

FILE NO. - 97/019
[REDACTED]

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

[REDACTED] applied under *The Freedom of Information and Protection of Privacy Act* (the "Act") to the Department of Justice for access to:

"Any and all information pertaining to [REDACTED] including all disclosures both to and from the Crown. In addition any and all documentation as to when the decision was given to [REDACTED] that the charges against me were going to be stayed."

By letter dated June 11, 1997 the Department advised [REDACTED] that his request was refused in the following terms:

Your application for access was received by the Department on May 16, 1997. The Department is unable to provide you with access to any of the records you requested.

A preliminary review of the records in Public Prosecutions indicates that the records would be exempt from release as the documents would have originated with a lawful investigation by a local authority and the release of any record could disclose information respecting a law enforcement matter. As well, some of the records would have been providing advice, proposals, etc., developed by or for a government institution which would have

involved consultations with employees of the Government of Saskatchewan. The exemptions are outlined in sections 13(2), 15(1)(c), (f) and (k), 17(1)(a) and (b) and 22(b) and (c) of *The Freedom of Information and Protection of Privacy Act*.

In your request you asked for all documentation pertaining to disclosure and as to when [REDACTED] was advised that the charges against you were to be stayed. I must advise that the file does not contain any documentation indicating that disclosure was given to [REDACTED] nor does the file indicate that [REDACTED] was notified that the charges were to be stayed."

While a number of provisions of the Act are relied upon for refusing access, the main provision is provided in s. 15 as follows:

"15(1) A head may refuse to give access to a record, the release of which could:

- (c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;
- (k) interfere with a law enforcement matter or disclose information respecting a law enforcement matter;"

It is quite impossible to escape the conclusion that the disclosure of the records requested by [REDACTED] would result in the disclosure of information with respect to a lawful investigation or with respect to a law enforcement matter. The exception is broad and appears to me to cover the situation in question. A charge was laid and was investigated by the RCMP. The only information on the file produced to me by the Department related to the investigation of the charge and is "a law enforcement matter."

I have reviewed the file held by the Department and I have confirmed that it does not contain any record of a decision, or disclosure of a decision, to [REDACTED] that the charges were to be stayed. Accordingly under s. 7(2)(e) the Department has complied with the Act by "stating that access is refused for the reason that the record does not exist."

In the result, therefore, I do not recommend any further steps be taken by the Department with respect to this request.

Dated at Regina, Saskatchewan this day of January, 1998.

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