



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 281-2025

Ministry of Social Services

July 21, 2026

Summary:

The Applicant submitted an access to information request to the Ministry of Social Services (Social Services) for records related to vacancy rates, temporary staffing positions and employee overtime amounts and costs within Social Services. Social Services indicated that it did not have records responsive to the Applicant's request.

The Applicant was dissatisfied by Social Services' response and requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) with respect to how Social Services conducted the search for records.

During the course of the review, Social Services performed a search for records that resulted in two pages of records responsive to the Applicant's request. Social Services released these records to the Applicant, but the Applicant remained dissatisfied, so the review continued.

The Commissioner found that Social Services failed to conduct a fulsome search for records responsive to the Applicant's request.

The Commissioner recommended that Social Services conduct a new search for records within its individual divisions and databases and provide the Applicant with access to such records, subject to exemptions set out in *FOIP*, within 30 days of issuance of this Report.

I BACKGROUND

- [1] On October 14, 2025, the Applicant filed the following access to information request with the Ministry of Social Services (Social Services) seeking information for the 2022-23, 2023-24 and 2024-25 fiscal years regarding:

Data regarding vacancy rates within the ministry

- A list of all vacant positions within the ministry as of June 30, 2025
- Job title associated with these vacancies
- Information on the length of time each position has been vacant

Data regarding employee overtime

- The total number of overtime hours worked by employees, broken down by job title
- the total cost of overtime paid during each year

Data regarding temporary staff positions

- The total number of temporary positions within the ministry, broken down by job title
- The total cost of employing temporary staff, broken down by job title

- [2] On November 5, 2025, Social Services issued a section 7 decision to the Applicant and indicated that records did not exist in relation to the Applicant's request.
- [3] On November 12, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [4] On February 26, 2026, OIPC notified the Applicant and Social Services that a review would be conducted. OIPC requested that Social Services provide a submission detailing its search efforts with respect to the requested records. OIPC also invited the Applicant to provide a submission representing their views on the matter.
- [5] The Applicant provided their submission to OIPC on March 24, 2026.

- [6] On April 6, 2026, Social Services provided its submission and supporting materials to OIPC. Social Services did not consent to the sharing of its submission with the Applicant.
- [7] Also on April 6, 2026, Social Services provided OIPC with a revised section 7 decision to the Applicant. Social Services searched for responsive records and located two pages responsive to the Applicant's access to information request. Social Services released these records in full to the Applicant by means of the revised section 7 decision.
- [8] OIPC contacted the Applicant on April 7, 2026, to inquire as to whether they were satisfied with what was received. The Applicant indicated that they remained dissatisfied, therefore, OIPC continued with its review.

II RECORDS AT ISSUE

- [9] At issue is the efforts made by Social Services to search for responsive records.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

- [10] Social Services qualifies as a "government institution" pursuant to section 2(1)(d)(i) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.¹ FOIP is engaged and OIPC has jurisdiction under PART VII of FOIP to undertake this review.

2. The reasonableness of the search for records

- [11] Section 5 of FOIP provides an applicant with the right to access records in the possession or control of a government institution.² Section 5 of FOIP states:

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

² OIPC [Review Report 254-2025](#) at paragraph [12].

Right of access

5 Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a government institution.

- [12] In the first section 7 decision letter, Social Services advised the Applicant that records related to the access request did not exist. Regarding its initial efforts to fulfill the Applicant's request, Social Services submitted:

The Records and Privacy Unit discussed the access request and potential existence of responsive records with the Assistant Deputy Minister (ADM) of Finance and Corporate Services and the Executive Director (ED) of Strategic Management Branch (SMB).

...

Together, the ADM and ED have comprehensive, cross-divisional oversight and are therefore uniquely positioned to determine whether responsive records exist within the Ministry.

These discussions took place on October 15 and 16, 2025.

Through consultations with the ADM and ED, these subject matter experts confirmed that, without creating a new record, the data requested by the applicant does not exist in the form of a Ministry-wide record.

- [13] It would appear from the above submission that Social Services relied solely on employee discussions to reach the conclusion that responsive records did not exist instead of conducting an actual search.
- [14] *FOIP* does not require that a government institution prove with absolute certainty that records are non-existent. Reasonable explanations regarding why a record would not exist can be provided in the course of a search review. Still, a government institution must demonstrate that it made reasonable efforts to conduct a search. It is not reasonable for a

government institution to rely on an employee's opinion and to use that opinion as the single reason to refuse to conduct a physical search.³

[15] During the course of the review, Social Services effected a physical search for responsive records. This search produced two pages of responsive records and these were provided to the Applicant on April 6, 2026. These records were related to total overtime amounts paid to Ministry employees for the 2023-24 and 2024-25 fiscal years.

[16] Despite the fact that some responsive records were located, the central issue of this Report is whether or not Social Services took reasonable steps *overall* to search for records responsive to the Applicant's access request.

[17] As a government institution, Social Services must substantiate a reasonable search for records related to the Applicant's request in order to meet the "duty to assist" prescribed by section 5 of *FOIP*. A "reasonable search" is one in which an experienced employee expends a reasonable effort to locate records that are reasonably related to the request. A "reasonable effort" is the level of effort one would expect of any fair, sensible person searching areas where records are likely to be stored.⁴

[18] When a government institution receives notice of a review from OIPC requesting details of its search efforts, some or all of the following may inform the government institution's submission with respect to the search that was conducted:⁵

- For personal information requests – the government institution may explain how the individual (the subject of the personal information), is involved with the government institution (i.e., client, employee, former employee, etc.) and why certain departments/divisions/branches were included in the search.

³ OIPC [Review Report 077-2025](#) at paragraph [17].

⁴ OIPC [Review Report 163-2025](#) at paragraph [14].

⁵ OIPC [Review Report 076-2025](#) at paragraph [54]. The above list is meant to be a guide. Each case will require different search strategies depending on the nature of the records requested.

- 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 the search of mobile electronic devices (i.e., laptops, smart phones, cell phones, tablets).
- 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 commissioning an affidavit from the searcher to support the position that no record exists or to support the details provided.

[19] Social Services explained that it conducted a search for records within its Financial Services Branch on March 24 and 25, 2026, and that the search was done by the Financial Planning Manager, an employee with almost two years' experience in this position. Social Services indicated that this employee was the most appropriate individual to conduct the search as their position had an "enterprise-level view of Social Services' financial and staffing information across all divisions, including oversight of consolidated budget, position and resourcing information."

[20] Social Services explained that this employee searched for responsive records within relevant electronic directories including the following: Finance; Governance; Reports and Statistics and all related subfolders. The search took approximately two hours and involved the following keywords:

- Vacancy rates
- Vacant positions
- Time position vacant
- Cost of overtime
- Overtime hours
- Temporary staff
- Temporary positions
- Total cost of employing temporary staff

[21] Social Services further specified that this employee searched for records within the timeframe of April 1, 2022, to March 31, 2025, which does align with the Applicant's request for records from the 2022-23, 2023-24 and 2024-25 fiscal years.⁶ The search yielded only two pages of responsive records.

⁶ The Government of Saskatchewan's fiscal year begins on April 1 of a calendar year and ends on March 31 in the following calendar year.

- [22] Social Services clarified on May 4, 2026 that it utilized the *Administrative Records Management Systems* (ARMS) and the *Operational Records System* (ORS) schedules for its record management and that the information requested by the Applicant would be relevant to the ARMS 2014 schedule that outlines a minimum retention period of six years for documents related to staffing and finance.⁷
- [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 review with respect to the search efforts of a government institution, an applicant must demonstrate a plausible suspicion that the government institution has failed to:⁸
- Release a responsive record; and/or
 - Conduct a thorough search in order to retrieve a responsive record.
- [24] The Applicant submitted that the information they requested from Social Services should be “created, tracked and retained in the ordinary course of business by a government ministry.”
- [25] The threshold of “reasonableness” does not mandate a standard of perfection, but rather what a fair and rational person would expect or consider acceptable. *FOIP* requires that a government institution demonstrate that it made reasonable efforts to physically search.⁹
- [26] Social Services explained to OIPC on May 4, 2026:

The Applicant’s request sought information on all vacant positions, total overtime, and total temporary positions within the ministry as of June 30, 2025. As outlined in the ministry’s submission, this information is not maintained or

⁷ [ARMS2014](#) (*Administrative Records Management System 2014*). See page 24 for the retention periods relevant to finance matters (for example, Code 1200 for Accounting) and page 25 for the retention period of 6 years for staffing (Code 1460).

⁸ *Supra*, footnote 2 at paragraph [23].

⁹ *Supra*, footnote 3 at paragraphs [14] and [17].

available in a single, consolidated format at the ministry wide level. Responsibility for budgeting, staffing, and position management rests with individual divisions, each of which maintains its own records.

While certain responsive information may exist within individual divisional records, the ministry conducted its search at the ministry level. Because the requested data is not compiled across all divisions, the ministry determined that this information was not available in the consolidated form requested.

[Emphasis added]

[27] The access to information request asked for records related to vacancy rates, employee overtime and temporary staff positions *within* Social Services which would require a consideration of records in individual divisions – a search at the Ministry level does not address the access request.

[28] This duty to assist is outlined in section 5.1(1) of *FOIP* as follows:

Duty of government institution to assist

5.1(1) Subject to this Act and the regulations, a government institution shall respond to a written request for access openly, accurately and completely.

[29] The duty to assist requires that government institutions make reasonable efforts to not only identify and seek out records responsive to an applicant's access request but to explain the steps in the process and seek any necessary clarification on the nature or scope of the request within the legislated timeframe.¹⁰

[30] This office has often advised that government institutions should not take an overly restrictive view in terms of what records would be responsive to an applicant's access request. *FOIP* is best served when a government institution adopts a broad and liberal interpretation of the request.¹¹ Institutions should interpret requests generously, in order to

¹⁰ OIPC [Review Report 188-2025](#) at paragraph [44].

¹¹ OIPC [Review Report 001-2024](#) at paragraph [42].

best serve the purpose and spirit of the legislation and that if a request is unclear, the institution should interpret it broadly rather than restrictively.¹²

- [31] Social Services proposed that its search for responsive records was sufficient as it does not “maintain a consolidated, ministry-wide record capturing vacancy rates, vacancy duration, overtime, or temporary staffing information in the manner requested at the time of the access request.”
- [32] Social Services fairly indicated in its correspondence that “certain responsive information may exist within individual divisional records.” Between June 2 and 4, 2026, this office inquired whether raw data related to the Applicant’s request could be within other ministry databases or systems, such as those related to employee payroll, overtime or other human resource functions, and if this raw data could be retrieved by running a query or report.
- [33] Social Services indicated that payroll items might be available at a supervisor level, but “list” or “totals” records would not be available without creating the record anew.
- [34] Running a report within a system or database that has the capability to perform this function is not the same thing as creating a new record. Section 2(1)(i) of *FOIP* clearly defines a record as information that is readily available in any recorded form as follows:

Interpretation

2(1) In this Act:

- ..
- (i) “record” means a record of information in any form and includes information that is written, photographed, recorded or stored in any manner, but does not include computer programs or other mechanisms that produce records;

[Emphasis added]

¹² ON IPC [Order PO-4842](#) at paragraph [14].

- [35] Records that contain the raw information sought by Applicants are records responsive to an Applicant's access request. While *FOIP* does not obligate public bodies to create records that do not currently exist, raw data within databases is considered a record and should be provided to an Applicant.¹³
- [36] Given the limited interpretation of the Applicant's access to information request and the limited approach to the search in this matter, Social Services has failed to conduct a fulsome search for records responsive to the Applicant's request and has not met its duty to assist as required by *FOIP*.
- [37] Social Services should conduct a search for responsive records within its individual divisions and relevant databases/systems and provide the Applicant with access to such records, subject to exemptions set out in *FOIP*, within 30 days of the issuance of this Report.

IV FINDINGS

- [38] OIPC has jurisdiction to conduct this review pursuant to PART VII of *FOIP*.
- [39] Social Services did not conduct fulsome search for responsive records and in so doing did not meet the "duty to assist" the Applicant.

V RECOMMENDATION

- [40] I recommend that Social Services conduct a search for responsive records within its individual divisions and databases and provide the Applicant with access to such records, subject to exemptions set out in *FOIP*, within 30 days of the issuance of this Report.

¹³ OIPC [Review Report 038-2018](#) at paragraph [21]. See also OIPC [Review Report 109-2025](#) at paragraph [38], OIPC [Review Report 078-2023](#) at paragraphs [21] and [23].

Dated at Regina, in the Province of Saskatchewan, this 21st day of July, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner