



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## **REVIEW REPORT**

### **101-2019, 192-2019, 193-2019, 194-2019**

**Ministry of Health**

**January 27, 2022**

**Summary:**

The Applicant made an access to information request to the Ministry of Health (Health) for various meeting notes. Health identified 261 pages of records, but indicated that there was information not responsive to the access to information requests on 82 of the pages. It also withheld information on portions of the record pursuant to sections 13(1)(b), 14(a), 17(1)(a), (b)(i), (c), 18(1)(d), (e), 19(1)(b) and (c) of *The Freedom of Information and Protection of Privacy Act* (FOIP). Health also indicated that 105 pages of attachments to the notes were not responsive to the access to information requests. The Commissioner found that sections 17(1)(b)(i) and 18(1)(e) of FOIP applied to portions of the record, but the other exemptions did not apply. He also found that the majority of the information was responsive to the request. He recommended release of parts of the record.

## **I BACKGROUND**

[1] On July 9, 2018, the Ministry of Health (Health) received four access to information requests from the Applicant as follows:

All meetings notes between January 1, 2017 and January 29, 2018 from all Pan-Canadian Pharmaceutical Alliance (pCPA) meetings related to drug pricing discussions in relation to the agreement between the Pan-Canadian Pharmaceutical Alliance (pCPA) and the Canadian Generic Pharmaceutical Alliance (CGPA) announced January 29, 2018...

All meeting notes between January 1, 2017 and January 29, 2018 related to meetings of the Pan-Canadian Pharmaceutical Alliance (pCPA) ADM Steering Committee and the Canadian Generic Pharmaceutical Alliance (CGPA), in relation to the agreement between the parties announced January 29, 2018...

All meetings notes between January 1, 2017 and January 29, 2018 related to the Assistant Deputy Ministers Drug Plan Committee in relation to the agreement between the Pan-Canadian Pharmaceutical Alliance (pCPA) and the Canadian Generic Pharmaceutical Alliance (CGPA) announced January 29, 2018...

All meeting notes between January 1, 2017 and January 29, 2018 related to meetings of the Pan-Canadian Pharmaceutical Alliance (pCPA) Health Care Innovation Working Group and the Canadian Generic Pharmaceutical Alliance (CGPA), in relation to the agreement between the parties announced January 29, 2018...

- [2] On November 19, 2018, the Ministry provided a section 7 response to the Applicant. The Ministry provided some records to the Applicant, but also indicated that portions of the record were being withheld pursuant to sections 13(1)(b), 14(a), 17(1)(a), (b)(i), (c), 18(1)(d), (e), 19(1)(b) and (c)(iii) of *The Freedom of Information and Protection of Privacy Act* (FOIP).
- [3] On April 2, 2019, the Applicant requested a review of the exemptions by my office. On April 25, 2019, my office provided notice to the Applicant, the Ministry and six third parties of my intention to undertake a review.
- [4] On October 9, 2021, the Applicant also asked that my office review the non-responsive portions of the record. On October 13, 2021, my office notified Health that my office would also review non-responsive portions of the record.
- [5] I note that this Report deals with records and exemptions similar to what was discussed in my office's [Review Report 244-2018](#) involving Health. That report was appealed to the Court of Queen's Bench and my office delayed this review until a decision was rendered. I will discuss this decision in this Report. This decision has since been appealed to the Court of Appeal and it is unclear when the matter will be resolved. I have decided to proceed with this review in order to bring some resolution for the Applicant with our review process.

## II RECORDS AT ISSUE

- [6] There are 261 pages of records. The majority of the record consists of handwritten notes; but also includes emails, Outlook calendar items and typed meeting notes.
- [7] One page was released in its entirety. Health applied sections 13(1)(b), 14(a), 17(1)(a), 17(1)(b)(i), 17(1)(c), 18(1)(d) and 18(1)(e) of FOIP to the majority of the pages in record. Additionally, section 19(1)(b) of FOIP was applied to 26 portions of 26 pages and section 19(1)(c)(iii) of FOIP was applied to a portion of one page of the record.
- [8] Further, Health indicated that portions of 82 pages of the 261 pages were not responsive to the Applicant's access to information requests.
- [9] Finally, during this review, my office asked Health about attachments listed in the record, but not identified as part of the record. Health indicated that an additional 105 pages were attachments, but Health also considers them to be not responsive to the request.
- [10] See Appendix A of this Report for more details regarding the record at issue.

## III DISCUSSION OF THE ISSUES

### 1. Do I have jurisdiction?

- [11] Health qualifies as a government institution pursuant to section 2(1)(d)(i) of FOIP. Therefore, I have jurisdiction to conduct this review.

### 2. Does section 17(1)(b)(i) of FOIP apply to the record?

- [12] Section 17(1)(b)(i) of FOIP provides:

**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;

[13] Health has applied section 17(1)(b)(i) of FOIP to 251 pages of the record.

[14] My office's *Guide to FOIP* sets out the following two part test for section 17(1)(b)(i) of FOIP:

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?

(IPC *Guide to FOIP*, Chapter 4, "Exemptions from the Right of Access", updated April 30, 2021 [*Guide to FOIP*, Ch. 4], pp. 132-133)

***1. Does the record contain consultations or deliberations?***

[15] The following definitions are relevant:

***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;

- the consideration and discussions of the reasons for and against a measure by a number of councillors.

*(Guide to FOIP, Ch. 4, p. 132)*

- [16] In its submission to my office, Health indicated that the information contained in the correspondence, meeting notes, and minutes captured the jurisdictional representatives, as part of their expected responsibility deliberating, discussing, and consulting with each other regarding generic drug negotiations. It indicated that the meeting notes were created by or for Health employees.
- [17] The majority of the information to which section 17(1)(b)(i) of FOIP has been applied are handwritten notes from meetings described in the Applicant's request. There are notes for more than 60 meetings. Health has only applied this exemption to certain portions of the handwritten notes, having chosen to release some information, headings and some meeting participants. The portions of the handwritten notes that have been withheld are detailed and depict a back and forth between meeting participants. The handwritten notes are not verbatim, but they are more detailed than what would normally be found in meeting minutes or the official typed notes that also form part of the record.
- [18] Upon review of the handwritten notes, there are a variety of proposals or actions being discussed. I agree that the identified portions of the handwritten notes qualify as consultations or deliberations. The first part of the test is met for this information.
- [19] Health also applied section 17(1)(b)(i) of FOIP to portions of official notes from certain meetings. There are portions of these notes that do reflect the same type of back and forth captured by the handwritten notes. This information would also qualify as consultations and deliberations and the first part of the test is met. However, there are portions of these notes that would not qualify; including general information about what topics were discussed or what decisions were made, factual data and certain next steps. Section 17(1)(b)(i) of FOIP does not generally apply to records or parts of records that in themselves reveal only that a consultation or deliberation took place at a particular time, particular persons were involved; or a particular topic was involved (*Guide to FOIP, Ch.*

4, p. 134). This information does not qualify as consultations or deliberations and does not meet the first part of the test.

[20] Health has also applied section 17(1)(b)(i) of FOIP to emails. The emails partly solicit feedback about the wording for a draft communication. The communication was to be discussed verbally at a meeting. The email also provides facts and figures. The emails do not qualify as consultations or deliberations and the first part of the test is not met.

***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?***

[21] “Involving” means including. “Employee of a government institution” means an individual employed by a government institution and includes an individual retained under a contract to perform services for the government institution (*Guide to FOIP*, Ch. 4, p. 133).

[22] As noted above, Health indicated in its submission to my office that meeting notes were created by or for Health employees. The submission specifically listed the job titles of the employees at Health that were involved in the consultations and deliberations discussed above.

[23] I am satisfied that the consultations and deliberations identified in this Report involved employees of a government institution. The second part of the test is met. I find that section 17(1)(b)(i) of FOIP applies to portions of the record. See Appendix A for details of where this exemption applies.

[24] There is no need to review whether section 19(1)(c) of FOIP applies to the record as section 17(1)(b)(i) of FOIP applies to the only portion of the record to which it has been applied.

**3. Does section 18(1)(e) of FOIP apply to the record?**

[25] Section 18(1)(e) of FOIP provides:

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

...

(e) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Saskatchewan or a government institution, or considerations that relate to those negotiations;

[26] Health has applied section 18(1)(e) of FOIP to 246 pages of the record. However, as discussed earlier in this Report, Health has also applied section 17(1)(b)(i) of FOIP to the same portions of the record. Therefore, I only need to consider if section 18(1)(e) of FOIP applies to 16 pages, where I have found that section 17(1)(b)(i) of FOIP does not apply.

[27] The following test can be applied for section 18(1)(e) of FOIP:

1. Does the record contain positions, plans, procedures, criteria, instructions or considerations that relate to the negotiations?
2. Were the positions, plans, procedures, criteria, instructions or considerations developed for the purpose of contractual or other negotiations by or on behalf of the Government of Saskatchewan or a government institution?

*(Guide to FOIP, Ch. 4, pp. 178-179)*

***1. Does the record contain positions, plans, procedures, criteria, instructions or considerations that relate to the negotiations?***

[28] Health's submission indicated that the withheld portions of the record in question captures the jurisdictional representatives' plans, positions, procedures, instructions, and considerations regarding the negotiations of generic drugs.

[29] The *Guide to FOIP* provides the following definitions:

A ***position*** is a point of view or attitude. An opinion, stand; a way of regarding situations or topics; an opinion that is held in opposition to another in an argument or dispute.

A **plan** is a formulated and especially detailed method by which a thing is to be done; a design or scheme. A detailed proposal for doing or achieving something; an intention or decision about what one is going to do.

A **procedure** is an established or official way of doing something; a series of actions conducted in a certain order or manner.

**Criteria** are standards, rules, or tests on which a judgement or decision can be based or compared; a reference point against which other things can be evaluated.

**Instructions** are directions or orders.

A **consideration** is a careful thought; a fact taken into account when making a decision. Thus, a record identifying the facts and circumstances connected to positions, plans, procedures, criteria or instructions could also fall within the scope of this provision.

(*Guide to FOIP*, Ch. 4, pp. 178-179)

[30] The 16 pages where Health has applied section 18(1)(e) of FOIP includes emails and official meeting notes. Upon review of these records, I agree that there are portions of these specific records that qualifies as positions or considerations. These portions of the notes recap discussions or provide analysis about studies related to generic drug costs and identifies areas for improvement. The material identifies the analysis and circumstances connected to positions and plans related to anticipated negotiations. The information meets the first part of the test.

[31] However, there are some portions of the meeting notes, in particular, that are not plans, positions, procedures, instructions or considerations related to negotiations. For example, factual statements about decisions related to the management committee of the pCPA does not qualify. Further, statements that reveal what topics were discussed, how a meeting was structured or certain next steps do not qualify. The first part of the test has not been met and, as both parts must be satisfied, section 18(1)(e) does not apply to these parts. I will refer to this information as the remaining information from the official notes in the rest of this Report.



**2. *Were the positions, plans, procedures, criteria, instructions or considerations developed for the purpose of contractual or other negotiations by or on behalf of the Government of Saskatchewan or a government institution?***

[32] Health submitted that the role of the pCPA is to conduct joint provincial and territorial negotiations for brand name and generic drugs in Canada to achieve greater value for publicly funded drug programs and patients through the use of the combined negotiating power of multiple participating jurisdictions. Health indicated that the pCPA has conducted hundreds of drug negotiations since 2010 and continues to do so.

[33] I am satisfied that the second part of the test is met. Section 18(1)(e) of FOIP applies to portions of the record as described in Appendix A of this Report.

**4. Does section 18(1)(d) of FOIP apply to the record?**

[34] Section 18(1)(d) of FOIP provides:

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

...

(d) information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of the Government of Saskatchewan or a government institution;

[35] Section 18(1)(d) of FOIP is a discretionary harm-based exemption. It permits refusal of access in situations where release of a record could reasonably be expected to disclose information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of the Government of Saskatchewan or a government institution. This exemption is intended to protect a government institution's ability to negotiate effectively with other parties (*Guide to FOIP*, Ch. 4, pp. 173-174).

[36] The following two-part test can be used to determine if section 18(1)(d) of FOIP applies:

1. Are there contractual or other negotiations occurring involving the Government of Saskatchewan or a government institution?

2. Could release of the record reasonably be expected to interfere with the contractual or other negotiations?

*(Guide to FOIP, Ch. 4, pp. 174-175)*

[37] I must consider if section 18(1)(d) of FOIP applies to the remaining information from the official notes that I described earlier in this Report.

***1. Are there contractual or other negotiations occurring involving the Government of Saskatchewan or a government institution?***

[38] In its submission to my office, Health indicated that the negotiations in question are the generic drug negotiations by the pCPA, on behalf of Saskatchewan, as described earlier in this Report. The first part of the test has been met.

***2. Could release of the record reasonably be expected to interfere with the contractual or other negotiations?***

[39] A government institution does not have to prove that a harm is probable, but needs to show that there is a “reasonable expectation of harm” if any of the information were to be released. It is the release of the information itself that must give rise to a reasonable expectation of harm. Government institutions should not assume that the harm is self-evident. The harm must be described in a precise and specific way in order to support the application of the provision.

[40] The expectation of harm must be reasonable, but it need not be a certainty. The evidence of harm must:

- show how the disclosure of the information would cause harm;
- indicate the extent of harm that would result; and
- provide facts to support the assertions made.

*(Guide to FOIP, Ch. 4, pp. 175-176)*

[41] Health submitted that because the pCPA is in active generic drug negotiations, release of the information would reasonably be expected to interfere with the active negotiations as well as future negotiations and damage the combined negotiation powers of the pCPA's jurisdictional representatives. It did not provide further explanation.

[42] I am not persuaded that the release of the remaining information from the official notes could be expected to interfere with the negotiations identified by Health. Section 18(1)(d) of FOIP does not apply to the record.

**5. Does section 17(1)(a) of FOIP apply to the record?**

[43] Section 17(1)(a) of FOIP provides:

**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;

[44] I must consider if section 17(1)(a) of FOIP applies to the remaining information from the official notes that I described earlier in this Report.

[45] Section 17(1)(a) of FOIP is a discretionary, class-based exemption. It permits refusal of access in situations where release of a record could reasonably be expected to disclose advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council (*Guide to FOIP*, Ch. 4, p. 123).

[46] The two-part test for section 17(1)(a) of FOIP is as follows:

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

2. Was the advice, proposals, recommendations, analyses and/or policy options developed by or for a government institution or a member of the Executive Council?

(*Guide to FOIP*, Ch. 4, pp. 124-126)

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

[47] In its submission, Health indicated that various parts of the record qualified as advice, proposals, recommendations, analyses and policy options. The *Guide to FOIP* provides the following definitions:

**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.

Advice includes the views or opinions of a public servant as to the range of policy options to be considered by the decision maker even if they do not include a specific recommendation on which option to take. Advice has a broader meaning than recommendations...

A **recommendation** is a specific piece of advice about what to do, especially when given officially; it is a suggestion that someone should choose a particular thing or person that one thinks particularly good or meritorious. Recommendations relate to a suggested course of action more explicitly and pointedly than “advice”. It can include material that relates to a suggested course of action that will ultimately be accepted or rejected by the person being advised. It includes suggestions for a course of action as well as the rationale or substance for a suggested course of action. A recommendation, whether express or inferable, is still a recommendation.

A **proposal** is something offered for consideration or acceptance.

**Analyses** (or analysis) is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

**Policy options** are lists of alternative courses of action to be accepted or rejected in relation to a decision that is to be made. They would include matters such as the public servant's identification and consideration of alternative decisions that could be made. In other words, they constitute an evaluative analysis as opposed to objective information.

*(Guide to FOIP, Ch. 4, pp. 124-125)*

[48] As described earlier in this Report, the remaining information from the official notes are made up of factual statements about decisions related to the management committee of the pCPA, statements that reveal what topics were discussed, how a meeting was structured and certain next steps. This information is factual in nature and I do not agree that it qualifies as advice, proposals, recommendations, analyses or policy options.

[49] The first part of the test is not met. As both parts of the test must be met, there is no need to go further. I find that section 17(1)(a) of FOIP does not apply to the remaining information.

**6. Does section 17(1)(c) of FOIP apply to the record?**

[50] Section 17(1)(c) of FOIP provides:

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

...

(c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Saskatchewan or a government institution, or considerations that relate to those negotiations;

[51] The following two part test can determine if section 17(1)(c) of FOIP applies as follows:

1. Does the record contain positions, plans, procedures, criteria, instructions or considerations that relate to the negotiations?
2. Were the positions, plans, procedures, criteria, instructions or considerations developed for the purpose of contractual or other negotiations by or on behalf of the Government of Saskatchewan or a government institution?

(*Guide to FOIP*, Ch. 4, pp. 137-138)

***1. Does the record contain positions, plans, procedures, criteria, instructions or considerations that relate to the negotiations?***

[52] In its submission to my office, Health indicated that this portion of the record qualifies as plans, positions, procedures, instructions, and considerations regarding the negotiations of generic drugs. I have previously defined these terms under section 18(1)(e) of FOIP in this Report.

[53] I must consider if section 17(1)(c) of FOIP applies to the remaining information from the official notes that I described earlier in this Report.

[54] I have already found that these portions of the record do not qualify as plans, positions, procedures, instructions, and considerations for the purposes of section 18(1)(e) of FOIP and for the same reasons they do not qualify for the purposes of section 17(1)(c) of FOIP.

[55] The first part of the test is not met. As both parts of the test must be met, there is no need to go further. I find that section 17(1)(c) of FOIP does not apply to the remaining information.

**7. Does section 19(1)(b) of FOIP apply to the record?**

[56] Section 19(1)(b) of FOIP provides:

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

...

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

[57] In order for Health to demonstrate that section 19(1)(b) of FOIP applies to the record, all three parts of the following test must be met:

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

*(Guide to FOIP, Ch. 4, pp. 198-202)*

[58] Health applied this exemption to portions of 24 pages of the record. However, I have already found that other exemptions apply to portions on four pages of the record.

[59] Health identified six third parties for the purposes of section 19(1)(b) of FOIP: the pCPA, the CGPA, and four pharmaceutical companies. All of these organizations were invited to make a submission. All but one of the pharmaceutical companies provided a submission to my office.

[60] Section 2(1)(j) of FOIP provides:

2(1) In this Act:

...

(j) “**third party**” means a person, including an unincorporated entity, other than an applicant or a government institution.

[61] The CPGA and the four pharmaceutical companies qualify as third parties pursuant to section 2(1)(j) of FOIP as they are not a government institution or the Applicant.

[62] I note that the portions of the record where the pCPA has been identified as a third party can be withheld under section 17(1)(b)(i) of FOIP, so there is no need to review whether section 19(1)(b) of FOIP applies to those portions of the record.

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

[63] The *Guide to FOIP* provides the following definitions:

**Financial information** is information regarding monetary resources, such as financial capabilities, assets and liabilities, past or present. Common examples are financial forecasts, investment strategies, budgets, and profit and loss statements. The financial information must be specific to a third party.

**Commercial information** is information relating to the buying, selling or exchange of merchandise or services. This can include third party associations, past history, references and insurance policies and pricing structures, market research, business plans, and customer records. Types of information included in the definition of commercial information can include:

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

**Scientific information** is information exhibiting the principles or methods of science. The information could include designs for a product and testing procedures or methodologies. It is information belonging to an organized field of knowledge in the natural, biological or social sciences or mathematics. In addition, for information to be characterized as scientific, it must relate to the observation and testing of specific hypothesis or conclusions and be undertaken by an expert in the field. Finally, scientific information must be given a meaning separate from technical information.

**Technical information** is information relating to a particular subject, craft or technique. Examples are system design specifications and the plans for an engineering project. It is information belonging to an organized field of knowledge which would fall under the general categories of applied sciences or mechanical arts. Examples of these fields would include architecture, engineering or electronics. It will usually



involve information prepared by a professional in the field and describe the construction, operation or maintenance of a structure, process, equipment or thing. Finally, technical information must be given a meaning separate from scientific information.

**Labour relations information** is information that relates to the management of personnel by a person or organization, whether or not the personnel are organized into bargaining units. It includes relationships within and between workers, working groups and their organizations as well as managers, employers and their organizations. Labour relations information also includes collective relations between a public body and its employees. Common examples of labour relations information are hourly wage rates, personnel contracts and information on negotiations regarding collective agreements.

(*Guide to FOIP*, Ch. 4, pp. 198-199)

### *Names of participants*

- [64] On 16 pages of the record, the information to which Health has applied this exemption are names of individuals from the various third parties that participated in the meetings.
- [65] In its submission to my office, Health did not indicate if this information qualifies as financial, commercial, scientific, technical or labour relations information.
- [66] The joint submission that the CGPA and three of the pharmaceutical companies provided to my office indicated that the names of the participants specifically qualified as commercial information. The submission stated that by disclosing the names of the third parties' representatives would reveal who within those bodies are responsible for negotiating pricing agreements. Alternatively, the disclosure of their presence at the meetings would lead to an accurate inference of the subject matter of the meetings. Therefore, the disclosure of the names of the third parties' representatives would reveal commercial information about the third parties. The submission also referenced my office's [Review Report 311-2017, 312-2017, 313-2017, 316-2017, 340-2017, 341-2017, 342-2017](#) where I agreed that client names of a third party, and the business contact information of representatives of the clients, qualified as commercial information

[67] However, I am not persuaded that the names of these individuals, and their participation at the meetings, qualifies as commercial information. It is unclear what specific merchandise or services are being bought or sold by releasing these names. Also, in this case, these third parties were dealing directly with the pCPA and Health, not with other third parties as in the case of the report referenced in the submission. Further, the nature of the request and the fact responsive records have been identified reveals that the CPGA was involved in meetings. Further, there is a list of the CPGA's members on its website. The first part of the test is not met. Section 19(1)(b) of FOIP does not apply to these portions of the record.

*Other portions of the record*

[68] There are three other portions of the record on three other pages to which Health has applied section 19(1)(b) of FOIP. One of the portions is a proposed agenda for a meeting. The second portion is five words and its meaning is unclear. The third portion are informal names of two documents.

[69] Neither the third parties' nor Health's submission specifically addressed these parts of the record. The submissions did not indicate if this information qualifies as financial, commercial, scientific, technical or labour relations information.

[70] I am not persuaded that these portions of the record qualify as financial, commercial, scientific, technical or labour relations information. The first part of the test is not met. I find that section 19(1)(b) of FOIP does not apply to the record.

**8. Does section 13(1)(b) of FOIP apply to the record?**

[71] Section 13(1)(b) of FOIP provides:

**13(1)** A head shall refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from:

...

(b) the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions;

...

unless the government or institution from which the information was obtained consents to the disclosure or makes the information public.

[72] I must consider whether section 13(1)(b) of FOIP applies to the remaining information described throughout this Report as well as dial in information for teleconferences.

[73] The following test can be applied for section 13(1)(b) of FOIP:

1. Was the information obtained from the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions?
2. Was the information obtained implicitly or explicitly in confidence?
3. Is there consent to disclose the information or has the information been made public?

*(Guide to FOIP, Ch. 4, pp. 22-25)*

- 1. Was the information obtained from the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions?***

[74] With respect to the first part of the test, Health described the make-up and purpose of the pCPA in its submission to my office. It pointed out that the pCPA is comprised of other provinces and territories of Canada and the records in question are that of the pCPA. Health submitted that the information is the collective records of other provincial, territorial, and federal governments. It submitted that this satisfies the requirement as being obtained from the government of another province or territory of Canada.

[75] In [Review Report 244-2018](#), I reviewed Health's application of section 13(1)(b) of FOIP to different records related to pCPA. My analysis in that Report found the direction of the pCPA was not set solely by one jurisdiction, but governance was shared between all provinces and territories with input from the federal government. I considered that, although the pCPA office was hosted by the Government of Ontario, it took its direction from all of the provinces through the groups described above. I described this organization as a collective. I concluded that the information contained in the records was not obtained from the government of another province or territory of Canada, or its agencies, Crown

corporations or other institutions. Health had either had an equal part in generating the information or has equal ownership of the records as would any other provincial or territorial government in Canada.

[76] [Review Report 244-2018](#) was then appealed to the Court of Queen's Bench. The decision did not go as far in entirely rejecting the application of section 13(1)(b) of FOIP to records related to pCPA. It found that if records pass through pCPA, it did not negate their origin, if created by another government. At the same time, some documents, depending on their purpose and content, might be considered as outside the scope of section 13(1)(b) of FOIP. The decision reasoned that, in some of its work, pCPA acts on behalf of all of participating governments, including sending and receiving correspondence. In this regard, it might be considered an agent of all of the participating governments. But pCPA can also generate advice of its own for the participating governments ([West v Saskatchewan \(Health\), 2020 SKQB 244](#), paras. 67-68).

[77] Upon review of the remaining information in question, and the dial in teleconference information, the documents in which the information is found were created by the pCPA or Health itself. The information is found either in official meeting documents prepared by the pCPA or meeting notes of what was discussed by the pCPA. Health participated in the creation of the records and has equal ownership. Therefore, I am not satisfied that section 13(1)(b) of FOIP applies to this information.

[78] I find that section 13(1)(b) of FOIP does not apply to the record.

## **9. Does section 14(a) of FOIP apply to the record?**

[79] Section 14(a) of FOIP provides:

**14** A head may refuse to give access to a record, the release of which could reasonably be expected to prejudice, interfere with or adversely affect:

(a) relations between the Government of Saskatchewan and another government;

[80] Section 14(a) of FOIP is a discretionary harm-based exemption. It permits refusal of access in situations where the release of a record could reasonably be expected to prejudice, interfere with or adversely affect relations between the Government of Saskatchewan and another government (*Guide to FOIP*, Ch. 4, p. 38).

[81] “Prejudice” in this context refers to detriment to intergovernmental relations. To “interfere with” means to obstruct or make much more difficult. To “adversely affect” is to have a harmful or unfavorable impact (*Guide to FOIP*, Ch. 4, pp. 38-39).

[82] To determine the level of harm, the Supreme Court of Canada ([\*Community Safety and Correctional Service v. Ontario \(Information and Privacy Commissioner\)\*, 2014 SCC 31](#)) set out the standard of proof for harms-based provisions as follows:

This Court in *Merck Frosst* adopted the “reasonable expectation of probable harm” formulation and it should be used wherever the “could reasonably be expected to” language is used in access to information statutes. As the Court in *Merck Frosst* emphasized, the statute tries to mark out a middle ground between that which is probable and that which is merely possible. An institution must provide evidence “well beyond” or “considerably above” a mere possibility of harm in order to reach that middle ground: paras. 197 and 199. This inquiry of course is contextual and how much evidence and the quality of evidence needed to meet this standard will ultimately depend on the nature of the issue and “inherent probabilities or improbabilities or the seriousness of the allegations or consequences”...

(*Guide to FOIP*, Ch. 4, p. 39)

[83] Government institutions should not assume that the harms are self-evident. The harm must be described in a precise and specific way in order to support the application of the provision (*Guide to FOIP*, Ch. 4, p. 39).

[84] Health has applied section 14(a) of FOIP to the remaining information.

[85] In its submission to my office, Health indicated that all members of the pCPA expect confidentiality of the information shared within in order to properly carry out its mandate. It had consulted with other members of the pCPA when the access request was received and the consensus was that the records should not be released. It indicated that if it were to

release the information, Health would cause great harm and loss of trust with its provincial, territorial, federal, and business partners by betraying their confidence. The relationship between the other governments would be damaged, making collaborative work including but not limited to, drug negotiations, very difficult going forward and would have a substantial adverse effect on achieving the outcomes of the pCPA objectives.

[86] However, each jurisdiction is subject to its respective access to information legislation, and in turn, an oversight body such as my office. The jurisdictions can agree on what information should be withheld, but it falls on each jurisdiction to demonstrate that withholding the information complies with the respective legislation. A government institution cannot guarantee confidentiality if FOIP mandates disclosure. To me, it appears that Health is cooperating with other jurisdictions by consulting about what to release or withhold when an access to information request is received.

[87] In [Review Report 244-2018](#), I came to similar conclusions regarding records related to the pCPA. That Report also acknowledged confidentiality statements in agreements between pCPA members establishing the pCPA, the Memorandum of Understanding and the Amending Agreements. However, the Report also concluded that government institutions cannot be relieved of their responsibilities under FOIP merely by agreeing via a confidentiality clause in a contract/agreement to keep matters confidential. I was not persuaded that section 14(a) of FOIP could be used as a mechanism to withhold information simply because all of the jurisdictions had agreed to do so.

[88] [Review Report 244-2018](#) was appealed to the Court of Queen's Bench. This decision supported my conclusion. The decision agreed with the conclusions of the Report. It stated:

The prospect of reasonable expectation of harm resulting from disclosure is not assumed, but must be established by the government claiming the exemption. With respect to the question of confidentiality, the executive cannot contract out of the law. Confidentiality statements may, however, be evidence that the information was obtained in confidence.

*(West v Saskatchewan (Health), 2020 SKQB 244, para. 31)*

[89] With respect to the remaining information, I am not persuaded that the disclosure could reasonably be expected to prejudice, interfere with or adversely affect relations between the Government of Saskatchewan and another government. I find that section 14(a) of FOIP does not apply to the record.

[90] I recommend that Health release the remaining information to the Applicant as described in Appendix A of this Report.

#### **10. Is there information not responsive to the access request?**

[91] Health has severed file paths on pages 24 and 29 of the record and indicated they were not responsive to the Applicant's access to information request.

[92] When determining what information is responsive, a government institution should consider the following:

- The request itself sets out the boundaries of relevancy and circumscribes the records or information that will ultimately be identified as being responsive.
- A government institution can remove information as not responsive only if the applicant has requested specific information, such as the applicant's own personal information.
- The government institution may treat portions of a record as not responsive if they are **clearly separate and distinct and entirely unrelated to the access request**. However, use it sparingly and only where necessary.
- **If it is just as easy to release the information as it is to claim not responsive, the information should be released** (i.e. releasing the information will not involve time consuming consultations nor considerable time weighing discretionary exemptions).
- **The purpose of FOIP is best served when a government institution adopts a liberal interpretation of a request**. If it is unclear what the applicant wants, a government institution should contact the applicant for clarification. Generally, ambiguity in the request should be resolved in the applicant's favour.

[Emphasis added]

(IPC *Guide to FOIP*, Chapter 3, “Access to Records”, updated June 29, 2021 [*Guide to FOIP*, Ch. 3], pp. 13-14)

*Portions of handwritten notes*

- [93] Health withheld information from 82 pages of the record, indicating that they were not responsive to the Applicant’s request. Initially, Health did not inform the Applicant that it was withholding information on pages with responsive information, because it was not responsive to the requests, nor did it provide these portions of the record to my office for review.
- [94] On September 24, 2021, my office asked Health to let the Applicant know that it withheld information, because Health believed it was not responsive to the Applicant’s request. On October 9, 2021, the Applicant asked that I also review the non-responsive portions of the record. On October 13, 2021, my office notified Health that I would review the non-responsive portions of the record. Health indicated that the non-responsive portions of the record are extremely confidential and contain information from other meetings that are not responsive to the request. Health also indicated that these portions of the record would be considered advice and recommendations, regarding policy, positions, and plans.
- [95] Upon review of the records, it appears that the portions of the record that have been marked as non-responsive are the handwritten notes of one person, as are most of the records. But this is an assumption based on observation. It also appears that these notes come from a book of handwritten notes. Again, this is an assumption. Finally, upon review, it appears that this individual saves space in the notebook by writing notes from multiple meetings on the same page instead of starting a new page for each meeting.
- [96] On several pages where the information has been marked by Health as not responsive, it is clear that there are notes from meetings with a unit within Health. I am in agreement that those are not responsive to the Applicant’s access to information requests. On another page, there is a to do list for a certain week. This is also not responsive to the Applicant’s requests.



[97] I do not have enough information about any of the other portions of the record that Health has claimed are not responsive to the Applicant's request to agree with certainty. While my observation of the record suggest that these portions are from different meetings, there are also observations that cause me to doubt whether the entries are completely unrelated from the notes. For example, on pages 15 and 20 of the record, Health has identified non-responsive portions of the record between the responsive title of the meeting and other responsive notes from the meeting. On other pages, such as 30, 73, 136, 145 and 197, Health has appeared to have marked information involving individuals or subject matter associated with the pCPA as non-responsive. This information appears on pages with responsive material.

[98] As noted above, government institutions may treat portions of a record as not responsive if they are clearly separate and distinct and entirely unrelated to the access request. Further, a government institution can remove information as not responsive only if an applicant has requested specific information, such as the applicant's own personal information. Finally, the purpose of FOIP is best served when a government institution adopts a liberal interpretation of a request. For these reasons, and because I have not received further information about the nature of these portions of the record from Health, I do not agree that the remainder of the material is not responsive to the Applicant's request.

[99] I recommend that Health release these responsive records as described in Appendix A of this Report subject to any applicable exemptions. After receiving a copy of a draft of this Report and recommendation, Health indicated that sections 13(1)(b), 14(a), 17(1)(a), (b), 18(1)(d), (e), and 19(1)(b) and (c) of FOIP applied to these portions of the record. The application of these exemptions to these portions of the record was not considered in this review.

*Attachments to official notes*

[100] During my review, I also noted that there were attachments listed on some of the official notes from the meetings. My office asked Health about these attachments. Health indicated that they were also not responsive to the Applicant's access to information requests. My

office asked Health to provide those pages to my office for review. On January 12, 2022, Health provided 105 additional pages. These include PowerPoint presentations, informational booklets and draft agreements.

[101] When Health provided my office with these records, it indicated that the attachments for the meetings are part of the Governing Council of the pCPA that are not responsive to the request as the records contain information from other governmental organizations and third parties. It also noted that the records would be considered advice, recommendations and are extremely confidential. It did not provide any further submission, as discussed above.

[102] Keeping in mind that the purpose of FOIP is best served when a government institution adopts a liberal interpretation of a request. The Applicant clearly included steering committees of the organizations listed in their request. Liberally interpreted, this includes the Governing Council of the pCPA. Also, from a review of the notes, it is clear that these attachments were discussed at the meeting. As such, I find them to be responsive to the Applicant's access to information requests.

[103] I recommend that Health release these attachments to the Applicant as indicated in Appendix A of this Report subject to any applicable exemptions. After receiving a copy of a draft of this Report and recommendation, Health indicated that sections 13(1)(b), 14(a), 17(1)(a), (b), 18(1)(d), (e), and 19(1)(b) and (c) of FOIP applied to these portions of the record. The application of these exemptions to these portions of the record was not considered in this review.

#### **IV FINDINGS**

[104] I find that sections 17(1)(b)(i) and 18(1)(e) of FOIP apply to portions of the record.

[105] I find that sections 13(1)(b), 14(a), 17(1)(a), 17(1)(c), 18(1)(d) and 19(1)(b) of FOIP do not apply to the record.

[106] I find that there are portions of the record responsive to the Applicant's access to information requests.

## **V RECOMMENDATION**

[107] I recommend that Health release and withhold records as described in Appendix A of this report.

Dated at Regina, in the Province of Saskatchewan, this 27th day of January, 2022.

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

APPENDIX A

Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
1	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
2	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
3								NNR	NNR		Withhold
4	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
5	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
6	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
7	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
8	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
9	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
10	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
11	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
12	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
13	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
14	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
15	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
16	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
17	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
18	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
19	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
20	Yes	NNR	NNR	NNR	NNR			NNR	NNR	Yes	Withhold
21	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
22	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
23	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
24	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
25	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
26	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
27	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
28	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
29	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
30	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder

NNR = No need to review

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Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
31	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
32	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
33	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
34	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
35	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
36	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
37	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
38	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
39	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
40	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
41	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
42	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
43	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
44	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
45	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
46	Yes	NNR	NNR	NNR	NNR	No		No	NNR		Release call information and participants; withhold remainder
47	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
48	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
49	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
50	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
51	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
52	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
53	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
54	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
55	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
56	Yes	NNR	NNR	NNR	NNR	NNR		No	NNR	No	Release call information, not responsive; withhold remainder
57	Yes	NNR	NNR	NNR	NNR	NNR		NNR	NNR		Withhold
58	Yes	NNR	NNR	NNR	NNR	NNR		NNR	NNR		Withhold

NNR = No need to review

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Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
59	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
60	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
61	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
62	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
63	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
64	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
65	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
66	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
67	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
68	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
69	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
70	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
71	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
72	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
73	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
74	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
75	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
76	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
77	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
78	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
79	Yes	NNR	NNR	NNR	NNR			NNR	NNR	Yes to unit meeting notes	Withhold first four redactions and unit meeting notes, release remainder
80	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
81	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
82	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
83	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
84	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
85	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold

NNR = No need to review

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Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
86	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
87	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
88	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
89	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
90	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
91	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
92	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
93	Yes	NNR	NNR	NNR	NNR			NNR	NNR	Yes to unit meeting notes	Withhold first redaction and unit meeting notes, release remainder
94	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
95	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
96	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
97	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
98	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
99	Yes	NNR	NNR	NNR	NNR			NNR	NNR	Yes	Withhold
100	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR		Release first redaction, withhold remainder
101	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
102	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
103	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
104	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
105	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
106	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
107	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
108	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
109	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
110	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
111	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
112	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
113	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold

NNR = No need to review

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Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
114	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
115	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
116	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
117	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
118	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
119	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
120	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
121	Yes	NNR	NNR	NNR	NNR	NNR	NNR	NNR	NNR		Withhold
122	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
123	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
124	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
125	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
126	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
127	Yes	NNR	NNR	NNR	NNR	No		No	NNR	No	Release first redaction and not responsive; withhold remainder
128	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
129	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
130	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
131	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
132	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
133	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
134	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
135	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
136	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
137	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
138	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
139	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR	No	Release participants; withhold remainder
140	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
141	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold

NNR = No need to review



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142	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
143	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
144	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
145										No	Release not responsive, withhold remainder
146	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
147	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
148	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
149	Yes	NNR	NNR	NNR	NNR			NNR	NNR	Yes to unit meeting notes	Withhold first redaction and unit meeting notes, release remainder
150	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
151	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
152	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR	No	Release participants and not responsive information; withhold remainder
153	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
154	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
155	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
156	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
157	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
158	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
159	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
160	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
161	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
162	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
163	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
164	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
165	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
166	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
167	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder

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168	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
169	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
170	Yes	NNR	NNR	NNR	NNR			NNR	NNR	Yes to unit meeting notes	Withhold first three redactions and unit meeting notes, release remainder
171						No				No	Releases all
172	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
173	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
174	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
175	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
176	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
177	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
178	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
179	Yes	NNR	NNR	NNR	NNR			NNR	NNR	Yes to unit meeting notes	Withhold first six redactions and unit meeting notes, release remainder
180	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR	No	Release participants; withhold remainder
181	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
182	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
183	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
184	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
185	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR	No	Release participants and not responsive information; withhold remainder
186	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
187	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
188	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
189	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
190	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
191	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
192	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
193	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold

NNR = No need to review

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Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
194	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
195	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
196	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
197	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
198	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR	No	Release participants; withhold remainder
199	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
200	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
201	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
202	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
203	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
204	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
205	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
206	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
207	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
208	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
209	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
210	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
211	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
212	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
213	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
214	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
215	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
216	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
217	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
218	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
219	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
220	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
221	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
222	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder

NNR = No need to review

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223	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
224	Yes	NNR	NNR	NNR	NNR			NNR	NNR	No	Release not responsive, withhold remainder
225								No			Withhold
226	No	Yes	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
227	No	Yes	NNR	NNR	NNR			NNR	NNR		Withhold
228	No	Yes	NNR	NNR	NNR			NNR	NNR		Withhold
229	No	No to last redaction, yes to remainder	No	No	No			No	No		Release last redaction; withhold remainder
230	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
231	No	Yes	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
232								No			Release
233	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
234	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
235								No			Release
236								No			Release
237								No			Release
238	No	No to first two redactions; yes to remainder	No	No	No			No	No		Release first two redactions; withhold remainder
239	No	Yes	NNR	NNR	NNR			NNR	NNR		Withhold
240	No	Yes	NNR	NNR	NNR			NNR	NNR		Withhold
241	No	No to last bullet; yes to remainder	No	No	No			No	No		Release last bullet; withhold remainder
242	No	No to first two redacted items in agenda; yes to remainder	No	No	No			No	No		Release to first two redacted items in agenda; withhold remainder
243	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
244	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold

NNR = No need to review

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Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
245	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
246	Yes	NNR	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
247	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
248	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
249	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
250	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
251								No			Release
252	No	Yes	NNR	NNR	NNR			NNR	NNR		Withhold
253	No	Yes	NNR	NNR	NNR			NNR	NNR		Withhold
254	No	Yes	NNR	NNR	NNR	No		NNR	NNR		Release participants; withhold remainder
255	No	Yes	NNR	NNR	NNR			NNR	NNR		Withhold
256	No	Yes	NNR	NNR	NNR			NNR	NNR		Withhold
257											
258	No	Yes	NNR	NNR	NNR			NNR	NNR		Withhold
259	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
260	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold
261	Yes	NNR	NNR	NNR	NNR			NNR	NNR		Withhold

NNR = No need to review

**Attachments**

Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
1										No	Release
2										No	Release
3										No	Release
4										No	Release
5										No	Release

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Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
6										No	Release
7										No	Release
8										No	Release
9										No	Release
10										No	Release
11										No	Release
12										No	Release
13										No	Release
14										No	Release
15										No	Release
16										No	Release
17										No	Release
18										No	Release
19										No	Release
20										No	Release
21										No	Release
22										No	Release
23										No	Release
24										No	Release
25										No	Release
26										No	Release
27										No	Release
28										No	Release
29										No	Release
30										No	Release
31										No	Release
32										No	Release
33										No	Release
34										No	Release
35										No	Release

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Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
36										No	Release
37										No	Release
38										No	Release
39										No	Release
40										No	Release
41										No	Release
42										No	Release
43										No	Release
44										No	Release
45										No	Release
46										No	Release
47										No	Release
48										No	Release
49										No	Release
50										No	Release
51										No	Release
52										No	Release
53										No	Release
54										No	Release
55										No	Release
56										No	Release
57										No	Release
58										No	Release
59										No	Release
60										No	Release
61										No	Release
62										No	Release
63										No	Release
64										No	Release
65										No	Release

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Page	17(1)(b)(i)	18(1)(e)	18(1)(d)	17(1)(a)	17(1)(c)	19(1)(b)	19(1)(c)	13(1)(b)	14(a)	Not Responsive	Release or Withhold
66										No	Release
67										No	Release
68										No	Release
69										No	Release
70										No	Release
71										No	Release
72										No	Release
73										No	Release
74										No	Release
75										No	Release
76										No	Release
77										No	Release
78										No	Release
79										No	Release
80										No	Release
81										No	Release
82										No	Release
83										No	Release
84										No	Release
85										No	Release
86										No	Release
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88										No	Release
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90										No	Release
91										No	Release
92										No	Release
93										No	Release
94										No	Release
95										No	Release



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<b>Page</b>	<b>17(1)(b)(i)</b>	<b>18(1)(e)</b>	<b>18(1)(d)</b>	<b>17(1)(a)</b>	<b>17(1)(c)</b>	<b>19(1)(b)</b>	<b>19(1)(c)</b>	<b>13(1)(b)</b>	<b>14(a)</b>	<b>Not Responsive</b>	<b>Release or Withhold</b>
96										No	Release
97										No	Release
98										No	Release
99										No	Release
100										No	Release
101										No	Release
102										No	Release
103										No	Release
104										No	Release
105										No	Release