

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF ██████████ IN RELATION TO INFORMATION
REQUESTED FROM THE SWIFT CURRENT HEALTH DISTRICT**

In the spring of 1999, ██████████ submitted an Access to Information Request Form to the Swift Current Health District. The Request was received by the Health District on March 15, 1999 and the description of the record requested by ██████████ was in the following words:

“Documents of complaints about me”

By letter dated March 17, 1999, Katherine Wasiak, Communications Officer of the Swift Current Health District, wrote to ██████████ advising her that the Swift Current Health District was unable to provide the copies of documents requested “because the material you want is privileged and confidential.”

By Request for Review dated April 16, 1999, ██████████ formally sought a Review by the then Information and Privacy Commissioner. The Request for Review was set forth in the following words:

“Documents of complaints received about my work at the Swift Current care centre. Between June 1998 and Nov. 1998”.

Following my appointment as Acting Information and Privacy Commissioner, I wrote the representatives of the Swift Current Health District requesting that they detail to me the specific provisions of *The Freedom of Information and Protection of Privacy Act* upon which the Swift Current Health District relied in refusing to provide the requested information to ██████████.

By letter dated June 27, 2000, the solicitors for the Swift Current Health District wrote to me outlining the basis of the position advanced, in part, as follows:

“The written complaints requested by [REDACTED] were received by the District from fellow employees of [REDACTED] and these were supplied in confidence to the District by these employees. We believe that the District is justified in refusing to release these documents pursuant to Section 18(1)(b) of the Act.”

Details of the position of the Swift Current Health District were conveyed to [REDACTED] and she was invited to make any further representations or comments respecting the position advanced by the Swift Current Health District. [REDACTED] and I have spoken on the telephone regarding this matter during the past several days but she has no further representations to make to me in this regard.

Section 18(1) of *The Freedom of Information and Protection and Privacy Act* provides as follows:

“18(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

- (a) trade secrets of a third party;
- (b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to the local authority by a third party;
- (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; or
 - (iii) interfere with the contractual or other negotiations of;

a third party; or

- (d) a statement of a financial account relating to a third party with respect to the provision of routine services from a local authority.”

The matter in issue is certainly a labour relations matter as [REDACTED] was discharged from the position which she had previously held with the Swift Current Health District. The information provided to me indicates that the information being sought by [REDACTED] was supplied to the Swift Current Health District in confidence by third parties and that these third parties were fellow employees of [REDACTED] with the Swift Current Health District.

In the circumstances, the Swift Current Health District is entitled, in my view, to refuse to give [REDACTED] access to the record that she requests.

Dated at Regina, in the Province of Saskatchewan, this 1st day of August, 2000.

[REDACTED]

GERALD L. GERRAND, Q.C.
Commissioner of Information
and Privacy for Saskatchewan