REVIEW REPORT 261-2025

Saskatchewan Human Rights Commission

August 28, 2026

Summary: The Applicant made an access to information request to the Saskatchewan Human Rights Commission (SHRC). The SHRC withheld parts of the record either in part or in full under the following exemptions found in PART III of *The Freedom of Information and Protection of Privacy Act* (*FOIP*):

- Section 15(1)(c) (interfere with a lawful investigation or disclose information with respect to a lawful investigation);
- Section 15(1)(d) (injurious to a government institution in the conduct of existing or anticipated legal proceedings);
- Section 15(1)(m) (reveal the security arrangements of particular vehicles, buildings or other structures or systems, including computer or communication systems, or methods employed to protect those vehicles, buildings, structures or systems);
- Section 16(1)(a) (advice, proposals, recommendations, analyses or policy options to Executive Council or its committees);
- Section 17(1)(a) (advice, proposals, recommendations, analyses or policy options developed by or for a government institution);
- Section 17(1)(b)(i) (consultations or deliberations involving officers or employees of a government institution);
- Section 17(1)(f) (agendas or minutes);
- Section 17(1)(g) (information including the proposed plans, policies or projects of a government institution);

- Section 19(1)(b) (financial, commercial, scientific, technical or labour relations information of a third party
- Section 19(1)(c)(i) (disclosure would result in financial loss or gain to a third party);
- Section 19(1)(c)(ii) (disclosure would prejudice the competitive position of a third party);
- Section 22(a) (solicitor client privilege); and
- Section 29(1) (third party personal information).

The Applicant asked the Office of the Saskatchewan Information and Privacy Commissioner to review the application of the above exemptions by the SHRC. The Commissioner found that the SHRC properly applied the exemptions in most, but not all, instances. The Commissioner recommended that SHRC continue to withhold the record under the exemptions properly applied as explained in this Report, except for the portions identified where the Commissioner recommended the release of further information to the Applicant within 30 days of this Report being issued. Because of the SHRC's application of concurrent exemptions to many parts of the records, there was no need to review sections 16(1)(a), 17(1)(f), and 19(1)(c) of *FOIP*.

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I BACKGROUND

[1] On September 3, 2025, the Saskatchewan Human Rights Commission (SHRC) received an access request from the Applicant that specified a timeframe of "January 1, 2024 to September 3, 2025" and the following information:[1]

- Complete employment file of [name of Applicant] and any related documentation, including electronic documentation.
- Investigation Report ("Report") and/or a summary of the Report regarding the harassment complaint I made on or about February 26, 2025, against [names withheld].
- Any and all documentation, including electronic documentation, referring to myself, [name of Applicant], including interoffice memos, notes, meeting minutes, etc.

[2] By letter dated October 3, 2025, the SHRC advised the Applicant that it was providing access and that portions of the records were redacted pursuant to sections 15(1)(c), (d), (m), 16(1)(a), 17(1)(a), (b), (f), (g), 19(1)(b), (c), 22(a) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (*FOIP*)[2].

[3] Dissatisfied with the SHRC's decision, on October 7, 2025, the Applicant asked the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) to undertake a review.

[4] On February 10, 2026, OIPC provided notice of a review to the Applicant, the SHRC, and to an outside third party who had been contracted by the SHRC to perform an in-house investigation. Each party was invited to provide a submission.

[5] On March 16, 2026, the SHRC provided its index of records (index) and the records to OIPC. The SHRC did not provide consent to share this information with the Applicant.

[1] Words in square brackets are amendments to protect the identity of various parties.

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

[6] On April 13, 2026, the Applicant provided a submission and additional materials and between May and August of 2026. The Applicant remained silent on whether or not these materials could be shared so we did not share them with the SHRC.

[7] On April 14, 2026, the SHRC provided its submission, which it did not consent to share with the Applicant.

[8] The third party investigator did not supply a submission.

II RECORD AT ISSUE

[9] The SHRC separated the records into Parts totaling 5,521 pages as follows:

- **Part 1A** – 1,082 pages
- **Part 1B** – 660 pages
- **Part 1C** – 1,022 pages
- **Part 1D** – 75 pages
- **Part 2** – 575 pages
- **Part 3** – 2,107 pages

[10] Of the 5,521 pages, the Applicant received 3,725 pages in full. The SHRC withheld 1,796 pages in part or in full under sections 15(1)(c), (d), (m), 16(1)(a), 17(1)(a), (b), (f), (g), 19(1)(b), (c), 22(a) and 29(1) of *FOIP*. This office reviewed the application of exemptions on the 1,796 pages and we describe the exemptions as they were applied throughout in this Report.

[11] Given the volume of records and large number of exemptions in this case, we find it necessary to highlight the issue of duplicate records that was simply overlooked by the SHRC.[3] The work that was required by this office to re-index and re-sort the records for the purpose of a proper formatting for review was considerable and delayed this Report

[3] *Kasprick v Saskatchewan Power Corporation*, 2025 SKKB 139 at paragraph [45], the Court found that where records are duplicates or contain duplicative pages, there is little value in reproducing or disclosing those pages as it creates “mindless busy work” that doesn’t move the “needle toward promoting transparency.”

before the review could even begin. Further, the SHRC failed to provide a red-line copy of the record which also delayed this matter because of the size of this record. Considerable time was expended in a side-by-side review of the redacted and non-redacted versions of the record because a red-lined version was not provided to this office. The following is a list of examples of duplication in the records that should have been identified and noted prior to submission to OIPC:

1. **Duplicates of an internal memo withheld in full**:

   Part 1A: pages 73 to 85;
   Part 1B: pages 293 to 305, 383 to 395 and 396 to 408;
   Part 1C: pages 55 to 67, 150 to 162, 163 to 175, 176 to 188, 729 to 745 (draft form), 768 to 780, 797 to 809, 810 to 822, 939 to 954 (draft form), 961 to 977 (draft form);
   Part 2: pages 257 to 269, 276 to 288 and 289 to 301; Part 3, pages 257 to 268 (draft), 269 to 285 (draft), 287 to 302 (draft), 303 to 320, 460 to 472, 473 to 485, 501 to 513 and 1931 to 1946.

2. **Duplicates of an agreement with a third party withheld in full**:

   Part 1A: pages 165 to 170 and 500 to 505;
   Part 3: pages 553 to 558 and 559 to 564.

3. **Duplicates of an internal "summary of events" withheld in full**:

   Part 1A: pages 488 and 489;
   Part 1B: pages 610 and 611;
   Part 1C: pages 465 and 466, 707 and 708, 1019 and 1020;
   Part 3: pages 1247 and 1248, 1251 to 1254, 2092 and 2093.

4. **Duplicates of a letter from SHRC to the Saskatchewan Workers' Compensation Board (WCB) withheld in part**:

   Part 1A: page 164;
   Part 1B: page 652;
   Part 1C: page 38;
   Part 3: pages 552 and 2106.[4]

5. **Duplicates of a letter from the Grievance Committee to SHRC withheld in part**:

[4] There are other copies of letters from SHRC to WCB about the same matter throughout the records.

Part 1A: pages 453 to 461, 600 to 608, 619 to 627;
Part 1C: pages 419 to 427, 560 to 568;
Part 2: pages 457 to 465 and 466 to 474;
Part 3: pages 1144 to 1152, 1153 to 1161, 1167 to 1175, 1176 to 1184, 1773 to 1781 and 1782 to 1790.

6. **Duplicates of "engagement documents" withheld in full**:

Part 1A: pages 34 to 54;
Part 3: at pages 140 to 167, 1472 to 1492.

[12] The record in issue totalled 5,521 pages. To ensure that OIPC reviews can be completed in a timelier and more efficient manner, we kindly request that government institutions identify duplicates at the outset and decide on the exemption(s) to be applied and then treat the application of these exemptions consistently throughout. Because the review in this matter was disorganized, in some instances a portion of a record was released to the applicant and when the same portion appeared later in the record - an exemption was applied. We also requested a redlined copy of the record which was not supplied. We ask for redlined copies to allow for an organized and logical approach to a review. A disorganized approach results in the government institution effectively releasing parts of a record that it perhaps wished to withhold. If the page or portion of a record is released on one occasion, logic dictates that it is to be released throughout. In this case, our review was bogged down at the initial stages for these reasons.

III DISCUSSION OF THE ISSUES

1. Jurisdiction.

[13] The SHRC qualifies as a "government institution" pursuant to section 2(1)(d)(ii) of *FOIP* and section 3 and PART I of the Appendix to *The Freedom of Information and Protection of Privacy Regulations*.[5]

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

[14] Portions of the records also contain the information of different third parties. "Third party" is defined at paragraph 2(1)(j) of *FOIP*:

> **Interpretation**
> **2**(1) In this Act:
>
> …
> (j) **"third party"** means a person, including an unincorporated entity, other than an applicant or a government institution.

[15] There are reviewable grounds cited in the notices provided to the parties. OIPC has jurisdiction and is conducting this review under PART VII of *FOIP*.

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

[16] The discretionary exemption in section 15(1)(d) of *FOIP* was applied frequently by the SHRC to portions of the record. The SHRC applied other exemptions alongside section 15(1)(d) of *FOIP*, notably section 15(1)(c) of *FOIP*. As we have noted, there are duplicate records or records containing duplicate information throughout. The application of the exemption in section 15(1)(d) of *FOIP* as applied to the pages in the record by the SHRC is outlined in Table 1 of the Appendix.

[17] The discretionary exemption in section 15(1)(d) of *FOIP* provides:

> **Law enforcement and investigation**
> **15**(1) A head may refuse to give access to a record, the release of which could:
>
> ...
> (d) be injurious to the Government of Saskatchewan or a government institution in the conduct of existing or anticipated legal proceedings;

[18] OIPC relies upon a two-part test to determine if section 15(1)(d) of *FOIP* has been properly applied:[6]

1. Do the proceedings qualify as existing or anticipated legal proceedings; and

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

2. Could disclosure of the records be injurious to the government institution in the context of legal proceedings?

1. Do the proceedings qualify as existing or anticipated legal proceedings?

[19] The Applicant submitted a harassment complaint to the SHRC on February 26, 2025. The subjects of the harassment complaint were two senior SHRC executives and one member of the SHRC human resources department. In March of 2025, the SHRC hired an outside third party investigator to undertake a preliminary investigation. This resulted in the completion of the first investigation report (initial investigation report) that was subject of OIPC Review Report 360-2025.[7] In anticipation of future litigation, the Corporate Secretary to the Board of Governors for the SHRC (the Corporate Secretary) and outside legal counsel were tasked with managing the matter on a "going forward" basis. Relevant to this review, a second external investigator was then engaged by SHRC, and a second investigation report was produced. This office is unaware of any findings or conclusion have been reached with respect to this complaint. The Applicant voluntarily left the SHRC on March 13, 2025.

[20] This access request comes amid a history of sporadic litigation initiated by the Applicant. Besides the initial harassment complaint filed with the SHRC on February 26, 2025, the Applicant filed a grievance with the union on March 27, 2025. The union declined to pursue the grievance. The Applicant also filed two separate complaints with the Law Society of Saskatchewan (LSS) naming the two senior SHRC executives in early 2025. Some time after the filings with the LSS, the Applicant withdrew both complaints.

[21] "Legal proceedings" were expansively defined in *Britto v University of Saskatchewan*:[8]

> [48] Thus the modern definition of "legal proceedings" is relatively expansive and inclusive. It is not limited to the traditional lawsuit in a court. It can include matters taken before alternative boards and tribunals.

[7] OIPC Review Report 260-2025.

[8] *Marwin Britto v University of Saskatchewan*, 2018 SKQB 92 at paragraph [48].

[22] The SHRC offered the following rationale for why it anticipates further legal proceedings:

> The SHRC reasonably anticipates that the Applicant's Complaint and the findings of the investigations may give rise to legal proceedings against the SHRC, including potential human rights complaints, grievances, or civil litigation arising from the subject matter of the Complaint. The Applicant has already filed numerous complaints and an unsuccessful union grievance against the SHRC. The nature of the allegations and the parties involved create a reasonable expectation that further legal proceedings are probable.
>
> ... the Applicant filed complaints with the Law Society of Saskatchewan against two senior members of the SHRC and then subsequently unilaterally withdrew them. Arguably, nothing would preclude the Applicant from making new complaints on the same, amended or new grounds. Likewise, there is the potential for the Applicant to file a human rights complaint against the SHRC on the same, amended or new grounds. Beyond these forums, the Applicant may also pursue a civil claim against SHRC and/or its individual officers, directors, or employees, such as a tort claim for defamation, intentional infliction of mental suffering, or harassment. Given the Applicant's demonstrated propensity to initiate formal complaints, SHRC asserts that the Applicant is likely to commence civil action even where a particular claim has limited prospects of success.

[23] The Applicant appended the original April 13, 2026, submission to our office on June 3, 2026. This was done to establish grounds for the opinion that the SHRC had failed to meet the threshold for the application of section 15(1)(d) of *FOIP*. The Applicant relied on four main arguments:

1. There is likely to be no future proceedings in terms of a human rights complaint because the one-year limitation has expired;

2. There is likely to be no future proceedings in terms of a civil action in the Saskatchewan King's Bench court because the dispute is a labour relations matter and labour relations boards have exclusive jurisdiction over matters involving a collective agreement;

3. There is likely to be no future proceedings in terms of labour relations arbitration because the Applicant as a sole party has no standing to bring forward arbitration proceedings. To support this submission, the Applicant provided OIPC with a signed a *Grievance Release* dated May 23, 2025,[9] and

[9] The *Grievance Release* states, in part… "I agree not to make any claim or take any proceeding against the Union or any Officers, Agents, Directors, or Employees of [the union] or their Heirs,

4. The Applicant confirmed an outstanding claim that was been accepted by the Saskatchewan Workers' Compensation Board (WCB) on April 28, 2026. The claim was for psychological injury in the workplace. The Applicant submitted that they are of the opinion that the SHRC is unlikely to appeal but little was offered to support this speculative opinion.

[24] It is accepted that that argument number 1 has merit.

[25] With respect to argument number 2, the SHRC responded that nothing prevented the Applicant from initiating a creative claim in civil law to avoid the jurisdiction of the Saskatchewan Labour Relations Board.

[26] With respect to argument number 3, the SHRC submitted that the withdrawal of the grievance was made "without prejudice". The SHRC submits that this leaves the door open to the possibility of future legal action:

> ...that withdrawal was expressed to be "without prejudice", a deliberate signal which the union would purport allows it to resurrect / refile the same grievance in the future. Otherwise, the union would have simply withdrawn the grievance absent the "without prejudice" characterization. Notably, SHRC asked the union to withdraw the Grievance absent the "without prejudice" attribute, but the union declined. Moreover, nothing prevents the union from filing a new grievance today, whether based on the same, amended or entirely new allegations.

[27] With respect to argument number 4, the SHRC confirmed the absence of a limitation period. Hence nothing restricts the SHRC ability to appeal a WCB benefits decision.

[28] Since "legal proceedings" can be expansively defined, matters that may be brought before boards or tribunals, including civil lawsuits, all fall within the definition. There are several legal avenues from which the SHRC could reasonably anticipate legal proceedings involving the Applicant. The risk of future legal proceedings cannot be said to be remote given the history of this matter.

Executors… including without limitation, any claim of duty of fair representation or otherwise under *The Saskatchewan Employment Act*, or any claim or complaint under *The Saskatchewan Human Rights Code* against the union arising from this grievance."

[29] The records for review under this exemption relate to the different types of historical allegations and grievances brought forward by the Applicant and could very well be relevant in future litigation. The first part of the test is met.

2. Could disclosure of the records be injurious to the government institution in the context of legal proceedings?

[30] Section 15(1)(d) of *FOIP* uses the term "could" instead of the phrase "could reasonably be expected to" as seen in other provisions of *FOIP*. The requirement setting out that an injury "could" happen is that there be a "mere possibility of an injurious effect." The threshold of "mere possibility" was recently refined by the Saskatchewan Court of Appeal to be an "objective possibility".[10] The SHRC is only obligated to show that it is *objectively possible* that disclosure of the record could cause injury.

[31] This phase of the analysis must focus on the potential injury to the SHRC in the event of disclosure of the records. The concept of "litigation privilege" is also relevant to this analysis. The fear is the "chilling effect" that untimely disclosure could have on a party preparing for litigation.[11]

[32] The SHRC submitted that disclosure of the withheld information by means of the application of section 15(1)(d) of *FOIP* could very well reveal legal strategy and legal opinion, including a strategical assessment of the strengths and weaknesses of the various legal avenues relevant to the initial allegation. The SHRC added that disclosure would reveal the involvement of witnesses and other evidence in anticipation of future legal proceedings. Finally, the SHRC added that premature disclosure could impact any trial or litigation strategy which would be an injurious effect of disclosure.

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[10] *Saskatchewan Government Insurance v Giesbrecht*, 2025 SKCA 10 at paragraphs [63], [78] and [79]. In this ruling, the Saskatchewan Court of Appeal considered the word "could" within the context of section 38(1)(f) of *The Health Information Protection Act*, SS 1999, c. H-0.021, as amended, but the substance of the meaning is relevant to an analysis with respect to section 15(1) of *FOIP*.

[11] *Lizotte v Aviva Insurance Company of Canada*, 2016 SCC 52, [2016] 2 SCR 521 at paragraph [53].

[33] In preparing for litigation, parties must work with their counsel in a sphere of privacy, free from unnecessary intrusion by the opposing party.[12] The primary concern of the SHRC is that disclosure of the investigation reports could negatively affect a future SHRC position given the Applicant's past history of litigious behaviour. We agree. To recommend the disclosure of the material that is currently cloaked with the exemption in section 15(1)(d) of *FOIP* would have an injurious effect on the SHRC in the course of anticipated legal proceedings.

[34] This office is satisfied that the second part of the test is met. Our review confirmed that the SHRC properly applied section 15(1)(d) of *FOIP* to the withheld material in Table 1 of this Report. In the table, we identified the nature of the portions withheld under this exemption. All these documents include emails, letters, memos and a draft performance review all related in some way to past legal proceedings. For the sake of brevity and because this exemption was cited extensively, we comment only on the following examples as to how we concluded that this exemption was properly applied:

- **Part 1A**: pages 73 to 85 is an internal memo between SHRC legal counsel. It includes information that, if disclosed, could reveal strategy that is relevant to the SHRC investigations with respect to the Applicant's harassment complaint. The harassment complaint is the central issue of all of the legal matters pursued by the Applicant. This legal memo is duplicated several times throughout the various Parts of the record.

- **Part 1B**: page 290 is an internal email from SRHC inhouse counsel regarding a draft of the memo mentioned in Part 1A.

- **Part 1C**: pages 532 to 534 constitute legal research and communications to the LSS with respect to the Applicant's complaints. Page 849 is an email exchange from one of the third party investigators regarding the process that led to the final investigation report.

- **Part 1D**: all 75 pages withheld in full, is the first investigation report that was completed by the SHRC in relation to the Applicant's harassment complaint. Documentation within the file clearly notes that the report is privileged. Review Report 360-2025 has already spoken on this issue.

[12] *Ibid,* at paragraph [53].

- **Part 2**: page 147 is an internal note to file involving a factual summary of an event involving the Applicant that was provided to legal counsel and that, in part, informed the memo mentioned at **Part 1A** above. Page 249 includes an email exchange involving internal legal counsel regarding the first investigation report.

- **Part 3**: pages 1 and 2 are internal discussion notes regarding performance that also include notes about other staff, that could also be properly withheld under section 29(1) of *FOIP* as personal information.[13]

[35] In reaching our conclusion that the exemption in section 15(1)(d) of *FOIP* was properly applied to the withheld information in Table 1, there is no need to review the other exemptions the SHRC has applied to the same portions of the records.

[36] We have one exception – the third party retainer agreement in **Part 2**, pages 554 to 559. This document is a standard contract between the third party outside investigator and the SHRC. The SHRC did not supply any evidence as to how disclosure of this purely factual document would be injurious in the context of legal proceedings. No legal instructions or legal strategy is imbued within this document. The SHRC also applied sections 15(1)(c) and 19(1)(b) of *FOIP* to this agreement, and so it will be reviewed under these exemptions later in this Review Report.

3. The application of section 15(1)(c) of *FOIP*.

[37] There are portions of the record to which the SHRC has applied section 15(1)(c) of *FOIP* where section 15(1)(d) of *FOIP* was found to apply. We now move to review section 15(1)(c) of *FOIP* to the remaining withheld information as identified at Table 2 of the Appendix.

[38] Section 15(1)(c) of *FOIP* states:

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[13] OIPC Review Report 290-2023 discusses at paragraph [21] that information found in a personnel file, including performance review or evaluation, is personal information under section 24(1) of *FOIP*.

Law enforcement and investigation
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;

[39] OIPC considers the following two-part test in the analysis of whether section 15(1)(c) of *FOIP* was properly applied:[14]

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

2. Does one of the following exist?

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

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

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

[40] "Lawful investigations" are authorized or required and permitted by law. A government institution should always identify the legislation that authorizes the alleged investigation. The exemption is not limited to investigations conducted by a government institution and can include investigations conducted by other organizations such as the police.[15] Lawful investigations can be active or closed. There are no time constraints connected to this exemption.[16]

[41] As we discussed in this Report, on February 26, 2025, the Applicant filed a complaint of harassment against three members of the SHRC while still employed at that organization.

[14] OIPC Review Report 348-2025 at paragraph [13].

[15] *Ibid*, at paragraphs [15] and [16].

[16] *Leo v Global Transportation Hub Authority*, 2019 SKQB 150 at paragraph [24].

The SHRC investigated the Applicant's allegations pursuant to the authority afforded by sections 3-1 and 3-21.1 of *The Saskatchewan Employment Act* (*SEA*).[17]

[42] Section 3-1(l) of *SEA* defines "harassment", in part, to include any "inappropriate conduct, comment, display, action or gesture by a personal towards a worker" that would be prohibited under *The Saskatchewan Human Rights Code, 2018*[18]*,* or that may adversely affect a worker's psychological or physical well-being. Section 3-21.1(3) of *SEA* obligates an employer to investigate any incident of workplace harassment:

> **Duty re policy on harassment and duty to investigate**
> **3-21.1** (3) An employer shall ensure that an investigation is conducted into any incident of workplace harassment.

[43] We are satisfied that the SHRC's investigation of the Applicant's complaint of harassment would have occurred under the lawful authority of section 3.21.1(3) of *SEA*. The first part of the test is met.

2. Does one of the following exist?

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

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

[44] Because section 15(1)(c) of *FOIP* uses the term "could", the SRHC only needs to show an objective possibility that disclosure of the withheld material in Table 2 could cause the risk of disclosing information with respect to a lawful investigation.[19]

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[17] *The Saskatchewan Employment Act*, SS 2013, c S-15.1, as amended.

[18] *The Saskatchewan Human Rights Code, 2018*, SS 2018, c S-24.2, as amended.

[19] *Supra,* footnote 10.

[45] The SHRC stated that release of the records in Table 2 could disclose information *with respect to* a lawful investigation. "With respect to" are terms of the widest possible scope.[20] This phrase has been found to mean "anything relevant or rationally connected to the incident under investigation, the parties involved and their potential culpability….".[21]

[46] The SHRC submitted that the types of records to which it applied the exemption in section 15(1)(c) of *FOIP* include witness statements and interview summaries, evidence reviewed during the course of the investigation, analysis of evidence, findings of fact, and conclusions and recommendations of the investigators as contained in the investigation reports.

[47] We conclude that the SHRC has met the second part of the test for the proper application of the exemption in section 15(1)(c) of *FOIP* to the records in Table 2. We supply a non-exhaustive list of examples from our review:

- **Part 1A**: Page 496 involves correspondence about an investigation involving the Applicant which is duplicated on page 850.

  Page 849 also contains correspondence with respect to the above investigation.

  Pages 968 and 970 (duplicated in in **Part 3**: page 1206) are emails from SHRC to the outside investigator in connection to the investigation.

- **Part 1B**: pages 151 to 152 involve correspondence where legal views are expressed that have a direct connection to the conduct of the investigation.

  Page 318 involves a discussion of the conduct of the investigation.

  Pages 467 and 468 are emails connected to the investigation and involve directions to be taken.

- **Part 1C**: page 434 is correspondence from the SHRC to the outside investigator connected to the investigation.

[20] *Supra,* footnote 14 at paragraph [29].

[21] *CanadianOxy Chemicals Ltd. v. Canada*, [1999] 1 SCR 743, at paragraph [15].

Pages 834 and 835 also contain correspondence between one of the external investigators and the SHRC.

- **Part 3**: page 569 is an email correspondence tied to the investigation.

[48] The SRHC should continue to withhold the records outlined at Table 2 under section 15(1)(c) of *FOIP*.

[49] Once again, the one exception is the third party retainer agreement with the outside investigator that was referenced in paragraph [36] of this Report. SHRC also applied section 15(1)(c) to **Part 1A**: pages 165 to 170 and 500 to 505 (duplicated in **Part 1C:** pages 206 to 211, **Part 2:** pages 554 to 559, and **Part 3:** pages 553 to 558 and 559 to 564). The agreement appears to be a standard agreement for services expressed between the third party investigator and the SHRC. We reiterate, it is not clear how it would be exempt under this provision. We conclude that both sections 15(1)(d) and 15(1)(c) of *FOIP* do not apply to this retainer agreement. We will still review the application of the exemption in section 19(1)(b) of *FOIP* later in this Report.

4. The application of section 22(a) of *FOIP*.

[50] There are portions the record that the SHRC has applied section 22(a) of *FOIP* to where other exemptions have been found to apply. We now move to a review the SHRC's application of section 22(a) of *FOIP* to the remaining withheld information as outlined in Table 3 in the Appendix.

[51] 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;

[52] Solicitor-client privilege under section 22(a) of *FOIP* applies to records that involve communications between solicitor and client, that entail the seeking or giving of legal advice, and that is intended by the parties to be confidential.

[53] 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.[22]

[54] Solicitor-client privilege can only be waived by the party who holds the privilege. In this case the SHRC sought and received outside legal advice and was engaged in discussions with respect to the legal advice over a period of time. The SHRC is duly asserting this privilege.

[55] This Report has already touched on the original harassment complaint the Applicant filed on February 26, 2025 against two senior SHRC executives and one member of the SHRC human resources department. This complaint resulted in two separate investigations. Two investigation reports were completed and submitted to the Corporate Secretary, who was delegated the authority to manage the investigation and to engage with external legal counsel with respect to future litigation. The role of external legal counsel was to provide legal advice on all aspects of the investigations and possible future litigious claims. Documentation in the record supports that the SHRC engaged external legal counsel during the investigation and that they remain engaged. All legal counsel are active members of the LSS.

[56] Our review of the remaining withheld information in Table 3 allows for a conclusion that the exemption in section 22(a) of *FOIP* was properly applied. Legal retainer contracts (e.g., **Part 1A**: pages 34 to 75 and **Part 3**: pages 140 to 167) and legal invoices and remittances (**Part 3**: pages 1314 to 1317 and 1358 to 1360), form part of the communications between

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

solicitor and client because they include instructions given, and advice provided. This information falls within the sphere of solicitor-client privilege.[23] There is also internal legal guidance provided by outside counsel to the SHRC with respect to matters directly related to the harassment complaint, (**Part 1A**: pages 470 to 477). This type of direction is provided throughout the portions withheld under section 22(a) of *FOIP* on a variety of matters including the Applicant's workplace grievances, Law Society complaints and allegations of harassment. The SHRC has established a *prima facie* claim of solicitor-client privilege with respect to the items in Table 3 appended to this Review Report.

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

[57] There are portions of the record that the SHRC has applied section 17(1)(b) of *FOIP* to where other exemptions have been found to apply. We now move to a review of the remaining withheld information with respect to section 17(1)(b) of *FOIP* as outlined in Table 4 of the Appendix.

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

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

[59] In review of this exemption, this office considers the following two-part test:[24]

1. Does the record contain consultations or deliberations?

[23] OIPC Review Report 191-2023 at paragraphs [33] to [38] and [42] to [45].

[24] OIPC Review Report 114-2025 at paragraph [48].

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?

[60] The portions the SHRC withheld under this exemption were alleged to contain both consultations and/or deliberations amongst SHRC employees and management. This office has defined a "consultation" to mean the act of consulting or taking counsel together where parties consult or deliberate. Consultations can occur when one or more officers or employees of a government institution seek each others' views on the appropriateness of a proposal or suggested action. This office has defined a "deliberation" to mean to consider something with a view to making a decision, which can include a discussion on the reasons for or against an action. "Involving" means including. "Officers or employees of a government institution" in this context could mean individuals employed by a government institution but can also include individuals retained under a contract to perform specific services for a government institution.[25]

[61] A broad approach has been recommended with respect to the term "consultation" such that it may include the information gathering process prior to the actual deliberation and/or consultation: [26]

> [67] I accept that the concept of deliberation might suggest an intent to decide. Consultation appears to be a broader term, and need not have that objective, though the definition advanced by the Commissioner suggests that such an objective might be necessary. <u>Consultation might reasonably occur at such an early stage of decision-making that it equates to information gathering to better inform proposal-development.</u> If the Legislature intended to exclude discussions with persons that might not lead to decisions, it would have been a simple matter to include that notion in s.16. It did not do so.
>
> [Emphasis added]

[25] *Ibid,* at paragraphs [49] and [50].

[26] *Tarasoff v Saskatoon (City)*, 2025 SKKB 41 at paragraph [67]. This case dealt with section 17(1)(b) *FOIP*'s mirror provision in *The Local Authority Freedom of Information and Protection of Privacy Act,* SS 1990-91, c L-27.1, as amended.

[62] Our review of the records revealed that the SHRC properly applied section 17(1)(b) of *FOIP* as outlined in Table 4. The withheld information included various internal consultations in emails, memos or notes all taken as the result of the Applicant's grievances and allegations or in relation to a performance review. By means of example, these include:

- **Part 1A**: page 171 (duplicated on pages 592 and 593, as well as in **Part 1C**: pages 212, 213, 549, 550, 656 and 657), are two emails that are part of a chain between SHRC employees regarding a matter relevant to the Applicant's complaints. The discussion was part of a larger consultation and resulted in decision on the part of SHRC personnel.

  However, we note that at **Part 1A** : page 592, the SHRC released the first and third paragraphs from the first email (dated May 12, 2026 6:01 am) but withheld these paragraphs in duplicate emails on pages 171 as well for pages listed for **Part 1C**: 212, 549, and 656. As a result, SHRC should release the first and third paragraphs from the other emails to the Applicant within 30 days of this Report being issued – if the information is released in one instance, it must be released in all other instances of duplication.

- **Part 1B**: page 41 (duplicated in **Part 2**: pages 117 and 119), is an email exchange where SHRC management consults with other SHRC personnel for advice on how to proceed on an issue.

  Pages 267 and 275 contain email exchanges where management consults on the same topic. Pages 306 and 307 include a draft email regarding performance where internal expertise or guidance is sought similar to the emails on pages 316 and 317.

- **Part 1C**: at the bottom of page 567, there is a passage that contains information that was relevant to a complaint made by the Applicant that forms part of an internal consultation amongst the SHRC personnel.

  Pages 758 and 759 (duplicated in **Part 3**: pages 285 and 286) is a consultation involving the SHRC management regarding a review of the Applicant's performance review where input is solicited.

  Pages 846 and 847 contain consultation with respect to the editing of a document.

- **Part 2**: page 235 is an email where there was communication between the SHRC management regarding the best response to issue regarding an internal consultation.

  Page 428 contains an email of a similar theme.

- **Part 3**: pages 1593 to 1595 is a draft summary where internal SHRC management edits were sought.

[63] One exception we note is with respect to **Part 1C**: page 502. As part of an email exchange, an SHRC executive makes a personal comment about themselves. This information is not captured by the exemption in section 17(1)(b) of *FOIP*. The SHRC did not apply the exemption in section 29(1) of *FOIP* to this information, but because it is a mandatory exemption, this office will review this personal comment within the context of section 29(1) of *FOIP*.

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

[64] There are portions of the record that the SHRC has applied section 29(1) of *FOIP* to where other exemptions have been found to apply. We now move to a review of the remaining withheld information and section 29(1) of *FOIP* as outlined in Table 5 at the Appendix.

[65] Section 29(1) of *FOIP* is a mandatory exemption that states:

> **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.

[66] Prior to a consideration of section 29(1) of *FOIP*, the first consideration is whether the information qualifies as "personal information" as defined by the non-exhaustive list in section 24(1) of *FOIP*. To be "personal information", the information must be about an identifiable individual and must be personal in nature.[27] The SHRC hasn't cited the relevant subclauses of section 24(1) of *FOIP* but stated that the withheld information contains the personal information of SHRC personnel and more than one third party, as well as the personal information of respondents and witnesses. Based on our review, we find that sections 24(1)(b), (d), (e), (f), (h) and (k)(i) of *FOIP* to be relevant, which provide:

[27] OIPC Review Report 324-2025 at paragraph [12].

> **Interpretation**
> **24**(1) Subject to subsections (1.1) and (2), "personal information" means personal information about an identifiable individual that is recorded in any form, and includes:
>
> …
> (b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
> …
> (d) any identifying number, symbol or other particular assigned to the individual, other than the individual's health services number as defined in *The Health Information Protection Act*;
>
> (e) the home or business address, home or business telephone number or fingerprints of the individual;
>
> (f) the personal opinions or views of the individual except where they are about another individual;
> …
> (h) the views or opinions of another individual with respect to the individual;
> …
> (k) the name of the individual where:
>
> (i) it appears with other personal information that relates to the individual; or

[67] Section 29(1) of *FOIP* requires the consent of the individual prior to the release of the personal information. No consent for disclosure was given by any of the parties in this matter.

[68] In paragraph [14] of this Report we defined a "third party" as a person, including an unincorporated entity, other than the applicant or a government institution as per section 2(1)(j) of *FOIP*.

[69] Our review of the entire record revealed comprehensive examples of personal information reflected in the withheld information described in Table 5. This includes portions of emails or other documents containing the work history of other individuals, calendar entries containing the personal information of third parties (e.g., clients of the SHRC), or lines in

emails that contain data elements such as personal email addresses or cellphone numbers. As an example we cite the following:

- **Part 1A**: pages 67 to 69, and 215, 308 and 674 (duplicated in **Part 1C:** pages 51 to 53), contain calendar entries that describe work arrangements that fall under employment history pursuant to section 24(1)(b) of *FOIP*.[28]

  Page 163 (duplicated in **Part 1C**: page 204), is a description of an incident about someone other than the Applicant, and so is that person's personal information pursuant to section 24(1)(f) of *FOIP*.[29]

  Pages 976 and 977 (duplicated in **Part 1C**: pages 663 and 664 and **Part 2**: pages 503 and 504), are service logs to third parties or other individuals where disclosure would reveal the name(s), type of service, file identification (ID number) and status of those individuals. This information constitutes personal information pursuant to sections 24(1)(d)[30] and (k)(i) of *FOIP*. This office has also considered that where a corporation is listed, information that would identify the contact information for the corporate entity is personal information if not publicly available.[31]

- **Part 1B**: page 7 (duplicated in Part 2: page 27), is a log of services where disclosure would reveal name(s), file numbers and services of individuals. All of which constitute personal information pursuant to sections 24(1)(d) and (k)(i) of *FOIP*.

  Pages 11, 124 and 126 contain an individual's personal email address, which is personal information pursuant to section 24(1)(e) of *FOIP*.[32]

  Pages 516 and 600 contain tables of employee information that reveal employment status not publicly available along with names of the employees. This qualifies as employment history pursuant to section 24(1)(b) of *FOIP*.[33]

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[28] OIPC Review Report 127-2020 at paragraph [44].

[29] OIPC Review Report 381-2019 at paragraph [47].

[30] OIPC Review Report 148-2024 at paragraph [82] discusses identifying numbers associated with an individual.

[31] OIPC Review Report 076-2025 at paragraphs [47] to [50].

[32] OIPC Review Report 161-2023 at paragraph [156].

[33] OIPC Review Report 133-2020 at paragraph [90].

- **Part 1C**: pages 146 (duplicate on pages 700 and 761), 753 (duplicate on page 755), 868, 879 (duplicate page 883), 889, 982. 983 and 1012 contain other individual's work history.

  Page 502 is a personal comment made by an SHRC executive about themselves, that may be categorized as personal information pursuant to section 24(1)(f) of *FOIP*.

  Pages 876 and 932 contain personal cell numbers and email addresses that are not publicly available.

- **Part 2**: page 68 contains a personal cell number of an individual.

  Page 169 contains a personal email address for an individual that is not publicly available.

[70] An exception we note is a page of information that contains the Applicant's own personal information that was withheld under section 29(1) of *FOIP* in **Part 1A**: page 555 and found in duplicate in **Part 3**: page 1893. Section 29(1) of *FOIP* does not apply to this information as it is the Applicant's own personal information, and it should be released to them within 30 days of the issuance of this Report. We note that the SHRC happened to release this information to the Applicant, regardless, in **Part 1C**: page 580, without severance, which supports releasing **Part 1A**: page 555 and **Part 3**: page 1893.

[71] Also, the SHRC applied section 29(1) of *FOIP* on its own to the entirety of **Part 1C**: pages 465 and 466, which are notes provided by an individual within the SHRC. The notes are divided into seven paragraphs with a date heading each paragraph. The first four paragraphs contain a recounting of events involving the Applicant in the workplace. This office has consistently stated that such information does not qualify as personal information if it is factual information about what a witness recounts or if it would qualify as the personal information of an applicant, which is the case here.[34] These first four paragraphs on **Part 1C**: pages 465 and 466 should be released to the Applicant as this information is the Applicant's own personal information. The SHRC also withheld the exact same pages

[34] OIPC Review Report LA-2013-001 at paragraphs [84] to [86]; OIPC Review Report 156-2017 at paragraphs [74] and [75]; and OIPC Review Report 010-2018 at paragraph [19].

in full in under section 15(1)(d) of *FOIP*, which was found to validly apply to the rest of the information, as follows:

- **Part 1A**: pages 488, 489
- **Part 1B**: pages 610, 611
- **Part 1C**: pages 707, 708, 1019 and 1020
- **Part 3**: pages 1247, 1248, 1251 to 1254, 2092, 2093

> Because of the inconsistency in how the SHRC applied its exemptions to the above material, it should also release the first four paragraphs of the Applicant's personal information on each of the pages listed above as well.

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

[72] There are portions of the record that the SHRC has applied section 17(1)(a) of *FOIP* to where other exemptions have been found to apply. We now move to a review of the remaining withheld information and section 17(1)(a) of *FOIP* as outlined in Table 6 at the Appendix.

[73] Section 17(1)(a) of *FOIP* provides:

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

[74] Section 17(1)(a) of *FOIP* permits refusal of access when release could reasonably be expected to disclose advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council. OIPC applies the following two-part test:[35]

[35] OIPC Review Report 267-2025 at paragraphs [13] and [14].

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

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

[75] It was claimed by the SHRC in its submission that advice, proposals, recommendations, analyses or policy options are all engaged on internal memoranda, internal notes/briefing notes, strategic plans, workplace review/assessment reports and emails in the portions of the records identified at Table 6. These terms are defined as follows:[36]

- "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. It can involve an implied 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 make a decision for future action.

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

- 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".

- "Analysis" is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.
- "Policy options" are lists of alternative courses of action to be accepted or rejected in relation to a decision that is to be made. They would include matters such as the public servant's identification and consideration of alternative decisions that could be made. In other words, they constitute an evaluative analysis within the context of an organization as opposed to general information.

[36] *Supra,* footnote 24 at paragraph [39]. "Policy options" is defined at paragraph [10] of OIPC Review Report 008-2025.

[76] For the second part of the test, the advice, proposals, recommendations, analyses or policy options must have been created within the government institution or outside of it, but for a government institution and at its request.[37] In its submission, SHRC said that withheld information was either prepared within the SHRC, or for it at its request such as reports prepared by service providers.

[77] Our review of the record concludes that the SHRC properly applied section 17(1)(a) of *FOIP* as applied at Table 6. Some examples include:

- **Part 1A**: pages 177 and 178 include an assessment provided in-house by one SHRC manager to another.

- **Part 1C**: pages 436 to 450 and 467 to 480 contain similar materials consisting of assessments or reports in relation to the Applicant's complaints. They contain analysis and recommendations for actions.

  Pages 516 to 519 is an analysis given by internal management.

  Pages 570 and 571 involve advice is given on edits to draft document provided by management to another SHRC employee. The remaining documents in this part are similar in nature.

- **Part 3**: pages 547 to 550 include an internal document prepared by management that provides analysis. Pages 1385 to 1388 and 1395 to 1399 are similar in nature.

  Pages 2041 to 2086 is a report created by a third party for the SHRC. It contains analysis, recommendations and options.

[78] Section 17(1)(a) of *FOIP* was properly applied to the pages outlined at Table 6, with one exception: **Part 1C:** pages 2010 to 2024. This document may loosely be described as an internal planning document that does not fall under the section 17(1)(a) exemption category. This document will be reviewed under the next exemption that was applied - section 17(1)(g) of *FOIP*.

[37] OIPC Review Report 008-2025 at paragraph [21].

8. The application of section 17(1)(g) of *FOIP*.

[79] We need only review section 17(1)(g) of *FOIP* on **Part 1C:** pages 2010 to 2024. This exemption provides:

> **Advice from officials**
> **17**(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:
>
> …
> (g) information, including the proposed plans, policies or projects of a government institution, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

[80] Section 17(1)(g) of *FOIP* permits refusal of access if release could reasonably be expected to disclose information, including the proposed plans, policies or projects of a government institution, if disclosure could reasonably be expected to result in disclosure of pending policy or budgetary decisions. OIPC uses the following two-part test to determine if this exemption was properly applied:[38]

1. Is it the information of a government institution?
2. Could disclosure reasonably be expected to result in disclosure of a pending policy or budgetary decision?

[81] In the context of this exemption, "information" means facts or knowledge learned as result of research or study on the part of a government institution.[39] In this instance, the report is a document that was created for the use of the SHRC and contains facts or knowledge as a result of research or study. This meets the first part of the test.

[82] With respect to the second part of the test, the SHRC explained that the pages under review involve a "plan", the disclosure of which could reveal pending policy or budgetary

[38] OIPC Review Report 185-2022 at paragraph [32].

[39] *Ibid,* at paragraph [35].

decisions. Our office offers the following definitions in support of the second part of the test: [40]

- "Plan" means a formulated or detailed method by which something is to be done, or a detailed proposal for achieving or doing something.
- "Policy" means a standard course of action that has been established by government.
- "Pending" means awaiting a decision or settlement.
- "Budgetary" means of or pertaining to a budget, which is a periodic estimate of revenue and expenditures.
- "Decision" means the action of coming to a determination or resolution regarding any course of action taken.

[83] Our independent review confirms that the pages withheld are a plan for the years 2025 to 2029 that includes consideration for objectives of the SHRC in future years or that could have pending budgetary considerations or policy implications. The plan and its findings are not publicly available. Disclosure of this information could reasonably be expected to reveal pending policy or budgetary decisions. **Part 1C:** pages 2010 to 2024 should continue to be withheld under section 17(1)(g) of *FOIP*.

9. The application of section 15(1)(m) of *FOIP*.

[84] The exemption in section 15(1)(m) of *FOIP* was applied by SHRC to **Part 1B:** pages 22, 24 and 515 and **Part 2:** page 439. This exemption states:

> **Law enforcement and investigations**
> **15**(1) A head may refuse to give access to a record, the release of which could:
>
> > ...
> > (m) reveal the security arrangements of particular vehicles, buildings or other structures or systems, including computer or communication systems, or methods employed to protect those vehicles, buildings, structures or systems.

[40] *Ibid,* at paragraphs [38] to [42].

[85] Under this exemption, a government institution may refuse access to information if disclosure could reveal the security arrangements of vehicles, buildings or other structures or systems, such as computer or communication systems. The inclusion of “including” in the provision means that the enumerated list is not exhaustive. To determine if the exemption applies, one or both of the following questions should be answered in the affirmative:[41]

1. Could the release of information reveal security arrangements (of vehicles, buildings, other structures, or systems)?
2. Could the release of information reveal security methods employed to protect the vehicles, buildings, other structures, or systems?

[86] The SHRC said that the portions withheld under this exemption include card access information for a card that is part of a building’s “access control mechanisms.” The rationale for withholding this information was explained to be for matters of building and employee security. The combination of card access information and the employees to whom that information applies “maps the broader security architecture of the building”.

[87] **Part 1B**:pages 22 and 24 are duplicates. What has been withheld is a passcode for a “locking pedestal.” The withheld information on **Part 1B**: page 515 and **Part 2**: page 439 is also duplicate information in the form of a key fob number. This office has agreed in the past that data elements such as file path addresses, data bases systems, usernames/passwords and barcodes can facilitate a security breach if disclosed. Similarly, section 15(1)(m) of *FOIP* fits to this information and should continue to be withheld under this exemption.[42]

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[41] *Supra,* footnote 24 at paragraph [27].

[42] This type of information was considered in *Schiller v Saskatchewan Health Authority*, 2025 SKKB 37 at paragraphs [43], [44] and [52] under the equivalent provision section 14(1)(m) of *LA FOIP*. See also OIPC Review Report 114-2025 at paragraphs [32] to [35] and [78].

10. The application of section 19(1)(b) of *FOIP*.

[88] Section 19(1)(b) of *FOIP* was applied to a contract with an outside third party investigator found on the following pages in duplicate in the record: **Part 1A**: pages 165 to 170, 500 to 505; **Part 1C:** pages 206 to 211; **Part 2:** pages 554 to 559; and **Part 3:** pages 553 to 564[43]. Section 19(1)(b) of *FOIP* states:

> **Third party information**
> **19**(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:
>
> ...
> (b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to a government institution by a third party;

[89] Section 19 of *FOIP* is a mandatory, class-based and harm-based provision. As a mandatory exemption, a government institution has little discretion regarding whether to apply the exemption. If the information is covered by the exemption and the conditions for the exercise of discretion do not exist, the information must not be disclosed. This section is intended to protect the business interests of third parties. To determine if this exemption applies, we invoke a three-part analysis:[44]

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?
2. Was the information supplied by the third party to a government institution?
3. Was the information supplied in confidence implicitly or explicitly?

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?

[90] The third party did not provide a submission, but the SHRC claimed that the record contains financial, commercial and/or labour relations material as follows:

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[43] Same six-page contract.

[44] *Supra,* footnote 30 at paragraph [93].

> 84. The information contained within the Withheld Agreements includes financial and commercial information relating to [the investigator's] services, fees and deliverables, including the terms and conditions for the services. The Withheld Agreements also include labour relations information relating to the Complaint against certain members of the SHRC management team.
>
> 85. The information contained within the Withheld Report includes labour relations information relating to collective relations between SHRC and its employees and recommendations for the management of SHRC personnel.

[91] "Commercial information" relates to the buying, selling or exchange of merchandise or services, or information about pricing. It can apply to commercial or non-profit organizations. "Financial information" is information relating to money and its use or distribution.[45] Information relating to the buying and selling of services including the terms and conditions is commercial information.[46]

[92] This office has found in the past that contracts, or agreements, involve the buying and selling of goods or services and so include "commercial" information.[47] As the agreement also includes the third party's fees or rates per hour, it also contains "financial" information of the third party.[48]

2. Was the information supplied by the third party to a government institution?

[93] "Supplied" in the context of this provision would mean provided or furnished.[49]

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[45] Office of the Ontario Information and Privacy Commissioner (ON OIPC) Order MO-4316, (January 10, 2023) at paragraphs [20] and [21].

[46] OIPC Review Report 274-2019 at paragraphs [24] and [25].

[47] OIPC Review Report 068-2024 at paragraph [21].

[48] OIPC Review Report 006-2024 at paragraph [58].

[49] OIPC Review Report 141-2025 at paragraph [35].

[94] The SHRC didn't expressly comment on whether or how the information was "supplied" by the third party to the SHRC. We only received submissions on the confidentiality aspect of the information as follows:

> 86… [Name of consultant] is a third party investigator retained by the SHRC. The Withheld Agreements include a confidentiality provision that requires all information relating to the services and agreement to be kept confidential. The Withheld Agreements were implicitly provided to the Corporate Secretary on behalf of SHRC in confidence.

[95] The first page of the contract acknowledges that there is mutual agreement to the terms set out in the agreement, including that of the fees paid. This reflects the concept of negotiation and therefore doesn't qualify the information in the agreement as "supplied."[50] Section 19(1)(b) of *FOIP* was not properly applied to the agreement found in duplicate in **Part 1A:** pages 165 to 170, 500 to 505; **Part 1C**: pages 206 to 211; **Part 2:** pages 554 to 559; and **Part 3:** pages 553 to 564. As there are no other exemptions left to review on this contract, the SHRC should release it to the Applicant within 30 days of this Report being issued. Because of the SHRC's application of concurrent exemptions to many parts of the record, there is no need to review sections 16(1)(a), 17(1)(f) and 19(1)(c) of *FOIP* as applied by the SHRC.

IV FINDINGS

[96] As there are reviewable grounds, OIPC has jurisdiction and is conducting this review under PART VII of *FOIP*.

[97] The SHRC properly applied its exemptions as laid out in this Report except for:

(1) The third party investigator contract found in duplicate in **Part 1A:** pages 165 to 170 and 500 to 505; **Part 1C**: pages 206 to 211; **Part 2**: pages 554 to 559; and **Part 3**: pages 553 to 564 that was withheld under sections 15(1)(c), (d) and 19(1)(b) of *FOIP*;

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[50] OIPC Review Report 310-2025 at paragraphs [28] to [32].

(2) The record that was withheld in full on **Part1B**: page 555 and **Part 3**: page 1893 pursuant to section 29(1) of *FOIP*, which was released in full to the Applicant on **Part 1C**: page 580; and

(3) the first four paragraphs of **Part 1C:** pages 465 and 466 that were withheld under section 29(1) of *FOIP*.

V RECOMMENDATION

[98] I recommend that the SHRC continue to withhold the record under the exemptions applied as laid out in this Report, except that it release to the Applicant within 30 days of the issuance of this Report:

(1) The third party contract found in duplicate in **Part 1A:** pages 165 to 170 and 500 to 505; in **Part 1C:** pages 206 to 211; in **Part 2**: pages 554 to 559; and in **Part 3**: pages 553 to 564;

(2) The full record in **Part 1B**: page 555 and **Part 3:** page 1893;

(3) The first four paragraphs of the workplace eyewitness accounts and the Applicant's own personal information in **Part 1C**: pages 465 and 466 that were withheld under section 29(1) of *FOIP*, and to be consistent also in **Part 1A**: pages 488 and 489, **Part 1B**: pages 610 and 611, **Part 1C**: pages 707, 708, 1019 and 1020, and **Part 3**: pages 1247, 1248, 1251 to 1254, 2092 and 2093 which the SHRC withheld under sections 15(1)(c) and (d) of *FOIP*; and

(4) Because the SHRC released the first and third paragraphs in **Part 1A**: page 592, it should also release the first and third paragraphs that it withheld under section 17(1)(b) of *FOIP* in **Part 1A**: page 171; and **Part 1C**: pages 212, 549 and 656.

Dated at Regina, in the Province of Saskatchewan, this 28th day of August, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner

VI APPENDIX OF TABLES

Table 1 – Section 15(1)(d) of *FOIP*

Part	Withheld Status	Pages the Exemption Appears On	General Descriptions of Records
Part 1A	In Full	73 to 85, 488, 489	Memos, statement of events
	In Part	164, 453, 460 to 468, 485, 486, 547, 592, 594, 597 to 599, 629, 635 to 637, 823, 824, 947, 948, 956, 963, 967, 980 to 982, 1023, 1074, 1076	Correspondence such as emails, internal memos with attachments and letters
Part 1B	In Full	276 to 281, 293 to 305, 383 to 408, 413 to 425, 502 to 505, 510, 511, 544 to 546, 610, 611	Draft performance reviews, miscellaneous email correspondence and memos
	In Part	290, 347, 349, 350, 352, 358, 362, 371, 381, 409, 446, 447, 473, 482, 532, 562, 578, 652, 653	Correspondence such as emails and memos
Part 1C	In Full	55 to 67, 150 to 188, 452, 503, 504, 621 to 623, 625 to 627, 660, 661, 667 to 669, 707, 708, 729 to 746, 768 to 780, 797 to 822, 839 to 841, 902, 939 to 954, 961 to 978, 1019 to 1022	Correspondence such as memos (e.g., pages 55 to 67 and 150 to 188) and emails, event timelines and statements of events
	In Part	12, 38, 117, 126, 205, 419, 426 to 433, 451, 498 to 502, 514, 515, 524 to 528, 532 to 534, 540, 541, 546, 553, 560, 567, 568, 584, 599 to 602, 609, 620, 628, 632, 634, 635, 658, 667, , 669, 680, 788, 849 to 851, 853 to 855, 887, 992	Correspondence such as emails and letters, meeting notes
Part 1D	In Full	1 to 75	Investigation report

Part 2	In Full	257 to 269, 276 to 301, 554 to 559	Correspondence including memos with attachments, agreement with third party (pages 554 to 559)
	In Part	147, 249, 250, 252, 254, 255, 272, 308, 379 to 381, 391, 392, 418 to 423, 437, 438, 457, 464 to 466, 473, 474, 508, 509, 511 to 515, 517, 518, 520 to 522, 532, 573	Correspondence such as emails, memos with attachments and letters
Part 3	In Full	1, 2, 248 to 251, 257 to 284, 287 to 321, 413, 414, 460 to 485, 501 to 513, 535, 582, 1251 to 1254, 1458 to 1471, 1543 to 1547, 1709 to 1712, 1757 to 1764, 1798, 1892, 1894, 1931 to 1946, 2092, 2093	Notes, memos with attachments, emails
	In Part	252, 322, 412, 418, 436, 534, 551, 552, 1144, 1151 to 1153, 1160, 1161, 1167, 1174 to 1176, 1183, 1184, 1187 to 1201, 1202, 1204, 1208, 1209, 1211, 1212, 1214 to 1216, 1221, 1244, 1245, 1247, 1248, 1549, 1552, 1556, 1574 to 1579, 1658, 1667, 1676, 1719, 1728, 1737, 1747 to 1752, 1773, 1780 to 1782, 1789, 1790, 1947, 1948, 1950, 1951, 1953 to 1955, 1971, 2106	Correspondence such as emails and memos with attachments

Table 2 – Section 15(1)(c) of *FOIP*

Part	Withheld Status	Pages the Exemption Appears On	General Description of Records
Part 1A	In Full	165 to 170, 500 to 505	Third party agreement*
	In Part	496, 849, 850, 857, 877, 968, 970	Emails

Part 1B	In Part	151, 152, 318, 467, 468	Emails
Part 1C	In Full	206 to 211	Third party agreement*
	In Part	434, 834, 835	Emails
Part 3	In Full	553 to 564	Third party agreement*
	In Part	569, 1206	Emails

*Copies of the same agreement with Third party investigator

Table 3 – Section 22(a) of *FOIP*

Part	Withheld Status	Pages the Exemption Appears On	General Description of Records
Part 1A	In Full	34 to 54, 55 to 61, 176, 470 to 477, 478 to 484, 490 to 495, 538 to 540, 547 to 554, 629, 843 to 848, 856, 870 to 873, 875, 876, 879 to 917, 994 to 997, 999 to 1005, 1052, 1053 to 1070, 1072, 1073	Emails with or from legal counsel including letters, emails and memos wherein legal advice is given
	In Part	66 to 69, 581, 630 to 633, 918 to 924, 976, 977, 1048 to 1051, 1074 to 1080	Correspondence with or from internal/external legal counsel including letters, emails and memos wherein legal advice is given
Part 1B	In Full	365 to 369, 484 to 487, 489 to 494, 496 to 501, 641 to 649	Emails with legal counsel wherein legal advice is given, notes by internal legal counsel (pages 641 to 649)
	In Part	7, 267, 268, 318, 566, 567	Log of legal work (page 7), emails with legal counsel wherein legal advice is given
Part 1C	In Full	118, 119, 226 to 231, 457 to 459, 460 to 464, 644, 645, 664, 794, 795	Emails with legal counsel wherein legal advice is given, memos containing legal advice

	In Part	50 to 52, 455, 456, 663, 747, 834, 836, 837, 850, 854	Calendar entries, mails with legal counsel wherein legal advice is given
Part 2	In Full	411 to 413	Memo with legal advice
	In Part	27, 177, 503, 504, 564	Log of legal work, emails containing legal advice
Part 3	In Full	140 to 175, 219 to 230, 323, 324, 419 to 429, 583 to 588, 1217 to 1220, 1223, 1224, 1226 to 1243, 1255 to 1270, 1274 to 1287, 1295 to 1312, 1314 to 1332, 1334 to 1341, 1345 to 1356, 1358 to 1384, 1389 to 1394, 1400 to 1457, 1472 to 1542, 1553, 1554, 1558 to 1567, 1569 to 1573, 1580 to 1591, 1765, 1766, 1799 to 1801, 1919, 1920, 1929, 1930, 1958 to 1964, 1993 to 2009	Letters containing legal advice, legal advice on drafts, emails containing legal advice, log of legal advice (1925 and 1926)
	In Part	119, 231, 232 to 239, 565, 1249, 1313, 1333, 1551, 1555, 1556	Emails containing legal advice

Table 4 – Section 17(1)(b) of *FOIP*

Part	Withheld Status	Pages the Exemption Appears On	General Description of Records
Part 1A	In Part	171, 172, 534, 593, 600, 607, 608, 619, 626, 627, 822, 826, 874, 926, 945, 994	Emails, letters
Part 1B	In Full	306, 307, 612 to 616	Draft performance review
	In Part	41, 202, 257, 267, 269, 275, 288, 290, 315 to 318,	Emails

		320, 321, 346, 349, 361, 370, 373, 375 to 377, 488	
Part 1C	In Full	758, 759	Internal discussion topics
	In Part	212, 213, 502, 546, 549 to 551, 567, 618, 630, 656, 657, 846, 847, 881, 981	Emails, letters, memos
Part 2	In Part	117, 119, 172, 235, 428, 429	Emails
Part 3	In Full	285, 286, 1593 to 1595	Memos, draft notes
	In Part	565, 566	Emails

Table 5 – Section 29(1) of *FOIP*

Part	Withheld Status	Pages the Exemption Appears On	General Description of Records
Part 1A	In Full	163	Notification
	In Part	67 to 69, 215, 308, 532, 533, 535, 555, 674, 851, 852, 918, 922, 1043	Calendar entries, third party employment information
Part 1B	In Full	516, 547, 555, 600	Third party employment information
	In Part	11, 60, 85, 87, 124, 126, 139, 237, 267, 269, 270, 318, 355, 364, 480, 488, 517, 519, 522, 523, 598	Emails with third party personal information (e.g., personal emails/phone numbers, employment history), legal logs containing third party names
Part 1C	In Full	204, 465, 466, 582	Notifications and letters/memos containing third party personal information
	In Part	51 to 53, 146, 268, 361, 700, 753, 755, 761, 838, 868, 876, 879, 882, 883, 889, 932, 982, 983, 1012	Calendar entries with third party personal information, emails containing third party personal information (e.g., employment history)
Part 2	In Part	52, 68, 87, 106, 128, 130, 169, 173, 175, 176, 224,	Calendar entries with third party personal information, emails

		271, 328, 410, 424, 552, 564	containing third party personal information (e.g., employment history)
Part 3	In Full	543 to 546, 1288 to 1290, 1596 to 1598, 1893, 1910 to 1912	Notification of incident (pages 543 to 546 are same document), letters/memos containing third party personal information, calendar entries with third party personal information, notes containing third party personal information
	In Part	217, 218, 233 to 235, 237 to 239, 456, 625, 718, 811, 905, 998, 1210, 1213, 1624 to 1630, 1685, 1686, 1925, 1926, 1991	Emails containing third party personal information (e.g., employment history)

Table 6 – Section 17(1)(a) of *FOIP*

Part	Withheld Status	Pages the Exemption Appears On	General Description of Records
Part 1A	In Full	177, 178	Memo
Part 1C	In Full	436 to 450, 467 to 480, 482 to 484, 486 to 489, 491, 492, 494 to 497, 516 to 519, 570, 571, 842 to 844	Memos, emails
	In Part	481, 485, 490, 493, 569	Emails
Part 3	In Full	547 to 550, 1385 to 1388, 1395 to 1399, 2010 to 2024, 2041 to 2086	Memos, emails, third party reports completed for the SHRC (pages 2010 to 2024 and 2041 to 2086)