



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## **REVIEW REPORT 109-2025**

### **Ministry of Immigration and Career Training**

**August 26, 2025**

#### **Summary:**

The Applicant submitted an access to information request under *The Freedom of Information and Protection of Privacy Act (FOIP)* to the Ministry of Immigration and Career Training (Immigration). Immigration issued a fee estimate to the Applicant for a total of \$56,850.00. The Applicant requested a review of Immigration's fee estimate by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC). The Commissioner found Immigration's fee estimate to be reasonable based on the work that was required to meet the request. The Commissioner recommended that Immigration only continue to process the request in the manner described if the Applicant agrees to provide the deposit of \$28,425.00.

However, the Commissioner found Immigration's Online Application System for Immigrating to Saskatchewan (OASIS) database presented significant limitations in its functionality, as echoed in previous OIPC reports. The Commissioner recommended Immigration explore what the costs would be for the Applicant if their technical experts were able to retrieve the information sought by developing a query or script within 30 days of the issuance of this Report. The Commissioner also recommended that Immigration conduct a further search for responsive records and provide its response to the Applicant within 30 days of issuance of this Report.

#### **I BACKGROUND**

[1] On March 28, 2025, the Ministry of Immigration and Career Training (Immigration) received an access to information request from the Applicant as follows:

Please provide a statistical overview of the following:

- how many files assessed by [Employee 1, Employee 2, Employee 3, Employee 4, Employee 5, Employee 6, Employee 7, Employee 8, Employee 9, Employee

10, Employee 11, Employee 12, Employee 13, Employee 14, Employee 15, Employee 16, Employee 17 and Employee 18].<sup>1</sup>

From January 1, 2018 to March 29, 2023

- [2] On April 25, 2025, Immigration issued a \$56,850.00 fee estimate to the Applicant by letter. Immigration advised that a deposit of \$28,425.00 would be required to proceed with processing the request, and that if Immigration did not hear from the Applicant within 30 days, they would assume the Applicant no longer wished to pursue the request and would deem the request abandoned pursuant to section 7.1 of *The Freedom of Information and Protection of Privacy Act (FOIP)*.<sup>2</sup> The fee estimate did not include costs for reproduction (e.g., photocopies or computer printouts of records) as Immigration could only provide the records in electronic format. Of course, this reduced the costs for the Applicant.<sup>3</sup>
- [3] On April 25, 2025, the Applicant requested “a quote for a paper copy result” of the original access to information request. On April 28, 2025, Immigration issued a revised fee estimate to include the additional costs for photocopies or computer printouts of records for an additional \$8,130.00. The revised fee estimate was \$64,980.00.
- [4] On May 21, 2025, the Applicant requested a review of Immigration’s fee estimate by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [5] On June 5, 2025, the Applicant clarified they wanted the review to focus on the initial April 25, 2025, fee estimate of \$56,850.00, not the revised fee estimate of April 28, 2025, which included the fee for reproducing records in paper format.

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<sup>1</sup> The words in square brackets are redacted to preserve the identity of third party individuals named by the Applicant.

<sup>2</sup> *The Freedom of Information and Protection of Privacy Act*, SS 1990-91, c. F-22.01, as amended.

<sup>3</sup> Immigration clarified in its submission to OIPC that this was the reason for not including reproduction costs in its initial fee estimate.

[6] On June 5, 2025, OIPC notified the Applicant and Immigration that it would be undertaking a review of the fee estimate from April 25, 2025. OIPC requested Immigration provide its submission by July 7, 2025, in support of its fee calculations.

[7] On July 3, 2025, Immigration provided its submission to OIPC. The Applicant did not provide a submission.

## **II RECORDS AT ISSUE**

[8] Because this review only considers the fee estimate provided by Immigration to the Applicant, there are no records at issue in this review.

## **III DISCUSSION OF THE ISSUES**

### **1. Does OIPC have jurisdiction?**

[9] Immigration is a “government institution” as defined by section 2(1)(d)(i) of *FOIP* and as there are reviewable grounds as outlined in the notice of review submitted to the parties, OIPC has jurisdiction and is undertaking a review of this matter pursuant to PART VII of *FOIP*.

### **2. Was Immigration’s fee estimate reasonable?**

[10] Sections 9(1) and 9(2) of *FOIP* provide as follows:

9(1) An applicant who is given notice pursuant to clause 7(2)(a) is entitled to obtain access to the record on payment of the prescribed fee.

(2) Where the amount of fees to be paid by an applicant for access to records is greater than a prescribed amount, the head shall give the applicant a reasonable estimate of the amount, and the applicant shall not be required to pay an amount greater than the estimated amount.

[11] Section 9(2) of *FOIP* requires a government institution to provide a fee estimate where the cost for providing access to the records exceeds the prescribed amount of \$100 which is found in section 7(1) of *The Freedom of Information and Protection of Privacy Regulations* (*FOIP Regulations*).<sup>4</sup>

[12] This office has previously undertaken reviews of fee estimates. The following guidance assists in clarifying what would be considered a reasonable fee estimate:<sup>5</sup>

[16] FOIP provides for reasonable cost recovery associated with providing individuals access to records. A “reasonable fee estimate” is one that is proportionate to the work required on the part of the government institution to respond efficiently and effectively to an applicant’s request. A fee estimate is equitable when it is fair and even-handed, that is, when it supports the principle that applicants should bear a reasonable portion of the cost of producing the information they are seeking, but not costs arising from administrative inefficiencies or poor records management practices (*Guide to FOIP*, Ch. 3), p. 72).

[17] There are generally three kinds of fees that can be included in a fee estimate:

- a. Fees for searching records;
- b. Fees for preparing records; and
- c. Fees for reproducing records.

[13] Immigration’s fee estimate, provided to the Applicant on April 25, 2025, was calculated as follows:

Type of Fee	Calculation of Fees	Amount of Fee
Time required to search for records	1084 hours x \$15.00/half hour	\$32,520.00
Time required to prepare records for disclosure	813 hours x \$15.00/half hour	\$24,390.00

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<sup>4</sup> *The Freedom of Information and Protection of Privacy Regulations*, c. F-22.01 Reg 1 (effective April 1, 1992), as amended.

<sup>5</sup> See OIPC [Review Report 019-2024](#) at paragraphs [16] and [17].

Photocopies or computer printouts of records	N/A x \$0.25/page	\$0
Other fees required per section 6 of <i>FOIP Regulations</i>	N/A	\$0
Less 2 hours free legislated time	2 hours free x \$15.00/half hour	(\$60.00)
<b>TOTAL AMOUNT OF FEES REQUIRED TO PROCESS REQUEST</b>		<b>\$56,850.00</b>

[14] The rest of this analysis will focus on the reasonableness of this fee.

[15] In its fee estimate provided to the Applicant on April 25, 2025, Immigration estimated 1084 hours of search time for a total cost of \$32,520.00 and 813 hours for preparation time for a total cost of \$24,390.00.

[16] Section 6(2) of *FOIP Regulations* describes the fee formula government institutions are to apply when estimating a fee for searching or preparing records. Section 6(2) of *FOIP Regulations* provides as follows:

6(2) Where time in excess of two hours is spent in searching for a record requested by an applicant or in preparing it for disclosure, a fee of \$15 for each half-hour or portion of a half-hour of that excess time is payable at the time when access is given.

[17] In its submission to OIPC, Immigration asserted that:

Based on an internal assessment by the Immigration Services Branch, it was estimated that approximately 32,520 applications were processed by the individuals named in the information request during the 62-month period referenced in the access request. Because the specific information requested – namely the total number of files assessed by each named employee – does not exist, the only way to extract the information would be to open each of the 32,520 electronic application files individually, determine whether one of the named employees assessed the file, and capture the relevant screens as a record.

The ministry estimated that each file would require approximately two minutes to search, capture, and save as a PDF document, which would total 65,040 minutes or 1,084 hours.

[Emphasis added]

[18] This office has provided guidance in the past that is helpful with respect to the analysis at hand:<sup>6</sup>

[21] Page 74 of my office's *Guide to FOIP*, Ch. 3 provides that fees for search time consists of every half hour of manual search time required to locate and identify responsive records. For example:

- Staff time involved with searching for records.
- Examining file indices, file plans or listings of records either on paper or electronic.
- Pulling paper files/specific paper records out of files.
- Reading through files to determine whether records are responsive

[22] Page 75 of my office's *Guide to FOIP*, Ch. 3, describes what search time **does not** include:

- Time spent to copy the records.
- Time spent going from office to office or off-site storage to look for record
- Having someone review the results of the search.

[23] Page 75 of the *Guide to FOIP*, Ch. 3, provides the following general standards to estimate search time:

- It should take an experienced employee one minute to visually scan 12 pages of paper or electronic records to determine responsiveness.
- It should take an experienced employee five minutes to search one regular file drawer for responsive file folders.
- It should take three minutes to search one active email account and transfer the results to a separate folder or drive

...

[25] Where the search for responsive records exceeds two hours, the government institution can charge \$15.00 for every half hour in excess of two

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<sup>6</sup> *Ibid*, at paragraphs [21] to [23] and [25].

hours for search or preparation pursuant to subsection 6(2) of the FOIP Regulations (*Guide to FOIP*, Ch. 3, p. 75).

- [19] As mentioned above, a government institution can charge \$15.00 per half hour, for efforts connected to a search (or \$30.00 per hour). Given this, the total cost for a search of records can be calculated as follows:

$$1084 \text{ hours} \times \$30.00 \text{ per hour} = \$32,520.00$$

- [20] Further, OIPC has provided guidance on calculating search fees in unique circumstances where the suggested search times are inappropriate for the situation at hand:<sup>7</sup>

[20] In instances where these tests do not accurately reflect the circumstances, the public body should design a search strategy and test a representative sample of records for time. The time can then be applied to the responsive records as a whole.

[Emphasis added]

- [21] Applying the above to the current matter, Immigration asserted in its submission to OIPC that:

The Ministry was required to include in its response to the Applicant a fee estimate reflecting the time and effort necessary to manually retrieve, review, and prepare the individual electronic records from the Online Application System for Immigrating to Saskatchewan (OASIS) that may indirectly enable the Applicant to calculate the statistics requested. While the Applicant did not specifically request copies of those records, the Ministry was nonetheless obligated in order to avoid the outcome in Review Report 078-2023, 092-2023, 093-2023.

[Emphasis added]

- [22] Immigration appears to have asserted the above for the following reason:<sup>8</sup>

While OASIS can create reports, these are generally limited to pre-established, operational queries that support regular business processes. As noted in our

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<sup>7</sup> See OIPC [Review Report 119-2016](#) at paragraph [20].

<sup>8</sup> Email from Immigration to OIPC on July 29, 2025.

section 7 response<sup>9</sup> and submission, no report currently exists that is responsive to the applicant's access request.

[Emphasis added]

- [23] Further, Immigration asserted that it had conducted a representative sample to search for records:<sup>10</sup>

The Executive Director of the Immigration Services Branch performed a representative sample and arrived at 5 minutes per file. This was based on having to search for the application numbers, screenshotting the pages, naming, saving and filing each of the screenshots.

Acknowledging that some files may be shorter we revised the estimate of time required to be 2 minutes per file.

[Emphasis added]

- [24] In addition, Immigration asserted in a follow up email from July 14, 2025, that the representative search included: "screenshotting the pages, naming, saving and filing each of the screenshots." These tasks are not included in the exhaustive list of items which cannot be charged for under search, and the list for what can be included in search is non-exhaustive. Completing these tasks involves locating, gathering, sorting and saving potential responsive records to manipulate and sever after; therefore, there will be a finding that it is reasonable for Immigration to include these activities under search.

- [25] Further, there will be a finding that the fee estimate for search in the OASIS database by Immigration was reasonable.

- [26] In its fee estimate, Immigration estimated a total cost of \$24,390.00 for preparing records.

- [27] In its submission, Immigration asserted:

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<sup>9</sup> Immigration advised that it had provided a section 7 response. However, a section 7 response is only issued after the access to information request has been processed. This was cited incorrectly by Immigration.

<sup>10</sup> Email from Immigration to OIPC on July 14, 2025.



...Each record contains significant amounts of personal information related to SINP<sup>11</sup> applicants. In accordance with FOIP, this information must be reviewed and, where necessary, severed before release. Severing the document preparation was estimated to take two minutes per page for approximately 75% of the total records, amounting to an additional 813 hours of work.

[Emphasis added]

[28] This office has provided guidance in previous reports with respect to fees for preparing records:<sup>12</sup>

[31] Pages 75 to 76 of the *Guide to FOIP*, Ch. 3, provides that preparation includes time spent preparing the record for disclosure. This includes the anticipated amount of time spent physically severing exempt information from records. However, preparation time does not include:

- Deciding whether to claim an exemption.
- Identifying records requiring severing.
- Identifying and preparing records requiring third party notice.
- Packaging records for shipment.
- Transporting records to the mailroom or arranging for courier service.
- Time spent by a computer compiling and printing information.
- Assembling information and proofing data.
- Photocopying.
- Preparing an index of records.

[32] Generally, it should take an experienced employee two minutes per page to physically sever records (*Guide to FOIP*, Ch. 3, p. 76).

[29] In this case, Immigration has estimated two minutes per page to review and prepare records for disclosure and has estimated that 75% of the 32,520 electronic application files will

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<sup>11</sup> SINP refers to the Saskatchewan Immigrant Nominee Program.

<sup>12</sup> *Supra*, footnote 5 paragraphs [31] and [32].

require review and severing. At two minutes per page, Immigration is estimating that it would take 813 hours to prepare the records. At a rate of \$15.00 for every 30 minutes, its estimate was calculated to be \$24,390.00:

32,520 pages – 25% (estimated records not requiring severance) = 24,390 pages  
x 2 minutes/ page = 48,780 minutes

48,780 minutes / 60 minutes per hour = 813 hours

813 hours x \$30.00 per hour = \$24,390

[30] In an email on July 7, 2025, OIPC requested further clarification on the need for redacting personal information for the purpose of providing the Applicant with simply a “statistical overview” as requested by the Applicant. Immigration responded on July 9, 2025, that they had “advised the Applicant that no existing record was responsive to the request.”

[31] OIPC has previously asserted the following:<sup>13</sup>

[21] In the past, my office has said that public bodies are not obligated to create records which do not exist. For example, in Review Report 313-2016, I said that a public body’s duty to assist does not include an obligation to create records which do not currently exist. However, if the public body has records containing the raw information that is sought by the Applicant that can be produced, then those records would be responsive to the Applicant’s access request.

[Emphasis added]

[32] Section 5 of *FOIP* provides individuals with the right of access to records that are in the possession or under the control of a government institution. Section 5 of *FOIP* provides 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.

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<sup>13</sup> See OIPC [Review Report 038-2018](#) at paragraph [21].

[33] OIPC has also previously stated the following:<sup>14</sup>

[18] ...My conclusion is that as a general rule, the obligation on a government institution to assist an applicant does not include an obligation to create records which do not currently exist. On the other hand, I do encourage the Ministry, where practical and not too difficult, to provide information requested by citizens.

[Emphasis added]

[34] A “record” is defined by section 2(1)(i) of *FOIP* as follows:

2(1) In this Act:

...  
(i) “**record**” means a record of information in any form and includes information that is written, photographed, recorded or stored in any manner, but does not include computer programs or other mechanisms that produce records;

[Emphasis added]

[35] Further, in alignment with previous OIPC recommendations, Immigration “proactively included a fee estimate for individual electronic records that could potentially be used by the Applicant to calculate the requested statistical overview.”<sup>15</sup>

[36] Immigration acknowledged that the Applicant specifically requested statistical information in their access to information request, and asserted the following on July 9, 2025:

Although the Applicant requested statistical information, extracting the electronic records requires a manual review of over 32,000 individual SINP application files stored in the Ministry’s internal system (OASIS), as that is the only way to determine whether a named employee assessed each file. These records contain significant personal information about SINP applicants. In accordance with FOIP, this information must be reviewed and, where necessary, severed before any disclosure. As such, the review and redaction of personal information became an essential and unavoidable part of the process.

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<sup>14</sup> See OIPC [Review Report 313-2016](#) at paragraph [18].

<sup>15</sup> Email from Immigration to OIPC on July 9, 2025.

[Emphasis added]

- [37] In previous reports by OIPC also concerning Immigration, former Commissioner Kruzeniski, K.C., stated the following:<sup>16</sup>

[23] It appears, then, that OASIS may contain at least some raw data that would be responsive to what the Applicant seeks. While Immigration would not have a duty to create a record that would be responsive to the Applicant's request, as I found in Review Reports 038-2018 and 057-2019, I find the raw data contained in OASIS is a record. I follow the recommendations I made in those two review reports and recommend that Immigration release the raw data from its OASIS system (or any other database that may contain such responsive data) to the Applicant within 30 days of issuance of this Report after considering whether any exemptions apply and severing identifiable personal information.

[Emphasis added]

- [38] Consistent with Review Report 078-2023, 092-2023, 093-2023, based on our understanding of the present limitations of OASIS, an option is for Immigration to manually pull raw data for the Applicant to prepare records for release from which the Applicant can determine the statistical overview they are seeking. Therefore, there will be a finding that Immigration's fee estimate for preparation of records is reasonable.

- [39] The total fee, then is calculated as follows:

$$\$32,520.00 \text{ (search)} + \$24,390 \text{ (preparation)} = \$56,910.00$$

- [40] Section 6(2) of *FOIP Regulations* provide that government institutions can only charge fees for search and preparation where the time is in excess of two hours. Immigration accounted for the first two hours of free legislated time by subtracting \$60.00 (at a rate of \$15/30 minutes) from the total fee estimate.

- [41] Subtracting the first two hours for search and preparation (\$60.00), this leaves a total estimate of \$56,850.00 and a deposit owing of \$28,425.00. This is in keeping with the

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<sup>16</sup> See OIPC [Review Report 078-2023, 092-2023, 093-2023](#) at paragraph [23].

original fee estimate provided by Immigration to the Applicant, who clarified this was the fee they wished for OIPC to review.

[42] As the time spent is unlikely to change, and likely to be shifted from search to preparation, the total fee is likely to remain the same. Based on the analysis above, there will be a finding that Immigration's fee estimate is reasonable. There will be a recommendation that Immigration only continue to process the request as described in this review if the Applicant agrees to provide the deposit of \$28,425.00.

[43] However, Immigration should also consider other methods of potentially reducing the cost to the Applicant for search and preparation of records. For instance, section 6(3) of *FOIP Regulations* provides:<sup>17</sup>

6(3) Where a search and retrieval of electronic data is required to give access to a record requested by an applicant, a fee equal to the actual cost of the search and retrieval, including machinery and operator costs, is payable and the time when access is given.

[44] A previous OIPC report also concerning Immigration provided insight into the limitations of OASIS:<sup>18</sup>

[17] ... OASIS, apparently, has built-in queries and reports, or reports that would be pre-defined. Immigration added that there is "no query within the application system that would facilitate the creation of a report of this specific nature."

[18] The Deputy Minister (DM) provided additional context about the systems capabilities and reports that are available from the system:

Our system can create some records – depending on the search field (commonly used for reporting purposes, like application status for example), but the information that is being requested by the applicant in this case is not something that can be automatically generated. Unfortunately, passport information is an example of a search field that does not exist. This

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<sup>17</sup> See OIPC [Review Report 106-2022](#) at paragraphs [47] to [51], see also [Review Report 258-2022](#) at paragraphs [35] to [41] involving the equivalent provision in *The Local Authority Freedom of Information and Protection of Privacy Act*.

<sup>18</sup> See OIPC [Review Report 264-2023](#) at paragraphs [17], [18], [21], [24] and [25].

means we would have to manually go through each application to create the spreadsheet that would be needed to develop the report that is being requested by the applicant.

At the time, the system was the first-of-its-kind online immigration application system in Canada – but it has not substantially changed in over 10 years. It is purpose-built, not an off-the-shelf product (like Microsoft Access, for example).

...

[21] Based on the clarification the DM provided about the capabilities of OASIS, it does not appear that it has a ready ability to produce raw data from any field within the system, nor is there the ability to query and produce the raw data based on the Applicant's access request. In this matter, I consider the DM's statement to be a statement of fact, and that they are in a position of authority to provide such a statement to my office. This includes what they state about the limitations of OASIS and how it affects Immigration's ability to respond to the access request.

...

[24] I am also mindful that, as the DM explains, OASIS appears to have its limits based on its age and how it was purpose built...

...

[25] ... Public bodies cannot rely on technology limitations as a reason or means to deny access to records, subject of course to any exemptions found to apply. I strongly urge Immigration to turn its mind towards how it will accommodate requests for information of this nature in the future, and OASIS' apparent limitations in accommodating such requests. Immigration cannot continue to use as an excuse the limitations imposed by OASIS as a reason for denying access.

[Emphasis added]

[45] Though it may also come at a considerable cost to the Applicant, there will be a recommendation that Immigration explore what the costs would be to the Applicant if their technical experts are able to retrieve the information sought by developing a query or script within 30 days of the issuance of this Report.

[46] In addition, Immigration did not indicate if it searched for responsive records elsewhere. For instance, it may be possible that the responsive information could be extracted from audit logs or employee performance review records of the named employees. There is therefore also a recommendation that Immigration conduct a search for responsive records

including outside of OASIS and provide its response to the Applicant within 30 days of the issuance of this Report.

#### **IV FINDINGS**

[47] OIPC has jurisdiction to undertake this review.

[48] Immigration's fee estimate for search in the OASIS database by Immigration was reasonable.

[49] Immigration's fee estimate for preparation of records is reasonable.

[50] Immigration's fee estimate is reasonable.

#### **V RECOMMENDATIONS**

[51] I recommend that Immigration only continue to process the request as described if the Applicant agrees to provide the deposit of \$28,425.00.

[52] I recommend Immigration explore what the costs would be to the Applicant if their technical experts are able to retrieve the information sought by developing a query or script within 30 days of the issuance of this Report.

[53] I recommend Immigration conduct a search for responsive records including outside of OASIS and provide its response to the Applicant within 30 days of the issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 26<sup>th</sup> day of August, 2025.

Grace Hession David  
Saskatchewan Information and Privacy Commissioner