan or the GTH. This includes the following two reasons:

- Release of the record would disclose that certain companies are considering buying land or developing business at the GTH. Disclosure would cause competitors to become aware and attempt to attract these companies away from Saskatchewan.
- They noted that other documents contain information about how GTH competes in the market place, including how GTH negotiates with and serves clients.

[38] Upon a review of the records, I am persuaded that subsection 18(1)(f) of FOIP applies to the majority of the records. This includes the GTH's President and CEO's regular presentations to the Board of Directors, e-mails and business plans which discuss potential clients and the results of a trip to China to attract new business.

[39] The GTH also said that the release of certain records could damage its relationship with Brightenview. The land sale between these entities has not yet been completed. The GTH noted that there is a confidentiality agreement between GTH and Brightenview and Brightenview strongly objects to release of these records. I note that a government institution cannot contract out of its access and privacy obligations. Government

institutions should make potential clients aware of their access and privacy obligations. I am not persuaded that release of records could prejudice the economic interests of the Government of Saskatchewan or the GTH in this manner.

[40] Records to which I did not find that subsection 18(1)(f) of FOIP applies include:

- draft news releases;
- e-mails arranging a meeting or an event with Brightenvivew;
- biographies of individuals;
- suggested agenda items for a management meeting;
- a description of an established process; and
- answers to an external auditor's questions aimed at ensuring accountability was in place.

Agreements with Brightenvivew

[41] The Applicant has requested access to three agreements between the GTH and Brightenvivew that are included in the record as follows:

- *Agreement of Purchase and Sale of Real Property*, February 3, 2016 (Records 3, 97A)
- *Cooperation Agreement*, February 3, 2016 (Records 97B, 109B)
- *Confidentiality Agreement*, June 24, 2013 (Record 62)

[42] I have reviewed these agreements before in Review Report 158-2016 with the GTH. At that time, the GTH did not specifically apply exemptions to these agreements, but rather blanket exemptions to the entire record which included the agreements. I was not persuaded that exemptions applied to these agreements. I recommended the agreements be released in full. The GTH did not follow this recommendation.

[43] In this case, the GTH specifically applied four exemptions to these agreements, including subsection 18(1)(f) of FOIP. On December 13, 2016, the GTH reaffirmed that it will be withholding these records.

- [44] An agreement is a commitment made by a government institution. My role in this case is to balance public accountability while protecting the economic interests of the government institution.
- [45] In its submission, the GTH indicated that the agreements contain specific information related to the purchase of land including how the GTH has structured the agreement. It noted that the agreement has information about value added services and is competitive information that should be withheld from competitors. It also noted that disclosure of the information would give an advantage to potential clients who could insist on negotiating the same terms with the GTH. The GTH pointed out certain examples from the agreement.
- [46] The GTH's submission also noted that release of the information may cause Brightenvue to back out of the land purchase deal. Again, government institutions should make potential clients aware of their access and privacy obligations. I note the confidentiality clause of the *Agreement of Purchase and Sale of Real Property* acknowledges that information may be released pursuant to FOIP or as required by law. Clause 8 of the *Confidentiality Agreement* indicates that the agreement will be governed by the laws of Saskatchewan, such as FOIP. I note that the *Cooperation Agreement* does not contain a confidentiality clause.
- [47] I am not persuaded that disclosure of the *Confidentiality Agreement* would reasonably be expected to prejudice the economic interest of the GTH. Also, I am not persuaded that release of the entire *Agreement of Purchase and Sale of Real Property* would result in this prejudice. However, I agree with the GTH that disclosure of some of the examples noted in GTH's submission would cause economic prejudice. I recommend, pursuant to section 8 of FOIP, that GTH sever clauses 1.01 l), q), r), 3.02, 11.03, 11.04, 13.03, 13.12 and Schedule A of the record and release the rest to the Applicant.
- [48] The *Cooperation Agreement* details a partnership relationship between the GTH and Brightenvue to work towards the success of Brightenvue's project and the ultimate success of the GTH. This details value added services provided by the GTH and release

of the record could reasonably be expected to prejudice the economic interest of the GTH. Subsection 18(1)(f) of FOIP applies.

[49] See Appendix A for details where I have found that subsection 18(1)(f) of FOIP applies.

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

[50] 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;

[51] The GTH has applied this exemption to 28 of the remaining records.

[52] My office has considered this exemption many times in the past. The exemption is meant to allow for candor during the policy-making process, rather than providing for the non-disclosure of all forms of advice. The established test that my office uses to determine the applicability of this exemption is as follows:

- a) Does the information qualify as advice, proposals, recommendations, analyses or policy options?
- b) 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.
- c) Was the advice, recommendations, analyses and/or policy options developed by or for a government institution or a member of the Executive Council?

[53] 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. Recommendations relate to a suggested course of action as well as the rationale for a suggested course of action. Recommendations are generally more explicit and pointed than advice. 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.

[54] Upon a review of the record, I am satisfied that 19 of the records meet all three parts of the test and subsection 17(1)(a) of FOIP applies.

[55] With respect to the eight records to which subsection 17(1)(a) of FOIP does not apply, the records do not qualify as advice, proposals, recommendations, analyses or policy options. There was no decision or action to be taken as a result of the exchange. For example, record 175 asks for agenda items for a team meeting and team members submitted items they wanted to discuss. There was no discussion about the merits of including the items on the agenda, it was simply lists of additional items to discuss. This does not qualify. Another example is record 88 where one GTH employee clarifies the time of a meeting with another GTH employee. These eight records do not meet the first part of the test and the record does not apply.

[56] I also found that subsection 17(1)(a) of FOIP applied to record 135 in my Review Report 158-2016 and it also applies here. See Appendix A for details where I have found that subsection 17(1)(a) of FOIP applies.

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

[57] Subsection 17(1)(b) 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;
- (ii) a member of the Executive Council; or
- (iii) the staff of a member of the Executive Council;

[58] This provision is meant to permit government institutions to consider options and act without constant public scrutiny.

[59] A consultation occurs when the views of one or more officers or employees of the public body are sought as to the appropriateness of a particular proposal or suggested action. 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.

[60] In order to qualify, the opinions solicited during a “consultation” must:

1. be either sought, expected, or be part of the responsibility of the person who prepared the record; and
2. be prepared for the purpose of doing something, such as taking an action, making a decision or a choice.

[61] I note that this provision is not meant to protect the bare recitation of facts, without anything further. Also, the exemption does not generally apply to records or parts of records that in themselves reveal the following:

- a consultation or deliberation took place at a particular time;
- particular persons were involved; or
- a particular topic was involved.

[62] The GTH applied this exemption to 14 of the remaining records. I have found that subsection 17(1)(a) of FOIP does not apply to eight of these records because they were not related to a course of action. For the same reasons, subsection 17(1)(b) of FOIP does not apply.

[63] Likewise, the remaining six records were not prepared for the purpose of doing something, such as taking an action, making a decision or a choice. These records include e-mails providing a list of attendees to an event, transmitting a letter, conveying factual information such as details of a meeting or answers to questions or expressing an understanding of a decision. For this reason, subsection 17(1)(b) of FOIP does not apply to the record.

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

[64] 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;

[65] The GTH has applied this exemption to 16 of the remaining records.

[66] The following test must be met in order for subsection 18(1)(d) of FOIP to be found to apply:

1. Identify and provide details about the contractual or other negotiations and the parties involved; and
2. Detail how release of the record could reasonably be expected to interfere with the contractual or other negotiations.

[67] In support of this exemption, the GTH wrote in its submission that release of these records could reasonably be expected to have a negative impact on the GTH's current and future client negotiations. It stated that if the records are released it is almost certain that the GTH's competitors would access the records and use the information in the records to their competitive benefit. Once again the GTH noted that negotiations with potential clients would be impacted if information provided to the GTH is to the public.

[68] I have considered all of these records and whether their release would have a negative impact on future negotiations under subsection 18(1)(f) of FOIP. I found that these 16 records would not have a negative impact on future negotiations. The GTH's submission has not persuaded me that subsection 18(1)(d) applies for the same reasons.

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

[69] 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;

[70] My office has established a three part test for subsection 19(1)(b) of FOIP as follows:

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

[71] The GTH applied subsection 19(1)(b) of FOIP to seven of the remaining records.

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

[72] The GTH's submission indicates that the records at issue qualify as commercial information. My office has defined commercial information as information relating to the buying, selling or exchange of merchandise or services.

[73] I agree that records 3, 62, 97A and 109E qualify as commercial information. Records 3, 62 and 97A are the agreements previously discussed. They relate to the buying of GTH land. Record 109E describes a relationship where GTH buys services from a third party.

[74] Records 109C, 109F and 135 do not qualify as commercial information. Records 109C and 135 contain biographies of individuals. Record 109F is simply an e-mail which transmits a letter. Subsection 19(1)(b) of FOIP does not apply to these records.

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

[75] With respect to the agreements (records 3, 62 and 97E), GTH has not provided any representations that demonstrate that the terms of the agreement were supplied to the GTH. I would expect the terms in agreements of this nature to be mutually negotiated. Subsection 19(1)(b) of FOIP does not apply to the *Confidentiality Agreement* or the remainder of the *Agreement of Purchase and Sale of Real Property*.

[76] Record 109E is a letter from a third party describing its relationship with Brightenview. The first line of the record indicates that the details of the relationship are being shared with GTH at the request of Brightenview. Under these circumstances, I am satisfied that the information was supplied to GTH upon instructions from Brightenview and this test is met.

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

[77] Finally, the last paragraph of Record 109E explicitly states that GTH is not to share the information beyond the GTH Board of Directors and Management. I am persuaded that the record was supplied explicitly in confidence. Subsection 19(1)(b) of FOIP applies to this record.

10. Does subsection 19(1)(c) of FOIP apply to the balance of the record?

[78] Subsection 19(1)(c) of FOIP states:

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

...

(c) information, the disclosure of which could reasonably be expected to:

- (i) result in financial loss or gain to;
 - (ii) prejudice the competitive position of; or
 - (iii) interfere with the contractual or other negotiations of;
- a third party;

[79] GTH has applied subsection 19(1)(c) of FOIP to five of the remaining records.

[80] For this provision to apply there must be objective grounds for believing that disclosing the information would result in financial loss or gain to Brightenview, result in prejudice of Brightenview's competitive position or interfere with the contractual or other negotiations of Brightenview. The parties do not have to prove that a harm is probable, but need to show that there is a "reasonable expectation of harm" if any of the information were to be released.

[81] The following criteria are used to determine whether disclosure of information could reasonably be expected to cause the alleged harm:

1. There must be a clear cause and effect relationship between the disclosure and the harm which is alleged;
2. The harm caused by the disclosure must be more than trivial or inconsequential;
and
3. The likelihood of the harm must be genuine and conceivable.

[82] In support of this exemption, GTH noted that all of the records provide information or updates on the status of project and Brightenview's business plans and progression towards purchasing land at the GTH. GTH indicated that this qualifies as Brightenview's competitive and proprietary information. It submitted that release of this information could result in financial loss or gain to Brightenview, result in prejudice of Brightenview's competitive position or interfere with the contractual or other negotiations of Brightenview.

[83] Records 3, 62 and 97A are the *Confidentiality Agreement* and the remainder of the *Agreement of Purchase and Sale of Real Property*. GTH has issued a news release regarding Brightenview's intention to purchase land at GTH. Some of the terms of the agreement can be withheld pursuant to subsection 18(1)(f) of FOIP. Records 109C and 135 are biographies of Brightenview's officers. I am not persuaded that the remainder of the information in the agreements or the biographies qualify as Brightenview's competitive and proprietary information and that disclosure would cause the harm noted.

[84] Subsection 19(1)(c) does not apply to the record.

11. Did the GTH properly apply subsection 29(1) of FOIP to the record?

[85] 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.

[86] In order for subsection 29(1) to apply, the information severed in the record must first be found to qualify as "personal information" pursuant to subsection 24(1) of FOIP. Some of the relevant subsections provide:

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:

...

(e) the home or business address, home or business telephone number or fingerprints of the individual;

[87] The GTH has redacted some personal cellular telephone numbers and other personal contact information throughout the record. These qualify as personal information pursuant to subsection 24(1)(e) of FOIP and should be withheld pursuant to subsection 29(1) of FOIP.

[88] I also note that the biographies in records 109C and 135 contain some personal information. This is information that one would expect to find on a website or in a

conference pamphlet. I urge the GTH to sever the personal information of these individuals and release the portions that qualify as work product. Work product' means information prepared or collected by an individual or group of individuals as a part of the individual's or group's responsibilities or activities related to the individual's or group's employment or business.

IV FINDING

[89] Subsections 16(1)(a), 17(1)(a), (f)(i)(ii), 18(1)(f), 19(1)(b), and 22(b) of FOIP apply to portions of the record.

V RECOMMENDATION

[90] I recommend that the GTH release records to the Applicant as described in Appendix A of this Report.

Dated at Regina, in the Province of Saskatchewan, this 11th day of January, 2017.

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

APPENDIX A

No need to review subsections 17(1)(c), 18(1)(e) and 22(a) of FOIP as records were captured by other exemptions.

* Indicates that a record has already been released to the Applicant with the exception of personal information that was severed from the record.

NNTR = No need to review

Record #	16(1)	17(1)(a)	17(1)(b)	17(1)(c)	18(1)(d)	18(1)(e)	19(1)(b)	19(1)(c)	20(a)	20(b)	22(b)	Release or Withhold
1			NNTR		NNTR	Yes						Withhold
2a	No	NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
3	Sever sections 1.01 l), q), r), 3.02, 11.03, 11.04, 13.03, 13.12 and Schedule A of this record										Release	
4				Yes								Withhold
5a				Yes		NNTR						Withhold
6a				Yes								Withhold
7		NNTR	NNTR	No	NNTR	Yes	NNTR	NNTR				Withhold
8		NNTR	NNTR	No	NNTR	Yes	NNTR					Withhold
9				No	NNTR	Yes	NNTR	NNTR				Withhold
11a		NNTR			NNTR	Yes	NNTR	NNTR				Withhold
12a	Yes	NNTR	NNTR		NNTR	NNTR						Withhold
13		NNTR	NNTR			Yes	NNTR	NNTR				Withhold
14			NNTR		NNTR	Yes						Withhold
15			NNTR		NNTR	Yes						Withhold
16		NNTR	NNTR		NNTR	Yes						Withhold
17			NNTR		NNTR	Yes						Withhold
19		NNTR	NNTR		NNTR	Yes						Withhold
20			NNTR		NNTR	Yes						Withhold
21		NNTR	NNTR		NNTR	Yes						Withhold
22		Yes	NNTR		NNTR	No						Withhold
23A		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
24	No	Yes	NNTR		NNTR	No						Withhold
25A	Section 29(1) applies to a portion										Withhold*	
26A					NNTR	Yes	NNTR	NNTR				Withhold
28A					NNTR	Yes	NNTR	NNTR				Withhold
29A		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
30A					NNTR	Yes	NNTR	NNTR				Withhold
31A	Yes	NNTR	NNTR		NNTR	NNTR						Withhold
32					NNTR	Yes						Withhold

Record #	16(1)	17(1)(a)	17(1)(b)	17(1)(f)	18(1)(d)	18(1)(f)	19(1)(b)	19(1)(c)	20(a)	20(b)	22(b)	Release or Withhold
34		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
35	Yes	NNTR	NNTR		NNTR	NNTR						Withhold
36					NNTR	Yes						Withhold
36A					NNTR	Yes						Withhold
37	Yes	NNTR	NNTR		NNTR	NNTR						Withhold
38A		NNTR	NNTR			Yes	NNTR	NNTR				Withhold
39A		NNTR	NNTR			Yes	NNTR	NNTR				Withhold
40A		NNTR	NNTR			Yes	NNTR	NNTR				Withhold
41A		NNTR	NNTR			Yes	NNTR	NNTR				Withhold
42A		NNTR	NNTR			Yes	NNTR	NNTR				Withhold
43		NNTR	NNTR		NNTR	Yes						Withhold
44					NNTR	Yes	NNTR					Withhold
45		NNTR		No	NNTR	Yes	NNTR	NNTR				Withhold
46A		NNTR	NNTR		NNTR	Yes						Withhold
47					NNTR	Yes						Withhold
47A	No	NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
48A				Yes								Withhold
49A		NNTR	NNTR		NNTR	Yes						Withhold
50A				Yes								Withhold
51A				Yes								Withhold
52A				Yes								Withhold
53A		NNTR	NNTR	No	NNTR	Yes	NNTR	NNTR				Withhold
54A		NNTR	NNTR	No	NNTR	Yes	NNTR	NNTR				Withhold
55A		NNTR	NNTR	No	NNTR	Yes	NNTR	NNTR				Withhold
56		NNTR	NNTR	No	NNTR	Yes	NNTR	NNTR				Withhold
58		NNTR	NNTR	No	NNTR	Yes	NNTR	NNTR				Withhold
60		NNTR	NNTR	No	NNTR	Yes	NNTR	NNTR				Withhold
62					No	No	No	No				Release
63		NNTR	NNTR	No	NNTR	Yes	NNTR					Withhold
64				Yes								Withhold
65A	No	NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
66A	No	NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
67						Yes						Withhold
67A	No	NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
71A		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
72A		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
73A		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
75A		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold

Record #	16(1)	17(1)(a)	17(1)(b)	17(1)(f)	18(1)(d)	18(1)(f)	19(1)(b)	19(1)(c)	20(a)	20(b)	22(b)	Release or Withhold
77					NNTR	Yes	NNTR	NNTR				Withhold
78		NNTR	NNTR		NNTR	Yes						Withhold
79A		NNTR	NNTR	No	NNTR	Yes	NNTR	NNTR				Withhold
80		Yes	NNTR									Withhold
80A		Yes	NNTR	No	NNTR		NNTR	NNTR				Withhold
81A		NNTR	NNTR	No	NNTR	Yes	NNTR	NNTR				Withhold
82A	Yes	NNTR			NNTR	NNTR	NNTR	NNTR				Withhold
83A	Yes	NNTR			NNTR	NNTR	NNTR	NNTR				Withhold
85		NNTR	NNTR		NNTR	Yes						Withhold
86	Yes	NNTR	NNTR		NNTR	NNTR						Withhold
88		No	No		No	No						Release
89A					NNTR	Yes						Withhold
93		NNTR	NNTR			Yes	NNTR	NNTR				Withhold
94A	Yes	NNTR			NNTR	NNTR						Withhold
94B	Yes	NNTR			NNTR	NNTR	NNTR	NNTR				Withhold
94C	Yes	NNTR										Withhold
94D	Yes	NNTR										Withhold
95		Yes	NNTR		NNTR	No						Withhold
96					NNTR	Yes	NNTR					Withhold
97A					No	Yes	No	No				Release
	Sever sections 1.01 l), q), r), 3.02, 11.03, 11.04, 13.03, 13.12 and Schedule A of this record											
97B		No	No		NNTR	Yes	NNTR	NNTR				Withhold
98A					NNTR	Yes	NNTR	NNTR				Withhold
99		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
100		No	No									Release
101A	Section 29(1) applies to a portion											Withhold*
102		Yes	NNTR		NNTR	No						Withhold
104			No		No	No						Release
105					NNTR	Yes						Withhold
105A					NNTR	Yes	NNTR	NNTR				Withhold
106A	No	Yes	NNTR		NNTR	No						Withhold
108A	No	NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
109		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
109A		NNTR	NNTR		NNTR	Yes						Withhold
109B					NNTR	Yes	NNTR					Withhold
109C					No	No	No	No				Release
	Section 29(1) applies to portions											
109D		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold

Record #	16(1)	17(1)(a)	17(1)(b)	17(1)(f)	18(1)(d)	18(1)(f)	19(1)(b)	19(1)(c)	20(a)	20(b)	22(b)	Release or Withhold
109E					NNTR	NNTR	Yes					Withhold
109F			No		No	No	No					Release
110					NNTR	Yes						Withhold
111				Yes	NNTR	NNTR						Withhold
113					NNTR	Yes						Withhold
113A					NNTR	Yes	NNTR	NNTR				Withhold
114					NNTR	Yes						Withhold
115					NNTR	Yes						Withhold
116					NNTR	Yes	NNTR	NNTR				Withhold
118		NNTR	NNTR		NNTR	Yes						Withhold
120A					NNTR	Yes	NNTR	NNTR				Withhold
121A	Yes	NNTR	NNTR									Withhold
123A		NNTR			NNTR	Yes	NNTR	NNTR				Withhold
125		Yes	NNTR		NNTR	No						Withhold
126			NNTR		NNTR	Yes						Withhold
130		Yes			NNTR	No						Withhold
131		Yes	NNTR		NNTR	No						Withhold
132		NNTR	NNTR			Yes						Withhold
133					NNTR	Yes	NNTR	NNTR				Withhold
135					No	No	No	No				Release
	Section 29(1) applies to portions											
138			NNTR		NNTR	Yes						Withhold
141		NNTR	NNTR		NNTR	Yes						Withhold
142			No		No	No						Release
143A				Yes								Withhold
144	No	NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
147A					No	No						Withhold*
	Section 29(1) applies to a portion											
149		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
150					NNTR	Yes	NNTR	NNTR				Withhold
152A		NNTR	NNTR		NNTR	Yes						Withhold
153A		NNTR	NNTR	No	NNTR	Yes						Withhold
155A		NNTR	NNTR	No	NNTR	Yes						Withhold
156					NNTR	Yes						Withhold
157A		NNTR	NNTR	No	NNTR	Yes						Withhold
158A												Withhold*
159		No	No			No						Release
160		Yes	NNTR									Withhold

Record #	16(1)	17(1)(a)	17(1)(b)	17(1)(f)	18(1)(d)	18(1)(f)	19(1)(b)	19(1)(c)	20(a)	20(b)	22(b)	Release or Withhold
161			No		No	No			No	No		Release
161A									No	No		Release
162A				Yes								Withhold
164		Yes	NNTR		NNTR	No						Withhold
165		Yes	NNTR		NNTR	No						Withhold
167					NNTR	Yes						Withhold
168		No	No									Release
	Section 29(1) applies to a portion											
169		Yes	NNTR		NNTR	No						Withhold
170					NNTR	NNTR	NNTR				Yes	Withhold
170c					NNTR	NNTR					Yes	Withhold
172		Yes	NNTR		NNTR	No						Withhold
173A	No	NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
174		NNTR	NNTR	No	NNTR	Yes						Withhold
175		No	No		No	No						Release
176		NNTR	NNTR		NNTR	Yes						Withhold
179		NNTR	NNTR		NNTR	Yes						Withhold
181		Yes	NNTR		NNTR	No						Withhold
182		NNTR	NNTR		NNTR	Yes						Withhold
183	No	Yes	NNTR									Withhold
184		Yes	NNTR		NNTR	No						Withhold
185		Yes	NNTR		NNTR	No						Withhold
186		NNTR	NNTR		NNTR	Yes	NNTR	NNTR				Withhold
187					NNTR	Yes						Withhold
187A					NNTR	Yes						Withhold
189		NNTR	NNTR		NNTR	Yes						Withhold
190					NNTR	Yes						Withhold
192		No	No		No	No						Release
196		NNTR	NNTR		NNTR	Yes						Withhold
197		NNTR	NNTR		NNTR	Yes						Withhold
203		Yes	NNTR									Withhold
208			No		No	No						Release
210A	Yes				NNTR	NNTR						Withhold
211		NNTR	NNTR		NNTR	Yes						Withhold
212		No	No									Release
212A	Yes				NNTR	NNTR						Withhold
213A				No	NNTR	Yes						Withhold
215		NNTR	NNTR		NNTR	Yes						Withhold

Record #	16(1)	17(1)(a)	17(1)(b)	17(1)(f)	18(1)(d)	18(1)(f)	19(1)(b)	19(1)(c)	20(a)	20(b)	22(b)	Release or Withhold
220					No	No						Release
223		NNTR	NNTR			Yes						Withhold
224A		NNTR	NNTR	No	NNTR	Yes						Withhold