

FILE NO. - 96/021

**REPORT WITH RESPECT TO THE APPLICATION FOR REVIEW
OF ██████████ WITH RESPECT TO INFORMATION REQUESTED
FROM SASKATCHEWAN PROPERTY MANAGEMENT CORPORATION**

██████████ applied under *The Freedom of Information and Protection of Privacy Act* (the "Act") to Saskatchewan Property Management Corporation requesting "the cost to the Government of Saskatchewan of leasing the Graphic Arts Building at 903 5th Avenue, Humboldt, Saskatchewan. Also the cost of leasing the Rural Farm Service Centre in Humboldt, Saskatchewan."

By letter from the Corporation dated July 25 last, she was advised that access was being denied pursuant to the provisions of subsection 19(1)(c)(i), (ii) and (iii) of the Act.

The subsection in question provides that the head of the department shall refuse to give access to a record which contains:

- "(c) Information, the disclosure of which could reasonably be expected to:
 - (i) result in financial loss or gain to;
 - (ii) prejudice the competitive position of;
 - (iii) interfere with the contractual or other negotiations of a third party."

Provision is made in Section 19(2) allowing the head of the department to release such information with the written consent of the third party to whom the information relates.

In this case the third parties are respectively the owner of the Graphic Arts Building, Humboldt and the owner of the premises occupied by the Rural Farm Service Centre in Humboldt. It would appear that each of these parties was contacted by the Department and that in each case they declined to consent to the release of the information requested.

The Applicant then filed a Request for Review and I am informed that the Head of the Department gave notice of the Request for Review to each of the third parties in accordance with Section 52(1) of the Act.

The sole question for consideration is whether disclosure of the information requested will prejudice the competitive position of, or interfere with contractual or other negotiations of the third parties or either of them. Certainly it is neither obvious or apparent that this would be the case, and in the result neither of the third parties has made any effort to establish that either of these events would occur.

I have therefore concluded, and it is my recommendation that the information requested by the Applicant be provided in accordance with the provisions of the Act.

Dated at Regina, Saskatchewan this day of November, 1996.

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