



REVIEW REPORT 220-2022, 255-2022

Ministry of Environment

May 31, 2023

Summary:

The Applicant submitted two access to information requests to the Ministry of Environment (Environment). Environment provided one response to both access requests. It provided the Applicant access to some of the records but withheld portions. It cited subsections 15(1)(a), (c), (k), 17(1)(a) and (b)(i) of *The Freedom of Information and Protection of Privacy Act* (FOIP). The Applicant appealed to the Commissioner. The Commissioner made a number of findings, including that Environment properly applied subsection 15(1)(c) of FOIP. However, he found that Environment did not meet the burden of proof pursuant to section 61 of FOIP that subsections 15(1)(a) or (b)(i) of FOIP applies. Further, the Commissioner found that subsections 17(1)(a) and (b)(i) of FOIP applied to portions of the record at issue. The Commissioner recommended that Environment amend its policies and/or procedures so that it considers each access request on its own pursuant to subsection 7(1) of FOIP. Finally, the Commissioner set out findings and recommendations in a table in the Appendix of this Report regarding the records at issue.

I BACKGROUND

[1] On June 1, 2022, the Ministry of Environment (Environment) received two access to information requests from the same Applicant.

[2] The first access request was as follows:

From January 1, 2005 to present – occurrence file for Nutrien Ag Solutions at Highway 10 East Yorkton S3N 3M9.

[3] The second access request was as follows:

From January 1, 2003 to present – occurrence file for the Imperial Oil property just east of Yorkton on Highway#10 [sic].

[4] In a letter dated July 27, 2022, Environment provided one response to both access requests. It summarized the Applicant’s access requests as follows:

Thank you for your access to information request received in this office on June 1, 2022, requesting:

“From January 1, 2003 to present occurrence file -121673 for Imperial Oil/Nutrien Ag Solutions property just East of Yorkton on Highway #10.”

[5] Environment indicated it was providing the Applicant access to some of the information in the records but withholding the remainder. Environment cited subsections 29(1), 17(1) and 15(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP) as its reasons.

[6] On November 18, 2022, the Applicant requested a review by my office.

[7] Environment clarified with my office that it was relying on subsections 15(1)(a), (c), (k), 17(1)(a) and (b)(i) of FOIP in addition to subsection 29(1) of FOIP as its reasons for refusing the Applicant access to portions of the records.

[8] On December 21, 2022, my office notified Environment and the Applicant that it would be undertaking reviews into how it responded to both access requests.

[9] On April 10, 2023, Environment provided a submission to my office. The Applicant did not provide a submission to my office.

II RECORDS AT ISSUE

[10] At issue are 8 records that were withheld in part.

Record #	# of Pages	Exemptions applied
1	4	29(1) of FOIP
2	14	29(1) of FOIP
3	14	29(1) of FOIP
4	5	29(1) of FOIP
5	7	29(1), 17(1)(a), 17(1)(b)(i), 15(1)(a), 15(1)(b)(i), 15(1)(c), 15(1)(k) of FOIP
6	156	29(1), 17(1)(a), 17(1)(b)(i), 15(1)(a), 15(1)(b)(i), 15(1)(c), 15(1)(k) of FOIP
7	1	29(1) of FOIP
8	1	29(1) of FOIP

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[11] Environment qualifies as a “government institution” as defined by subsection 2(1)(d)(i) of FOIP. Therefore, I find that I have jurisdiction to undertake these reviews.

2. Did Environment properly process the two access requests pursuant to section 7 of FOIP by providing one response for both requests?

[12] The Applicant submitted two separate access to information requests. However, Environment provided one response for both access requests.

[13] In its submission, Environment explained that it believed the two access requests were identical. It said:

The original request had two forms, one version was a completed form fill and the other was a scanned copy of the same form. At the time of booking the request into the processing queue, reference numbers were assigned; however, it was later discovered these were identical forms and thus reference number ENV 169/22 was cancelled, leaving only ENV 168/22 as the primary request.

[14] However, as summarized in the background of this Report, the two access requests are not identical. One is regarding a “Imperial Oil Property” while the other is regarding “Nutrien Ag Solutions”. Further, Environment’s letter dated July 27, 2022, seems to acknowledge

that the two access requests were not identical. Rather, it combined the two access requests and reworded the access requests as:

From January 1, 2003 to present occurrence file -121673 for Imperial Oil/Nutrien Ag Solutions property just East of Yorkton on Highway #10.

[15] Subsection 7(1) of FOIP provides that when a government institution receives an access to information request, it must provide a written response to the request. Subsection 7(1)(a) of FOIP provides as follows:

7(1) Where **an** application is made pursuant to this Act for access to a record, the head of the government institution to which the application is made shall:

(a) consider **the** application and give written notice to the applicant of the head's decision with respect to the application in accordance with subsection (2);

[Emphasis added]

[16] Subsection 7(1) of FOIP requires that government institutions consider each access request on its own and to give written notice to each access request.

[17] I find that Environment did not properly process the two access requests pursuant to section 7 of FOIP by providing one response for both requests.

[18] I recommend that Environment amend its policies and/or procedures so that it considers each access request on its own pursuant to subsection 7(1) of FOIP.

3. Did Environment perform a reasonable search for records?

[19] The Applicant explained the basis for requesting my office to review Environment's search efforts as follows:

Recently (for a different information request), we had the experience of receiving extra "missed" documents that were initially not sent for some reason. Also, we experienced receiving the same document in different requests with different sections redacted or left un-redacted. This inconsistency leads us to question the search efforts of the

Ministry of Environment, and believe there is a possibility that documents may have been missed.

[20] A person's right of access to records in the possession or under the control of a government institution is established in section 5 of FOIP, which provides:

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.

[21] The threshold that must be met is one of "reasonableness". In other words, it is not a standard of perfection, but rather what a fair and rational person would expect to be done or consider acceptable. FOIP does not require the government institution to prove with absolute certainty that records do not exist. However, it must demonstrate that it has conducted a reasonable search to locate them.

[22] The Applicant was requesting a specific "occurrence file". Environment indicated that an Environmental Protection Officer (EPO) had informed the Applicant of the specific occurrence number via a telephone call. Subsequently, Environment received the freedom of information requests requesting information for the occurrence file. Environment noted that the occurrence file number was "121673". It said:

When a request is as specific as this one, whereby the occurrence number and date range are provided, search time is reduced as we only need to search and retrieve records from one applicant source.

[23] Environment provided my office with a "FOIP Access Request Tracking Sheet". The tracking sheet sets out a table with two columns. In the first column is a list of its systems to be searched. The second column is to be filled out with the search results. For each access request Environment processes, Environment will fill out a tracking sheet of the different systems to be searched for responsive records.

[24] Environment provided my office with a copy of the tracking sheet that was filled out to process the Applicant's access request. The tracking sheet showed that staff searched all of its systems, but records were only located within its Client Relations Management (CRM)

system. Environment said its occurrence files are saved to its CRM, which is where staff are instructed to save them. To support its assertion, Environment provided my office with a copy of its CRM Processes and Procedures Guide (Guide) that is used by its staff on how to save records regarding occurrences to its CRM system.

[25] Based on the above, I find that Environment has demonstrated that it conducted a reasonable search for records.

4. Did Environment properly apply subsection 29(1) of FOIP?

[26] Environment applied subsection 29(1) of FOIP to the following:

- Pages 1, 2, and 4 of Record 1
- Pages 1 and 2 of Record 2
- Pages 1 and 2 of Record 3
- Page 1 of Record 4
- Pages 1 to 7 of Record 5
- Pages 1, 4, 11, 15, 19, 22, 32, 47 to 49, 52, 59, 71, 101 to 105, 110 to 114, 117 to 125, 127 to 128, 135 to 136, 142 of Record 6
- Page 1 of Record 7
- Page 1 of Record 8

[27] Subsection 29(1) of FOIP provides:

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

[28] Subsection 29(1) of FOIP is a mandatory exemption that prohibits the disclosure of personal information unless the individual about whom the information pertains consents to its disclosure or if disclosure without consent is authorized by one of the enumerated

subsections of 29(2) or section 30 of FOIP (*Guide to FOIP*, Chapter 6, “Protection of Privacy”, updated January 18, 2023 [*Guide to FOIP*, Ch. 6], p. 183).

[29] Section 29 of FOIP only applies to personal information as defined by section 24 of FOIP. The list provided in subsection 24(1) of FOIP is not meant to be exhaustive. There can be other types of information that would qualify as personal information that are not listed. Subsection 24(1) of FOIP provides as follows:

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:

...

(k) the name of the individual where:

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

[30] To qualify as personal information, the information must: 1) be about an identifiable individual; and 2) be personal in nature. Information is about an “identifiable individual” if the individual can be identified from the information (e.g., their name is provided) or if the information, when combined with information otherwise available, could reasonably allow the individual to be identified. To be “personal in nature” means the information provides something identifiable about the individual (*Guide to FOIP*, Ch. 6, pp. 32-33).

[31] In its submission, Environment indicated it applied subsection 29(1) of FOIP to withhold “business card information” of employees of an organization that is not a government institution. It asserted such information qualifies as personal information as defined by subsection 24(1)(e) of FOIP. It also cited [*D’arcy Hande v. University of Saskatchewan*](#) QBG 1222 of 2018 (SK KB) (“*Hande v. U of S*”) to support its assertion that business card information qualifies as personal information. In that decision, the Saskatchewan Court of King’s Bench said:

[31] It appears that the Commissioner reduced the term “personal information protection” to exclude personal information protection for any employee, whether they work for the local authority or any other company or organization. The legislation, however, does not isolate professional protection from personal protection. Simply because the participants identified their work association or profession does not negate

the personal information protection. It does not follow that mere participation at a university event waives personal information protection. The protection offered by s. 23(1)(f) does not suggest such a limitation. The entire purpose of the symposium was an opportunity to share individual perspectives, offer opinions and views with respect to organizations, such as the Right to Know, and to facilitate discussion.

...

[34] The expectation, therefore, of the participants at the meeting held on December 2, 2015, was that they would have the opportunity to speak as individuals and to express views that may not be those of their employer or the universities they are associated with.

[32] Also, Environment applied subsection 29(1) of FOIP to signatures of its employees. It said:

The Ministry of Environment also applied subsection 29(1) to signatures because the Ministry views signatures of an individual whether or not it is used in a professional capacity to fall within the non-exhaustive definition of personal information provided for in subsection 24(1) of FOIP. An individual's signature could be misused, for example, in instances of identity theft and/or cybercrime.

[33] I note that in my office's [Review Report 126-2022](#), Environment offered the same argument regarding applying subsection 29(1) of FOIP to business card information and to employee signatures. In that report, I had found that business card information and employee signatures are not considered personal information. I said:

[14] In my office's Review Report 186-2019, my office found that business card information would not be considered personal information, as follows:

[25] ...the Ministry has also applied subsection 29(1) of FOIP to cellular telephone numbers of a third party business employee. In its submission, the Ministry indicate that the cellular telephone number was withheld because if released it would disclose personal information of an identifiable individual as the number is not publicly available.

[26] Business card information is the type of information found on a business card (name, job title, work address, work phone numbers and work email address). This type of information is generally not personal in nature and therefore would not be considered personal information. Further, in Review Report 149-2019, 191-209 [sic], I noted that business card information does not qualify as personal information when found with work product. Work product is information generated by or otherwise associated with an individual in the normal course of performing his or her professional or employment responsibilities, whether in a public or private setting. Work product is also not considered personal information.

...

[28] In Review Report F-2010-001, Review Report F-2012-006 and Review Report LA-2013-002, my office noted that section 4.01 the *Personal Information Protection and Electronic Documents Act* (PIPEDA), which applies to every organization that collects, uses or discloses personal information in the course of “commercial activities”, carves out business contact information from the type of personal information that requires protection.

[29] Subsection 2.1 of PIPEDA defines “business contact information” as, “information that is used for the purpose of communicating or facilitating communication with an individual in relation to their employment, business or profession such as the individual’s name, position name or title, work address, work telephone number, work fax number or work electronic address.” This supports the conclusion that business card information is not meant to be personal information for the purposes of subsection 24(1) of FOIP when it appears in work product.

[30] The cellular telephone number, therefore, constitutes business card information and does not qualify as personal information in this instance. I recommend that the Ministry release it to the Applicant.

[15] In my office’s Review Report 149-2019, 191-2019, my office provided the following regarding the application of subsection 29(1) of FOIP to signatures:

[87] In the past, I have defined work product as information generated by or otherwise associated with an individual in the normal course of performing his or her professional or employment responsibilities, whether in a public or private setting. Work product is not considered personal information. Further, my office has found that business card information is not personal in nature and would not qualify as personal information. Finally, in the past, my office has determined that signatures do not constitute personal information when made in a work-related capacity. However, a signature may be personal in nature outside of a professional context. In this case, all of the records were created in a professional context and constitute work product.

[88] Past decisions have not only found that work product of employees of public bodies should be released, my office’s decisions have also found that work product of employees of private organizations do not qualify as personal information.

[89] **The signatures in question do not qualify as personal information.** I find that subsection 29(1) of FOIP does not apply to the portions of the record in question...

[16] The redactions in the record are not personal information as relates to an individual acting in a work-related capacity, not a personal one. As such, I find that Environment did not properly apply subsection 29(1) of FOIP to pages 1 and 9 of the record. I recommend Environment release the redacted portions on these pages to the Applicant within 30 days of receiving this Report.

[Emphasis added]

[34] My office has not changed its position. When information relates to an individual acting in a work-related capacity, the information is not personal information. I note that the case discussed in *Hande v. U of S* is distinct from the situation described in the records at issue in this review. In *Hande v. U of S*, the records relate to a transcript of a symposium. Individuals attending the symposium introduced themselves by name and indicated their positions and the companies they worked for. The Court of King's Bench describes how the individuals may be expressing views that may not be of their employer or the universities they are associated with. As such, the Court found that the information to qualify as personal information. However, the records at issue in this review contain information of individuals who are carrying out their work-related duties. For example, Environment employees conducted inspections at a third party organization's work site. Environment employees met with employees of the third party organization. The record contains the names of the third party employees and describes the interactions with those employees. Environment redacted the names of the third party employees. Nothing suggests that the third party employees were expressing their own individual views. They were representing their employer in that context.

[35] Regarding signatures, I note that Environment redacted its own employees' signatures from the records. For example, page 105 of Record 6, is a "Warning of Non-Compliance" document. This document was filled out and signed by its own employee and then issued to the third party organization. However, in the processing of its access request, Environment redacted its own employee's signature from the document. I note Environment's concern regarding identity theft and/or cybercrime. However, it is inconsistent for Environment to require its employees to sign documents in a professional capacity and distribute documents (such as a "Warning of Non-Compliance" document) to third party organizations or any other persons but be unwilling to release such information in the processing of an access request. I find that employee signatures in a work-related capacity to not qualify as personal information and that Environment did not properly apply subsection 29(1) of FOIP to this information.

[36] I should also note that on page 11 of Record 6, Environment redacted an image of a license pursuant to subsection 29(1) of FOIP. Page 79 of Chapter 6 of my office's *Guide to FOIP* provides as follows:

In [*Shook Legal, Ltd v Saskatchewan \(Government Insurance\)*, 2018 SKQB 238](#) (CanLII), the court found that “details of a licence” included the name, address and description of the vehicle being licensed, which included the vehicle identification number (VIN). **Further, a licence plate is not afforded any level of privacy or protection and is equally available to one who observes any vehicle.**

[Emphasis added]

[37] Therefore, I find Environment did not properly apply subsection 29(1) of FOIP to the image of a license plate on page 11 of Record 6.

[38] Based on a review of the records, I find that Environment did not properly apply subsection 29(1) of FOIP in all cases except for at pages 121 and 122 of Record 6. The first sentence in the email timestamped 5:02 p.m. on page 121 and the second sentence of the email timestamped 3:54 p.m. on page 122 of Record 6 qualify as personal information as defined by subsection 24(1)(k)(i) of FOIP. My findings and recommendations are set out in the Appendix.

5. Did Environment properly apply subsection 15(1)(c) of FOIP?

[39] Environment applied subsection 15(1)(c) of FOIP to the following pages:

- Pages 4 to 7 of Record 5
- Pages 46 to 51, 53 to 54, 63 to 66, 73 to 76, 78 to 82, 84 to 85, 100, 130 to 131, 137 to 140 of Record 6

[40] I should note that Environment also applied subsection 15(1)(k) of FOIP to the same portions of the records to which it applied subsection 15(1)(c) of FOIP. If I find that subsection 15(1)(c) of FOIP does not apply to any of the above pages, then I will consider if subsection 15(1)(k) of FOIP applies to those particular pages.

[41] Subsection 15(1)(c) of FOIP provides as follows:

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

...

(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

[42] My office uses the following two-part test to determine if subsection 15(1)(c) of FOIP applies:

1. Does the government institution's activity qualify as a "lawful investigation"?
2. Does one of the following exist?
 - a) Could release of the information interfere with a lawful investigation?
 - b) Could release disclose information with respect to a lawful investigation?

(*Guide to FOIP*, Chapter 4, "Exemptions from the Right of Access", updated April 30, 2021 [*Guide to FOIP*, Ch. 4], p. 52-53)

[43] The following is an analysis to determine if the two-part test is met.

1. Does the government institution's activity qualify as a "lawful investigation"?

[44] A "lawful investigation" is an investigation that is authorized or required and permitted by law. The government institution should identify the legislation under which the investigation is occurring. The investigation can be concluded, active and ongoing or be occurring in the future (*Guide to FOIP*, Ch. 4, p. 52).

[45] In its submission, Environment indicated that its activity was to investigate whether there was a violation of subsection 8(1) of *The Environment Management and Protection Act, 2010* (EMPA). Subsection 8(1) of EMPA provides:

8(1) No person shall discharge or allow the discharge of a substance into the environment in an amount, concentration or level or at a rate of release that may cause or is causing an adverse effect unless otherwise expressly authorized pursuant to:

- (a) this Act or the regulations;
- (b) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada;
- (c) any approval, permit, licence or order issued or made pursuant to:
 - (i) this Act or the regulations; or
 - (ii) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada;
- (d) the code; or
- (e) an accepted environmental protection plan.

(2) No person shall discharge or allow the discharge of a substance into the environment in an amount, concentration or level or at a rate of release that is in excess of that expressly authorized by an Act, an Act of the Parliament of Canada, an approval, a permit, a licence, an order, the code, an accepted environmental protection plan or any regulations mentioned in subsection (1).

[46] Environment indicated sections 13, 74(1), 76 and 77 of EMPA provided it with authority to conduct lawful investigations:

13(1) The minister may require a person who is or may be a person responsible to conduct a site assessment if the minister reasonably believes that a site may be an environmentally impacted site.

(2) If the person responsible mentioned in subsection (1) does not own or occupy the land on which a site assessment is to be conducted, the person shall obtain the consent from the owner and occupant of the land to enter on the property and to engage in the activity necessary to conduct the site assessment.

(3) If the owner or occupant of land does not consent, the person responsible who is required to conduct the assessment in accordance with subsection (1) may request the minister's assistance in obtaining access to the site.

(4) If the minister believes it is in the public interest, the minister may obtain access to the site, and for that purpose, the minister may use the powers set out in section 77 and that section applies, with any necessary modification.

(5) The site assessment must be conducted in accordance with any prescribed requirements or any requirements set out in the code.

(6) The site assessment conducted in accordance with this section must be submitted to the minister immediately after it is completed.

(7) If the minister is not satisfied with a site assessment submitted pursuant to subsection (6), the minister may direct the person who submitted the site assessment to conduct a further investigation in the manner directed by the minister.

...

74(1) The minister may appoint any persons or class of persons as environment officers for the purpose of enforcing or overseeing the enforcement of:

(a) this Act;

(b) *The Water Security Agency Act*;

(c) any other Act administered by the minister;

(d) the regulations made pursuant to this Act, *The Water Security Agency Act* or any other Act administered by the minister; or

(e) any permit, approval, licence or order adopted, developed or issued pursuant to this Act, the regulations, the code, *The Water Security Agency Act*, any other Act administered by the minister or any regulations made pursuant to *The Water Security Agency Act* or any other Act administered by the minister.

...

76 All environment officers have the powers of peace officers to enforce this Act, the regulations, the code and the Acts, regulations, permits, approvals, licences or orders mentioned in section 74 and are entitled, while performing their duties, to all the protection to which peace officers are entitled pursuant to the *Criminal Code*.

77 In carrying out an environment officer's duties, the environment officer may:

(a) be accompanied by any person or persons who, in the opinion of the environment officer, by virtue of their expertise in a particular field or their knowledge of facts relevant to the matter being investigated, may be of assistance to the environment officer in carrying out the environment officer's duties; and

(b) enter on land with any machinery, equipment or materials that the environment officer considers necessary to carry out the purposes of the entry.

[47] Upon review of the records at issue, I am satisfied that a lawful investigation was undertaken by employees of Environment regarding a matter pursuant to the above subsections of EMPA. I will consider the second part of the test.

2. Does one of the following exist?

a) Could the release of the information interfere with a lawful investigation?

b) Could the release disclose information with respect to a lawful investigation?

[48] In its submission, Environment asserted that the release of records could disclose information with respect to a lawful investigation.

[49] Section 15 of FOIP uses the word “could” versus “could reasonably be expected to” as seen in other provisions of FOIP. The threshold for could is somewhat lower than a reasonable expectation. The requirement for could is simply that the release of the information could have the specified result. There would still have to be a basis for asserting the harm could occur. If it is fanciful or exceedingly remote, the exemption should not be invoked (*Guide to FOIP*, Ch. 4, p. 52).

[50] “With respect to” are words of the widest possible scope; the phrase is probably the widest of any expression intended to convey some connection between two related subject matters (*Guide to FOIP*, Ch. 4, p. 53).

[51] Environment indicated that the portions of the records to which it applied subsection 15(1)(c) of FOIP contains information related to its lawful investigation. Based on a review of the records, I find that the information indeed is related to the lawful investigation. They include notes and observations taken by Environment employees in the course of a lawful investigation.

[52] The two-part test has been met. I find that Environment has properly applied subsection 15(1)(c) of FOIP. There is no need for me to consider subsection 15(1)(k) of FOIP.

6. Did Environment properly apply subsection 15(1)(a) of FOIP?

[53] Environment applied subsection 15(1)(a) of FOIP to the following pages:

- Pages 1 to 6 of Record 6

- Pages 68 to 69, 92 to 94, 132 to 133 of Record 6

[54] Subsection 15(1)(a) of FOIP provides:

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

(a) prejudice, interfere with or adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention;

[55] Earlier, I described how section 15 of FOIP uses the word “could” versus the phrase “could reasonably be expected to” as in other provisions of FOIP. Although the threshold is lower, there still needs to be objective grounds for believing that disclosing the information could result in the harm alleged (*Guide to FOIP*, Ch. 4, p. 44).

[56] “Prejudice” in this context refers to detriment to the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention (*Guide to FOIP*, Ch. 4, p. 44).

[57] “Interfere with” includes hindering or hampering an ongoing investigation and anything that would detract from an investigator’s ability to pursue the investigation (*Guide to FOIP*, Ch. 4, p. 44).

[58] “Adversely affect” in this context means to have a harmful or unfavorable impact on the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention (*Guide to FOIP*, Ch. 4, p. 44).

[59] “Detection” is the act of discovering or revealing something that is hidden or barely perceptible, especially to solve a crime (*Guide to FOIP*, Ch. 4, p. 44).

[60] “Investigation” can include a police, security or administrative investigation or a combination of these. Investigation has been defined, in general terms, as a systematic process of examination, inquiry and observation (*Guide to FOIP*, Ch. 4, p. 44).

[61] In its submission, Environment said the following:

The Ministry submits that due to the ongoing nature of the lawful investigation, subsection 15(1)(a) has been properly applied to portions of the records relating to occurrence file, reference # 121673. The release of a record could reasonably be expected to prejudice, interfere with, or adversely affect the detection, investigation, prevention or prosecution of an offence in this matter.

In the previous paragraphs, the Ministry has outlined how there is an ongoing lawful investigation and law enforcement matter that could lead to additional actions. The information that clause 15(1)(a) has been applied to was information collected during the lawful investigation and law enforcement matter. Given the ongoing nature of the investigation and law enforcement matter, the release of the information would prejudice, interfere with, and adversely affect the investigation, prevention or prosecution of an offence.

[62] Based on the above, Environment has not identified the harm that could result as a result of disclosing the information. It merely recited words from subsection 15(1)(a) of FOIP. Similar to what I have said in my office's [Review Report 119-2018](#) at paragraph [144], merely reciting words from the exemption is not enough to demonstrate that a harm could occur.

[63] On the face of the record, I cannot determine how the disclosure of the portions of the records withheld pursuant to subsection 15(1)(a) of FOIP could "prejudice, interfere with, and adversely affect the investigation, prevention or prosecution of an offence."

[64] Section 61 of FOIP places the burden of proof for establishing that access to a record may or must be refused on Environment. Section 61 of FOIP provides:

61 In any proceeding pursuant to this Act, the burden of establishing that access to the record applied for may or must be refused or granted is on the head concerned.

[65] I find that Environment has not met the burden of proof pursuant to section 61 of FOIP that subsection 15(1)(a) of FOIP applies to the records.

7. Did Environment properly apply subsection 15(1)(b)(i) of FOIP?

[66] Environment applied subsection 15(1)(b)(i) of FOIP to pages 1 to 6 of Record 5.

[67] Subsection 15(1)(b)(i) of FOIP provides:

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

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

(i) an Act or a regulation;

[68] My offices uses the following two-part test to determine if subsection 15(1)(b)(i) of FOIP applies:

1. Which Act or regulation is being enforced?
2. Could the release of the record inure enforcement of the Act or regulation?

(Guide to FOIP, Ch. 4, p. 50)

[69] The following is an analysis to determine if the two-part test is met.

1. Which Act or regulation is being enforced?

[70] The main question is under which power was the enforcement conducted. An “Act” or “regulation” means an Act of the Legislature together with any regulations issued thereunder and includes an Ordinance of the Northwest Territories in force in Saskatchewan (*Guide to FOIP, Ch. 4, p. 50*).

[71] “Enforcement” is the act or process of compelling compliance with a law, mandate, command, decree, or agreement (*Guide to FOIP, Ch. 4, p. 50*).

[72] In its submission, Environment indicated that EMPA is the Act being enforced. I find that the first part of the two-part test is met.

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

[73] “Injury” implies damage or detriment (*Guide to FOIP*, Ch. 4, p. 51).

[74] In its submission, Environment said the following:

These portions consist of consultation and deliberations involving government employees addressing ongoing issues with the site and discussions around what actions to take next as well as regarding enforcement options that, if released, could reasonably be expected to disclose information or interfere with an investigation and law enforcement matter. If the information were to be released it could be used to influence or direct the ongoing enforcement and investigations into Nutrien’s operations. There are currently outstanding enforcement actions that could be compromised if the information is disclosed. Please see the portion of the submission that relates to the Ministry’s application of clauses 15(1)(c) and (k) of FOIP. Depending on the results of the current law enforcement matters, additional actions could be completed to achieve compliance and that could be compromised if the information is released. The risk to the investigation and law enforcement matter is probable as the law enforcement is ongoing. Given the nature of the law enforcement matter, other investigations could result and these would also be at risk, including risks to the investigations that have been completed.

[75] Environment asserts that the release of the redacted portions to which it applied subsection 15(1)(b)(i) of FOIP would compromise enforcement actions. However, based on a review of the portions of the records at pages 1 to 6 of Record 5, it is difficult to identify what enforcement actions Environment may be referring to in its argument. For example, at page 5 of Record 5, the released portion of the record identify a May 12, 2021 phone call between Environment employees. The notes of that phone call are redacted. The notes are a summary of what the Environment employees will do that day. It is unclear how the release of that summary will compromise enforcement actions.

[76] As I have said earlier, it is not enough to merely recite words from an exemption to demonstrate that a harm could occur. Environment’s arguments for subsection 15(1)(b)(i) of FOIP appears to contain keywords from subsections 17(1)(b) of FOIP (consultations and deliberations), 15(1)(b), (c), and (k) of FOIP, but does not speak to specifically to the redacted portions and how the release of the records could be injurious to the enforcement of EMPA. Environment has not met its burden of proof pursuant to section 61 of FOIP.

[77] I find that Environment has not met the burden of proof pursuant to section 61 of FOIP that subsection 15(1)(b)(i) of FOIP applies.

8. Did Environment properly apply subsection 17(1)(a) of FOIP?

[78] Environment applied subsection 17(1)(a) of FOIP to the following:

- Pages 1 to 6 of Record 5
- Pages 2 to 6, 12, 14 to 17, 21 to 24, 30, 32 to 33, 44, 68 to 69, 92 to 95, 106 to 108, 121 to 122, 132 to 133, 139 to 141, 143 to 149 to 153 to 154 of Record 6

[79] Subsection 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;

[80] My office uses the following two-part test to determine if subsection 17(1)(a) of FOIP applies:

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. 122-126)

[81] The following is an analysis to determine if the two-part test is met.

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

[82] In its submission, Environment asserted the information qualifies as advice, analysis and recommendations. It said:

Yes, the severed portions contain advice and analysis regarding ongoing issues with site and advice and recommendations on what actions the Ministry should take with respect to enforcement options.

[83] Chapter 4 of my office's *Guide to FOIP* at pages 124 to 125 offers the following definitions of advice, recommendations and analysis:

- “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. 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 decide for future action.
- 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.
- “Analyses” (or analysis) is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

[84] Based on a review of the pages to which Environment applied subsection 17(1)(a) of FOIP, I find that recommendations appear on portions of the following pages and will consider the second part of the test on these pages:

- Page 2 of Record 5
- Pages 5 to 6, 15 to 17, 23 to 24, 32, and 44 of Record 6

[85] I do not find that any of the other pages to which Environment applied subsection 17(1)(a) of FOIP to contain advice, recommendations or analysis, and so find that Environment did

not properly apply subsection 17(1)(a) of FOIP to these pages. For example, Environment applied subsection 17(1)(a) of FOIP to portions of pages 1 and 3 of Record 5. Those particular portions include instructions from one Environment employee to another. Instructions do not qualify as advice, recommendations or analysis. Another example is at page 132 of Record 6. The redacted portion contains a summary of what has been done and the next step that will be taken. Such content does not qualify as advice, recommendations or analysis.

2. *Were the recommendations developed by or for a government institution or a member of the Executive Council?*

[86] “Developed by or for” means the advice or recommendations must have been created either: 1) within the government institution, or 2) outside the government institution but for the government institution and at its request (for example, by a service provider or stakeholder) (*Guide to FOIP*, Ch. 4, p. 126).

[87] In its submission, Environment asserted the following:

Yes, the information as described in question 1 above, directly involves two government institutions, the Ministry of Environment and the Ministry of Corrections, Policing and Public Safety. Both ministries are government institutions. The advice, analysis and recommendations were therefore developed by or for a government institution.

[88] Based on a review of the recommendations on page 2 of Record 5 and pages 5 to 6, 15 to 17, 23 to 24, 32, and 44 of Record 6, I find that they are developed by the Environment. I find that the second part of the two-part test is met.

[89] I find that Environment properly applied subsection 17(1)(a) of FOIP to portions of page 2 of Record 5 and portions of pages 5 to 6, 15 to 17, 23 to 24, 32, and 44 of Record 6. See the Appendix for my findings and recommendations.

9. Did Environment properly apply subsection 17(1)(b)(i) of FOIP?

[90] Environment applied subsection 17(1)(b)(i) of FOIP to the following:

- Pages 1 to 6 of Record 5
- Pages 2 to 6, 12, 14 to 17, 21 to 24, 30, 32 to 33, 38 to 39, 44, 59, 68 to 69, 92 to 95, 106 to 108, 121 to 122, 132 to 133, 139, 141 to 149, 153 to 154 of Record 6

[91] Subsection 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;

[92] My office uses the following two-part test to determine if subsection 17(1)(b)(i) of FOIP applies:

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?

(Guide to FOIP, Ch. 4, pp. 132-133)

[93] The following is an analysis to determine if the two-part test is met.

1. Does the record contain consultations or deliberations?

[94] In its submission, Environment asserted the information qualifies as consultations and deliberations. It said:

Yes, the severed portions of these records include consultations and deliberations involving government employees addressing ongoing issues with site and discussions around what actions to take next as well as regarding enforcement options.

[95] Chapter 4 of my office's *Guide to FOIP* at pages 132 to 133 offers the following definitions for consultations and deliberations:

- “Consultation” means the act of consulting or taking counsel together, or a deliberation or conference. It can also be 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 act 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. It can also mean the consideration and discussions of the reasons for and against a measure by a number of councillors. 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.

[96] Based on a review of the pages to which Environment applied subsection 17(1)(b)(i) of FOIP, I find that consultations appear on pages 92 and 93 of Record 6. Based on a review of portions of these pages, they contain proposed actions. The views of employees of Environment employees are sought regarding the appropriateness of the proposed actions.

[97] However, I find that neither consultations nor deliberations appear on the remaining portions of the records to which Environment applied subsection 17(1)(b)(i) of FOIP. For example, the portions to which Environment applied subsection 17(1)(b)(i) of FOIP to page 1 of Record 5 contains a summary of completed actions or a summary of instructions given from one Environment employee to another. Another example is the redacted portion on page 21 of Record 6. The redacted portion contains a single sentence where an employee states a requirement. The sentence is neither a consultation nor a deliberation. Further, the redacted portion on page 132 of Record 6 contains a summary of what has been done and the next step that will be taken. Such content does not qualify as a consultation or deliberation and so Environment did not properly apply subsection 17(1)(b)(i) of FOIP to these pages.

[98] I will consider whether the second part of the two-part test is met for pages 92 to 93 of Record 6.

2. Do the consultations involve officers or employees of a government institution, a member of the Executive Council, or the staff of a member of the Executive Council?

[99] “Involving” means including (*Guide to FOIP*, Ch. 4, p. 133).

[100] “Officers or employees 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).

[101] In its submission, Environment did not specify if the consultations involved Environment employees, a member of the Executive Council or the staff of a member of the Executive Council. Based on a review of the consultations on pages 92 to 93 of Record 6, I find that they involve Environment employees. As such, the second part of the two-part test is met. I find that Environment properly applied subsection 17(1)(b)(i) of FOIP to portions of pages 92 to 93 of Record 6. See the Appendix for my findings and recommendations.

IV FINDINGS

[102] I find that I have jurisdiction to undertake these reviews.

[103] I find that Environment did not properly process the two access requests pursuant to section 7 of FOIP by providing one response for both access requests.

[104] I find that Environment has demonstrated that it conducted a reasonable search for records.

[105] I find that Environment did not properly apply subsection 29(1) of FOIP in all cases except for at pages 121 and 122 of Record 6. The first sentence in the email timestamped 5:02 p.m. on page 121 and the second sentence of the email timestamped 3:54 p.m. on page 122 of Record 6 qualifies as personal information as defined by subsection 24(1)(k)(i) of FOIP.

[106] I find that Environment properly applied subsection 15(1)(c) of FOIP.

[107] I find that Environment has not met the burden of proof pursuant to section 61 of FOIP that subsection 15(1)(a) and 15(1)(b)(i) of FOIP applies to the records.

[108] I find that Environment properly applied subsection 17(1)(a) to portions of page 2 of Record 5 and portions of pages 5 to 6, 15 to 17, 23 to 24, 32, and 44 of Record 6.

[109] I find that Environment properly applied subsection 17(1)(b)(i) of FOIP to portions of pages 92 to 93 of Record 6.

V RECOMMENDATIONS

[110] I recommend that Environment amend its policies and/or procedures so that it considers each access request on its own pursuant to subsection 7(1) of FOIP.

[111] I recommend that Environment comply with the recommendations set out in the Appendix.

Dated at Regina, in the Province of Saskatchewan, this 31st day of May, 2023.

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

APPENDIX

Record	Page #	Exemption(s) applied by Environment	IPC Findings	IPC Recommendations
1	1	29(1) of FOIP	29(1) of FOIP does not apply	Release
	2	29(1) of FOIP	29(1) of FOIP does not apply	Release
	3	None		
	4	29(1) of FOIP	29(1) of FOIP does not apply	Release
2	1	29(1) of FOIP	29(1) of FOIP does not apply	Release
	2	29(1) of FOIP	29(1) of FOIP does not apply	Release
	3 to 14	None		
3	1	29(1) of FOIP	29(1) of FOIP does not apply	Release
	2	29(1) of FOIP	29(1) of FOIP does not apply	Release
	3 to 14	None		
4	1	29(1) of FOIP	29(1) of FOIP does not apply	Release
	2 to 5	None		
5	1	29(1); 17(1)(a); 17(1)(b)(i); 15(1)(a); 15(1)(b)(i) of FOIP	29(1); 17(1)(a); 17(1)(b)(i); 15(1)(a); 15(1)(b)(i) of FOIP do not apply	Release
	2	29(1); 17(1)(a); 17(1)(b)(i); 15(1)(a); 15(1)(b)(i) of FOIP	17(1)(a) of FOIP applies to the recommendation contained within the note dated June 6, 2022 timestamped 2:05:24PM. Exemptions do not apply to remainder of redacted portions of page.	Withhold the recommendation contained with the note dated June 6, 2022 timestamped 2:05:24PM; release remainder.
	3	29(1); 17(1)(a); 17(1)(b)(i);	Exemptions do not apply to	Release

		15(1)(a); 15(1)(b)(i) of FOIP	redacted portions of the page.	
	4 to 6	29(1); 17(1)(a); 17(1)(b)(i); 15(1)(a); 15(1)(b)(i); 15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies to portions to which it was applied. Remaining exemptions do not apply.	Continued to withhold portions of the records to which 15(1)(c) of FOIP was applied; release remainder.
	7	29(1); 15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies to portions to which it was applied. Remaining exemptions do not apply.	Continued to withhold portions of the records to which 15(1)(c) of FOIP was applied; release remainder.
6	1	29(1)	29(1) of FOIP does not apply.	Release
	2 to 3	17(1)(a); 17(1)(b) of FOIP	17(1)(a); 17(1)(b) of FOIP do not apply.	
	4	29(1); 17(1)(a); 17(1)(b) of FOIP	29(1); 17(1)(a); 17(1)(b) of FOIP do not apply.	
	5	17(1)(a); 17(1)(b) of FOIP	17(1)(a) of FOIP applies to the three bulleted recommendations that appear in the top half of page; 17(1)(a) of FOIP applies to the two bulleted recommendations that appear immediately below the dotted line at the middle of the page. 17(1)(a) and 17(1)(b) of FOIP do not apply to	Continue to withhold the three bulleted recommendations that appear in the top half of the page pursuant to 17(1)(a) of FOIP. Continue to withhold the two bulleted recommendations that appear immediately below the dotted lined in the middle of the page.

			any portion of the page.	Release remainder of the page.
	6	17(1)(a); 17(1)(b) of FOIP	17(1)(a) of FOIP applies to the body of the email timestamped 8:59AM except for the last two sentences.	Continue to withhold the body of the email timestamped 8:59AM pursuant to 17(1)(a) of FOIP except for the last two sentences. Release the last two sentences.
	7 to 10	None		
	11	29(1) of FOIP	29(1) of FOIP does not apply.	Release
	12	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a); 17(1)(b)(i) of FOIP do not apply	Release
	13	None		
	14	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a); 17(1)(b)(i) of FOIP do not apply	Release
	15	29(1); 17(1)(a); 17(1)(b) of FOIP	17(1)(a) of FOIP applies to the three bulleted recommendations at the bottom of the page. Exemptions do not apply to remainder of the page.	Continue to withhold the three bulleted recommendations at the bottom of the page pursuant to 17(1)(a) of FOIP; release remainder of the page.
	16	17(1)(a); 17(1)(b) of FOIP	17(1)(a) of FOIP applies to the body of the email at the top of the page. 17(1)(a) of FOIP applies to the two bulleted recommendations in the email dated May 30, 2022	Continue to withhold the body of the email at the top of the page pursuant to 17(1)(a) of FOIP. Continue to withhold the two bulleted recommendations in the email dated

			(timestamped 8:59AM).	May 30, 2022 (timestamped 8:59AM).
	17	17(1)(a); 17(1)(b) of FOIP	17(1)(a) of FOIP applies to the two bulleted recommendations at the top of the page.	Continue to withhold the two bulleted recommendations at the top of the page pursuant to 17(1)(a) of FOIP.
	18	None		
	19	29(1)	29(1) of FOIP does not apply	Release
	20	None		
	21	17(1)(a); 17(1)(b) of FOIP	17(1)(a); 17(1)(b)(i) of FOIP do not apply	Release
	22	29(1); 17(1)(a); 17(1)(b) of FOIP	29(1); 17(1)(a); 17(1)(b) of FOIP do not apply	Release
	23	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a) of FOIP applies to the three bulleted recommendations that appear in the top half of the page. 17(1)(a) of FOIP applies to the two bulleted recommendations that appear immediately below the dotted line at the middle of the page. 17(1)(a), 17(1)(b) of FOIP do not apply to the remainder of the page.	Continue to withhold the three bulleted recommendations that appear in the top half of the page pursuant to 17(1)(a) of FOIP. Continue to withhold the two bulleted recommendations that appear immediately below the dotted line at the middle of the page pursuant to 17(1)(a) of FOIP. Release remainder of the page.
	24	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a) of FOIP applies to the body of the email	Continue to withhold the body of the email

			timestamped 8:59AM except for the last two sentences.	timestamped 8:59AM pursuant to 17(1)(a) of FOIP except for the last two sentences. Release the last two sentences.
	25 to 29	None		
	30	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a); 17(1)(b)(i) of FOIP do not apply.	Release
	31	None		
	32	29(1); 17(1)(a); 17(1)(b)(i)	17(1)(a) of FOIP applies to the two bulleted recommendations that appear at the bottom of the page.	Continue to withhold the two bulleted recommendations at the bottom of the page. Release the remainder of the page.
	33	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a); 17(1)(b)(i) of FOIP do not apply.	Release
	34 to 37	None		
	38 to 39	17(1)(b)(i) of FOIP	17(1)(b)(i) of FOIP does not apply	Release
	40 to 43	None		
	44	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a) of FOIP applies to the body of the email timestamped 8:59am except for the last two sentences.	Continue to withhold body of the email timestamped 8:59am pursuant to 17(1)(a) of FOIP. Release the remainder of the page.
	45	None		
	46	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted

				portions pursuant to 15(1)(c) of FOIP.
	47 to 49	29(1); 15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted portions pursuant to 15(1)(c) of FOIP.
	50 to 51	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted portions pursuant to 15(1)(c) of FOIP.
	52	29(1) of FOIP	29(1) of FOIP does not apply.	Release
	53 to 54	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted portions pursuant to 15(1)(c) of FOIP.
	55 to 58	None		
	59	29(1); 17(1)(b)(i) of FOIP	29(1); 17(1)(b)(i) of FOIP do not apply.	Release
	60 to 62	None		
	63 to 66	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted portions pursuant to 15(1)(c) of FOIP.
	67	None		
	68 to 69	17(1)(a); 17(1)(b); 15(1)(a) of FOIP	17(1)(a); 17(1)(b); 15(1)(a) of FOIP do not apply.	Release.
	70	None		
	71	29(1) of FOIP	29(1) of FOIP does not apply	Release
	72	None		
	73 to 76	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted portions pursuant to 15(1)(c) of FOIP.
	77	None		
	78 to 82	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted portions pursuant to 15(1)(c) of FOIP.
	83	None		
	84 to 85	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted

				portions pursuant to 15(1)(c) of FOIP.
	86 to 91	None		
	92	17(1)(a); 17(1)(b)(i); 15(1)(a) of FOIP	17(1)(b)(i) of FOIP applies.	Continue to withhold redacted portions pursuant to 17(1)(b)(i) of FOIP.
	93	17(1)(a); 17(1)(b)(i); 15(1)(a) of FOIP	17(1)(b)(i) of FOIP applies to the body of email timestamped 4:04pm and the subject line.	Continue to withhold the body of email timestamped 4:04pm and the subject line. Release the remainder of the page.
	94	17(1)(a); 17(1)(b)(i); 15(1)(a) of FOIP	17(1)(a); 17(1)(b)(i); 15(1)(a) of FOIP does not apply.	Release.
	95	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a); 17(1)(b)(i) of FOIP does not apply	Release.
	96 to 99	None		
	100	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies to the emails timestamped 1:19pm and 11:35am.	Continue to withhold redacted portions of email timestamped 1:19pm and 11:35am. Release remainder.
	101 to 105	29(1) of FOIP	29(1) of FOIP does not apply.	Release
	106 to 108	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a); 17(1)(b)(i) of FOIP does not apply	Release
	109	None		
	110 to 114	29(1) of FOIP	29(1) of FOIP does not apply.	Release
	115 to 116	None		
	117 to 120	29(1) of FOIP	29(1) of FOIP does not apply.	Release

	121	29(1); 17(1)(a); 17(1)(b)(i) of FOIP	29(1) of FOIP applies to the first sentence in the email timestamped 5:02pm. 17(1)(a) and 17(1)(b)(i) of FOIP do not apply.	Continue to withhold the first sentence in the email timestamped 5:02pm pursuant to 29(1) of FOIP. Release remainder.
	122	29(1); 17(1)(a); 17(1)(b)(i) of FOIP	29(1) of FOIP applies to the second sentence in the email timestamped 3:54pm. 17(1)(a) and 17(1)(b)(i) of FOIP do not apply.	Continue to withhold the first sentence in the email timestamped 3:54pm pursuant to 29(1) of FOIP. Release remainder.
	123 to 125	29(1) of FOIP	29(1) of FOIP does not apply.	Release
	126	None		
	127 to 128	29(1) of FOIP	29(1) of FOIP does not apply.	Release
	129	None		
	130 to 131	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted portions pursuant to 15(1)(c) of FOIP.
	132 to 133	17(1)(a); 17(1)(b); 15(1)(a) of FOIP	17(1)(a); 17(1)(b); 15(1)(a) of FOIP do not apply	Release
	134	None		
	135 to 136	29(1) of FOIP	29(1) of FOIP does not apply.	Release
	137 to 138	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted portions pursuant to 15(1)(c) of FOIP.
	139	17(1)(a); 17(1)(b); 15(1)(c); 15(1)(k)	15(1)(c) of FOIP applies to the body of the email	Continue to withhold the body of the email timestamped

			timestamped 3:47pm. 17(1)(a); 17(1)(b)(i) of FOIP do not apply.	3:47pm pursuant to 15(1)(c) of FOIP. Release remainder.
	140	15(1)(c); 15(1)(k) of FOIP	15(1)(c) of FOIP applies.	Continue to withhold redacted portions pursuant to 15(1)(c) of FOIP.
	141	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a) and 17(1)(b)(i) of FOIP do not apply.	Release
	142	29(1); 17(1)(b)(i) of FOIP	29(1); 17(1)(b)(i) of FOIP do not apply.	Release
	143 to 149	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a) and 17(1)(b)(i) of FOIP do not apply.	Release
	150 to 153	None		
	153 to 154	17(1)(a); 17(1)(b)(i) of FOIP	17(1)(a) and 17(1)(b)(i) of FOIP do not apply.	Release
	155 to 156	None		
7	1	29(1) of FOIP	29(1) of FOIP does not apply.	Release
8	1	29(1) of FOIP	29(1) of FOIP does not apply.	Release