

FILE NO. 92/020

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF [REDACTED] WITH RESPECT TO INFORMATION
REQUESTED FROM SASKATCHEWAN ECONOMIC DEVELOPMENT CORPORATION**

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] requested information from Saskatchewan Economic Development Corporation ("SEDCO"). The nature of his request and the result are described in a letter to [REDACTED] from SEDCO dated September 9, 1992 which states in part:

"Your application for access under The Freedom of Information & Protection of Privacy Act was received at this office on August 20, 1992.

You have requested the "Total amount and status of all loans (repaid, amount still owing, in receivership, bankrupt) made by SEDCO, and the party receiving the loans since the fiscal year 1980".

Attached are lists of parties receiving loans, the type of loan and the amount of the loan which were provided to your office under FOI application s [REDACTED] and [REDACTED]

We decline to provide the amount still owing on each loan under Section 19(1)(b)(c)(d) and (e), and Section 19(3)(a) and (B) of the Freedom of Information and Protection of Privacy Act.

We also decline to provide a list of loans in receivership under Section 19(1)(b)(c)(d) and (e), and Section 19(3)(a) and (b) of the Act.

Bankruptcies can be obtained through the Registrar of Bankruptcies, Provincial Justice Department."

The Applicant then applied for a review and by letter dated October 9, 1992 I advised SEDCO that I would be proceeding with a review on the expiration of the time stipulated in Section 51 of *The Freedom of Information and Protection of Privacy Act* (the "Act").

As indicated in the said letter of September 9, 1992, SEDCO had released a list of borrowers showing the type of loan and the amount of the loan under earlier applications made by the Applicant. There is no indication that in so doing, SEDCO gave prior notice of its intent to do so in accordance with Section 34(1) of the Act, although clearly such information affects the interest of the borrowers who come within the definition of third parties under the Act. However, it may be presumed that SEDCO acted under Section 34(4) which allows the "Head" to dispense with the giving of notice if in his or her opinion it is not reasonable to do so.

No such notice was required in this application since the "Head" did not intend to comply with the request for disclosure.

However, once an application for review has been made, the Head is required to give notice of review under Section 52(1)(b) to any third party who would have been notified if the Head had intended to give access to the record or part of the record, and it is doubtful to say the least that the Head could dispense

with such notice under Section 34(4). The better view is that this dispensation would not apply. As matters stand, no notice has been given to third parties, of whom there are approximately 1,000.

In the event it is unnecessary to deal with this and other issues which arose during my review of this matter, since I am now advised that the Applicant does not intend to pursue the matter further and that this application may be considered closed.

Dated at Regina, Saskatchewan this 15th day of June, 1993.

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