



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 017-2025

Ministry of Environment

August 15, 2025

Summary:

The Applicant made an access to information request to the Ministry of Environment (Environment) for records related to lumber processing facilities in Saskatchewan. While processing that access request, Environment notified a third party, Dunkley Lumber Ltd., of the access request, pursuant to section 34 of *The Freedom of Information and Protection of Privacy Act (FOIP)*. Environment disclosed records to the Applicant but withheld portions within one record pursuant to sections 29(1) (personal information) and 19(1)(c)(ii) and (iii) (third party information) of *FOIP*. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner of Environment's application of sections 19(1)(c)(ii) and (iii) of *FOIP*. Since the third party consented to the release the record, pursuant to section 19(2) of *FOIP*, the Commissioner recommended that, within 30 days of the issuance of this Report, Environment release the record, subject to the proper application of section 29(1) of *FOIP*, to the Applicant.

I BACKGROUND

- [1] On May 21, 2024, the Applicant submitted an access to information request to the Ministry of Environment (Environment) for the time period 2016-2019 and for the following records:

Oct 17/2016 Request for Extension-HudsonBay Plywood Approval to Operate #10-201.

Request July 21/2019 Hudson Bay Plywood Mill, permit operate P019-018
Request for extension for Decommissioning and Reclamation Plan submitted by SNC Lavallin on behalf of C&C Resources.

Edgewood 2016-2017 Annual Report with Ministries April 27/2018 comments.

Notification of new ownership/transfer of permit to operate from Edgewood to C&C Resources

Permit to Operate P019-018-Edgewood Forest Products Ltd.

- [2] On June 17, 2024, Environment emailed the Applicant a letter that informed them of the extension of the response period to an additional thirty days, pursuant to section 12(1)(a)(ii) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.¹
- [3] On September 13, 2024, Environment emailed Dunkley Lumber Ltd. to provide notice that a responsive record in its possession may contain information that affects Dunkley Lumber Ltd.'s interests, as described in section 19(1) of *FOIP*.² In an attached letter, Environment indicated, "Although we think that it is unlikely, this record may contain information that affects your interests as described in subsection 19(1) of the Act."
- [4] Environment advised that it emailed a section 7 decision letter dated September 18, 2024 to the Applicant. It granted partial access to the responsive records, with some of the information redacted pursuant to sections 29(1) and 19(1)(c)(ii) and (iii) of *FOIP*.
- [5] On January 22, 2025, the Applicant requested that the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) undertake a review of Environment's decision to withhold information.
- [6] Environment again advised that it emailed a letter dated February 19, 2025 to Dunkley Lumber Ltd., to provide notice of the right to make representations to OIPC.³

¹ This notification is required pursuant to section 12(2) of *FOIP*.

² Section 34(1)(a) of *FOIP* requires a head to give notice when the head has reason to believe a record may contain third party information described in section 19(1) of *FOIP* and access to the record is contemplated.

³ This notification is required pursuant to section 52(1) of *FOIP*.

- [7] In email correspondence with OIPC dated February 21, 2025, the Applicant confirmed that they were not concerned with Environment's application of section 29(1) of *FOIP*. As a result, this review only concerns the applications of sections 19(1)(c)(ii) and (iii) of *FOIP* to withheld portions of three pages within one record.
- [8] On February 25, 2025, OIPC provided notice to Environment, the Applicant, and Dunkley Lumber Ltd. of its intent to undertake a review. OIPC requested that Environment provide a copy of the record, the index of record, and third party correspondence by March 27, 2025. All parties were invited to provide submissions by April 28, 2025.
- [9] On March 17, 2025, Environment provided OIPC with the record at issue and its submission on April 24, 2025. Neither the Applicant nor Dunkley Lumber Ltd. provided a submission for this review.

II RECORD AT ISSUE

- [10] The record at issue is an eight-page Carrot River Sawmill Operations annual environmental report, provided to Environment in November of 2017 by Edgewood Forest Products Inc.⁴ Portions of pages 3, 7, and 8 of the record were withheld pursuant to sections 19(1)(c)(ii) and (iii) of *FOIP*. The remainder of the record was released.

III DISCUSSION OF THE ISSUES

1. Does OIPC have jurisdiction?

- [11] Environment qualifies as a "government institution" pursuant to section 2(1)(d)(i) of *FOIP*. Therefore, OIPC has jurisdiction to undertake this review pursuant to PART VII of *FOIP*.

⁴ Carrot River Sawmill Operations, located in Carrot River, Saskatchewan, was operated by Edgewood Forest Products Inc. at the time the annual environmental report was prepared (2017). According to a [media release from the Government of Saskatchewan](#), Edgewood Forest Products Inc was acquired by Dunkley Lumber Ltd. in 2019.

- [12] Environment asserted that a third party, Dunkley Lumber Ltd., is engaged in this review. Section 2(1)(j) of *FOIP* provides:

2(1) In this Act:

(j) “**third party**” means a person, including an unincorporated entity, other than an applicant or a government institution.

- [13] As it is neither the Applicant nor a government institution, Dunkley Lumber Ltd., hereafter referred to as the “third party,” qualifies as such in this review.

2. Did Environment properly apply sections 19(1)(c)(ii) or (c)(iii) of *FOIP*?

- [14] Environment applied sections 19(1)(c)(ii) and (c)(iii) of *FOIP* to the same portions of pages 3, 7, and 8 of the annual report. Sections 19(1)(c)(ii) or (c)(iii) of *FOIP* are mandatory, harm-based exemptions.

- [15] It is apparent that Environment took the view that the record at issue (the annual report) may contain information that affected the interests of the third party.⁵ Based on the correspondence that Environment shared with OIPC, the third party appears to not have made representations to Environment with respect to this matter. As a result, it appears that Environment erred on the side of caution by redacting the information on pages 3, 7, and 8 of the annual report, interpreting that the contents may affect the third party’s interests.

- [16] However, section 19(2) of *FOIP* provides:

19(2) A head may give access to a record that contains information described in subsection (1) with the written consent of the third party to whom the information relates.

- [17] Following a telephone conversation with OIPC on August 8, 2025, an agent for the third party conveyed in an email on the same date that it did not object to the release of the annual report, unredacted.

⁵ Environment provided third party notifications as per sections 34(1)(a) and 52(1) of *FOIP*.

[18] OIPC followed up via email with the third party and, on August 12, 2025, this office received further reassurance that the information did not need to be redacted from the third party's point of view.

[19] Section 61 of *FOIP* clearly places the burden of proof on the government institution to establish that access to a record must be denied. Section 61 of *FOIP* provides:

61 In any proceeding pursuant to this Act, the burden of establishing that access to the record applied for may or must be refused or granted is on the head concerned.

[20] OIPC is of the view that, in terms of third party exemptions (like sections 19(1)(c)(ii) and (iii) of *FOIP*, applied by Environment in the present case), the onus is on the government institution to demonstrate that they apply.⁶

[21] However, given that the third party has consented, in writing, to the release of withheld portions of the annual report to the Applicant, there will be a finding that section 19(2) of *FOIP* is engaged.

[22] Subsequently, based on this finding, there will be a recommendation that, within 30 days of the issuance of this Report, Environment release to the Applicant the annual report, subject to the proper application of section 29(1) of *FOIP*.

IV FINDINGS

[23] OIPC has jurisdiction to conduct this review.

[24] The third party consented to the release of the redacted segments of the record pursuant to section 19(2) of *FOIP*.

⁶ See OIPC Review Reports [F-2013-003](#) at paragraph [19] and [F-2021-003](#) at paragraph [53].

V RECOMMENDATION

[25] I recommend that, within 30 days of the issuance of this Report, Environment release to the Applicant the redacted segments of the record, subject to the proper application of section 29(1) of *FOIP*.

Dated at Regina, in the Province of Saskatchewan, this 15th day of August, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner