Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 196-2025

Ministry of Trade and Export Development

July 15, 2026

Summary: The Applicant submitted an access to information request to the Ministry of Trade and Export Development (TED) for records related to the handling of a previous access to information request made by the Applicant on February 26, 2025. TED responded to the Applicant and released 26 pages of the record in full and withheld the remaining 49 pages in part under sections 17(1)(a) (advice, proposals, recommendations, analyses or policy options developed by or for a government institution), 17(1)(b)(i) (consultations and deliberations involving employees of a government institution), 20(a) (testing or auditing procedures or techniques) and 29(1) (third party personal information) of *The Freedom of Information and Protection of Privacy Act* (*FOIP*). TED also withheld portions of the record as non-responsive to the Applicant's access to information request.

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

The Commissioner found that TED:

(1) Properly applied section 17(1)(a) of *FOIP* to some portions of the record but not others;

(2) Properly applied section 17(1)(b)(i) of *FOIP* to some portions of the record but not others;

(3) Did not properly apply section 29(1) of *FOIP* to an employee cellphone number on page 68 redaction 3 and page 72 redaction 1 of the record;

(4) Properly withheld information identified in parts of the record as non-responsive; and

(5) Concluded that it no longer considered page 15 redaction 2 as non-responsive to the Applicant's access request.

The Commissioner recommended that TED:

(1) Continue to withhold the information redacted from parts of the record where sections 17(1)(a) and 17(1)(b)(i) of *FOIP* were properly applied;

(2) Continue to withhold the information identified in part of the record that was properly identified as non-responsive to the Applicant's request;

(3) Within 30 days of issuance of this Report:

(a) Release the information on page 16 redaction 2, page 40 redaction 2, second sentence, and the entirety of page 56 of the record to the Applicant. This also applies to any duplicated information on subsequent pages of the record;

(b) Release the information on page 12 redaction 2 of the record to the Applicant;

(c) Release the employee cellphone number on page 68 redaction 3 and page 72 redaction 1 of the record to the Applicant; and

(d) Release the information on page 15 redaction 2 of the record to the Applicant.

I BACKGROUND

[1] On May 26, 2025, the Applicant submitted the following access to information request to the Ministry of Trade and Export Development (TED). The request centered on the handling of a previous request (TED019-2425P):

> On February 26, 2025, an access request was made (TED019-2425P). TED responded, SRC had a greater interest in the records and the file was transferred. Passing the request to SRC makes no sense.
>
> Harrison was Minister responsible for the SRC. He initiated the SRC review. What government institution could possibly have a greater interest than TED,

> the government institution that initiated the SRC review? Certainly not the SRC. SRC's CEO and SRC corporate's actions were Investigated during the review.
>
> I requested information from all government institutions involved in the review – TED, Justice, Executive Council and corporate SRC. I requested records from TED because Harrison and Davis have information related to the review that corporate SRC, Justice and EC do not have.
>
> The transfer of my request to SRC has delayed my access to records related to the firing of 2 SRC employees and the firing of the Board Chair and Board Vice-Chair. TED has not fulfilled its duty to respond to a written request for access openly, accurately and completely.
>
> I would like to know how my access file was managed. Documents requested are outlined on the attached summary of TED's response to the February 26, 2025, access to information request.

[2] The Applicant indicated the timeframe of the request was to be February 26, 2025, to May 20, 2025.

[3] On June 25, 2025, TED responded to the Applicant's access to information request and indicated that it needed to extend the 30-day statutory response period by an additional 30 days pursuant to section 12(1)(a)(ii) of *The Freedom of Information and Protection of Privacy Act* (*FOIP*).[1]

[4] On July 25, 2025, TED issued a section 7 decision to the Applicant and indicated it had enclosed a 75-page responsive record. TED released 26 pages of the record in full and withheld portions of the remaining 49 pages. The exemptions in sections 17(1)(a), 17(1)(b)(i), and 29(1) of *FOIP* were the reason for the withheld portions. Additionally, TED indicated that some pages had been withheld as non-responsive to the access to information request.

[5] On August 14, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

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

[6] As the result of early resolution discussions, TED released an updated section 7 to the Applicant and OIPC on January 23, 2026. In this updated response, TED indicated that it was also applying section 20(a) of *FOIP* to some withheld portions of the record.

[7] On February 2, 2026, this office notified both the Applicant and TED that a review of this matter would commence. OIPC requested an unredacted copy of the record at issue and an index of records (index) from TED. Both parties were invited to provide submissions.

[8] On March 5, 2026, TED provided a copy of the record as well as an index. TED did not provide consent to share the index with the Applicant.

[9] The Applicant provided a submission to OIPC on April 6, 2026.

[10] On April 30, 2026, TED provided a submission to OIPC. TED did not provide consent to share its submission with the Applicant.

[11] On May 8, 2026, TED indicated that it was dropping its reliance on section 20(a) of *FOIP* to the portions of the record and cited the relevant portions as non-responsive to the access to information request.

[12] On June 26, 2026, TED notified this office that it no longer believed that the second redaction on page 15 of the record was non-responsive. As a result, we recommend that this be unredacted in the final segment of this Report.

II RECORDS AT ISSUE

[13] The responsive record is 75 pages in length. TED released 26 pages in full to the Applicant and withheld portions of the remaining 49 pages under sections 17(1)(a), 17(1)(b)(i), and 29(1) of *FOIP*. TED also withheld information on some of these pages as non-responsive to the Applicant's access to information request.

[14] The responsive record consists mainly of emails between TED employees. The vast majority of these 49 responsive pages involve redactions of repeated information. As a result, there are only 19 separate and unique portions of redacted information at issue in this review. These redacted portions of information from the redlined version of the record may be characterized as follows:

	Redaction/Page Numbers	**Description**	**Reason for Redaction**
1	Pg 8 redaction 1 (repeated on 20 subsequent pages)	Image attachment	Non-responsive
2	Pg 10 redaction 2 (repeated on 1 subsequent page)	The body of an email	Section 17(1)(b)(i) of *FOIP*.
3	Pg 12 redaction 2	One sentence from an email	Section 17(1)(b)(i) of *FOIP*.
4	Pg 14 redaction 2	One sentence from an email	Sections 17(1)(a) and 17(1)(b)(i) of *FOIP*.
5	Pg 14 redaction 3	Link to a file pathway	Non-responsive.
6	Pg 14 redaction 4	One sentence from an email	Section 17(1)(b)(i) of *FOIP*.
7	Pg 16 redaction 2 (repeated on 12 subsequent pages)	Two sentences from an email	Section 17(1)(a) of *FOIP*.
8	Pg 17 redaction 2 (repeated on 7 subsequent pages)	The body of an email	Sections 17(1)(a) and 17(1)(b)(i) of *FOIP*.
9	Pg 19 redaction 2 (repeated on 8 subsequent pages)	The body of an email	Sections 17(1)(a) and 17(1)(b)(i) of *FOIP*.
10	Pg 22 redaction 2 (repeated on 2 subsequent pages)	Link to a file pathway	Non-responsive.
11	Pg 27 redaction 2	The body of an email	Sections 17(1)(a) and 17(1)(b)(i) of *FOIP*.

	(repeated on 3 subsequent pages)		
12	Pg 40 redaction 2 (repeated on 1 subsequent page)	Two sentences of an email	Section 17(1)(a) of *FOIP*.
13	Pg 46 redaction 2	The body of an email	Section 17(1)(b)(i) of *FOIP*.
14	Pg 54 redaction 2	Auto-generated message within an email	Non-responsive.
15	Pg 55 redaction 1	Auto-generated notice attached to an email	Non-responsive.
16	Pg 56 redaction 1	Three sentences from a draft letter	Section 17(1)(a) of *FOIP*.
17	Pg 60 redaction 2 (repeated on 4 subsequent pages)	Link to a file pathway	Non-responsive.
18	Pg 68 redaction 2 (repeated on 1 subsequent page)	Link to a file pathway	Non-responsive.
19	Pg 68 redaction 3 (repeated on 1 subsequent page)	Cellphone number	Section 29(1) of *FOIP*.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[15] TED is a government institution as defined by section 2(1)(d)(i) of *FOIP*. *FOIP* is engaged and OIPC has jurisdiction under PART VII of *FOIP* to undertake this review.

2. The application of section 17(1)(a) of *FOIP*

[16] TED applied section 17(1)(a) of *FOIP* to portions of the record summarized as follows:

Pages/Redactions	Description of redacted information
Pg 14 redaction 2	One sentence from an email message dated February 27, 2025, from a TED Analyst to a TED Executive Director.
Pg 16 redaction 2 This same information is repeated on pg. 17 redaction 3; pg. 20 redaction 2; pg. 25 redaction 1; pg. 31 redaction 1; pg. 37 redaction 2; pg. 44 redaction 2; pg. 51 redaction 1; pg. 60 redaction 3; pg. 63 redaction 1; pg. 66 redaction 2; pg. 69 redaction 2; pg. 73 redaction 1	Two sentences from an email message dated February 27, 2025, from the Deputy Minister (DM) of TED to a TED Director.
Pg 17 redaction 2 This same information is repeated on pg. 20 redaction 1; pg. 24 redaction 1; pg. 30 redaction 1; pg. 37 redaction 1; pg. 43 redaction 2, continued to pg. 44 redaction 1; pg. 50 redaction 1	The body of an email message dated February 27, 2025, from a TED Executive Director to a TED Director and TED Analysts.
Pg 19 redaction 2 This same information is repeated on pg. 23 redaction 1; pg. 28 redaction 2, continued to pg. 29 redaction 1; pg. 35 redaction 1, continued to pg. 36 redaction 1; pg. 42 redaction 1, continued to pg. 43 redaction 1; pg. 49 redaction 1	The body of an email message dated February 27, 2025, from a TED Analyst to a TED Executive Director and a TED Director.
Pg 27 redaction 2 This same information is repeated on pg. 34 redaction 1; pg. 40 redaction 3; pg. 47 redaction 2	The body of an email message dated March 7, 2025, from a TED Director to a TED Executive Director.

Pg 40 redaction 2 This same information is repeated on pg. 47 at redaction 1	Two sentences from an email message dated March 11, 2025, from a TED Executive Director to a TED Director.
Pg 56 redaction 1	Three sentences from a draft response letter to the Applicant regarding the transfer of their February 26, 2025, access to information request.

[17] Section 17(1)(a) of *FOIP* is a discretionary 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. Section 17(1)(a) of *FOIP* provides:

> **Advice from officials**
> **17**(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:
>
> (a) advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council;

[18] OIPC applies the following two-part test for section 17(1)(a) of *FOIP*:[2]

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?
2. Was the advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council?

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

[19] TED indicated in its submission that the withheld information contained in the email chains and the draft letter constituted advice, proposals, recommendations and analyses from TED staff and senior management.

[2] OIPC Review Report 267-2025 at paragraph [14].

[20] This office relies on the following definitions of "advice", "proposals", "recommendations", and "analyses":[3]

- "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 may constitute a specific recommendation. It can be an implied recommendation. The "pros" and "cons" of various options also qualify as advice. The term "advice" 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.

- A "proposal" is something offered for consideration or acceptance.

- A "recommendation" is a specific piece of advice about a course of action, 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".

- "Analyses" is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

[21] The Applicant's submission did not address the application of the section 17(1)(a) exemption applied by TED in any meaningful fashion.

[22] TED indicated in its submission to OIPC that the withheld information contained advice, recommendations and analysis of options related to managing the Applicant's previous access to information request. It stated:

> In these emails and draft letter, the staff and senior management at TED provided advice, recommendations and analysis of options of managing the Applicant's access request, a course of action to take, given by a government official in their supervisory capacity, to other government employees, and the expert opinion of a TED employee as to the range of policy actions related to an access to information response to be considered.

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[3] OIPC Review Report 114-2025 at paragraph [39].

[23] OIPC reviewed the information withheld by TED under section 17(1)(a) of *FOIP* and confirmed that it contains advice, proposals, recommendations, and analyses. The information withheld on the following pages below meets the first part of the test:

Page in Record	Reason for Exemption
Page 14 redaction 2	The withheld portion is a recommendation given by a TED Analyst suggesting a course of action to take regarding the Applicant's previous request.
Page 17 redaction 2 The first part of the test is also met for all subsequent applications of this exemption to the same information as described in the table in paragraph [16] of this Report.	The withheld portion is a recommendation from a TED Executive Director regarding the prior processing of the Applicant's request.
Page 19 redaction 2 The first part of the test is also met for all subsequent applications of this exemption to the same information as described in the table in paragraph [16] of this Report.	The withheld information contains an analysis from a TED Analyst with respect to the Applicant's previous request and a recommendation on the next step to be taken.
Page 27 redaction 2 The first part of the test is also met for all subsequent applications of this exemption to the same information as described in the table in paragraph [16] of this Report.	The withheld portion contains a transferral analysis on the part of a TED Director regarding the Applicant's previous request and a request for advice and guidance from a TED Executive Director.
Page 40 redaction 2 - first sentence The first part of the test is also met for the first sentence of redaction 2 and all subsequent applications of this exemption to the same information as described in the	The first sentence of the withheld portion contains a specific recommendation from a TED Executive Director to a TED Director with respect to a recommended course of action regarding the Applicant's previous request.

table in paragraph [16] of this Report.	

[24] Regarding page 16 redaction 2, TED withheld a clear direction or order from the DM to TED staff on how to handle the Applicant's previous request. Directions that take the form of an order or command cannot qualify as advice, recommendations, analyses or policy options.[4] The first part of the test is not met and section 17(1)(a) of *FOIP* does not apply to redaction 2 on page 16 of the record along with the repeat information present on page 17 redaction 3, page 20 redaction 2, page 25 redaction 1, page 31 redaction 1, page 37 redaction 2, page 44 redaction 2, page 51 redaction 1, page 60 redaction 3, page 63 redaction 1, page 66 redaction 2, page 69 redaction 2 and page 73 redaction 1.

[25] The second sentence in redaction 2 of page 40 contains a statement from a TED Executive Director that relates to a previous action taken or not taken. This office has previously concluded that sentences which summarize what has been done (or not done) cannot qualify as advice, proposals, recommendations, analyses or policy options.[5] The first part of the test is not met and section 17(1)(a) of *FOIP* does not apply to the second sentence in redaction 2 on page 40 along with the same information present in the second sentence of redaction 1 on page 47.

[26] Regarding the draft letter on page 56 of the record, TED proposed that the information withheld contained "advice and analyses among the staff and senior management..." Our review revealed that the withheld information in the draft letter is nearly identical to that found on the publicly available model template letter *Transferring Request to Another Government Institution* from the Government of Saskatchewan's online Publications Centre. None of the withheld information on this draft letter contains advice or analyses; it is simply a reproduction of portions of a publicly available template letter. The first part of the test is not met and section 17(1)(a) of *FOIP* does not apply to this page of the record.

[4] OIPC Review Report 144-2024 at paragraph [38]. OIPC Review Report 182-2024 at paragraph [39].

[5] OIPC Review Report 004-2024 at paragraph [27].

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

[27] As noted earlier, TED qualifies as a "government institution" as defined by section 2(1)(d)(i) of *FOIP*.

[28] It is necessary to determine whether the advice, proposals, recommendations and analyses were "developed by or for" TED as a government institution. This office has defined this phrase as follows:[6]

> "Developed by or for" means the advice, proposals, recommendations, analyses and/or policy options must have been created either:
>
> 1) within the government institution, or
>
> 2) outside the government institution but for a government institution and at its request (for example, by a service provider or stakeholder).

[29] TED explained in its submission that all information was exchanged between staff and senior management. Along with its submission, TED also provided a list of TED employee names and their job titles within TED.

[30] From a review of the information withheld, it is evident that the advice, proposals, recommendations and analyses were developed by and communicated amongst TED staff for the purpose of responding to the Applicant's previous request. The second part of the test has been met for the pages of the record as noted at paragraph [23] of this Report.

[31] In some cases, TED also applied section 17(1)(b)(i) of *FOIP* in addition to 17(1)(a) of *FOIP* to this same information, specifically, pages 14 (redaction 2 only), 17, 19, 20, 23, 24, 27 to 30, 34 to 37, 40, 42 to 44, 47, 49, and 50. Since section 17(1)(a) of *FOIP* has already been found to apply to this information, section 17(1)(b)(i) of *FOIP* will not be considered for those portions of the record.

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[6] *Supra,* footnote 2 at paragraph [20].

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

[32] TED applied section 17(1)(b)(i) of *FOIP* to portions of pages 10, 12, 14, and 46 of the record.

[33] Our review of the record revealed that pages 10 (redaction 2), 12 (redaction 2 and 3) and 14 (redaction 4) contained an email chain sent February 27, 2025, between a TED Analyst and a TED Executive Director. Page 46 (redaction 2) contains an email sent March 12, 2025, from a TED Analyst to a TED Director.

[34] Section 17(1)(b)(i) of *FOIP* provides:

> **Advice from officials**
> **17**(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:
>
> ...
> (b) consultations or deliberations involving:
>
> (i) officers or employees of a government institution;

[35] In determining whether section 17(1)(b)(i) of *FOIP* applies, this office has considered the following two-part test:[7]

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?

[36] Below is an analysis to determine whether the two-part test has been met.

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[7] OIPC Review Report 073-2025 at paragraph [16].

1. Does the record contain consultations or deliberations?

[37] Regarding the application of section 17(1)(b)(i) of *FOIP* to the pages noted at paragraph [32] of this Report, TED indicated that this withheld material involved consultations and deliberations involving the staff and senior management of TED.

[38] In consideration of this, OIPC relies on the following definitions from past reports:[8]

- "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.

- "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; A deliberation can occur when there is a discussion or consideration of the reasons for or against an action. It can refer to discussions conducted with a view towards making a decision.

- "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.

[39] While the term "deliberation" may suggest an intent to decide, consultation could reasonably happen throughout the information gathering processes at the early stages of decision-making and should not be limited to discussions that lead to decisions:[9]

> [67] I accept that the concept of <u>deliberation might suggest an intent to decide</u>. Consultation appears to be a broader term, and need not have that objective, though the definition advanced by the Commissioner suggests that such an objective might be necessary. <u>Consultation might reasonably occur at such an</u>

[8] *Supra,* footnote 3 at paragraphs [49] and [50]. OIPC Review Report 282-2024 at paragraph [75].

[9] *Tarasoff v Saskatoon (City)*, 2025 SKKB 41 at paragraph [67]. This case referenced section 16(1)(b) of *The Local Authority Freedom of Information and Protection of Privacy Act* (*LA FOIP*), S.S. 1990-91, c. L-27.1, as amended. This is the equivalent provision to section 17(1)(b) of *FOIP*.

> early stage of decision-making that it equates to information gathering to better inform proposal-development. If the Legislature intended to exclude discussions with persons that might not lead to decisions, it would have been a simple matter to include that notion in s. 16. It did not do so.
>
> [Emphasis added]

[40] The Applicant's submission did not include convincing arguments with respect to the withheld information under section 17(1)(b)(i) of *FOIP*.

[41] In its submission, TED provided only the bare assertion that the withheld information in the emails constituted "consultations and deliberations".

[42] Our review revealed that the withheld information on pages 10, 12, 14 and 46 contained consultations and/or deliberations sufficient to meet the first part of the test:

Page/Redaction	**Reason Test is Met**
Pg 10 redaction 2 the same information is repeated at pg. 12 redaction 3	The withheld information relates to a discussion between a TED Analyst and a TED Executive Director on the next course of action regarding the Applicant's previous request.
Pg 14 redaction 4	The withheld information contains a request to engage in further discussion between a TED Analyst and a TED Executive Director regarding the handling of the Applicant's previous request.
Pg 46 redaction 2	The withheld information contains a request for guidance from a TED Analyst to TED's Director on the next steps to take regarding the handling of the Applicant's previous request.

[43] The withheld information above contains discussions and considerations between TED employees regarding response options and the final course of action related to the handling of the Applicant's previous request. Documents containing information that shows the weighing of various options may fall under the exemptions indicated at section 17 of

FOIP.[10] Based on this and the contents of the withheld information as noted above, OIPC concludes that the information withheld on these pages meets the definition of consultation and deliberation. The first part of the test is met.

[44] Regarding the redaction 2 on page 12, the withheld information is a confirmation from a TED Executive Director with respect to an action taken by a TED Analyst. This office has previously concluded that complimentary statements regarding a task that was completed do not qualify as consultations or deliberations. The first part of the test is not met and section 17(1)(b)(i) of *FOIP* does not apply to redaction 2 on page 12.

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?

[45] On the face of the record, it is evident that all the email exchanges occurred between TED employees. Given that it was previously established that TED is a government institution as per section 2(1)(d)(i) of *FOIP*, it is clear that the consultations and deliberations involve employees of a government institution, and the second part of the test is met regarding the pages of the record noted at paragraph [42] of this Report.

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

[46] TED applied section 29(1) of *FOIP* to part of an email signature line on pages 68 and 72 of the record, specifically, the cellphone number of a TED employee.

[47] Section 29(1) of *FOIP* provides:

> **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.

[10] *Kasprick v Saskatchewan Power Corporation*, 2025 SKKB 139 at paragraph [43].

[48] Section 29(1) of *FOIP* is a mandatory exemption. Prior to a consideration of the application of section 29(1), 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 be 1) be about an identifiable individual; and 2) be personal in nature.[11]

[49] TED confirmed that the withheld information in the email signature line on page 68 redaction 3 and the same information on page 72 redaction 1 was the personal cellphone number of a TED employee – leaving the TED employee's name visible.

[50] Section 24(1)(e) of *FOIP*, which is relevant to the information redacted by TED under section 29(1) of *FOIP* in this review, provides:

> **24**(1) Subject to subsections (1.1) and (2), **"personal information"** means personal information about an identifiable individual that is recorded in any form, and includes:
>
> ...
> (e) the home or business address, home or <u>business telephone number</u> or fingerprints of the individual;
>
> [Emphasis added]

[51] Professional contact information, such as cellular telephone numbers, qualifies as personal information pursuant to section 24(1)(e) of *FOIP*.[12] However, OIPC notes that this employee's cellphone number is publicly available under the TED profile page if one were to search the Saskatchewan Government Directory.[13]

[52] When personal information related to an individual's profession is publicly available, such as the employee cellphone number noted above, it is no longer captured under the

[11] OIPC Review Report 199-2025 at paragraph [46].

[12] OIPC Review Report 163-2025 at paragraph [30]. This case referenced section 23(1)(e) of *LA FOIP*, the equivalent provision to section 24(1)(e) of *FOIP*.

[13] *Saskatchewan Government Directory website:* Ministry of Trade and Export Development.

protection of the personal information exemption in section 29(1) of *FOIP* and it can be disclosed without the approval of the individual in question.[14]

[53] Accordingly, because the cellphone number of this employee is publicly available, it can be disclosed without consent.

5. Non-responsive records

[54] TED communicated with OIPC on June 26, 2026, and indicate that it no longer considered the second redaction on page 15 of the record as non-responsive. As no exemption was applied, this information should be released to the Applicant within 30 days of the issuance of this Report.

[55] TED withheld the following portions of the record as non-responsive:

Pages/Redactions	**Record Descriptions**
Pg 8, redaction 1 The same information repeated on pg. 9 redaction 1; pg. 10 redaction 1; pg. 12 redaction 1; pg. 14 redaction 1; pg. 15 redaction 1; pg. 16 redaction 1; pg. 17 redaction 1; pg. 19 redaction 1; pg. 22 redaction 1; pg. 27 redaction 1; pg. 33 redaction 1; pg. 40 redaction 1; pg. 46 redaction 1; pg. 53 redaction 1; pg. 54 redaction 1; pg. 60 redaction 1; pg. 62 redaction 1; pg. 65 redaction 1; pg. 68 redaction 1; pg. 71 redaction 1	Image attached to an email dated February 27, 2025.
Page 14, redaction 3	File pathway to TED drive included in an email dated February 27, 2025.
Pg. 22 redaction 2;	File pathway to TED drive included in an email dated March 6, 2025.

[14] *Schiller v. Saskatchewan (Education)*, 2025 SKKB 146 at paragraph [32] to [34]. Section 3(1)(b) of *FOIP* mandates that the Act does not apply to material that is a matter of public record.

The same information repeated on pg. 28 redaction 1; pg. 41 redaction 1; pg. 48 redaction 1	
Pg 54 redaction 2	Auto-generated message within an email dated March 13, 2025.
Pg 55 redaction 1	Auto-generated notice attached to an email dated March 13, 2025.
Pg. 60 redaction 2; The same information repeated on pg. 62 redaction 2; pg. 66 redaction 1; pg. 69 redaction 1; pg. 72 redaction 2	File pathway to a TED drive included in an email dated March 12, 2025.
Pg. 68 redaction 2; The same information s repeated on pg. 71 redaction 2	File pathway to a TED drive included in an email dated March 14, 2025.

[56] When a government institution receives an access to information request, it must determine what information is responsive to the access request. "Responsive" means relevant; anything reasonably relevant to the request. It follows that any information or records that do not reasonably relate to an applicant's access to information request will be considered "non-responsive".[15]

[57] TED withheld the image attached to an email on page 8 as non-responsive and submitted that this image attachment was unrelated to the Applicant's access to information request.

[58] Upon review, OIPC notes that this image attachment is merely a logo that provides an esthetic addition to the emails it was attached to. It is clear that this image is unrelated to the Applicant's access to information request and is indeed non-responsive.

[15] *Supra,* footnote 11 at paragraph [66].

[59] TED also withheld file pathways on pages 14, 22, 60 and 68 as non-responsive. TED explained that these file pathways were to its internal records management system and were unrelated to the Applicant's request.

[60] Upon review, this information appears to be hyperlinks to internal TED folders where electronic documents are stored. The hyperlinks on pages 14 and 60 appear to relate to a TED folder containing documents regarding the Applicant's previous request. The hyperlinks on pages 22 and 68 are similar and appear to relate to a TED folder containing documents regarding the transfer of the Applicant's previous request.

[61] When interpreted within the context of the emails, it is clear these hyperlinks were shared collaboratively between TED employees so that the relevant internal information could be quickly accessed.

[62] Since the hyperlinks contain the names of various electronic drives and folders within TED's records management system, there is a distinct possibility that providing these hyperlinks to the Applicant could compromise TED security and would inevitably not lead to any further responsive information regarding the Applicant's request. This office agrees that the hyperlinks to file pathways on pages 14, 22, 60 and 68 are non-responsive to the Applicant's access to information request.

[63] TED also withheld an auto-generated message on page 54 and an auto-generated notice regarding the implementation of a new internal financial system on page 55 as non-responsive to the Applicant's access to information request.

[64] TED explained that the auto-generated message on page 54 was related to Microsoft Outlook Message support for that employee's email account and was irrelevant to the access to information request. TED also indicated that the auto-generated notice for the new financial system on page 55 was internal TED information that was not only unrelated, but that the timeline of the financial system change was outside the February 26 to May 20, 2025, timeframe of the Applicant's access to information request.

[65] This office's review of the information on pages 54 and 55 affirmed that TED had correctly identified the information as non-responsive to the Applicant's access to information request.

[66] We acknowledge that resources are limited and this leads to a conclusion that records which are unrelated to an access to information request need not be disclosed.[16] We agree that the information noted at paragraph [55] of this Report should continue to be withheld as non-responsive to the Applicant's access to information request.

IV FINDINGS

[67] OIPC has jurisdiction to undertake this review under Part VII of *FOIP*.

[68] TED properly applied section 17(1)(a) of *FOIP* to the records listed at paragraph [23] of this Report.

[69] TED did not properly apply section 17(1)(a) of *FOIP* to the information on page 16 redaction 2, page 40 redaction 2, second sentence, and page 56 of the record and to all other instances where the same information was redacted.

[70] TED properly applied section 17(1)(b)(i) of *FOIP* to the records listed at paragraph [42].

[71] TED did not properly apply section 17(1)(b)(i) of *FOIP* to the information on page 12 redaction 2.

[72] TED did not properly apply section 29(1) of *FOIP* to the employee cellphone number on page 68 redaction 3 and page 72 redaction 1 of the record.

[73] TED properly withheld the information listed at paragraph [55] of this Report as non-responsive.

[16] *Supra* footnote 10 at paragraphs [62], [64] to [66].

[74] TED concluded that it no longer considered page 15 redaction 2 as non-responsive to the Applicant's access request.

V RECOMMENDATIONS

[75] I recommend that TED continue to withhold the information redacted on the pages noted at paragraphs [23] and [42] of this Report under sections 17(1)(a) and (b)(i) of *FOIP*.

[76] I recommend that, within 30 days of the issuance of this Report, TED release page 16 redaction 2, page 40 redaction 2, second sentence, and the entirety of page 56 of the record to the Applicant. This also applies to any duplicated information on subsequent pages of the record.

[77] I recommend that, within 30 days of the issuance of this Report, TED release page 12 redaction 2 of the record to the Applicant.

[78] I recommend that within 30 days of the issuance of this Report, TED release the employee cellphone number on page 68 redaction 3 and page 72 redaction 1 of the record to the Applicant.

[79] I recommend that within 30 days of the issuance of this Report, TED release the information on page 15 redaction 2 to the Applicant as no exemption was applied.

[80] I recommend that TED continue to withhold the information listed at paragraph [55] of this Report that was properly identified as non-responsive to the Applicant's access to information request.

Dated at Regina, in the Province of Saskatchewan, this 15th day of July, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner