



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 267-2025

Ministry of Health

March 12, 2026

Summary:

The Applicant submitted an access to information request to the Ministry of Health (Health) for any and all records regarding a news article in *The Narwhal* titled, “Is contamination on a Canadian Armed Forces base making employees sick?”

Health provided partial access to 16 pages of responsive records but withheld portions pursuant to sections 13(2) (obtained in confidence, implicitly or explicitly, from a local authority), 17(1)(a) (advice or analyses developed by or for a government institution), 17(b)(i) (consultations and deliberations involving employees of a government institution), 19(1)(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) and 29(1) (third party personal information) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.

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

During the review, Health withdrew reliance on sections 19(1)(b) and 13(2) of *FOIP* and released additional records to the Applicant. Also, during the review, the Applicant indicated that they were no longer interested in the information withheld under section 29(1) of *FOIP* and information deemed non-responsive. Subsequently, the scope of this review narrowed to focus on one page containing redactions pursuant to sections 17(1)(a) and (b)(i) of *FOIP*.

The Commissioner found that Health properly applied section 17(1)(a) of *FOIP* to the two redactions on page 6 of the record.

The Commissioner recommended that Health continue to withhold the information under section 17(1)(a) of *FOIP*.

I BACKGROUND

[1] On August 1, 2025, the Applicant submitted the following access to information request to the Ministry of Health (Health), for records responsive from March 28, 2025, to August 1, 2025:

Please provide any and all records, including but not limited to meeting minutes, transcripts, audio recordings, video recordings, emails, text messages, Blackberry BBMs, briefing notes, memos, etc. regarding this article in The Narwhal: “Is contamination on a Canadian Armed Forces base making employees sick?”

For greater certainty, it’s the article at this URL: <http://thenarwhal.ca/canadian-armed-forces-contamination-moose-jaw/>

[2] On September 2, 2025, Health notified the Applicant that it was extending the response time by an additional 30 days under sections 12(1)(a)(i) and (ii) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.¹

[3] On October 22, 2025, Health provided a section 7 decision letter to the Applicant, informing them that portions of the responsive records were being withheld under sections 13(2), 17(1)(a), (b)(i), 19(1)(b) and 29(1) of *FOIP*.

[4] On October 22, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

[5] On October 31, 2025, Health released a revised copy of the record to the Applicant as the exemption in section 19(1)(b) of *FOIP* was no longer being applied by Health.

[6] On November 17, 2025, OIPC notified Health and the Applicant that a review of the decision by Health to withhold portions of the records under sections 13(2), 17(1)(a), (b)(i) and 29(1) of *FOIP* would commence. OIPC requested that Health provide a copy of the

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

record at issue, and an index of records by December 17, 2025. Both parties were invited to provide submissions by January 16, 2026.

[7] On December 16, 2025, Health provided OIPC with a copy of the record at issue and an index of records. Health did not wish to share the index of records with the Applicant. After a review of the record Health also withheld some information as non-responsive.

[8] On January 6, 2026, the Applicant informed that they were no longer interested in the information withheld under section 29(1) of *FOIP*. On January 19, 2026, Health released additional records to the Applicant dropping the application of the exemption within section 13(2) of *FOIP*. On January 30, 2026, the Applicant informed OIPC that they were only interested in redactions 2 and 4 on page 6 of the record. As Health applied sections 17(1)(a) and (b)(i) of *FOIP* to these redactions, the information deemed as non-responsive is also no longer an issue in this review.

[9] Health provided a submission to OIPC on January 19, 2026. The Applicant did not provide a submission.

II RECORDS AT ISSUE

[10] Over the course of the review process, OIPC worked with Health and the Applicant to narrow the focus of this review from a 16-page record to a one-page record with two redactions. The remaining record at issue is one page (page 6), withheld in part (2 redactions) under sections 17(1)(a) and (b)(i) of *FOIP*.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[11] Health is a “government institution” as defined by section 2(1)(d)(i) of *FOIP*. Therefore, OIPC has jurisdiction to conduct this review under PART VII of *FOIP*.

2. Did Health properly apply section 17(1)(a) of FOIP?

[12] Health withheld two lines of information from page 6 (redactions 2 and 4) pursuant to section 17(1)(a) of FOIP. This information was taken from an email exchange between Health and the Saskatchewan Health Authority (SHA).

[13] Section 17(1)(a) of FOIP is a discretionary exemption. It permits refusal of access in situations where release of a record could reasonably be expected to disclose advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council. Section 17(1)(a) of FOIP provides:

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;

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

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

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

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

[15] Health asserted in its submission that the information contained an analysis and concluded with a request for input and direction.

² OIPC [Review Report 114-2025](#) at paragraph [38].

[16] Based on the submission, Health asserts that the information withheld at redactions 2 and 4 on page 6 is “advice” or “analyses”. This office relies on the following definitions of “advice” and “analyses”:³

- “Advice” is guidance offered by one person to another. It can include the analysis of a situation or issue that may require action and the presentation of options for future action, but not the presentation of facts. Advice encompasses material that permits the drawing of inferences with respect to a suggested course of action, but which does not itself make a specific recommendation. It can be 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.
- “Analyses” is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

[17] As stated in paragraph [12], the redactions on page 6 are part of an email exchange between SHA and Health about a media request. From a review of the information withheld, the information contains advice and an analysis between the two parties. Health is seeking advice in the form of SHA’s opinion and SHA is bringing Health up to speed. Health and SHA are both looking for information before making a final decision and moving forward. This is considered to be an outline of a plan that is being decided and clearly focuses on a situation that requires further action.⁴

[18] As such, the first part of the test has been met.

³ *Ibid*, at paragraph [39] and [Saskatchewan \(Ministry of Health\) v West](#), 2022 SKCA 18 at paragraph [57].

⁴ OIPC [Review Report 017-2018](#) at paragraph [25].

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

[19] Earlier, we noted that Health qualifies as a “government institution” as defined by section 2(1)(d)(i) of *FOIP*.

[20] As Health is the government institution involved, it is necessary now to determine whether the advice and analysis was “developed by or for” a government institution, in this case Health. This office has defined this phrase as follows:⁵

“Developed by or for” means the advice, proposals, recommendations, analyses and/or policy options must have been created either:

- 1) within the government institution, or
- 2) outside the government institution but for a government institution and at its request (for example, by a service provider or stakeholder).

[21] In its submission to OIPC, Health asserted that the analysis was created by a Health employee. In addition, both Health and SHA employees are involved in developing the advice.

[22] From a review of the information withheld on page 6 (redactions 2 and 4), it is clear that the advice and analysis were developed for Health by both Health and SHA, at the request of Health.

[23] As such, the second part of the test has been met. As Health has properly applied section 17(1)(a) of *FOIP* to redactions 2 and 4 on page 6, there is no need to consider the application of the exemption in section 17(1)(b)(i) of *FOIP*.

⁵ OIPC [Review Report 002-2025](#) at paragraph [24].

IV FINDINGS

[24] OIPC has jurisdiction to conduct this review and is undertaking this review pursuant to Part VII of *FOIP*.

[25] Health properly applied section 17(1)(a) of *FOIP* to page 6 (redactions 2 and 4).

V RECOMMENDATION

[26] I recommend that Health continue to withhold redactions 2 and 4 on page 6.

Dated at Regina, in the Province of Saskatchewan, this 12th day of March, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner