

FILE NO. 96/031 - [REDACTED]

**REPORT WITH RESPECT TO THE APPLICATION  
FOR REVIEW OF [REDACTED] WITH RESPECT TO INFORMATION  
REQUESTED FROM ENVIRONMENT AND RESOURCE MANAGEMENT**

As a result of an application under *The Freedom of Information and Protection of Privacy Act* requesting the disclosure of personal information, the Applicant, [REDACTED] [REDACTED] was provided with access to these records. He contends, however, that there is a further document which has not been disclosed, and his Request for Review relates to the non-disclosure of this alleged record.

By letter from his solicitors to the Department dated October 7, 1996, he alleges that:

"It has come to our attention that at least one record was not disclosed with the information I reviewed. It would be a memorandum dated sometime between February 6, 1996 and March 1, 1996. The memorandum would have been initiated either from a Cabinet Minister, an individual with the Department of Justice or Stuart Kramer, the Deputy Minister, and would have been directed to [REDACTED]. The memorandum to [REDACTED] concerned [REDACTED] activity with the Saskatchewan Wheat Pool and had comments concerning propriety of this activity."

In its response to [REDACTED] application for disclosure the Department advised him that it had examined its records and that it did not have in its possession or

custody the document alleged to exist by the Applicant. In his request for review the Applicant referred me to an individual who allegedly saw such a record.

The solicitors for the Applicant, by letter, advised me that:

"The individual who saw the memorandum in question was [REDACTED] [REDACTED] can be reached at [REDACTED]. [REDACTED] would indicate that the memorandum was from either the Minister or Deputy Minister (I presume of Environment) and indicated that [REDACTED] activities were not conducive to being a good employee. [REDACTED] also had a brief conversation with [REDACTED] concerning the memorandum and its handling."

Consequently, I have discussed this question with [REDACTED]. He advises that he saw a memorandum on [REDACTED] desk regarding [REDACTED] participation in Saskatchewan Wheat Pool activities. This note indicated that there was some concern about conflict of interest. He states that he was asked by [REDACTED], [REDACTED] [REDACTED], whether he knew anything about the matter. This was in the Spring of 1996. With respect to the said memorandum my note of his recollection is:

"I saw a single sheet of paper. I just skimmed it. I didn't see a name at the bottom. It was not a letter, it was a memorandum. I think it was typewritten, but it may have been handwritten and I don't know who it was from."

He added that he did not think [REDACTED] treated the memorandum seriously, and that he might have thrown it away.

There is no doubt that Saskatchewan Wheat Pool was concerned that [REDACTED] had access to information about them and that he might have been using it, and that there was an exchange of correspondence between the Department and Saskatchewan Wheat Pool in February and March of 1996. Copies of these documents have been made available to the Applicant.

Apparently, at about the same time, a question was raised as to whether the Applicant was using government time with respect to Saskatchewan Wheat Pool activities. As a result, an officer of the Department telephoned [REDACTED] to whom the Applicant reported within the Department, and it is conceded that [REDACTED] may likely have made a handwritten memorandum with respect to this telephone call, and that this would have, in all likelihood, resulted in his conversation with [REDACTED]. In any event, the memorandum was not kept, and I am satisfied that the Department has made a thorough effort to determine whether or not the document exists and that they do not have any such document in their custody or possession.

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

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