Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 073-2025

Saskatchewan Power Corporation

November 5, 2025

Summary: The Applicant submitted an access to information request to Saskatchewan Power Corporation (SaskPower) requesting information related to a fire near the power meter located on a mast attached to their residence. SaskPower released portions of the records and denied access to others pursuant to sections 15(1)(e) (reveal investigative procedures), 17(1)(a) (advice by officials), 17(1)(b)(i) (consultations or deliberations), 22(a) (solicitor-client privilege), 22(b) (provision of advice or other services by legal counsel), 22(c) (correspondence between legal counsel for a government institution and any other person in relation to a matter involving the provision of advice or other services) and 29(1) (third party personal information) of *The Freedom of Information and Protection of Privacy Act (FOIP*). The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

The Commissioner did not need to consider the records marked as non-responsive nor the application of sections 15(1)(e), 22(b), (c) and 29(1) of *FOIP* to the record in question. However, the Commissioner did consider and found that SaskPower properly applied sections 17(1)(b)(i) and 22(a) of *FOIP* to the redacted portions of records as outlined in the Appendix of this Report. The Commissioner found that the redacted portions on pages 97 and102 of the record were not subject to an exemption.

The Commissioner recommended SaskPower continue to withhold the redacted portions of the records where it was found SaskPower had properly applied exemptions to the redacted portions of the records, as outlined in the Appendix of this Report. Within 30 days of the issuance of this Report, the Commissioner recommended the release of the redacted portions on pages 97 and 102, as outlined in the Appendix of this Report.

I BACKGROUND

[1] On July 30, 2024, Saskatchewan Power Corporation (SaskPower) received the following access to information request from the Applicant. The stipulated period was: "February 1, 2024, to July 30, 2024" and the access request involved:

> SaskPower Electrical (Fire Investigation Report, Technical Saftey Authority. Electrical Inspector Reports, Fire Investigator Reports, and or all An Text messaged, email's memo's, Photo's minutes from all above, and or any SaskPower Employee's regarding me, or my address's

[2] On August 6, 2024, SaskPower requested clarification from the Applicant. The Applicant responded the same day providing the following:

> Any or all information regarding me or my address from Feb 1 2024 to present and also any information regarding the meter fire your (saskpower) investigation and any other investigation (fire investigator, electrical inspector ect all emails, photos, memos, reports text message from anyone involved regarding the above ect all as stated on FOI request

[3] On August 30, 2024, SaskPower issued a section 7 decision letter to the Applicant. In its decision, SaskPower released a portion of the responsive records to the Applicant but denied access to other portions pursuant to sections 13(e), 17(1)(a), (b)(i), 22(a), (b), (c) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (*FOIP*).[1]

[4] On March 20, 2025, the Applicant emailed the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) a *Form B – Request for Review Form*. OIPC requested that the Applicant submit a copy of the access to information request submitted to SaskPower and a copy of the response letter from SaskPower. On March 21, 2025, the Applicant emailed the access to information request to OIPC. On March 26, 2025, OIPC requested a copy of the response letter from SaskPower. The same day the Applicant submitted two letters to OIPC each relating to the two separate access to information requests to SaskPower, one letter dated August 30, 2024, and the second letter dated February 27,

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

2025. On April 2, 2025, OIPC requested that the Applicant verify which access to information request the Applicant wished to proceed with. On the same day the Applicant confirmed they would like a review completed regarding the August 30, 2024, decision letter from SaskPower.

[5] On April 3, 2025, OIPC asked SaskPower to provide the following information: a copy of the Applicant's access to information request, the section 7 decision letter dated August 30, 2024, confirmation that SaskPower intended to deny access to a portion of the record pursuant to section 13(1)(c) of *FOIP*, and requested confirmation if section 13(1)(c) of *FOIP* was a typo in the section 7 decision dated August 30, 2024.

[6] On April 4, 2025, SaskPower provided this office with the requested documents. SaskPower conceded that the citation of "section 13(c)" of *FOIP* in the August 30, 2024 letter was in error and in fact that they intended to rely on section 15(1). On April 7, 2025, OIPC requested SaskPower to clarify which subsection of section 15(1) of *FOIP* was to be applied. Later that same day SaskPower confirmed it had intended to cite section 15(1)(e) of *FOIP*.

[7] On April 14, 2025, OIPC sent notice of review to the Applicant and SaskPower. OIPC requested SaskPower provide a copy of the records and an index of records by May 14, 2025. OIPC also requested SaskPower provide a submission by June 13, 2025. The Applicant was also invited to provide a submission by that date.

[8] On May 9, 2025, SaskPower provided OIPC a copy of its records and index of records.

[9] In an email dated June 12, 2025, the Applicant provided a submission to OIPC.

[10] In an email dated June 13, 2025, SaskPower provided a submission to OIPC.

[11] Upon review of the record from SaskPower, OIPC found information withheld and labelled as "non-responsive." In addition, section 29(1) of *FOIP* had been applied to a portion of the record on page 84 and the exact same information on page 78 which was also labelled

non-responsive. On July 24, 2025, OIPC contacted the Applicant to determine if the review should involve the non-responsive information. The Applicant indicated they were not interested in the non-responsive material. Because section 29(1) of *FOIP* was only applied to a portion of the non-responsive information, OIPC will not consider its application in this Report.

II RECORDS AT ISSUE

[12] The entire record consists of 140 pages, 110 of which were released in full to the Applicant. The file contains photographs of the power meter located on the Applicant's premises along with emails between SaskPower employees regarding a fire investigation. SaskPower withheld 30 pages of emails *in part* pursuant to sections 15(1)(e), 17(1)(a), (b)(i), 22(a), (b), (c) of *FOIP*.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[13] SaskPower 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] This office has jurisdiction and we outlined the reviewable grounds in the notice of review submitted to the parties. This review is pursuant to Part VII of *FOIP*.

2. Did SaskPower properly apply section 17(1)(b)(i) of *FOIP*?

[14] SaskPower applied section 17(1)(b)(i) of *FOIP* to portions of 20 pages of the record. This included pages 16, 74, 75, 78, 79, 81, 82, 85, 88, 89, 94, 97, 102, 106, 107, 109, 126 and 128 to 130.

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

[15] Section 17(1)(b)(i) 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;

[16] OIPC uses the following two-part test to determine if section 17(1)(b)(i) of *FOIP* was properly applied:[3]

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?

[17] The following is an analysis to determine if both parts of the test are met.

1. Does the record contain consultations or deliberations?

[18] In its submission to OIPC, SaskPower did not elaborate as to whether the information withheld on the 20 pages constituted consultations or deliberations, the submission was concise and to the point:

> SaskPower submits that the redaction in the record identified above were part of SaskPower's investigation in the meter and included several SaskPower employees offering advice and using their expertise to come to a conclusion in this case. SaskPower redacted the interim and preliminary advice by officials in the case while the investigation was underway or providing other advice about future steps in this case.

[3] See OIPC Review Report 241-2024 at paragraph [24], OIPC Review Report 144-2024 at paragraph [49], and OIPC Review Report 263-2024 at paragraph [34].

[19] *FOIP* does not specifically define consultation and deliberation. In past OIPC review reports, the following definitions have been described as follows:[4]

- "Consultation" means the action of consulting or taking counsel together: deliberation, conference; a 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. For example, where an employer is considering what to do with an employee in the future, what has been done in the past can be summarized and would qualify as part of the consultation or deliberation.

- "Deliberation" means the action of deliberating (to deliberate: to weigh in mind; to consider carefully with a view to a decision; to think over); careful consideration with a view to a decision; A deliberation can occur when there is a discussion or consideration of the reasons for or against an action. It can refer to discussions conducted with a view towards making a decision.

[20] Page 16 is an email chain dated February 5, 2024, involving a number of SaskPower employees responding to a question posed and discussing alternatives and the next steps to be taken.[5] Therefore, the information withheld constitutes consultations or deliberations.

[21] Pages 74, 75, 78, 79, 81, 82, 85, 88, and 89 are an email chain from February 8, 2024. There is some repetition in terms of content. On the face of the records, SaskPower employees shared their combined expertise and engaged in a collaborative discussion while deciding upon a course of action. Therefore, the information withheld on these pages constitute consultations or deliberations.

[4] See OIPC Review Report 241-2024 at paragraph [25], OIPC Review Report 263-2024 at paragraph [35].

[5] See Office of the Information and Privacy Commissioner for Prince Edward Island, Order FI-23-001 at paragraphs [48], [49] and [51] for further assistance as to what constitutes a consultation/deliberation.

[22] Page 94 is an email with two redactions from February 15, 2024, involving a SaskPower employee and an employee from Saskatchewan Public Safety Agency (SPSA). A SaskPower employee sought information from an SPSA employee that informed future actions. Therefore, the information withheld on page 94 constitutes a consultation.

[23] Page 97 is an email with two redactions from February 16, 2024. On the face of the record, a SaskPower employee, the Operating Manager, Distribution Construction directed a fellow SaskPower employee to respond to the Applicant's request. The first redaction on page 97 contains very similar language as on page 118 of the record which was already released to the Applicant. The information in the first redaction is a direction with respect to a decision that has been made but the content of the decision was previously released to the Applicant on page 118. Therefore, it is an absurd result if the first redaction continues to be withheld. There is a finding that SaskPower did not properly apply section 17(1)(b)(i) of *FOIP* to the first redaction on page 97. There is no need to consider the application of section 17(1)(a) of *FOIP* to the first redaction on page 97. There will be a recommendation that SaskPower release the first redaction on page 97 within 30 days of issuance of this Report.

[24] With respect to the second redaction on page 97, once again this is a similar instruction from the Operating Manager, Distribution Construction of SaskPower ordering a response to the Applicant which was already released to the Applicant on pages 115 to 117 of the record. There is a finding that SaskPower did not properly apply section 17(1)(b)(i) of *FOIP* to the second redaction on page 97. Even though section 17(1)(a) of *FOIP* was also applied to this redaction, it would be an absurd result if this redaction were not released to the Applicant and there will be a similar recommendation that SaskPower release this redacted information as is made in paragraph [23] above.

[25] Page 102 is an email dated February 7, 2024. SaskPower released the subject line of the email and list of individuals who received the email. The information withheld is a list of general topics to be discussed at an upcoming meeting by certain individuals.

[26] Section 17(1)(b)(i) of *FOIP* does not generally apply to records or parts of records that only reveal:

- The fact that a consultation or deliberation took place at a particular time;
- That fact that certain individuals were involved; or
- The fact that a particular topic was involved.

[27] When we come to the information withheld on page 102, it is obvious from a cursory review, no input has been sought or received as the meeting has yet to be held. The list of topics is nothing more than that – a list of topics with the first name of the individual who will speak to these matters. There is no consultation or deliberation associated with this list of items to be discussed. There is a finding that SaskPower did not properly apply section 17(1)(b)(i) of *FOIP* to the redacted portions on page 102. Because SaskPower also applied the exemption in section 17(1)(a) of *FOIP* to the redactions on page 102, we will consider that analysis in the next segment of this Report.

[28] Pages 106, 107 and 109 involve duplicates of an email chain dated February 26, 2024. The email chain reveals several SaskPower employees consulted with each other with respect to the language to be used in the drafting of an opinion or response. Therefore, the information withheld on pages 106, 107 and 109 constitutes a consultation.

[29] Pages 126, 128, 129, and 130 involve an email chain from March 8, 2024. On the face of the record, SaskPower employees discussed with each other and sought critical input with respect to a document and response to the Applicant regarding the fire investigation. Therefore, the information withheld on pages 126, 128, 129 and 130 constitutes consultations or deliberations.

[30] In conclusion, the first part of the test has been met for pages 16, 74, 75, 78, 79, 81, 82, 85, 88, 89, 94, 106, 107, 109, 126 and 128 to 130. The information on page 102 will be discussed further in another segment of this Report.

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?

[31] In its submission to OIPC, SaskPower advised that "the redactions in the record identified above were part of SaskPower's investigation into the Applicant's power meter and included several SaskPower employees." On the face of the records, it is clear that almost all the email exchanges involve internal consultations/deliberations between SaskPower employees as evident by their email addresses and/or signature lines. The one exception is page 94 where a SaskPower employee corresponded with an individual from an outside agency, SPSA. This office has received recent guidance from the Saskatchewan King's Bench that consultations or deliberations do not have to be exclusively internal in order to fall within the reach of section 17(1)(b) of *FOIP*.[6] It is obvious that a SaskPower employee consulted with another individual who speaks on behalf of another government agency.

[32] Therefore, the consultations and deliberations involved employees of a government institution. The second part of the test has been met for the following pages: 16, 74, 75, 78, 79, 81, 82, 85, 88, 89, 94, 106, 107, 109, 126 and 128 to 130. There is a finding that SaskPower has properly applied section 17(1)(b)(i) of FOIP to these redacted portions of the record. There will be a recommendation that SaskPower continue to withhold the these redacted portions of the record.

[33] In some cases, SaskPower also applied sections 15(1)(e) and 17(1)(a) of *FOIP* to the same information on theses pages. Since section 17(1)(b)(i) of *FOIP* has been found to apply to this information, sections 15(1)(e) and 17(1)(a) of *FOIP* will not be considered for these pages.

[6] *Tarasoff v. Saskatoon (City),* 2025 SKKB 41 (March 13, 2025) at paragraph [75]. That decision referenced *The Local Authority Freedom of Information and Protection of Privacy Act* (*LA FOIP*), S.S. 1990-91, c. L-27.1, as amended and section 16(1)(b) of *LA FOIP* which is the equivalent of section 17(1)(b) of *FOIP*.

[34] With respect to page 102, the application of section 17(1)(a) of *FOIP* is considered in the next phase of this analysis.

3. Did SaskPower properly apply section 17(1)(a) of *FOIP*?

[35] 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;

[36] SaskPower applied section 17(1)(a) of *FOIP* to the information withheld on page 102. The withheld information is general topics that different individuals appear to be tasked with speaking about at an upcoming meeting. The remainder of the page was released.

[37] OIPC uses the following two-part test to determine if section 17(1)(a) of *FOIP* was properly applied:[7]

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?

[38] The following is an analysis to determine if both parts of the test are met.

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

[39] In its submission to OIPC, SaskPower asserted the following for section 17(1)(a) of *FOIP*:

[7] See OIPC Review Report 263-2024 at paragraph [18].

> SaskPower submits that the redaction in the record identified above were part of SaskPower's investigation in the meter and included several SaskPower employees offering advice and using their expertise to come to a conclusion in this case. SaskPower redacted the interim and preliminary advice by officials in the case while the investigation was underway or providing other advice about future steps in this case.

[40] It appears that SaskPower has asserted the information withheld constitutes "advice". OIPC has defined "advice" as follows:[8]

> - "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 make a decision for future action.

[41] As noted above, page 102 is an email dated February 7, 2024. The information withheld on page 102 does not constitute advice but rather what general topics will be discussed and who will speak to each topic. Therefore, the information withheld does not constitute advice and the first part of the test is not met. As both parts of the test need to be met, there is no need to consider the second part of the test. There is a finding that SaskPower did not properly apply section 17(1)(a) of *FOIP* to page 102. As no other exemptions were applied to this information by SaskPower, there will be a recommendation that SaskPower release the redacted portions of page 102 within 30 days of issuance of this Report.

4. Did SaskPower properly apply section 22(a) of *FOIP*?

[42] SaskPower applied section 22(a) of *FOIP* to 16 pages of emails in part. Section 22(a) of *FOIP* provides as follows:

[8] See OIPC Review Report 241-2024 at paragraph [48]; *Supra*, footnote 6 at paragraph [34]; and *Ibid*, at paragraph [21].

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;

[43] SaskPower claimed the following content was withheld form the Applicant on the grounds that it is subject to solicitor-client privilege:

Page	Record Description	Reason for Redaction	Exemptions applied
17	Emails between in-house legal counsel for SaskPower and SaskPower employees.	Fact finding question posed by legal counsel to inform the developing legal opinion in this case.	Section 22(a) of *FOIP*.
77 and 81	Emails between in-house legal counsel for SaskPower and SaskPower employees.	Advice from legal counsel.	Section 22(a) of *FOIP*.
78	Email between in-house legal counsel for SaskPower and SaskPower employees.	Advice and a question from legal counsel on this case.	Section 22(a) of *FOIP*.
84, 85, 88, 89 92, 98 101, 108, 112, 125 and 129.	Emails between in-house legal counsel for SaskPower and SaskPower employees.	Direction from legal counsel.	Section 22(a) of *FOIP*.

104	Email between both in-house legal counsel for SaskPower and a SaskPower employee.	Discussion of the case between legal counsel.	Section 22(a) of *FOIP*.

[44] In the past, this office has found the following three-part test useful in conducting an analysis of whether the exemption in section 22(a) of *FOIP* was properly applied by a government institution:[9]

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?

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

[45] As can be expected, SaskPower asserted that the withheld information was related to legal advice provided by SaskPower in-house counsel and communicated to its employees on the issue of whether the government institution was subject to any legal liability in this matter.

[46] In past reports, OIPC has used the following relevant terms for the first part of the test:[10]

- 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.
- "Solicitor" means a lawyer who is duly admitted as a member and whose right to practice is not suspended. Lawyer means a member of the Law

[9] See OIPC Review Report 154-2024 at paragraph [181]; OIPC Review Report 137-2024 at paragraph [56]; and *Supra*, footnote 8 at paragraph [56].

[10]See OIPC Review Report 154-2024 at paragraph [183]; OIPC Review Report 137-2024 paragraph [57]; *Supra*, footnote 8 at paragraph [57].

Society and includes a law student registered in the Society's pre-call training program.

- "Client" means a person who:
  - Consults a lawyer and on whose behalf the lawyer renders or agrees to render legal services; or
  - Having consulted the lawyer, reasonably concludes that the lawyer has agreed to render legal services on his or her behalf; and includes a client of the law firm of which the lawyer is a partner or associate, whether or not the lawyer handles the client's work.

[47] We are content that the in-house counsel for SaskPower are practicing law in accord with the Law Society of Saskatchewan requirements.

[48] These emails all constitute communications between SaskPower in-house legal counsel and the client, SaskPower. As such, the above pages meet the first part of the test.

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

[49] *FOIP* does not define the term "legal advice". In past reports, OIPC has described "legal advice" as a legal opinion about a legal issue, perhaps the provision of a recommended course of action, based on legal considerations, regarding a matter with legal implications.[11]

[50] In-house legal counsel can be responsible for both legal and non-legal duties such as giving policy advice which is not protected by privilege.[12] When in-house legal counsel is acting in their legal capacity, "the continuum of communication" contains legal advice when it

[11] See OIPC Review Report 137-2024 at paragraph [57]; See also *Supra*, footnote at paragraphs [49] and [57].

[12] See *Pritchard* v. *Ontario (Human Rights Commission)*, [2004] 1 S.C.R. 809, 2004 SCC 31 at paragraphs [19] to [21].

may not specifically offer advice and extends to the formulation of legal advice.[13] The Supreme Court of Canada has given special guidance when it comes to the issue of email chains that contain the provision, and discussion, of legal advice:[14]

> [68] The Supreme Court of Canada has described the concept of privilege attaching to a continuum of communications as follows (*Maranda v. Richer,* 2003 SCC 67, at para. 22; citing *Descôteaux,* at 892-3):
>
> > In summary, a lawyer's client is entitled to have all communications made with a view to obtaining legal advice kept confidential. Whether communications are made to the lawyer himself or to employees, and whether they deal with matters of an administrative nature such as financial means or with the actual nature of the legal problem, all information which a person must provide in order to obtain legal advice and which is given in confidence for that purpose enjoys the privileges attached to confidentiality. This confidentiality attaches to all communications made within the framework of the solicitor-client relationship, which arises as soon as the potential client takes the first steps, and consequently even before the formal retainer is established.

[51] Communication between solicitor and client, for the purpose of seeking and giving advice, requires a consideration of the broad continuum of the provision of legal advice within a government institution.[15] Our review of the withheld material contained within the table in paragraph [43] of this Report clearly falls within the continuum of privileged legal communications. As such, the pages meet the second part of the test.

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

[13] See *Bank of Montreal v. Tortora*, 2010 BCSC 1430 at paragraphs [9] to [13]. See also, Office of the Information and Privacy Commissioner for British Columbia Order F17-23 at paragraphs [43] and [44].

[14] See *British Columbia (Minister of Finance) v. British Columbia (Information and Privacy Commissioner)*, 2021 BCSC 266 at paragraph [68].

[15] See Office of the Information and Privacy Commissioner of Alberta, Order F2022-27 at paragraph [96] to [98] and [105].

[52] Without confidentiality there can be no privilege and when confidentiality ends, so too should the privilege.[16] This office accepts that, as a general rule, the client waives privilege when legal advice is disclosed to parties outside of the solicitor-client relationship.[17] The confidentiality of the legal advice must be preserved throughout.

[53] In its submission to OIPC, SaskPower asserted the information was always kept confidential because of the threat of impending litigation.

[54] While solicitor-client privilege started out as a rule of evidence, it is now unquestionably a rule of substance. In *Descoteaux et al. v. Mierzwinski, (1982)*, Justice Lamer set out the substantive rule as follows:[18]

> 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.

[16] See Dodek, Adam, *Solicitor-Client Privilege*, 2014 (LexisNexis Canada Inc.: Markham, Ontario) at p. 189.

[17] Board of Canada Secretariat, *Access to Information Manual, Chapter 11.21.1*. Available at https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/access-information/access-information-manual.html#cha11_21. Accessed September 24, 2025.

[18] *Descôteaux et al. v. Mierzwinski*, [1982] 1 SCR 860, at page [875].

[55] SaskPower admirably released portions of the contents of most emails including subject lines and signature lines in the materials listed in paragraph [43]. A number of the email subject lines contained the titles, "Privileged and Confidential". It is reasonable to conclude that SaskPower intended the information withheld in these emails to be treated as confidential. The third part of the test is met.

[56] As all parts of the test have been met, there is a finding that SaskPower properly applied section 22(a) of *FOIP* the redacted portions of the record on pages 17, 77, 78, 81, 84, 85, 88, 89, 92, 98, 101, 104, 108, 112, 125 and 129. There will be a recommendation that SaskPower continue to withhold the redacted portions of these records.

[57] Since section 22(a) of *FOIP* has been found to apply to this information, sections 22(b) and (c) of *FOIP* will not be considered for these pages.

IV FINDINGS

[58] OIPC has jurisdiction to conduct the review.

[59] SaskPower properly applied section 17(1)(b)(i) of *FOIP* to the redacted portions of the record, as outlined at paragraph [32] of this Report.

[60] SaskPower did not properly apply section 17(1)(b)(i) of *FOIP* to pages 97 and 102 of the record.

[61] SaskPower did not properly apply section 17(1)(a) of *FOIP* to page 102 of the record.

[62] SaskPower properly applied section 22(a) of *FOIP* to the redacted portions of the record, as outlined at paragraph [43] of this Report.

V RECOMMENDATIONS

[63] I recommend that SaskPower continue to withhold the redacted portions of the records outlined in the Appendix to this Report.

[64] I recommend that SaskPower release the redacted portions on pages 97 and 102, as outlined in the Appendix of this Report, within 30 days of issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 5th day of November, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner

Appendix

Page	Document Description	Redaction Number	Exemptions applied	OIPC Finding	OIPC Recommendation
16	Email dated February 5, 2024, at 3:16 p.m.	1, 2	Sections 15(1)(e), 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
17	Email dated February 5, 2024, at 2:46 p.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
74	Email dated February 8, 2024, at 2:49 pm.	1, 2, 3	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
75	Email dated February 8, 2024, at 2:27 p.m.	1	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
77	Email dated February 8, 2024, at 2:58 p.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
78	Email dated February 8, 2024, at 2:51 p.m.	2, 3, 4	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
		5	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
79	Email dated February 8, 2024, at 2:27 p.m.	1	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
81	Email dated February 8, 2024, at 3:18 p.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
		2	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
82	Email dated February 8, 2024, at 2:26 p.m.	1	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold

84	Email dated February 8, 2024, at 3:32 p.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
85	Email dated February 8, 2024, at 2:51 p.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
		2	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
88	Email dated February 8, 2024, at 4:04 p.m.	1	Sections 15(1)(e), 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
		2	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
		3	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
89	Email dated February 8, 2024, at 3:18 p.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
		2	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
92	Email dated February 9, 2024, at 2:40 p.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
94	Email dated February 15, 2024, at 4:28 p.m.	1, 2	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
97	Email dated February 16, 2024, at 4:16 p.m.	1, 2	Sections 7(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Release
98	Email dated February 15, 2024, at 2:53 p.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
101	Email dated February 15,	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold

	2024, at 10:12 a.m.				
102	Email dated February 7, 2024, at 2:58 p.m.	1	Sections 17(1)(a), (b)(i) of *FOIP*.	Sections 17(1)(a), (b)(i) of *FOIP* do not apply.	Release
104	Email dated February 16, 2024, at 4:24 p.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of FOIP applies.	Withhold
106	Email dated February 26, 2024, at 9:23 a.m.	1	Sections 15(1)(e), 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
107	Email dated February 26, 2024, at 9:23 a.m.	1	Sections 15(1)(e), 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
108	Email dated February 26, 2024, at 9:27 a.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
109	Email dated February 26, 2024, at 8:37 a.m.	1	Sections 15(1)(e), 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
112	Email dated February 20, 2024, at 11:50 a.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
125	Email date March 8, 2024, at 3:02 p.m.	1	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
126	Email dated March 8, 2024, at 12:42 p.m.	1	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
128	Email dated March 4, 2024, at 10:52 a.m.	1, 2	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold
129	Email dated March 4, 2024, at 9:51 a.m.	1	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold

		2	Section 22(a), (b), (c) of *FOIP*.	Section 22(a) of *FOIP* applies.	Withhold
130	Email dated February 26, 2024, at 10:28 a.m.	1	Sections 17(1)(a), (b)(i) of *FOIP*.	Section 17(1)(b)(i) of *FOIP* applies.	Withhold