

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

[1] [REDACTED] (the “Applicant”) filed an Access to Information Request Form which was received by SaskPower (the “Respondent”) on May 1, 2003. The Application stated as follows:

“I am requesting information of the individual amounts of financial compensation paid to those parties affected by the new route taken by the PA8 powerline north of Prince Albert; for work permits and or easements and wood harvested. This would in include lands north and south of Northside Sask. where it crosses HWY #2.”

[2] The Respondent replied to the Applicant’s request by letter dated May 30, 2003 which reads as follows:

“Your Access to Information Request Form was received by SaskPower on May 1, 2003. You have requested access to:

“I am requesting information of the individual amounts of financial compensation paid to those parties affected by the new route taken by the PA8 powerline north of Prince Albert; for work permits and or easements and wood harvested. This would in include lands north and south of Northside Sask. where it crosses HWY #2.”

Your request for access to information has been denied pursuant to Clause 29(1) of *The Freedom of Information and Protection of Privacy Act* as the information you have requested is personal information as defined under the Act and cannot be released without the consent from the affected individuals to which the information relates.

If you wish to request a review of this decision, you may do so within one year of this notice. To request a review, please complete a "Request for Review" form, which is available at the same location where you applied for access. Your request should be sent to the Acting Information and Privacy Commissioner at 208 – 2208 Scarth Street, Regina, Saskatchewan, S4P 2J6

Please contact me at (306) 566-3118 should you wish to discuss this matter further.

Yours truly,

SASKATCHEWAN POWER CORPORATION

Michael J. Harmel, Access Officer
Freedom of Information"

[3] On June 25, 2003, I received from the Applicant a Request for Review dated June 16, 2003, which request stated the following:

"I am not requesting personal information only the individual amounts that are to be paid out by the crown corp., SaskPower. This information should be accessible to any Saskatchewan taxpayer."

[4] Upon receipt of the aforementioned Request for Review, I wrote to the Respondent on June 25, 2003 as follows:

"I have received a Request for Review from the above named applicant, and enclose herewith of this time, a photocopy of his Request for Review.

I hereby notify you of my intention to conduct a review with respect to this matter, and I would ask that you be good enough to forward to me any records and information that you are refusing to disclose, together with your

reasons for such refusal, or, in the alternative, confirm that there are no records in your possession relating to the applicant's request.

This request is made pursuant to the *Freedom of Information and Protection of Privacy Act*.

If you have any questions in this connection, kindly do not hesitate to contact me.

Yours truly,

Richard P. Rendek, Q.C.
Acting Freedom of Information
and Privacy Commissioner
Province of Saskatchewan

[5] By letter dated July 8, 2003, I received a response from the Respondent which stated as follows:

“Further to your letter dated June 25, 2003, please find enclosed a copy of a chart outlining the amounts paid to landowners affected by the new route taken by the PA8 power line north of Prince Albert for work permits and/or easements and wood harvested. Please note that although we have only supplied legal descriptions relating to the requested information, it would be simple for anyone provided the attached information to track down the landowner's name by conducting a search at ISC.

The request for access to the above information has been denied pursuant to clause 29(1) of *The Freedom of Information and Protection of Privacy Act* as the information is “personal information” as defined under the Act and cannot be released without the consent from the affected individuals to which the information relates. “Personal information” is defined under subsection 24(1)(b) of the Act to include personal information about an identifiable individual that is

recorded in any form, and includes "...information relating to financial transactions in which the individual has been involved."

Please let me know if you have any questions or require anything further.

Yours truly,

Michael J. Harmel
Legal Counsel"

[6] Upon receipt of the Respondent's letter of July 8, 2003, I wrote to the Applicant on July 9, 2003 asking him to advise whether or not he had any representations he wished to make as to why he should be provided access to the information requested. I have received no response to this letter.

[7] Enclosed with the Respondent's letter of July 8, 2003 was a two-page chart outlining the amounts paid to landowners affected by the new route taken by the PA8 powerline north of Prince Albert for work permits and/or easements and wood harvested. As indicated in their letter, the Respondent was denying access to the above information pursuant to Clause 29(1) of *The Freedom of Information and Protection of Privacy Act*, which reads 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."

[8] The Respondent further relies on the definition of "personal information", as contained under Section 24(1)(b) of the Act which states 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:

...

(b) information that relates to the education or the criminal or employments history of the individual or information relating to financial transactions in which the individual has been involved;”

[9] A blank copy of the two-page chart which was enclosed in the Respondent’s letter is attached hereto as Appendix A. The only column by which an individual could be identified is the first column dealing with land location. This column contains the legal description of the property involved. By conducting a search at the Land Titles office, the owner of the land in question could be identified. The remaining columns deal with calculations and set out the amounts paid.

[10] I am accordingly of the view that if the first column which sets out the land location were deleted from the chart, then the remaining information is not personal information about an identifiable individual, and accordingly sections 29(1) and 24(1)(b) of the Act would not apply to this information.

[11] It is therefore my recommendation that the Respondent remove from the chart, the first column containing the land locations, and provide the balance of the chart to the Applicant, as this is the information he requested, which information is not exempt from disclosure.

[12] Dated at Regina, in the Province of Saskatchewan, this 23rd day of July, 2003.

Richard P. Rendek, Q.C.
Acting Information and Privacy
Commissioner for Saskatchewan