

FILE NO. - 94/013

**REPORT WITH RESPECT TO THE APPLICATION  
FOR REVIEW OF [REDACTED] WITH RESPECT TO  
INFORMATION REQUESTED FROM  
SASKATCHEWAN AGRICULTURE AND FOOD**

[REDACTED] is a farmer, who in the spring of this year had a crop growing on the South Half of [REDACTED] [REDACTED]. When it appeared to him that this crop had been damaged by "herbicide drift" he asked [REDACTED], an Extension Agrologist employed by Saskatchewan Agriculture and Food (the "Department"), to examine the field with a view to determining the nature and extent of the damage. Consequently, on May 30, 1994, [REDACTED] examined the field and shortly thereafter sent a report, in the form of a letter to [REDACTED], of the results of his examination.

It appears that [REDACTED] made a claim for damages which was reported by the party against whom the claim was made to that party's insurer who referred the matter to [REDACTED], by whom [REDACTED] is employed, for investigation.

[REDACTED] then made an application to the Department under *The Freedom of Information and Protection of Privacy Act* (the "Act") for a copy of the [REDACTED] letter.

By a letter dated October 3, 1994, [REDACTED] was advised by the Department that:

"This information cannot be released because this is personal information, as the letter [REDACTED] wrote to [REDACTED] deals with his crop and land which relates to assets and financial information. Information of this nature is exempt from access according to section 24, subsection (1), clause (j) of *The Freedom of Information and Protection of Privacy Act*."

[REDACTED] then requested a review.

The specific provision of the Act relied upon by the Department is:

"24(1) Subject to subsection (2), "personal information" means personal information about an identifiable individual that is recorded in any form, and includes:

(j) information that describes an individual's finances, assets, liabilities, net worth, bank balance, financial history or activities or credit worthiness;"

It is apparent that the letter or report in question was prepared by [REDACTED] for [REDACTED] at his request and for his personal and private use. Under these circumstances, it is at least implicit that the report would be treated as confidential, and as such is, in my view, properly characterized as "personal information" without resorting to the specifics of subsection 24(1)(j). It is information for which [REDACTED] could properly be said to have a reasonable expectation that it would be treated as personal and private information, and hence with confidentiality.

The policy of the Act has frequently been asserted to be to provide for public scrutiny and accountability in the conduct of government. Its purpose is to provide for the disclosure of information in which the public has a legitimate interest and concern. A record of the sort with which we are concerned here does not, in my view, partake of this characteristic. Consequently, I agree with the position taken by the Department that the document is confidential and must not be disclosed except in accordance with Section 29(1) of the Act, which in this case would require the consent of [REDACTED].

Dated at Regina, Saskatchewan this 30th day of November, 1994.

---

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