



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 010-2026

Public Service Commission

October 23, 2026

Summary:

The Applicant submitted an access to information request to the Public Service Commission (PSC) relating to a PSC policy regarding leaves of absence, salary increase eligibility and requesting non-identifying information of Ministry of Justice lawyers who have taken a leave of absence, or are a new hire for specified fiscal years.

PSC provided partial access to 54 pages of responsive records. PSC withheld portions pursuant to sections 17(1)(a) (advice, proposals, recommendations, analyses or policy options), 17(1)(b)(i) (consultations or deliberations involving employees of a government institution), and 29(1) (disclosure of personal information) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.

The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

The Commissioner found that PSC:

- (1) properly applied section 17(1)(a) of *FOIP* to the withheld information; and
- (2) did not properly apply section 29(1) of *FOIP* to the “Crown Counsel Year” column on pages 1 to 10, 23 to 29, and 39 to 44 as it had been sufficiently de-identified with the removal of other data elements.

The Commissioner recommended that PSC:

- (1) continue to withhold the information redacted pursuant to the exemption in section 17(1)(a) of *FOIP*; and

- (2) within 30 days of issuance of this Report, release to the Applicant the information in the “Crown Counsel Year” column of the record.

I BACKGROUND

- [1] On December 12, 2025, the Applicant submitted the following access to information request to the Public Service Commission (PSC), for records responsive from the following fiscal years: 2021-2022, 2022-2023, 2023-2024 and 2024-2025. The access to information request read as follows:

I am requesting information as it relates to PSC policy 1202, regarding out-of-scope Ministry of Justice lawyers who have taken a leave of absence, or are a new hire, in the fiscal years detailed below. I’m seeking non-identifying information – years of service (commencement of employment), commencement of leave and return from leave (months are important as it relates to the fiscal year and eligibility), and sex. Additionally, I’m requesting whether those employees were eligible to receive their in-range increase in July and when PSC exemptions were given for ineligible employees and the rationale for the same.

Include all kinds of leaves (i.e. maternity, education, medical, etc).

- [2] On January 12, 2026, PSC responded to the Applicant’s access to information request to extend the 30-day statutory response period by an additional 30 days pursuant to section 12(1)(b) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.¹
- [3] On January 13, 2026, PSC issued a section 7 decision letter to the Applicant and enclosed a 54-page responsive record released in part. PSC informed the Applicant that the redacted portions were being withheld pursuant to the exemptions in sections 17(1)(a), 17(1)(b)(i), 22(a), (b) and 29(1) of *FOIP*.

¹ [*The Freedom of Information and Protection of Privacy Act*](#), SS 1990-91, c. F-22.01, as amended.

- [4] On January 13, 2026, the Applicant requested a review of the application of the exemptions by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

- [5] On June 5, 2026, OIPC notified PSC and the Applicant that this office would be undertaking a review of the application of exemptions on the part of PSC to the responsive records. OIPC requested that PSC provide a copy of the records at issue and an index of records by July 6, 2026. Both parties were invited to provide submissions by August 4, 2026.

- [6] On June 12, 2026, the Applicant notified OIPC that they were not interested in the information redacted pursuant to the exemptions: in section 29(1) of *FOIP*, such as: employee names, employee assignment numbers, and employee numbers, and in section 22(a) and (b) of *FOIP* as applied to page 12 of the record.

- [7] On July 3, 2026, PSC provided a copy of the severed and unsevered record at issue and an index of records to OIPC. PSC agreed to share the index of records with the Applicant.

- [8] On July 30, 2026, PSC provided the Applicant with a new section 7 decision letter and seven pages of records released in part. PSC released the Applicant's own: name, assignment number, Crown Counsel Year and employee number.

- [9] That same day, the Applicant provided OIPC with a written submission. In the submission, the Applicant further narrowed the scope of this review. The Applicant was no longer interested in receiving information related to employee: start dates, transferred positions, contract renewals, voluntary terminations, rehired positions, and contract dates that were being withheld under section 29(1) of *FOIP*. This greatly reduced the number of redactions under OIPC review.

- [10] On the same day, PSC provided OIPC with a written submission. PSC did not consent to sharing the submission with the Applicant.

II RECORDS AT ISSUE

[11] At issue are 28 pages withheld in part pursuant to sections 17(1)(a) and 17(1)(b)(i) and 29(1) of *FOIP*. These 28 pages consist of:

- Pages 1 to 10, 23 to 29, and 39 to 44 consist of 23 pages of spreadsheets that contain numerous human resources columns. The column that outlines “Crown Counsel Year” is the column under review and this column was withheld pursuant to the mandatory exemption in section 29(1) of *FOIP*; and
- Pages 12, 14, 15, 16 (an email chain with different authors corresponding together) and 32 (a one page email). These five pages of emails involve portions of email conversations all withheld in part under sections 17(1)(a) and 17(1)(b)(i) of *FOIP*.

Page Number	Redaction Number	Exemptions under <i>FOIP</i>	Description of Redacted Information Subject to this Review
1	1	29(1)	Crown Counsel Year
2	2	29(1)	Crown Counsel Year
3	3	29(1)	Crown Counsel Year
4	4	29(1)	Crown Counsel Year
5	5	29(1)	Crown Counsel Year
6	6	29(1)	Crown Counsel Year
7	7	29(1)	Crown Counsel Year
8	8	29(1)	Crown Counsel Year
9	9	29(1)	Crown Counsel Year
10	10	29(1)	Crown Counsel Year
12	11	17(1)(a), 17(1)(b)(i)	Portions of an email conversation
14	13	17(1)(a), 17(1)(b)(i)	Portions of an email conversation
	15	17(1)(a), 17(1)(b)(i)	Portions of an email conversation
15	16	17(1)(a), 17(1)(b)(i)	Portions of an email conversation
	18	17(1)(a), 17(1)(b)(i)	Portions of an email conversation

16	20	17(1)(a), 17(1)(b)(i)	Portions of an email conversation
23	21	29(1)	Crown Counsel Year
24	23	29(1)	Crown Counsel Year
25	24	29(1)	Crown Counsel Year
26	25	29(1)	Crown Counsel Year
27	26	29(1)	Crown Counsel Year
28	27	29(1)	Crown Counsel Year
29	29	29(1)	Crown Counsel Year
32	34	17(1)(a), 17(1)(b)(i)	Portions of an email conversation
39	35	29(1)	Crown Counsel Year
40	36	29(1)	Crown Counsel Year
41	37	29(1)	Crown Counsel Year
42	38	29(1)	Crown Counsel Year
43	39	29(1)	Crown Counsel Year
44	40	29(1)	Crown Counsel Year

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[12] PSC qualifies as a “government institution” as defined by section 2(1)(d)(ii) of *FOIP* and section 3 and PART I of the Appendix of *The Freedom of Information and Protection of Privacy Regulations (FOIP Regulations)*.² Therefore, OIPC has jurisdiction under Part VII of *FOIP* to undertake this review.

² [*The Freedom of Information and Protection of Privacy Regulations*](#), RRS c F-22.01 Reg 1 (April 1, 1992), as amended.

2. Did PSC properly apply section 17(1)(a) of *FOIP*?

[13] PSC is relying on section 17(1)(a) of *FOIP*, to withhold portions of 5 pages of email conversations found on pages 12, 14, 15, 16 and 32 of the record.

[14] Section 17(1)(a) of *FOIP* provides:

Advice from officials

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

(a) advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council;

[15] Section 17(1)(a) of *FOIP* is a discretionary exemption. It permits refusal of access in situations where release of a record could reasonably be expected to disclose advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council.³

[16] Section 17(1)(a) of *FOIP* has been considered in the past by this office and a two-part test is recommended in the analysis of the nature of this type of withheld material:⁴

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?
2. Was the advice, proposals, recommendations, analyses and/or policy options developed by or for a government institution or a member of the Executive Council?

³ OIPC [Review Report 196-2025](#) at paragraph [17].

⁴ *Ibid*, at paragraph [18].

Does the information qualify as advice, proposals, recommendations, analyses or policy options?

[17] The following definitions of “advice”, “recommendations”, and “analyses” are helpful:⁵

- “Advice is guidance offered by one person to another. It can include the analysis of a situation/issue that may require action and the presentation of options for future action, but not the bare recitation of facts. Advice encompasses material that permits the drawing of inferences with respect to a suggested course of action but can involve a specific recommendation. It can be an implied recommendation. The “pros” and “cons” of various options also qualify as advice. The term “advice” should not be given a restricted meaning. Rather, it should be interpreted to include an opinion that involves the exercise of judgement and skill and the weighing of facts. It includes expert opinion given on matters of fact that allows a government institution to make a decision for future action.
- A “recommendation” is a specific piece of advice about a course of action, especially when given officially; it is a suggestion that someone should choose a particular thing. It can include a suggestion with respect to an individual that is thought to be meritorious. Recommendations relate to a suggested course of action more explicitly and pointedly than “advice”.
- “Analyses” refers to the detailed examination of the elements or structure of something and can include the process of separating an issue into its constituent elements.

[18] PSC submitted the following with respect to the application of the exemption in section 17(1)(a) of *LA FOIP*:

The redacted portions of this email correspondence capture discussions between senior officials regarding the compensation structure and eligibility criteria. The discussions include guidance from the executive director of PSC to the Chair of PSC on the application of compensation and eligibility criteria, including a suggested course of action for in-range eligibility and exceptions for contract Crown Counsel process.

The record also contains analyses of employee-specific circumstances of each of four Crown Counsel, including assessments of their performance, work

⁵ *Ibid*, at paragraph [20].

quality, recruitment and retention challenges, succession planning and operational considerations submitted in support of the exception requests.

[19] The Applicant fundamentally disagreed. Of course, the Applicant could only venture a guess at best working from partially redacted material. The Applicant's submission was based on a belief that what was being withheld was nothing more than a factual description of circumstances with no analysis and no recommendations.

[20] Our review of the unredacted material revealed that the information withheld under section 17(1)(a) of *FOIP* does qualify as the giving of advice, recommendations, and/or analyses. We offer the following reasons:

- Page 12 (redaction 11) consists of an email exchange between the PSC Acting Executive Director and the PSC Assistant Chair. The Executive Director offered an opinion and made a recommendation to the Assistant Chair with respect to future action that should be taken with respect to crown counsel compensation structure.⁶
- Pages 14 (redactions 13 and 15), 15 (redactions 16 and 18) and 16 (redaction 20) are all part of the same email sent from a Senior Compensation Consultant to the PSC Acting Executive Director.
 - A Senior Compensation Consultant analyzed an employee's overall performance. A review of the record clearly shows that this portion of the email conversation consisted of advice. The Senior Compensation Consultant also provided guidance on future salary adjustments.⁷
- Page 32 (redaction 34) consists of a portion of an email conversation between a Senior Compensation Consultant and the PSC Acting Executive Director. The Senior Compensation Consultant provided a detailed analysis and evaluation of an individual's work performance. This qualifies as analyses and advice.⁸

⁶ OIPC [Review Report 004-2022](#) at paragraph [66].

⁷ OIPC [Review Report 323-2021](#) at paragraph [17].

⁸ OIPC [Review Report 244-2025](#) at paragraph [29].

- [21] OIPC confirms that advice, analyses and recommendations were given and received on pages 12, 14, 15, 16 and page 32 of the record . The first part of the test has been met.

Was the advice, proposals, recommendations, analyses and/or policy options developed by or for a government institution or a member of the Executive Council?

- [22] PSC qualifies as a “government institution” as defined by section 2(1)(d)(ii) of *FOIP*.

- [23] It is now necessary to determine whether the advice, recommendations and analyses were “developed by or for” PSC as a government institution. OIPC has defined this phrase:⁹

“Developed by or for” means the advice, proposals, recommendations, analyses and/or policy options must have been created either:

- a) within the government institution, or
- b) outside the government institution but for a government institution and at its request (for example, by a service provider or stakeholder)

- [24] In its submission, PSC stated the redacted portion of the pages of email correspondence capture discussions between senior officials at PSC regarding the compensation structure and eligibility criteria within this Ministry. The senior officials involved are a Senior Compensation Consultant, the PSC Acting Executive Director and the PSC Assistant Chair.

- [25] It is evident that the advice, recommendations and analyses were developed by, and communicated between, PSC staff for the purpose of determining performance rating eligibility exemption requests. Therefore, the second part of the test has been met. PSC properly applied section 17(1)(a) of *FOIP* to the redacted portions of pages 12, 14, 15, 16 and 32 of the record.

⁹ OIPC [Review Report 261-2025](#) at paragraph [76].

- [26] Since PSC properly applied section 17(1)(a) of *FOIP* to the above pages of the record there is no need to consider whether section 17(1)(b) of *FOIP* applies.

3. Did PSC properly apply section 29(1) of *FOIP*?

- [27] PSC applied section 29(1) of *FOIP* to the column that described “Crown Counsel Year” on each of the 23 pages of spreadsheets in the record, specifically pages 1 to 10, 23 to 29, and 39 to 44. There were many other columns on each page of the spreadsheets. Most columns in the spreadsheet pages were released to the Applicant. This segment of our Report focusses on the one column to which the Applicant desired access. Here is a sample of the types of columns in some of the spreadsheets:

Column Name	Redaction Status
Employee Name	Redacted; Applicant not interested
Employee Number	Redacted; Applicant not interested
Assignment Number	Redacted; Applicant not interested
Status	Released
Pay Sch	Released
Level	Released
Grade Min	Released
Grade Max	Released
Salary	Released
Crown Counsel Year	Withheld; Applicant interested
Increase	Released

New Salary	Released
Monthly Increases	Released
Actual %	Released
New Monthly	Released
Eligibility Performance Rating	Released
Eligibility Rationale for Performance Rating	Released
Eligibility “other” explanation	Released
Rating	Released
Approved Percent	Released

[28] Section 29(1) of *FOIP* provides:

Disclosure of personal information

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.

[29] Section 29(1) of *FOIP* is a mandatory exemption. Prior to a consideration of the application of section 29(1) of *FOIP*, the first determination must be whether the information qualifies as “personal information” as defined by section 24(1) of *FOIP*. In order for information to be “personal information”, it must be 1) be about an identifiable individual; and 2) be personal in nature.¹⁰ Sections 24(1)(b) and (k) are especially relevant to this aspect of the analysis:

¹⁰ *Supra*, footnote 3 at paragraph [48].

Interpretation

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

...

(k) the name of an individual where:

(i) it appears with other personal information that relates to the individual;

(ii) the disclosure of the name itself would reveal personal information about the individual.

[Emphasis added]

[30] In an email to OIPC on September 8, 2026, PSC clarified the following:

“Years of Call” refers to the number of years since an individual was called to the bar and became a lawyer member. The corresponding year of call is publicly available through the Law Society of Saskatchewan's lawyer directory. This directory is available at <https://lss.alinityapp.com/Client/PublicDirectory>. Lawyers listed in the directory have their ‘Admitted Date’ displayed along with their name, organization and location. “Crown Counsel Year” refers to the year an individual started employment as Crown Counsel with the Government of Saskatchewan. In some cases, an individual’s Crown Counsel Year and Year of Call may be the same or similar. When considered in conjunction with other information contained in the records, including employment status, pay schedule, level, grade and salary information, these data elements can reasonably be used to identify specific individuals and draw inferences about their employment history and progression within government service.

While a year of call may be publicly available, PSC’s position is that the information at issue must be considered in the context in which it appears in the records. The combination of Years of Call, Crown Counsel Year and other employment and salary information creates a body of information relating to identifiable individuals and their employment history, and permits inferences about the individual’s tenure and compensation that are not otherwise public.

[Emphasis added]

[31] In the submission, the Applicant asserted the following:

It is uncontested that employee name, employee number and assignment number are personal information and the Applicant specifically requested anonymized or a de-identification of the requested material. The Applicant contends that crown counsel year (redactions 1-10, 21, 23-27, 29, 35-40) is akin to seniority, and does not constitute personal information. The Applicant relies on the reasoning as outlined in paragraph 29 or Review Report 038-2025:

The second redaction in each of the columns on pages 6 and 7 relates to the seniority date of the other interview candidates. This information does not constitute personal information because, once again, with out a name linked to this information, it is not personal information within the context of section 24 of FOIP.

Additionally, due to the number of employees recorded within the 54 pages, the Applicant contends that it would not be possible to identify individual employees. The complexity of identification is intensive as the information provided is for all Justice and Attorney General (JAG) employees, many of whom are unknown to the Applicant.

[Emphasis Added]

[32] Our office has previously defined an individual's employment history as the type of information normally found in a personnel file such as performance reviews, evaluations, disciplinary actions taken, reasons for leaving a job or leave transactions. It could also include the start date and end date of employment.¹¹

[33] However, the Applicant specifically claimed a disinterest in the type of information that could link the "Crown Counsel Year" to an identifiable individual: employee name, employee assignment number and employee number. These data elements have all been redacted. In making this concession, the Applicant wisely de-identified the nature of the "Crown Counsel Year" column in the spreadsheets. In our opinion, the "Crown Counsel Year" column has been sufficiently de-identified.¹²

¹¹ OIPC [Review Report 035-2019](#) at paragraph [19].

¹² OIPC [Review Report 282-2024](#) at paragraph [36].

- [34] In the present case, the record has been sufficiently de-identified to allow for the release of “Crown Counsel Year” column in the spreadsheets. This column should be released to the Applicant within 30 days of the issuance of this Report.

IV FINDINGS

- [35] OIPC has jurisdiction to undertake this review under PART VII of *FOIP*.
- [36] PSC properly applied section 17(1)(a) of *FOIP* to the redactions on pages 12, 14, 15, 16 and 32 of the record.
- [37] PSC did not properly apply section 29(1) of *FOIP* to the column entitled “Crown Counsel Year” on pages 1 to 10, 23 to 29 and 39 to 44 of the spreadsheets. This column has been sufficiently de-identified with the removal of other data elements.

V RECOMMENDATIONS

- [38] I recommend that PSC continue to withhold the information redacted on pages 12, 14, 15, 16 and 32 of the record pursuant to the exemption in section 17(1)(a) of *FOIP*.
- [39] I recommend that, within 30 days of the issuance of this Report, PSC should release to the Applicant the information in the “Crown Counsel Year” column on pages 1 to 10, 23 to 29 and 39 to 44 of the record.

Dated at Regina, in the Province of Saskatchewan, this 23rd day of October, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner