



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 075-2026

Ministry of Health

August 10, 2026

Summary:

The Applicant submitted an access to information request to the Ministry of Health (Health) under *The Freedom of Information and Protection of Privacy Act (FOIP)* for information related to the work of a provincial advisory committee (PAC) for primary care renewal.

Health applied exemptions and withheld the record in full. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

The Commissioner found that:

- (1) Section 16(1) of *FOIP* (Cabinet confidence) applies to the non-final report and to most of the Microsoft *PowerPoint* presentations (presentations) and meeting minutes (minutes) in the responsive record.
- (2) Neither section 17(1)(a) of *FOIP* (advice, proposals, recommendations, analyses, or policy options developed by or for a government institution) or section 17(1)(b)(i) of *FOIP* (consultations or deliberations involving employees of a government institution) apply to the remaining portions of the presentations and minutes to which section 16(1) of *FOIP* also did not apply.
- (3) Health did not meet its obligation under section 8 of *FOIP* (severability).

The Commissioner recommended that Health withhold the responsive record in full, apart from the portions of presentations and minutes to which the above-noted exemptions did not apply. Those portions should be released within 30 days of the issuance of this Report.

I BACKGROUND

- [1] On November 7, 2025, the Applicant submitted an access to information request to the Ministry of Health (Health) under *The Freedom of Information and Protection of Privacy Act (FOIP)*¹. On November 17, 2025, Health clarified the request:

Provide documents such as meeting notes, final reports and recommendations between the Ministry and Primary Care Renewal Provincial Advisory Committee members related to the Provincial Advisory Committee for Primary Care Renewal between January 1, 2024 and November 7, 2025.

- [2] On December 8, 2025, Health extended the response deadline for an additional 30 days.
- [3] On February 26, 2026, Health provided a section 7 decision letter to the Applicant, informing them that the responsive record was being withheld in full under sections 16(1), 17(1)(a), 17(1)(b)(i), and 29(1) of *FOIP*. On February 27, 2026, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) of the exemptions applied by Health to withhold the record in full.
- [4] On March 10, 2026, OIPC notified Health and the Applicant of a review the decision to withhold the records in full under the above-noted exemptions.
- [5] On April 2, 2026, Health provided the Applicant with a general description of the information withheld under section 29(1) of *FOIP*. Subsequently, on April 16, 2026, the Applicant informed OIPC they no longer wished to have this office review the application of section 29(1) of *FOIP*. On the same day, OIPC informed Health of this narrowing of the scope of review.
- [6] On April 9, 2026, Health provided OIPC with an index of the record and the record itself. On May 11, 2026, Health provided a submission that it did not consent to sharing with the Applicant. The Applicant did not provide a submission.

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

II RECORDS AT ISSUE

[7] Health withheld 434 pages in full under sections 16(1), 17(1)(a), and 17(1)(b)(i) of *FOIP*. The record chronicles the work of a provincial advisory committee (PAC) on primary care renewal.² OIPC observes that the record includes three types of documents:

- Microsoft *PowerPoint* presentations (presentations);
- Meeting minutes (minutes); and
- A draft interim report and a report that, though marked “final,” has not yet received approval and its contents have not been announced to the public. We refer to these two reports as the “non-final” reports.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[8] Health is a “government institution” as defined by section 2(1)(d)(i) of *FOIP*. Therefore, OIPC has jurisdiction to conduct a review of this matter under PART VII of *FOIP*.

2. The application of section 16(1) of *FOIP*

[9] Health withheld the record in full under section 16(1) of *FOIP*. The following table accounts for the respective page numbers of the documents withheld:

Document	Page Number(s)
Presentation 1	1 to 27
Presentation 2	28 to 44
Non-Final Report 1	45 to 82
Presentation 3	83 to 104
Presentation 4	105 to 124
Presentation 5	125 to 161

² Health generally refers to “primary care renewal” as a range of initiatives aimed at strengthening primary care delivery, including improving access to team-based care, enhancing coordination and continuity of care, integrating services, and leveraging digital tools and data to improve outcomes.

Presentation 6	162 to 178
Presentation 7	179 to 192
Presentation 8	193 to 209
Presentation 9	210 to 222
Presentation 10	223 to 234
Presentation 11	235 to 245
Presentation 12	246 to 255
Presentation 13	256 to 264
Presentation 14	265 to 274
Presentation 15	275 to 304
Minutes 1	305 to 306
Presentation 16	307 to 309
Presentation 17	310 to 330
Presentation 18	331 to 356
Minutes 2	357 to 358
Presentation 19	375 to 376
Presentation 20	377 to 387
Minutes 3	388 to 390
Presentation 21	391 to 409
Non-final report 2	410 to 413
Presentation 22	414 to 434

[10] Section 16(1) of *FOIP* is a mandatory exemption that requires a government institution to withhold information that is a “Cabinet confidence.” The Saskatchewan provincial Cabinet, also known as the Executive Council, determines the provincial government’s policies, priorities, legislative agenda, and budget. The Premier appoints Cabinet Ministers, each with responsibility for a Ministry. The Ministers head Cabinet committees. The Cabinet committees work with civil servants to analyze information and make recommendations with respect to appropriate actions to be adopted by Cabinet as a whole.³ In so doing, Cabinet committees often establish advisory committees, such as the PAC, in this case.⁴

[11] Section 16(1) of *FOIP* states:

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

³ See the [“Cabinet”](#) article on the *Government of Saskatchewan* website.

⁴ Pursuant to section 16 of [The Executive Government Administration Act](#), SS 2014, c E-13.1.

(a) records created to present advice, proposals, recommendations, analyses or policy options to the Executive Council or any of its committees;

(b) agendas or minutes of the Executive Council or any of its committees, or records that record deliberations or decisions of the Executive Council or any of its committees;

(c) records of consultations among members of the Executive Council on matters that relate to the making of government decisions or the formulation of government policy, or records that reflect those consultations;

(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

(ii) are the subject of consultations described in clause (c).

[12] OIPC notes that this exemption employs the word “including”, thereby signifying that the list of sub-clauses is not exhaustive. Accordingly, if none of the subclauses apply, the introductory wording for section 16(1) of *FOIP* must still be considered within an overall contextual consideration.⁵ Put simply, the information in question needs to be a “Cabinet confidence,” which may be broadly defined as the privileged communications of Cabinet Ministers (either individually or collectively), the disclosure of which would make it difficult for Cabinet Ministers to address the legislature and the public.⁶

[13] This office’s interpretation of section 16(1) of *FOIP* is informed by *Ontario (Attorney General) v. Ontario (Information and Privacy Commissioner)*, 2024.⁷ In that decision, the Supreme Court of Canada unanimously disagreed with an order by the Ontario Information and Privacy Commissioner to release documents previously withheld as Cabinet

⁵ OIPC [Review Report 280-2020](#) at paragraphs [9] and [10].

⁶ OIPC [Review Report 308-2025](#) at paragraph [10].

⁷ [Ontario \(Attorney General\) v. Ontario \(Information and Privacy Commissioner\)](#), 2024 SCC 4.

confidences.⁸ The Court ruled that in fulfilling its constitutional role the Westminster system of government requires certain distinct spheres of confidentiality. The Court emphasized that Cabinet confidentiality grants elected officials the necessary latitude to govern in an effective, collectively responsible manner:⁹

[29] Cabinet secrecy derives from the collective dimension of ministerial responsibility ... Collective ministerial responsibility requires that ministers be able to speak freely when deliberating without fear that what they say might be subject to public scrutiny ... This is necessary so ministers do not censor themselves in policy debate, and so ministers can stand together in public, and be held responsible as a whole, once a policy decision has been made and announced. These purposes are referred to by scholars as the “candour” and “solidarity” rationales for Cabinet confidentiality ... At base, Cabinet confidentiality promotes executive accountability by permitting private disagreement and candour in ministerial deliberations, despite public solidarity.

...

[61] In approaching assertions of Cabinet confidentiality, administrative decision makers and reviewing courts must be attentive not only to the vital importance of public access to government-held information but also to Cabinet secrecy’s core purpose of enabling effective government, and its underlying rationales of efficiency, candour, and solidarity. They must also be attentive to the dynamic and fluid nature of executive decision making, the function of Cabinet itself and its individual members, the role of the Premier, and Cabinet’s prerogative to determine when and how to announce its decisions.

[62] Such an approach reflects the opening words of s. 12(1), which mandate a substantive analysis of the requested record and its substance to determine whether disclosure of the record would shed light on Cabinet deliberations, rather than categorically excluding certain types of information from protection. Thus, “deliberations” understood purposively can include outcomes or decisions of Cabinet’s deliberative process, topics of deliberation, and priorities identified by the Premier, even if they do not ultimately result in government action. And decision makers should always be attentive to what even generally phrased records could reveal about those deliberations to a sophisticated reader when placed in the broader context. The identification and discussion of policy

⁸ Justice Côté dissented on the standard of review only. She was in agreement with the rest of the Court’s interpretation of section 12(1) of *FIPPA* (the equivalent of section 16 of *FOIP*) and the conclusion that the mandate letters were exempt from disclosure pursuant to that provision. She considered the Ontario Information and Privacy Commissioner’s decision to be reviewable on a standard of correctness because the issue raised in the appeal, the scope of Cabinet privilege, was a question of law.

⁹ *Supra*, footnote 7.

priorities in communications among Cabinet members are more likely to reveal the substance of deliberations, especially when considered alongside other available information, including what Cabinet chooses to do.

[Emphasis added]

- [14] In the present case, Health submitted that the record encompasses work conducted by the PAC for the purpose of developing recommendations with respect to primary care renewal for the Minister of Health, Treasury Board Secretariat, and Cabinet.¹⁰ Health further asserted that the record collectively reflects foundational discussions and processes, the substance of which culminated in Cabinet confidences:

The purpose of these records was to inform further internal deliberations, including those of Treasury Board/Cabinet, to enable government decision-making. ... the content of the records could reasonably be expected to form the basis, in whole or in part, of matters that Cabinet or Treasury Board has considered, is considering, or will consider. The records contain advice, analysis, and options that contribute to the development of recommendations intended for executive decision-making. As such, disclosure could reveal, directly or indirectly, the substance of deliberations or the decision-making process.

- [15] Based on a substantive analysis of the documents withheld under section 16(1) of *FOIP*, this office concludes that some, but not all, of the content qualifies as Cabinet confidences.

The Presentations

- [16] It is clear that the presentations were not intended to be presented to Cabinet. Rather, it appears that Health created these presentations to facilitate the PAC's development of

¹⁰ The *Terms of Reference* for the PAC state:

The Provincial Advisory Committee for Primary Care Renewal is an advisory body that is charged with developing recommendations for the Minister and Ministry of Health, reporting through the Assistant Deputy Minister.

The Executive Government Administration Act, 2014 establishes that the Minister of Health as a member of Executive Council. The Treasury Board Secretariat is considered a committee of Executive Council pursuant to section 6(1) of *The Executive Government Administration Act*. See also OIPC [Review Report 044-2020](#) at paragraph [29].

recommendations for the Minister, Treasury Board Secretariat, and Cabinet. Be that as it may, the process of developing Cabinet confidences can be inextricable from the production of those Cabinet confidences, with those processes characterized by the Supreme Court of Canada in the above-noted decision as “deliberations.”¹¹

- [17] OIPC observed that the majority of the slides within the presentations noted at paragraph [9] encapsulate work-to-date, compile relevant research for analysis, outline recommendations, and detail present and future objectives for consideration by the PAC (and, by extension, for the consideration of the Minister, the Treasury Board Secretariat, and Cabinet).
- [18] However, pages 1, 15, 28, 83, 105, 125, 142, 162, 179, 193, 223, 235, 246, 256, 265, 275, 307, 310, 331, 359, 377, 391, and 414 of the presentations noted at paragraph [9] are title slides that reflect no advisory content and instead include meeting dates, times, and locations, the names of PAC subcommittees, and other general categories of information. The content of these title slides cannot reasonably be characterized as Cabinet confidences and, therefore, section 16(1) of *FOIP* does not apply to these presentation slides.
- [19] Other than the slides noted in paragraph [18] above, the contents of the presentations outlined at paragraph [9] qualify as Cabinet confidences. This office interprets that the disclosure of these portions of the presentations would shed light on Cabinet confidences, debates and deliberations.
- [20] Although section 16(1) of *FOIP* does not apply to the pages noted at paragraph [18], the exemption applies to the remaining pages of the presentations noted at paragraph [9], which Health should continue to withhold.

The Minutes

¹¹ *Supra*, footnote 7 at paragraph [62].

- [21] As in the case of the presentations, it is apparent that the minutes themselves were not intended to be presented to Cabinet. OIPC observes that each set of minutes, the pages for which are noted at paragraph [9], conforms to a common template. Whereas the left-most columns of the minutes outline the general structure of each meeting, the right-most columns of the minutes capture the actual results of Health's consultations with the PAC.
- [22] Similar to the title slides of presentations noted at paragraph [18], the left-most columns of the minutes also reflect meeting dates, times, and locations, the names of PAC subcommittees, and general categories of information. Again, this content cannot reasonably be construed as Cabinet confidences and, therefore, section 16(1) of *FOIP* does not apply to these portions of the minutes.
- [23] Nevertheless, the right-most columns of the minutes listed at paragraph [9] recount reports, describe discussions, and document deliberations and decisions that inform recommendations developed by the PAC for the consideration of the Minister, Treasury Board Secretariat, and Cabinet. Though these are not exactly the "outcomes" likely to be presented directly to the Minister, Treasury Board Secretariat, or Cabinet, the right-hand columns of the minutes do reflect the "deliberative process, topics of deliberation, and priorities" confirmed as the substance of Cabinet confidences.¹²
- [24] Although section 16(1) of *FOIP* does not apply to the left-most columns of the minutes, the exemption does apply to the right-most columns of the minutes listed at paragraph [9], which Health should continue to withhold.

The non-final reports

- [25] With respect to the non-final reports, accounted for at paragraph [9], Health asserted:

Even though information from these records may not yet have been presented to Cabinet, if that information were released now, before Treasury Board and Cabinet have had a chance to consider it, it would undermine the Cabinet process. Just as a draft memorandum or a memorandum that has been prepared

¹² *Supra*, footnote 7.

for, but not presented to, Cabinet can be a Cabinet confidence, it is submitted that information that is likely to be used in preparing a memorandum to Cabinet must also be a confidence of the Executive Council.

[26] Indeed, OIPC has historically established that a draft memorandum that was created for the purpose of presenting proposals and recommendations to Cabinet (but that was never actually presented to Cabinet) remains a confidence. A non-final report may be treated like a draft memorandum in that it captures the status of conclusions at a particular point in time. It appears that the content of the reports has not been published and is not a matter of public record. Further, OIPC agrees that a memorandum in final form is a confidence *even if* it has not been presented to Cabinet.¹³ Such is the case of the non-final reports within the record.

[27] OIPC concludes that section 16(1) of *FOIP* applies to the non-final reports in full.

The potential relevance of section 16(2) of FOIP

[28] Section 16(2) of *FOIP* provides for circumstances wherein information to which section 16(1) of the Act applies may still be authorized for release. However, those circumstances bear no relevance here.¹⁴ As such, with the exceptions of the pages of presentations noted at paragraph [18] and the left-most columns of the minutes described at paragraph [22], Health should continue to withhold the pages outlined at paragraph [9] of this Report under section 16(1) of *FOIP*.

3. The application of section 17(1)(a) of FOIP

¹³ OIPC [Review Report 023-2014](#) at paragraph [16].

¹⁴ Section 16(2)(a) of *FOIP* has no bearing as the responsive record involves materials that are notably recent (2024 through 2025) and Health reported to OIPC that decisions are before or (are anticipated to be considered by) Cabinet. Section 16(2)(b) of *FOIP* has no bearing as those with authority to provide consent to access have not provided it.

[29] Given that Health also applied section 17(1)(a) of *FOIP* to the record in full, OIPC must consider whether the exemption applies to the portions of presentations and minutes to which section 16(1) of *FOIP* did not apply. Section 17(1)(a) of *FOIP* states:

Advice from officials

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;

[30] For this exemption, OIPC defines the relevant terms as follows:¹⁵

- “Advice” is guidance offered by one person to another.
- A “proposal” is something offered for consideration or acceptance.
- A “recommendation” is a specific piece of advice about a course of action.
- An “analysis” refers to the detailed examination of the elements or structure of something.

[31] The remaining withheld content at issue includes the title slides of the presentations noted at paragraph [18] and left-most columns of the minutes described at paragraph [22], both which reflect meeting dates, times, and locations, the names of PAC subcommittees, and general categories of information. Plainly, this content cannot reasonably be expected to disclose advice, proposals, recommendations, analyses, or policy options, as defined above. Section 17(1)(a) of *FOIP* does not apply to the remaining portions of presentations and minutes at issue.

4. The application of section 17(1)(b)(i) of *FOIP*

[32] Finally, Health also applied section 17(1)(b)(i) of *FOIP* to the responsive record in full. OIPC must consider whether the exemption applies to the remaining portions of the

¹⁵ OIPC [Review Report 196-2025](#) at paragraph [20].

presentations or minutes for which sections 16(1) and 17(1)(a) of *FOIP* did not apply. Section 17(1)(b)(i) of *FOIP* states:

Advice from officials

17(1) Subject to section (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;

[33] OIPC maintains that section 17(1)(b)(i) of *FOIP* does not apply to information that, in and of itself, reveals only:¹⁶

- That a consultation took place at a particular time;
- That particular persons were involved; or
- That a particular topic was involved.

[34] The portions of presentations and minutes that remain at issue (meeting dates, times, and locations, the names of PAC subcommittees, and general categories of information) encapsulate all the above. It follows logically, then, that the withheld content could not reasonably be expected to disclose the substance of consultations or deliberations. Section 17(1)(b)(i) of *FOIP* does not apply to the remaining portions or presentations and minutes at issue.

[35] No other exemptions were applied to the remaining portions of presentation and minutes at issue. Therefore, OIPC recommends that, within 30 days of the issuance of this Report, Health release to the Applicant the presentation pages outlined at paragraph [18] of this Report and the left-most columns of the minutes described at paragraph [22] of this Report.

5. Fulfillment of obligations under section 8 of *FOIP*.

¹⁶ OIPC [Review Report 318-2023](#) at paragraph [66].

[36] An applicant has a right of access to records from which material can reasonably be severed, as per section 8 of *FOIP*, which provides:

8 Where a record contains information to which an applicant is refused access, the head shall give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.

[37] In the present case, there is withheld content to which exemptions do not apply. This connotes that section 8 was not duly observed by Health, which withheld the record in full.

IV FINDINGS

[38] OIPC has jurisdiction and has undertaken this review pursuant to PART VII of *FOIP*.

[39] Sections 16(1)(a), 17(1)(a), and 17(1)(b)(i) of *FOIP* do not apply to the portions of the presentations noted at paragraph [18] and the left-most columns of minutes described at paragraph [22].

[40] Section 16(1) of *FOIP* applies to the non-final reports in full and the remaining portions of the presentations and minutes, as outlined at paragraph [9] of this Report.

[41] Health did not fulfill its obligations under section 8 of *FOIP*.

V RECOMMENDATIONS

[42] I recommend that, within 30 days of the issuance of this Report, Health release the portions of the presentations and minutes noted at paragraphs [18] and [22] to which the exemptions do not apply.

[43] I recommend that Health continue to withhold the non-final reports if full and remaining portions of presentations and minutes outlined at paragraph [9] under section 16(1) of *FOIP*.

Dated at Regina, in the Province of Saskatchewan, this 10th day of August, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner