



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## REVIEW REPORT 038-2025

### Public Service Commission

August 5, 2025

#### Summary:

The Applicant submitted an access to information request under *The Freedom of Information and Protection of Privacy Act (FOIP)* to the Public Service Commission (PSC) for records related to other candidates' job applications and interviews for a position within a Ministry in the Government of Saskatchewan. PSC responded to the access to information request withholding portions of records pursuant to several sections of *FOIP*. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner. The Commissioner found that PSC had properly applied sections 17(1)(a) (Advice and/or recommendations developed by or for government), 29(1) (No disclosure of personal information without consent) and 31(2) (Individual personal information that is prepared for the purpose of determining suitability, eligibility or qualifications for employment) of *FOIP* to the portions of the pages that were withheld and recommended PSC continue to withhold the redacted information and recommended that PSC, within 30 days of the issuance of this Report, release the ministry and branch found on page 4 and the seniority dates of all job candidates on pages 6 and 7.

#### I BACKGROUND

[1] On December 17, 2024, the Public Service Commission (PSC) received, by email, an access to information request from the Applicant for the following:

I am requesting access to anonymized or redacted records related to the evaluation and employment of other candidates for the Data and Research Analyst position (RES007171) and related roles. I recognize the importance of protecting personal information and explicitly request that personal identifiers (e.g., names, contact details) be removed where necessary. Specifically, I am seeking:

1. Evaluation Scores and Notes for Other Candidates (Anonymized)

- a. The final scoring rubrics, competency evaluations, and interview notes for candidates who were hired or shortlisted, with personal identifiers redacted.
  - b. A summary of take-home exam results and interview scores for all candidates, including [Name of Candidate B] and [Name of Candidate A]<sup>1</sup>, but anonymized (e.g., Candidate A, Candidate B).
  - c. Any comparative evaluation documents showing how candidates performed against established criteria, including rankings or aggregated scores.
2. Aggregate or Comparative Data
    - a. Documents showing how all candidates were assessed as a group, including:
    - b. Ranking lists, final decision memos, or spreadsheets outlining scores for all candidates across competencies.
    - c. Redacted versions of written feedback provided to successful candidates.
3. Records Related to Early Departures from Similar Roles
    - a. Documents showing the process and decision-making around early departures (resignations or terminations within six months) from positions similar to the Data and Research Analyst (RES007171) within the Ministry of Agriculture.<sup>2</sup>
    - b. Internal memos, reviews, or correspondence related to [Candidate A's] departure, including:
      - Policies and procedures for handling early departures.
      - Any reviews or assessments conducted following her departure.
4. Transparency of Hiring Decisions and Fairness
    - a. Any internal audits, reviews, or evaluations of the fairness and procedural compliance of the hiring process for RES007171.
    - b. Documents or policies governing how post-hiring reviews are conducted when a recently hired employee leaves unexpectedly.
5. Third-Party Notice
    - a. Any internal memos or documentation regarding handling third-party information and privacy considerations for this request

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<sup>1</sup> The words in square brackets are redacted to preserve the identity of individuals as named by the Applicant.

<sup>2</sup> The name of the Ministry was released in the disclosure to the Applicant.

- [2] On January 17, 2025, PSC emailed a letter to the Applicant advising that the 30-day response period had been extended an additional 30 days pursuant to section 12(1)(b) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.
- [3] On February 14, 2025, PSC provided its section 7 decision to the Applicant. 17 pages of responsive records were identified, and six pages were released in full. In its decision, PSC withheld portions of the remaining 11 pages asserting that portions of the records were being withheld pursuant to sections 15(1)(d), 17(1)(a), (b)(i), 29(1), and 31(2) of *FOIP*.
- [4] On February 17, 2025, the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) received a request for review from the Applicant.
- [5] On March 6, 2025, OIPC sent notice to PSC and the Applicant advising of its intent to undertake a review. The OIPC requested that PSC provide a copy of the unredacted record and an index of records to OIPC by April 7, 2025. Further, both parties were invited to provide submissions by May 5, 2025.
- [6] On April 3, 2025, OIPC received the records at issue and its index of records from PSC.
- [7] On May 5, 2025, PSC requested a one-week extension to provide its submission. It provided its submission to OIPC on May 16, 2025, and indicated that it was not to be shared with the Applicant. No submission was received from the Applicant.

## **II RECORDS AT ISSUE**

- [8] There were 17 pages of records responsive to the Applicant's access to information request. Of those 17 pages, PSC withheld 11 pages in part as outlined below. Pages 3, 11, 12, 13, 14, and 17 were released in full to the Applicant. The following table lists the documents and the redactions that were analysed by OIPC in this report with respect to the 11 pages:

<b>Document Description</b>	<b>Page Number</b>	<b>Redaction Number</b>	<b>Description of redaction</b>	<b>FOIP Exemptions Applied</b>
Email thread (2 separate emails)	1	1, 2, 3, 4, 5	Subject lines (1 & 4), comments in body of email (2 & 5) and who the email was from (3)	29(1)
	2	1, 2	Comments (1) and name of employee (2)	29(1)
Termination Notification Form – 2 pages	4	1, 2, 3	Employee name, employee number, assignment number (1), employee home address, city/town, postal code (2), ministry and branch (3)	29(1)
	5	1, 2, 3, 4, 5	Last day worked (1), pay period ending (2), last effective day of employment (3), ministry employee commencing in (4) and reason (5)	29(1)
Candidate Evaluation Summary – 2 pages	6	<b>Column 1</b> includes only 1 redaction relating to the <b>Applicant</b>	Individual scores for 12 competency requirements and final score for Applicant (1)	15(1)(d), 17(1)(a), 31(2)
		<b>Column 2</b> includes 3 redactions relating to <b>Candidate B</b>	Name (1)	29(1)
			Seniority date (2)	29(1)
			Individual scores for 12 competencies and final score (3)	29(1), 15(1)(d), 17(1)(a)
	<b>Column 3</b> includes 3 redactions relating to <b>Candidate C</b>	Name (1)	29(1)	
		Seniority date (2)	29(1)	
		Individual scores for 12 competencies and final score (3)	29(1), 15(1)(d), 17(1)(a)	
	7	<b>Column 1</b> includes 3 redactions	Name (1)	29(1)
			Seniority date (2)	29(1)

		relating to <b>Candidate D</b>	Individual scores for 12 competencies and final score (3)	29(1), 15(1)(d), 17(1)(a)
		<b>Column 2</b> includes 3 redactions relating to <b>Candidate A</b>	Name (1)	29(1)
			Seniority date (2)	29(1)
			Individual scores for 12 competencies and final score (3)	29(1), 15(1)(d), 17(1)(a)
Typed Meeting Notes – 3 pages	8	1	Comments	17(1)(a), 29(1)
		2	Comments	15(1)(d), 17(1)(a), 31(2)
		3	Comments	15(1)(d), 17(1)(a), 31(2)
	9	1	Comments	15(1)(d), 17(1)(a)
		2	Comments	29(1)
		3	Comments	29(1)
		4	Comments	17(1)(a)
		5	Comments	15(1)(d), 17(1)(a)
	10	1	Comments	17(1)(a)
	Email thread (3 separate emails) – 2 pages	15	1	Comments
16		1	Comments	17(1)(b)(i), 29(1)
		2	Comments	15(1)(d), 17(1)(a), (b)(i), 29(1)
		3	Comments	15(1)(d), 17(1)(a), (b)(i), 31(2)

**III DISCUSSION OF THE ISSUES**

**1. Does OIPC have jurisdiction?**

[9] 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*. Therefore, OIPC has jurisdiction under *FOIP* to undertake this review.

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

[10] PSC applied section 29(1) of *FOIP* to portions of the following documents that this office has grouped within the following descriptions:

- Email thread (2 separate emails): pages 1 and 2 (all redactions on these two pages);
- Termination Notification Form: pages 4 and 5 (all redactions on these two pages);
- Candidate Evaluation Summary: pages 6 (Columns 2 and 3) to 7 (Columns 1 and 2);
- Typed Meeting Notes: portions of pages 8 (Redaction 1) and 9 (Redactions 2 and 3); and
- Email thread (3 separate emails): page 15 (Redaction 1) and portions of page 16 (Redactions 1 and 2).

[11] Section 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.

[12] Section 29(1) of *FOIP* is a mandatory exemption. This office has held in the past that to properly apply section 29(1) of *FOIP*, the information in question must first be found to qualify as “personal information,” as defined by section 24(1) of *FOIP*.<sup>3</sup>

[13] To determine if the information qualifies as “personal information”, the information must: 1) be about an identifiable individual and 2) be personal in nature.

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<sup>3</sup> See OIPC [Review Report 255-2024](#) at paragraphs [19] to [21].

[14] PSC applied section 29(1) of *FOIP* to information with respect to multiple individuals, other than the Applicant. The redactions in this case included names and interview scores, in addition to more detailed personal information about one individual (Candidate A). PSC asserted that sections 24(1)(b), (e), (f), (h), (k)(i), and (k)(ii) of *FOIP* apply. These sections provide as follows:

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;

...

(d) any identifying number, symbol or other particular assigned to the individual, other than the individual’s health services number as defined in *The Health Information Protection Act*;

(e) the home or business address, home or business telephone number or fingerprints of the individual;

(f) the personal opinions or views of the individual except where they are about another individual;

...

(h) the views or opinions of another individual with respect to the individual;

...

(k) the name of the 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.

[15] The Applicant specifically requested anonymized or a de-identification of the requested material. In this case, five candidates were interviewed for a position with a ministry in the Government of Saskatchewan (GoS), including the Applicant. In the access to information

request, the Applicant named two candidates that he appears to believe were eventually successful in this competition. Because of this fact, extra measures have to be considered in our analysis of the withheld information to ensure the privacy of the personal information of these two individuals. This becomes evident later in this Report when we address the categorization of the redactions linked to scoring.

*Personal information analysis of redactions on pages 1 and 2:*

[16] Pages 1 and 2 contain an email thread between employees of the respective ministry and Candidate A. The following types of data elements have been withheld by PSC: email subject line regarding Candidate A's employment status (Redactions 1 and 4 on page 1), details about Candidate A's employment (Redactions 2 and 5 on page 1, and Redaction 1 on page 2). This is information would normally appear in a personnel file and constitutes personal information about Candidate A pursuant to section 24(1)(b) of *FOIP*.<sup>4</sup>

[17] Also, on pages 1 and 2, PSC withheld Candidate A's work email address (Redaction 3 on page 1), and their name in a work signature line (Redaction 2 on page 2). Typically, this office has determined that work email addresses and work signature lines do not constitute personal information.<sup>5</sup> However, in the context of this job competition and interview process, releasing the work email address (Redaction 3 on page 1) and the name of Candidate A in their signature line (Redaction 2 on page 2) in combination with other personal information in the records would reveal the identity of Candidate A and that they were involved in the competition pursuant sections 24(1)(b) and 24(1)(k)(i) of *FOIP*.<sup>6</sup>

*Personal information analysis of redactions on pages 4 and 5:*

[18] Pages 4 and 5 is a "Termination Notification Form" for leaving the GoS or terminating an assignment within the GoS. The following types of data elements of Candidate A were withheld by PSC:

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<sup>4</sup> See OIPC [Review Report 017-2023](#) at paragraphs [33] and [34].

<sup>5</sup> See OIPC [Review Report 264-2024](#) at paragraphs [31] and [32].

<sup>6</sup> See OIPC [Review Report 148-2024, 163-2024](#) at paragraphs [56] to [59].

- Employee Name,
- Employee Number,
- Employee Assignment Number,
- Home address, including city/town and postal code,
- Ministry and branch,
- Last date worked,
- Last pay period,
- Last effective date of employment,
- Ministry the employee is commencing work in, and
- Reasons for terminating employment at current Ministry.

[19] OIPC and other Information and Privacy Commissioners in Canada have previously found employment history includes: last date worked,<sup>7</sup> last pay period,<sup>8</sup> last effective date of employment,<sup>9</sup> and reasons for terminating employment.<sup>10</sup> All of these items fall under section 24(1)(b) of *FOIP*. Therefore, there will be a finding that the above data elements on page 5 constitute the personal information of Candidate A pursuant to section 24(1)(b) of *FOIP*.

[20] PSC withheld on page 5 (redaction 4) information under the heading “ministry employee commencing in” which supposedly referred to an employee who had commenced

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<sup>7</sup> See [Investigation Report F-2012-004](#) at paragraph [35].

<sup>8</sup> See [Investigation Report F-2012-003](#) at paragraphs [17] to [19]; see also British Columbia Information and Privacy Commissioner (BC IPC) [Order F15-17](#) at paragraphs [32] to [37].

<sup>9</sup> See BC IPC [Order 03-21](#) at paragraph [26]; see also Alberta Information and Privacy Commissioner (AB IPC) [Order F2009-043](#) at paragraphs [34] to [39].

<sup>10</sup> See OIPC [Review Report 035-2019](#) at paragraphs [19] to [20].

employment with a different ministry within the GoS. OIPC has not previously considered this circumstance, however, the Ontario Information and Privacy Commissioner (ON IPC) has found that employee transfers that are related to employment history constitute personal information:<sup>11</sup>

I am of the view that information related to an employee's movements within an organization, such as a transfer or a new appointment, as is requested in the present appeal, is also related to employment history.

[Emphasis added]

[21] ON IPC made the above finding pursuant to section 21(3)(d) of its *Freedom of Information and Protection of Privacy Act*, which is worded substantially similar to section 24(1)(b) of *FOIP*. Therefore, based on the ON IPC finding and its application to employment history in this matter, there will be a finding that information related to an employee transfer on page 5 is employment history and therefore constitutes personal information of Candidate A pursuant to section 24(1)(b) of *FOIP*.

[22] Also redacted on page 4 (redaction 3) was the ministry/branch from which Candidate A terminated. This could be considered “employment history” pursuant to section 24(1)(b) of *FOIP*, but since PSC released this information in the work email signature line on page 2, there is a finding that withholding the information on this page would be moot. There will be a recommendation that PSC release the ministry and branch information withheld on page 4 (redaction 3).

[23] Withheld on page 4 (redaction 1) is both an employee number and assignment number. OIPC has previously found that employee numbers constitute personal information pursuant to section 24(1)(d) of *FOIP*.<sup>12</sup> PSC defines an assignment number as the employee number with a second number added. This second number details the number of placements

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<sup>11</sup> See ON IPC [Appeal P-9500527](#).

<sup>12</sup> See [Review Report 152-2023](#) at paragraph [66]; see also [Review Report 154-2023](#) at paragraph [42]; see also [Review Report 127-2020](#) at paragraph [46].

the employee enjoyed within the GoS.<sup>13</sup> Based on this description, Candidate A's assignment number on page 4 (redaction 1) constitutes personal information pursuant to section 24(1)(d) of *FOIP* because it is a unique identifying number of an employee within the GoS.

[24] Candidate A's home address, including postal code, found on page 4 (redaction 2), constitute personal information pursuant to section 24(1)(e) of *FOIP*.<sup>14</sup>

[25] Page 4 is titled: "Termination Notification Form". The title was unredacted when it was released to the Applicant. The name of Candidate A was properly redacted because to release the name of Candidate A with the context of the termination notice would reveal personal information contrary to the provisions of section 24(1)(k)(i) of *FOIP*.<sup>15</sup>

*Personal information analysis of redactions on pages 6 and 7:*

[26] Pages 6 and 7 are "candidate evaluation summaries" that the employer used to comparatively score candidates for the position. Within the summaries, there are three categories of redactions: Candidate Name, Candidate Seniority Date and Candidate Scores, the latter including a scoring on 12 specific competency areas. This office interpreted the redactions on pages 6 and 7 to reflect the analysis of 12 different areas of competency of the five candidates in the job interview process. It must be noted that the 12 different competency areas were released to the Applicant.

[27] In paragraph [15] above, we note that the Applicant named who they believe were the two candidates that were eventually successful in the competition. In the case of these two individuals, the scores that were assigned to 12 categories of inquiry during the testing

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<sup>13</sup> On July 10, 2025, PSC provided the following definition for an "assignment number": "comprises of two elements – the first 5 digits are the employee number and the last digit after the hyphen denotes the number of assignments the individual has completed/ worked with the GoS (irrespective of whichever Ministry)".

<sup>14</sup> See [Review Report 186-2019](#) at paragraph [23].

<sup>15</sup> See [Review Report 138-2021, 185-2021](#) at paragraph [50].

process would clearly identify these individuals even without their names and thus these scores constitute personal information. There is a finding that the interview scores in column 2 on page 6 and column 2 of page 7 cannot be released pursuant to the combined application of sections 24(1) and 29(1) of *FOIP* in the case of either candidate.<sup>16</sup>

[28] Page 6 Column 3 includes 3 redactions relating to Candidate C and page 7 Column 1 includes 3 redactions relating to Candidate D (name, seniority date, and individual scores for 12 competencies and final scores). As discussed above, the names of the candidates are personal information and properly redacted pursuant to section 24(1)(k) of *FOIP*. PSC has not provided anything persuasive to demonstrate that the release of the individual scores for 12 competencies and final scores (the third redaction on page 6 Column 3 and page 7 Column 1), without the names of the other candidates in this case could be tied to an identifiable individual. The scores on their own would not constitute personal information as the scores cannot be linked to an identifiable individual nor are personal in nature on their own. Once again, in the case of the other three individuals the scores reveal nothing that would identify them personally in this case. However, PSC has argued section 17(1)(a) of *FOIP* applies to this same information, and since this argument is persuasive, these redactions will be further examined later in this Report.

[29] 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, without a name linked to this information, it is not personal information within the context of section 24 of *FOIP*. As PSC has applied no other exemptions to these portions of the record, there will be a finding that the seniority date information for the four candidates does not constitute personal information pursuant to the section 24(1) of *FOIP*. There will be a recommendation to release the seniority date information for all candidates in the second redaction on page 6 Columns 2 and 3 and page 7 Columns 1 and 2.

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<sup>16</sup> See [Review Report 037-2025](#) at paragraphs [32] to [35].

*Personal information analysis of redactions on pages 8 and 9:*

[30] PSC asserted that page 8 “consists of handwritten or typed notes taken during or following the interview process.” These redacted comments in the notes (Redaction 1) reflected the views of the hiring committee with respect to each candidate. In reviewing the un-redacted version, there is a finding that this record does contain opinions and assessments of the job candidates alone and, in comparison, with others in the job competition. There is a finding that this information constitutes personal information pursuant to section 24(1)(h) of *FOIP*.<sup>17</sup>

[31] Redaction 2 on page 9 also contains “subjective observations and opinions about candidates other than the Applicant.” Redaction 2 on page 9 also qualifies as personal information pursuant to section 24(1)(h) of *FOIP*.<sup>18</sup> Redaction number 3 on page 9 discusses the nature of the relationship between candidates and a further discussion of the employment history of another. This is personal information pursuant to section 24(1)(b) of *FOIP*.

*Personal information analysis of redactions on pages 15 and 16:*

[32] Page 15 consists of emails exchanged between employees of PSC and those of another ministry. PSC asserted that sections 24(1)(b),(f), and (k)(i) of *FOIP* applied to this redaction; however, from a review of the records, there appears to be no personal information about an identifiable individual. This information simply discusses the ministry’s hiring and interview process. From this first analysis it would seem that this information should be released. However, PSC has argued section 17(1)(a) of *FOIP* applies to this same information, and since this argument is persuasive, these redactions will be further examined later in this Report.

[33] Page 16 consists of further communication between PSC and the other ministry. PSC applied section 29(1) of *FOIP* to the first two redactions on page 16. The first redaction

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<sup>17</sup> See OIPC [Review Report 016-2024](#) at paragraph [56]; see [Review Report F-2006-004](#) at paragraph [44].

<sup>18</sup> *Ibid*, for both citations.

discloses the employment history of Candidate A pursuant to section 24(1)(b) of *FOIP* and as such constitutes personal information with respect to Candidate A.<sup>19</sup>

[34] The second redaction on page 16 describes a ministry employee's opinion or view about unnamed individuals and, as such, does not qualify as third party personal information. From this first analysis it would seem that this information should be released but PSC applied further arguments for the withholding of this information. This will be discussed under the section 17(1)(a) analysis.

*The issue of consent and conclusion*

[35] To be properly applied, section 29 of *FOIP* requires that personal information only be disseminated with the consent of the party to whom the personal information applies unless it is disseminated with respect to any of the listed exceptions in that section. In this case none of the exceptions apply and there is no evidence of consent on the part of any of the job candidates. Therefore, there will be a finding with respect to the following redactions:

Document Description	Page Number	Redaction Number	Description of redaction	FOIP Exemptions Applied	Finding
Email thread (2 separate emails)	1	1, 2, 3, 4, 5	Subject lines (1 & 4), comments in body of email (2 & 5) and who the email was from (3)	29(1)	Properly Withheld
	2	1, 2	Comments (1 & 2)	29(1)	Properly Withheld
Termination Notification Form – 2 pages	4	1, 2, 3	Employee name, employee number, assignment number (1),	29(1)	Properly Withheld <b>except for ministry and branch (redaction 3) which was</b>

<sup>19</sup> *Supra*, footnote 16 at paragraph [35]; See also [Investigation Report F-2012-004](#) paragraphs [35] to [36].

			employee home address, city/town, postal code (2), ministry and branch (3)		<b>improperly withheld</b>
	5	1, 2, 3, 4, 5	Last day worked (1), pay period ending (2), last effective day of employment (3), ministry employee commencing in (4) and reason (5)	29(1)	Properly Withheld
Candidate Evaluation Summary – 2 pages	6	<b>Column 2</b> includes 3 redactions relating to <i>Candidate B</i>	Name (1)	29(1)	Properly Withheld
			Seniority date (2)	29(1)	<b>Improperly Withheld</b>
			Individual scores for 12 competencies and final score (3)	29(1)	Properly Withheld
		<b>Column 3</b> includes 3 redactions relating to <i>Candidate C</i>	Name (1)	29(1)	Properly Withheld
			Seniority date (2)	29(1)	<b>Improperly Withheld</b>
			Individual scores for 12 competencies and final score (3)	29(1)	Properly Withheld
	7	<b>Column 1</b> includes 3 redactions relating to <i>Candidate D</i>	Name (1)	29(1)	Properly Withheld
			Seniority date (2)	29(1)	<b>Improperly Withheld</b>
			Individual scores for 12 competencies and final score (3)	29(1)	Properly Withheld

		<b>Column 2</b> includes 3 redactions relating to <i>Candidate</i> <i>A</i>	Name (1)	29(1)	Properly Withheld
			Seniority date (2)	29(1)	<b>Improperly Withheld</b>
			Individual scores for 12 competencies and final score (3)	29(1)	Properly Withheld
Typed Meeting Notes – 3 pages	8	1	Comments	29(1)	Properly Withheld
	9	2	Comments	29(1)	Properly Withheld
		3	Comments	29(1)	Properly Withheld
Email thread (3 separate emails) – 2 pages	15	1	Comments	29(1)	Not properly withheld under this analysis but see paragraphs [67] and [75] of this report.
		2	Comments	29(1)	Not properly withheld under this analysis but see paragraphs [68] and [75] of this report.

[36] There is a recommendation that PSC continue to withhold the portions of the records that were properly withheld in the finding above.

[37] There is a recommendation that PSC release the seniority date information for all candidates on pages 6 and 7 as indicated in the findings table above and the ministry and branch information as noted on page 4.

**3. Did PSC properly apply section 31(2) of FOIP?**

[38] PSC submitted that section 31(2) of FOIP applied to portions of pages 6 (Column 1), 8 (Redactions 2 and 3), and 16 (Redaction 3). From a review of the un-redacted information, the materials withheld are the interviewers’ scores of the Applicant reflecting assessments of the Applicant’s answers to the 12 categories of questions (page 6 – Column 1). Similarly, the information withheld on pages 8 (Redactions 2 and 3), and 16 (Redaction 3) includes

not just scores but also recorded impressions or summaries of the Applicant's performance in the interview, expressed by the interviewers.

[39] Section 31(2) of *FOIP* provides:

**31(2)** A head may refuse to disclose to an individual personal information that is evaluative or opinion material compiled solely for the purpose of determining the individual's suitability, eligibility, or qualification for employment or for the awarding of government contracts and other benefits, where the information is provided explicitly or implicitly in confidence.

[40] Section 31(2) of *FOIP* has been considered in the past by this office and a three-part test is recommended in the analysis of the withheld material.<sup>20</sup>

[16] Subsection 31(2) of *FOIP* enables the head to refuse to disclose to individuals, personal information that is evaluative or opinion material compiled solely for the purpose of determining suitability, eligibility, or qualifications for employment or for the awarding of government contracts and other benefits (*Guide to FOIP*, Chapter 4, "Exemptions from the Right of Access", updated April 8, 2024 [*Guide to FOIP*, Ch. 4], p. 298).

[17] The provision attempts to address two competing interests: the right of an individual to have access to his or her personal information and the need to protect the flow of frank information to government institutions so that appropriate decisions can be made respecting the awarding of jobs, contracts and other benefits (*Guide to FOIP*, Ch. 4, p. 298).

[18] The following three-part test can be applied:

- (a) Is the information personal information that is evaluative or opinion material?
- (b) Was the personal information compiled solely for one of the enumerated purposes?
- (c) Was the personal information provided explicitly or implicitly in confidence?

(a) *Is the information personal information that is evaluative or opinion material?*

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<sup>20</sup> See OIPC [Review Report 013-2023](#) at paragraphs [16] to [18].

[41] To properly analyze this branch of the test, it must be broken down into two parts. First was the information in question “personal information” and if it is considered to be such, then there must be a determination if this personal information was “evaluative or opinion material”.

*i. Is the information “personal information”?*

[42] To qualify as personal information, the information must be about an identifiable individual and must be personal in nature as indicated in section 24 of *FOIP*.

[43] The scores withheld on page 6 (Column 1) is the interviewers’ assessments of the Applicant’s answer given in score point form to the 12 evaluative categories upon which he was interviewed. The information withheld on pages 8 (Redactions 2 and 3) and 16 (Redaction 3) include written impressions or summaries of the Applicant’s performance with respect to their response to the interviewers’ questions.

[44] This office has held in the past that test scores can indeed reveal something personal in nature about the Applicant, that is, the Applicant’s level of performance in the job interview.<sup>21</sup>

[45] The Information and Privacy Commissioner in the province of British Columbia came to a similar conclusion with more detailed reasons:<sup>22</sup>

[38] Section 22(3)(d) educational and employment history- VIHA submits that previous orders have found that personal information collected as part of an employment interview process constitutes the educational and employment history of the individual candidates. VIHA asserts that it is clear on the face of

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<sup>21</sup> See OIPC [Review Report 142-2022](#) at paragraph [22]. See also OIPC [Review Report 037-2025](#) at paragraphs [32] to [35].

<sup>22</sup> See British Columbia’s Office of the Information and Privacy Commissioner (BC IPC) [Order F23-03](#) at paragraphs [38], [41] and [42].

the records that the resumes and interview information about the candidates consists of their educational and employment history.

...

[41] Past orders have found that personal information, such as resumes, interview scores, and job competition results, are their employment history...

[42] I can confirm that the records include personal information of candidates in employment applications and interviews... This information consists of the types of information that the previous orders noted above found to be educational and employment history.

[Emphasis added]

[46] Based on previous OIPC reports and other privacy office orders, the interviewers' assessments of the Applicant's answers given in score point form (page 6 - Column 1) and the written impressions or summaries of the Applicant's answers to the interview questions by the evaluators (page 8 - redactions 2 and 3 and page 16 - redaction 3) qualifies as personal information pursuant to section 24(1)(b) of *FOIP*.

*ii. Is the personal information evaluative or opinion material?*

[47] The next determination is whether the personal information withheld was evaluative and the expressing of an opinion. In this respect, PSC submitted:

In Record 3, while the scores appear numeric, they are not objective metrics but represent subjective judgments. The structured scoring framework provides consistency in format but does not transform the content into objective data. Instead, the scores reflect the interviewers' discretionary assessments of the Applicant's interview responses, judged against expected standards that vary by question and role. They are inherently subjective and thus constitute evaluative or opinion material.

Records 4 and 6 contain the interviewers' notes, observations and judgments about the Applicant's strengths, weaknesses and suitability for the position. Some of this material includes comparative assessments between candidates.

This type of material is precisely what subsection 31(2) is intended to protect: evaluative judgments made in the context of selection processes where frank assessments must be possible. The subjectivity and purpose of these comments place them squarely within the scope of "opinion or evaluative material."

[Emphasis added]

[48] OIPC has provided guidance for these terms as well:<sup>23</sup>

[25] “Evaluative” means to have assessed, appraised, to have found or to have stated the number of (*Guide to FOIP*, Ch. 4, p. 286).

[26] “Opinion material” is a belief or assessment based on grounds short of proof; a view held as probable for example, a belief that a person would be a suitable employee, based on that person’s employment history. An opinion is subjective in nature and may or may not be based on facts (*Guide to FOIP*, Ch. 4, p. 287).

[49] This office has found that scores assigned by an assessor during an interview process are used to determine eligibility. The entire interview process involves an evaluation process on the part of the assessor who uses their skill and experience.<sup>24</sup> There will therefore be a finding that the interviewers’ assessments of the Applicant’s answer given in score point form (page 6 – Column 1) and impressions or summaries of the Applicant’s performance in the interview, expressed about the Applicant by the interviewers (page 8 - redactions 2 and 3 and page 16 - redaction 3) are personal information that is evaluative information. I will now consider whether the information was compiled solely for one of the enumerated purposes.

*(b) Was the personal information compiled solely for one of the enumerated purposes?*

[50] PSC submitted the following with respect to the interviewers’ assessments of the Applicant’s answer given in score point form (page 6 – Column 1) and impressions or summaries of the Applicant’s performance in the interview, expressed about the Applicant by the interviewers (page 8 - redactions 2 and 3 and page 16 - redaction 3):

All of the withheld information was compiled as part of a competitive hiring process. The scores in Record 3 and the interview assessments in Records 4 and 6 were created for the exclusive purpose of evaluating the Applicant’s

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<sup>23</sup> See OIPC [Review Report 142-2022](#) at paragraphs [25] and [26].

<sup>24</sup> *Ibid*, at paragraphs [19] and [20].

qualifications and determining whether they should be hired for Data and Research Analyst position.

None of the redacted material serves any other administrative or operational function beyond assessing the Applicant's candidacy for the Data and Research Analyst position.

[Emphasis added]

[51] This office has provided helpful definitions for the relevant terms relating to the second part of the test for the application of section 31(2) of *FOIP*.<sup>25</sup>

[24] The enumerated purposes are:

1. For determining the individual's suitability, eligibility, or qualifications for employment.

...

[25] "Suitability" means right or appropriate for a particular person, purpose or situation.

...

[27] "Employment" means the selection for a position as an employee of a government institution.

...

[29] The personal information must have been compiled solely for one of the enumerated purposes to qualify (*Guide to FOIP*, Ch. 4, p. 288).

[Emphasis added]

[52] In reviewing the interviewers' assessments of the Applicant's answer given in score point form (page 6 – Column 1) and impressions or summaries of the Applicant's performance in the interview, expressed about the Applicant by the interviewers (page 8 - redactions 2 and 3 and page 16 - redaction 3) in this Report and previous decisions from this and other privacy offices, it is abundantly clear that the information at issue was compiled for the primary purpose of determining the candidates', including the Applicant's, suitability for employment within the ministry. Therefore, part two of the test has been met.

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<sup>25</sup> *Supra*, footnote 20 at paragraphs [24], [25], [27] and [29].

*(c) Was the personal information provided explicitly or implicitly in confidence?*

[53] PSC submitted the following with respect to the interviewers' assessments of the Applicant's answers given in score point form to the 12 categories of questions (page 6 – Column 1) and the written evaluations (page 8 - redactions 2 and 3 and page 16 - redaction 3):

There is a well-established and reasonable expectation in staffing and hiring processes that evaluation materials—such as interview notes, scoring assessments and commentary—are to be kept confidential. This expectation is rooted in the nature of competitive hiring, which depends on the ability of interviewers to provide candid, unfiltered assessments of candidates. Disclosure of such materials would undermine this purpose by discouraging frank commentary...

... the information was also provided in confidence by implication. This arises from the institutional and procedural context in which the information was created. The interviewers were acting in their official capacities during a formal staffing competition, and their role required them to evaluate candidates fairly and thoroughly. The purpose of recording notes and assigning scores was to support internal deliberations—not to generate information for disclosure. The structure and intent of these processes inherently require that evaluative records be protected to preserve the objectivity, fairness and integrity of hiring decisions. This expectation of confidentiality extends to internal discussions and deliberations, including those related to the reopening of the recently filled Data and Research position.

[Emphasis added]

[54] This office has considered definitions that are relevant in the analysis:<sup>26</sup>

[32] “In confidence” usually describes a situation of mutual trust in which private matters are relayed or reported...

[33] “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.

...

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<sup>26</sup> *Ibid*, at paragraphs [32] to [36].

[36] While LRWS cannot confirm if the individual who provided the reference understood it was confidential, there are factors to consider if confidence is implicitly understood in these circumstances. These 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 party providing it or by the government institution?
- Was the information treated consistently in a manner that indicated a concern for its protection by the party providing it and the government institution from the point at which it was provided until the present time?
- Does the government institution have any internal policies or procedures that speak to how records or information such as that in question are to be handled confidentially?

[Emphasis added].

[55] In a previous OIPC report, there was a finding that:

...it is abundantly clear that the test scores and interviewers' notes were provided implicitly in confidence for the purposes of the Applicant's potential employment with the Ministry of Agriculture.<sup>27</sup>

[56] The interviewers' assessments of the Applicant's answer given in score point form (page 6 – Column 1) and impressions or summaries of the Applicant's performance in the interview, expressed about the Applicant by the interviewers (page 8 - redactions 2 and 3 and page 16 - redaction 3) were provided implicitly in confidence for the purpose of the Applicant's potential employment within the ministry. Because of the finding that the information was provided implicitly in confidence, OIPC does not have to consider if the information was provided explicitly in confidence.

[57] There will be a finding that PSC has properly applied section 31(2) of *FOIP* to the interviewers' assessments of the Applicant's answers given in score point form to the 12 categories of questions (page 6 – Column 1) as well as the evaluator's written impressions

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<sup>27</sup> See OIPC [Review Report 037-2025](#) at paragraph [48].

or summaries of the Applicant’s performance in response to the interview questions as outlined in the table below. (page 8 – redactions 2 and 3, and page 16 – redaction 3).

Document Description	Page Number	Redaction Number	FOIP Exemptions Applied	Status
Candidate Evaluation Summary	6	Column 1 includes only 1 redaction relating to the Applicant	31(2)	Properly Withheld
Typed Meeting Notes	8	2	31(2)	Properly Withheld
		3	31(2)	Properly Withheld
Email thread (3 separate emails)	16	3	31(2)	Properly Withheld

[58] There is a recommendation that the PSC continue to withhold the information as properly redacted pursuant to section 31(2) of FOIP in the above table of findings.

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

[59] Of the remaining records, PSC applied section 17(1)(a) of FOIP to portions of page 6 (Column 3 – redaction 3) Candidate C’s individual and final scores, page 7 (Column 1 – redaction 3) Candidate D’s individual and final scores, page 8 (Redaction 1), page 9 (Redactions 1, 4, and 5), 10, 15, and 16 (Redaction 2). Section 17(1)(a) of FOIP provides:

**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.

[60] 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.<sup>28</sup>

<sup>28</sup> See OIPC [Review Report 002-2025](#) at paragraph [18].

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

[61] Below is an analysis to determine whether the two-part test is met.

*(a) Does the information qualify as advice, proposals, recommendations, analyses or policy options?*

[62] In its submission with respect to its redactions of the material in this tranche of documents, PSC asserted:

The content reflects both analyses, as it involves a detailed examination of candidate performance, and advice, insofar as the scoring implies an evaluation of each candidate's suitability for the position. The total scores and relative rankings constitute recommendations or implied advice as to the preferred candidates.

...

This email chain includes deliberations on how to proceed with a vacancy connected to the competition in question. It contains analyses of the outcomes of the competition and of the unsuccessful candidates, including the Applicant. One redaction reveals the reasoning behind a recommendation to hold a new competition, which is a clear expression of a preferred course of action. The remaining redactions discuss assessments and deliberations regarding individual candidates, representing a combination of advice and analyses. This information was generated to inform internal decision making...

[Emphasis added]

[63] This office has provided definitions that are relevant in this analysis:<sup>29</sup>

[21] Pages 128 to 130 of the *Guide to FOIP*, Ch.4, provide the following definitions:

- “Advice” is guidance offered by one person to another. It can include the analysis of a situation or issue that may require action and the

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<sup>29</sup> See OIPC [Review Report 263-2024](#) at paragraph [21].

presentation of options for future action, but not the presentation of facts. Advice encompasses material that permits the drawing of inferences with respect to a suggested course of action, but which does not itself make a specific recommendation. It can be an implied recommendation. The “pros” and “cons” of various options also qualify as advice. It should not be given a restricted meaning. Rather, it should be interpreted to include an opinion that involves exercising judgement and skill in weighing the significance of fact. It includes expert opinion on matters of fact on which a government institution must make a decision for future action.

- A “proposal” is something offered for consideration or acceptance.
- A “recommendation” is a specific piece of advice about what to do, especially when given officially; it is a suggestion that someone should choose a particular thing or person that one thinks particularly good or meritorious. Recommendations relate to a suggested course of action more explicitly and pointedly than “advice”.
- “Analyses” (or analysis) is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

[64] From a review of the unredacted material on page 6 (Column 3 – redaction 3) and page 7 (Column 1 – redaction 3), the information contains a detailed scoring analysis of two candidates (Candidates C and D) with the total scores of both candidates provided as an evaluation of the candidates’ responses to interview questions. There was a clear exercise of judgement in this exercise. Further, PSC asserted that the redacted information on these pages constituted advice as the “scores are the result of the interview panel’s evaluation and represent an assessment.” PSC correctly applied section 17(1)(a) of *FOIP* to the redacted portions of pages 6 and 7 as described in this paragraph.

[65] Page 8 (redaction 1) contains one redaction that appears to be a comparative analysis of the Applicant’s responses in with respect to the other candidates.

[66] A review of the unredacted material contained on page 9 (redactions 1, 4 and 5) and the single redaction on page 10 reveal the substance of internal discussions that seek and give advice and guidance amongst employees of the PSC and the other Ministry.

[67] On page 15, section 17(1)(a) of *FOIP* was applied to the single redaction which appears to contain both recommendations and advice in regard to the next steps with respect to the job vacancy. The content of this material contains specific recommendations as well as general advice and falls within the statutory exception as provided for in section 17(1)(a) of *FOIP*.

[68] Page 16 (redaction 2) appears to involve discussions with respect to the next steps in the hiring process. PSC properly applied section 17(1)(a) of *FOIP* to this redaction because the information involves the discussion of, and the giving of, advice amongst the parties that were involved in the interview and hiring process.

[69] In conclusion, all the redactions discussed above contain advice, recommendations and analyses, there will be a finding that the first part of the criteria has been met.

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

[70] Earlier, OIPC established that the PSC qualifies as a “government institution”. Further, the Ministry qualifies as a government institution pursuant to section 2(1)(d)(i) of *FOIP*.

[71] This office has considered further definitions which are relevant in this analysis:<sup>30</sup>

[24] Next, my office has explained what “developed by or for” means on page 131 of the *Guide to FOIP*, Ch. 4:

- “Developed by or for” means the advice, proposals, recommendations, analyses and/or policy options must have been created either: 1) within the government institution, or 2) outside the government institution but for a government institution and at its request (for example, by a service provider or stakeholder).

[72] From a review of the unredacted records, pages 6 (Column 3 – redaction 3) and page 7 (Column 1 – redaction 3) appear to be scores given to prospective job candidates by the ministry hiring manager or supervisor for the position.

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<sup>30</sup> *Supra*, footnote 28 at paragraph [24].

[73] In its submission to this office, the PSC asserted that the redactions on page 8 (redaction 1), page 9 (redactions 1, 4 and 5), and the sole redaction on page 10 “capture internal discussions.” Further, PSC asserted that these redactions reflect “meeting notes between the PSC and the Ministry”, and “internal follow up conversations” and the notes themselves “were developed by the PSC for the PSC.” This was confirmed by a telephone call between an analyst with this office and a privacy representative of the PSC on June 26, 2025.

[74] In its submission, PSC asserted that the email discussion thread on page 15 (sole redaction) and 16 (redaction 2) is “between the ministry and PSC.” As mentioned previously, these two bodies clearly qualify as government institutions.

[75] Based on a review of the unredacted material in this tranche of documents and the context of the record, in addition to PSC’s assertion of the authors of the record, there will be a finding that the redacted information as indicated in the table below was properly withheld pursuant to section 17(1)(a) of *FOIP*.

<b>Document Description</b>	<b>Page Number</b>	<b>Redaction Number</b>	<b>FOIP Exemptions Applied</b>	<b>Status</b>
Candidate Evaluation Summary	6	<b>Column 3</b> (redaction 3)	17(1)(a)	Properly Withheld
	7	<b>Column 1</b> (redaction 3)	17(1)(a)	Properly Withheld
Typed Meeting Notes	8	1	17(1)(a)	Properly Withheld
	9	1	17(1)(a)	Properly Withheld
		4	17(1)(a)	Properly Withheld
		5	17(1)(a)	Properly Withheld
	10	1	17(1)(a)	Properly Withheld
Email thread (3 separate emails)	15	1	17(1)(a)	Properly Withheld
	16	2	17(1)(a)	Properly Withheld

[76] There is also a recommendation that the PSC continue to withhold the information that was properly withheld in the table in paragraph [75]

#### **IV FINDINGS**

[77] The OIPC has jurisdiction to undertake this review.

[78] There is a finding that PSC has properly applied section 29(1) of *FOIP* to the information in the table at paragraph [35] of this Report, except for the redaction on page 4 (redaction 3) ministry and branch, and the seniority date information for the four candidates on page 6 (redaction 2 in Columns 2 and 3) and page 7 (redaction 2 in Columns 1 and 2). These redactions do not constitute personal information and therefore were improperly withheld pursuant to section 29(1) of *FOIP*.

[79] There is a finding that PSC has properly applied section 31(2) of *FOIP* to the information as indicated in the table in paragraph [57] of this Report.

[80] There is a finding that PSC has properly applied section 17(1)(a) of *FOIP* to the information as indicated in the table in paragraph [75] of this Report.

#### **V RECOMMENDATIONS**

[81] I recommend PSC continue to withhold the information to which the exemption in section 29(1) of *FOIP* properly applies as indicated in the table at paragraph [35] of this Report.

[82] I recommend, within 30 days of the issuance of this Report, PSC release the ministry and branch found on page 4 redaction 3.

[83] I recommend, within 30 days of the issuance of this Report, PSC release the seniority date information for all candidates found on page 6 (redaction 2 in Columns 2 and 3) and page 7 (redaction 2 in Columns 1 and 2).

[84] I recommend PSC continue to withhold the information pursuant to section 31(2) of *FOIP* as indicated in the table at paragraph [57] of this Report.

[85] I recommend that PSC continue to withhold the pursuant to section 17(1)(a) of FOIP as indicated in the table at paragraph [75] of this Report.

Dated at Regina, in the Province of Saskatchewan, this 5<sup>th</sup> day of August, 2025.

Grace Hession David  
Saskatchewan Information and Privacy Commissioner