

REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF REQUEST FOR INFORMATION
BY AN APPLICANT

A request for information was made to the Department of Parks and Renewable Resources which was received by the Department on June 22, 1992. The Applicant requested:

"Copy of Lease Agreement - Re: Golf Course at Fort Qu'Appelle & [REDACTED] et al. Copy of Agreement regarding costs of Club House, watering system, paving, if not covered in Lease Agreement."

By letter dated June 30, 1992, the Department advised the Applicant that the response time was being extended for thirty days to August 20, 1992, in accordance with subsection 12(1)(c) of The Freedom of Information and Protection of Privacy Act. Apparently, the head was under the impression that notice should be given to a third party namely [REDACTED] pursuant to Section 34 of the Act. While it may have appeared that the information if disclosed, would affect the interest of [REDACTED] as a third party, or would amount to personal information, I would point out that Section 34 only becomes operative if the head intends to give access to that type of information, and that absent such intent, notice does not appear to be required.

In any event, the notice was given and the third party, which is Mision Ridge Ski Development Inc. rather than [REDACTED], advised the Department in due course that it objected to

disclosure of the information requested.

On July 29, 1992, the Department wrote a further letter to the Applicant enclosing a copy of a Lease Agreement between the Province of Saskatchewan and Mission Ridge Ski Development Inc. relating to the Golf Course at Fort Qu'Appelle and advising the Applicant that:

"The financial information you requested has not been included because it falls under Section 18(1)(b) of the Act which does not allow release of third party information of a financial nature received in confidence. The Department contacted the third party in question and permission to release the information was not received."

Upon review it appears that the reference in the above mentioned letter to Section 18(1)(b) is a clerical error and that the Department was relying upon, and intended to rely upon, Section 19(1)(b) of the Act which 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."

The Department had publicly advertised for proposals for a Lease Agreement to cover the development and operation of the Golf Course owned by the Government of Saskatchewan at Fort Qu'Appelle.

Tender or proposal invitations were made available to interested parties and included in such invitations to offer was a stipulation that:

"All information provided by the proponent shall be kept confidential by Saskatchewan Parks and Renewable Resources."

In response to this invitation Mission Ridge Ski Development Inc. submitted a proposal which ultimately was accepted by the Department and resulted in an agreement being concluded with the said corporation and a lease being granted by the Department to Mission Ridge on or about March 27, 1986.

On review, it appears to me that the record requested by the Applicant contains information of a financial, commercial and technical nature which was supplied by Mission Ridge in confidence (explicitly) to the Department, and consequently, by virtue of Section 19(1)(b) of the Act, the Department is prohibited from disclosing this information. As appears from the original request for information, and from the Application made for this review, it is primarily financial information with respect to the third party that the Applicant is seeking.

I agree with the decision of the head to refuse access to this information.

It is my recommendation that this information must not be disclosed.

Dated at Regina, Saskatchewan this 30th day of October, 1992.

**Derril G. McLeod, Q.C.,
Commissioner of Information and
Privacy for Saskatchewan**