

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

1. By an Access to Information Request Form dated February 20th, 2002, ██████████ (the Applicant) requested of the Department of Justice (the “Respondent”) the following information:

“Please provide a copy of all the General Information Requests held on file by the F.O.I. Unit, dated from January 1, 2001 to December 31, 2001. [These would normally be the “pink” copy of the original request or a copy of the original request].

Also please provide a copy of all the Requests for Review, of General Information Requests, held on file by the F.O.I. Unit, dated from January 1, 2001 to December 31, 2001. [These would normally be the “pink” copy of the original request or a copy of the original request].”

2. In a letter dated March 20th, 2002, ██████████ was sent an estimate of costs, forms, detailed estimate of processing this request for copies of all General Information Requests and Requests for Review Forms held on file by the Freedom of Information Unit dated from January 1st, 2001 to December 31st, 2001.

3. On April 15th, 2002, the Applicant sent a letter requesting clarification of the costs and what portion of his requests, if any, would be released.

4. On April 24th, 2002, the Respondent replied, and I quote:

“We are prepared to provide you with copies of the general information requests. However, in accordance with sections 8 and 24 of *The Freedom of Information and Protection of Privacy Act*, all personal information will be severed. The Freedom of Information Unit does not receive copies of the Request for Review forms; therefore, we are unable to respond to that part of your request.”

5. The Applicant submitted to me a Formal Request for Review dated May 1, 2002, wherein he requested a review of the decision of the Respondent that access would be available to only a portion of the information sought.

6. Upon reviewing the materials forwarded to me, I determined that I would carry out a review as requested, and on May 6th, 2002 so advised the Respondent.

7. On May 14th, 2002 I received a reply from the Respondent outlining the sequence of events leading to the review, and advising that, and I quote:

“we responded to [REDACTED] clarification letter stating that his request for copies of all general information requests would be granted but all personal information would be severed from the copies. We have made this decision in accordance with section 29 of *The Freedom of Information and Protection of Privacy Act*. We also notified [REDACTED] that the Freedom of Information Unit does not receive copies of the Request for Review forms and therefore, could not provide that information. In your letter you state that you have a copy of this letter. We have not received any further correspondence from [REDACTED] on this matter.”

8. The Respondent relies on Section 8:

“8 Where a record contains information to which an applicant is refused access, the head shall give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.”

and Section 29(1), which provides as follows:

“29(1) No government agency 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.”

and 24 of *The Act*, which is the definition of “Personal Information” Section.

9. A review of both the General Information Requests and Request for Review Forms, the only information provided on these documents is:

- i. the name of the individual
- ii. the address and telephone number

10. Under section 24(1) of *The Act*,

“24(1) ... “personal information” means personal information about an identifiable individual that is recorded in any form”.

And under Section 24(1)(e),

“24(1)(e) the home or business address, home or business telephone number, fingerprint or blood type of the individual;”.

11. The disclosing of the home or business address of an individual is specifically defined as personal information, which personal information shall not be disclosed by a government institution without the appropriate consent of the individual involved.

12. The Respondent has agreed to provide copies of the documents with all personal information severed from the copies. The only information on the forms that would fall within *The Act* and may be deleted are the home or business address and home or business telephone number, as set out in section 24(1)(e) of *The Act*.

13. I therefore recommend that the Respondent release the information requested, which they have agreed to do, with the personal information, showing the home or business address and home or business telephone number of the individuals, severed from the copies.

14. With regard to the name of the individual, the decisions of the Freedom of Information Commissioner are on record at the Law Society Library and with the Ombudsman, and clearly indicate the name of the applicant, so disclosure of the names of the individuals are a matter of public record on the Request for Review Forms.

Dated at the City of Swift Current, in the Province of Saskatchewan, this 4th day of June, A.D. 2002.

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