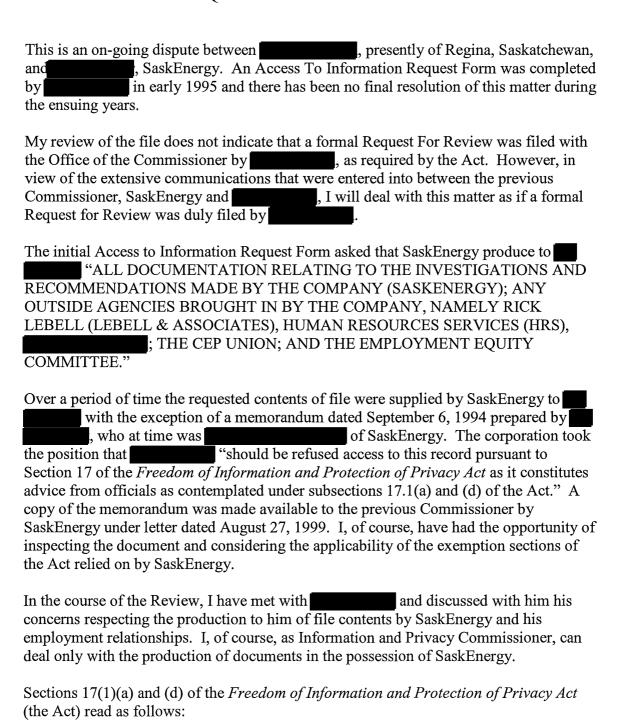
## REPORT WITH RESPECT TO THE APPLICATION FOR REVIEW OF IN RELATION TO INFORMATION REQUESTED FROM SASKENERGY



- 17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:
  - (a) advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council;
  - (d) plans that relate to the management of personnel or the administration of a government institution and that have not yet been implemented;

The document in question has the word "draft" clearly stamped in large letters on the upper right hand corner of its single page. Several hand-written notes appear on the document. One hand-written note indicates that the document was prepared by an individual other than appearing on the memo appears to be a direction to refer the memorandum to two individuals for approval before the memorandum is sent out.

The document appears to be a draft proposal or conclusion prepared by an officer or an employee of SaskEnergy, and as such would be exempted from production pursuant to the provisions of Sections 17(1)(b) of the Act which provides for exemption for:

- 17(1) (b) consultations or deliberations involving:
  - (i) officers or employees of a government institution;
  - (ii) a member of the Executive Council; or
  - (iii) the staff of a member of the Executive Council;

The memorandum would appear as well to fall within the exemption of Section 17(1)(a) as it constituted either advice, proposal or a recommendation developed for a government institution as contemplated by Section 17(1)(a) or a plan that relates to the management of personnel which has not yet been implemented as contemplated Section 17(1)(b).

In the circumstances, I have concluded that SaskEnergy is not obliged to produce the document in question pursuant to the terms of the Act.

Dated at Regina, in the Province of Saskatchewan, this day of June, 2000.

GERALD L. GERRAND, Q.C.
Information and Privacy Commissioner
for Saskatchewan