



REVIEW REPORT 005-2025

Ministry of Corrections, Policing and Public Safety

April 30, 2025

Summary:

The Applicant submitted an access to information request under *The Freedom of Information and Protection of Privacy Act* (FOIP) to the Ministry of Corrections, Policing and Public Safety (Corrections) for surveillance video recordings (videos). Corrections responded to the access to information request withholding two videos without audio in full pursuant to subsections 15(1)(m) and 29(1) of FOIP. At the Applicant's request, the A/Commissioner undertook a review of Corrections' decision. The A/Commissioner found that Corrections did not properly apply subsections 15(1)(m) and 29(1) of FOIP to withhold the two videos in full. The A/Commissioner also found that it would be an absurd result to refuse the Applicant access to the videos. As a result, the A/Commissioner recommended that Corrections release the videos in full to the Applicant within 30 days of the issuance of this Report.

I BACKGROUND

[1] On November 26, 2024, the Ministry of Corrections, Policing & Public Safety (Corrections) received the following access to information request from the Applicant:

Requesting Surveillance Video [Unit number] of assault (s. 268 CC [sic]) against me while in handcuffs committed on November 23rd, 9:20am at RPCC causing bodily harm (R. v [Applicant]).

[2] Also on November 26, 2024, in an effort to identify records, Corrections sought clarification for the year of the incident. The Applicant responded on December 3, 2024, clarifying the year was 2024.

- [3] On December 19, 2024, Corrections mailed its section 7 decision letter to the Applicant. Its decision indicated that it was refusing the Applicant access to records citing subsections 15(1)(m) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP).
- [4] On January 12, 2025, my office received a request for review from the Applicant as the Applicant did not agree with the decision of Corrections.
- [5] On February 3, 2025, my office notified Corrections and the Applicant that my office would be undertaking a review of Corrections' application of subsections 15(1)(m) and 29(1) of FOIP. My office requested Corrections provide my office with a copy of the records and its index of records by March 5, 2025, and its submission in support of the application of the exemptions by April 4, 2025. Corrections requested an extension of the timeline for its submission and a new due date of April 11, 2025. The Applicant also requested an extension to provide a submission which my office provided to April 11, 2025.
- [6] On March 10, 2025, Corrections provided my office with a copy of the records at issue and its index of records.
- [7] On April 10, 2025, Corrections provided my office with its submission in supporting the exemptions applied. On April 11, 2025, the Applicant provided their submission.

II RECORDS AT ISSUE

- [8] The records at issue are two surveillance video recordings (videos) without audio from the Regina Provincial Correctional Centre (RPCC). Corrections indicated the records were withheld in full pursuant to subsections 15(1)(m) and 29(1) of FOIP.
- [9] I note that Corrections did not indicate to the Applicant the number of videos it was withholding in its section 7 decision dated on December 19, 2024. When Corrections provided my office with the record, it provided two videos without audio, described as follows:

Record #	Time of Recording	Description	Date	Status	FOIP Exemptions Applied
1	9:15:05.915 AM – 9:45:03.101 AM	Video 1	11/23/2024	Withheld in full	15(1)(m), 29(1)
2	9:15:06.834 AM – 9:45:15.276 AM	Video 2	11/23/2024	Withheld in full	15(1)(m), 29(1)

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[10] Corrections is a “government institution” as defined by subsection 2(1)(d)(i) of FOIP. Therefore, I find that I have jurisdiction to conduct this review.

2. Did Corrections properly apply subsection 15(1)(m) of FOIP?

[11] Corrections applied subsection 15(1)(m) of FOIP to the two videos which have no audio. Subsection 15(1)(m) of FOIP provides:

15(1) A head may refuse to give access to a record, the release of which could:
...

(m) reveal the security arrangements of particular vehicles, buildings or other structures or systems, including computer or communication systems, or methods employed to protect those vehicles, buildings, structures or systems

[12] Subsection 15(1)(m) of FOIP is a discretionary class-based exemption. It permits refusal of access in situations where release of a record could reveal the security arrangements of particular vehicles, buildings or other structures or systems, including computer or communication systems, or methods employed to protect those vehicles, buildings, structures or systems (*Guide to FOIP*, Chapter 4: “Exemptions from the Right of Access”, updated April 8, 2024 [*Guide to FOIP*, Ch. 4], p. 90).

[13] “Including” means that the list of information that follows is not complete (non-exhaustive). The examples in the provision are the types of information that could be presumed to qualify as “security arrangements” (*Guide to FOIP*, Ch. 4. p. 90).

[14] My office uses the following test to determine if subsection 15(1)(m) of FOIP applies:

1. Could the release of information reveal security arrangements (of particular vehicles, buildings, other structures, or systems)?
2. Could the release of information reveal security methods employed to protect the particular vehicles, buildings, other structures, or systems?

(*Guide to FOIP*, Ch. 4, pp. 90-91).

[15] However, only one of the above noted questions in the test needs to be met for the exemption to apply. There may be circumstances where both questions apply and can be answered in the affirmative, however, Corrections submits that the release of “surveillance video footage from inside the [RPCC] would reveal security arrangements of the facility.” As such, I will only consider the first question.

1. Could release reveal security arrangements (of particular vehicles, buildings, other structures or systems)?

[16] Section 15 of FOIP uses the word “could” versus “could reasonably be expected to” as seen in other provisions of FOIP. The threshold for could is somewhat lower than a reasonable expectation. The requirement for “could” is simply that the release of the information could have the specified result. There would still have to be a basis for the assertion. If it is fanciful or exceedingly remote, the exemption should not be invoked. For this provision to apply there must be objective grounds for believing that disclosing the information could reveal security arrangements of particular vehicles, buildings, other structures or systems (*Guide to FOIP*, Ch. 4. p. 90).

[17] “Reveal” means to make known; cause or allow to be seen (*Guide to FOIP*, Ch. 4, p. 90).

[18] “Security” means a state of safety or physical integrity. The security of a building includes the safety of its inhabitants or occupants when they are present in it. Examples of information relating to security include methods of transporting or collecting cash in a transit system; plans for security systems in a building; patrol timetables or patterns for security personnel; and the access control mechanisms and configuration of a computer system. Security means sufficient security (*Guide to FOIP*, Ch. 4, p. 90).

[19] Both Record 1 and Record 2 are about 30 minutes in duration. The video footage depicts two angles of what appears to be a section of a provincial correctional centre between 9:15AM and 9:45AM. There appears to be no lapses in time of either video provided to my office.

[20] In their submission to my office, the Applicant asserted:

We maintain that releasing the surveillance video requested to the applicant would not reveal the security arrangements of the [RPCC] in a manner more detrimental to national security than the damage done to it by *refusing* its disclosure upon these grounds.

...

The assault, which occurred in the morning of November 23rd, 2024, demonstrates that peace officers in Saskatchewan are failing to observe the *principle of restraint* when conducting themselves, something inherent to Canadian law and the authority that accompanies such a position.

To substantiate this refusal would be to neglect the need for better training of Correctional Officers in handling such conflicts and deprive the public of its need for adequate peace keeping.

...

During the assault, a group of at 5 [sic] Correctional Officers “swarmed” on me and tackled me to the ground even though I posed niether [sic] a threat to the security of the facility nor was I disobeying a lawful order given by them. It was after I had my arms handcuffed behind my back while lying face-down on the floor that one of the Correctional Officers began kicking me directly in the face. I suffer [sic] bodily harm in this position because the handcuffs behind my back temporarily incapacitated my ability to defend myself against the Correctional Staff kicking me in the face and head.

...

In committing this assault, I maintain that the Province of Saskatchewan has offended the law to a greater degree than anything I have ever done in Saskatchewan or to any person from Saskatchewan.

[21] In its submission, Corrections asserted that,

The Applicant would have access to the video surveillance footage filmed by different security cameras installed in what appears to be a common area in a unit of the Regina Correctional Centre. While individuals that have entered this area of the prison would be familiar with its layout and appearance, they would not be familiar with the view of this particular location as captured by the security cameras.

Viewing the video surveillance footage reveals additional information to the viewer than what can be gleaned from simply being in that space... thus, allowing an individual to discover deficiencies in Regina Correctional Centre's security system.

[22] In my office's [Review Report 160-2022](#) also concerning Corrections, at paragraph [37], I noted as follows:

[37] Corrections asserted that disclosing the video could reveal camera angles and range, thereby causing safety and security concerns. Corrections has not stated, though, how revealing the camera angles and range could cause safety concerns or what the safety concerns may be. It is also not up to my office to speculate. As Corrections has not met the burden of proof, I find it did not properly apply subsection 15(1)(m) of FOIP to the video footage...

[23] This finding was also echoed in [Review Report 244-2022](#) at paragraph [22]:

[22] As in Review Report 160-2022, in this matter, Corrections has not provided details regarding how revealing camera angles and range could cause safety concerns or what those concerns may be. As I also stated in Review Report 160-2022, it is not up to my office to speculate on the safety concerns or what they may be.

[24] However, in this case, Corrections has asserted potential harm that could arise from release of the record and how revealing camera angles could cause safety concerns:

For example, knowledge of security camera angles and blind spots could allow an individual to identify what is not observable and undertake prohibited or illegal activities in those areas. This would significantly hamper any investigations that would need to occur in response to such incidents.

Drug smuggling and trafficking are ongoing issues within provincial correctional centres. The potency and adulteration of the illicit drug supply increases the risk of harm (overdose and/or death) to all inmates.

Street gangs and their affiliates direct and perpetuate violence within provincial correctional centres through assaults and aggravated assaults... Sharing CCTV footage

of assaults can put the safety of inmates at risk should the video confirm non-participation.

[25] Finally, Corrections asserted that:

If the Ministry were to release the record to the Applicant, it loses control over that record the moment it provides access. The Applicant would be free to share the footage with anyone or upload it to the internet. This increases the risk that other individuals view and use the information for illegal purposes, thus jeopardizing the safety and security of the prison.

[26] From a review of the videos, inmates can be seen walking around within the frame of the two camera angles provided to my office. Also, there are points in the videos that inmates can be seen walking out of frame from both camera angles, which appears to confirm Corrections' assertion that there are "blind spots" within the RPCC and could reveal deficiencies and cause harm to inmates if released. However, RPCC did not indicate if other cameras are in use in the area.

[27] As mentioned in paragraph [18], security in the test for subsection 15(1)(m) of FOIP also includes security of a building which includes the safety of inhabitants or occupants. This would include safety of inmates related to drug overdose and/or death and gang-related violence, thus posing a risk for harm to inmates and/or staff.

[28] On April 25, 2025, Corrections provided answers to questions posed by my office. Additional information was provided about other cameras in the area including details regarding whether they could rotate or change angles. Finally, Corrections added "the cameras are used in combination with regular patrols conducted by [Correctional Officers]."

[29] As the above counters the claim that deficiencies exist, and as cameras and patrols are observable, I find that Corrections has not demonstrated that the release of information could reveal security arrangements of the RPCC that are not otherwise known. As such, I find that the first part of the test is not met. I find that Corrections did not properly apply subsection 15(1)(m) of FOIP to the videos.

[30] As Corrections also applied subsection 29(1) of FOIP to parts of the videos, I must consider the application of that subsection before making a recommendation regarding release to the Applicant.

3. Did Corrections properly apply subsection 29(1) of FOIP?

[31] The Applicant asserted in their submission in paragraph [20] that they were swarmed by a group of five correctional officers and assaulted. Corrections applied subsection 29(1) of FOIP to “instances where individuals other than the Applicant or correctional staff appear (i.e. other inmates)”. Subsection 29(1) of FOIP 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] Section 29 of FOIP prohibits the disclosure of personal information unless the individual about whom the information pertains consents to its disclosure, or if the disclosure without consent is authorized by one of the enumerated subsections of 29(2) or section 30 of FOIP (*Guide to FOIP*, Chapter 6, “Protection of Privacy”, updated February 27, 2023 [*Guide to FOIP*, Ch. 6], p. 183).

[33] In order to withhold information pursuant to subsection 29(1) of FOIP, the information must qualify as “personal information” as defined by subsection 24(1) of FOIP. To qualify as personal information as defined by subsection 24(1) of FOIP, the information must: 1) be about an identifiable individual; and 2) be personal in nature. Information is about an “identifiable individual” if the individual can be identified from the information (e.g., their name is provided) or if the information, when combined with information otherwise available, could reasonably allow the individual to be identified. To be “personal in nature” means the information provides something identifiable about the individual (*Guide to FOIP*, Ch. 6, pp. 32-33).

[34] In its submission, Corrections asserted:

The ministry has no obligation to seek the consent from individuals whose personal information is found in responsive records to respond to an access request...

The Ministry is applying 29(1) to instances where individuals other than the Applicant or correctional staff appear (i.e. other inmates). Video images of other inmates qualify as personal information, primarily because individuals are identifiable in the video recordings and those recordings are personal in nature. Additionally, some information such as sex, race, colour, and/or disability may be able to be inferred through video footage alone.

...

The Ministry acknowledges that individuals have a right to access their own personal information pursuant to subsection 31(1) of FOIP. However, that right to access is subject to Part III of FOIP, which sets out exemptions to the right of access.

...

While the Applicant is entitled to their personal information contained in the records, it is not possible for the Ministry to provide access because section 15(1)(m) of FOIP applies to the entirety of the record.

[35] The videos in this matter contain images of both inmates, including the Applicant, and centre staff (i.e., correctional officers). Corrections did not address the images of the correctional centre employees in its submission; however, I have found in previous reports, (e.g., [Review Report 268-2021](#) concerning the Saskatchewan Health Authority), that images of individuals working in their professional capacity would not constitute personal information. I continue to adopt this approach in this matter and find that subsection 29(1) of FOIP does not apply to the images of the centre employees in the video footage.

[36] In my office's [Review Report 244-2017](#) concerning the City of Saskatoon, I considered that an image of an individual captured from a video can contain that individual's personal information at paragraph [35]. The person can be identified from the image, and the image may reveal something personal in nature about them, such as where they were at the time the video capture was taken.

[37] Also in Review Report 244-2017, I cited Ontario IPC [Order MO-3358](#), which discussed images of an individual requested by an Applicant. The Order provides as follows:

[36] Previous orders have determined that in order to qualify as “personal information”, the fundamental requirement is that the information must be “about an identifiable individual” and not simply associated with an individual by name or other identifier.

...

[39] ... this office has previously held that information collected about identifiable individuals from video surveillance cameras qualifies as “personal information” under the Act. In that regard, **I find that disclosing an individual’s unblurred image on CCTV camera footage... would also reveal their personal characteristics and that they were present in that place on that date, and their conduct as well as their location and movement at certain times...**

...

[43] ... individuals may have certain attributes that would result in a reasonable expectation that they could be identifiable even with the application of blurring technology. A starting point could be section 2(1)(a) of the definition of personal information which provides that personal information includes:

information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual.

[45] Other orders have found that, **even if the images are unclear or the faces have been blurred, there may be something distinctive about an individual that would allow them to be identifiable.** It may be that the individual’s attire would set them apart from others on the scene, such as individuals wearing a particular uniform or type of clothing. It may be that with facial blurring, they remain distinctive and therefore identifiable. Still other order have found that individuals are not identifiable because the images are unclear on the video camera footage or because, in the circumstances the images render the individual unidentifiable.

[Emphasis added]

[38] If Corrections was to release this information to the Applicant, it is reasonable to expect the Applicant may be able to identify an individual as they would have been in contact with other inmates during their incarceration.

[39] However, as in my office’s [Review Report 110-2024](#) at paragraph [26] also concerning Corrections:

[26] As mentioned in my review of subsection 27(1) of HIPA, **it is an absurd result to withhold information from an Applicant** that they provided themselves, **if they were present when it was given, or if it would otherwise be within their knowledge.** It appears the Applicant provided the withheld information on pages 56, 65, 112, 113, 155, 156, 159, 165, 170 and 173, or the information would clearly be within their

knowledge. I find it would be an absurd result to withhold from the Applicant the information on these pages pursuant to subsection 29(1) of FOIP. I recommend Corrections release this information to the Applicant within 30 days of the issuance of this Report.

[Emphasis added]

[40] As the Applicant requested videos of an incident involving them, I find that it would be an absurd result to refuse the Applicant access to the records in question as they should already know who else was there.

[41] Based on the above, I find that Corrections did not properly apply subsection 29(1) of FOIP. I recommend that Corrections release the videos in full to the Applicant within 30 days of the issuance of this Report.

IV FINDINGS

[42] I find that I have jurisdiction to conduct this review.

[43] I find that Corrections did not properly apply subsection 15(1)(m) of FOIP to the two videos at issue.

[44] I find that it would be an absurd result to refuse the Applicant access to the records in question.

[45] I find that Corrections did not properly apply subsection 29(1) of FOIP.

V RECOMMENDATION

[46] I recommend that Corrections release the videos in full to the Applicant within 30 days of the issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 30th day of April, 2025.

Ronald J. Kruzeniski, KC
A/Saskatchewan Information and Privacy
Commissioner