



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 025-2026

Ministry of Justice and Attorney General

April 09, 2026

Summary:

The Applicant requested a record from the Ministry of Justice and Attorney General (Justice). Justice withheld most of the information in the record under sections 13(1)(a) (records from other governments), 15(1)(c) (interfere with a lawful investigation) and 15(1)(k) (interfere with a law enforcement matter) of *The Freedom of Information and Protection of Privacy Act (FOIP)*. The Applicant was dissatisfied with Justice's response and asked the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) for a review.

The Commissioner found that Justice properly applied section 13(1)(a) of *FOIP* to the information in the record and recommended that Justice continue to hold the information under this exemption.

I BACKGROUND

[1] On May 23, 2025, the Ministry of Justice and Attorney General (Justice) received an access to information request from the Applicant:

Any and all criminal complaints submitted by Canadian Anti-Hate Network (CAHN) [Applicant's name withheld] used to lay section 319 CC. charges against me under information #[withheld].¹

[2] By letter dated June 12, 2025, Justice responded to the Applicant, stating it was withholding one record in its entirety under the exemptions afforded by sections 13(1)(a), 15(1)(c) and

¹ The words in square brackets are OIPC's redactions to prevent disclosure of the Applicant's identity.

15(1)(k) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.² Justice added that the record was compiled by the Royal Canadian Mounted Police (RCMP) as part of an investigation and had been provided to the Ministry in confidence.

[3] On June 16, 2025, the Applicant asked the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) to review the application of the exemptions by Justice.

[4] On January 26, 2026, OIPC provided notice of the review to the Applicant and Justice.

[5] On February 25, 2026, Justice provided this office with a copy of the record. Justice provided its submission on March 25, 2026, stipulating that it was not to be shared with the Applicant.

[6] The Applicant provided a submission to OIPC on March 27, 2026, and additional comments for consideration on March 30, 2026.

II RECORDS AT ISSUE

[7] The record is four pages. Portions of the record were released to the Applicant. These portions occur at the bottom of each page and are labelled “Protected B.” Justice withheld all text on the four pages and claimed the exemptions pursuant to sections 13(1)(a), 15(1)(c) and 15(1)(k) of *FOIP*.

[8] Justice submitted that the record was compiled by the Royal Canadian Mounted Police (RCMP) and confidentially provided to Justice. It is in the form of a report.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

² [*The Freedom of Information and Protection of Privacy Act*](#), SS 1990-91, c F-22.01, as amended.

[9] Justice qualifies as a “government institution” pursuant to subsection 2(1)(d)(i) of *FOIP*. OIPC has jurisdiction to undertake this review under PART VII of *FOIP*.

2. Did Justice properly apply section 13(1)(a) of *FOIP*?

[10] Section 13(1)(a) of *FOIP* states:

13(1) A head shall refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from:

(a) the Government of Canada or its agencies, Crown corporations or other institutions;

...

unless the government or institution from which the information was obtained consents to the disclosure or makes the information public.

[11] Section 13(1)(a) of *FOIP* is a mandatory provision, meaning that a government institution cannot disclose a record unless the requirements of the provision are satisfied. The government institution needs to have the consent of the Government of Canada or its agencies, Crown corporations or other institutions to release the record, or can release it if that organization has made the information public. OIPC applies the following three-part test to determine if a government institution properly applied the exemption:³

1. Was the information obtained from the Government of Canada or its agencies, Crown corporations or other institutions?
2. Was the information obtained implicitly or explicitly in confidence?
3. Is there consent to disclose the information or has it been made public?

[12] Justice submitted that the record originated with the RCMP, and this was confirmed by our office. In previous reports, OIPC has acknowledged that the RCMP qualifies as a federal

³ OIPC [Review Report 060-2024](#) at paragraphs [120] and [121].

government institution for the purposes of section 13(1)(a) of *FOIP*, which meets the first part of the test.⁴

[13] For the second part of the test, OIPC uses the following definitions:⁵

- “Obtained” means to acquire in any way; to get possession of; to procure; or to get a hold of by effort.
- “Information” means facts or knowledge provided or learned because of research or study.
- “In confidence” describes a situation of mutual trust in which private matters are relayed or reported. Information obtained in confidence means that the provider of the information has stipulated the conditions under which the information may be disseminated. For confidence to be found, there must be an implicit or explicit agreement or understanding of confidentiality on the part of both the government institution and the party that provided the information at the time the information was obtained.
- “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.
- “Explicitly” means that the request for confidentiality has been clearly expressed, distinctly stated, or made definite. There may be documentary evidence that shows that the information was obtained with the understanding that it would be kept confidential.

[14] Based on the definition, the record as obtained by Justice from the RCMP contains information that was used as background and to initiate an investigation.

[15] The Applicant received a record with only “Protected B” status viewable at the bottom of each of the four pages. According to the Government of Canada, this class of documents contains sensitive information that, if released, could “cause serious injury to an individual, organization or government.”⁶ In *Government of Saskatchewan (Ministry of Health) v*

⁴ OIPC [Review Report 064-2020](#) at paragraph [17].

⁵ OIPC [Review Report 199-2025](#) at paragraph [53].

⁶ [Levels of security - Canada.ca](#).

West, the Saskatchewan Court of Appeal noted that to invoke the mandatory confidentiality exemption associated with section 13 of *FOIP*, a party must simply establish that the record had been obtained in confidence.⁷ Our review leads to the conclusion that several of the factors listed in *West* can only lead to a conclusion that this document was conveyed and received in implicit confidentiality. To begin with, the nature of the information alone makes clear that it was created within a confidential sphere to be considered by policing agencies alone. The document itself is not obtainable within the public domain. The exemption under section 13(1) of *FOIP* is not so much driven by the source of the record as it is by the confidential nature of the source of the information it contains.⁸ The nature of the material that is conveyed by the RCMP to the Regina Police Service in this report is inherently confidential and not time-limited.

[16] The Applicant raised that the “Ministry’s claimed exemption of privilege is nullified by the invocation of the *Magna Carta* pursuant to section 8(2) of the *Criminal Code*.” Based on this, the Applicant believes the record should be released to them under section 29(2)(h)(iii) of *FOIP* as “both Canada and the USA are bound by the *Magna Carta*...”. Section 29(2)(h)(iii) of *FOIP* provides:

29(2) Subject to any other Act or regulation, personal information in the possession or under the control of a government institution may be disclosed:

...

(h) pursuant to an agreement or arrangement between the Government of Saskatchewan or a government institution and:

...

(iii) the government of a foreign jurisdiction or its institutions;

[17] This office’s jurisdiction extends to reviews conducted under the access to information legislation in Saskatchewan, and in this case *FOIP*, only. We can see no legal relevance to a consideration of the *Magna Carta* in this review.

⁷ [*Saskatchewan \(Ministry of Health\) v West*](#), 2022 SKCA 18 at paragraphs [25] to [29]. [*West*]

⁸ *Ibid*, at paragraph [46].

[18] The Applicant also raised the following concern in an email to this office on March 30, 2026, over receiving neither the record, nor the submission prepared by Justice:

My concern here is that my right to access the information is being infringed in contravention of section 4(c) of the Act. The Freedom of Information & Protection of Privacy Act stipulates that section 53 does not limit the information otherwise available by law to a party to litigation.

Using the information requested, Regina peace officer [name withheld] assaulted the applicant on November 14th, 2022 in violation of section 266 of the Criminal Code. Now, Regina is proceeding against the applicant under that same section of the Criminal Code [police file number withheld]. They have scheduled a court date for May 7th in the matter. If the information requested is not provided to the applicant, it would create an apparent conflict of interest here.

If Regina intends on proceeding against us under section 266 of the Code, they must disclose the information they themselves used to assault the applicant in contravention of that same Criminal Code section.

[19] Section 4(c) *FOIP* provides:

Existing rights preserved

4 This Act:

...

(c) does not limit the information otherwise available by law to a party to litigation;

[20] Section 4(c) of *FOIP* outlines that an individual engaged in litigation can gain access to documents through legal mechanisms, such as those afforded by *The King's Bench Rules*⁹ or pursuant to the criminal disclosure process as outlined in *R v Stinchcombe*.¹⁰ These methods of dissemination operate independently of the *FOIP* scheme. *FOIP does not limit or replace* any such access to documents required for litigation.¹¹ For this reason, a review

⁹ [The King's Bench Rules](#).

¹⁰ [R v Stinchcombe](#), [1991] 3 SCR 326.

¹¹ OIPC [Review Report 145-2015](#) at paragraph [13].

commenced under *FOIP* cannot serve as a substitute for gaining access to records required for civil or criminal litigation. OIPC operates as a separate, parallel process from litigation. OIPC does not exist to “disclose” documents. Our office reviews the application of exemptions as applied by a government or local authority head. The Applicant referenced section 53 of *FOIP* in their submission, but we are puzzled how this section of *FOIP* factors into the argument since section 53 of *FOIP* outlines that this office *must* conduct a *FOIP* review in private. During a review of the application of exemptions, no one party, *including the Applicant in this matter*, has a right to the representations made to the Commissioner unless there is consent that the submission be shared. In this case, Justice refused consent.

[21] We conclude that Justice obtained the record from the RCMP within the terms of implicit confidentiality. The exemption in section 13(1)(a) of *FOIP* is properly applied to the information that is withheld in this document. With this finding, there is no need for this office to review the other exemptions Justice is relying on.

IV FINDINGS

[22] OIPC has jurisdiction to conduct this review under PART VII of *FOIP*.

[23] Justice properly applied section 13(1)(a) of *FOIP* to the record.

V RECOMMENDATION

[24] I recommend that Justice continue to withhold the record under section 13(1)(a) of *FOIP*.

Dated at Regina, in the Province of Saskatchewan, this 9th day of April, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner