

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

[1] In a Request for Review dated March 23, 2002 and received at this office March 27, 2002, ██████████ (the "Applicant"), of Saskatoon, Saskatchewan requested that I conduct a Review of a decision on the part of SGI (the "Respondent") to provide him with only a portion of information he had formally requested of the Respondent. The Request for Review is in the following words:

"I have been refused access to parts of file # ██████████
and ██████████."

[2] I determined that I would carry out the Review as requested and formally advised the Applicant and Respondent of this decision. At the same time, I requested SGI to forward to me copies of the documentation in dispute. These materials were duly forwarded to me and I have had an opportunity to study them.

[3] Although the Request for Review makes reference to file "██████████", it is apparent that the Applicant did not submit an Access to Information Request Form in relation to this particular file; hence, this Review is restricted to issues related to contents of ██████████.

[4] Most of the requested documentation has been provided to the Applicant by the Respondent. However, a portion of the file has not been revealed and the Respondent has outlined its position to the Applicant in this regard by letter dated March 8, 2001, which reads in part as follows:

"Documents including parts of documents that involve consultations or deliberations between employees of a government institution or consultations or deliberations involving a member of the Executive Council are exempt from disclosure. This is in accordance with section

17(1)(b)(i) and (iii) of *The Freedom of Information and protection of Privacy Act*. I am accordingly of the view that with the exception of the enclosed internal edited (blacked out) note these documents have been properly withheld.”

[5] Section 17(1)(b)(i) of *The Freedom of Information and Protection of Privacy Act* (the “*Act*”), reads 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:

- (a) advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council;
- (b) consultations or deliberations involving:
 - (i) officers or employees of a government institution;”

[6] Having had an opportunity of reading and considering the deleted portion of documents, I am of the view that the Respondent is correct in the position that it advances regarding its obligation under the provisions of the *Act*. The deleted portions, in my view, do reflect the opinions and deliberations of employees of the Respondent with respect to issues involved in this file. The Respondent is clearly a Government institution contemplated by Section 17(1)(b) of the *Act*.

[7] I therefore am of the view that the Respondent is not obliged to provide to the Applicant the copies of the unedited documentation in question and I accordingly recommend that the documentation in its unedited form not be disclosed to the Applicant.

[#] Dated at Regina, in the Province of Saskatchewan, this 5th day of July, 2002.

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