

**REPORT WITH RESPECT TO THE APPLICATION  
FOR REVIEW OF ██████████ IN RELATION TO INFORMATION  
REQUESTED FROM SASKATCHEWAN FINANCE**

On April 25, 2001, ██████████ (the Applicant) completed and forwarded to Saskatchewan Finance (the Respondent) an Access to Information Request Form. The information requested by the Applicant was described as follows:

“Please provide a copy of the Book/Binder prepared for the 2001-02 Budget.  
(Provincial Budget: “Connecting to the Future”.)

The Access Officer for the Respondent, Bill Van Sickle, responded to the Applicant by letter dated May 28, 2001 advising that the response time had been extended for another 30 days to July 2<sup>nd</sup>, 2001. The reasons for the extension were set forth in the letter, which reads as follows:

“Your application for access to the 2001-02 Budget Briefing Book was received in this office on May 2, 2001.

We wish to inform you that the response time of 30 days has been extended another 30 days to July 2, 2001 in accordance with subsection 12(1) of The Freedom of Information and Protection of Privacy Act (the Act).

The request necessitates a thorough examination and search through a large number of documents and significant consultations are necessary before we are in a position to comply with the application. These reasons for extension fall under Subsection 12(1) a and 12(1)b of the Act.

Please contact me at (306) 787-6530 should you wish to discuss this matter further.

A Request for Review was completed by the Applicant and forwarded to me on May 29<sup>th</sup>, 2001. The Applicant outlined the basis for the Request for Review in the following words:

“The delay, for the stated reasons, is not substantiated by the facts. The document is readily at hand, and, there are no outstanding issues relating to which portions may be released. This request was already handled, for an

earlier year, by the same people.”

On May 30<sup>th</sup>, 2001 I telephoned and discussed this matter with Mr. Van Sickle, Access Officer, of the Respondent. He outlined to me reasons for the extension additional to those set out in his letter to the Applicant of May 28, 2001. I asked Mr. Van Sickle to provide me with those further reasons in writing. This request was outlined by me as well in the letter to Mr. Van Sickle dated June 5, 2001, which brief letter reads as follows:

“Further to my telephone discussion with you of May 30<sup>th</sup>, 2001, I am enclosing a copy of Request for Review filed with me on May 29<sup>th</sup>, 2001 by [REDACTED]

Would you please write me, at your early opportunity, outlining the reasons that exist, in your view, for the extension of time, which you indicate you require pursuant to the provisions of Section 12(1) of the Act.”

I telephoned Mr. Van Sickle June 25<sup>th</sup>, 2001 when I had received no reply to my letter. He advised me that a response to the letter had been prepared early in June and sent to me. I asked him to forward, by fax, a copy of the letter. This letter was received late in the afternoon of June 25<sup>th</sup> and I set out the entirety of the letter hereunder.

“I have reviewed [REDACTED] appeal of our decision to extend the 30-day response period for his Application Number [REDACTED]

In his Request for Review, [REDACTED] states, “The delay, for the stated reasons, is not substantiated by the facts. The document is readily at hand and there are no outstanding issues relating to which portions may be released. This request was already handled, for an earlier year, by (the) same people.”

In our letter of May 28, 2001 to [REDACTED] Bill Van Sickle stated that the reason for extension was due to the fact that “the request necessitates a thorough examination and search through a large number of documents and significant consultation are necessary before we are in a position to comply with the application”.

While it may be true that the document is readily at hand, this fact does no diminish the Department’s responsibility to consider each request and each document in light of how *the Freedom of Information and Protection of Privacy Act* (the Act) applies specifically to it.

The 2000-01 budget was fundamentally different from the 2001-02 budget. Last year’s budget was primarily one of tax changes; this year’s budget was one which contained more spending initiatives than tax changes, therefore the subject matter of the budgets is not the same. While a briefing book may be similar in structure from year to year, the briefing book information itself can differ substantially. The Department must examine information contained within the pages of the document in detail and apply the Act to the Information contained therein. To do anything less

would be to ignore our obligations under the Act and determine what portions of the briefing book may have to be severed, if access to the document is provided.

The document is comprised of approximately 866 pages of material. The staff time required to examine this amount of material and to meet with the access officer on the subject of disclosure is significant.

The post-budget period is a busy one for this Department and particularly for those areas responsible for the information contained in the budget briefing book. In addition, the fact that the Legislature is currently in session means that many Finance staff are busy responding to the demands that arise out of the session.

It is for these reasons that the Department requires more than the normal 30 days to respond to [REDACTED] request.

I trust this is satisfactory. Should you require any additional information or clarification of our views on this matter, please do not hesitate to contact me at 787-6621 or the Department's Access Officer, Bill Van Sickle, at 787-6530."

On June 25<sup>th</sup>, 2001, I discussed this matter with the Applicant and told him that it was my plan to forward to him the further explanation of the Respondent, set forth in its letter of June 6<sup>th</sup>, 2001. He requested that I deal with the matter promptly and that it was not necessary for me to forward to him for comment the letter written to me by the Respondent.

Section 12(1) of *The Freedom of Information and Protection of Privacy Act* relied upon by the Respondent reads as follows:

Extension of time

12(1) The head of a government institution may extend the period set out in section 7 or 11 for a reasonable period not exceeding 30 days:

(a) where:

(I) the application is for access to a large number of records or necessitates a search through a large number of records; or

(ii) there is a large number of requests;

and completing the work within the original period would unreasonably interfere with the operations of the government institution;

(b) where consultations that are necessary to comply with the application cannot reasonably be completed within the original period; or

(c) where a third party notice is required to be given pursuant to subsection 34(1).

Obviously the Legislature contemplated circumstances where the head of the government institution should be permitted to extend the period for reply set forth in the Act. The statutory reasons for extension as outlined in Section 12 include circumstances where access is sought to a large number of records, where consultations are necessary to comply with the application and cannot be reasonably completed within the original period and where the completing of the work would unreasonably interfere with the operations of the government institution.

These are the very reasons that are outlined in the letter of Mr. Van Sickle of June 6<sup>th</sup>, 2001. He indicates that the Request for Information requires the Respondent to look at each document in light of how the Act applies specifically to it. The Applicant points out as well the 2001-2002 Budget is fundamentally different from its predecessor. The information contained in the Briefing Book would be substantially different from its predecessor and, as a result, each of the 866 pages, which comprise the Briefing Book, must be examined in order to form a view as to the application of the provisions of the Act to the information contained in each of the pages.

The Respondent further asserts that this is a busy time for the Respondent, that the Legislature is currently in session and that many of the staff of the Respondent are busy responding to demands that arise out of the session.

I have no reason to disbelieve any of the assertions made by the Respondent in its letter to me of June 6<sup>th</sup>, 2001. The reasons advanced in that letter for extending the period of reply to the Respondent are the very reasons contemplated by Section 12(1) of the Act.

I am of the view that the Respondent is entitled to extend the time within which to respond to the Applicant as provided in Section 12(1) of the Act.

Dated at Regina, in the Province of Saskatchewan, this \_\_\_\_ day of June, 2001.

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