

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

[REDACTED] applied to SaskPower for access under *The Freedom of Information and Protection of Privacy Act* (the "Act") for records which he described as:

"Public attitude research – research of studies conducted by or for SaskPower on public attitudes towards power rates in Saskatchewan in 1995 (to date)."

His application was refused for the following stated reasons:

1. The records were created to provide advice, proposals, recommendations, analysis and policy options to the Executive Council and the CIC Board or are records that contain briefings to members of the Executive Council in relation to matters that were the subject of consultations among members of the Executive Council on matters that relate to the making of Government decisions or the formulation of Government Policy, or records that reflect those consultations. Accordingly, access is refused pursuant to Clauses 16(1)(a), (c) and (d) of *The Freedom of Information and Protection of Privacy Act* (the "Act").
2. Access is also refused as those records could reasonably be expected to disclose advice, proposals, recommendations,[sic] analysis of policy options developed by or for SaskPower. Accordingly, access is refused pursuant to Clause 17(1)(a) of the Act.
3. Access to the records is also refused as it contains information, the disclosure of which could reasonably be expected to prejudice the economic

interest of SaskPower. As the purpose of the rate increases is to position SaskPower to enter a competitive market, disclosure of the results of public attitudes research to our competitors would be detrimental to the economic interest [sic] SaskPower. Accordingly, access is refused pursuant to Clause 18(1)(f) of the Act.

4. The records may also contain third party information. As there are other grounds for refusing access to this information we have not requested the consent of the third party to provide access to these records.

██████████ applied to me for a review which I have now completed.

Saskatchewan Power Corporation ("SaskPower") provided to me, as being the records responsive to the request, two reports prepared by Messrs Cooper, Quine & Fraser which contain the results of surveys conducted by them of selected individuals and groups and corporations in Saskatchewan who are customers of SaskPower. These reports contain observations made by the various customers and some conclusions drawn by Messrs Cooper, Quine & Fraser Inc. with regard to the attitude of the various participants in the survey with respect to SaskPower, its service, its position as the provider of electrical power in the Province, the level of service provided, the rate structure, and their view generally of the Corporation.

SaskPower relies in part on Section 16(1)(a), (c) and (d) of the Act which provides:

**"16(1)** A head shall refuse to give access to a record **that discloses a confidence** of the Executive Council, including: (emphasis added)

(a) records created to present advice, proposals, recommendations, analyses or policy options to the Executive Council or any of its committees;

(c) records of consultations among members of the Executive Council on matters that relate to the making of government decisions or the formulation of government policy, or records that reflect those consultations;

(d) records that contain briefings to members of the Executive Council in relation to matters that:

(i) are before, or are proposed to be brought before, the Executive Council or any of its committees; or

(ii) are the subject of consultations described in clause (c)."

I have no difficulty in concluding, without the need of any discussion, that the records in question contain nothing in the nature of the records that are referred to in clauses (c) and (d).

A great deal of material was submitted to me which had, in fact, been prepared for and presented to the Board of Crown Investments Corporation (which is a committee of Executive Council) and material prepared for and submitted to Executive Council itself in connection with certain proposals by SaskPower to make certain alterations to its rate structure, in support of the claim for exemption under Section 16(1)(a).

While it is apparent that the reports in question may have been used to some extent in the preparation of these various submissions to the Executive Council, and while it appears that the same may be said of the submissions to the Board of Directors of Crown Investments Corporation, it becomes obvious when one compares these reports with the material submitted to either the Executive Council or the said Board

that the reports themselves do not disclose any confidence of the Executive Council or of any of its committees which is the fundamental requirement of Section 16.

The voluminous records produced to me, which are not considered responsive to the request, do, in fact, contain, and were created to present advice, proposals and recommendations to the Cabinet and to the Board of Crown Investment Corporation, and in this respect are markedly different from the reports themselves.

SaskPower also claims exemption Section 18(1)(f) which provides:

**“18(1)(f) A head may refuse to give access to a record that could reasonably be expected to disclose:**

**(f) information, the disclosure of which could reasonably be expected to prejudice the economic interest of the Government of Saskatchewan or a government institution;”**

SaskPower has completely failed to demonstrate to me the manner in which any such prejudice might be caused by the disclosure of the reports. I can see nothing in these reports that could not readily be ascertained by any third party should they wish to do so, and a great deal of the information has, in fact, been made public in one fashion or another. There is no suggestion that the information in question is either confidential or, indeed, of a sensitive nature, and I am at a loss to understand how it can reasonably be said that it would create prejudice to the economic interests of SaskPower.

The reports consist in the main of an assessment of customer understanding of the existing practices of SaskPower, particularly with respect to its rate structure and their reactions to possible changes. These customers, to the extent that they are individuals, are not identified, and any suggestion that the reports disclose "personal information" is not well founded.

I have concluded that SaskPower is not entitled to the exemptions which it has claimed under the Act, and it is my recommendation that these records be disclosed to the Applicant.

Dated at Regina, Saskatchewan this                      day of January, 1997.

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