



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 187-2025

Saskatchewan Power Corporation

June 23, 2026

Summary:

The Applicant submitted an access to information request to Saskatchewan Power Corporation (SaskPower). SaskPower withheld the records in full pursuant to section 15(1)(d) (injurious to the government institution in the conduct of existing or anticipated legal proceedings) of *The Freedom of Information and Protection of Privacy Act (FOIP)*. The Applicant requested the Office of the Saskatchewan Information and Privacy Commissioner review the decision of SaskPower to refuse access to the requested record pursuant to section 15(1)(d) of *FOIP*.

The Commissioner found that SaskPower did not properly apply section 15(1)(d) of *FOIP* to the record. However, the Commissioner found that the mandatory exemption in section 29(1) (third party personal information) of *FOIP* applies to the names, signatures, contact information and employee numbers of third party individuals.

The Commissioner recommended that SaskPower continue to withhold the names, signatures, contact information and employee numbers of third party individuals on pages 1 to 206 of the record and the names of third party individuals on pages 207 to 210 of the record pursuant to section 29(1) of *FOIP* and that within 30 days of the issuance of this Report, SaskPower release the remaining portions to the Applicant.

I BACKGROUND

[1] On June 6, 2025, Saskatchewan Power Corporation (SaskPower) received an access to information request during the time period January 1, 2015 – Present:

I seek all available information and documents regarding the movement, reassignment, or re-employment of Powerline Technicians (“PLT”), including

Apprentice Powerline Technicians, under Saskatoon, Manager, Operating [Name of Manager].

This request includes but is not limited to all PLTs employed in any of the following “districts”: Saskatoon City, Saskatoon Rural West, Saskatoon Rural East, and District Maintenance Crew. This request includes PLTs moving into, or between, such claimed “districts”.

Without limiting the generality of the foregoing, I seek:

1. All documents, including completed documents, provided by [Name of Manager] to employees containing the same or similar words, “I have/have not been consulted with and I am/am not interested...”
2. All documents related to the: “Saskatoon DMC Resource Allocation December 16th, 2024”, “vacancy to the DMC” of June 8, 2023, or June 22, 2023 email from [Name of Manager] with subject line “Saskatoon O&M Resource Movement”.
3. Any document in any way related to Saskatoon PLTs which contains the word “vacancy”, “resource allocation” or “resource movement”.
4. Any document describing SaskPower or [Name of Manager] process of “white sheeting”, including any email or document containing the phrase “white sheet” or “white sheeting”.
5. Any job posting for a PLT in an area managed by [Name of Manager].
6. Any document advising a PLT that they are being temporarily reassigned or reallocated, and the conditions of that assignment.¹

[2] On July 4, 2025, SaskPower responded to the Applicant’s request advising that access to the requested records were refused pursuant to section 15(1)(d) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.²

[3] On July 22, 2025, the Applicant requested a review of the SaskPower decision by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

¹ The use of square brackets in this Report are OPIC edits inserted to preserve the identity of the Applicant and SaskPower employees.

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

- [4] On October 31, 2025, OIPC contacted SaskPower in the spirit of early resolution. OIPC inquired whether SaskPower would be willing to reconsider the application of the exemption to the records. On November 12, 2025, SaskPower refused but at the same time, SaskPower explained that many of the records had been previously released:

As I replied before we believe the 15(1)(d) was applied properly to the responsive records. However, because of the grievance process many responsive records to this request were released to the applicant...

...

SaskPower has provided to the applicant unredacted responsive records to point 1, 2, 3, 4 and 6 of this request as part of the grievance process. Further to point 5, the applicant has access to the job posting archive with SaskPower has access to these records dating back to July 4, 2023. The applicant would have had access to the records further back records in the past as only a certain number of past postings are time listed on the archive.

[Emphasis added]

- [5] On December 18, 2025, OIPC notified both SaskPower and the Applicant that it would be undertaking a review with respect to the decision to deny access to the requested records, in full, pursuant to section 15(1)(d) of *FOIP*.
- [6] This office requested that SaskPower provide a copy of the records and index of records (index) by January 19, 2026. Both parties were invited to provide submissions by February 17, 2026. SaskPower provided OIPC with a copy of the records on January 13, 2026, the index on February 2, 2026 and the SaskPower submission on February 20, 2026. SaskPower *did not* consent to sharing either its index or submission with the Applicant.
- [7] The Applicant did not provide a submission.

II RECORDS AT ISSUE

- [8] SaskPower withheld 210 pages in full from the Applicant, pursuant to the discretionary exemption in section 15(1)(d) of *FOIP*. We describe the record as follows:

Page Numbers	Description
Pages 1 and 2	Spreadsheet containing 34 entries relating to employee movement within a manager's work group.
Pages 3 to 202	Standard employee forms completed by SaskPower employees. Also text messages and emails containing the same type of information as requested in the standard employee forms.
Pages 203 to 206	Email communications announcing the movement of employees
Pages 207 and 208	Example of a job posting during the specified time period
Pages 209 and 210	Spreadsheet containing 111 entries of date relating to job postings from the specified time period

[9] SaskPower noted in the index that pages 1 to 206 of the record were released in unredacted format pursuant to the grievance disclosure process on April 11, 2025.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[10] SaskPower qualifies as a “government institution”, as defined by section 2(1)(d)(ii) of *FOIP* and section 3 and PART I of the Appendix of *The Freedom of Information and Protection of Privacy Regulations (FOIP Regulations)*.³ OIPC has jurisdiction to undertake this review pursuant to PART VII of *FOIP*.

2. The application of section 15(1)(d) of *FOIP*

[11] In its section 7 decision, SaskPower objected to the release of the documents on the grounds that the Applicant was an agent for a union involved in a grievance with SaskPower:

³ [The Freedom of Information and Protection of Privacy Regulations](#), c. F-22.01 Reg 1 (April 1, 1992), as amended.

Access to the records you have requested is withheld pursuant to section 15(1)(d) of *The Freedom of Information and Protection of Privacy Act* (the Act), on the basis that you, as an agent for IBEW, have consented to the production of the records requested in the course of an extant legal proceeding. As such, the request is contrary to your authority as agent, and to accede to it would be contrary to dealings with you as agent in an extant legal proceeding.

[12] Section 4(c) of *FOIP* outlines that *FOIP* cannot limit the scope of information otherwise available to an individual engaged in litigation. Aside from the scheme in *FOIP*, litigants may gain access to information through legal mechanisms such as *The King's Bench Rules*⁴ or pursuant to the obligation on the Crown to disclose as set out in *R v Stinchcombe*.⁵ These methods of dissemination operate parallel to, and independently of, the *FOIP* program. The acquisition of records through any other disclosure process is not replaced by, or limited in any way by, the access provisions afforded by *FOIP*.

[13] Our office reviews the application of exemptions as applied by a government institution or local authority according to the legislation we are tasked to administer. SaskPower applied section 15(1)(d) of *FOIP* to withhold the record from the Applicant in full, which is the focus of this review. Section 61 of *FOIP* places the burden of demonstrating the legal application of this exemption squarely upon SaskPower.

[14] Section 15(1)(d) of *FOIP*, which provides as follows:

Law enforcement and investigations

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

...

(d) be injurious to the Government of Saskatchewan or a government institution in the conduct of existing or anticipated legal proceedings;

[15] The test OIPC uses to determine if section 15(1)(d) of *FOIP* applies is twofold:⁶

⁴ [The King's Bench Rules](#) (Saskatchewan). See Part 5: Disclosure of Information

⁵ [R v Stinchcombe](#), [1991] 3 SCR 326.

⁶ OIPC [Review Report 074-2025](#) at paragraph [40].

1. Do the proceedings qualify as existing or anticipated legal proceedings?
2. Could disclosure of the records be injurious to the government institution in the context of existing or anticipated legal proceedings?

[16] Relevant definitions include:⁷

- “Legal proceeding” means any civil or criminal proceeding or inquiry in which evidence is or may be given and includes an arbitration.
- “Anticipated” means more than merely possible. Can be equated with expected.
- “Injury” implies damage or detriment. The exemption is designed to protect the local authority from harm in its existing or anticipated legal proceedings.

[17] This provision is expansive and applies to existing or anticipated legal proceedings, including “any civil or criminal proceeding in which evidence may be given and includes an arbitration.”⁸ It also involves proceedings governed by the rules of court or judicial or quasi-judicial tribunals that can result in the judgement of a court or the ruling of a tribunal. All proceedings are considered that are authorized by law and brought or instituted before a court or legal tribunal to acquire a right or the enforcement of a remedy.

[18] To anticipate the legal proceeding means a legal proceeding that is more than merely possible.⁹

[19] SaskPower submitted that the responsive records relate to an existing union grievance that was filed over the hiring and transfer of Saskatoon-area Powerline Technicians. SaskPower provided OIPC with a copy of the *Grievance Form* dated March 6, 2024. SaskPower noted

⁷ OIPC [Review Report 174-2025](#) at paragraph [43].

⁸ In [Britto v University of Saskatchewan](#), 2018 SKQB 92 at paragraphs [44] to [51], [57] and [58]. Danyiuk J. found that arbitration and labour grievances are part of an expansive list of what may qualify as a “legal proceeding” for the purposes of the provision of *LA FOIP*.

⁹ *Ibid*, at paragraph [41].

that pages 1 to 206 of the responsive records had been collected as part of the grievance process and disseminated on April 11, 2025.

[20] Union grievances qualify as legal proceeding for the purposes of this provision.¹⁰ The first part of the test is met.

[21] The second pillar of the test uses the term “could” rather than “could reasonably be expected to”, which is found in other provisions of *FOIP*. The Court of Appeal for Saskatchewan has found that the threshold for the term “could” in Saskatchewan equates to an “objective possibility”.¹¹ SaskPower must only show that it is objectively possible that disclosure of the record would cause injury.

[22] We now consider how the release of these documents could cause injury to SaskPower. We note that the Saskatchewan courts have equated section 15(1)(d) of *FOIP* to protect against the kind of damage caused by unwarranted disclosure and covered by litigation privilege.¹² Core to the concept of litigation privilege is the “chilling effect” that untimely disclosure could have on parties in preparing for litigation.¹³ It is essential that a party and its counsel be able to work with a certain degree of privacy, free from unnecessary intrusion by an opposing party.

¹⁰ In OIPC [Review Report 145-2019](#) at paragraph [138] and [Review Report LA-2014-004](#) at paragraph [13], this office found that union grievances qualify as legal proceedings for the purposes of section 14(1)(d) of [The Local Authority Freedom of Information and Protection of Privacy Act](#), S.S. 1990-91, c. L-27.1, as amended (*LA FOIP*) which is the equivalent of section 15(1)(d) of *FOIP*.

¹¹ [Saskatchewan Government Insurance v Giesbrecht](#), 2025 SKCA 10 at paragraphs [70] to [79].

¹² *Supra*, footnote 8 at paragraphs [41] to [71]. In that case, section 14(1)(d) of [The Local Authority Freedom of Information and Protection of Privacy Act](#), S.S. 1990-91, c. L-27.1, (*LA FOIP*) was discussed. Section 14(1)(d) *LA FOIP* is the equivalent provision to section 15(1)(d) of *FOIP*.

¹³ [Lizotte v Aviva Insurance Company of Canada](#), 2016 SCC 52 at paragraph [53], [2016] 2 SCR 521.

- [23] SaskPower submitted that the release of the record will be injurious to SaskPower in the conduct of existing and/or potentially future legal proceedings including the grievance process. SaskPower referenced OIPC Review Report 074-2025 noting that, “while the subject matter of the two requests are different, the nature of dispute and the access request between the applicant and SaskPower are the same.”¹⁴
- [24] The nature of the dispute may be the same, but that is not the focus when analyzing the second half of the test for the application of the exemption. The prime question is how will the disclosure of this record cause injury to the ongoing legal proceedings?
- [25] As previously noted, SaskPower has already provided pages 1 to 206 to the Applicant as part of the union grievance disclosure process. SaskPower has not demonstrated how the release of these pages of the record could now be injurious to the government institution in the conduct of the ongoing legal proceedings.
- [26] Pages 207 and 208 of the record are powerline technician job postings. SaskPower and IBEW are in continual contact with respect to such job postings within the collective agreement context. SaskPower submitted that these postings are published internally and sometimes publicly.
- [27] Pages 209 and 210 of the record are powerline technician job postings dated during the timeframe of the access request. The Applicant would have had access to these job postings at the time they were posted, as well as access to the job archive on SaskPower’s internal website, albeit for a limited time period.
- [28] SaskPower has not demonstrated how the release of the information on pages 207 to 210 could be injurious to the government institution in the conduct of the legal proceeding since it appears the information has already been made public. The second part of the test is not met for the application of section 15(1)(d) of *FOIP*.

¹⁴ OIPC [Review Report 074-2025](#) was released on September 22, 2025.

3. The application of section 29(1) of *FOIP*

[29] SaskPower did not apply anything other than the discretionary exemption in section 15(1)(d) of *FOIP*. Our review revealed that the record contains the information of third party individuals.¹⁵ Section 29(1) of *FOIP* is a mandatory exemption such that this office must consider its application herein. Section 29(1) of *FOIP* provides as follows:

Disclosure of personal information

29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 30.

[30] Prior to applying section 29(1) of *FOIP*, the first determination must be whether the information qualifies as “personal information” as defined by section 24(1) of *FOIP*. In order for information to be “personal information”, it must: (1) be about an identifiable individual; and (2) be personal in nature.¹⁶

[31] The record includes details relating to third party individuals including names,¹⁷ signatures,¹⁸ professional contact information¹⁹ employee numbers,²⁰ employment

¹⁵ *FOIP* defines “third party” at section 2(1)(j) as a person, including an unincorporated entity, other than an applicant or a government institution.

¹⁶ OIPC [Review Report 199-2025](#) at paragraph [46].

¹⁷ OIPC [Review Report 154-2025](#) at paragraphs [32] to [35] provides that the name of an individual acting in their professional capacity qualifies as personal information pursuant to section 23(1)(k)(i) of *LA FOIP*, which is the equivalent provision to section 24(1)(k) of *FOIP*.

¹⁸ OIPC [Review Report 048-2025](#) at paragraph [17] provides that signatures that are not given in professional capacity qualify as personal information. OIPC [Review Report 022-2023](#), OIPC considered at paragraphs [62] to [70] that handwritten signatures used in a professional capacity are not personal information. Those used in a personal capacity, however, are.

¹⁹ The contact information at issue is mainly work-issued email addresses, but there are also instances of other professional contact information such as phone number, cellphone number, and address. OIPC [Review Report 163-2025](#) at paragraph [30] provides that professional contact information of individuals qualifies as personal information pursuant to sections 23(1)(e) and (k)(i) of *LA FOIP*, which are the equivalent provisions to sections 24(1)(e) and (k)(i) of *FOIP*.

history,²¹ and individuals' expression of interest in another position within SaskPower.²²
Sections 24(1)(b), (d), (e), (f) and (k) of *FOIP* are all relevant in this review:

Interpretation

24(1) Subject to subsections (1.1) and (2), “**personal information**” means personal information about an identifiable individual that is recorded in any form, and includes:

...

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

...

(d) any identifying number, symbol or other particular assigned to the individual, other than the individual's health services number as defined in *The Health Information Protection Act*;

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

(f) the personal opinions or views of the individual except where they are about another individual;

...

(k) the name of the individual where:

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

(ii) the disclosure of the name itself would reveal personal information about the individual.

²⁰ OIPC [Review Report 038-2025](#) at [23] provides that employee numbers constitute personal information pursuant to section 24(1)(d) of *FOIP*.

²¹ OIPC [Review Report 152-2023](#) at paragraph [62] defined “employment history” as the type of information normally found in a personnel file; OIPC [Review Report 038-2025](#) at paragraph [16] provides that details about an individual's employment qualifies as personal information pursuant to section 24(1)(b) of *FOIP*.

²² The individual expressing whether they are interested in another position within SaskPower is their own opinion or view about themselves. In OIPC [Review Report 155-2022](#) at paragraph [70], it was found that the opinions or view of an individual about themselves qualifies as personal information pursuant to section 24(1)(f) of *FOIP*.

- [32] Absent the consent of third party individuals, SaskPower must refuse the Applicant access to the third party personal information pursuant to section 29(1) of *FOIP*. Section 59 of *FOIP* sets out the circumstances in which an individual's rights may be exercised by another person, including the right of access. The Applicant has failed to provide third party right of access permission by any of the third parties in this review.
- [33] Pages 1 to 206 of the record contain the names, signatures,²³ professional contact information²⁴ and employee numbers of third party individuals and details of employee transfers within SaskPower. This information qualifies as personal information pursuant to sections 24(1)(b), (d), (e), (f) and (k) of *FOIP*. For the names and professional contact information of third party individuals, an individual's professional information, such as the names and professional contact information of individuals qualifies as personal information and should not be disclosed unless the information is publicly available or consent has been granted for the dissemination.²⁵ Our review found that the names and professional contact information are not publicly available. Even if the information was publicly available, in many instances, the release of the professional contact information could identify the individual and reveal other details that are personal in nature, such as whether or not an individual was interested in other available positions at a certain time.
- [34] This office has previously established that, once other information within a record is redacted to de-identify personal information, remaining data elements must be sufficiently unidentifiable making the remaining data elements releasable.²⁶ In this case, SaskPower should continue to withhold the names, signatures, contact information and employee

²³ Typically, this office has determined that handwritten signatures used in a professional capacity are not personal information. However, in this context, the release of employee signatures could reveal the employees' responses to whether or not they were interested in other available positions.

²⁴ In OIPC [Review Report 163-2025](#) at paragraph [30], it was found that the release of a third party individuals' contact information would reveal the contact information of individual and/or allow the Applicant to identify the individuals.

²⁵ [Schiller v Government of Saskatchewan \(Ministry of Education\)](#), 2025 SKKB 146 at paragraphs [27] to [35].

²⁶ OIPC [Review Report 282-2024](#) at paragraph [36].

numbers of the third party individuals to sufficiently de-identify the information and release the remaining portions of pages 1 to 206 of the record.

[35] The information on pages 207 to 210 relates to job postings and would not qualify as personal information, except for the names of third party individuals which qualifies as personal information under section 24(1)(k) of *FOIP*. SaskPower should continue to withhold the names of the individuals on these pages and release the remaining portions of these pages to the Applicant.

IV FINDINGS

[36] OIPC has jurisdiction to undertake this review pursuant to PART VII of *FOIP*.

[37] SaskPower has not properly applied section 15(1)(d) of *FOIP* to the record.

[38] Section 29(1) of *FOIP* applies to the names, signatures, contact information and employee number of third party individuals on pages 1 to 206 of the record and to the names of third party individuals on pages 207 to 210 of the record.

V RECOMMENDATION

[39] I recommend that SaskPower withhold the names, signatures, contact information and employee number of third party individuals on pages 1 to 206 of the record and the names of third party individuals on pages 207 to 210 of the record pursuant to section 29(1) of *FOIP* and that within 30 days of the issuance of this Report, it release the remaining portions of the record to the Applicant.

Dated at Regina, in the Province of Saskatchewan, this 23rd day of June, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner