



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 169-2015

Ministry of Finance

October 16, 2015

Summary: The Applicant requested memos or briefing notes describing budget reduction measures and/or budget efficiency measures from the Ministry of Finance. The Ministry applied subsection 16(1)(a) of *The Freedom of Information and Protection of Privacy Act* to the responsive records. The Commissioner found that the exemption applied.

I BACKGROUND

- [1] On June 22, 2015, the Applicant submitted an access to information request to the Ministry of Finance for “Any documents or briefing notes describing budget reduction measures and/or budget efficiency measures between December 1, 2014 and March 31, 2015.” The Ministry later clarified the request with the Applicant to include only “memos or briefing notes”.
- [2] On August 20, 2015, the Ministry responded to the Applicant indicating that the responsive records were being withheld pursuant to subsection 16(1)(a) of *The Freedom of Information and Protection of Privacy Act* (FOIP). On September 1, 2015, the Applicant requested a review by my office. We provided notification to both the Ministry and the Applicant of our intention to undertake a review.

II RECORDS AT ISSUE

- [3] An Analyst from my office attended at the Ministry on September 23, 2015 to examine the record. The record consists of three binders.
- [4] The first binder was a “2015-16 Treasury Board Finalization” document. Section 2 of this binder contained “Ministry Overviews” for 21 government ministries and agencies. Portions of this section did describe budget reduction measures in certain ministries and agencies and would be responsive to this request. The Ministry indicated that this document was considered by the Treasury Board on January 19, 20 and 21, 2015.
- [5] The second binder was a “2015-16 Cabinet Finalization” document. The document in this binder was similar to that described in the first binder. The Ministry indicated that this document was considered by Cabinet on February 10, 11 and 12, 2015.
- [6] The third binder was the “2015-2016 Budget Briefing” presented to Cabinet on March 18, 2015. The responsive parts of this document were:
- Subsection C “Expense” of Section 1 “Summary Budget”; and
 - Section 5 “2015-16 Expenditure Highlights (Core Operational Plan)” which lists 20 ministries and agencies.
- [7] The Ministry applied subsection 16(1)(a) of FOIP to all responsive portions.

III DISCUSSION OF THE ISSUES

1. Did the Ministry properly apply subsection 16(1)(a) of FOIP to the record?

- [8] Subsection 16(1)(a) of FOIP states:

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] The Ministry has applied subsection 16(1)(a) of FOIP to all responsive portions of the record.
- [10] The Ministry's submission indicates that all of these documents provide advice, proposals, recommendations, analyses or policy options to Executive Council or the Treasury Board.
- [11] Section 3 of *The Financial Administration Act, 1993* establishes the Treasury Board as a committee of the Executive Council. Therefore, the Treasury Board would qualify as a committee referred to in subsection 16(1)(a).
- [12] 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 the provision.
- [13] Advice includes the analysis of a situation or issue that may require action and the presentation of options for future action.
- [14] Recommendations include suggestions for a course of action as well as the rationale for a suggested course of action.
- [15] 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.
- [16] Upon review of these portions of the record, I agree that all of them reflect advice, proposals, recommendations, analyses or policy options and would disclose a cabinet confidence. I find that subsection 16(1)(a) of FOIP applies to all the records in question.

IV FINDINGS

[17] I find subsection 16(1)(a) of FOIP applies to the record.

V RECOMMENDATIONS

[18] I recommend that the Ministry take no further action with regard to this request.

Dated at Regina, in the Province of Saskatchewan, this 16th day of October, 2015.

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