

**REPORT WITH RESPECT TO THE APPLICATION FOR REVIEW OF A
DECISION BY SASKATCHEWAN CORRECTIONS AND PUBLIC SAFETY
TO DENY ACCESS**

- [1] The Applicant forwarded an Access to Information Request form to Saskatchewan Corrections and Public Safety ("the Respondent") on July 22, 2003, in which he requested his probation report by [REDACTED]
- [2] By letter dated August 21, 2003, the Respondent replied to the Applicants request as follows:

"Thank you for your Freedom of Information request which was received in this office July 22, 2003, requesting access to your probation report.

I wish to inform you that the response time of 30 days has been extended another 30 days to September 21, 2003, pursuant to subclause 12(1)(a)(i) of *The Freedom of Information and Protection of Privacy Act*. Subclause 12(1)(a)(i) states:

"The head of a government institution may extend the period set out in section 7 or 11 for a reasonable period not exceeding 30 days where the application is for access to a large number of records or necessitates a search through a large number of records."

If you wish to request a review of this action, 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.

In addition, if you do not receive a response to your application for access by the end of the new extension, you may file a complaint with the Commissioner using the same procedure outlined above.

Please contact Sherri Fowler, Freedom of Information Co-ordinator, at (306) 787-5473 should you wish to discuss this matter further."

[3] In September 17, 2003, the Respondent wrote a further letter to the Applicant stating:

“Thank you for your Freedom of Information request which was received in this office July 22, 2003, requesting access to your probation report. By letter dated August 21, 2003, you were advised the response time of 30 days was being extended another 30 days to September 21, 2003.

The records that have been cleared for access are attached. However, pursuant to Sections 8 and 21 of *The Freedom of Information and Protection of Privacy Act* (The Act), some of the information has been deleted in these documents because it, “. . . could threaten the safety or physical or mental health of an individual.” Some of the information has also been deleted pursuant to section 29 of The Act as it contains personal information.

If you wish to request a review of this action, 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.

Further correspondence on this request should be directed to Sherri Fowler, Freedom of Information Co-ordinator, at (306) 787-5473.”

[4] In September 26, 2003 the Applicant filed with my predecessor a Request for Review. He stated as follows:

“I would like all the info. in my file, not just bits and pieces. If it’s about me, why can’t I read it?”

[5] In September 30, 2003, my predecessor wrote to the respondent the following letter:

“Corrections & Public Safety
1874 Scarth Street
Regina, Saskatchewan
S4P 3V7

Attention: Sherri Fowler.

Dear Ms. Fowler:

Re: File No. 2003-062

I am in receipt of a Request for Review from the above named applicant and enclose herewith the yellow copy of same.

I hereby advise you of my intention to conduct a review in this matter and would ask that you forward to me copies of the records in question together with your reasons for denying the applicant access to same.

When responding would you be good enough to forward to me a copy of [the Applicant's] original Access to Information Request Form together with a copy of your response to that letter.

I make this request pursuant to the provisions of The Freedom of Information and Protection of Privacy Act. I look forward to receiving your response.

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

Yours truly,

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

[6] Respondent replied by letter dated October 30, 2003. It stated:

“Thank you for your letter dated September 30, 2003, regarding your intention to review [the Applicant’s] “Access to Information Request” CPS05/03P.

[the Applicant] filed the enclosed “Access to Information Request Form”, with my office on July 22, 2003. By the enclosed letter dated August 21, 2003, the applicant was advised the response time was being extended 30 days to September 21, 2003.

[the Applicant’s] request was finalized on September 17, 2003, and the enclosed report was released to him. Portions of the report were severed pursuant to section 8 of *The Freedom of Information and Protection of Privacy Act* (The Act). These deletions were made pursuant to section 21 of the Act as some of the information, “...could threaten the safety or the physical or mental health of an individual.” Information was also severed pursuant to section 29 of the Act, in order to protect the privacy of personal information in the report.

As discussed, I am forwarding our original file copy so you may easily view the severed information. Once you have finished your review, could you please return the package marked original to me.

If you require any further information, please contact me at 787-5473.

Yours sincerely,

Sherri Fowler
Co-ordinator, Freedom of Information”

[7] Enclosed with the Respondent’s letter of October 30, 2003, were two sets of documents which comprise the Applicant’s file with the Respondent. The one set of documents were completely unsevered and the second set of documents were identical to the first set except that all names had been deleted from all of the documents in order to prevent disclosure of the identity of the persons named in said documents. The Applicant was provided copies of a second set of documents which comprise his entire file with the Respondent with the exception that the names of individuals had been severed from these documents as above indicated.

[8] I have reviewed both sets of documents and confirm that the Applicant was provided with copies of his entire file with the Respondent with the exception that the names of all Third Parties had been severed therefrom.

[9] In severing the names of the individuals in the reports contained in the Respondent's file, the Respondent has relied upon sections 8 and 21 of *The Freedom of Information and Protection of Privacy Act*, which sections read as follows:

“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.”

“21 A head may refuse to give access to a record if the disclosure could threaten the safety or the physical or mental health of an individual.”

The Respondent has also relied upon section 29 of the Act, which section 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.

[10] Having found that the information severed from the documents in question consisted solely of the names of certain individuals, I am satisfied that the Respondent was justified in severing this information as it clearly “could threaten the safety or the physical or mental health of an individual”.

In addition, personal information affecting certain individuals is exempt from disclosure pursuant to the provisions of section 29 of the Act.

[11] In conclusion therefore, I am satisfied that the severances in question were justified and it is therefore my recommendation that the Respondent continue to deny access to the Applicant to the information that they have severed from the reports in question.

[12] Dated at Regina, in the Province of Saskatchewan, this 9th day of March, 2004.

R. GARY DICKSON, Q.C.
Acting Commissioner of Information
and Privacy for Saskatchewan