



REVIEW REPORT 049-2021

Ministry of Government Relations

July 5, 2022

Summary: The Applicant asked for records, parts of which the Ministry of Government Relations (Government Relations) denied access to pursuant to sections 13(2), 16(1)(d)(i), 17(1)(a), (b) 18(1)(b), 19(1)(b), 22(a), (b), (c) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP). The Applicant requested a review by the Commissioner. Upon review, the Commissioner found Government Relations properly applied sections 17(1)(a), (b), 22(a) and 29(1) of FOIP to various portions of the records, and that it did not properly apply sections 13(2), 16(1)(d)(i), 18(1)(b), 19(1)(b), 22(a), (b), (c), and 29(1) of FOIP to other portions. The Commissioner also found that some records were not responsive to the Applicant's access to information request, and that some information in the records was personal health information pursuant to *The Health Information Protection Act*. The Commissioner recommended Government Relations continue to withhold or release information from the records accordingly.

I BACKGROUND

[1] On April 29, 2021, the Ministry of Government Relations (Government Relations) received an access to information request from the Applicant for the following:

 Emails, correspondence & other communications to/from/received by [name redacted] (Exec Director, Northern Municipal Services) re Northern Village of Sandy Ban, Jan. 1, 2016 to present.

[2] On January 18, 2021, Government Relations responded to the Applicant indicating that it was denying access to records pursuant to sections 13(2), 16(1), 17(1)(a), (b)(ii), (iii), 18(1)(b), 19(1)(b), 22(b), (c) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

- [3] On March 8, 2021, the Applicant asked my office to review Government Relations' decision.
- [4] On March 10, 2021, my office notified the Applicant and Government Relations of my office's intent to undertake a review of the matter and invited both parties to provide submissions to my office.
- [5] The Applicant provided their submission on March 3, 2021. Government Relations provided a copy of the records and part of its submission on December 1, 2021, and the remainder of its submission on January 7, 2022 and February 7, 2022.

II RECORDS AT ISSUE

- [6] At issue are 911 pages to which Government Relations has denied access in full or in part. This is outlined in the Appendix at the end of this Report. The records Government Relations released to the Applicant, in full, are not outlined in the Appendix as they are not at issue in this review.
- [7] I note that although Government Relations stated in its response to the Applicant it was relying on section 17(1)(c) of FOIP to withhold information in some portions of the records, they did not do so. They also added section 18(1)(d) of FOIP.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

- [8] Government Relations is a "government institution" pursuant to section 2(1)(d)(i) of FOIP. Therefore, I have jurisdiction to conduct this review.

2. Did Government Relations properly apply section 17(1)(b) of FOIP?

[9] Section 17(1)(b) of FOIP provides as follows:

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

...

(b) consultations or deliberations involving:

(i) officers or employees of a government institution;

(ii) a member of the Executive Council; or

(iii) the staff of a member of the Executive Council;

[10] Section 17(1)(b) of FOIP is a discretionary class-based exemption. It permits refusal of access in situations where release of a record could reasonably be expected to disclose consultations or deliberations involving officers or employees of a government institution, a member of the Executive Council or the staff of a member of the Executive Council (*Guide to FOIP*, Chapter 4, “Exemptions from the Right of Access”, updated April 30, 2021 [*Guide to FOIP*, Ch. 4], p. 131).

[11] The provision is intended to allow persons having the responsibility to make decisions to freely discuss the issues before them to arrive at well-reasoned decisions. The intent is to allow such persons to address an issue without fear of being wrong, looking bad, or appearing foolish if their frank deliberations were to be made public (*Guide to FOIP*, Ch. 4, p. 131).

[12] The following two-part test can be applied:

1. Does the record contain consultations or deliberations?
2. Do the consultations or deliberations involve officers or employees of a government institution, a member of the Executive Council, or the staff of a member of the Executive Council?

(*Guide to FOIP*, Ch. 4, pp. 131-132)

[13] Government Relations applied section 17(1)(b) of FOIP to portions of records 1, 9, 25, 26, 33, 44, 46, 48, 55-57, 70, 73, 76, 78, 81, 92, 96, 98, 100, 107, 109, 114, 115, 117, 119, 122, 123, 127, 130, 135, 138, 144 to 146, 150, 152, 153, 164 to 166, 172, 175, 178, 186, 187, 191, 192, 194, 200, 205 to 207, 209 to 211, 213, 214, 224 to 227, 229, 235, 245, 247 and 253 (see Appendix).

- 1. Does the record contain consultations or deliberations?***
- 2. Do the consultations or deliberations involve officers or employees of a government institution, a member of the Executive Council, or the staff of a member of the Executive Council?***

[14] Government Relations submitted as follows:

In *Leo v Global Transportation Hub Authority*, Justice Kalmakoff noted the definition in the IPC Guide to Exemptions and then said, “In my view, this means ‘consultations or deliberations’ would encompass the communications between the persons listed in s. 17(1)(b) which take place during, and for the purpose of development of ‘advice, proposals, recommendations, analyses or policy options’.” He also said that consultations “may include background materials that inform the advisors about matters relative to which advice is being sought, and deliberations include discussions by the officers or employees of a government institution of the reasons for or against an action.”

Accordingly, a consultation and deliberation is not strictly limited to communications regarding the appropriateness of a particular course of action, or the reasons for or against it. A consultation may include background materials that provide information about the matters for which advice is sought. The exemption is not meant to protect the pure recitation of facts, but there may be facts intertwined with opinion and background information that, if revealed, would reveal the substance of the consultation or deliberation.

The Ministry did not apply this exemption to isolated statements of fact; however, factual information is intertwined with the consultations and/or deliberations and reasonable separation would not provide a legible record; therefore, we have concluded the information is not factual and is being withheld in accordance with the IPC Guide.

[15] From this, it appears Government Relations is stating the records contain both consultations and deliberations.

[16] “Consultation” means the action of consulting or taking counsel together, or a deliberation or conference in which the parties consult and deliberate. A consultation can occur when the views of one or more officers or employees of a government institution are sought as to the appropriateness of a particular proposal or suggested action. It can include consultations about prospective future actions and outcomes in response to a developing situation. It can also include past courses of action. (*Guide to FOIP*, Ch. 4, p. 132).

[17] “Deliberation” means the action of deliberating (to deliberate: to weigh in mind; to consider carefully with a view to a decision; to think over). It can also include a careful consideration with a view to a decision, and the consideration and discussions of the reasons for and against a measure by a number of councillors (*Guide to FOIP*, Ch. 4, p. 132).

[18] Government Relations submitted a table of 15 Government Relations employees, including their titles, involved in the consultations or deliberations. Government Relations added that some of the consultations or deliberations were with, or considered by, members of Executive Council, and described the topics of the consultations or deliberations. Rather than quote all Government Relations’ descriptions, I will quote a sample of them as follows:

Page 1 [record 1] is a consultation between Ministry employees about the Ministry’s continued involvement with the Village. The exemption was applied to a consultation on page 36 between Ministry employees regarding the Village’s landfill.

...

On page 70 [record 26], the exemption was applied to a consultation occurring between a Ministry employee, the Village, and the Village’s accountant.

...

Pages 141-142 [record 57] is an email from one Ministry employee to another, deliberating if a future policy needs to be put in place.

...

Page 227 [record 81] is an email between Ministry employees. The exemption was applied to information that deliberates different options.

...

Pages 264-266 [record 96] is an email thread between Ministry employees. On page 264, the withheld information captures a consultation around an agreement and what the agreement will address. On pages 265 and 266 and 269 and 270 and 279, the exemption was applied to a deliberation regarding a proposal for the payment of accounting services.

...

On page 340 [record 130], the issue in the briefing note captures a request by the Minister for specific information relating to the Village's notice of cancellation. The information withheld is a deliberation between the Minister and Ministry employees and is reflected in the form of a briefing note.

...

Page 373 [record 150] is discussion between Ministry employees. The information withheld captures a deliberation regarding management and administration issues of the Village and the advice provided by the Ministry employee to the Village.

...

Page 440 [record 175] is a consultation regarding a policy cycle that was drawn to help with the Village's financial situation and to aid in a group discussion on the policy cycle. The consultation is between Ministry employees.

[19] Upon review of the records and the descriptions of the records from the submission of Government Relations, it appears the records contain consultations and deliberations involving employees of Government Relations for the purposes of section 17(1)(b) of FOIP. Some, particularly the portions at records 245 and 247, are consultations that include the Minister, who is part of Executive Council.

[20] I find, therefore, Government Relations properly applied section 17(1)(b) of FOIP to records 1, 9, 25, 26, 33, 44, 46, 48, 55-57, 70, 73, 76, 78, 81, 92, 96, 98, 100, 107, 109, 114, 115, 117, 119, 122, 123, 127, 130, 135, 138, 144-146, 150, 152, 153, 164 to 166, 172, 175, 178, 186, 187, 191, 192, 194, 200, 205 to 207, 209 to 211, 213, 214, 224 to 227, 229, 235, 245, 247 and 253. I recommend Government Relations continue to withhold these portions of the records pursuant to section 17(1)(b) of FOIP.

3. Did Government Relations properly apply section 17(1)(a) of FOIP?

[21] Section 17(1)(a) of FOIP provides as follows:

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;

[22] Section 17(1)(a) of FOIP is a discretionary class-based 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 (*Guide to FOIP*, Ch. 4, p. 123).

[23] The following two-part test can be applied:

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?

(*Guide to FOIP*, Ch. 4, pp. 123-124).

[24] I only need to review Government Relations' application of section 17(1)(a) of FOIP as it applied it on records 1, 20, 25, 26, 28, 29, 33 to 36, 55 to 57, 63, 70, 73, 76, 81, 86, 87, 92, 96, 98, 99, 101, 106 to 110, 111, 117, 119, 121 to 123, 127, 132, 133, 135, 137, 138, 150, 144-146, 164, 165, 172, 175, 178, 186, 194, 205 to 207, 210, 213, 214, 227, 245, 247 and 250 (See Appendix).

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

[25] Government Relations stated the records involved contain advice, proposals, recommendations, analyses, and policy options. I will define each term in the paragraphs that follow.

[26] "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 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 decide for future action (*Guide to FOIP*, Ch. 4, p. 124).
- [27] Advice includes the views or opinions of a public servant as to the range of policy options to be considered by the decision maker even if they do not include a specific recommendation on which option to take (*Guide to FOIP*, Ch. 4, p. 124).
- [28] Advice has a broader meaning than recommendations. The legislative intention was for advice to have a distinct meaning from recommendations. Otherwise, it would be redundant (*Guide to FOIP*, Ch. 4, p. 124).
- [29] 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”. It can include material that relates to a suggested course of action that will ultimately be accepted or rejected by the person being advised. It includes suggestions for a course of action as well as the rationale or substance for a suggested course of action. A recommendation, whether express or inferable, is still a recommendation (*Guide to FOIP*, Ch. 4, p. 125).
- [30] A “proposal” is something offered for consideration or acceptance (*Guide to FOIP*, Ch. 4, p. 125).
- [31] “Analyses” (or analysis) is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements (*Guide to FOIP*, Ch. 4, p. 125).

[32] “Policy options” are lists of alternative courses of action to be accepted or rejected in relation to a decision that is to be made. They would include matters such as the public servant’s identification and consideration of alternative decisions that could be made. In other words, they constitute an evaluative analysis as opposed to objective information (*Guide to FOIP*, Ch. 4, p. 125).

[33] Government Relations provided descriptions of the portions of the records where it applied section 17(1)(a) of FOIP. Rather than quote all Government Relations’ descriptions, I will quote a sample of them as follows:

Page 55 [record 20] is a conversation between Ministry employees discussing how to proceed if the Village is unable to fulfill their obligations.

...

Pages 74-78 [record 29] is an email from the Village’s accountant to a Ministry employee that contains attachments. The attachments to the email include the CRA account balance and Notice of Assessment details. The exemption was applied to analysis and advice from the Village’s accountant to the Ministry employee with respect to the outstanding CRA payments.

...

Page 155 [record 63] contains a recommendation and analysis made by a Ministry of Environment employee to a Ministry employee.

...

Pages 342-343 [records 132 and 133] discuss the recommendation of a regional administrator and the possibility that a qualified person may be available. This is a conversation that is captured in a briefing note to advise the Minister and his Executive Council of the next steps with the Village.

...

On page 502 [record 205], the exemption was applied to part of a sentence where a Ministry employee provides an expression of opinion (i.e. advice) regarding the current situation and what it may imply.

...

On page 891 [record 250], an issue in the briefing note captures a request by the Minister for specific information relating to the Village’s council concerns. The information withheld is a deliberation between the Minister and Ministry employees and is reflected in the form of a briefing note.

[34] Upon review of the portions of the records outlined in the preceding paragraph, as well as the remaining portions listed at paragraph [25] of this Report and the descriptions provided by Government Relations in its submission, I am satisfied the portions withheld constitute advice, proposals, recommendations, analyses and policy options for the purposes of section 17(1)(a) of FOIP and meet the first part of the test. I will now consider the second part of the test.

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?

[35] “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 the government institution and at its request (for example, by a service provider or stakeholder) (*Guide to FOIP*, Ch. 4, p. 126).

[36] For information to be developed by or for a government institution, the person developing the information should be an official, officer or employee of the government institution, be contracted to perform services, be specifically engaged in an advisory role (even if not paid), or otherwise have a sufficient connection to the government institution (*Guide to FOIP*, Ch. 4, p. 127).

[37] To put it another way, in order to be “developed by or for” the government institution, the advice, proposals, recommendations, analyses and/or policy options should: i) be either sought, be expected, or be part of the responsibility of the person who prepared the record; and ii) be prepared for the purpose of doing something, for example, taking an action or making a decision; and iii) involve or be intended for someone who can take or implement the action (*Guide to FOIP*, Ch. 4, p. 127).

[38] In its submission, Government Relations described each record as being created by Government Relations officials for other Government Relations officials or for the Minister. The Minister is part of Cabinet; as Cabinet is part of Executive Council, it is included in this part of the exemption (*Guide to FOIP*, Ch. 4, p. 126).

[39] From review of the record, such as from reviewing email headers and signatures and the contents of documents, I can tell the records were developed by Government Relations by the same employees that Government Relations outlined in its submission. The purpose was for someone within Government Relations or for the Minister to make a decision on something. As such, the second part of the test is met.

[40] I find, therefore, Government Relations properly applied section 17(1)(a) of FOIP to records 1, 20, 25, 26, 28, 29, 33 to 36, 55 to 57, 63, 70, 73, 76, 81, 86, 87, 92, 96, 98, 99, 101, 106 to 110, 111, 117, 119, 121 to 123, 127, 132, 133, 135, 137, 138, 150, 144-146, 164, 165, 172, 175, 178, 186, 194, 205 to 207, 210, 213, 214, 227, 245, 247 and 250 and recommend Government Relations continue to withhold these portions.

4. Did Government Relations properly apply section 18(1)(b) of FOIP?

[41] Section 18(1)(b) of FOIP provides as follows:

18(1) A head may refuse to give access to a record that could reasonably be expected to disclose:

...

(b) financial, commercial, scientific, technical or other information:

(i) in which the Government of Saskatchewan or a government institution has a proprietary interest or a right of use; and

(ii) that has monetary value or is reasonably likely to have monetary value;

[42] Section 18(1)(b) of FOIP is a discretionary class-based exemption. It permits refusal of access in situations where release of a record could reasonably be expected to disclose financial, commercial, scientific, technical or other information which the Government of Saskatchewan or a government institution has a proprietary interest or a right of use and which has monetary value or reasonably likely to have monetary value (*Guide to FOIP*, p. 164).

[43] The following test can be applied:

1. Does the information contain financial, commercial, scientific, technical or other information?
2. Does the government institution have a proprietary interest or a right to use it?
3. Does the information have monetary value for the government institution or is it reasonably likely to?

(Guide to FOIP, Ch. 4, pp. 165-166)

[44] Government Relations applied section 18(1)(b) of FOIP to records 8, 12, 49 to 51, 125-127, 143, 147 to 149, 174 and 208 (see Appendix).

- 1. *Does the information contain financial, commercial, scientific, technical or other information?***

[45] Government Relations stated the portions of the records where it is relying on section 18(1)(b) of FOIP contains financial information.

[46] “Financial information” is information regarding monetary resources, such as financial capabilities, assets and liabilities, past or present. Common examples are financial forecasts, investment strategies, budgets, and profit and loss statements. The financial information must be specific to a particular party (*Guide to FOIP, Ch. 4, p. 164*).

[47] The portions of record 8 that have been released to the Applicant indicate they are Saskatchewan Power Corporation (SaskPower) bills and statements. The portions of record 8 that Government Relations has withheld pursuant to section 18(1)(b) of FOIP contains account numbers. This is not financial information, and so does not meet the first part of the test. I note portions of record 126 also contains account numbers, which is not financial information. I do not need to consider the second or third parts of the test for record 8 and the portions of record 126 that contain account numbers.

[48] Government Relations stated that records 49 to 51, 125 to 127, 143, 147 to 149 and 174 (withheld in full) include letters regarding “outstanding debt that the Village [Sandy Bay]

needs to address”. Records 125 to 127 contain an email and statements regarding debt owed by Sandy Bay. Record 208 (withheld in full), which Government Relations did not describe, contains information regarding moneys paid to Sandy Bay. These fit the first part of the test, so I will now consider the second part of the test for these records.

2. Does the government institution have a proprietary interest or a right to use it?

[49] The *Guide to FOIP* states “proprietary” means of, relating to, or holding as property. “Proprietary interest” is the interest held by a property owner together with all appurtenant rights, such as a stockholder’s right to vote the shares. It signifies simply “interest as an owner” or “legal right or title” (*Guide to FOIP*, Ch. 4, p. 165).

[50] “Owner” means someone who has the right to possess, use, and convey something; a person in whom one or more interests are vested (*Guide to FOIP*, Ch. 4, p. 165).

[51] “Right of use” means a legal, equitable, or moral title or claim to the use of property, or authority to use (*Guide to FOIP*, Ch. 4, p. 166).

[52] With respect to the records involved, Government Relations submitted as follows:

To clarify the second question, Merriam-Webster dictionary defines “proprietary” as “one that possesses, owns or holds exclusive right to something.” The Ministry submits that a proprietary interest would suggest an interest that would include an owner. The IPC Guide to Exemptions defines “right of use” on page 166 as “a legal, equitable, or moral title or claim to the use of property, or authority to use.”

The Ministry submits that as the owner of the bank account of the NMTA, the Ministry, has both a proprietary interest and a right of use.

[53] The letters and statements sent to Sandy Bay (records 49 to 51, 143, 147 to 149 and 174) were sent to Sandy Bay to notify of moneys owed by Sandy Bay, which records 125 to 127 include statements (e.g., in an email) detailing Sandy Bay’s debt. Record 208 includes information about moneys paid to Sandy Bay. I do not understand how Government Relations’ argument that it is the “owner of the bank account for the NMTA” [Northern Municipal Trust Account] has any bearing with respect to whether it has a proprietary

interest in this information. Government Relations' explanation does not make this clear, nor does a review of the records. As the second part of the test is not met, I have no need to go further in my review of section 18(1)(b) of FOIP.

[54] I find Government Relations did not properly apply section 18(1)(b) of FOIP to records 8, 49 to 51, 125-127, 143, 147 to 149, 174 and 208. As Government Relations has not applied any other exemptions where it applied section 18(1)(b) of FOIP, I recommend it release the portions of these records where it applied section 18(1)(b) of FOIP.

5. Did Government Relations properly apply section 13(2) of FOIP?

[55] Section 13(2) of FOIP provides as follows:

13(2) A head may refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from a local authority as defined in the regulations.

[56] Section 13(2) of FOIP is a discretionary class-based exemption. The provision permits refusal of access to information in a record where the information was obtained in confidence, implicitly or explicitly from a local authority (Guide to FOIP, Ch. 4, p. 34).

[57] The following two-part test can be applied:

1. Was the information obtained from a local authority?
2. Was the information obtained implicitly or explicitly in confidence?

(Guide to FOIP, Ch.4, pp. 34-35).

[58] Government Relations applied section 13(2) of FOIP to portions of records 8, 9, 16, 25, 28, 29, 37, 55, 82, 87, 91, 95, 101, 106, 108, 126, 129, 131-134, 136, 137, 152, 153, 164, 176, 186, 191, 192, 204, 211, 217, 223 to 226, 231 and 234.

1. Was the information obtained from a local authority?

[59] “Information” means facts or knowledge provided or learned because of research or study (*Guide to FOIP*, Ch. 4, p. 34).

[60] “Obtained” means to acquire in a way, to get possession of, to procure or to get hold of by effort (*Guide to FOIP*, Ch. 4, p. 34).

[61] Section 13 uses the term “information contained in a record” rather than “a record” like other exemptions. Therefore, the exemption can include information within a record that was authored by the government institution provided the information at issue was obtained from a local authority (*Guide to FOIP*, Ch. 4, p. 35).

[62] Government Relations submitted as follows:

The Ministry, through the Northern Municipal Services branch (NMS), holds the unique responsibility to act as the local government authority for the Northern Saskatchewan Administration District (NSAD), which is defined as a northern municipality.

The NMS provides financial support, municipal advisory and community planning services, and training programs to incorporated municipalities in northern Saskatchewan. NMS provides financial support through the administration of the Northern Trust Account (NMTA). NMTA expenses primarily relate to the following northern municipal programs: (1) municipal revenue sharing; (2) water and sewer infrastructure; (3) capital grants; (4) residential subdivision development; and (5) sustainable solid waste management. Some of the information described below was provided by the Village to the Ministry for payments to be made by the NMTA or for assistance to be provided by the Ministry.

[63] Section 2(2) of [The Freedom of Information and Protection of Privacy Regulations](#) (FOIP Regulations) points to the definition of a “local authority” found in subsection 2(f) of [The Local Authority Freedom of Information and Protection of Privacy Act](#) (LA FOIP) (*Guide to FOIP*, Ch. 4, p. 34).

[64] In this matter, the village that Government Relations is referring to is the Northern Village of Sandy Bay (Sandy Bay). Sandy Bay, according to the [Government of Saskatchewan](#)

[Municipal Directory System](#) is a Northern Village, and so is located in the Northern Saskatchewan Administration District and governed by [The Northern Municipalities Act, 2010](#). In my office's [Review Report 019-2021](#) concerning Sandy Bay, I stated it is a local authority pursuant to section 2(f)(i) of LA FOIP.

[65] Upon review of the records outlined at paragraph [58] where Government Relations has applied section 13(2) of FOIP, it appears the information is information that would have been obtained from Sandy Bay. For example, record 9 appears to be information Sandy Bay provided to Government Relations to indicate its own assessment of something. Record 55 contains an email from Sandy Bay that includes information about a situation it faced. These portions of the records, then, meet the first part of the test. I will now assess the second part of the test.

2. Was the information obtained implicitly or explicitly in confidence?

[66] “In confidence” usually describes a situation of mutual trust in which private matters are relayed or reported. Information obtained in confidence means the provider of the information has stipulated how the information can 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 local authority at the time the information was obtained (*Guide to FOIP*, Ch. 4, p. 35).

[67] In its submission, Government Relations described the confidentiality of the information provided by Sandy Bay in the portions of the records where it applied section 13(2) of FOIP. Rather than quote all Government Relations' descriptions, I will quote a sample of them as follows:

Pages 20 and 34-35 [record 8] are attachments to page 16. They show a breakdown of SaskPower accounts and the amount owing for each. The Village provided this information in confidence to verify... The Village was facing financial hardship. The details of that hardship were provided with an implicit understanding of confidentiality.

...

Pages 44, 46, 48-50, 75-78, 93, 245-246 [records 16, 29, 37 and 91] are Notices from [redacted information] regarding payroll deductions payable by the Village. Taxpayer

information is confidential. The Village provided this information to the Ministry with an implicit understanding of confidentiality.

...

Pages 66-69, 276-281, 285-296 [records 25, 101 and 106-108] are status reports created by Ministry employees. Status reports were created when Ministry employees provided on-site assistance to the Village. This assistance related to the confidential financial affairs of the Village. While the information is captured in an NMS status report, the village provided the information in confidence.

...

The exemption was applied to one sentence at the bottom of page 132, 133 and 443 [records 55 and 176]. The Village provided the information through its general email account. There is an implicit understanding of confidentiality because the Village is specific and candid about its financial difficulties. This level of candor was only possible because the Village was providing the information to the Ministry on the understanding of confidentiality.

...

The bottom half of page 376 and 377, 378, 393, 440 and 441 [records 152, 153, 164 and 175] indicate the same email from the Village that contain information regarding outstanding payments and current challenges that was provided under an expectation of implicit confidentiality. The next email in the chain on page 376, 379, 380, 392 and 393 contains some of the information provided by the Village in the earlier email. The internal conversation uses confidential information to determine what the Ministry needs to assess the current state of the Village's financial status and operations.

...

Pages 550-556 [record 217], 740-746, 814-820 [records 227 and 231], and 851-858 [record 234] are all labelled as private and confidential. It is audit and management letters of the Village's Financial Statements. These letters were provided to the Ministry to determine.... These letters contain sensitive financial information provided with an understanding of confidentiality.

[68] It appears Government Relations, from the descriptions in the preceding paragraph, is stating that the information was obtained "implicitly" in confidence. "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. Factors to consider if information was determined implicitly include:

- What is the nature of the information? Would a reasonable person regard it as confidential? Would it ordinarily be kept confidential by the government institution or the local authority?

- Was the information treated consistently in a manner that indicated a concern for its protection by the government institution and the local authority from the point it was obtained until the present time?
- Is the information available from sources to which the public has access?
- Does the government institution have any internal policies or procedures that speak to how records such as the one in question are to be handled confidentially?
- Was there a mutual understanding that the information would be held in confidence? Mutual understanding means that the government institution and the local authority both had the same understanding regarding the confidentiality of the information at the time it was provided. If one party intends the information to be kept confidential but the other does not, the information is not considered to have been obtained in confidence. However, mutual understanding alone is not sufficient. Additional factors must exist.

[69] In my office's [Review Report 172-2019](#) concerning the Ministry of Education, I stated at paragraph [36] that information that forms part of public accounts, including moneys owed to the provincial government by a local authority, are public information and thus classified that way.

[70] I further note that section 133(1)(a) of *The Northern Municipalities Act*, under which Sandy Bay is governed, provides as follows:

133(1) Any person is entitled at any time during regular business hours to inspect and obtain copies of:

(a) any contract approved by the council, any bylaw or resolution and any account paid by the council relating to the municipality;

[71] Information such as accounts paid (e.g., power bills at record 8) are open to public inspection pursuant to section 133(1)(a) of *The Northern Municipalities Act*.

[72] Lastly, the portions of records that Government Relations states contain "taxpayer information" (notably records 16, 29, 37 and 91), including account numbers, relates to Sandy Bay as the taxpayer. The notice(s) is a request from the Canada Revenue Agency to the province of Saskatchewan, as shown by the portions of the records released to the

Applicant, to pay money it “would otherwise pay the taxpayer”. These appear to represent moneys owed to Canada’s Consolidated Revenue Fund, which, much like the province’s public accounts, is also public information.

[73] I do not believe records that fall into the categories described at paragraphs [69] to [72] of this Report, which include ones that should normally be available to the public, have an implicit expectation of confidentiality. Records 8, 9, 16, 25, 28, 29, 37, 55, 82, 87, 91, 95, 101, 106, 108, 126, 129, 131 to 134, 136, 137, 152, 153, 164, 176, 186, 191, 192, 204 and 211 all appear to contain information that meets any of the preceding criteria for being publicly available, which would mean there could not be an expectation that they remain confidential. If there are reasons why such information should remain confidential, Government Relations has not argued as such. Based on this reasoning, the third part of the test is not met where Government Relations applied section 13(2) of FOIP to the records as described above.

[74] Having stated this, I do recognize there are instances where information in the possession or control of a local authority is not open to public inspection. In my office’s [Review Report 179-2021](#) concerning the Resort Village of Kivimaa-Moonlight Bay, I stated at paragraphs [14] and [15] that auditor letters sent to a municipality separately from the annual audit report *are not* open to public inspection because they are excluded from section 117 of *The Municipalities Act*. Section 133 of *The Northern Municipalities Act*, which is equivalent to section 117 of *The Municipalities Act*, excludes these types of reports from inspection via section 211(2) of *The Northern Municipalities Act*, which provides as follows:

211(2) The auditor shall separately report to the council any improper or unauthorized transaction or noncompliance with this or another statute or a bylaw that is noted during the course of an audit.

[75] Based on this factor, confidentiality over these types of records is intended, and so there would be an implicit expectation of confidentiality over them. As such, the third part of the test is met where Government Relations applied section 13(2) of FOIP to records 217, 224 to 226, 231 and 234.

[76] In conclusion, I find Government Relations did not properly apply section 13(2) of FOIP to records 8, 9, 16, 25, 28, 29, 37, 55, 82, 87, 91, 95, 101, 106, 108, 126, 129, 131 to 134, 136, 137, 152, 153, 164, 176, 186, 191, 192 and 194, 204 and 211, and that it properly applied section 13(2) of FOIP to records 217, 224 to 226, 231 and 234. Government Relations has not applied any other exemptions to these same portions of the records, so I recommend it continue to withhold and release records accordingly.

6. Did Government Relations properly apply section 19(1)(b) of FOIP?

[77] Section 19(1)(b) of FOIP provides as follows:

19(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

...

(b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to a government institution by a third party;

[78] Section 19(1)(b) of FOIP is a mandatory, class-based exemption. It permits refusal of access in situations where a record contains financial, commercial, scientific, technical or labour relations information that was supplied in confidence to a government institution by a third party (*Guide to FOIP*, Ch. 4, p. 197).

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

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?
2. Was the information supplied by the third party to a government institution?
3. Was the information supplied in confidence implicitly or explicitly?

(*Guide to FOIP*, Ch. 4, pp. 197-202)

[80] Government Relations applied section 19(1)(b) of FOIP to records 3, 4 and 168.

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?

[81] Government Relations stated the information involved in these records is commercial and financial in nature.

[82] “Financial information” is information regarding monetary resources, such as financial capabilities, assets and liabilities, past or present. Common examples are financial forecasts, investment strategies, budgets, and profit and loss statements. The financial information must be specific to a third party (*Guide to FOIP*, Ch. 4, p. 198).

[83] “Commercial information” is information relating to the buying, selling or exchange of merchandise or services. This can include third party associations, past history, references and insurance policies and pricing structures, market research, business plans, and customer records (*Guide to FOIP*, Ch. 4, p. 198).

[84] Types of information included in the definition of commercial information can include:

- offers of products and services a third-party business proposes to supply or perform;
- a third-party business’ experiences in commercial activities where this information has commercial value;
- terms and conditions for providing services and products by a third party;
- lists of customers, suppliers or sub-contractors compiled by a third-party business for its use in its commercial activities or enterprises - such lists may take time and effort to compile, if not skill;
- methods a third-party business proposes to use to supply goods and services; and
- number of hours a third-party business proposes to take to complete contracted work or tasks.

(*Guide to FOIP*, Ch. 4, p. 198)

[85] Government Relations submitted as follows:

The information found on pages 4-14 [records 3 and 4] is an agreement between the Village of Sandy Bay and the [name redacted] (Band). This agreement is classified as commercial services. There is also mention of financial sharing and payments to be made regarding the transfer of operating and maintenance responsibilities.

The information was provided by the Village of Sandy Bay to the Ministry. The agreement was provided in confidence to illustrate the challenges the Village is facing.

Pages 405-427 [record 168] are engineering specs and drafts provided by [name redacted] for upgrades to the Village's sewer and water system. They are the property of the consulting firm.

[86] In my office's [Review Report 306-2016](#) concerning the [then] Ministry of Highways and Infrastructure (Highways), I considered section 19(1)(b) of FOIP as it relates to agreements made between Highways and Canada Pacific Railway (CP). The agreement described what each party would contribute to the creation of a project involving the Global Transportation Hub. In this report, Highways argued the information was both financial and commercial in nature. At paragraphs [17] and [18], I stated as follows:

[17] CP asserts that the whole agreement qualifies as financial and commercial information. The Ministry submits that the "funding" portion of the agreement qualifies as financial information. I am not persuaded that any information would qualify as financial information of the third party. As per the definition above, financial information would typically describe a third party's financial resources or assets and liabilities. It also must be specific to the third party. The record simply outlines what commitments each party has made with respect to achieving this common project.

[18] The Ministry asserted that the portions of the agreement that describe project contribution, land for the facility and the design and specifications would qualify as commercial information. The agreement does not relate to the buying and selling of merchandise or services, it relates to the commitments of each party to complete a project. The record does not qualify as commercial information.

[87] As with the records in Review Report 306-2016, the records before me do not contain financial information relating to the financial resources or assets of the third parties involved. Government Relations has also not sufficiently stated how the information in question would have any sort of commercial value for each of the third parties involved, and a review of the records does not make this abundantly clear, either. As such, the first part of the test is not met. As the first part of the test is not met, I do not need to go further.

[88] I find, therefore, Government Relations did not properly apply section 19(1)(b) of FOIP to records 3, 4 and 168. As Government Relations has not applied any other exemptions to these same portions of the records, I recommend it release them.

[89] I add that in past review reports concerning municipalities, (e.g., [Review Report 122/2014](#) concerning the Village of Lebret), I stated that contracts approved by council for the delivery of third-party services are open to inspection pursuant to section 117(1)(a) of *The Municipalities Act*. Similarly, records 3 and 4, which are contracts that also include invoices for the contracted services, would normally be open to public inspection pursuant to the equivalent section 133(1)(a) of *The Northern Municipalities Act*, which I mentioned previously in this Report.

7. Did Government Relations properly apply section 22(a) of FOIP.

[90] Section 22(a) of FOIP provides as follows:

22 A head may refuse to give access to a record that:

(a) contains any information that is subject to any privilege that is available at law, including solicitor-client privilege;

[91] Section 22(a) of FOIP is a discretionary, class-based exemption. It permits refusal of access in situations where a record contains information that is subject to any legal privilege, including solicitor-client privilege.

[92] “Privilege” is a special right, exemption, or immunity granted to a person or class of persons. Government Relations appears to be claiming solicitor-client privilege over the portions of the records where it applied section 22(a) of FOIP. The purpose of “solicitor-client” privilege is to assure clients of confidentiality and enable them to speak honestly and candidly with their legal representatives. The privilege has long been recognized as “fundamental to the proper functioning of our legal system” and a cornerstone of access to justice. It has evolved from a rule of evidence to a substantive rule that is more nuanced

than simply any communications between lawyer and client (*Guide to FOIP*, Ch. 4, pp. 256-258).

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

1. Is the record a communication between solicitor and client?
2. Does the communication entail the seeking or giving of legal advice?
3. Did the parties intend for the communication to be treated confidentially?

(*Guide to FOIP*, Ch. 4, pp. 258-262)

[94] Government Relations applied section 22(a) of FOIP to record 57, which includes three emails. As I found section 17(1)(b) of FOIP applies to the contents of the third email, I am only dealing with section 22(a) of FOIP on the first two emails. Regardless, the third email does not directly involve Government Relations' legal counsel, and so would not have met the first part of the test for this section, anyway.

[95] The first email is from Government Relations' legal counsel to a Government Relations official. This email has four attachments. Government Relations confirmed the attachments have been provided to the Applicant and that section 22(a) of FOIP has not been applied to them, so I do not need to worry about them in my review of section 22(a) of FOIP.

[96] The second email is from a Government Relations official to Government Relations' legal counsel.

[97] In both emails, Government Relations withheld the contents, plus the name of Government Relations' legal counsel and the individuals with whom they had contact, pursuant to section 22(a) of FOIP.

[98] The following two-part test can be applied:

1. Is the record a communication between solicitor and client?

2. Does the communication entail the seeking or giving of legal advice?

(Guide to FOIP, Ch. 4, pp. 258-260)

[99] A “communication” is the process of bringing an idea to another’s perception; the message or ideas so expressed or exchanged; the interchange of messages or ideas by speech, writing, gestures, or conduct (*Guide to FOIP, Ch. 4, p. 259*). In this matter, an email is involved, which is a form of communication.

[100] As Government Relations’ legal counsel is a member of the Law Society of Saskatchewan, a solicitor is involved.

[101] A “client” is a person who consults with their legal counsel, and on whose behalf the solicitor renders or agrees to render legal advice. A client is also a person who, having consulted a solicitor, reasonably believes they have agreed to render legal services on their behalf (*Guide to FOIP, Ch. 4, p. 258*). In this matter, the client is Government Relations.

[102] “Legal advice” means a legal opinion about a legal issue, and a recommended course of action, based on legal considerations, regarding a matter with legal implications. The second part of the test is satisfied where the person seeking advice has a reasonable concern that a particular decision or course of action may have legal implications and turns to their solicitor to determine what those legal implications might be. The privilege applies not only to the records that actually give the legal advice but also to those that seek it and that provide factual information relative to which the advice is sought (*Guide to FOIP, Ch. 4, pg. 261*).

[103] The privilege applies to records that quote or discuss the legal advice. For example, information in written communications between officials or employees of a government institution in which the officials or employees quote or discuss the legal advice given by the government institution’s solicitor (*Guide to FOIP, Ch. 4, p. 261*).

[104] Business or policy advice provided by a lawyer will not attract the privilege. The Supreme Court of Canada in [*R. v. Campbell, 1999 \(SCC\), \[1999\]*](#) recognized this:

It is, of course, not everything done by a government (or other) lawyer that attracts solicitor-client privilege. While some of what government lawyers do is indistinguishable from the work of private practitioners, they may and frequently do have multiple responsibilities including, for example, participation in various operating committees of their respective departments. Government lawyers who have spent years with a particular client department may be called upon to offer policy advice that has nothing to do with their legal training or expertise, but draws on departmental know-how. Advice given by lawyers on matters outside the solicitor-client relationship is not protected... Whether or not solicitor-client privilege attaches in any of these situations depends on the nature of the relationship, the subject matter of the advice and the circumstances in which it is sought and rendered.

(*Guide to FOIP*, Ch. 4, pp. 261-262)

[105] In this matter, Government Relations has not commented on the type of legal advice sought from or provided by its legal counsel. Rather, Government Relations' submission speaks mainly to confidentiality. From a review of the records, however, I can tell that Government Relations sought involvement by its legal counsel on a matter and legal counsel appears to have responded with advice. As such, the second part of the test is met, and I will now consider the third part of the test.

3. Did the parties intend for the communication to be treated confidentially?

[106] There must be an expectation on the part of the government institution that the communication will be confidential. "Not every aspect of relations between a solicitor and a client is necessarily confidential". Confidentiality is the *sine qua non* of privilege. Without confidentiality there can be no privilege and when confidentiality ends so too should the privilege (*Guide to FOIP*, Ch. 4, p. 262).

[107] Not all communications between a solicitor and their client are privileged. For example, provision of purely business advice by in-house counsel or purely social interactions between counsel and their clients will not constitute privileged communications. Documents that are provided to a solicitor or "which simply come into the possession of a lawyer that are not related to the provision of legal advice are not privileged". Not every

record dropped off, funneled through or otherwise given to a government institution's solicitor has been given in confidence for the purpose of giving or seeking legal advice. Just because a solicitor may have been involved is not enough to find that privilege applies to records. For example, copying the solicitor in emails does not automatically make them subject to solicitor-client privilege (*Guide to FOIP*, Ch. 4, p. 262).

[108] With respect to confidentiality, Government Relations stated as follows:

1. The confidentiality of communications between solicitor and client may be raised in any circumstances where such communications are likely to be disclosed without the client's consent.
2. Unless the law provides otherwise, when and to the extent that the legitimate exercise of a right would interfere with another person's right to have his communications with his lawyer kept confidential, the resulting conflict should be resolved in favour of protecting the confidentiality.
3. When the law gives someone the authority to do something which, in the circumstances of the case, might interfere with that confidentiality, the decision to do so and the choice of means of exercising that authority should be determined with a view to not interfering with it except to the extent absolutely necessary in order to achieve the ends sought by the enabling legislation.
4. Acts providing otherwise in situations under paragraph 2 and enabling legislation referred to in paragraph 3 must be interpreted restrictively.

The Supreme Court of Canada has also adopted the articulation of solicitor-client privilege set out in *Wigmore on Evidence*, vol. 8 (McNaughton rev. 1961), para. 2292, which states:

Where legal advice of any kind is sought from a professional legal adviser in his capacity as such, the communications relating to that purpose, made in confidence by the client, are at his instance permanently protected from disclosure by himself or by the legal adviser, except the protection be waived.

Descôteaux et al. v. Meirzwinski, [1982] 1 S.C.R. 860;
R. v. Campbell, [1999] 1 S.C.R. 565

The Supreme Court of Canada has rejected an approach to solicitor-client privilege that would distinguish between a fact and a communication:

[19] Although *Descoteaux* appears to limit the protection of the privilege to communications between lawyers and their clients, this Court has since rejected a category-based approach to solicitor-client privilege that distinguishes between a

fact and a communication for the purpose of establishing what is covered by the privilege (*Marando*, at para. 30). While it is true that not everything that happens in a solicitor-client relationship will be a privileged communication, facts connected with that relationship (such as the bills of account at issue in *Marando*) must be presumed to be privileged absent evidence to the contrary (*Marando*, at paras. 33-34; see also *Foster Wheeler*, at para 42.) This rule applies regardless of the context in which it is invoked (*Foster Wheeler*, at para 34; *R v Gruenke*, [1991] 3 S.C.R. 263, at p. 289).

[20] In the case at bar, therefore, we cannot conclude at the outset that Mr. Thompson’s communications with his clients are distinct from financial records that disclose various facts about their relationships in order to determine whether solicitor-client privilege covers those facts. Absent proof to the contrary, all of this information is prima facie privileged, and therefore confidential. [emphasis added]

Canada (National Revenue) v Thompson, 2016 SCC 21.

Thus, there is a rebuttable presumption that all communications between a solicitor and client and the information they share are *prima facie* confidential:

[40] From this perspective, it is not appropriate to establish a strict demarcation between communications that are protected by professional secrecy and facts that are not so protected (*Maranda*, at paras. 30-33; *Foster Wheeler*, at para. 38). The line between facts and communications may be difficult to draw (S. N. Lederman, A.W. Bryant and M.K. Fuerst, *The Law of Evidence in Canada* (4th ed. 2014), at p. 941). For example, there are circumstances in which non-payment of a lawyer’s fees may be protected by professional secrecy (*R. v. Cunningham*, 2010 SCC 10, [2010] 1 S.C.R. 331, at para. 30). The Court has found that “[c]ertain facts, if disclosed, can sometimes speak volumes about a communication” (*Maranda*, at para. 48). This is why there must be a rebuttable presumption to the effect that “all communications between client and lawyer and the information they shared would be considered prima facie confidential in nature” (*Foster Wheeler*, at para. 42). [emphasis added]

Canada (Attorney General) v Chambre des notaires du Québec, 2016 SCC 20 (Chambre des notaires).

In *Chambre des notaires*, the Court also said, at paragraph 72: “In *Foster Wheeler*, the Court observed that ‘[i]t would be inaccurate to reduce the content of the obligation of confidentiality to opinions, advice or counsel given by lawyers to their clients’ (para. 38).”

Although the dates of communications and the parties to communications are now being disclosed to you for the purposes of this review, it is respectfully submitted that the date upon which a communication occurred, and the parties to the communication are protected by the privilege -- since “all communications between client and lawyer” are protected -- and should not be disclosed to the applicant or referred to in your report.

There is a solicitor client relationship between [name redacted], Senior Crown Counsel, Legal Services Division and the Ministry of Government Relations. Pursuant to the case law, there is a rebuttable presumption that all the information shared between them is *prima facie* confidential. There is a solicitor client relationship and the information shared between them is *prima facie* confidential. Therefore, the three emails in the thread are protected by solicitor client privilege and clause 22(a) has been properly applied to this information.

[109] Based on what I have quoted from Government Relations in the preceding paragraph, Government Relations appears to be arguing that confidentiality should, because of the nature of solicitor-client privilege, apply to the entire communication, including information related to the identities of those involved in the communications.

[110] With respect to the email content for record 57, Government Relations stated the communication was intended to be confidential, so the third part of the test applies to the email contents.

[111] Government Relations has also stated confidentiality should extend to the name and contact information for its legal counsel, and to the identities of those involved in the legal counsel's communications. Ostensibly, this is because "certain facts, if disclosed, can sometimes speak volumes about a communication".

[112] In some cases, there may be reasons to mask the identity of legal counsel and their clients. I would expect, however, those occasions to be rare and to be based on reasonable considerations or statutory restrictions. In its submission, Government Relations has not offered any such reasonable considerations or statutory restrictions on releasing this type of information, and a review of the record in question does not offer any, either. I am not convinced in a matter such as this that a reasonable person would think the legal counsel's identity and contact information, as well as the identities of those they communicated with, should be masked. The role played by a government institution's legal counsel would be obvious to most, particularly with respect to the public matters on which they would advise. As such, the third part of the test is not met for the identity and contact information of

Government Relations' legal counsel, or the identities of the individuals they had contact with.

[113] In conclusion, I find Government Relations properly applied section 22(a) of FOIP as it applied it to the contents of the emails in record 57, and recommend it continue to withhold this information pursuant to section 22(a) of FOIP.

[114] I also find Government Relations did not properly apply section 22(a) of FOIP as it applied it in record 57 to the identity and contact information of Government Relations' legal counsel, or to the identities of the individuals with whom they had contact. I add that Government Relations also applied sections 22(b) and (c) of FOIP to this same information in record 57. My reasoning for why this information should not be masked would not change in a review of sections 22(b) and (c) of FOIP, so I find Government Relations did not properly apply section 22(b) and (c) of FOIP to the same portions of record 57 where it applied section 22(a) of FOIP. I recommend Government Relations release this information from record 57.

[115] To this, I further add that Government Relations applied sections 22(b) and (c) of FOIP on records 144 and 145 to the name and contact information of its legal counsel. These are the only portions of the records where Government Relations applied sections 22(b) and (c) of FOIP upon which I need to review these exemptions. Again, however, my reasoning for why this information should not be masked would not change from my analysis of section 22(a) of FOIP on this type of information. As such, I find Government Relations did not properly apply sections 22(b) and (c) of FOIP to the name and contact information of Government Relations' legal counsel in records 144 and 145 and recommend it release this information where it applied sections 22(b) and (c) of FOIP on these records.

8. Did Government Relations properly apply section 16(1)(d)(i) of FOIP?

[116] Government Relations was not clear on which subsection of section 16(1) of FOIP it was relying, but in its submission provided arguments for subsection 16(1)(d)(i) of FOIP, which provides as follows:

16(1) A head shall refuse to give access to a record that discloses a confidence of the Executive Council, including:

...

(d) records that contain briefings to members of the Executive Council in relation to matters that:

(i) are before, or are proposed to be brought before, the Executive Council or any of its committees; or

[117] Section 16(1)(d) of FOIP is a mandatory class-based exemption. It permits refusal of access in situations where release of a record could disclose a confidence of Cabinet including records that contain briefings to members of Cabinet in relation to matters that are before, or proposed to be brought before, Cabinet or any of its committees. It also permits refusal where release of a record could disclose matters that are the subject of consultations described in subsection 16(1)(c) of FOIP (*Guide to FOIP*, Ch. 4, p. 112).

[118] “Cabinet confidences” are generally defined as, in the broadest sense, the political secrets of Ministers individually and collectively, the disclosure of which would make it very difficult for the government to speak in unison before Parliament and the public (*Guide to FOIP*, Ch. 4, p. 112).

[119] “Including” means that the list of information that follows is incomplete (non-exhaustive). The examples in the provision are the types of information that could be presumed to disclose a confidence of the Executive Council (Cabinet). An important qualifier here is that the records must be for the purpose of briefing a minister in relation to matters before Cabinet, proposed to be brought before, or for use in a discussion with other ministers as in subsection 16(1)(c) of FOIP (*Guide to FOIP*, Ch. 4, p. 112).

[120] The following two-part test can be applied. However, only one of the questions needs to be answered in the affirmative for the exemption to apply. There may be circumstances where both questions apply and can be answered in the affirmative.

1. Does the record contain briefings to members of Cabinet in relation to matters that are before, or are proposed to be brought before, Cabinet or any of its committees?

2. Does the record contain briefings to members of Cabinet on matters that relate to the making of government decisions or the formulation of government policy?

(*Guide to FOIP*, Ch. 4, pp. 113-114)

[121] Government Relations applied section 16(1)(d)(i) of FOIP to one bullet of information on record 245, and to one bullet of information on record 247. The portions of each bullet that have not been redacted contain the same exact statement or language (i.e., they are the same bullet on each record).

[122] “Briefing” means a written summary of short duration; concise; using few words; a summary of facts or a meeting for giving information or instructions.

[123] “Executive Council” means the Executive Council appointed pursuant to [*The Executive Government Administration Act*](#). It consists of the Premier and Cabinet Ministers. Executive Council is also referred to as “Cabinet”. Cabinet has also been defined as the committee of senior ministers (heading individual provincial government ministries) which acts collectively with the Premier to decide matters of government policy (*Guide to FOIP*, Ch. 4, p. 114).

[124] In terms of its arguments, Government Relations submitted as follows:

The IPC Guide to Exemptions offers different tests for the clauses set out in subsection 16(1).

However, the Ministry believes that one test should be used: Test: Would this record disclose a confidence of the Executive Council?

The bullet point in the middle of pages 880 and 885...

[125] The record itself, is not specifically a briefing to Cabinet. The portions of each bullet (in each record) where Government Relations applied section 16(1)(d)(i) of FOIP, which were released to the Applicant, reveal it had to do with a *signed* agreement made between the province and the Government of Canada. This makes it obvious it occurred in the past, and an Internet search supports this. Because section 16(1)(d)(i) relates to matters that are

before, or proposed to be brought before, Cabinet or any of its committees, neither test applies because the matter is no longer before Cabinet or proposed to be before Cabinet. It is also now public information.

[126] I find, therefore, Government Relations did not properly apply section 16(1)(d)(i) of FOIP to records 245 and 247. As Government Relations did not apply any other exemptions to this same information, I recommend it release this information.

9. Did Government Relations properly apply section 29(1) of FOIP?

[127] Section 29(1) of FOIP provides as follows:

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.

[128] Section 29(1) of FOIP protects the privacy of individuals whose personal information may be contained within records responsive to an access to information request made by someone else (*Guide to FOIP*, Ch. 4, p. 281).

[129] When dealing with information in a record that appears to be personal information, the first step is to confirm the information indeed qualifies as personal information pursuant to section 24 of FOIP (*Guide to FOIP*, Ch. 4, p. 281).

[130] Government Relations applied section 29(1) of FOIP to records 2, 6, 16, 26, 28, 33 to 36, 40, 47, 53, 55, 56, 63, 66, 68, 79, 87 to 89, 92, 96, 98, 99, 101, 106, 108 to 110, 112, 118, 123, 125, 127, 134, 136, 137, 139, 140, 143, 144, 149, 151, 153, 154, 164, 165, 169, 174, 176, 181, 184, 186 to 198, 191, 192, 195, 197, 200 to 204, 208, 211 to 215, 223, 229, 232 and 252.

[131] The Ministry stated the withheld information includes the names of Sandy Bay councillors or individuals employed by Sandy Bay, names and email addresses of individuals contracted to work as Sandy Bay's accountants, names and email addresses of "individuals

employed by a third party who is not a government institution”, names and interactions with certain individuals including employment status, information relating to a specific individual (e.g., name, certain actions, concerns of village in relation to the individual, etc.), and information on a ministry employee’s medical status.

[132] First, in numerous past reports, I have stated that the following is not personal information, often referring to it as “business card information”: the names, titles and business contact information of municipal councillors and employees ([Review Report 109-2021](#)); the names, titles and contact information of anyone contracted by a municipality (e.g., lawyers or auditors) ([Review Report 109-2021](#)); and the names, titles and contact information of anyone working in a professional or business capacity ([Review Report 322-2021, 030-2022](#)), which would include businesses that have provided goods or services to Sandy Bay. Contact information includes personal telephone numbers or emails that are used in a professional or business capacity.

[133] Upon review of the records, I note that *most* places where Government Relations applied section 29(1) of FOIP contain information that is not personal information. For example, throughout, Government Relations redacted the names and contact information of Sandy Bay councillors and employees – this is not personal information. Throughout, Government Relations redacted the name and contact information of accountants who were, as required by *The Northern Municipalities Act*, performing audits. On some portions, Government Relations also redacted the names of individuals who, in a business capacity, had dealings with Sandy Bay (e.g., the name of the individual representing the company TradeWest, information which was released to the Applicant, in record 47). None of these instances fall within the scope of personal information as defined by section 29(1) of FOIP.

[134] The exceptions to this, I note, are as follows:

- Record 144 (page 361) there is a personal comment a Government Relations employee made to another Government Relations employee; and

- Record 153 (page 378) and record 164 (page 392) there is information on the past employment of a village employee, plus the name of a community person who made a complaint about Sandy Bay who, if their name was released, would be made known in relation to the complaint given where they work.

[135] The information in the preceding paragraph qualifies as “personal information” pursuant to sections 24(1)(b) and (k)(i) of FOIP, which 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;

...

(k) the name of the individual where:

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

[136] I add that Government Relations identified record 204 (pages 494, 495) as containing personal information pursuant to FOIP. This portion contains information that two Government Relations employees shared with each other about their health status. Government Relations is a “trustee” pursuant to section 2(t)(i) of *The Health Information Protection Act* (HIPA), and so is required to withhold personal health information where it does not have consent of the individual to disclose it pursuant to section 27(1) of HIPA. As such, the type of information involved would instead qualify as “personal health information” pursuant to section 2(m)(i) of HIPA, which provides as follows:

2(m) “personal health information” means, with respect to an individual, whether living or deceased:

(i) information with respect to the physical or mental health of the individual;

[137] In conclusion, I find Government Relations did not properly apply section 29(1) of FOIP where it applied it on records 2, 6, 16, 26, 28, 33-36, 40, 47, 53, 55, 56, 63, 66, 68, 79, 87 to 89, 92, 96, 98, 99, 101, 106, 108 to 110, 112, 118, 123, 125, 127, 134, 136, 137, 139, 140, 143, 149, 151, 154, 165, 169, 174, 176, 181, 184, 186-198, 191, 192, 195, 197, 200

to 204, 208, 211 to 215, 223, 229, 232 and 252, and that it did properly apply section 29(1) of FOIP where it applied it on records 144, 153 and 164. I recommend Government Relations release or continue to withhold this information accordingly.

[138] I further find there is personal health information as defined by section 2(m)(i) of HIPA in record 204 that Government Relations should continue to withhold pursuant to section 27(1) of HIPA.

10. Is there information in the record that is not responsive to the access to information request?

[139] When a government institution receives an access to information request, it must determine which information is responsive to the access to information request. “Responsive” means relevant. The term describes anything that is reasonably related to the request. It follows that any information or records that do not reasonably relate to an applicant’s request will be considered “not responsive” (*Guide to FOIP*, Chapter 3, “Access to Records”, updated June 29, 2021 [*Guide to FOIP*, Ch. 3], p. 82).

[140] Government Relations claimed portions of records 7, 27, 22, 52, 54, 61, 64, 70, 82, 92, 96, 98, 114, 123, 132, 133, 136, 137, 145, 150, 193, 194, 204, 205 and 213 are not responsive to the access to information request. Government Relations stated these records include documents that are not specific to Sandy Bay, or that refer to general administration.

[141] Upon review, it is apparent that the portions of the records Government Relations marked not responsive do not contain information specific to Sandy Bay. For example, record 7 is a report completed for a different municipality, while the information withheld as not responsive in record 27 is administrative in nature.

[142] I find, therefore, Government Relations properly marked portions of records 7, 27, 22, 52, 54, 61, 64, 70, 82, 92, 96, 98, 114, 123, 132, 133, 136, 137, 145, 150, 193, 194, 204, 205 and 213 as not responsive to the access to information request. I recommend, nonetheless,

that Government Relations release this information subject to any exemptions found to apply.

IV FINDINGS

[143] I find Government Relations properly applied section 17(1)(b) of FOIP to records 1, 9, 25, 26, 33, 44, 46, 48, 55-57, 70, 73, 76, 78, 81, 92, 96, 98, 100, 107, 109, 114, 115, 117, 119, 122, 123, 127, 130, 135, 138, 144-146, 150, 152, 153, 164 to 166, 172, 175, 178, 186, 187, 191, 192, 194, 200, 205 to 207, 209 to 211, 213, 214, 224 to 227, 229, 235, 245, 247 and 253.

[144] I find Government Relations properly applied section 17(1)(a) of FOIP to records 1, 20, 25, 26, 28, 29, 33 to 36, 55 to 57, 63, 70, 73, 76, 81, 86, 87, 92, 96, 98, 99, 101, 106 to 110, 111, 117, 119, 121 to 123, 127, 132, 133, 135, 137, 138, 150, 144-146, 164, 165, 172, 175, 178, 186, 194, 205 to 207, 210, 213, 214, 227, 245, 247 and 250.

[145] I find Government Relations did not properly apply section 18(1)(b) of FOIP to records 8, 49 to 51, 125-127, 143, 147 to 149, 174 and 208.

[146] I find Government Relations did not properly apply section 13(2) of FOIP to records 8, 9, 16, 25, 28, 29, 37, 55, 82, 87, 91, 95, 101, 106, 108, 126, 129, 131 to 134, 136, 137, 152, 153, 164, 176, 186, 191, 192, 204 and 211, and that it properly applied section 13(2) of FOIP to records 217, 224 to 226, 231 and 234.

[147] I find Government Relations did not properly apply section 19(1)(b) of FOIP to records 3, 4 and 168.

[148] I find Government Relations did not properly apply section 22(a) of FOIP as it applied it in record 57 to the identity and contact information of Government Relations' legal counsel, and that it did properly apply section 22(a) to the contents of the email in record 57.

[149] I find Government Relations did not properly apply sections 22(b) and (c) of FOIP to the name and contact information of Government Relations' legal counsel in records 144 and 145.

[150] I find Government Relations did not properly apply section 16(1)(d)(i) of FOIP to records 245 and 247.

[151] I find Government Relations did not properly apply section 29(1) of FOIP where it applied it on records 2, 6, 16, 26, 28, 33-36, 40, 47, 53, 55, 56, 63, 66, 68, 79, 87 to 89, 92, 96, 98, 99, 101, 106, 108 to 110, 112, 118, 123, 125, 127, 134, 136, 137, 139, 140, 143, 149, 151, 154, 165, 169, 174, 176, 181, 184, 186-198, 191, 192, 195, 197, 200 to 204, 208, 211 to 215, 223, 229, 232 and 252, and that it did properly apply section 29(1) of FOIP where it applied it on records 144, 153 and 164.

[152] I find there is personal health information as defined by section 2(m)(i) of HIPA and that section 27(1) of HIPA applies to it.

[153] I find Government Relations properly marked portions of records 7, 27, 22, 52, 54, 61, 64, 70, 82, 92, 96, 98, 114, 123, 132, 133, 136, 137, 145, 150, 193, 194, 204, 205 and 213 as not responsive to the access to information request.

V RECOMMENDATIONS

[154] I recommend Government Relations continue to withhold the portions of the records where it applied section 17(1)(b) of FOIP.

[155] I recommend Government Relations continue to withhold the portions of the records where it applied section 17(1)(a) of FOIP.

[156] I recommend Government Relations release the portions of the records where it applied section 18(1)(b) of FOIP.

- [157] I recommend Government Relations continue to withhold the portions of records 217, 224 to 226, 231 and 234 where it applied section 13(2) of FOIP and it release the remainder of the records where it applied section 13(2) of FOIP.
- [158] I recommend Government Relations release the portions of the records where it applied section 19(1)(b) of FOIP.
- [159] I recommend Government Relations continue to withhold the contents of the email at record 57 pursuant to section 22(a) of FOIP, and that it release the remaining portions where it applied sections 22(a), (b) and (c) of FOIP on record 57.
- [160] I recommend Government Relations release the portions of the record where it applied section 29(1) of FOIP except for the portions where it applied section 29(1) of FOIP to records 144, 153 and 164, which I recommend Government Relations continue to withhold pursuant to section 29(1) of FOIP.
- [161] I recommend Government Relations continue to withhold the personal health information on record 204 pursuant to section 27(1) of HIPA.
- [162] I recommend Government Relations release the portions of the records where it marked them not responsive subject to any exemptions found to apply to them.

Dated at Regina, in the Province of Saskatchewan, this 5th day of Julye, 2022.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner

Appendix

Record	Pages	Description	Exemptions Applied (FOIP)
1	1	Email	17(1)(a) 17(1)(b)(i)
2	2	Email	29(1)
3	4	Email	19(1)(b)
4	5 to 14	Attachments to record 3	19(1)(b)
6	118 to 124	Attachment to record 5 (Landfill inspection report)	29(1)
	125 to 130	Attachment to record 5 (Landfill inspection report)	Not Responsive
8	18, 19	Attachment to record 7	18(1)(b)
	20		13(2)
	21 to 33		18(1)(b)
	34, 35		13(2)
9	36	Email	13(2) 17(1)(b)(i)
12	39	Attachment to record 11	18(1)(b)
16	44		13(2) 29(1)
	45		13(2) 29(1)
	46		13(2) 29(1)
	47		13(2) 29(1)
	48 to 51		13(2) 29(1)
20	55	Email	17(1)(a) 17(1)(b)(i)
25	66 to 69	Attachment to record 24	13(2), 17(1)(a) 17(1)(b)(i) 29(1)
26	70, 71	Attachment to record 24	17(1)(a) 17(1)(b)(i) 29(1)
27	72, 73	Email	Not Responsive

28	74	Attachment to record 27	13(2) 17(1)(a) 29(1)
29	75, 76	Attachment to record 28	13(2) 17(1)(a)
	77		13(2)
	78		13(2) 17(1)(a)
33	82, 83	Email	17(1)(a) 17(1)(b)(i) 29(1) Not responsive
	84		17(1)(a) 17(1)(b)(i) Not responsive
34	85 to 88	Attachment to record 33	Not Responsive 29(1)
35	89-90		17(1)(a) 29(1)
36	91, 92	Attachment to record 35	17(1)(a) 29(1)
37	93	Attachment to record 35	13(2)
40	96, 97	Email chain	29(1)
44	108	Attachment to record 40	17(1)(b)(i)
46	110, 111		17(1)(b)(i)
47	112	Email	29(1)
48	113	Email	17(1)(b)(i)
49	114	Attachment to record 48	18(1)(b)(i)
50	115	Attachment to record 48	18(1)(b)(i)
51	116	Attachment to record 48	18(1)(b)(i)
52	117	Email Chain	Not Responsive
53	118 to 124	Attachment to record 52 and record 5	29(1)
54	125 to 130	Attachment to record 52 and record 5	Not Responsive
55	132, 133	Email	13(2) 17(1)(a) 17(1)(b)(i) 29(1)

56	135	Attachment to record 55	29(1)
	136		17(1)(a)
	139, 140		17(1)(a) 17(1)(b)(i)
57	141, 142	Email Chain	17(1)(a) 17(1)(b)(i) 22(a) 22(b)(c)
61	147	attachment to record 57	Not Responsive
62	148 to 153	attachment to record 57	
63	154, 155	Email Chain	17(1)(a) 29(1)
64	158 to 185	Attachment to record 63	Not responsive
66	189, 190	Attachment to record 65	29(1)
68	196	Email Chain	29(1)
70	203	Email	17(1)(a) 17(1)(b)(i)
	204, 205		Not responsive
73	208 to 210	Email Chain	17(1)(a) 17(1)(b)(i)
76	217	Email Chain	17(1)(a) 17(1)(b)(i)
78	223	Attachment to record 76 (duplicate: this is also record 40)	17(1)(b)
79	224	Email	29(1)
81	227	Email	17(1)(a) 17(1)(b)(i)
82	228	Attachment to record 81, includes briefing note	13(2) 17(1)(a) Not Responsive
86	239	Email Chain	17(1)(a)
87	240	Attachment to record 86, includes briefing note	13(2) 17(1)(a) 29(1)
88	241	Email Chain	29(1)
89	242, 243	Attachment to record 88	29(1)
91	245, 246	Attachment to record 90	13(2)
92	247	Email	17(1)(b) Not Responsive
	248		17(1)(a) 17(1)(b)(i)
	249	Rest of page	17(1)(a)

			17(1)(b)(i) Not Responsive
	250	Subject lines	29(1) Not Responsive
93	251 to 261	Attachments to record 92	Not Responsive
95	263	Attachment to record 94, includes briefing note	13(2) 17(1)(a) Not responsive
96	264	Email	17(1)(a) 17(1)(b)(i) 29(1)
	265	Email	17(1)(a) 17(1)(b)(i) 29(1) Not Responsive
	266	Email	17(1)(a) 17(1)(b)(i) 29(1) Not Responsive
98	268 to 269	Email	17(1)(a) 17(1)(b)(i) 29(1) Not Responsive
	270	First and last sentence of email, and name of attachment	17(1)(a) 17(1)(b)(i) 29(1) Not Responsive
99	271 to 274	Attachment to record 98	17(1)(a) 29(1) Not Responsive
100	275	Email	17(1)(b)(i)
101	276 to 281	Attachment to record 100	13(2) 17(1)(a) 29(1)
104	203 to 205	Attachment to record 102 (duplicate: this is also record 70)	17(1)(a) 17(1)(b) Not Responsive
106	285 to 289	Attachment to record 105	13(2) 17(1)(a) 29(1)
107	290	Email	17(1)(a) 17(1)(b)(i)

108	291 to 296	Attachment to record 107	13(2) 17(1)(a) 29(1)
109	297	Email	17(1)(a) 17(1)(b)(i)
	298		17(1)(a) 17(1)(b)(i) 29(1)
	299		29(1)
110	300	Email	17(1)(a) 29(1)
111	302 to 304	Email	17(1)(a)
112	305		29(1) Not Responsive
	306		29(1)
114	308	Email	Not Responsive 17(1)(b)(i)
	309		17(1)(b)(i)
115	310, 311	Email Chain	17(1)(b)
117	313	Email	17(1)(a) 17(1)(b)(i)
	314		17(1)(a) 17(1)(b)(i)
118	315 to 318	Email Chain	29(1)
119	319, 320	Email	17(1)(a) 17(1)(b)(i)
121	323 to 326	Email	17(1)(a) 17(1)(b)(i) 29(1) Not responsive
122	327 to 329	Email Chain	17(1)(a) 17(1)(b)(i)
123	330, 331	Email Chain	17(1)(a) 17(1)(b)(i) 29(1) Not Responsive
125	335	Email Chain	17(1)(b)(i) 18(1)(b) 29(1)
126	336	Attachment to record 125	13(2) 18(1)(b)

127	337	Attachment to record 125	17(1)(a) 17(1)(b)(i) 18(1)(b)(i) 29(1)
129	339	Briefing Note	13(2)
130	340	Briefing Note	17(1)(b)(ii)
131	341	Briefing Note	13(2)
132	342	Briefing Note	13(2) 17(1)(a) Not responsive
133	343	Briefing Note	13(2) 17(1)(a) Not responsive
134	344	Email	13(2) 29(1)
135	345	Email	17(1)(a) 17(1)(b)(i)
136	346	Email	17(1)(b)(i) 29(1)
	347		13(2)
	348		Not Responsive
137	349, 350	Email	13(2) 17(1)(a) Not Responsive
	351		29(1) Not Responsive
	352		29(1)
138	353	Email	17(1)(a) 17(1)(b)(i)
139	354-355	Email Chain	29(1)
140	356	Attachment to record 139	29(1)
143	359	Attachment to record 142	18(1)(b)(i) 29(1)
144	360		17(1)(a) 17(1)(b)(i)
	361		17(1)(b)(i) 29(1)
	362 to 364	Email Chain	17(1)(a) 17(1)(b)(i) 22(b) 22(c) 29(1)

145	365	Email Chain	17(1)(a) 22(b) 22(c)
	366		17(1)(a) 17(1)(b)(i) 22(b) 22(c)
	367		17(1)(a) 17(1)(b)(i) 22(b)
146	368		17(1)(a) 17(1)(b)(i) 22(b)
	369		17(1)(a) 17(1)(b)(i) 22(b)
147	370	Attachment to record 146	Added 18(1)(b)(i)
148	371	Attachment to record 146	18(1)(b)(i)
149	372	Attachment to record 146	Removed 17(1)(b)(i). Added 18(1)(b)(i), and 29(1)
150	373	Email Chain	17(1)(b)(i) Not Responsive
151	374, 375	Email Chain	29(1)
152	376, 377	Attachment to record 151	13(2) 17(1)(b)(i)
153	378 to 380	Email Chain	13(2) 17(1)(b)(i) 29(1)
154	381, 382		29(1)
164	392, 393	Email Chain	13(2) 17(1)(a) 17(1)(b)(i) 29(1)
165	394	Email	17(1)(a) 17(1)(b)(i)
	395		17(1)(a) 17(1)(b)(i) 29(1)
	396		17(1)(a) 17(1)(b)(i)

166	397-398	Email Chain	17(1)(b)(i)
168	405 to 427	Attachment to record 166	19(1)(b)
169	428	Attachment to record 166	29(1)
172	433 to 437	Email Chain	17(1)(a) 17(1)(b)(i) 22(a)
174	439	Attachment to record 173	18(1)(b)(i) 29(1)
175	440, 441	Email	17(1)(a) 17(1)(b)(i) 13(2)
176	442	Attachment to record 175	29(1)
	443		13(2) 29(1)
178	446 - 447	Email	17(1)(a) 17(1)(b)(i)
181	459	Email	29(1)
184	463	Email Chain	29(1)
186	466	Email	13(2) 17(1)(b)(i) 29(1)
	467, 468		13(2) 17(1)(a) 17(1)(b)(i) 29(1)
187	469	Email	17(1)(b)(i) 29(1)
188	471	Email Chain	29(1)
189	472-473	Attachment to record 188	29(1)
191	476-477	Email Chain	13(2) 17(1)(b)(i) 29(1)
192	478-479	Email	13(2) 17(1)(b)(i) 29(1)
193	480	Email Chain	Not Responsive
194	481	Email Chain	17(1)(a) 17(1)(b)(i) Not responsive
195	482	Email	29(1)
197	485	Email	29(1)

200	488, 489		17(1)(b)(i) 29(1)
201	490	Email	29(1)
202	492	Email Chain	29(1)
203	493	Email	29(1)
204	494, 495	Email	29(1) Not Responsive
204	501	Email Chain	13(2) 29(1)
205	502	Email	17(1)(a) 17(1)(b)(i) Not responsive
	503, 504		Not Responsive
206	505, 506	Email	17(1)(a) 17(1)(b)(i)
207	507	Email Chain	17(1)(a) 17(1)(b)(i)
208	508, 509	Attachment to record 207	18(1)(b) 29(1)
209	510, 511	Email Chain	13(2) ?? 17(1)(a) ?? 17(1)(b)(i)
210	512	Email	17(1)(a) 17(1)(b)(i)
211	513, 514	Email Chain	13(2) 17(1)(b)(i) 29(1)
212	515	Email	29(1)
213	516	Email	17(1)(a) 17(1)(b)(i) 29(1)
	517	Email	17(1)(a) 29(1)
	518	Email	17(1)(a) 17(1)(b)(i) 29(1) Not responsive
	519	Email	Not responsive
214	520	Email	17(1)(a) 17(1)(b)(i) 29(1)
215	521	Email Chain	29(1)

217	550 to 556	Attachment to record 215	13(2)
223	727	Email	13(2) 29(1)
	728		29(1)
224	729 to 731	Attachment to record 223	13(2) 17(1)(b)(i)
225	732 to 737	Attachment to record 223	13(2) 17(1)(b)(i)
226	738, 739		13(2) 17(1)(b)(i)
	740 to 775		13(2) 17(1)(b)(i)
227	776	Email	17(1)(a) 17(1)(b)(i)
229	786, 787	Email Chain	17(1)(b)(i) 29(1)
231	814 to 820	Attachment to record 229	13(2)
232	821	Email Chain	29(1)
234	851 to 858	Attachment #2: 2015 Mgmt. Letter	13(2)
235	859 to 860	Scanned Letter	17(1)(b)(ii)
245	879 to 881	Briefing Note	16(1) 17(1)(a) 17(1)(b)(iii)
247	884 to 886	Briefing Note	16(1) 17(1)(a) 17(1)(b)(iii)
250	891	Briefing Note	17(1)(a)
252	894 to 896	Handle and Advise	29(1)
253	897 to 908	Referral	17(1)(b)(ii)