



REVIEW REPORT 277-2016

Ministry of Economy

March 24, 2017

Summary:

The Applicant requested records from the Ministry of Economy (Economy) related to a land transaction west of Regina. Economy provided the Applicant with some records but withheld information in other records citing subsections 16(1), 19(1)(b), (c), 22(a), (b) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP). Upon review, the Commissioner found that subsections 29(1) and 16(1) of FOIP did not apply to some of the information in the record and recommended it be released. In addition, the Commissioner found that subsections 19(1)(b), 29(1), 16(1) and 22(a) of FOIP applied to other information and recommended that it continue to be withheld.

I BACKGROUND

[1] On September 6, 2016, the Ministry of Economy (Economy) received the following access to information request from the Applicant:

Please provide all of the emails on the attached document which are not highlighted in red.

[2] Attached to the access request was a 12 page document created by the Ministry of Central Services and provided to Economy. It lists emails involving Economy. The list of emails was generated as part of the audit of the Global Transportation Hub land deal conducted by the Provincial Auditor. The list was previously provided to the Applicant in response to another access request. Five of the pages listed emails which the Applicant was now requesting access to.

[3] By letter dated November 24, 2016, Economy provided its response to the Applicant indicating that access to the emails was partially granted. In addition, Economy advised that some of the information was being withheld pursuant to subsections 16(1), 19(1)(b), (c), 22(a), (b) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

[4] On November 25, 2016, my office received a Request for Review from the Applicant in which he disagreed with Economy's application of the above provisions.

[5] On November 28, 2016, my office notified Economy, the Applicant and a third party of my office's intent to undertake a review and invited all parties to provide submissions.

[6] On December 19, 2016, Economy provided my office with its submission and a copy of the records at issue. It is noted that Economy added an additional discretionary exemption to justify withholding some of the information. This addition was subsection 22(c) of FOIP. No submission was received from the third party or Applicant.

II RECORDS AT ISSUE

[7] The record consists of 228 pages of emails and attachments related to the Global Transportation Hub. 116 of those pages have information withheld.

III DISCUSSION OF THE ISSUES

[8] Economy is a "government institution" pursuant to subsection 2(1)(d)(i) of FOIP.

[9] Royalty Developments is a private business. As a private business, it qualifies as a "third party" pursuant to subsection 2(1)(j) of FOIP.

1. Did Economy properly apply subsection 19(1)(b) of FOIP?

[10] Subsection 19(1)(b) of FOIP is a mandatory exemption and provides:

19(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

...

(b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to a government institution by a third party;

[11] Section 19 of FOIP is designed to protect the confidential “informational assets” of private businesses or other organizations that provide information to government institutions. Although one of the central purposes of the Act is to shed light on the operations of government, section 19 serves to limit disclosure of confidential information of third parties that could be exploited by a competitor in the marketplace. There must, therefore, be a balance between granting access to information and protecting the interests of third parties in relation to some types of third party information.

[12] In order for subsection 19(1)(b) of FOIP to be found to apply, all three parts of the following test must be met:

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?
2. Was the information supplied by the third party to a public body?
3. Was the information supplied in confidence implicitly or explicitly?

[13] Economy applied subsection 19(1)(b) of FOIP to information on 18 pages. The 18 pages constitute email chains. The email of November 21, 2013 (8:28 am), sent by Royalty Developments to Economy is repeated throughout the chain and was withheld on all 18 pages. The information withheld can be described as falling into two parts:

- i. Costs associated with a northerly parcel of land (NW 20-17-20 W2); and
- ii. Costs associated with a southerly parcel of land (SW 20-17-20).

[14] During a review of the pages, my office noted that on page 103 Economy released the information for the second part (SW 20-17-20). However, the same information

continued to be withheld on the remaining 17 pages. After contacting Economy, my office was advised that this was a release in error. As the information has already been released, I recommend Economy release the same information on the remaining 17 pages. The remainder of this analysis will deal only with the information relating to the first part (NW 20-17-20 W2) which has not been released.

1. Is the information in question financial, commercial, scientific, technical or labour relations information of a third party?

[15] In its submissions, Economy asserted that the information withheld was financial information of the third party. Further, that the information details the costs of the third party as part of the land transaction.

[16] *Financial information* is information regarding monetary resources, such as financial capabilities, assets and liabilities, past or present. Common examples are financial forecasts, investments strategies, budgets, and profit and loss statements.

[17] In order to qualify, the financial information must be specific to a particular party that must demonstrate a proprietary interest or right of use of the financial information.

[18] The information appears to be a calculation of cost of capital per diem incurred by the third party as the seller of the land. Economy asserted that the per diem amount would be the interest amount on the loan/mortgage that Royalty Developments took out for the land. This is a carrying cost for the seller that the buyer would then compensate the seller for in the final sale price. This final amount of a mortgage is registered against the property, which would then be part of the public record. However, the amount of the mortgage does not necessarily reflect the amount paid on a land transaction. The final amount paid, at least in general terms, is a matter of public knowledge.

[19] Numerous decisions of this office have consistently determined that information related to prices, expenses and other fees of a third party can qualify as financial information. Therefore, I agree with Economy that the cost of capital per diem incurred by the third

party qualify as financial information of the third party. The first part of the test has been met.

2. Was the information supplied by the third parties to Economy?

[20] Information may qualify as *supplied* if it was directly supplied to a public body by a third party, or where disclosure would reveal or permit the drawing of accurate inferences with respect to information supplied by a third party.

[21] Economy asserted that the per diem costs were directly provided by the third party via email. On the face of the record, it is an email from the third party to a senior advisor with Economy.

[22] One of the factors to consider when deciding whether information is supplied is whether the information can be considered relatively “immutable” or not susceptible of change. For example, if a third party has certain fixed underlying costs such as a third party producing its financial statements to the public body. It is important to consider the context within which the disputed information is exchanged between the parties. A bid proposal may be supplied by a third party during the tendering process but if it is the successful bidder and it is incorporated into a contract or agreement, it may become negotiated rather than supplied since its presence in the contract signifies acceptance to it by the other party. Subsection 19(1)(b) of FOIP is intended to protect information of a third party that is not susceptible to change in the negotiation process.

[23] Therefore, I find that the information was supplied by the third party. The second part of the test is met.

3. Was the information supplied in confidence implicitly or explicitly?

[24] Based on the arguments put forward by Economy in its submission, it appears the assertion is that the information was supplied implicitly in confidence by the third party.

[25] *Implicitly* means that the confidentiality is understood even though there is no actual statement of confidentiality, agreement, or other physical evidence of the understanding that the information will be kept confidential.

[26] Factors considered when determining whether a document was supplied in confidence *implicitly* include (not exhaustive):

- What is the nature of the information? Would a reasonable person regard it as confidential? Would it ordinarily be kept confidential by the third party or public body?
- Was the information treated consistently in a manner that indicated a concern for its protection by the third party and the public body from the point at which it was supplied until the present time?
- Is the information available from sources to which the public has access?
- Does the public body have any internal policies or procedures that speak to how records such as the one in question are to be handled confidentially?
- Was there a mutual understanding that the information would be held in confidence? *Mutual understanding* means that the public body and the third party both had the same understanding regarding the confidentiality of the information at the time it was supplied. If one party intends the information to be kept confidential but the other does not, the information is not considered to have been supplied in confidence. However, mutual understanding alone is not sufficient. Additional factors must exist in addition.

[27] The above factors are not a test but rather guidance on factors to consider. It is not an exhaustive list. Each case will require different supporting arguments. The bare assertion that the information was supplied implicitly in confidence would not be sufficient.

[28] Economy asserted that in its follow-up conversation with the third party, the third party stated that the information was provided under the assumption that it would be kept confidential. In addition, Economy asserted that the information was only ever shared between the two individuals (the third party and the senior advisor with Economy). Neither individual ever copied another person on the emails, nor did they forward the information on to anyone else. The only other time that the information was shared was as part of a Cabinet Decision Item. Economy asserted that the handling of the

information in this manner demonstrates that the information was treated consistently in a manner that indicated a concern for its protection from the point at which it was supplied until the present time. Further, the level of detail provided by the third party is not information that would normally be available publicly.

[29] I am satisfied that the third party supplied the information implicitly in confidence. Therefore, I find that subsection 19(1)(b) of FOIP was appropriately applied by Economy. I recommend the information continue to be withheld on pages 33, 34, 35, 37, 39, 41, 92, 94, 96, 98, 100, 103, 108, 111, 132, 134, 136 and 139.

2. Did Economy properly apply subsection 29(1) of FOIP?

[30] When dealing with information in a record that appears to be personal information, the first step is to confirm the information indeed qualifies as personal information pursuant to subsection 24(1) of FOIP. Part of that consideration involves assessing if the information has the following two elements:

1. An identifiable individual; and
2. Information that is personal in nature.

[31] Once identified as personal information, the public body needs to consider subsection 29(1) of FOIP which provides:

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.

[32] Economy withheld information on 58 pages citing subsection 29(1) of FOIP. The records are all email chains. Much of the information is repeated multiple times on several pages. From a review of the information severed, it appears to fall into the following four categories:

1. Personal opinions made about a sporting event;

2. Cell phone numbers of a government employee and a third party;
3. Names and contact information of lawyers (e.g. email addresses, signature lines);
and
4. Information about an individual's parcel of land and attachments to emails pertaining to that land and others (e.g. maps and plan surveys).

[33] For the personal opinions made about a sporting event, Economy asserted the information was of a personal nature. In addition, it was a conversation between colleagues regarding a shared personal interest, which does not, in any way, refer to government business.

[34] I agree with Economy. The information qualifies as personal information as it is personal opinions or views as defined at subsection 24(1)(f) of FOIP which provides that:

24(1) Subject to subsections (1.1) and (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;

[35] As the information constitutes personal information and there is no apparent consent from the individuals to release it, I find that subsection 29(1) of FOIP was appropriately applied by Economy. I recommend Economy continue to withhold the information on pages 127, 128, 129 and 130.

[36] For the cell phone numbers of a government employee and a third party, Economy asserted that the cell phone numbers of the government employee and the third party can be both personal and business.

[37] In order to qualify as personal information, the information must be personal in nature. *Personal in nature* means that the information reveals something personal about the individual. Information that relates to an individual in a professional, official or business capacity does not generally qualify unless it revealed something personal about the individual for example, information that fits the definition of employment history.

- [38] *Business card information* is the type of information found on a business card (name, job title, work address, work phone numbers and work email address). This type of information is generally not personal in nature and therefore would not be considered personal information.
- [39] With regards to the government employee's cell phone number, it is commonplace for employers to issue employees cell phones for business purposes. In such circumstances, the cell phone number is considered business card information. Listing the cell phone number in the government employee's signature line, as is the case here, supports that its purpose is to conduct business. Even where an employee chooses to use that cell phone for personal use, it was still assigned for business purposes. The same approach is taken by this office to employer assigned email addresses. An employee may send personal emails from their work email address but that does not change a work email address from being business card information to personal information.
- [40] For the third party's cell phone number, it belongs to one of the owners of Royalty Developments. He is also the president of that company. Decisions issued by this office dealing with non-government employees, professionals and corporate officers, have treated the issue of personal information in much the same way as those dealing with government employees. The cell phone number is included with other business card information that was released to the Applicant. The context of the emails pertains to a business transaction. It is clear that the cell phone is being used for business purposes. As such, it does not qualify as personal information.
- [41] Therefore, I find that the business cell phone numbers of the government employee and the third party business do not qualify as personal information pursuant to subsection 24(1) of FOIP. As such, I find that subsection 29(1) of FOIP was not appropriately applied by Economy. I recommend Economy release this information on pages 145, 146, 147 and 148.

- [42] For the names and contact information of lawyers, Economy asserted that names and contact information of the lawyers is personal information about the lawyers and they are not government employees.
- [43] Decisions issued by this office dealing with non-government employees, professionals and corporate officers have treated the issue of personal information in much the same way as those dealing with government employees. From a review of the pages, it is clear the lawyers are acting in their professional capacities, including a lawyer acting as legal counsel for a government institution. This type of information is considered business card information.
- [44] Therefore, I find that the names and contact information for the lawyers is not personal information. As such, I find that subsection 29(1) of FOIP was not appropriately applied by Economy. I recommend Economy release this information on pages 166, 167, 168, 169, 170, 171, 173, 174, 175, 177, 178, 179, 204, 206, 221 and 224. Further, it should release this information on portions of pages 199, 200, 201, 202, 203, 205, 211, 212, 213, 214, 215, 216, 217, 218, 220 and 223.
- [45] The last information to address is information about an individual's parcel of land and attachments (e.g. maps, surveys) pertaining to that land and others. Economy asserted that the information on some of the pages details personal information about an individual who was not involved in the land deal.
- [46] Information pertaining to financial transactions in which an individual has been involved qualifies as personal information pursuant to subsection 24(1)(b) of FOIP which provides that:

24(1) Subject to subsections (1.1) and (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 employment history of the individual or information relating to financial transactions in which the individual has been involved;

- [47] On page 181, Economy severed the individual's name and information in the emails about the sale of the individual's land to a third party. Similar information is repeated and severed on pages 187, 193, 195, 197, 198, 199, 200, 201, 202, 203, 205, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222 and 223. I find that the information on these pages qualifies as personal information pursuant to subsection 24(1)(b) of FOIP. As the information constitutes personal information and there is no apparent consent from the individual to release it, I find that subsection 29(1) of FOIP was appropriately applied by Economy. I recommend Economy continue to withhold the information on these pages.
- [48] Pages 182 to 186 appear to be maps and survey documents attached to emails. These pages have been withheld in full. Economy did not explain in its submission what the documents were or how they constitute personal information pursuant to subsection 24(1) of FOIP.
- [49] Page 182 appears to be a map produced by AECOM, a private company specializing in engineering, design and construction. It is titled, *Revised Construction Schedule 2010*. It lists five stages for construction of "Highway No. 1 Interchange at West Regina Bypass". The personal information is not self-evident on the page. There is a parcel of land highlighted in pink. However, there is nothing that connects an identifiable individual to it. Therefore, I find that page 182 does not contain personal information pursuant to subsection 24(1) of FOIP. As such, I find that subsection 29(1) of FOIP was not appropriately applied by Economy. This map is repeated on page 188. I recommend these two pages be released.
- [50] Page 183 appears to be a map with the name of each individual that owns parcels of land west of Regina. The map is repeated on page 189. Some of the names are of businesses which would not qualify as personal information. Further, my office utilized the map search function on the Information Services Corporation (ISC) website. The parcels of land and their owners were publicly accessible using this function at no cost. The following are the steps my office took:
- On the ISC website, select "land titles";

- Select “map search”;
- Create a temporary account;
- Select “ map search” again;
- Zoom the map to the western outskirts of Regina;
- Select the “search” button at top of map – a search box will pop up;
- Select search by “surface parcel”;
- Select “search graphically” at top of box;
- Click on the parcel you are interested in – a box will appear on the surface telling you the parcel #, # of acres, land description, owner of the land and other information.

[51] As the information is publicly available, I recommend Economy release pages 183 and 189.

[52] Pages 185 and 186 are a print-out from ISC showing parcel numbers and the size and shape of one parcel in particular. The same information is repeated on pages 191 and 192. Again, all of the information is available free of charge on the ISC website. Therefore, for the same reasons noted above, I find that subsection 29(1) of FOIP was not appropriately applied by Economy. I recommend that Economy release these pages.

[53] Page 184 appears to be a map showing the plan for a proposed subdivision of part of a parcel of land. The information is repeated on page 190. Again, much of the information is available for free on the ISC website. It is not clear what information Economy is identifying as personal information. Therefore, I find that subsection 29(1) of FOIP was not appropriately applied by Economy. I recommend pages 184 and 190 be released.

3. Did Economy properly apply subsection 16(1) of FOIP?

[54] Subsection 16(1) of FOIP is a mandatory class-based exemption and provides as follows:

16(1) A head shall refuse to give access to a record that discloses a confidence of the Executive Council, including:

- (a) records created to present advice, proposals, recommendations, analyses or policy options to the Executive Council or any of its committees;
- (b) agendas or minutes of the Executive Council or any of its committees, or records that record deliberations or decisions of the Executive Council or any of its committees;
- (c) records of consultations among members of the Executive Council on matters that relate to the making of government decisions or the formulation of government policy, or records that reflect those consultations;
- (d) records that contain briefings to members of the Executive Council in relation to matters that:
 - (i) are before, or are proposed to be brought before, the Executive Council or any of its committees; or
 - (ii) are the subject of consultations described in clause (c).

[55] Subsections 16(1)(a) through (d) are not an exhaustive list. Therefore, even where none of the subsections are found to apply, the introductory wording of the provision must still be considered. In other words, what must be determined is whether the information is a confidence of Executive Council.

[56] *Executive Council* consists of the Premier and Cabinet Ministers. Executive Council is also referred to as “Cabinet” (Government of Saskatchewan, Cabinet Secretariat, Executive Council, *Executive Government Processes and Procedures in Saskatchewan: A Procedures Manual*, 2007, at p. 16).

[57] *Cabinet confidences* can generally be defined as:

...in the broadest sense, the political secrets of Ministers individually and collectively, the disclosure of which would make it very difficult for the government to speak in unison before Parliament and the public.

(*Federal Access to Information and Privacy Legislation Annotated 2015* (Canada: Thomas Reuters Canada Limited, 2014) at page 1-644.4.)

[58] Economy withheld information on 36 pages citing subsection 16(1) of FOIP. The records are all email chains. Much of the information repeats itself over several emails.

- [59] On pages 43, 44, 45, 46, 47, 59, 60, 61 62, 63, 64, 65, 66, 67 and 68, Economy severed the name of an attachment listed in the email and withheld in full the four page attachment. In its submission, Economy asserted that the attachment is a cabinet document. Further, that a specific subsection of 16(1) of FOIP was not provided, as in doing so, the very nature of the document would be revealed.
- [60] From a review of the attachment, it is a Cabinet Decision Item (CDI). It is clearly addressed to Cabinet and contains analyses and recommendations. Therefore, I find that the information withheld by Economy qualifies as a cabinet confidence. As such, Economy appropriately applied subsection 16(1) of FOIP to these pages. I recommend that Economy continue to withhold these pages.
- [61] On pages 81, 82, 87 and 89, Economy severed two words which are repeated on all four pages. On pages 91, 93, 95, 97, 99, 102, 107 and 110, Economy severed a portion of a sentence which is repeated on all seven pages. In its submission, Economy asserted that what is severed is a reference to a cabinet item, which, by releasing the type of document it is, releases its purpose.
- [62] Upon review of the pages, the severed information does not reveal the subject of a cabinet confidence. Further, pages 91, 93, 95, 97, 99, 102, 107 and 110 are an email with an external third party who is a member of the public. This individual is not a member of the Executive Council or an employee of the Government of Saskatchewan. Subsection 16(1) of FOIP is intended to protect confidences of Executive Council. The record does not appear to reveal any information that would fit within this provision.
- [63] Therefore, the information would not qualify as a confidence of Executive Council. As such, I find that subsection 16(1) of FOIP was not appropriately applied by Economy. I recommend Economy release the information on pages 81, 82, 87, 89, 91, 93, 95, 97, 99, 102, 107 and 110.

[64] On pages 152, 153, 154, 155, 156, 158, 160, 162 and 164, Economy severed two sentences which are repeated on each of the pages. In its submission, Economy asserted that releasing the information would disclose a confidence of cabinet.

[65] Upon review of the information, it appears to be information that is already publicly known. Further, I note this information is publicly available in the Provincial Auditor's *Special Report: Land Acquisition Processes: Global Transportation Hub Authority and Ministry of Highways and Infrastructure*. This report is available on the Provincial Auditor's website (www.auditor.sk.ca). As the information is already publicly known, I recommend Economy release the information on pages 152, 153, 154, 155, 156, 158, 160, 162 and 164.

4. Did Economy properly apply subsection 22(a) of FOIP?

[66] Subsection 22(a) of FOIP is a discretionary exemption and provides:

22 A head may refuse to give access to a record that:

(a) contains information that is subject to solicitor-client privilege;

[67] Subsection 22(a) of FOIP is meant to protect information that is subject to solicitor-client privilege. In *Solosky v. Canada* (1980), Justice Dickson regarded the rule of solicitor-client privilege as a "fundamental civil and legal right" that guaranteed clients a right to privacy in their communications with their lawyers. In *Descoteaux et al. v. Mierzwinski*, (1982), Justice Lamer outlined a very liberal approach to the scope of the privilege by extending it to include all communications made "within the framework of the solicitor-client relationship." The protection is very strong, as long as the person claiming the privilege is within the framework. Subsection 22(a) of FOIP ensures that the government, as the client, has the same protection for its legal documents as persons in the private sector.

[68] In order to qualify for this exemption, the withheld information must meet all three parts of the following test established in *Solosky v. Canada*, (1980):

1. Is the record a communication between solicitor and client?
2. Does the communication entail the seeking or giving of legal advice?
3. Was the communication intended to be confidential?

[69] Economy applied subsection 22(a) of FOIP to information on pages 207, 209, 225 and 227. The pages are emails and the severed information is repeated on all four pages.

1. Is the record a communication between solicitor and client?

[70] Upon review of the pages, the email sent Friday January 31, 2014 at 2:20pm is an email between the Deputy Minister of Highways and Infrastructure and legal counsel at the Ministry of Justice. It appears the client is the Ministry of Highways and Infrastructure or the Government of Saskatchewan. It does not matter whether the client is an individual, corporation or government body when applying the rule of solicitor-client privilege. Further, based on the content of the severed information, it appears that the Ministry of Justice is acting as solicitor. The Ministry of Justice acts as legal advisors for all departments of government. As such, I find that the severed information in this email qualifies as a communication between solicitor and client. The first part of the test is met.

[71] A second email is also on each of the four pages. The email sent February 5, 2014 at 9:12:33 am is from the Deputy Minister of Highways and Infrastructure to the Deputy Ministers of Economy and Intergovernmental Affairs. The email is forwarding the email noted above and includes some text which refers to the above email. It is clear that the email is not a communication between solicitor and client. However, communications between officials, in which they quote or discuss the legal advice given by the solicitor, could be captured by the privilege as it is part of the continuum of legal advice. Therefore, I find that the first part of the test is also met for this email. This email is also repeated on all four pages.

2. Does the communication entail the seeking or giving of legal advice?

[72] *Legal advice* means a legal opinion about a legal issue, and a recommended course of action, based on legal considerations, regarding a matter with legal implications.

[73] The emails pertain to litigation. Based on the definition and from reviewing the severed information in the emails, I find that the information withheld constitutes the seeking and giving of legal advice. Therefore, the second part of the test is met.

3. Was the communication intended to be confidential?

[74] In *Descoteaux et al. v. Mierzwinski*, (1982), Justice Lamer set out a substantive rule of confidentiality:

1. The confidentiality of communications between solicitor and client may be raised in any circumstances where such communications are likely to be disclosed without the client's consent.
2. Unless the law provides otherwise, when and to the extent that the legitimate exercise of a right would interfere with another person's right to have his communications with his lawyer kept confidential, the resulting conflict should be resolved in favour of protecting the confidentiality.
3. When the law gives someone the authority to do something which, in the circumstances of the case, might interfere with that confidentiality, the decision to do so and the choice of means of exercising that authority should be determined with a view to not interfering with it except to the extent absolutely necessary in order to achieve the ends sought by the enabling legislation.
4. Acts providing otherwise in situations under paragraph 2 and enabling legislation referred to in paragraph 3 must be interpreted restrictively.

[75] Further, the nature of the records themselves can imply confidentiality. It appears the communications would have been intended to be confidential based on its content. In addition, in the content of one of the emails it states the emails should be kept confidential. Express statements of an intention of confidentiality on records may qualify if they are specific to the communication. In this case, the statement is specific to the communications. Therefore, I find that the third part of the test has been met. As all

parts of the test have been met, I find that subsection 22(a) of FOIP was appropriately applied by Economy. I recommend Economy continue to withhold pages 207, 209, 225 and 227.

IV FINDINGS

[76] I find that subsection 19(1)(b) of FOIP was appropriately applied.

[77] I find that subsection 29(1) of FOIP was appropriately applied to some of the information.

[78] I find that subsection 29(1) of FOIP was not appropriately applied to some of the information.

[79] I find that subsection 16(1) of FOIP was appropriately applied to some of the information.

[80] I find that subsection 16(1) of FOIP was not appropriately applied to some of the information.

[81] I find that subsection 22(a) of FOIP was appropriately applied.

V RECOMMENDATIONS

[82] I recommend that Economy release the information on the remaining 17 pages as it has already released the information on page 103.

[83] I recommend that Economy continue to withhold the information on pages 33, 34, 35, 37, 39, 41, 43, 44, 45, 46, 47, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 92, 94, 96, 98, 100, 103, 108, 111, 127, 128, 129, 130, 132, 134, 136, 139, 187, 193, 195, 197, 198, 199, 200, 201, 202, 203, 205, 207, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 225 and 227.

[84] I recommend that Economy release the information on pages 81, 82, 87, 89, 91, 93, 95, 97, 99, 102, 107, 110, 145, 146, 147, 148, 152, 153, 154, 155, 156, 158, 160, 162, 164, 166, 167, 168, 169, 170, 171, 173, 174, 175, 177, 178, 179, 182, 183, 184, 185, 186, 188, 189, 190, 191 & 192, 204, 206, 221 and 224.

[85] Further, I recommend that Economy release the information on portions of pages 199, 200, 201, 202, 203, 205, 211, 212, 213, 214, 215, 216, 217, 218, 220 and 223.

Dated at Regina, in the Province of Saskatchewan, this 24th day of March, 2017.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner