

FILE NO. - 96/007

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

[REDACTED] applied to Saskatchewan Justice pursuant to *The Freedom of Information and Protection of Privacy Act* (the "Act") for the legal opinion on the constitutionality of Bill C-68 (the federal *Firearms Act*). By a letter dated December 18, 1995, he was advised by the Department that his request was denied in the following terms:

"We have reviewed your access to information request respecting a legal opinion on the constitutionality of Bill C-68. Your request is being denied pursuant to Section 22 of *The Freedom of Information and Protection of Privacy Act*, which reads:

22 A head may refuse to give access to a record that:

- (a) contains information that is subject to solicitor-client privilege;
- (b) was prepared by or for an agent of the Attorney General for Saskatchewan for legal counsel for a government institution in relation to a matter involving the provision of advice or other services by the agent or legal counsel; or
- (c) contains correspondence between an agent of the Attorney General for Saskatchewan or legal counsel for a government institution and any other person in relation to a matter involving the provision of advice or other services by the agent or legal counsel."

On being requested to review I sought and obtained from the Department two opinions relating to the constitutionality of Bill C-68 which had been prepared by a solicitor in the Constitutional Branch of the Department and provided to Mr. W. Brent Cotter, Q.C., Deputy Minister of Justice and Deputy Attorney General.

I have examined these opinions, and in my opinion disclosure has properly been refused by the Department on the basis that these opinions qualify for solicitor and client privilege.

In his submission to me, [REDACTED] appeared to be of the view that such opinions were essentially academic exercises, a mere analysis of statutes and legal principle, and consequently should not be afforded the protection of Section 22.

I am satisfied that the opinions in question were prepared to enable the Department to have a clear understanding of its position vis-a-vis the controversy surrounding Bill C-68 and as a basis for formulating possible courses of action, and that the opinions in question clearly qualify for exemption under Section 22(a).

Dated at Regina, Saskatchewan this 21st day of May, 1996.

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