



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 284-2023

Saskatchewan Human Rights Commission

July 8, 2024

Summary:

The Applicant submitted an access to information request to the Saskatchewan Human Rights Commission (SHRC). The Applicant requested a waiver of the processing fees. The SHRC denied the fee waiver request. The Applicant paid the fees and the SHRC provided the Applicant with access to records. However, the SHRC redacted portions of the records pursuant to subsections 15(1)(m), 17(1)(b)(i), and 22(c) of *The Freedom of Information and Protection of Privacy Act* (FOIP). The Applicant requested a review by the Commissioner. The Commissioner found that the SHRC did not demonstrate the fees charged to the Applicant for reproducing the records to be reasonable. He also found that the SHRC did not impose an improper requirement upon the Applicant make payment of the fees by mail. The Commissioner also found that the SHRC did not properly apply subsections 15(1)(m) or 22(c) of FOIP. However, he did find that the SHRC did properly apply subsection 17(1)(b)(i) of FOIP to certain pages. The Commissioner recommended that the SHRC refund the fees paid by the Applicant for reproducing the record within 30 days of issuance of the Report. He also recommended that SHRC amend its policies to ensure that it can accept alternate methods of payment in appropriate circumstances. Finally, he recommended that the SHRC comply with the recommendations set out in the Appendix.

I BACKGROUND

[1] On September 11, 2023, the Saskatchewan Human Rights Commission (SHRC) received the following access to information request from the Applicant:

Any and all communications (email, records, audio, texts, notes) between any and all staff, non-staff, in regards [sic] to myself: [Name of Applicant], [capitalized initials of Applicant], [lowercase initials of Applicant], “that guy” or any other designation (code

name, code number, etc.) given to myself to identify me. If clarification is required, please let me know.

[2] The Applicant specified the time period as follows:

2021, 2022, 2023 including communications during the FOIP process.

[3] The Applicant had also requested that the SHRC waive the fees associated with processing their access request by checking the box that appears on the second page of Form A in Part II of the Appendix of *The Freedom of Information and Protection of Privacy Regulations* (FOIP Regulations) that says, “Check if requesting waiver of processing fee”. The Applicant wrote “personal information” on the form as their reason for requesting a fee waiver.

[4] In a letter dated October 11, 2023, the SHRC explained that it was not prepared to waive the processing fee and then issued a fee estimate. The fee estimate was as follows, including instruction to the Applicant asking that a cheque be mailed to the SHRC:

The following fee estimate is provided for processing your access request:

	Type of Fee	Calculation of Fee	Total Amount of Fee
1.	Time required to search for records	1 hour x \$15.00/half hour	\$30.00
2.	Time required to prepare records for disclosure	10 hours x \$15.00/half hour	\$90.00
3.	Photocopies or computer printout of records	820 pages x \$0.25/page	\$205.00
4.	LESS:	2 hours free x \$15.00/ half hour	(\$60.00)
Total amount of fees required to process access request			\$265.00

The above fees have been calculated pursuant to section 6 of the *Regulations*.

If you wish to proceed with your access request, our office will require a deposit of \$132.50. To proceed, please sign the attached estimate of costs form and return along with your deposit cheque, made payable to the “Minister of Finance” and forward to:

[Name], Executive Director
Saskatchewan Human Rights Commission
P.O. Box 6011
Saskatoon, SK S7K 4E4

We will continue to process your access request once this is received.

[5] In an email dated October 16, 2023 to the SHRC, the Applicant asserted they had dropped off a cheque on October 13, 2023. The SHRC accepted the cheque, which was in an envelope that was slipped under the door by the Applicant.

[6] In a letter dated October 20, 2023, the SHRC responded to the Applicant's access request. However, regarding the payment of the remainder of fees, the SHRC said the following:

In order to deliver the files to you, we require the payment of the remainder of the fees. To proceed, please mail your cheque, made payable to the "Minister of Finance" and forward to:

[Name], Executive Director
Saskatchewan Human Rights Commission
P.O. Box 6011
Saskatoon, SK S7K 4E4

As a reminder to you, we do not have counter service at the Commission. The security officers on the main floor of the Sturdy Stone building are not able to receive mail on our behalf. You are required to mail the deposit to our office post box address.

We will deliver the requested records electronically once we receive this payment. Due to the size of the records, multiple email messages will be sent to you with the records attached.

[Emphasis added]

[7] In an email dated October 23, 2023, the Applicant sent an email to the SHRC that said the following:

Cheque is in the envelope marked MAIL that was just slid under your door.

Please send the documents.

- [8] In a letter dated October 24, 2023, the SHRC responded to the Applicant. The SHRC summarized how it advised the Applicant on multiple occasions on how to communicate with the SHRC but how the Applicant insists on showing up at the SHRC's office:

The envelope pushed under the door of the SHRC is being returned to you unopened.

You have on numerous occasions been advised of the process by which documents may be delivered to the SHRC, both in the context of your complaint and your privacy request. In spite of our advice, you have personally attended the building and insisted on meeting in person with members of our staff and the Chief Commissioner. You have misled security into accompanying you to our office and confronted members of our staff.

Additionally, despite numerous requests to submit questions or information about your complaint in writing, you continue to call members of our staff multiple times per day using various numbers and have indicated your intention to continue to acquire new phone numbers using SIM cards to conceal your identity.

By letter of October 20, 2023, you were advised to **mail** payment for your FOIPP request to our office. You were advised that if you have concerns about this to contact the office of the Privacy Commissioner. Yesterday, you again deceived security into accompanying you to the 8th floor and pushed an unidentified envelope under the door. Such conduct will not be tolerated.

The SHRC is committed to treating the public we serve with courtesy and respect. Likewise, our staff is entitled to a safe working environment and is to be treated with courtesy and respect. This includes an expectation that guidelines for effective communication and established security protocols will be abided by.

If it is necessary for you to contact our office, you are asked to restrict your communication to writing at:

Email: shrc@gov.sk.ca
Fax: (306) 933-7863
Mail: PO Box 6011, Saskatoon, SK S7K 4E4

- [9] In an email dated October 25, 2023, the Applicant sent another email to the SHRC. The email said:

Attached is a video of your cheque being physically deposited into PO Box 6011. The wonderful post office person let me film the process of my cheque being put in your mail box.

It's always refreshing when public servants treat the human people (the public) they are serving with dignity and respect. That was demonstrated to me at the Post Office while I was delivering a check to a Public Service entity (SHRC) that refuses to treat me with dignity and respect (or even with basic human decency).

Please SEND THE DOCUMENTS as they are 14 days past the legal requirement and 44 days since I requested them.

What is the status of my human rights complaint I filed in 2022?!? 2022 and we are almost complete 2023!

[10] On October 27, 2023, the Applicant requested a review by my office.

[11] On November 2, 2023, my office sought clarification from the Applicant regarding their request for a review, including whether they had received the record electronically.

[12] On the same day, the Applicant responded. The Applicant indicated the SHRC provided the record electronically. The Applicant said:

I have received the record and it was sent electronically.

Why I am unhappy is they refused to give the record saying I had hand delivered the second cheque to their office but they refused it because they wanted it mailed to the same office. I read the legislation and it doesn't dictate how the money is be given.

The rest of the unsatisfactory is that the file was redacted and I had to pay for paper when the file was given electronically. The SHRC didn't adjust the quote for electronic delivery.

[13] On November 16, 2023, my office notified both the SHRC and the Applicant that my office would be undertaking a review of several issues including the exemptions applied by the SHRC, of how the fees were calculated, of SHRC's decision to not waive the processing fees, and whether SHRC's requirement that the Applicant mail payment of the fee rather than having the Applicant drop off payment.

[14] On January 17, 2024, the Applicant provided their submission to my office.

[15] On January 22, 2024, the SHRC provided my office with its submission.

II RECORDS AT ISSUE

[16] There are three records at issue.

[17] The first record is entitled, “Admin-550-008”, which is five pages of emails. SHRC redacted portions of these pages citing subsections 15(1)(m), 17(1)(b)(i), and 22(c) of *The Freedom of Information and Protection of Privacy Act* (FOIP) as its reasons. It also redacted portions of the pages, citing these portions as “non-responsive.”

[18] The second record is entitled, “20-21-359”, which is 58 pages long. It consists of records related to the intake process at the SHRC. Most of the 58 pages were released to the Applicant but portions of some of the pages were marked as “non-responsive”.

[19] The third record is entitled, “22-23-185”, which is 700 pages long. It consists of records related to the intake process at the SHRC, including emails and case file notes. SHRC redacted portions of these pages citing subsections 15(1)(m), 17(1)(b)(i), and 22(c) of FOIP as its reasons. It also redacted portions of the pages, citing these portions as “non-responsive”.

[20] I should note that SHRC had broken down 22-23-185 into 18 parts. Parts 1 to 17 were 40 pages long each while Part 18 itself was 20 pages long. In this Report, I will refer to pages of 22-23-185 by Part number and page number (for example, Page 25 of Part 2 of 22-23-185).

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[21] SHRC qualifies as a “government institution” pursuant to subsection 2(1)(d)(ii) of FOIP and section 3 and Part I of the Appendix to the FOIP Regulations. Therefore, I find that I have jurisdiction to conduct this review.

2. Do circumstances exist for a fee waiver?

[22] As described earlier, the Applicant had requested processing fees to be waived by the SHRC. However, the SHRC made the decision to not waive the fees.

[23] Subsection 9(5) of FOIP provides:

9(5) Where a prescribed circumstance exists, the head may waive payment of all or any part of the prescribed fee.

[24] Subsection 9(1) of the FOIP Regulations provides:

9(1) For the purposes of subsection 9(5) of the Act, the following circumstances are prescribed as circumstances in which a head may waive payment of fees:

- (a) if payment of the prescribed fees will cause a substantial financial hardship for the applicant and, in the opinion of the head, giving access to the record is in the public interest;
- (b) if the application involves the personal information of the applicant;
- (c) if the prescribed fee or actual cost for the service is \$100 or less.

[25] When one or more of the circumstances set out in subsection 9(1) of the FOIP Regulations exist, the head will need to exercise their discretion to waive the payment of fees or not. Waiving the fees is not necessary but the head must demonstrate that they have exercised their discretion properly. Therefore, I must first determine if a circumstance set out in subsection 9(1) of the FOIP Regulations exist. If so, then I must determine if the head exercised their discretion properly.

- a. Does a circumstance set out in subsection 9(1) of the FOIP Regulations exist for a fee waiver?**

[26] The Applicant had written “personal information” as their reason for requesting a fee waiver. Subsection 9(1)(b) of the FOIP Regulations and page 83 of the *Guide to FOIP*, Chapter 3: “Access to Records”, Updated May 5, 2023 [*Guide to FOIP*, Ch. 3], provides that government institutions can waive payment of fees if the application involves the applicant’s personal information.

[27] Based on the wording in the Applicant’s access request, it appears that the Applicant’s access request involves their personal information. Therefore, I find that the circumstance for a fee waiver set out in subsection 9(1)(b) of the FOIP Regulations exist.

b. Did the head exercise their discretion properly?

[28] In order to properly exercise discretion to determine whether an applicant should be excused from paying all or part of the fee, the head of a public body should consider all relevant factors, evidence and the purposes of FOIP (see [Review Report 106-2022](#) at paragraph [82]).

[29] In its submission, the SHRC indicated that while some of the record contained the Applicant’s personal information, much of the information in the records was not the Applicant’s personal information. Based on a review of the records, I agree with the description of the records by the SHRC. Some of the records do indeed contain the Applicant’s personal information (as the Applicant themselves submitted the information to the SHRC) but the records also contain correspondence between the Director of Resolution, Deputy Director Resolution and Intake Consultant on process and what steps to take, which is not the Applicant’s personal information.

[30] Based on the above, I find that SHRC’s decision to not grant the fee waiver is based on a relevant factor. I find that SHRC exercised its discretion properly in not waiving the fees.

3. Was SHRC’s fee for reproducing records reasonable?

[31] As noted in the background, SHRC's fee estimate was for \$265.00. The fee estimate included an estimate of 820 pages at \$0.25/page, which totaled \$205.00. The Applicant paid a deposit of the fee estimate of \$132.50. Then, the SHRC required the Applicant pay the remainder of the fees (another \$132.50) before it would send the records to the Applicant electronically. At issue is whether SHRC should have adjusted the fees due because the records were provided to the Applicant electronically.

[32] There are generally three types of fees that a government institution can include in a fee estimate:

1. Fees for searching for records.
2. Fees for preparing records.
3. Fees for reproducing records.

[33] At issue is the third type of fee – fees for reproducing records. Subsection 6(1)(a) and (b) of the FOIP Regulations prescribes that a government institution may charge \$0.25 per page for every page that is photocopied or printed by computer. Where a government institution provides the Applicant with the records electronically, the government institution should not be charging a fee. The exception is if the government institution saves the records electronically on a portable storage device. Subsection 6(1)(b.1) of the FOIP Regulations allows for the government institution to charge the applicant the actual cost of the portable storage device *Guide to FOIP*, Ch. 3, p. 76).

[34] In this case, the SHRC provided the Applicant with copies of the records electronically via email. It said in its letter dated October 20, 2023, to the Applicant:

We will deliver the requested records electronically once we receive this payment. Due to the size of the records, multiple email messages will be sent to you with the records attached.

[35] Since the SHRC delivered the records to the Applicant via email, the SHRC should not have charged the Applicant fees for reproducing the records. SHRC's submission spoke to the fees charged for searching and preparing records. However, it did not speak to the fees charged for reproducing pages.

[36] I find that the SHRC did not demonstrate the fees charged to the Applicant for reproducing the records to be reasonable. I recommend that the SHRC refund the \$205 fee paid by the Applicant for reproducing the record.

4. Did the SHRC impose an improper requirement upon the Applicant to make payment by mail that caused an unnecessary delay in the Applicant receiving records?

[37] As detailed in the background, the SHRC had issued a fee estimate and asked the Applicant to send payment for the deposit by cheque through the mail. However, the Applicant dropped off the cheque in-person by sliding it under the door. The SHRC accepted the cheque.

[38] Then, the SHRC requested payment of the remainder of the fees to be sent by mail. Again, the Applicant dropped off the cheque in-person by sliding it under the door. This time, the SHRC refused to accept the cheque by returning the cheque by XpressPost to the Applicant. The SHRC then reiterated to the Applicant that they sent the cheque by mail. It appears that the Applicant physically located the SHRC's post office box and filmed themselves dropping the cheque into the post office box.

[39] The Applicant took issue with how the SHRC required them to send payment by mail when they had already delivered the cheque to SHRC's office in-person. I need to determine if SHRC's insistence that the Applicant mail the cheque was reasonable rather than accepting the cheque in-person.

[40] In its submission, the SHRC explained it no longer provides counter service and the office is not accessible to the public due to security reasons. Therefore, it communicates with the public by telephone, video call, or email and materials are received through the post, fax, or email. It explained that its building's elevators and stairwells are inaccessible to anyone without a keycard. It also explained its building has security staff, who are not authorized to receive materials on the SHRC's behalf. Therefore, SHRC's procedure is to request

payment by cheque to be mailed to it. This procedure appears to apply to all members of the public.

[41] The SHRC explained that the Applicant flouted the building's security in order to have delivered payment of the deposit on the fee estimate as well as the payment of the final fees.

[42] In [Disregard Decision 070-2024, 074-2024, 076-2024](#), my office dealt with a matter in which an applicant submitted numerous access to information requests but refused to accept mail from the public body. That refusal factored into my decision that the applicant's objective was not legitimately about access records. In that decision, I noted that the applicant would need to cooperate with the local authority:

[28] The above factors, including the repetition and the wording of some of the access requests and the refusing to accept the RM's registered mail regarding the three access requests suggests that the Applicant's objectives are not legitimately about accessing records. **If the Applicant truly wants access to records, they need to cooperate and communicate with the RM. This would include accepting registered mail from the RM.** Therefore, I grant the RM's application to disregard access requests 05-2024, 07-2024, and 09-2024 received by the RM on February 16, 2024.

[Emphasis added]

[43] Similarly, in this case, if the Applicant wished to gain access to the records they requested, they should cooperate with the SHRC's procedures as long as they are reasonable. The procedures apply to all members of the public, not just the Applicant. The SHRC does not offer counter service. Its building security is designed to not allow persons without a keycard to gain access to the SHRC office. The Applicant is not exceptional. Further, the Applicant has demonstrated in the circumstances that they can comply with SHRC's procedures in order to gain access to records as could easily send the cheque through the mail.

[44] In several Orders, [including Order MO-2201](#), the Ontario Office of the Information and Privacy Commissioner (ON IPC) considers the modern rule of statutory interpretation. In [Order MO-2201](#), the ON IPC dealt with a matter where the public body required the

applicant to pay a fee by cash or money order. The applicant paid the fee by personal cheque. The ON IPC used the following three-part criteria of the modern rule of statutory interpretation to determine if the public body's requirement of cash or money order by the applicant was an improper fee requirement on the applicant:

1. Plausibility or Compliance with Legislative Text.
2. Promotion of Legislative Intent.
3. Outcome must be consistent with legal norms; it is reasonable and just.

[45] I will use the three-part criteria to determine if the SHRC's requirement that mailing a cheque was an improper requirement imposed upon on the Applicant that caused an unnecessary delay.

1. *Plausibility or Compliance with Legislative Text.*

[46] Page 191 of Ruth Sullivan's *The Construction of Statutes*, Seventh Edition (Lexis Nexis Canada Inc., 2022) (*The Construction of Statutes*) says:

Under the modern principle, a court's primary duty is to harmonize the ordinary meaning of the text with the other indicators of legislative intent gleaned form read the text in its entire context. However, reliance on these other indicators is subject to the following constraint: **the interpretation ultimately adopted must be one that the words of the text can reasonably bear.** This is the plausible meaning rule.

[Emphasis added]

[47] Subsection 7(2)(a) of FOIP provides:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:

- (a) stating that access to the record or part of it will be given on payment of the prescribed fee and setting out the place where, or manner in which, access will be available;

[48] SHRC's letter dated October 20, 2024, as quoted in the background of this Report, indicated to the Applicant that the payment of the remainder of the fees was required.

SHRC indicated that payment was to be sent by mail. Once SHRC received payment, then SHRC would email the records to the Applicant.

- [49] In order for an applicant to make payment, it is a plausible interpretation of subsection 7(2)(a) of FOIP that the government institution provide instruction to the applicant on how make payment to the government institution, which the SHRC did.

2. Promotion of Legislative Intent.

- [50] FOIP does not include a purpose clause. However, in [Review Report 2004-003](#) at paragraphs [10] and [11], my office had identified one of the purposes of FOIP is provide the public with a right of access to records.

- [51] In this case, the SHRC indicated that payment is to be made by mailing a cheque to the SHRC. This appears to be a simple process that may not impose barriers to access in most cases. In other words, asking the Applicant to make payment by mailing a cheque promotes the legislative intent of providing the public with a right of access to records. In [Order MO-2201](#), the ON IPC admonished the public body in that case for not providing a simple process to allow applicants to make payments such as mailing a cheque:

In addition, rather than providing a simple process that can be accessed by mail, the Police are in effect requiring a requester to attend at either their premises or a financial institution to complete an access request. For requesters, this creates a financial and bureaucratic barrier to access that is inconsistent with the purpose of the Act and, in my opinion, was not intended by the Legislature.

- [52] In this case, the SHRC has provided a simple process to the Applicant to make payment by asking the Applicant to mail the cheque. The SHRC communicated its procedure of mailing payment in its letters dated October 11, 2023 and October 20, 2023. The letter dated October 20, 2023 indicated that the SHRC did not offer counter service. However, the Applicant still insisted on dropping off the cheque in-person.

3. Outcome must be consistent with legal norms; it is reasonable and just.

[53] Page 10 of *The Construction of Statutes* says:

Presumed intention embraces the body of evolving legal norms which contribute to the legal context in which official interpretation occurs. These norms are found in Constitution Acts, in constitutional and quasi-constitutional legislation and in internal law, both customary and conventional.

[54] As well as being consistent with legal norms, the outcome must be reasonable and just.

[55] By providing a simple process for the Applicant to provide payment by mail when they can pay by cheque, the outcome does not violate legal norms. The outcome is also reasonable and just because the simple process of mailing a cheque does not impose unreasonable restrictions on access to records and the SHRC advised the Applicant in advance of this requirement. I do note that not all applicants may have the ability to pay by cheque. In this regard, I recommend that SHRC amend its policies to ensure that it can accept alternate methods of payment in appropriate circumstances. This would be consistent with a recommendation of the former Information and Privacy Commissioner of British Columbia in their [Investigation Report 23-01](#) as follows:

Public bodies that administer an application fee should have multiple fee payment options available to ensure expediency and accessibility for all applicants. This should include an option that permits an applicant to maintain anonymity.

[56] What would have been unreasonable and unjust was if SHRC required the Applicant to make payment in-person while being aware that building security exists to prevent members of the public from gaining access to the SHRC's office. That was not the case here. Therefore, SHRC provided a simple process for the Applicant to make payment by mailing a cheque which was not unreasonable in the circumstances. It was the Applicant who took it upon themselves to bypass building security in an effort to make payment in-person.

[57] Therefore, I find that in this circumstance, the SHRC did not impose an improper requirement upon the Applicant to make payment by mail. The SHRC did not cause an unnecessary delay in the Applicant receiving records by asking the Applicant to mail a cheque to the SHRC.

[58] I suggest that the Applicant cooperate with SHRC's procedure to avoid any possible delays in receiving records.

5. Were portions of the records non-responsive?

[59] Many of the responsive records were emails. When emails are printed, the name of the employee who saved or printed the email appears at the top of the page. SHRC asserted that the name of the employee at the top of these pages are non-responsive to the access request.

[60] Page 26 of the *Guide to FOIP*, Ch. 3 provides that a "responsive" means relevant. The term describes anything is reasonably related to the access request. It follows that any information or records that do not reasonably relate to an applicant's access request will be considered "non-responsive".

[61] When determining what information is responsive, the government institution should consider the following:

- The request itself sets out the boundaries of relevancy and circumscribes the records or information that will ultimately be identified as being responsive.
- A government institution can remove information as not responsive only if the applicant has requested specific information, such as the applicant's own personal information.
- The government institution may treat portions of a record as not responsive if they are clearly separate and distinct and entirely unrelated to the access request. However, use it sparingly and only where necessary.
- If it is just as easy to release the information as it is to claim not responsive, the information should be released (i.e., releasing the information will not involve time consuming consultations nor considerable time weighing discretionary exemptions).
- The purpose of FOIP is best served when a government institution adopts a liberal interpretation of a request. If it is unclear what the applicant wants, a government

institution should contact the applicant for clarification. Generally, ambiguity in the request should be resolved in the applicant's favour.

(Guide to FOIP, Ch. 3, pp. 26-27)

[62] I note that section 5 of FOIP provides individuals with a right of access to records. The Applicant requested communications in regard to themselves. Therefore, if the communication is printed emails and those printed emails features the name of the employee who saved or printed the email, then I find that such information is responsive to the access request. The name of the employee is not clearly separate and distinct and entirely unrelated to the access request. I recommend that SHRC release the names of the employees that appear at the top of the printed emails. My findings and recommendations are set out in the Appendix.

6. Did SHRC properly apply subsection 15(1)(m) of FOIP?

[63] SHRC applied subsection 15(1)(m) of FOIP to pages 1, 3 and 4 of Admin 550-008. It also applied subsection 15(1)(m) of FOIP to pages 1, 8, 21, 23 and 25 of Part 4 and page 15 of Part 18 of 22-23-185.

[64] Subsection 15(1)(m) of FOIP provides:

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.

[65] My office uses the following two-part test to determine if subsection 15(1)(m) of FOIP applies. However, only one of the questions needs to be answered in the affirmative in order for the exemption to apply.

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

buildings, other structures, or systems?

(*Guide to FOIP*, Chapter 4: “Exemptions from the Right of Access”, Updated April 8, 2024, [*Guide to FOIP*, Ch. 4], p. 91)

[66] Page 91 of the *Guide to FOIP*, Ch. 4 describes the word “could” as follows:

Section 15 of FOIP uses the word “could” versus “could reasonably be expected to” as seen in other provisions of FOIP. The threshold for could is somewhat lower than a reasonable expectation. The requirement for “could” is simply that the release of the information could have the specified result. There would still have to be a basis for the assertion. If it is fanciful or exceedingly remote, the exemption should not be invoked. **For this provision to apply there must be objective grounds for believing that disclosing the information could reveal security arrangements of particular vehicles, buildings, other structures, or systems.**

[Emphasis added]

[67] Page 91 of the *Guide to FOIP*, Ch. 4 provides the following definitions:

- “Reveal” means to make known; cause or allow to be seen.
- “Security” means a state of safety or physical integrity.
- “Method” means a mode of organizing, operating, or performing something.
- “Other structures or systems” includes computer and communication systems.

[68] In its submission, the SHRC said the following:

Release of the internal communication regarding the Commission and building security would reveal security arrangements for a government building, offices and systems, and the methods employed to protect those buildings and offices. It would be inappropriate to share this information with any member of the public, other than contractors that require that information to provide services to government, as it would create security risks to the building, employees, and the public. It is in the public interest to maintain safe and secure government buildings, and sharing information about how those systems are used and programmed could be used to threaten security.

[69] Based on a review of the records to which SHRC applied subsection 15(1)(m) of FOIP, the information describes what occurred. Some of the pages describe physical features of their office. However, the information does not reveal security arrangements. A person would not be able to use the information to gain access to SHRC’s office. Therefore, I find that

neither part of the two-part test is met. I find that SHRC did not properly apply subsection 15(1)(m) of FOIP. My findings and recommendations are set out in the Appendix of this Report.

7. Did SHRC properly apply subsection 17(1)(b)(i) of FOIP?

[70] The SHRC applied subsection 17(1)(b)(i) of FOIP to the following pages:

- Page 3 of Admin 550-008,
- Pages 2 to 10, 11 to 16, 18 to 31 of Part 2 of 22-23-185,
- Pages 6, 11, 16, 24, 33, 37 to 38 of Part 3 of 22-23-185,
- Pages 25, 27 to 28, 32 to 33, 37 to 39 of Part 4 of 22-23-185,
- Pages 3 to 5, 9 to 12, 16 of Part 5 of 22-23-185,
- Pages 13 and 40 of Part 7 of 22-23-185,
- Pages 2, 5, 7, 24 to 26 of Part 8 of 22-23-185,
- Pages 7, 9, 11, 29, 37 of Part 10 of 22-23-185,
- Pages 6, 7, 17, 18 of Part 12 of 22-23-185, and
- Page 15 of Part 18 of 22-23-185.

[71] Subsection 17(1)(b)(i) 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:

...

(b) consultations or deliberations involving:

(i) officers or employees of a government institution;

[72] My office uses the following two-part test to determine if subsection 17(1)(b)(i) of FOIP applies:

1. Does the record contain consultations or deliberations?
2. Do the consultations or deliberations involve officers or employees of a government institution?

(*Guide to FOIP*, Ch. 4, pp. 137-138)

[73] Below is an analysis to determine if the two-part test is met.

1. Does the record contain consultations or deliberations?

[74] Pages 136 and 137 of my office's *Guide to FOIP*, Ch. 4 provides the following definitions:

- “Consultation” means the action of consulting or taking counsel together: deliberation, conference; a conference in which the parties consult and deliberate. A consultation can occur when the views of one or more officers or employees of a government institution are sought as to the appropriateness of a particular proposal or suggested action. It can include consultations about prospective future actions and outcomes in response to a developing situation. It can also include past courses of action. For example, where an employer is considering what to do with an employee in the future, what has been done in the past can be summarized and would qualify as part of the consultation or deliberation.
- “Deliberation” means the action of deliberating (to deliberate: to weigh in mind; to consider carefully with a view to a decision; to think over); careful consideration with a view to a decision; A deliberation can occur when there is a discussion or consideration of the reasons for or against an action. It can refer to discussions conducted with a view towards making a decision.
- “Involving” means including.
- “Officers or employees of a government institution”: “Employee of a government institution” means an individual employed by a government institution and includes an individual retained under a contract to perform services for the government institution.

[75] In its submission, the SHRC also asserted that Admin-550-008 contains deliberations “on the appropriate actions on the file”. Also, the SHRC asserted that 22-23-185 contains consultations and deliberations between an Intake Consultant and their supervisors (the Director of Resolution and the Deputy Director of Resolution).

[76] In my office's [Review Report 141-2023](#), I noted that subsection 24(1)(b) of Alberta's *Freedom of Information and Protection of Privacy Act* (AB FOIP) is similar to subsection 17(1)(b) of FOIP. In [Order F2013-13](#), Alberta's Office of the Information and Privacy Commissioner (AB IPC) explained that subsection 24(1)(b) of AB FOIP is meant to protect communications involving decision makers:

[para 146] I agree with the interpretation Commissioner Clark assigned to the terms "consultation" and "deliberation" generally. However, as I stated in Order F2012-10, section 24(1)(b) differs from the section 24(1)(a) in that section 24(1)(a) is intended to protect communications developed for a public body by an advisor, while **section 24(1)(b) protects communications involving decision makers. That this is so is supported by the use of the word deliberation: only a person charged with making a decision can be said to deliberate that decision. Moreover, "consultation" typically refers to the act of seeking advice regarding an action one is considering taking, but not to giving advice in relation to it.** Information that is the subject of section 24(1)(a) may be voluntarily or spontaneously provided to a decision maker for the decision maker's use because it is the responsibility of an employee to provide information of this kind; however, such information cannot be described as a "consultation" or a "deliberation". Put simply, section 24(1)(a) is concerned with the situation where advice is given, while **section 24(1)(b) is concerned with the situation where advice is sought or considered.**

[Emphasis added]

[77] Further in [Order F-2013-13](#), the AB IPC explained that subsection 24(1)(b) of AB FOIP is to enable a decision-maker to seek out information they need to make a decision without interference or second guessing:

[para 149] It is conceivable that a decision maker might choose to consult with a colleague or an expert, or someone else the decision maker considers it useful to consult, but who has no formal duty to provide advice to the decision maker. **Section 24(1)(b) is designed to enable a decision maker to seek out the information the decision maker believes is necessary to make a decision without interference or second guessing.** This purpose would be undermined if a decision maker were restricted to seeking advice from only those whose official responsibility it is to advise the decision maker.

[Emphasis added]

[78] Therefore, in order for my office to determine if the redacted information contains a consultation or deliberation, my office needs to determine if the author of the records is a

decision-maker that was seeking information to make a decision (consultation) or if they were deliberating on a decision (deliberation).

[79] SHRC applied subsection 17(1)(b)(i) of FOIP to one sentence on page 3 of Admin-550-008. The sentence appears in an email by the Director of Resolution to the Executive Director. The sentence describes the action the Director of Resolution will take. I find that the sentence does not qualify as either a consultation or deliberation.

[80] Based on a review, portions of pages 3 to 9, 12 to 16, 19 to 20 of Part 2 of 22-23-185, contains text of a Deputy Director of Resolution seeking additional information from the Intake Consultant. Based on the email exchange, the Deputy Director of Resolution is the decision-maker seeking additional information from the Intake Consultant in order to make a decision about accepting the Applicant's complaint. I find such text to qualify as consultations. I will consider whether the text meets the second part of the two-part test.

[81] However, I do not find that the information provided by the Intake Consultant to the Deputy Director of Resolution as "consultations". Subsection 17(1)(b) of FOIP is meant to protect the communications involving decision-makers, not those of advisors (such as the Intake Consultant in this case). Therefore, I find that subsection 17(1)(b)(i) of FOIP only applies to the portions of pages 3 to 9, 12 to 16, 19 to 20 of Part 2 of 22-23-185, where the Deputy Director of Resolution sought information from the Intake Consultant in order to make a decision. It does not apply to any other information on those pages. My findings and recommendations are set out in the Appendix.

[82] Further, examples of communications by the Deputy Director of Resolution or Director of Resolution that do not qualify as "consultations" or "deliberations" appears in Parts 4 and 5 of 22-23-185. Rather, they are stating what they will do or they are providing direction to the Intake Consultant on next steps. For example, page 25 of Part 4 of 22-23-185 contains a sentence by the Deputy Director of Resolution where they neither seek information nor are they deliberating a decision. Page 27 of Part 4 of 22-23-185 and page 9 of Part 5 of 22-23-185 contains communications by the Deputy Director of Resolution where they are providing direction to the Intake Consultant. Such communication does not qualify as a

consultation or deliberation. My findings and recommendations are set out in the Appendix.

2. Do the consultations or deliberations involve officers or employees of a government institution?

[83] Earlier, I found that the text on pages 3 to 9, 12 to 16, 19 to 20 of Part 2 of 22-23-185, where the Deputy Director of Resolution sought information from the Intake Consultant qualifies as “consultations”. Therefore, I need to consider whether the second part of the two-part test is met.

[84] The Deputy Director of Resolution and the Intake Consultant are employees of the SHRC who are involved in the consultation. Therefore, the second part of the two-part test is met. I find that the SHRC properly applied subsection 17(1)(b)(i) of FOIP to portions of pages 3 to 9, 12 to 16, 19 to 20 of Part 2 of 22-23-185. My findings and recommendations are set out in the Appendix of this Report.

8. Did SHRC properly apply subsection 22(c) of FOIP?

[85] SHRC applied subsection 22(c) of FOIP to the following pages:

- Page 3 of Admin-550-008,
- Pages 2 to 31 of Part 2 of 22-23-185,
- Pages 6, 11, 16, 24, 33, 37 and 38 of Part 3 of 22-23-185,
- Pages 25, 27 to 28, 32 to 33, 37 to 39 of Part 4 of 22-23-185,
- Pages 3 to 5, 9 to 12, 15 to 16 of Part 5 of 22-23-185,
- Page 13 of Part 7 of 22-23-185,
- Pages 2, 5, 7, 25 and 26 of Part 8 of 22-23-185,
- Pages 7, 9, 11, 29 and 38 of Part 10 of 22-23-185,
- Pages 6, 7, 17, 18 of Part 12 of 22-23-185, and
- Page 15 of Part 18 of 22-23-185

[86] Subsection 22(c) of FOIP provides:

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

...

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

[87] My office uses the following two-part test to determine if subsection 22(c) of FOIP applies:

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

(Guide to FOIP, Ch. 4, pp. 292-293)

[88] Below is my office's analysis to determine if the two-part test is met.

1. Is the record a correspondence between the government institution's legal counsel (or an agent of the Attorney General) and any other person?

[89] Pages 292 and 293 of the *Guide to FOIP*, Ch. 4 provides the following definitions:

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

[90] In its submission, the SHRC asserted that the Director of Resolution and the Deputy Director of Resolution correspond daily with Intake Officers and provide advice:

[Director of Resolution] and [Deputy Director of Resolution] correspond daily with Intake Officers to help them determine next appropriate actions, whether complaints fall under *The Saskatchewan Human Rights Code, 2018*, and give advice regarding the handling of a complaint. The records contain correspondence between the government institution's legal counsel and "any other person" and they relate to a matter that involves the provision of advice or other services by legal counsel.

[91] In [Review Report 171-2020](#) at paragraph [141], my office indicated that it is not enough for an employee that is a lawyer for it to find that the person is acting in the capacity as legal counsel:

[141] In its arguments for subsection 22(c) of FOIP, the SHRC took a similar approach to its arguments for subsections 22(a) and 22(b). That is, its employees who are also lawyers are also acting in the capacity of legal counsel. However, similar to my analysis for subsections 22(a) and 22(b) of FOIP, **it is not enough that an employee that is a lawyer for me to find that the person is acting in the capacity as legal counsel. As mentioned earlier, based on a review of the records, the SHRC employees who are also lawyers take on many departmental responsibilities other than legal counsel, including director, mediator, or investigator.**

[Emphasis added]

[92] Similar to my office's analysis in Review Report 171-2020, I find that the Director of Resolution and Deputy Director of Resolution are not acting in the capacity of legal counsel in the pages listed at paragraph [85]. They are acting in their capacity of Director and Deputy Director and providing direction, not "advice", to the Intake Consultant on next steps. The first part of the two-part test is not met. I find that the SHRC did not properly apply subsection 22(c) of FOIP. My findings and recommendations are set out in the Appendix.

IV FINDINGS

[93] I find that I have jurisdiction to conduct this review.

[94] I find that SHRC exercised its discretion properly in not waiving the fees.

- [95] I find that the SHRC did not demonstrate the fees charged to the Applicant for reproducing the records to be reasonable.
- [96] I find that, in the circumstances, the SHRC did not impose an improper requirement upon the Applicant to make payment by mail.
- [97] I find that the name of the employee who saved or printed email records is responsive to the access request.
- [98] I find that SHRC did not properly apply subsection 15(1)(m) of FOIP.
- [99] I find that the SHRC properly applied subsection 17(1)(b)(i) of FOIP to portions of pages 3 to 9, 12 to 16, 19 to 20 of Part 2 of 22-23-185.
- [100] I find that the SHRC did not properly apply subsection 22(c) of FOIP.

V RECOMMENDATIONS

- [101] I recommend that the SHRC refund the \$205 fee paid by the Applicant for reproducing the record within 30 days of issuance of this Report.
- [102] I recommend that SHRC amend its policies to ensure that it can accept alternate methods of payment in appropriate circumstances.
- [103] I recommend that the SHRC comply with the recommendations set out in the Appendix within 30 days of issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 8th day of July, 2024.

Ronald J. Kruzeniski, K.C.
A/Saskatchewan Information and Privacy
Commissioner

Appendix

Admin-550-008			
Page number	Exemption(s) applied by SHRC	IPC Findings	IPC Recommendations
1	15(1)(m) of FOIP	15(1)(m) of FOIP does not apply.	Release.
2	Released		
3	22(c), 17(1)(b)(i), 15(1)(m) of FOIP, Non-responsive	22(c), 17(1)(b)(i), 15(1)(m) of FOIP do not apply. The name at the top of the page is responsive.	Release.
4	15(1)(m) of FOIP	15(1)(m) of FOIP does not apply.	Release.
5	Non-responsive	The name at the top of the page is responsive.	Release.
20-21-359			
Page number	Exemption(s) applied by SHRC	IPC Findings	IPC Recommendations
1 to 7	Released		
8	Non-responsive	The name at the top of the page is responsive.	Release.
9 to 13	Released		
14	Non-responsive	The name at the top of the page is responsive.	Release.
15	Released		
16	Non-responsive	The name at the top of the page is responsive.	Release.
17	Released		
18	Non-responsive	The name at the top of the page is responsive.	Release.
19	Released		
20	Non-responsive	The name at the top of the page is responsive.	Release.
21 to 23	Released		
24	Non-responsive	The name at the top of the page is responsive.	Release.
25 to 28	Released		
29	Non-responsive	The name at the top of the page is responsive.	Release.
30 to 34	Released		
35	Non-responsive	The name at the top of the page is responsive.	Release.
36 to 40	Released		

41	Non-responsive	The name at the top of the page is responsive.	Release.
42 to 48	Released		
49	Non-responsive	The name at the top of the page is responsive.	Release.
50 to 58	Released		
22-23-185			
Page number	Exemption(s) applied by SHRC	IPC Findings	IPC Recommendations
Part 1			
1	Released		
2	Non-responsive	The name at the top of the page is responsive.	Release.
3 to 5	Released		
6	Non-responsive	The name at the top of the page is responsive.	Release.
7	Non-responsive	The name at the top of the page is responsive.	Release.
8	Released		
9	Non-responsive	The name at the top of the page is responsive.	Release.
10	Non-responsive	The name at the top of the page is responsive.	Release.
11	Released		
12	Non-responsive	The name at the top of the page is responsive.	Release.
13	Released		
14	Non-responsive	The name at the top of the page is responsive.	Release.
15 to 16	Released		
17	Non-responsive	The name at the top of the page is responsive.	Release.
18 to 20	Released		
21	Non-responsive	The name at the top of the page is responsive.	Release.
22 to 24	Released		
25	Non-responsive	The name at the top of the page is responsive.	Release.
26 to 29	Released		
30	Non-responsive	The name at the top of the page is responsive.	Release.
31 to 36	Released		
37	Non-responsive	The name at the top of the page is responsive.	Release.
38 to 40	Released		
Part 2			

1	Released		
2	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release.
3	22(c), 17(1)(b)(i) of FOIP; Non-responsive	17(1)(b)(i) of FOIP applies to the second and third paragraphs. It does not apply to the first paragraph. 22(c) of FOIP does not apply. The name at the top of the page is responsive.	Continue to withhold the second and third paragraphs pursuant to 17(1)(b)(i) of FOIP. Release remainder of the page.
4	22(c), 17(1)(b)(i) of FOIP; Non-responsive	17(1)(b)(i) of FOIP applies to the text by the Deputy Director in the second paragraph of the email timestamped 5:15 p.m. 17(1)(b)(i) of FOIP does not apply to the first paragraph or the text by the Intake Consultant in the second paragraph of the email timestamped 5:15 p.m. 22(c) of FOIP does not apply. The name at the top of the page is responsive.	Continue to withhold the text by the Deputy Director in the second paragraph of the email timestamped 5:15 p.m. pursuant to 17(1)(b)(i) of FOIP. Release the remainder of the page.
5	22(c), 17(1)(b)(i) of FOIP	17(1)(b)(i) of FOIP applies to the text by the Deputy Director in the email timestamped 5:15 p.m. 17(1)(b)(i) of FOIP does not apply to the text by the Intake Consultant.	Continue to withhold the text by the Deputy Director in the email timestamped 5:15 p.m. pursuant to 17(1)(b)(i) of FOIP. Release the text by the Intake Consultant.
6	22(c), 17(1)(b)(i) of FOIP; Non-responsive	17(1)(b)(i) of FOIP applies to the first	Continue to withhold the first paragraph of

		<p>paragraph of the email timestamped 10:32 a.m. but it does not apply to the second sentence.</p> <p>22(c) of FOIP does not apply.</p> <p>The name at the top of the page is responsive.</p>	<p>the email timestamped 10:32 a.m. pursuant to 17(1)(b)(i) of FOIP.</p> <p>Release the remainder of the page.</p>
7	22(c), 17(1)(b)(i) of FOIP	<p>17(1)(b)(i) of FOIP applies to the text by the Deputy Director in the second and third paragraphs but not the text of the Intake Consultant.</p> <p>22(c) of FOIP does not apply.</p> <p>The name at the top of the page is responsive.</p>	<p>Continue to withhold the text by the Deputy Director in the second and third paragraphs pursuant to 17(1)(b)(i) of FOIP.</p> <p>Release the remainder of the page.</p>
8	22(c), 17(1)(b)(i) of FOIP; Non-responsive	<p>17(1)(b)(i) of FOIP applies to the first paragraph of the email timestamped 10:32 a.m. but it does not apply to the second sentence.</p> <p>17(1)(b)(i) of FOIP does not apply to the email timestamped 10:43 a.m.</p> <p>22(c) of FOIP does not apply to the page.</p> <p>The name at the top of the page is responsive.</p>	<p>Continue to withhold the first paragraph of the email timestamped 10:32 a.m. pursuant to 17(1)(b)(i) of FOIP.</p> <p>Release the remainder of the page.</p>
9	22(c), 17(1)(b)(i) of FOIP	<p>17(1)(b)(i) of FOIP applies to the text by the Deputy Director in the second and third paragraphs of the email</p>	<p>Continue to withhold the text by the Deputy Director in the second paragraph of the email</p>

		<p>timestamped 5:15 p.m. but it does not apply to the text by the Intake Consultant.</p> <p>17(1)(b)(i) of FOIP does not apply to the first paragraph of the email timestamped 5:15 p.m.</p> <p>22(c) of FOIP does not apply.</p>	<p>timestamped 5:15 p.m.</p> <p>Release remainder of the page.</p>
10	Released		
11	22(c), 17(1)(b)(i) of FOIP; Non-responsive	<p>17(1)(b)(i) of FOIP applies to the first sentence/question of the email timestamped 11:15 a.m. It does not apply to the remainder of the email. 22(c) of FOIP does not apply to the email.</p> <p>Neither 17(1)(b)(i) nor 22(c) of FOIP apply to the email timestamped 10:43p.m.</p> <p>The name at the top of the page is responsive.</p>	<p>Continue to withhold the first sentence/question of the email timestamped 11:15 p.m.</p> <p>Release remainder of the page.</p>
12	22(c), 17(1)(b)(i) of FOIP; Non-responsive	<p>17(1)(b)(i) of FOIP applies to the first paragraph of the email timestamped 10:32 a.m. but it does not apply to the second sentence of the email. 22(c) of FOIP does not apply to the email.</p> <p>17(1)(b)(i) of FOIP applies to the text of the Deputy Director in the second paragraph in the email timestamped 5:15 p.m. but it does</p>	<p>Continue to withhold the first paragraph of the email timestamped 10:32 a.m. pursuant to 17(1)(b)(i) of FOIP.</p> <p>Continue to withhold the text by the Deputy Director in the second paragraph in the email timestamped 5:15 p.m. pursuant to 17(1)(b)(i) of FOIP.</p>

		<p>not apply to the text by the Intake Consultant.</p> <p>Neither 17(1)(b)(i) nor 22(c) of FOIP apply to the first paragraph of the email timestamped 5:15 p.m.</p>	<p>Release remainder of the page.</p>
13	22(c), 17(1)(b)(i) of FOIP; Non-responsive	<p>17(1)(b)(i) of FOIP applies to the text by the Deputy Director in the email timestamped 5:15p.m. It does not apply to the text by the Intake Consultant.</p> <p>22(c) of FOIP does not apply.</p>	<p>Continue to withhold the text by the Deputy Director pursuant to 17(1)(b)(i) of FOIP.</p> <p>Release remainder of the page.</p>
14	22(c), 17(1)(b)(i) of FOIP; Non-responsive	<p>Neither 17(1)(b)(i) nor 22(c) of FOIP applies to the text of the email timestamped 12:28 p.m.</p> <p>17(1)(b)(i) of FOIP applies to the first sentence/question of the email timestamped 11:15 a.m. Neither 17(1)(b)(i) nor 22(c) of FOIP applies to the remainder of the page.</p>	<p>Continue to withhold the first sentence/question of the email timestamped 11:15 a.m. pursuant to 17(1)(b)(i) of FOIP.</p> <p>Release remainder of the page.</p>
15	22(c), 17(1)(b)(i) of FOIP; Non-responsive	<p>Neither 17(1)(b)(i) nor 22(c) of FOIP applies to the email timestamped 10:43 a.m.</p> <p>17(1)(b)(i) of FOIP applies to the first paragraph of the email timestamped 10:32 a.m. Neither 17(1)(b)(i) nor 22(c) of FOIP applies to the remainder of the email.</p>	<p>Continue to withhold the first paragraph of the email timestamped 10:32 a.m. pursuant to 17(1)(b)(i) of FOIP.</p> <p>Release remainder of the page.</p>

16	22(c), 17(1)(b)(i) of FOIP; Non-responsive	17(1)(b)(i) of FOIP applies to the text by the Deputy Director in the second and third paragraphs of the email timestamped 5:15p.m but it does not apply to the text by the Intake Consultant. 17(1)(b)(i) of FOIP does not apply to the text by the Intake Consultant. Neither 17(1)(b)(i) or 22(c) apply to the first paragraph.	Continue to withhold the text by the Deputy Director in the second and third paragraphs in the email timestamped 5:15 p.m. pursuant to 17(1)(b)(i) of FOIP. Release remainder of the page.
17	Released		
18	22(c), 17(1)(b)(i) of FOIP; Non-responsive	22(c), 17(1)(b)(i) of FOIP do not apply. The name at the top of the page is responsive.	Release.
19	22(c), 17(1)(b)(i) of FOIP; Non-responsive	17(1)(b)(i) of FOIP applies to the first sentence/question in the email timestamped 11:15 a.m. but it does not apply to the remainder of the mail. 22(c) of FOIP does not apply to the email. Neither 17(1)(b)(i) nor 22(c) of FOIP applies to the email timestamped 10:43 a.m. 17(1)(b)(i) applies to the first paragraph of the email timestamped 10:32 a.m. but it does not apply to the remainder of the email. 22(c) of FOIP does not apply to the email either.	Continue to withhold the first sentence/question in the email timestamped 11:15 a.m. pursuant to 17(1)(b)(i) of FOIP. Continue to withhold the first paragraph of the email timestamped 10:32 a.m. Release remainder of the page.

20	22(c), 17(1)(b)(i) of FOIP	<p>17(1)(b)(i) of FOIP applies to the text by the Deputy Director in the second and third paragraphs of the email timestamped 5:15pm but it does not apply to the text by the Intake Consultant. 22(c) of FOIP does not apply to the text by the Intake Consultant.</p> <p>Neither 17(1)(b) nor 22(c) of FOIP apply to the first paragraph of the email timestamped 5:15pm.</p>	Continue to withhold the text by the Deputy Director in the second and third paragraphs of the email timestamped 5:15 p.m. pursuant to 17(1)(b)(i) of FOIP but release the remainder of the page.
21	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release.
22	22(c), 17(1)(b)(i) of FOIP; Non-responsive	<p>22(c), 17(1)(b)(i) of FOIP do not apply.</p> <p>The name at the top of the page is responsive.</p>	Release.
23	22(c), 17(1)(b)(i) of FOIP	<p>17(1)(b)(i) of FOIP applies to the first sentence/question of the email timestamped 11:15 a.m. but it does not apply the remainder of the email. 22(c) of FOIP does not apply.</p> <p>Neither 17(1)(b)(i) nor 22(c) of FOIP applies to the remainder of the page.</p>	<p>Continue to withhold the first sentence/question of the email timestamped 11:15 a.m. pursuant to 17(1)(b)(i) of FOIP.</p> <p>Release remainder of the page.</p>
24	22(c), 17(1)(b)(i) of FOIP	17(1)(b)(i) of FOIP applies to the first paragraph of the email timestamped 10:32 a.m. but it does not apply to the remainder of the email. Neither 17(1)(b)(i) nor 22(c) of	<p>Continue to withhold the first paragraph of the email timestamped 10:32 a.m. pursuant to 17(1)(b)(i) of FOIP.</p> <p>Release remainder of the page.</p>

		FOIP does not apply to the email.	
25	22(c), 17(1)(b)(i) of FOIP	17(1)(b)(i) of FOIP applies to the text by the Deputy Director in the second and third paragraphs of the email timestamped 5:15 p.m. but it does not apply to the text by the Intake Consultant. 22(c) of FOIP does not apply to the text by the Intake Consultant. Neither 17(1)(b)(i) nor 22(c) of FOIP applies to the first paragraph.	Continue to withhold the text by the Deputy Director in the second and third paragraphs of the email timestamped 5:15 p.m. pursuant to 17(1)(b)(i) of FOIP. Release remainder of the page.
26 to 27	Released		
28	22(c), 17(1)(b)(i) of FOIP; Non-responsive	22(c), 17(1)(i) of FOIP do not apply. The name at the top of the page is responsive.	Release.
29	22(c), 17(1)(b)(i) of FOIP	17(1)(b)(i) of FOIP applies to the first sentence/question of the email timestamped 11:15 a.m. Neither 17(1)(b)(i) nor 22(c) of FOIP does not apply to the remainder of the page.	Continue to withhold the first sentence/question of the email timestamped 11:15 a.m. Release remainder of the page.
30	22(c), 17(1)(b)(i) of FOIP	17(1)(b)(i) of FOIP applies to the first paragraph of the email timestamped 10:32 a.m. but does not apply to the remainder of the email. 22(c) of FOIP does not apply to the email. Neither 17(1)(b)(i) nor 22(c) of FOIP applies	Continue to withhold the first paragraph of the email timestamped 10:32 a.m. pursuant to 17(1)(b)(i) of FOIP. Release remainder of the page.

		to the remainder of the page.	
31	22(c), 17(1)(b)(i) of FOIP	17(1)(b)(i) of FOIP applies to the text by the Deputy Director in the second and third paragraphs but it does not apply to the text by the Intake Consultant. 22(c) of FOIP does not apply to the text by the Intake Consultant. Neither 17(1)(b)(i) nor 22(c) of FOIP applies to the first paragraph of the email timestamped 5:15p.m.	Continue to withhold the text by the Deputy Director in the email timestamped 5:15p.m. but release remainder of the page.
32	Released		
33	Non-responsive	The name at the top of the page is responsive.	Release.
34	Non-responsive	The name at the top of the page is responsive.	Release.
35 to 36	Released		
37 to 38	Non-responsive	The name at the top of the page is responsive.	Release.
39 to 40	Released		
Part 3			
1	Non-responsive	The name at the top of the page is responsive.	Release.
2 to 5	Released		
6	22(c); 17(1)(b)(i) of FOIP; Non-responsive.	Neither 17(1)(b)(i) nor 22(c) of FOIP applies. The name at the top of the page is responsive.	Release.
7 to 10	Released		
11	22(c); 17(1)(b)(i) of FOIP; Non-responsive.	Neither 17(1)(b)(i) nor 22(c) of FOIP applies. The name at the top of the page is responsive.	Release.
12 to 15	Released		
16	22(c); 17(1)(b)(i) of FOIP; Non-responsive.	Neither 17(1)(b)(i) nor 22(c) of FOIP applies.	Release.

		The name at the top of the page is responsive.	
17 to 19	Released		
20 to 23	Non-responsive	The name at the top of the page is responsive.	Release.
24	22(c); 17(1)(b)(i) of FOIP; Non-responsive.	Neither 17(1)(b)(i) nor 22(c) of FOIP applies. The name at the top of the page is responsive.	Release.
25 to 32	Released		
33	22(c); 17(1)(b)(i) of FOIP; Non-responsive.	Neither 17(1)(b)(i) nor 22(c) of FOIP applies. The name at the top of the page is responsive.	Release.
34 to 36	Released		
37	22(c); 17(1)(b)(i) of FOIP; Non-responsive.	Neither 17(1)(b)(i) nor 22(c) of FOIP applies. The name at the top of the page is responsive.	Release.
38	22(c); 17(1)(b)(i) of FOIP	Neither 17(1)(b)(i) nor 22(c) of FOIP applies.	Release.
39 to 40	Released		
Part 4			
1	15(1)(m) of FOIP; Non-responsive	15(1)(m) of FOIP do not apply. The name at the top of the page is responsive.	Release.
2 to 7	Released		
8	15(1)(m) of FOIP; Non-responsive	15(1)(m) of FOIP do not apply. The name at the top of the page is responsive.	Release.
9 to 20	Released		
21	15(1)(m) of FOIP; Non-responsive	15(1)(m) of FOIP do not apply. The name at the top of the page is responsive.	Release.
22	Released		
23	15(1)(m) of FOIP; Non-responsive	15(1)(m) of FOIP do not apply.	Release.

		The name at the top of the page is responsive.	
24	Released		
25	22(c), 17(1)(b)(i), 15(1)(m) of FOIP; Non-responsive	22(c), 17(1)(b)(i), 15(1)(m) of FOIP do not apply. The name at the top of the page is responsive.	Release.
26	Released		
27	22(c), 17(1)(b)(i) of FOIP; Non-responsive.	22(c), 17(1)(b)(i) of FOIP do not apply. The name at the top of the page is responsive.	Release.
28	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release.
29 to 31	Released		
32	22(c), 17(1)(b)(i) of FOIP; Non-responsive.	22(c), 17(1)(b)(i) of FOIP do not apply. The name at the top of the page is responsive.	Release.
33	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP does not apply.	Release.
34 to 36	Released		
37	22(c), 17(1)(b)(i) of FOIP; Non-responsive.	22(c), 17(1)(b)(i) of FOIP do not apply. The name at the top of the page is responsive.	Release.
38	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release.
39	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release.
40	Released		
Part 5			
1 to 2	Released		
3	22(c), 17(1)(b)(i) of FOIP; Non-responsive.	22(c), 17(1)(b)(i) of FOIP do not apply. The name at the top of the page is responsive.	Release.
4	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release.

5	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release.
6 to 8	Released		
9	22(c), 17(1)(b)(i) of FOIP; Non-responsive.	22(c), 17(1)(b)(i) of FOIP do not apply. The name at the top of the page is responsive.	Release.
10	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release.
11	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release.
12	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release.
13 to 14	Released		
15	22(c) of FOIP; Non-responsive	22(c) of FOIP does not apply. The name at the top of the page is responsive.	Release.
16	22(c), 17(1)(b)(i) of FOIP; Non-responsive	22(c), 17(1)(b)(i) of FOIP do not apply. The name at the top of the page is responsive.	Release.
17	Non-responsive	The name at the top of the page is responsive.	Release.
18	Released		
19	Non-responsive	The name at the top of the page is responsive.	Release.
20 to 24	Released		
25	Non-responsive	The name at the top of the page is responsive.	Release.
26	Released		
27	Non-responsive	The name at the top of the page is responsive.	Release.
28	Released		
29	Non-responsive	The name at the top of the page is responsive.	Release.
30 to 31	Released		
32	Non-responsive	The name at the top of the page is responsive.	Release.
33 to 34	Released		
35	Non-responsive	The name at the top of the page is responsive.	Release.
36 to 40	Released		

Part 6			
1 to 40	Released		
Part 7			
1 to 7	Released		
8	Non-responsive	The name at the top of the page is responsive.	Release.
9 to 12	Released		
13	22(c), 17(1)(b)(i); Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
14 to 15	Released		
16	Non-responsive	The name at the top of the page is responsive.	Release.
17	Released		
18	Non-responsive	The name at the top of the page is responsive.	Release.
19 to 37	Released		
38	Non-responsive	The name at the top of the page is responsive.	Release.
39	Non-responsive	The name at the top of the page is responsive.	Release.
40	17(1)(b)(i) of FOIP; Non-responsive	17(1)(b)(i) of FOIP does not apply. The name at the top of the page is responsive.	Release.
Part 8			
1	Released		
2	22(c), 17(1)(b)(i); Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
3 to 4	Released		
5	22(c), 17(1)(b)(i); Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
6	Released		
7	22(c), 17(1)(b)(i); Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply.	Release.

		The name at the top of the page is responsive.	
8 to 10	Released		
11	Non-responsive	The name at the top of the page is responsive.	Release.
12 to 16	Released		
17	Non-responsive	The name at the top of the page is responsive.	Release.
18 to 23	Released		
24	17(1)(b)(i) of FOIP	17(1)(b)(i) of FOIP does not apply.	Release.
25	22(c), 17(1)(b)(i); Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
26	22(c), 17(1)(b)(i) of FOIP	22(c), 17(1)(b)(i) of FOIP do not apply.	Release
27 to 28	Released		
29 to 30	Non-responsive	The name at the top of the page is responsive.	Release.
31	Released		
32	Non-responsive	The name at the top of the page is responsive.	Release.
33 to 34	Released		
35	Non-responsive	The name at the top of the page is responsive.	Release.
36 to 37	Released		
38	Non-responsive	The name at the top of the page is responsive.	Release.
39 to 40	Released		
Part 9			
1	Non-responsive	The name at the top of the page is responsive.	Release.
2 to 3	Released		
4	Non-responsive	The name at the top of the page is responsive.	Release.
5 to 7			
8	Non-responsive	The name at the top of the page is responsive.	Release.
9 to 11	Released		
12	Non-responsive	The name at the top of the page is responsive.	Release.
13 to 16	Released		
17	Non-responsive	The name at the top of the page is responsive.	Release.

18 to 22	Released		
23 to 24	Non-responsive	The name at the top of the page is responsive.	Release.
25 to 29	Released		
30 to 31	Non-responsive	The name at the top of the page is responsive.	Release.
32	Released		
33	Non-responsive	The name at the top of the page is responsive.	Release.
34 to 38	Released		
39	Non-responsive	The name at the top of the page is responsive.	Release.
40	Released		
Part 10			
1 to 5	Released		
6	Non-responsive	The name at the top of the page is responsive.	Release.
7	22(c), 17(1)(b)(i) of FOIP; Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
8	Released		
9	22(c), 17(1)(b)(i) of FOIP; Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
10	Released		
11	22(c), 17(1)(b)(i) of FOIP; Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
12 to 13	Released		
14	Non-responsive	The name at the top of the page is responsive.	Release.
15 to 20	Released		
21	Non-responsive	The name at the top of the page is responsive.	Release.
22 to 28	Released		
29	22(c), 17(1)(b)(i) of FOIP; Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.

30 to 36	Released		
37	22(c), 17(1)(b)(i) of FOIP; Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
38 to 40	Released		
Part 11			
1 to 5	Released		
6	Non-responsive	The name at the top of the page is responsive.	Release.
7 to 13	Released		
14	Non-responsive	The name at the top of the page is responsive.	Release.
15 to 22	Released		
23	Non-responsive	The name at the top of the page is responsive.	Release.
24 to 32	Released		
33 to 34	Non-responsive	The name at the top of the page is responsive.	Release.
35 to 40	Released		
Part 12			
1 to 3	Released		
4	Non-responsive	The name at the top of the page is responsive.	Release.
5	Released		
6	22(c), 17(1)(b)(i); Non- responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
7	22(c), 17(1)(b)(i); Non- responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
8 to 9	Non-responsive	The name at the top of the page is responsive.	Release.
10	Released		
11	Non-responsive	The name at the top of the page is responsive.	Release.
12	Released		
13	Non-responsive	The name at the top of the page is responsive.	Release.
14 to 15	Released		

16	Non-responsive	The name at the top of the page is responsive.	Release.
17	22(c), 17(1)(b)(i); Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
18	22(c), 17(1)(b)(i); Non-responsive	Neither 17(1)(b)(i) nor 22(c) of FOIP apply. The name at the top of the page is responsive.	Release.
19	Released		
20	Non-responsive	The name at the top of the page is responsive.	Release.
21 to 23	Released		
24	Non-responsive	The name at the top of the page is responsive.	Release.
25 to 28	Released		
29	Non-responsive	The name at the top of the page is responsive.	Release.
30 to 34	Released		
35	Non-responsive	The name at the top of the page is responsive.	Release.
36	Released		
37	Non-responsive	The name at the top of the page is responsive.	Release.
38	Released		
39	Non-responsive	The name at the top of the page is responsive.	Release.
40	Released		
Part 13			
1 to 2	Non-responsive	The name at the top of the page is responsive.	Release.
3	Released		
4 to 5	Non-responsive	The name at the top of the page is responsive.	Release.
6	Released		
7	Non-responsive	The name at the top of the page is responsive.	Release.
8	Released		
9	Non-responsive	The name at the top of the page is responsive.	Release.
10 to 39	Released		
40	Non-responsive	The name at the top of the page is responsive.	Release.

Part 14			
1	Released		
2	Non-responsive	The name at the top of the page is responsive.	Release.
3	Released		
4	Non-responsive	The name at the top of the page is responsive.	Release.
5 to 6	Released		
7	Non-responsive	The name at the top of the page is responsive.	Release.
8 to 9	Released		
10	Non-responsive	The name at the top of the page is responsive.	Release.
11 to 15	Released		
16	Non-responsive	The name at the top of the page is responsive.	Release.
17 to 21	Released		
22	Non-responsive	The name at the top of the page is responsive.	Release.
23 to 24	Released		
25 to 27	Non-responsive	The name at the top of the page is responsive.	Release.
28	Released		
29	Non-responsive	The name at the top of the page is responsive.	Release.
30 to 34	Released		
35 to 36	Non-responsive	The name at the top of the page is responsive.	Release.
37 to 40	Released		
Part 15			
1 to 40	Released		
Part 16			
1 to 40	Released		
Part 17			
1 to 19	Released		
20	Non-responsive	The name at the top of the page is responsive.	Release.
21	Released		
22	Non-responsive	The name at the top of the page is responsive.	Release.
23 to 24	Released		
25 to 29	Non-responsive	The name at the top of the page is responsive.	Release.
30	Released		
31 to 33	Non-responsive	The name at the top of the page is responsive.	Release.

34	Released		
35	Non-responsive	The name at the top of the page is responsive.	Release.
36	Released		
37 to 38	Non-responsive	The name at the top of the page is responsive.	Release.
39 to 40	Released		
Part 18			
1	Non-responsive	The name at the top of the page is responsive.	Release.
2	Released		
3 to 4	Non-responsive	The name at the top of the page is responsive.	Release.
5	Released		
6	Non-responsive	The name at the top of the page is responsive.	Release.
7	Released		
8 to 9	Non-responsive	The name at the top of the page is responsive.	Release.
10	Released		
11	Non-responsive	The name at the top of the page is responsive.	Release.
12 to 14	Released		
15	22(c), 17(1)(b)(i), 15(1)(m) of FOIP; Non-responsive	22(c), 17(1)(b)(i), 15(1)(m) of FOIP do not apply. The name at the top of the page is responsive.	Release.
16 to 18	Non-responsive	The name at the top of the page is responsive.	Release.
19 to 20	Released		