



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 254-2025

Executive Council

December 18, 2025

Summary:

The Applicant submitted an access to information request to Executive Council for records related to the proposal, planning and participation of the Premier in a panel discussion during the Midwestern Legislative Conference in July 2025. Executive Council provided the Applicant with all records responsive to their request.

The Applicant was not satisfied by the records provided and requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) with respect to how Executive Council conducted its search for records.

The Commissioner found that Executive Council conducted a reasonable search for responsive records.

The Commissioner recommended that Executive Council take no further action regarding the search for records.

I BACKGROUND

- [1] On August 25, 2025, Executive Council received an access to information request from the Applicant for the following:

Provide copies of all records, including e-mails, briefing notes, reports, media lines, Q&As, etc., related to the proposal, planning and participation of the Premier in the panel discussion referenced here:

<https://x.com/WECNuclearCA/status/1950944107972415596?s=19>

- [2] The Applicant specified that the time period for the access to information request was July 2025.
- [3] On September 24, 2025, Executive Council issued its section 7 decision to the Applicant, granting them full access to the responsive records.
- [4] On October 1, 2025, the Applicant requested a review of the search efforts of Executive Council by emailing the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) a [*Form B – Request for Review Form*](#).
- [5] OIPC contacted the Applicant on October 8, 2025, to clarify the scope of the review. The Applicant indicated that they believed additional records existed than were provided and requested a review of the search efforts of Executive Council for the responsive records.
- [6] In an effort to foster early resolution, OIPC contacted Executive Council on October 10, 2025, to share the Applicant's concerns and to request further explanation.
- [7] On October 21, 2025, OIPC notified the Applicant and Executive Council that a review would be commenced with respect to the search efforts of Executive Council pursuant to Part VII of *The Freedom of Information and Protection of Privacy Act (FOIP)*.¹ OIPC requested that Executive Council provide a submission detailing its search efforts with respect to the requested records by November 20, 2025.
- [8] On October 21, 2025, OIPC also invited the Applicant to provide a submission. The Applicant declined this invitation in correspondence dated November 13, 2025, stating that they did not have any additional material to provide beyond their previous correspondence with this office.

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

- [9] On November 20, 2025, Executive Council provided a submission to OIPC. Executive Council did not consent to the sharing of its submission with the Applicant.

II RECORDS AT ISSUE

- [10] At issue is the efforts of Executive Council to search for records. There are no records at issue.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

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

2. Did Executive Council conduct a reasonable search for responsive records?

- [12] Section 5 of *FOIP* provides an applicant with a right of access to records in the possession or control of a government institution.² Under section 5.1(1) of *FOIP*, a government institution is required to respond to an applicant’s access to information request openly, accurately and completely. This means that a government institution should make reasonable efforts to not only identify and seek out records responsive to an applicant’s access to information request, but to explain the steps in the process.³

- [13] In its response to the Applicant dated September 24, 2025, Executive Council granted the Applicant full access to the responsive records related to their access to information request.

² OIPC [Review Report 331-2023](#) at paragraph [15].

³ OIPC [Review Report 282-2024](#) at paragraph [114].

[14] This review of search efforts was initiated because the Applicant asserted that more records should have been provided than were released in response to their original access to information request. In correspondence to OIPC dated October 8, 2025, the Applicant stated:

In terms of reasons for my concerns, in my experience, governments do not put Prime Ministers or Premiers in a room with anyone without briefing material. Especially considering current trade issues with the United States, it is inconceivable that there would be no planning and preparation for a Premier to be attending such an event with U.S. lawmakers - and where any Canadian leader going off-script or freelancing could be picked up and cause even more issues with the U.S. administration.

[15] Therefore, OIPC will review whether Executive Council conducted a reasonable search for records.

[16] A “reasonable search” is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records which are reasonably related to the request. A reasonable effort is the level of effort you would expect of any fair, sensible person searching areas where records are likely to be stored. What is reasonable depends on the request and related circumstances.⁴

[17] The threshold of “reasonableness” is met when the government institution expends a level of effort expected of any fair, sensible person searching areas where records are likely to be stored.

[18] When a government institution receives notice of a review from OIPC requesting details of its search efforts, some or all of the following can be included in the submission from the government to OIPC:⁵

- For personal information requests – the government institution may explain how the individual who is the subject of the personal information is

⁴ OIPC [Review Report 264-2024](#) at paragraph [41].

⁵ *Supra*, footnote 3 at paragraph [115].

involved with the government institution (i.e., client, employee, former employee, etc.) and why certain departments/divisions/branches were included in the search.

- For general requests – the government institution may tie the subject matter of the request to the departments/divisions/branches included in the search. In other words, explain why certain areas were searched and not others.
- Identify the employee(s) involved in the search and explain how the employee(s) is experienced in the subject matter.
- Explain how the records management system is organized (both paper & electronic) in the departments/divisions/branches included in the search.
- Describe how records are classified within the records management system. For example, are the records classified by alphabet, year, function, subject.
- Consider providing a copy of the organization's record schedule and screen shots of the electronic directory (folders & subfolders).
- If the record has been destroyed, provide copies of record schedules and/or destruction certificates.
- Explain whether records stored off-site were searched and if not, explain why.
- Explain whether records that are in the government institution's control but also in the possession of a third party were searched and how. Third parties in this instance may include: a contractor or an information management service provider.
- Explain how a search of mobile electronic devices was conducted (i.e., laptops, smart phones, cell phones, tablets) and if not, why.
- Explain which folders within the records management system were searched and how these folders link back to the subject matter. For electronic folders – indicate what key terms were used to search if applicable.
- Indicate the calendar dates each employee searched.
- Indicate how long the search took for each employee.
- Indicate what the results were for each employee's search.

- Consider having the employee that is searching provide an affidavit to support the position that no record exists or to support the details provided.⁶

[19] In its submission to OIPC dated November 20, 2025, Executive Council outlined that it searched for the relevant briefing materials in the two areas: the Deputy Minister's Office (DMO) and Intergovernmental Affairs (IA).

[20] In further communication to OIPC dated December 8, 2025, Executive Council explained that the search in the DMO was conducted by both a Senior Executive Administrative Assistant and an Executive Administrative Assistant with 16 and 26 years of experience respectively. The search in IA was conducted by a Senior Executive Administrative Assistant with 10 years' experience.

[21] Executive Council also outlined its records were stored primarily on an electronic shared drive with various security and access protocols. Executive Council also indicated that it was only necessary to search electronic records as any records relevant to the time period of the original access to information request would be found in electronic format and filed according to the Administrative Records Management System (ARMS) and Operational Records System (ORS).

[22] Executive Council indicated that the email folders of all four staff members in the DMO were searched on September 2, 2025, as well as the email folder of one employee within IA, which was searched on September 9, 2025. It also outlined relevant key words used in these searches along with the specific drives that were searched. These search efforts took 30-45 minutes within the DMO and 15 minutes within IA.

[23] When an applicant requests a review of the search efforts of a government institution, both the applicant and the government institution are invited to provide submissions. In a

⁶ The above list is meant to be a guide. Each case will require different search strategies and details depending on the records requested.

submission for a review analyzing search efforts, an applicant must demonstrate a plausible suspicion that a government institution has failed to:⁷

- Release a responsive record, and/or
- Conduct a thorough search in order to retrieve a responsive record.

[24] To substantiate their claim, an applicant must submit more than just the suggestion that a document ought to exist. For example, an applicant may:⁸

- Prove that they are in possession of a copy of a responsive record not released by the government institution, and/or
- Attest that they had previous interaction with a copy of a responsive record not released by the government institution.

[25] The Applicant's submission speculated that briefing materials existed beyond what they received. There was no hard evidence provided to corroborate the speculation. We accept that the Applicant's submission is not based on any hard evidence.

[26] Regarding the obligation to search for records, the threshold to 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 or consider acceptable. *FOIP* also does not require a government institution to prove with *absolute certainty* that records are non-existent, but a government institution still needs to demonstrate that it made reasonable efforts to physically search.⁹

[27] In its submission to OIPC, Executive Council clearly outlined its search through all relevant areas, data bases, and email accounts within the two applicable areas – the DMO and IA. Executive Council searched using logical key words relevant to the Applicant's

⁷ *Supra*, footnote 4 at paragraph [37].

⁸ *Ibid*, at paragraph [38].

⁹ OIPC [Review Report 077-2025](#) at paragraphs [14] and [17].

access to information request and also engaged experienced employees who spent a reasonable amount of time in the performance of this search.

- [28] Given the thoroughness of the search outlined in this Report, there is a finding that Executive Council conducted a reasonable search for responsive records. Accordingly, there will be a recommendation that Executive Council take no further action regarding the search for records.

IV FINDINGS

- [29] *FOIP* is engaged and OIPC has jurisdiction pursuant to PART VII of *FOIP* to undertake this review.

- [30] Executive Council conducted a reasonable search for responsive records.

V RECOMMENDATION

- [31] I recommend that Executive Council take no further action regarding the search for records.

Dated at Regina, in the Province of Saskatchewan, this 18th day of December, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner