

REPORT WITH RESPECT TO REQUEST BY [REDACTED]
FOR INFORMATION FROM DEPARTMENT OF FINANCE

The applicant requested information from the Department of Finance in the following terms:

"Re: 1992-1993 Budget - any documentation regarding economic/social impact of the budget including omnibus study, departmental studies (including health, social services, etc.), contracted studies, public opinion polling, industry studies, minutes, etc."

The Department responded by advising the applicant that no polling of the type requested had been conducted by the Department and that with respect to the balance of the information which he was requesting, the Department was refusing to disclose such information on the basis of Section 16(1)(a) and Section 17(1)(a) and (b) of The Freedom of Information and Protection of Privacy Act.

Upon review, the Department identified 1992/93 budgetary documents which are responsive to the applicants request which, for convenience, may be divided into five categories:

1. Fiscal policy options prepared and submitted to Treasury Board by officers or employees of the Department.
2. A compilation of fiscal policy options, proposals and recommendations prepared and submitted to Treasury Board by officers or employees of the Department.
3. Recommendations of Treasury Board to the Executive Council (Cabinet) for the purpose of budget finalization by officials of the Department.

4. Studies and analyses of budget proposals prepared by the Department and submitted to all members of the Executive Council.
5. Copies of minutes of Executive Council and minutes of Treasury Board.

Treasury Board is constituted under the provisions of Section 11 of The Financial Administration Act of Saskatchewan F - 13.3. It consists of the Minister of Finance, and such other members of Executive Council as may be appointed by the Cabinet. The Minister of Finance is Chairman, and the Deputy Minister of Finance is secretary. In my view it is a committee of Executive Council.

Section 16(1) of the Act provides in part:

"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;
- (b) agendas or minutes of Executive Council or any of its committees, or records that record deliberations or decisions of the Executive Council or any of its committees."

I am satisfied that the documents in question come squarely within the exemption set out in Section 16(1)(a) and that disclosure is therefore prohibited. Disclosure of copies of minutes of Executive Council or of minutes of Treasury Board, which may be in possession of the Department by virtue of the Deputy Minister being secretary of the Treasury Board, are also exempt by virtue of Section 16(1)(b), and disclosure of such documents is likewise prohibited.

It also follows, in my view, that the prohibition extends to working papers, drafts and the like prepared by officials of the Department in connection with the documents enumerated above.

I agree with the decision of the Department that the documents in question must not be disclosed.

DATED at Regina, Saskatchewan, this 2nd day of March, 1993.

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