

**REPORT WITH RESPECT TO THE APPLICATION FOR REVIEW  
OF [REDACTED] and [REDACTED]  
IN RELATION TO INFORMATION REQUESTED FROM SASKATCHEWAN JUSTICE**

[1] [REDACTED] (the “Applicants”) [REDACTED]. They have filed with me a Request for Review dated June 11, 2002. The Request for Review relates to the nature of the response provided to the Applicants by the Public Trustee’s Office of the Respondent, Saskatchewan Justice. The Request for Review is set forth in the following words:

- “1. I asked for “complete” file. Information concerns 2 of my children & I have the right to know, in order to understand actions taken against myself by one.
2. [REDACTED], and information has only been blacked out where my name is mentioned –(always negative). It is my right to be aware of anything on public record regarding myself so that I can fight it effectively. May be detrimental in nature.”

[2] By letter dated June 7, 2002, the Respondent set forth its position respecting a request for Access to Information submitted to it by the Applicants. The response reads as follows:

“June 7, 2002

[REDACTED]

Dear Madam:

**Re: Request for copy of Public Guardian and Trustee file**

This is further to your request of June 3, 2002, wherein you requested a copy of your complete file.

The Public Guardian and Trustee’s office is bound by *The Freedom of Information and Protection of Privacy Act (the Act)*. We have provided copies from our file; however, you will note that in a few instances, we have not disclosed information (struck out with thick black marker pen). This is done in accordance with section 8 of *the Act*. Specifically, the non-disclosed portions of the document is based on section 24(1)(f) and (h) of *the Act*. In essence, [REDACTED] is entitled to

personal information in the file such “as personal opinions or views about her in the file” except where those opinions are about another individual.

Finally, we have provided this information at your request. We have not required you to provide the form of request required under the legislation. If you have any questions about our disclosure, you will have to commence another application as provided in *the Act*.

I trust this meets your satisfaction.

Yours truly,

Brenda Callfas  
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Enclosures”

[3] I determined that I would carry out a Review as requested by the Applicants and so advised the Respondent. At the same time, I requested that the Respondent provide to me an unedited copy of the memorandum which was submitted to the Applicants in response to their request. I have received from the Respondent an unedited copy of the memorandum of May 6, 2002 and have had an opportunity to examine the document.

[4] Section 29(1) of *The Freedom of Information and Protection of Privacy Act* (the “Act”) provides as follows:

“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.”

[5] Section 30 has no relevance to the issues raised in this Review.

[6] As outlined in its letter to the Applicants, the Respondent relies on the provisions of Section 24(1)(f) and (h) as the basis for declining to provide the full context of the memorandum of May 6, 2002. These provisions read 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:

...

(f) the personal opinions or views of the individual except where they are about another individual;

...

(h) the views or opinions of another individual with respect to the individual;”

[7] The deleted portions of the memorandum clearly contain the opinions of one individual with respect to another individual and are thereby excluded from disclosure pursuant to the provisions of Section 24(1)(h).

[8] I therefore recommend that the Respondent not disclose to the Applicants the portion of the memorandum of May 6, 2002 which it has deleted for purposes of disclosure.

[#] Dated at Regina, in the Province of Saskatchewan, this 16<sup>th</sup> day of July, 2002.

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