



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 076-2025¹

Farm Land Security Board

February 3, 2026

Summary:

The Applicant submitted an access to information request to the Farm Land Security Board (FLSB) for information regarding land sales and responses received.

FLSB withheld the record in full under sections 15(1)(b)(i) (disclosure of the records could be injurious to the enforcement of an Act) and 29(1) (third party personal information) of *The Freedom of Information Protection of Privacy Act (FOIP)*.

The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

During the review, FLSB asserted to OIPC that some records responsive to the Applicant's access request did not exist. The Applicant also requested this issue be reviewed by OIPC. OIPC opened an additional review on the search efforts of FLSB.

The Commissioner found that: (1) FLSB did not properly apply section 15(1)(b)(i) of *FOIP*; (2) FLSB properly applied section 29(1) of *FOIP* to some parts of the record, and not others; and (3) FLSB conducted a reasonable search in relation to the first part of the Applicant's access request, but not the second part.

The Commissioner recommended that within 30 days of this Report being issued:

¹ In addition to file review 076-2025, file review 195-2025 was added which deals with the search effort issue.

- (1) FLSB undertake a line-by-line severing of column 13 of the spreadsheet to continue to withhold the names, contact information and any other identifying information with respect to individuals and individual corporate contacts pursuant to section 29(1) of *FOIP*;
- (2) FLSB release all the information in the spreadsheet to the Applicant, save for the names and contact information of individuals in columns 11, 12 and 15 and of individual corporate contacts in columns 12 and 15, and the names, contact information and any other identifying information with respect to individuals and individual corporate contacts in column 13, which should continue to be withheld under section 29(1) of *FOIP*; and
- (3) FLSB conduct a search for records in relation to the second part of the Applicant's access request and issue a new section 7 decision to the Applicant regarding this search and copy this office.

I BACKGROUND

[1] On January 15, 2025, Farm Land Security Board (FLSB) received an access to information request from the Applicant for records spanning January 1, 2020, to January 1, 2025. The Applicant sought the following:

I would like the number of statutory declarations requested for each land sale and the number of times no response was received over the last five years. I would like a spreadsheet showing the transactions that did not receive a statutory declaration, the amount of acres for that sale, the sale figure, the rationale for why a declaration was requested and whether a response was received.

[2] By letter dated February 14, 2025, FLSB responded to the Applicant's access request and informed the Applicant that the 30-day response period was being extended an additional 30-days pursuant to section 12(1)(b) of *The Freedom of Information and Protection of Privacy Act (FOIP)*².

[3] By letter dated March 14, 2025, FLSB provided its section 7 decision letter to the Applicant. FLSB denied the Applicant access to the record in full under sections 15(1)(b)(i) and 29(1) of *FOIP*.

² [The Freedom of Information and Protection of Privacy Act](#), SS 1990-91, c. F-22.01, as amended.

- [4] On April 9, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [5] On April 16, 2025, OIPC notified FLSB and the Applicant of the review, which became OIPC file 076-2025. FLSB provided its records and index of records (index) to OIPC on May 16, 2025, and its submission on June 16, 2025. FLSB stated that OIPC could not share these with the Applicant.
- [6] On June 17, 2025, the Applicant provided their submission.
- [7] In its submission, FLSB indicated that some records requested by the Applicant do not exist. On August 13, 2025, OIPC raised this new issue with the Applicant, who requested that OIPC review the search efforts of FLSB; this became OIPC File 195-2025. OIPC sent notice of the search review to FLSB and the Applicant on August 15, 2025. The Applicant provided their submission regarding search on August 20, 2025, and FLSB provided its submission on September 8, 2025.

II RECORDS AT ISSUE

- [8] The record is an Excel spreadsheet (spreadsheet). FLSB has not disclosed the column lettering along the top to the Applicant, so this office refers to these columns as 1 to 62. Most cells in columns 17 to 62 do not have data in them or are empty. FLSB also did not disclose the exact number of rows to the Applicant, or the row numbers along the left-hand side of the spreadsheet, but there are in excess of 260 rows of data.
- [9] FLSB withheld the entire record, including the column headings, column letters and row numbers in full pursuant to section 15(1)(b)(i) of *FOIP*.

[10] Along with section 15(1)(b)(i), FLSB further applied section 29(1) of *FOIP* to some information in the row items in columns 11 to 13 and to all rows of information in column 15.

[11] On October 21, 2025, FLSB confirmed with OIPC that it would drop its application of section 15(1)(b)(i) of *FOIP* to *only* the column headings in columns 1 to 5, and 11 to 17. These column headings do not form part of this review. FLSB maintained that disclosure of the remaining record would be injurious to FLSB's ability to enforce provincial ownership restrictions under *The Saskatchewan Farm Security Act (SFSA)*.³

[12] This review will also consider the efforts of FLSB to search for all records responsive to the Applicant's access request.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[13] FLSB qualifies as 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*.⁴ Therefore, OIPC has jurisdiction and is undertaking a review of this matter pursuant to PART VII of *FOIP*.

2. Did FLSB properly apply section 15(1)(b)(i) of FOIP?

[14] We noted that FLSB originally applied the exemption in section 15(1)(b) of *FOIP* to the entirety of the spreadsheet. However, in paragraph [11] of this Report we revealed that

³ [The Saskatchewan Farm Security Act](#), SS 1988-89, c S-17.1, as amended.

⁴ [The Freedom of Information and Protection of Privacy Regulations](#), c.F-22.01 Reg 1 (April 1, 1992), as amended.

FLSB decided to withdraw this exemption from application to the *column headings* in columns 1 to 5 and 11 to 17.

[15] Section 15(1)(b)(i) of *FOIP* provides as follows:

15(1) A head may refuse to give access to a record, the release of which could:

...
(b) be injurious to the enforcement of:

(i) an Act or a regulation;

[16] OIPC uses the following two- part test to determine if section 15(1)(b)(i) of *FOIP* was properly applied: (1) Which Act or regulation is being enforced; and (2) Could release of the record injure enforcement of the Act or regulation?⁵

1. *Which Act or regulation is being enforced?*

[17] *FOIP* does not define “Act,” “regulation” or “enforcement”, but OIPC relies on the following definitions:⁶

- An “Act or a regulation” means an Act of the Legislature together with any regulations issued thereunder and includes an Ordinance of the Northwest Territories in force in Saskatchewan.
- “Enforcement” is the act or process of compelling compliance with a law, mandate, command, decree or agreement.

[18] FLSB submitted that it is a statutory decision-maker and regulator that operates at arms-length of the Government of Saskatchewan. It noted that it is a “quasi-judicial tribunal” and fulfills a regulatory role monitoring the sale of farmland in the province to assess compliance with the farmland ownership restrictions as set out in the *SFSA*. Its legislative and enforcement powers are established through section 5(5) of the *SFSA* as follows:

⁵ OIPC [Review Report 188-2023, 192-2023, 206-2023](#) at paragraph [33].

⁶ *Ibid*, at paragraph [34].

5(5) In performing their duties pursuant to this Act, the board and its committees have all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

[19] Section 11 of *The Public Inquiries Act, 2013*⁷ (PIA) provides the FLSB with the power to compel evidence, while section 15 of the PIA allows it to apply to a Court of the King's Bench to invoke the remedy of contempt for those who are non-compliant with the proceedings or orders of the FLSB. Section 25 of the PIA extends these powers to FLSB staff.

[20] For the purposes of this Report, the main function and role of the FLSB is its regulatory and decision-making function with respect to the interests in Saskatchewan farm land and its powers to investigate alleged contraventions of the ownership restrictions as set out in the *SFSA*, among other things.

[21] According to FLSB, the spreadsheet contains information that would disclose, and therefore injure, its ability to enforce compliance under the *SFSA*, and so it is the *SFSA* that is engaged or being enforced, which meets the first part of the test.

2. Could release of the record injure enforcement of the Act or regulation?

[22] This office has adopted the guidance given by the Saskatchewan Court of Appeal in that the threshold for “could” as used in this provision is somewhat lower than a “reasonable expectation”. The test involves whether release of the information “could” have the specified result. There does not need to be a likelihood of a happening, only an objective possibility, or a possibility based on the facts.⁸

⁷ [The Public Inquiries Act, 2013](#), SS 2013, c.P-38.01, as amended.

⁸ [Saskatchewan Government Insurance v Giesbrecht](#), 2025 SKCA 10 at paragraphs [73] and [80]. Even though the subject statute of that case involved *The Health Information Protection Act (HIPA)*, the Court was unanimous in finding that the similarity of the freedom of information and protection of privacy acts in Saskatchewan allowed for a concordant definition of “could” across all three statutes. In that case, the Court was called on to determine the threshold involved under section 38(1)(f) of *HIPA* where the release of health information *could* interfere with a lawful

[23] *FOIP* does not define “injurious.” However, to be “injurious” implies damage or detriment.⁹

[24] FLSB draws its regulatory powers from section 90 of the *SFSA*. Since this section is foundational to our findings, we reproduce it here:

90(1) The board may direct, in writing, any person who acquires or proposes to acquire a land holding to complete a statutory declaration setting out any matter or information that is prescribed in the regulations or that the board may reasonably require for the purposes of this Act.

(2) No person to whom a direction has been served pursuant to subsection (1) shall fail to provide the statutory declaration within 60 days after being served with the direction.

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.

[25] Under section 90 of the *SFSA*, FLSB can request any information it reasonably requires to enforce the *SFSA* and the provincial farmland ownership restrictions. Section 77 of the *SFSA* sets out the restrictions on land holding by non-residents subject to sections 78 to 80, 82, 83 and 88 of the *SFSA*. FLSB takes the definition of a “resident person” as being a Canadian citizen or permanent resident as set out at section 2(1)(d) of *The Saskatchewan Farm Security Regulations (SFSA Regulations)*.¹⁰ Once again, the FLSB investigative and enforcement roles originate from the statutory powers to regulate foreign ownership of Saskatchewan farmland.

[26] As background, section 77 of the *SFSA* restricts a non-resident of Saskatchewan from having or acquiring land holdings in the province that is assessed in value to exceed

investigation or be injurious to the enforcement of an Act or regulation. OIPC [Review Report 019-2025](#) at [22].

⁹ *Supra*, footnote 5 at paragraph [36].

¹⁰ [The Saskatchewan Farm Security Regulations](#), RRS c S-17.1 Reg 1, (September 1, 1988), as amended.

\$15,000 for property tax purposes.¹¹ Corporations and other non-Canadian owned entities face a similar restriction with respect to the total acreage of their land holdings in the province. Section 84 of the *SFSA* limits a non-Canadian owned entity from acquiring land holdings exceeding 10 acres in the aggregate. The FLSB is charged with the regulation of these legislative restrictions province wide.

[27] The FLSB is empowered by section 90(1) of the *SFSA* to request information from individuals/corporations in the form of a “declaration”. Copies of declarations, may be obtained online and contain a list of required information pursuant to section 7.01 of the *SFSA Regulations*:¹²

Statutory declaration pursuant to subsection 90(1) of Act

7.01 A statutory declaration pursuant to subsection 90(1) of the Act must contain the following:

- (a) the name and address of the person who is acquiring or proposing to acquire a land holding;
- (b) a statement that the person mentioned in clause (a) is or is not a resident person;
- (c) the legal description of the farm-land parcels being acquired;
- (d) the source of any funding used to acquire the farm land;
- (e) a statement that the person mentioned in clause (a) obtained independent legal advice regarding the provisions of Part VI of the Act.

[28] The FLSB authority to request a statutory declaration is discretionary. If an individual or corporation is asked to complete and return a declaration, then it is to be expected that there

¹¹ Subject to certain exceptions as contained within the legislation.

¹² Copies of a declaration that contain the type of information requested from an individual or corporation can be found at [Farm Ownership | Farm Land Security Board and Farm Ownership | Government of Saskatchewan](#).

is a concern regarding compliance with the statutory requirements for land ownership in this province.¹³

- [29] There are no systemic barriers to prevent an unauthorized entity or individual to purchase or acquire an interest in Saskatchewan farmland. Thus, the FLSB reactively reviews land title registries for information once a sale of land is registered in the land titles system in Saskatchewan. These registries are operated by Information Services Corporation (ISC) or the *Comparable Land Sales Database*, which is managed by the Ministry of Agriculture.¹⁴
- [30] FLSB conceded that the power to request a statutory declaration of residency and that the penalty for failing to do so is “extraordinary”. FLSB further conceded that while it is preferable for individuals and corporations to voluntarily comply with requests for declarations, prosecution for non-compliance under section 90(3) of the *SFSA* is seen as a “last resort”.
- [31] There is nothing in section 90 of the *SFSA* and/or the statutory declaration that states the information on a declaration is either collected by FLSB, or supplied by the individual or corporation, in confidence.
- [32] The purpose of section 15(1)(b) of *FOIP* is to protect a government organization and its ability to enforce the provisions of the Act that it is entrusted to administer. In this case it would be the ability of the FLSB to investigate land holding in this province by means of enforcing the requirement that individuals and corporations comply with the request of completing and filing a declaration of residency within 60 days.
- [33] FLSB argued that its power to request statutory declarations is discretionary, and not all purchasers of land holdings in this province are designated with this request. Given the

¹³ Declarations describe that only “Canadian citizens, permanent residents, or Canadian-owned entities” can legally hold an interest in more than 10 acres of Saskatchewan farmland. It is an offence under the *SFSA* to *not* complete and return a declaration.

¹⁴ The [*Comparable Land Sales Database*](#) is searchable by the public.

nature of the information in the spreadsheet, it is clear that the position of FLSB is that confidentiality is necessary to encourage compliance. FLSB elaborated:

Individuals and corporations that positively respond to a statutory declaration request provide significant information about their financial dealings and corporate structure...They may be less inclined to provide fulsome information about their inner workings if they knew that information would be publicly disclosed by the FLSB...

- [34] The logic with this position is that since disclosure would reveal information about an individual's or corporation's "financial dealings and corporate structure", the legislative system would be frustrated because others may be inclined to provide less fulsome information about their "inner workings."
- [35] It is unclear how release of any of the information in the spreadsheet that is suggested to be withheld by virtue of section 15(1)(b) of FOIP would meaningfully impact the ability of the FLSB to enforce compliance with the statute. The fear or suspicion that future individuals or corporations may misrepresent information within the declaration is not a viable argument and has nothing to do with the enforcement of section 90(1) of the *SFSA*.
- [36] The finding will be that the FLSB did not properly apply the discretionary exemption contained within section 15(1)(b)(i) of *FOIP* to the data elements of the spreadsheet outlined at paragraph [14] of this Report.

3. Did FLSB properly apply section 29(1) of *FOIP*?

- [37] Section 29(1) of *FOIP* was applied by FLSB to some of the rows (lines) of information in columns 11 to 13, and to all rows of information in column 15.
- [38] Section 29(1) of *FOIP* provides:

29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed

manner, of the individual to whom the information relates except in accordance with this section or section 30.

[39] Section 29(1) of *FOIP* applies to “personal information” as defined by section 24(1) of *FOIP*, which does not present an exhaustive list. What qualifies as personal information is information that is about an identifiable individual, and that is personal in nature.¹⁵ *Identifiable individual* means a person can reasonably be identified through the disclosure of information. The information must reasonably be capable of identifying them either directly or because it allows for an accurate inference to be made as to their identity due to the context of the information or when combined with other available sources of information. *Personal in nature* means that the information reveals something personal about the individual.¹⁶

[40] Relevant to this review will be subsections 24(1)(e) and (k)(i), which provide:

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:

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

...
(k) the name of the individual where:

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

[41] In *Schiller v Saskatchewan (Education) (Schiller)*, Mitchell J. found that section 29(2)(p) of *FOIP* creates an exception to the withholding of personal information if the information is otherwise publicly available.¹⁷ This section provides:

¹⁵ OIPC [Review Report 114-2025](#) at paragraph [70].

¹⁶ OIPC [Review Report 033-2017](#) at paragraph [12].

¹⁷ [Schiller v Saskatchewan \(Education\)](#), 2025 SKKB 146 at paragraphs [32] to [34]. (*Schiller*).

29(2) Subject to any other Act or regulation, personal information in the possession or under the control of a government institution may be disclosed:

...

(p) if the information is publicly available, including information that is prescribed as publicly available;¹⁸

[42] Publicly available information is information that is “available or accessible by the citizenry at large.”¹⁹ If someone’s information, such as their name or contact information, is not publicly available, then it cannot be disclosed without their consent.

Individuals

[43] Approximately 1/3 of the information in columns 11 and 12 involves the names of purchasing individuals and their contact information. Column 13 is a listing of file notes which appears to be a summary of the status of the declaration requested from each individual. In some instances, the file notes contain references to individuals, their emails and phone numbers, but the vast majority of this information involves summary notes with respect to the status of the production of the declaration. Column 15 contains the residential address of the individual.

[44] With the exception of the file notes, the information in columns 11, 12 and 15 include information that could reasonably identify individuals on the spreadsheet, including their names, addresses, phone numbers and/or email addresses. This is all personal information as defined by sections 24(1)(e) and (k)(i) of *FOIP*.²⁰

¹⁸ Section 3(1)(a) states that *FOIP* does not apply to published material or to material available for purchase by the public.

¹⁹ [*Lukács v. Canada \(Transport, Infrastructure and Communities\)*](#), 2015 FCA 140 (CanLII).

²⁰ In addition, addresses are personal information under section 24(1)(e) of *FOIP*, including those not publicly available (*Supra*, footnote 7 as per *Schiller*). Email addresses are personal information due to sections 24(1)(e) and (k) of *FOIP* (OIPC [Review Report 147-2022](#) at paragraph [20]). In OIPC [Review Report 044-2017](#) at paragraphs [15], [22] and [23] it was considered that investigation notes can contain personal information under equivalent provision section 23(1)(k)(i)

[45] The finding, therefore, will be that FLSB properly applied section 29(1) of *FOIP* to the names and contact information regarding the *individuals* in columns 11, 12 and 15 as they have not consented to the release of this information.

[46] The names, addresses, phone numbers and email addresses of individuals, and any other identifying information with respect to individuals in column 13 qualify as personal information as defined by subsections 24(1)(e) and (k)(i) of *FOIP*. The other information in this column does not constitute personal information. FLSB properly applied section 29(1) of *FOIP* to the names, contact information and any other identifying information with respect to individuals in column 13 and there will be a finding to this effect. There will be a recommendation that a line by line severing of column 13 be undertaken to continue to withhold the names, phone numbers, email addresses, addresses and any other identifying information with respect to individuals from this column pursuant to section 29(1) of *FOIP*, with a release of the remaining information to the Applicant.

Corporations

[47] In [OIPC Review Report 270-2023](#) at paragraphs [11] to [18] it was explained how section 29(1) of *FOIP* applies to *individuals* and not to corporations. This is because section 29(1) of *FOIP* refers only to “individuals”, who in paragraph [14] of that report were taken to mean natural persons or human beings. In that report, the corporate entity was found to be a business corporation through a registry search with ISC. It followed that the business corporation was not an individual and section 29(1) of *FOIP* did not apply.

[48] In this matter, approximately 2/3 of column 11 on the spreadsheet identifies the names of business corporations. That information is available to the public for purchase. As a result, the names of corporate entities in column 11 should be released as *FOIP* would not apply to this information pursuant to section 3(1)(a) of *FOIP*.

[49] When it comes to the individual names of the corporate contacts and their addresses in columns 12 and 15, this information qualifies as personal information pursuant to subsection 24(1)(e) and (k)(i) of *FOIP*; and a search of the registries has revealed that this information is *not always* publicly available. Therefore, FLSB properly applied section 29(1) of *FOIP* to this information and there will be a finding to this effect. There will be a recommendation that FLSB continue to withhold this information.

[50] The names, addresses, phone numbers, email addresses and any other identifying information with respect to corporate contacts in column 13 is personal information as defined by subsection 24(1)(e) and (k)(i) of *FOIP*. The other information in this column does not constitute personal information. FLSB properly applied section 29(1) of *FOIP* to the personal information in column 13 and there will be a finding to this effect. There will be a recommendation that a line-by-line severing of column 13 be undertaken to continue to withhold the names, phone numbers, email addresses, addresses and any other identifying information with respect to the corporate contacts from this column pursuant to section 29(1) of *FOIP*, with a release of the remaining information to the Applicant.

4. Did FLSB conduct a reasonable search for responsive records?

[51] Section 5 of *FOIP* provides applicants with a right of access to records in the possession or control of a government institution as follows:

5 Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a government institution.

[52] The Applicant's request, outlined at paragraph [1] of this Report, can be summarized into the following two parts:

1. The "number of statutory declarations requested for each land sale and the number of times no response was received for the past five years"; and

2. A “spreadsheet showing the transactions that did not receive a statutory declaration, the amount of acres for that sale, the sale figure, the rationale for why a declaration was requested and whether a response was received.”

[53] FLSB searched and produced the spreadsheet under review, which is essentially responsive to the first part of the Applicant’s request. FLSB added that it does not maintain a spreadsheet “showing transactions that did not receive a statutory declaration” or “specifics with respect to the transactions for which a statutory declaration was made.” FLSB added that this included assessed land value and purchase/lease price. This would be in response to the second part of the Applicant’s request.

[54] To validate its claim, FLSB would need to substantiate that it undertook a reasonable search which failed to produce the requested records. A “reasonable search” is one in which an experienced employee expends a reasonable effort to locate records that are reasonably related to the request. The threshold that must be met is one of “reasonableness.” In other words, it is not a standard of perfection, but rather what a fair and rational person would expect to be done or consider acceptable.²¹ When presenting its search efforts to OIPC in a review, the level of detail that can be provided can include the following:²²

- For personal information requests – explain how the individual who is the subject of the personal information is involved with the government institution (i.e., client, employee, former employee, etc.) and why certain departments/divisions/branches were included in the search.
- For general requests – tie the subject matter of the request to the departments/divisions/branches included in the search. In other words, explain why certain areas were searched and not others.
- Identify the employee(s) involved in the search and explain how the employee(s) is experienced in the subject matter.
- Explain how the records management system is organized (both paper & electronic) in the departments/divisions/branches included in the search.

²¹ OIPC [Review Report 010-2016](#) at paragraph [30] and OIPC [Review Report 077-2025](#) at paragraph [14].

²² OIPC [Review Report 077-2025](#) at paragraph [16].

- Describe how records are classified within the records management system. For example, are the records classified by alphabet, year, function, or subject.
- Consider providing a copy of your organization's record schedule and screen shots of the electronic directory (folders & subfolders).
- If the record has been destroyed, provide copies of record schedules and/or destruction certificates.
- Explain how you have considered records stored off-site.
- Explain how records that may be in the possession of a third party but in the government institution's control have been searched, such as a contractor or information management service provider.
- Explain how a search of mobile electronic devices was conducted (i.e. laptops, smart phones, cell phones, tablets).
- Explain which folders within the records management system were searched and how these folders link back to the subject matter. For electronic folders-indicate what key terms were used to search if applicable.
- Indicate the calendar dates each employee searched.
- Indicate how long the search took for each employee.
- Indicate what the results for each employee's search.
- Consider having the employee that is searching provide an affidavit to support the position that no record exists or support the details provided.²³

[55] Each case requires different search strategies and details depending on the nature of the records and the way the organization manages them. If claiming that records do not exist, *FOIP* does not require that FLSB prove with absolute certainty that the records do not exist. This office will also consider reasonable explanations from FLSB as to why a record does not exist.²⁴

Part one of the access request

²³ On issuing affidavits, see OIPC resource, [Using Affidavits in a Review with the IPC](#).

²⁴ *Supra*, footnote 22 at paragraph [17].

[56] As mentioned, for the first part of the Applicant’s request, the spreadsheet under review is responsive and provides the type of information the Applicant sought. There is no need to review the search efforts of FLSB in relation to the first part of the Applicant’s request – it was reasonable.

Part two of the access request

[57] In its submission, FLSB essentially argued that it does not keep empirical information or any information with respect to land transactions in spreadsheet format where a statutory declaration was requested but not filed. FLSB indicated the following:

31. The Board does not maintain a spreadsheet showing transactions that did not receive a statutory declaration or any specifics with respect to the transactions for which a statutory declaration demand was made. This includes the assessed value of the land, the purchase price when the land is purchased or lease payments where the land is leased. As such, the Board does not have a spreadsheet with the number of acres for the sales and the financial value of the transactions for which a statutory declaration was not requested.

[58] FLSB added that it only identifies “transactions where there are concerns as to whether an individual or corporation is entitled to acquire the interest.” Further, it does not record specifics such as “assessed value of land or the purchase price for which a statutory declaration was requested.”

[59] FLSB further acknowledged that government institutions are not required to “create records in response to an access to information request.” FLSB is correct in this assertion. To positively respond to what the Applicant seeks in the second part of the test, FLSB would need to create such a record from information it *may* have in its possession or control, but it has no obligation to do so.²⁵

[60] Section 5.1 of *FOIP*, however, places an obligation on government institutions to respond “openly, accurately and completely” to applicants. This means explaining to applicants,

²⁵ OIPC [Review Report 313-2016](#) at paragraph [14].

prior to issuing a section 7 response, the types of records it has in its holdings that may be responsive to any part of an access request. Applicants normally do not know what records a government institution has in its possession or control that may be responsive, but there may be some records they believe will provide them with the information they seek. This is part of responding *accurately* under section 5.1 of *FOIP*.²⁶ While FLSB may not maintain an exact spreadsheet that is responsive to the second part of the Applicant's request, and has no obligation under *FOIP* to create one, it may nonetheless have records in its possession or control that could fulfill the second part of the Applicant's request. There is no indication that FLSB considered any of this under section 5.1 of *FOIP*, nor that it searched for any such records.

- [61] There will be a finding that FLSB's search in relation to the second part of the Applicant's request was not reasonable. The recommendation will be that within 30 days of this Report being issued, FLSB undertake a search for records that may be responsive to the second part of the Applicant's access request, issue a new section 7 decision to the Applicant regarding the findings of the search, and copy this office.

IV FINDINGS

- [62] OIPC has jurisdiction and is undertaking a review of this matter pursuant to Part VII of *FOIP*.
- [63] FLSB did not properly apply section 15(1)(b)(i) of *FOIP*.
- [64] FLSB properly applied section 29(1) of *FOIP* to: (1) names and contact information of individuals in columns 11, 12 and 15 and of corporate contacts in columns 12 and 15 of the spreadsheet; and (2) names, contact information, and any other identifying information with respect to individuals and corporate contacts in column 13 of the spreadsheet. FLSB

²⁶ OIPC [Review Report 056-2022](#) at paragraphs [24] to [26].

did not properly apply section 29(1) of *FOIP* to the remaining information in the spreadsheet.

- [65] FLSB conducted a reasonable search in relation to the first part of the Applicant's access request, but not the second part.

V RECOMMENDATIONS

- [66] Within 30 days of this Report being issued, I recommend that FLSB undertake a line-by-line severing of column 13 of the spreadsheet to continue to withhold the names, contact information, and any other identifying information with respect to individuals and corporate contacts pursuant to section 29(1) of *FOIP*.
- [67] Within 30 days of this Report being issued, I recommend that FLSB release all the information in the spreadsheet to the Applicant, save for the following information that should continue to be withheld pursuant to section 29(1) of *FOIP*: (1) the names and contact information of individuals in columns 11, 12 and 15 and of individual corporate contacts in columns 12 and 15; and (2) the names, contact information and any other identifying information with respect to individuals and individual corporate contacts in column 13.
- [68] Within 30 days of this Report being issued, I recommend that FLSB undertake a search for records that *may* be responsive to the second part of the Applicant's access request, issue a new section 7 decision to the Applicant regarding this search, and copy this office.

Dated at Regina, in the Province of Saskatchewan, this 3rd day of February, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner