



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 058-2025

Water Security Agency

September 26, 2025

Summary:

The Applicant submitted a formal access to information request to the Water Security Agency (WSA) for documents showing the most recent cost estimates for the Lake Diefenbaker Irrigation Project. WSA responded to the Applicant by providing a heavily redacted spreadsheet containing cost estimates. WSA cited sections 17(1)(a) (advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council), 18(1)(d) (disclosure could reasonably interfere with contractual or other negotiations of the Government of Saskatchewan or a government institution), 18(1)(f) (could reasonably be expected to prejudice the economic interest of the Government of Saskatchewan or a government institution), 18(1)(g) (could reasonably be expected to be injurious to the ability of the Government of Saskatchewan to manage the economy of Saskatchewan) and 18(1)(h) (could reasonably be expected to result in an undue benefit or loss to a person) of *The Freedom of Information and Protection of Privacy Act (FOIP)* as its reasons for the redactions. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner.

The Commissioner found that WSA properly applied section 18(1)(f) of *FOIP* to the record at issue. Because WSA could properly withhold the record under section 18(1)(f) of *FOIP*, there was no need to review the other exemptions WSA applied alongside. The Commissioner recommended that WSA continue to withhold the redacted portions of the record at issue pursuant to section 18(1)(f) of *FOIP*.

I BACKGROUND

- [1] On January 15, 2025, the Water Security Agency (WSA) received the following access to information request from the Applicant:

Please provide documents showing the most recent cost estimates for the Lake Diefenbaker Irrigation Project.

- [2] The Applicant specified the time period for the records they were requesting as January 1, 2024 to the present.
- [3] In a letter dated February 11, 2025, WSA informed the Applicant that it was extending the 30-day response period by an additional 30 days pursuant to section 12(1)(a)(ii) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.¹
- [4] Then, in a letter dated March 17, 2025, WSA responded to the Applicant's access request. WSA granted partial access to a record. It informed the Applicant that it redacted portions of the record pursuant to sections 17(1)(a), 18(1)(d), (f), (g) and (h) of *FOIP*.
- [5] On March 19, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [6] On March 20, 2025, OIPC notified WSA and the Applicant that it would be undertaking a review.
- [7] On April 21, 2025, WSA provided the record at issue to OIPC.
- [8] On May 12, 2025, WSA provided its submission to OIPC. WSA stated that OIPC could not share the submission with the Applicant.
- [9] The Applicant did not provide a submission.

II RECORD AT ISSUE

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

[10] The record at issue is a draft spreadsheet titled “Westside Irrigation Rehabilitation Project, Opinion of Probable Cost (OPC)”. A portion of the record that was released to the Applicant reveals that the spreadsheet was prepared by an engineering company for WSA.

[11] The record is a 5-page spreadsheet on 17-inch x 11-inch paper. Upon review, OIPC noted that the spreadsheet has 120 columns (Column A to Column BX) and 1788 rows (Row 1 to Row 1788). Where a row within the spreadsheet contained cost estimates, WSA redacted that row. The majority of the spreadsheet was redacted pursuant to sections 17(1)(a), 18(1)(d), (f), (g) and (h) of *FOIP*. WSA only released the following portions to the Applicant:

- Columns A to BE, row 1.
- Columns A to Q, rows 2 to 7, 10, 167, 207, 208, 211, 326, 364, 365, 371, 607, 736, 737, 741, 847, 881, 882, 885, 1152, 1199, 1207, 1211, 1212, 1214, 1393, 1394, 1403, 1631, 1657, 1686 and 1703 to 1708.

III DISCUSSION OF THE ISSUES

1. Does OIPC have jurisdiction?

[12] WSA is a “government institution” pursuant to 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*.² Therefore, OIPC has jurisdiction to undertake this review.

2. Did WSA properly apply section 18(1)(f) of *FOIP*?

[13] WSA applied section 18(1)(f) of *FOIP* as one of its exemptions to withhold rows within the spreadsheet that contained cost estimates. Section 18(1)(f) of *FOIP* provides:

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

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

...

(f) information, the disclosure of which could reasonably be expected to prejudice the economic interest of the Government of Saskatchewan or a government institution;

[14] For section 18(1)(f) of *FOIP* to apply, there must be objective grounds for believing that the disclosure of the information could reasonably be expected to result in economic prejudice.

[15] Section 18(1)(f) of *FOIP* features the phrase “could reasonably be expected”. In *Kasprick v. Saskatchewan Power Corporation*, Davis J. said that the phrase “could reasonably be expected” means a standard lower than probability but at least somewhat higher than mere possibility:³

[30] For exemptions under s. 17, a record-holder has the discretion to withhold a record that could reasonably be expected to disclose information subject to a statutory exemption. The “could reasonably” language is incorporated directly into the applicable provisions in the *FOIP Act*. A “could” standard generally invokes reasonable possibilities – not probabilities: *Giesbrecht* at para 44, *FOIP Act* at s 17. When combined with the word “expectation” the Legislature appears to be instituting a standard lower than probability, but at least somewhat higher than mere possibility: *Merck Frosst Canada Ltd. v Canada (Health)*, 2012 SCC 3 at para 196, [2012] 1 SCR 23 [*Merck Frosst*]. It should be noted that the Supreme Court in *Merck Frosst* was dealing with a standard involving a “reasonable expectation of probable harm” – something which I consider to be higher than the “could reasonably be expected” standard in the *FOIP Act*.

[16] OIPC has defined “prejudice” and “economic interest” as follows:⁴

- “Prejudice” in this context refers to detriment to economic interests.
- “Economic interest” refers to both the broad interests of a public body and for the government as a whole, in managing the production, distribution and consumption of goods and services. The term also covers financial matters such as the management of assets and liabilities by a public body and the

³ [*Kasprick v Saskatchewan Power Corporation*](#), 2025 SKKB 139

⁴ OIPC [Review Report 053-2024](#) at paragraph [33].

public body's ability to protect its own or the government's interests in financial transactions.

- [17] WSA redacted rows within the spreadsheet that contained a cost estimate (or cost estimates) for particular aspects related to the Westside Irrigation Rehabilitation Project. In its submission, WSA argued that the disclosure of the redacted portions would prejudice the economic interests of WSA and the Government of Saskatchewan. It said:

The exposure of this document would prejudice the economic interests of not only the Water Security Agency but also in a broader sense, the economic interests of the Government of Saskatchewan by potentially influencing contractual and other negotiations. Disclosure of this document could be expected to raise procurement/tender values or impact procurement processes and negotiations. The point in time cost estimated could also influence local markets directly affecting government costs.

- [18] In [Order MO-3965](#), the Office of the Information and Privacy Commissioner of Ontario (ON OIPC) considered whether section 11(c) of Ontario's *Municipal Freedom of Information and Protection of Privacy Act* applied to the cost estimates that appeared in a record.⁵ ON OIPC found that the release of such information before any bidding process could reasonably be expected to prejudice the public body's economic interests.⁶

- [19] This office agrees with the position of ON OIPC that the disclosure of cost estimates prior to the bidding process could reasonably be expected to prejudice a government institution's economic interest. If bidders knew estimated unit price or total cost estimates of WSA for work that needed to be done as part of the Westside Irrigation Rehabilitation Project, then that knowledge may drive up the price bidders' quote. That would increase the cost of the project for WSA, which is a direct and obvious prejudice to the economic interests of WSA. Without knowing the cost estimates, bidders would be more apt to price their work in bids to be as competitive as possible. Therefore, there will be a finding that WSA properly

⁵ [Municipal Freedom of Information and Protection of Privacy Act](#), R.S.O. 1990, c. M.56, as amended.

⁶ ON OIPC [Order MO-3965](#) at paragraph [6].

applied section 18(1)(f) of *FOIP* to the record at issue and a recommendation that it continue to withhold the redacted portions of the record at issue on this basis.

[20] As WSA has properly applied section 18(1)(f) of *FOIP* to the record at issue, there is no need to consider the other exemptions WSA applied alongside section 18(1)(f) of *FOIP*.

IV FINDINGS

[21] OIPC has jurisdiction to undertake this review.

[22] WSA properly applied section 18(1)(f) of *FOIP* to the record at issue.

V RECOMMENDATION

[23] I recommend that WSA continue to withhold the redacted portions of the record at issue pursuant to section 18(1)(f) of *FOIP*.

Dated at Regina, in the Province of Saskatchewan, this 26th day of September, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner