



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 246-2025

Ministry of Justice & Attorney General

July 14, 2026

Summary:

The Applicant submitted a formal access to information request to the Ministry of Justice & Attorney General (Justice). The Applicant paid a deposit on the fee estimate given by Justice, which was later refunded because of delays connected to completing the request. When Justice responded to the Applicant's access request, heavily redacted records were provided. Justice claimed the exemptions in sections 17(1)(a) (advice, proposals, recommendations, analyses or policy options), 17(b)(i) (consultations or deliberations), 22(a) (solicitor-client privilege), 22(b) (prepared by or for legal counsel for a government institution), 22(c) (correspondence between legal counsel for a government institution and any other person) and 29(1) (third party personal information) of *The Freedom of Information and Protection of Privacy Act (FOIP)* as the reason for the redactions. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner.

The Commissioner found:

- (1) Justice established a *prima facie* claim of solicitor-client privilege with respect to the application of sections 22(a) and (c) of *FOIP* and this claim has not been rebutted;
- (2) Justice properly applied 29(1) of *FOIP* to portions of the record; and
- (3) Justice did not demonstrate a reasonable search for records had been conducted.

The Commissioner recommended that:

- (1) Justice continue to refuse access to the pages where sections 22(a), 22(c) and 29(1) of *FOIP* were found to apply;
- (2) Justice continue to refuse access to the addressee's name and the first three sentences of a letter found on pages 25 and 60 pursuant to section

29(1) of *FOIP* and release the remainder of the letter to the Applicant within 30 days of the issuance of this Report; and

(3) Justice conduct another search for records in its possession or control involving the names of two individuals within 30 days of the issuance of this Report and inform OIPC and the Applicant of the details of its search involving these two individuals and the results of its search for records.

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I BACKGROUND

- [1] On January 20, 2025, the Ministry of Justice & Attorney General (Justice) received the following access to information request from the Applicant:¹

Rationale: Why asking for documents from Ministry of Justice and Attorney General? I was [employment title]. I was fired [date], reappointed [date] and fired again on [date]. Justice lawyers were involved in reappointment and review leading to a second firing.

Context: On [date] Minister Harrison writes expressing serious concerns about my conduct. He fails to mention my firing or reappointment. Instead, he orders a review of SRC asking [former Deputy Minister Swan], a member of Executive Council the body that authorize my firing, to conduct the review. Having [former Deputy Minister Swan] involved in my firing and the review was wrong.

I seek information from three Ministry lawyers. [name], Senior Crown Counsel advised [name of body] on how to reappoint the board chair. Glen Gardiner, Deputy Minister of Justice organized the review. Max Bilson, Crown Counsel, conducted the review.

My opinion of the withholding of information based on solicitor client privilege. Does privilege apply to the facts? There were deliberate acts of deception intended to gain an unfair advantage. These acts deprived the whistleblower of their legal rights and resulted in the dismissal of the board chair. So, if there was fraud, there is no privilege.

What do I want? Harrison, Swan and Justice did not share the review with the SRC board. No information of the alleged wrongdoings of the Chair was provided. I want the report, a product of Justice's action, and all documents speaking to the allegation of wrongdoing of the Chair.

In summary, the [employment title] was fired twice for attempting to ensure SRC had effective governance and management controls to safeguard public resources. The Swan report was not shared and no reason for the firing was given. To be perfectly clear, I am requesting access to all documents related to my firing.

- [2] The Applicant specified the time period for "January 11, 2022 until May 1, 2022". The Applicant also listed eight individuals who were/are employees of Justice, the

¹ The use of square brackets in this Report are amendments by OIPC to preserve the identity of the Applicant.

Saskatchewan Research Council (SRC) and Executive Council as “search parameters.” These eight individuals included a Senior Crown Counsel, Crown Counsel and the Deputy Minister of Justice in 2022.

- [3] In an email dated February 13, 2025, to the Applicant, Justice asked the Applicant if it would be correct to clarify the access request as follows:

All records related to the firing of Saskatchewan Research Council (SRC) Chair, [name of Applicant].

All records regarding the appointment of the SRC Board Chair.

All records regarding the review of the SRC.

All records with respect to the review of the SRC conducted.

The report that resulted from the review of the SRC.

Any documents that allege wrongdoing on the part of the SRC Chair, [name of Applicant].

Time period: January 11, 2022 to May 1, 2022

- [4] Having clarified the Applicant’s access request, Justice noted:

The Ministry recognizes that your access request indicates specific employees and individuals. The Ministry appreciates this information and it will be used it in its search for records provided you agreed with the refined request above.

- [5] On the same day, the Applicant confirmed that Justice may proceed.

- [6] On February 19, 2025, Justice issued a fee estimate to the Applicant based on an estimated 2,230 pages of records. On April 21, 2025 the Applicant paid a fee deposit with Justice. Justice received the deposit on April 25, 2025.

- [7] On April 25, 2025, Justice advised the Applicant that it was extending the 30-day statutory time period of response by an additional 30 days. By June 10, 2025 the Applicant still had

no word from Justice, so they emailed asking for the documents. On June 16, 2025, Justice explained that it was returning the deposit fee because of the lengthy delay.

- [8] On July 24, 2025, Justice delivered a section 7 decision letter to the Applicant. Justice provided the Applicant with 303 heavily redacted pages claiming the exemptions in sections 17(1)(a), 17 (b)(i), 22(a), 22(b), 22(c) and 29(1) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.²
- [9] On September 16, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [10] On January 13, 2026, OIPC notified Justice and the Applicant that a review would be commenced.
- [11] On February 12, 2026, Justice provided OIPC with an index of records and a copy of the redacted records.
- [12] On March 15, 2026, the Applicant provided a submission to OIPC.
- [13] On March 25, 2026, Justice provided its submission but did not permit OIPC to share the submission with the Applicant.

II RECORDS AT ISSUE

- [14] Of the 303 pages responsive to the Applicant's access request, Justice withheld 252 pages in full pursuant to sections 22(a), 22(b) and 22(c) of *FOIP*, and six pages in part pursuant to sections 29(1), 22(b) and 22(c) of *FOIP* for a total of 258 pages.
- [15] OIPC will also be reviewing whether Justice completed a reasonable search for records.

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

III DISCUSSION OF THE ISSUES

1. Jurisdiction

- [16] Justice qualifies as a “government institution” pursuant to section 2(1)(d)(i) of *FOIP*. OIPC has jurisdiction to undertake this review under PART VII of *FOIP*.

2. Did Justice properly apply section 22(a) of *FOIP*?

- [17] The record in this matter is 303 pages. Justice released 45 pages in full to the Applicant. Justice asserted a *prima facie* claim of solicitor-client privilege, pursuant to section 22(a) of *FOIP*, to the following pages of the record and provided the descriptive context for each category of documents that originated from a solicitor-client relationship. Justice referenced “client representatives” to mean the various government employees or crown corporation individuals that sought legal advice from lawyers at the Ministry of Justice. “Work product from legal counsel” indicates the provision of legal advice and the various forms of work product that is instrumental to the framing of a legal opinion, such as a timeline of events or a draft legal analysis. The pages below were withheld in full:

Pages	Context
3 to 19	Information and materials provided at counsel’s request
20 to 22	Work Product from legal counsel
28 to 41	Work Product from legal counsel
42 to 43	Work Product from legal counsel
44	Communication between client representatives and legal counsel
47	Communication between client representatives and legal counsel
49	Communication between client representatives and legal counsel
50	Work Product from legal counsel
51 to 52	Work Product from legal counsel

53	Communication between client representatives and legal counsel
54	Work Product from legal counsel
55	Communication between client representatives and legal counsel
56	Work Product from legal counsel
57 to 58	Communication between legal counsel
61 to 62	Communication between client representatives and legal counsel
63	Work Product from legal counsel
64 to 65	Work Product from legal counsel
66 to 67	Communication between client representatives and legal counsel
68	Work Product from legal counsel
69 to 70	Work Product from legal counsel
71 to 72	Communication between client representatives and legal counsel
73	Work Product from legal counsel
74 to 75	Work Product from legal counsel
76 to 77	Communication between legal counsel
78	Work Product from legal counsel
79 to 80	Work Product from legal counsel
81 to 82	Communication between legal counsel
87 to 88	Communication between legal counsel
109 to 110	Communication between legal counsel
111 to 113	Communication between legal counsel
114 to 115	Work Product from legal counsel
116 to 118	Communication between legal counsel

119 to 121	Work Product from legal counsel
122 to 123	Communication between legal counsel
124 to 125	Communication between legal counsel
126 to 127	Communication between legal counsel
128	Work Product from legal counsel
129 to 130	Work Product from legal counsel
131 to 133	Communication between legal counsel
134 to 135	Communication between client representatives and legal counsel
136	Communication between legal counsel
137	Communication between client representatives and legal counsel
138	Communication between client representatives and legal counsel
139	Work Product from legal counsel
140	Communication between legal counsel
141 to 142	Work Product from legal counsel
143	Communication between client representatives and legal counsel
144 to 145	Communication between legal counsel
146 to 147	Communication between legal counsel
148	Communication between legal counsel
149 to 150	Information and materials provided at counsel's request
151	Information and materials provided at counsel's request
152 to 153	Information and materials provided at counsel's request
154	Information and materials provided at counsel's request
155	Information and materials provided at counsel's request

156	Communication between legal counsel
157	Communication between legal counsel
158 to 159	Communication between legal counsel
160 to 161	Communication between legal counsel
162	Communication between legal counsel
164 to 165	Communication between legal counsel
166	Communication between legal counsel
167 to 168	Communication between legal counsel
169 to 185	Information and materials provided at counsel's request
186 to 187	Communication between legal counsel
188	Information and materials provided at counsel's request
189	Information and materials provided at counsel's request
190 to 191	Communication between client representatives and legal counsel
192	Communication between legal counsel
194 to 195	Communication between legal counsel
196	Communication between client representatives and legal counsel
197 to 198	Communication between client representatives and legal counsel
199	Communication between legal counsel
200 to 201	Communication between legal counsel
203	Communication between client representatives and legal counsel
204	Communication between legal counsel
205 to 207	Information and materials provided at counsel's request
208 to 209	Information and materials provided at counsel's request

210 to 213	Information and materials provided at counsel's request
214	Information and materials provided at counsel's request
215 to 216	Information and materials provided at counsel's request
217 to 218	Information and materials provided at counsel's request
219 to 220	Information and materials provided at counsel's request
221 to 222	Information and materials provided at counsel's request
223 to 225	Information and materials provided at counsel's request
226 to 227	Information and materials provided at counsel's request
228 to 229	Information and materials provided at counsel's request
230 to 231	Information and materials provided at counsel's request
232 to 234	Information and materials provided at counsel's request
235	Information and materials provided at counsel's request
236 to 238	Information and materials provided at counsel's request
239 to 240	Information and materials provided at counsel's request
241	Information and materials provided at counsel's request
242 to 253	Information and materials provided at counsel's request
254 to 255	Communication between client representatives and legal counsel
257	Information and materials provided at counsel's request
260 to 261	Information and materials provided at counsel's request
262	Communication between client representatives and legal counsel
263 to 274	Work Product from legal counsel
275 to 276	Communication between legal counsel
277	Communication between legal counsel

278 to 279	Work Product from legal counsel
280 to 293	Work Product from legal counsel
303	Communication between client representatives and legal counsel

[18] Section 22(a) of *FOIP* provides:

Solicitor-client privilege

22 A head may refuse to give access to a record that:

(a) contains any information that is subject to any privilege that is available at law, including solicitor-client privilege;

[19] In support of its claim, Justice provided an affidavit and schedule of records outlining the date of the record, the author and recipients. The contextual nature of each record was provided as summarized above. Justice further provided a letter of explanation dated March 25, 2026, that furnished more context with respect to the application of section 22(a) of *FOIP* to each page.

[20] Solicitor-client privilege under section 22(a) of *FOIP* applies to records involving communications between solicitor and client. This includes communications that encompass the seeking or giving of legal advice, that is intended by the parties to be confidential.³ Justice explained that its Legal Services Division provides legal advice to government institutions in a manner analogous to a private law firm providing legal advice to a client. In this case, Justice explained the records involved communication between lawyers within the Legal Services Division and their client government institutions and Crown Corporations. We note that the Supreme Court of Canada has instructed that solicitor-client privilege applies equally to in-house counsel working on behalf of the government as it does to independent or private counsel.⁴

³ [*Descôteaux et al. v Mierzewski*](#), [1982] 1 SCR 860 at pages 870-873; [*Alberta \(Information and Privacy Commissioner\) v University of Calgary*](#), 2016 SCC 53, [2016] 2 SCR 555 at paragraphs [40] to [45].

⁴ [*Pritchard v. Ontario \(Human Rights Commission\)*](#), [2004] 1 S.C.R. 809, 2004 SCC 31 at paragraphs [19] to [21].

[21] Justice explained that the client government institutions associated with this matter include Executive Council, the SRC, the Public Service Commission and the Ministry of Trade and Export Development.

[22] Barring a basis in fact to suggest that a claim of privilege is ill-founded or some evidence to support an inappropriate assertion of the privilege, the claim must be respected upon a *prima facie* showing:⁵

[49] The touchstone principle engaged by this branch of the University's submission has been clearly established by the Supreme Court. A discretionary statutory authority to abrogate solicitor-client privilege must be exercised so as to interfere with the privilege only to the extent "absolutely necessary" to achieve the goals of the legislation in question....

...

[72] The knowledge of these various legal engagements no doubt indicated to the Commissioner that at least some documents subject to solicitor-client privilege would almost inevitably fall within the scope of the applicant's access to information request. *In other words, there was certainly no basis in fact to suggest the University's claim of privilege was ill-founded in a general or overall sense...*

[Emphasis added]

[23] We acknowledge the "near absolute" status of the legal privilege attached to documents covered by a claim of solicitor-client privilege:⁶

[16] It is undisputed that the employer in this case properly asserted by affidavit its solicitor-client privilege. At that stage there was a "presumption of fact, albeit a rebuttable one, to the effect that all communications between client and lawyer and the information they shared would be considered *prima facie* confidential in nature."

[17] The only reason the Privacy Commissioner gave for compelling the production and inspection of the documents in this case is that the Employer indicated that such documents existed. She does not claim any necessity arising

⁵ [*University of Saskatchewan v Saskatchewan \(Information and Privacy Commissioner\)*](#), 2018 SKCA 34 at paragraphs [49] and [72].

⁶ [*Canada \(Privacy Commissioner\) v Blood Tribe Department of Health*](#), 2008 SCC 44, [2008] 2 SCR 574 at paragraphs [16] and [17].

from the circumstances of this particular inquiry. The Privacy Commissioner is therefore demanding routine access to such documents in any case she investigates where solicitor-client privilege is invoked. *Even courts will decline to review solicitor-client documents to adjudicate the existence of privilege unless evidence or argument establishes the necessity of doing so to fairly decide the issue...* In the Privacy Commissioner's view, however, piercing the privilege would become the norm rather than the exception in the course of her everyday work.

[Emphasis added]

- [24] A party asserting a claim of solicitor-client privilege may allege a presumption of fact that all communication between client and lawyer are *prima facie* confidential in nature. Any arguments supporting the privilege are to be made in the hypothetical, and Courts are reluctant to peel back the privilege unless the party advocating otherwise can demonstrate that there is no basis in fact to apply the privilege or that the privilege is misapplied. It is a high threshold to pierce.⁷
- [25] The affidavit provided by Justice was sworn by an affiant who had direct knowledge of the content of, and context associated with, the records to which the solicitor-client claim was asserted.
- [26] The inquiry into the assertion of a claim of solicitor-client privilege is contextual and the party seeking to avoid disclosure must put the relevant context before the reviewing body or face the possibility that the onus will not be met. The context must clearly establish the legal advice component of the privilege and if it does not, the records will not be held to be covered by solicitor-client privilege.⁸ OIPC is satisfied that Justice has met the required threshold as demonstrated by the table in paragraph [17] of this Report that fully explains the context for each claim of solicitor-client privilege and the helpful submissions of March 25, 2026.

⁷ OIPC [Review Report 114-2025](#) at paragraph [20].

⁸ [Saskatchewan \(Ministry of Health\) v West](#), 2022 SKCA 18 at paragraphs [82] and [83].

[27] The Applicant wrote to this office in an effort to rebut the application of the solicitor-client privilege exemption. We have produced these submissions in the first paragraph of this Report but because of the serious nature of the allegations contained therein, we reproduce them here:

My opinion of the withholding of information based on solicitor client privilege. Does privilege apply to the facts? There were deliberate acts of deception intended to gain an unfair advantage. These acts deprived the whistleblower of their legal rights and resulted in the dismissal of the board chair. So, if there was fraud, there is no privilege.

[28] The Applicant alleges fraud and bad faith with respect to the background facts of this matter and requests that this be the basis for the overturning of the solicitor-client privilege claim. The background facts of this matter involve the Applicant's past employment and involvement with the SRC Board and various other governmental individuals and members of the SRC executive. The Applicant alleges the firing of a whistleblower, the presentation of evidence with respect to a conflict of interest amongst members of the executive staff and the Board to the Minister responsible for the SRC, and the Applicant's eventual dismissal from the Board. The Applicant's allegations are disturbing, to say the least.

[29] The conundrum that OIPC is presented with at this point, is that the above allegations are just that – allegations and not facts. Both parties are not *ad idem* with respect to the facts of this matter. It is clear that the facts are very much in question with one government executive finding that “allegations between the Board and the corporate leadership of the SRC were not substantiated”. The Saskatchewan Court of Appeal has noted there must be a *basis in fact* for a *prima facie* claim of solicitor-client privilege to be pierced. That is simply not the case on the basis of what has been presented to this office.

[30] With respect to the pages noted in the table in paragraph [17] of this Report, Justice has established a *prima facie* claim of solicitor-client privilege and justified the application of section 22(a) of *FOIP*.

[31] OIPC will not recommend that Justice reconsider its discretion with respect to the public interest in the release of the records noted in the table at paragraph [17] of this Report.

[32] Justice also applied other exemptions to the pages listed at paragraph [17], such as sections 17(1)(a), 22(b), (c) and 29(1) of *FOIP*. There is no need to review Justice's application of these exemptions to those pages.

3. Did Justice properly apply section 22(c) of *FOIP*?

[33] Justice asserted a *prima facie* claim for the application of section 22(c) of *FOIP* to portions of pages 26, 27, 46 and 163. For the most part, these pages are only partially redacted. This and the submissions allow for a consideration of the context that forms the basis of this claim of privilege.

[34] Section 22(c) of *FOIP* provides:

Solicitor-client privilege

22 A head may refuse to give access to a record that:

...

(c) contains correspondence between an agent of the Attorney General for Saskatchewan or legal counsel for a government institution and any other person in relation to a matter involving the provision of advice or other services by the agent or legal counsel.

[35] Because of the partial redaction of these documents, we may refer to the traditional two-part test used by this office to analyze a claim pursuant to section 22(c) of *FOIP*:⁹

1. Is the record a correspondence between the government institution's legal counsel (or an agent of the Attorney General) and any other person?
2. Does the correspondence relate to a matter that involves the provision of advice or other services by the agent or legal counsel?

[36] Relevant definitions may include:

- "Correspondence" means letters sent or received. It is an interchange of written communication.

⁹ OIPC [Review Report 264-2024](#) at paragraph [19].

- “Agent” means someone who is authorized to act for or in place of another.
- “Attorney General”, in this context, is the chief law officer of Saskatchewan responsible for advising the government on legal matters and representing it in litigation.
- “Any other person” was an intentional and inclusive phrase to capture just that – any other person. The government institution must make it sufficiently clear, as to what the nature of that other person’s role in the correspondence was.

[37] The letter on pages 26 and 27, reveal a request by Crown Counsel to a Vice President of the SRC for the gathering of information that will be used towards a review of the governance and leadership of SRC.

[38] Page 46 is an email between Vice Presidents at SRC, where the Crown Counsel was carbon copied. The body of the email is redacted. In its submission, Justice indicated that the email is directly related to a review of the governance and leadership of SRC and the content of the communication reflects the sharing of information relevant to the review and involvement of legal counsel in the matter.

[39] Based on a review of the redacted records and Justice’s submission, Justice has established a *prima facie* case and justified the application of section 22(c) of *FOIP* to the redacted portions on pages 26, 27 and 46.

[40] Page 163 is a letter by the Deputy Minister to the Premier to the Deputy Minister of Justice and Deputy Attorney General. Based on a review of the portions of page 163 that were released to the Applicant, it appears that page 163 is a duplicate of page 1 of the records. Page 1 was released to the Applicant in full. Since pages 163 and page 1 of the records are duplicates, there is no need to consider page 163.¹⁰

¹⁰ [*Kasprick v Saskatchewan Power Corporation*](#), 2025 SKKB 139 at paragraph [65]. This case is authority for a common sense approach to disclosure. There is little value in ordering duplicate pages to be reproduced and disclosed.

[41] As noted earlier, the Applicant has not sufficiently rebutted the *prima facie* claim of solicitor-client privilege in this matter such that this office will not recommend that Justice release of the redacted portions of pages 26, 27, and 46.

4. Did Justice properly apply section 29(1) of FOIP?

[42] Justice applied section 29(1) of FOIP to pages 25 and 60. Pages 25 and 60 are duplicates. This office was provided with an unredacted version of this letter. It is a letter by the Minister Responsible for the SRC to an individual. Justice redacted the salutation and addressee's name at the beginning of the letter as well as the body of the letter.

[43] 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.

[44] Section 29(1) of FOIP is a mandatory exemption. Prior to a consideration of section 29(1), of FOIP, the first determination must be whether the information qualifies as "personal information" as defined by section 24(1) of FOIP. In order information to be "personal information", it must be (1) be about an identifiable individual; and (2) be personal in nature.

[45] Sections 24(1)(b) and (k)(i) of FOIP are relevant in this review:

Interpretation

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

...

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

...
(k) the name of the individual where:

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

[46] OIPC noted the following regarding the content of the letter on pages 25 and 60:

- The first three sentences of the letter are general information about the addressee and the reason for the letter.
- The remainder of the letter contains an opinion which led to a decision regarding the actions to be taken followed by a request.

[47] Justice explained that the entire letter contained personal information in the sense that it referred to information about the addressee's "employment history and circumstances". Further, it asserted that the disclosure of the information would reveal "sensitive employment-related details about the individual when connected with the individual's name." Therefore, it asserted that such information qualifies as personal information as defined by section 24(1)(k)(i) of *FOIP*.

[48] This office notes that information normally found in a personnel file, including information connected to allegations made against the employee, qualify as "employment history" as set out in section 24(1)(b) of *FOIP*.¹¹ Further, because the employment history relates to the addressee of the letter, who is named at the salutation of the letter, this office agrees that the information contained within the letter qualifies as "personal information". Justice properly refused access to the addressee's name and the first three sentences of this letter.

[49] However, the remainder of the letter does not qualify as "personal information" with respect to the addressee. It is simply the Minister's opinion about the next course of action. Since the remainder of the letter is not the personal information of the Applicant, Justice should release the remainder of the material after the third sentence of the letter on pages 25 and 60 to the Applicant.

¹¹ OIPC [Review Report 016-2024](#) at paragraphs [54] to [55].

5. Did Justice demonstrate it completed a reasonable search for records?

- [50] In the fee estimate issued to the Applicant, Justice first estimated there may be up to 2,230 pages of records. Ultimately, Justice identified only 303 pages of records. The Applicant took issue with the large discrepancy between the number of pages estimated and the number of pages that were identified as responsive to the access request.
- [51] Justice stated that it prepared the original fee estimate at an early stage of the request and based on a high level scoping of the records identified across many program areas. Justice maintained that the original document projection was made in good faith.
- [52] A fee estimate should be prepared prior to substantial work being done in processing an access request. A fee estimate should provide the applicant with sufficient information to make an informed decision as to whether to pay the fee and pursue access. It is also meant to facilitate discussion between the government institution and the applicant so that the applicant may modify their access request, minimize fees and prevent the government institution from undertaking more work than is necessary. A large fee estimate may give an applicant the impression that, in the end, many records will be disclosed. This is not always the case as an estimate is just an estimate, albeit intended to be provided in good faith by the government institution and based on a reasonable search strategy.
- [53] In this case, the Applicant paid the required deposit based on the estimated number of pages. This was indeed a signal that the Applicant was not disputing the fee.
- [54] Beyond the estimated number of pages, this office must still address the reasonableness of the search based on the information provided. The threshold of “reasonableness” is met when the government institution expends a level of effort expected of any fair, sensible person searching areas where the record is likely to be stored. The various options for a reasonable search have been repeated many times by this office and there is no need to review them here.¹²

¹² OIPC [Review Report 282-2024](#) at paragraph [115]

[55] Justice described its search strategy in general terms. The following areas were searched:

- Deputy Minister's Office
- Legal Services Division
- Legislative Services
- Program areas responsible for oversight or interaction with the SRC

[56] Justice indicated that each area was instructed "to conduct a search of all locations where responsive records could reasonable be found, including:

- Email systems (Outlook), including inboxes, sent items, deleted items, and archives
- Shared network drives and team folders
- Personal and shared electronic folders
- Document management systems used by the Ministry
- Paper files held in offices or file rooms
- Records held off-site or in long-term storage, if applicable"

[57] The following keywords "and combinations thereof" were utilized:

"SRC," "Saskatchewan Research Council," "[Last name of Applicant]," "Board," "allegations," "review," "Chair," "termination," "legal," "investigation," and any other terms reasonably connected to the request as identified by the applicant.

[58] Justice indicated that directors in the program areas "verified that searches had been completed and confirmed the results to the Access Unit". Follow-up inquiries were made where clarification was required or where initial searches suggested the possibility of additional records.

[59] The Applicant took great pains to identify eight individuals in the access to information request. Justice acknowledged that these names would be used in the search and for the most part we can see that they were. However, our review of the records in connection with the affidavit and schedule of records, revealed that two of the individuals named by the Applicant did not appear. There were no records involving Neil Karkut, Senior Crown Counsel or Richard Davis, the Chief of Staff for the Minister responsible for the SRC. This leaves the issue of Justice's search and response to the Applicant incomplete.

- [60] While Justice may have conducted searches for records involving these two individuals, Justice did not provide evidence that it did so. On this basis, Justice should conduct another search for records in its possession or control involving Neil Karkut as well as Richard Davis within 30 days of issuance of this Report. It should inform both OIPC and the Applicant of the details of its search for records involving these two individuals and the results of its search for records.

IV FINDINGS

- [61] Justice did not demonstrate it conducted a reasonable search for records.
- [62] Justice established a *prima facie* claim of solicitor-client privilege with respect to the application of section 22(a) of *FOIP* for the pages noted in the table in paragraph [17] of this Report and this claim has not been rebutted.
- [63] Justice established a *prima facie* claim of solicitor-client privilege with respect to the application of section 22(c) of *FOIP* to the redacted portions on pages 26, 27 and 46 and this claim has not been rebutted.
- [64] Justice properly refused access to the addressee's name and the first three sentences of the letter on pages 25 and 60 pursuant to section 29(1) of *FOIP* but not to the remainder of the letter.

V RECOMMENDATIONS

- [65] I recommend that Justice continue to refuse access to the pages noted in the table at paragraph [17] of this Report, pursuant to section 22(a) of *FOIP*.
- [66] I recommend that Justice continue to refuse access to the redacted portions on pages 26, 27 and 46 pursuant to section 22(c) of *FOIP*.

- [67] I recommend that Justice continue to refuse access to the addressee's name and the first three sentence of the letter on pages 25 and 60 pursuant to section 29(1) of *FOIP* but that it release the remainder of the letter to the Applicant within 30 days of issuance of this Report.
- [68] I recommend that Justice conduct another search for records in its possession or control involving the names: "Neil Karkut" and "Richard Davis" within 30 days of issuance of this Report. Both OIPC and the Applicant should be informed of the details and results of this search for records.

Dated at Regina, in the Province of Saskatchewan, this 14th day of July, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner