

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF [REDACTED] IN RELATION TO INFORMATION
REQUESTED FROM SASKATCHEWAN LIQUOR AND GAMING AUTHORITY**

[1] [REDACTED] (“the Applicant”) is [REDACTED]. A few months ago, he filed with Saskatchewan Liquor and Gaming Authority (“the Respondent”) an Access to Information Request form respecting the name or names of person or persons who had allegedly communicated with the Respondent and alleged that the Applicant was personally using proceeds earned by [REDACTED] in gaming activities.

[2] By letter addressed to the Applicant by the Respondent dated January 14, 2002, the Respondent declined to provide the requested information. This letter reads in its entirety as follows:

“January 14, 2002

[REDACTED]

Dear [REDACTED]:

Your request seeking information about the names of persons who phoned the Authority alleging your personal use of funds from radio and television bingos has been processed in accordance with the provisions contained in *The Freedom of Information and Protection of Privacy Act*.

Please note that the record you have requested cannot be released pursuant to subsection 29(1) and clause 24(1)(k) of *The Freedom of Information and Protection of Privacy Act*. Section 24(1)(k) states:

24(1) Subject to subsection (2), “**personal information**” means personal information about an identifiable individual that is recorded in any form, and includes:

- (k) the name of the individual where:
 - (i) it appears with other personal information that relates to the individual; or
 - (ii) the disclosure of the name itself would reveal personal information about the individual.

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.

If you wish to request a review of this decision, you may do so within one year of this notice by completing a 'Request for Review' form, which is available from our office. Your request should be sent to the Information and Privacy Commissioner, 700 - 1914 Hamilton Street, Regina, S4P 3N6.

Sincerely,

Jim Engel, Executive Director
Policy and Planning Division"

[3] The Applicant filed with me a Request for Review dated January 23, 2002. After considering the materials submitted to me, I determined, pursuant to Section 50 of *The Freedom of Information and Protection of Privacy Act* ("the *Act*"), that there were reasonable grounds to carry out a Review. I duly notified the Respondent of my decision, as required by Section 51 of the *Act* and at the same time, I directed the Respondent to provide to me copies of the documentation revealing the information in question, which request was made pursuant to the provisions of Section 54 of the *Act*.

[4] On February 28, 2002, I attended at the offices of the Respondent and reviewed the written materials that set forth the information that was being sought by the Applicant. I have concluded that there are two statutory grounds which justify the refusal of the Respondent to provide the requested information to the Applicant.

[5] Section 29 of the *Act* prohibits government institutions from disclosing personal information in its possession except in accordance with Section 30 of the *Act* (which provisions do not apply to the factual matters in issue in this application).

[6] Subsection 24(1)(e) provides as follows:

24(1) Subject to subsection (2), "personal information" means personal information about an identifiable individual that is recorded in any form, and includes:

...

(e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;

In my view, the release of the information would breach the provisions of the last mentioned section. My inspection of the documents in question satisfy me that release of the information could not be done

without revealing the home or business address of the individual in question as prohibited by Section 24(1)(e).

[7] I am of the view that the provisions of Section 15 would be offended by the release of the information as well. Section 15(1)(a), (b), (c), (d) and (e) of the *Act* provide as follows:

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

(a) prejudice, interfere with or adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention;

(b) be injurious to the enforcement of:

(i) an Act or a regulation; or

(ii) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;

(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

(d) be injurious to the Government of Saskatchewan or a government institution in the conduct of existing or anticipated legal proceedings;

(e) reveal investigative techniques or procedures currently in use or likely to be used;"

[8] My review of the materials in question satisfy me that each of the above-mentioned provisions are justifiable grounds for the Respondent declining to provide to the Applicant the requested information.

[9] I therefore recommend that the Respondent not provide to the Applicant the requested information.

[10] Dated at Regina, in the Province of Saskatchewan, this 15th day of March, 2002.

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