

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF [REDACTED] IN RELATION TO
INFORMATION REQUESTED FROM SASK POWER CORPORATION
FILES: [REDACTED] AND [REDACTED]**

[REDACTED] (the "Applicant") of Regina, Saskatchewan submitted an Access to Information Request Form, wherein the Applicant requested:

1. Intervenor Report August 1999 to September 1999, requesting full costs involved in the investigation, as well as costs to changes in the work area; and
2. Information Requested - full report of the Investigation Witness and Respondent Reports as well as all costs incurred for the investigation period covered April 1999 to August 1999 length of investigation;

and, by his letter of October 5th, 2000, the following:

1. costs of investigation and the intervenor costs and all incidental expenses;
2. costs in referral to the refurbishing of the Records Retention area; and
3. payroll costs for people who were called to the investigation.

This information was denied by Sask Power Corporation, and I quote from a letter dated October 20th, 2000 from Margot A. Dynna, Access Officer, Freedom of Information, Sask Power Corporation, where she writes as follows:

"Our office is currently processing your applications for information made under *The Freedom of Information and Protection of Privacy Act*. However, some of the information you requested, with respect to costs, affects the interest of and/or related to a third party. Therefore, under Section 34 of *The Freedom of Information and Protection of Privacy Act*, we are required to contact the third party before releasing the record you have requested.

As we are required to obtain consent and input from a third party, please be notified the deadline is extended by thirty days to November 20, 2000, pursuant to clause 12(1)(c).

Our office will update you regarding the status of your application after November 20, 2000.

With respect to your requests for copies of the Intervenor Report, [REDACTED] Workplace Interventions, August 1999 to September 1999 re: Harassment Investigation – [REDACTED] and Hill Advisory Services, [REDACTED] Harassment report, access is denied pursuant to Sections 17(1)(b)(i) and 29(1).”

Also, by letter dated January 23rd, 2001, Margot A. Dynna wrote the Applicant as follows:

“This is to advise you that the review of the third party [REDACTED] concerns is complete, and access to the record you have requested has been denied. You had requested “*full costs involved in the investigation as well as costs to changes in the work area*”.

This denial of access is provided for in Section 19(1)(d) and 19(2) of *The Freedom of Information and Protection of Privacy Act*, which states:

“19(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

(d) a statement of a financial account relating to a third party with respect to the provision of routine services from a government institution;

(2) A head may give access to a record that contains information described in subsection (1) with the written consent of the third party to whom the information relates.”

The third party has refused their consent to the release of this information.”

The Application for Review, filed with the Information and Privacy Commission dated February 6th, 2001, was forwarded to me on July 30th, 2001 as the Information and Privacy Commissioner, Gerald Gerrand, had a conflict, and I was appointed to review the matter as Acting Freedom of Information and Privacy Commissioner, Province of Saskatchewan.

The Applicant’s Request for Review to the Privacy Commissioner states:

1. Access to Information Request – [REDACTED] and [REDACTED] denied information when I was a real witness for the person who filed the harassment complaint and the investigation began and intervenor costs; and
2. Intervenor Report – August to September 1999, costs of intervenor fees, travel, lodging and costs refurbishing area, and harassment investigation costs.

Upon reviewing the materials forwarded to me, I determined I would carry out a review as requested, and so advised the Respondent. For the purpose of carrying out the review, I requested the Respondent, pursuant to provision of Section 54(1)(a) of *The Freedom of Information and Protection of Privacy Act*, provide me a copy of the Intervenor Report – August 1999 to September 1999, which the Respondent had declined to produce to the Applicant. Copy of this document was forwarded to me by the Respondent, and received by me on September 7th, 2001. I have had an opportunity to review this document.

With regard to the request for all documentation, other than the Intervenor Report, these documents relate to costs and clearly fall within Section 19(1)(d). In addition, under Section 19(2), the third party must consent to release of this information. This consent has been denied; therefore, for the above reasons, I recommend that the documentation requested relating to costs not be released to the Applicant as requested.

With regard to the Intervenor Report, I feel that this document clearly falls within exceptions pursuant to Section 17(1)(b)(i), which states as follows:

“17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:
(b) consultations or deliberations involving:
(i) officers or employees of a government institution;”

Review of this document satisfies me that it involves consultations or deliberations involving officers or employees of a government institution, and release may be refused by the Sask Power Corporation. In addition, under Section 29(1), which reads:

“29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 30.”

third party must also consent to release of this information. The third party has refused to consent to release this information. Therefore, under Section 17(1) and 29(1) I recommend that the Respondent not release to the Applicant this document as requested.

Dated at the City of Swift Current, in the Province of Saskatchewan, this 14th day of September, 2001.

FRANK A. MacBEAN, Q.C.
Acting Freedom of Information
and Privacy Commissioner
Province of Saskatchewan