



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## REVIEW REPORT 348-2025

### Ministry of Agriculture

April 28, 2026

#### Summary:

The Applicant submitted an access to information request to the Ministry of Agriculture (Agriculture) for records related to an investigation pertaining to missing cattle. Agriculture responded to the Applicant and released one full page of the record withholding six pages in full. Though Agriculture applied section 29(1) (third party personal information) of *The Freedom of Information and Protection of Privacy Act (FOIP)* to portions of the six pages of the record, it withheld these pages in full under sections 15(1)(c) (disclose information with respect to a lawful investigation), 15(1)(f) (disclose a confidential source with respect to a lawful investigation), and 15(1)(k) (disclose information with respect to a law enforcement matter) of *FOIP*.

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

The Commissioner found that Agriculture properly applied section 15(1)(c) of *FOIP* to the six pages of the responsive record in full.

The Commissioner recommended that Agriculture continue to withhold the six pages of the responsive record in full, pursuant to section 15(1)(c) of *FOIP*.

## I BACKGROUND

- [1] On November 19, 2025, the Ministry of Agriculture (Agriculture) received an access to information request for the following:<sup>1</sup>

All records pertaining to investigation of [Applicant's name withheld] in regards to Allegations of cattle theft or disappearance MADE by [Individual 1's name withheld].

Copies of All correspondence internally AND WITH [Individual 2's name withheld] referring to [Applicant's name withheld]

Copies of All correspondence between LIVESTOCK SERVICES of SASKATCHEWAN AND CORP. [Individual 3's name withheld] F Division LIVESTOCK investigator referring to [Applicant's name withheld].<sup>2</sup>

- [2] The Applicant indicated the timeframe of their request was January 1, 2024, to November 1, 2024.

- [3] On December 5, 2025, Agriculture issued a section 7 decision to the Applicant and indicated it had enclosed a seven-page record responsive to their request. Agriculture released page 7 of the record in full and indicated that was withholding pages 1 to 6 due to an application of the exemptions in sections 15(1)(c), (f), (k) and 29(1) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.<sup>3</sup>

- [4] On December 18, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

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<sup>1</sup> The Applicant originally submitted an access to information request on July 7, 2025, to Livestock Services of Saskatchewan (LSS). The request was subsequently forwarded to the Ministry of Agriculture (Agriculture) because a previously established governmental agreement deems Agriculture responsible for access to information requests received by LSS.

<sup>2</sup> The words in square brackets are OIPC's redactions to prevent disclosure of the personal information of the Applicant and other individuals.

<sup>3</sup> [\*The Freedom of Information and Protection of Privacy Act\*](#), S.S. 1990-91 c. F-22.01, as amended.

- [5] On January 7, 2026, this office notified both the Applicant and Agriculture that OIPC would be undertaking a review of this matter. OIPC requested that Agriculture provide a copy of the record at issue, and an index of records by February 6, 2026. Both parties were invited to provide submissions by March 9, 2026.
- [6] The Applicant provided a submission to OIPC on January 29, 2026.
- [7] On February 6, 2026, Agriculture provided this office with a copy of the record as well as an index of records. Agriculture did not provide consent to share its index of records with the Applicant.
- [8] On March 9, 2026, Agriculture provided a submission to OIPC. Agriculture did not provide consent to share its submission with the Applicant.

## **II RECORDS AT ISSUE**

- [9] The subject of this review is a responsive record six pages in length. Pages 1-3 are a Livestock Services of Saskatchewan (LSS) Livestock Irregularity Information Report, pages 4 and 5 are LSS inspector forms and page 6 is an LSS Manifest Control Report. Pages 1-6 of the responsive record were fully withheld under sections 15(1)(c), (f), and (k) of *FOIP*. Parts of pages 1, 2, 4, 5, and 6 of the record were withheld under section 29(1) of *FOIP*.

## **III DISCUSSION OF THE ISSUES**

### **1. Jurisdiction**

- [10] Agriculture is a government institution as defined by section 2(1)(d)(i) of *FOIP*. *FOIP* is engaged and OIPC has jurisdiction under PART VII of *FOIP* to undertake this review.

**2. Did Agriculture properly apply section 15(1)(c) of FOIP?**

[11] On April 17, 2026, OIPC confirmed with Agriculture that it intended to apply the exemption in section 15(1)(c) of *FOIP* to all six pages of the record in full.

[12] Section 15(1)(c) of *FOIP* provides:

**15(1)** A head may refuse to give access to a record, the release of which could:

...  
(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

[13] OIPC considers the following two-part test in its analysis of whether section 15(1)(c) of *FOIP* applies:<sup>4</sup>

1. Does the government institution's activity qualify as a "lawful investigation"?
2. Does one of the following exist?
  - (a) Could the release of the information interfere with a lawful investigation?
  - (b) Could the release of the information disclose information with respect to a lawful investigation?

[14] Below is an analysis of the application of section 15(1)(c) of *FOIP* to the record.

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

[15] A "lawful investigation" is an investigation that is authorized or required and permitted by law.<sup>5</sup> As such, the government institution should always identify the legislation from which

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<sup>4</sup> OIPC [Review Report 199-2025](#) at paragraph [20].

<sup>5</sup> *Ibid*, at paragraph [22].

the investigation draws its legal jurisdiction. The investigation can be concluded, active and ongoing or occurring in the future.<sup>6</sup>

[16] “Lawful investigations” are not limited to investigations that are conducted by a government institution.<sup>7</sup> In other words, it can include investigations conducted by other organizations (e.g., a police investigation).<sup>8</sup>

[17] As noted at paragraph [9] of this Report, Agriculture applied section 15(1)(c) of *FOIP* to the record in full. Agriculture noted in its submission that it severed the six pages of the record “in its entirety due to the ongoing RCMP [Royal Canadian Mounted Police]<sup>9</sup> and LSS investigation.”<sup>10</sup>

[18] In relation to this investigation, Agriculture cited several sections of *The Animal Production Act*,<sup>11</sup> in its submission and indicated:

The Minister of Agriculture (with the Lieutenant Governor in Council’s approval) has the authority to enter into an administration agreement with the purposes to authorize *The Animal Production Act, 2022* and their regulations.

...

As such, LSS investigations are considered as law enforcement for the purposes of enforcing *The Animal Production Act*...

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<sup>6</sup> In *Leo v. Global Transportation Hub Authority*, 2019 SKQB 150 (Leo) at paragraph [24], Kalmakoff J. concluded that nothing in section 15(1)(c) of *FOIP* required a matter to be active or ongoing at the time of the application of this exemption.

<sup>7</sup> [OIPC Review Report 003-2022](#) at paragraph [82].

<sup>8</sup> [OIPC Review Report 239-2024](#) at paragraph [37].

<sup>9</sup> The [RCMP](#) are the Canadian national police service. They work to prevent crime at the municipal, provincial, territorial and federal levels, and have a federal presence across the country.

<sup>10</sup> LSS is an established service provider that has been delegated the authority to provide manifests and inspection services for cattle and horses in Saskatchewan.

<sup>11</sup> [The Animal Production Act](#), SS 2022, c 2, as amended.

[19] Section 2-1(1) of *The Animal Production Act* provides:

**Agreements**

**2-1(1)** Subject to the approval of the Lieutenant Governor in Council, the minister, on behalf of the Government of Saskatchewan, may enter into an administration agreement with any person for the purpose of administering services as authorized pursuant to the authority of this Act and the regulations.

[20] Agriculture provided OIPC with a copy of the administration agreement between itself and LSS. Upon review, OIPC noted that Schedule A of the agreement delegates LSS as a service provider with the power and duty to conduct livestock inspections under specific legislative provisions within *The Animal Production Act* and *The Animal Production Regulations*.<sup>12</sup>

[21] Agriculture further indicated that both the RCMP and LSS are considered to be “inspectors” pursuant to sections 4-1(1) and 2(c) of *The Animal Production Act*:

**Appointment of inspectors**

**4-1(1)** Every member of the Royal Canadian Mounted Police and every member of a municipal police service is, by virtue of that position, an inspector for the purposes of this Act and the regulations and has the same powers and duties as are conferred or imposed on an inspector pursuant to this Act and the regulations.

(2) The minister may appoint any persons or category of persons as inspectors for the purposes of this Act and the regulations, including those employed by:

...

(c) a service provider as indicated in an administration agreement pursuant to section 2-1;

[22] Additionally, OIPC notes that section 4-3(1) of *The Animal Production Act, 2022*, provides the following regarding the powers of inspectors:

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<sup>12</sup> [The Animal Production Regulations](#), Saskatchewan Regulations 45/2024 (effective July 1, 2024), as amended by Saskatchewan Regulations 64/2025.

**Powers of inspectors**

4-3(1) Subject to subsection (2), an inspector may, for the purposes of preventing or detecting the contravention of any of the provisions of this Act or the regulations, without a warrant:

(a) enter and search any place other than a private dwelling; and

(b) examine, sample, test, seize and detain any animal, animal product or record that the inspector has reasonable grounds to believe is evidence of the contravention of any provision of this Act, the regulations or any prescribed code.

(2) The powers granted pursuant to subsection (1) may be exercised at any reasonable time or at any other time if the inspector has reasonable grounds to believe that a time sensitive or urgent situation exists.

...

(7) An inspector may, without a warrant, arrest any person found committing an offence pursuant to this Act or the regulations.

(8) An inspector, in the exercise and discharge of the inspector's powers and duties pursuant to this Act and the regulations, is a peace officer for the purposes of the enforcement of this Act and the regulations.

[23] It is noted that *The Animal Production Act* uses the language "inspection"; however, section 15(1)(c) of *FOIP* uses the term "investigation." In order for the first part of the test to be met, the inspection conducted by LSS and the RCMP must qualify as a lawful investigation.

[24] This office has previously concluded that an inspection conducted under *The Northern Municipalities Act, 2010*,<sup>13</sup> qualified as a lawful investigation.<sup>14</sup> Section 417 of *The Northern Municipalities Act, 2010*, contains provisions related to the appointment, duties and powers of inspectors that are similar to those found in section 4 of *The Animal Production Act*.

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<sup>13</sup> [The Northern Municipalities Act, 2010](#), SS 2010, c N-5.2, as amended.

<sup>14</sup> OIPC [Review Report 381-2019](#) at paragraph [19] and [20].

[25] Section 4-3 of *The Animal Production Act* provides inspectors with the power to enter premises and inspect, as well as the power to seize and detain animals and even arrest, without a warrant, any person acting in contravention to this act. These powers are consistent with powers that one would expect in any investigation.

[26] Based on the powers provided to an inspector under *The Animal Production Act* an inspection conducted pursuant to *The Animal Production Act* qualifies as a “lawful investigation”. The first part of the test is met.

**2. *Could the release of the information disclose information with respect to a lawful investigation?***

[27] In its submission, Agriculture argued that the release of the record could disclose information with respect to a lawful investigation.

[28] Section 15 of *FOIP* features the word “could” instead of the phrase “could reasonably be expected to” as seen in other provisions of *FOIP*. The threshold for “could” is lower than the threshold of a reasonable expectation and this phrase implies an objective possibility that disclosure could cause harm.<sup>15</sup> A government institution must demonstrate that the release of the record would have an objective possibility of disclosing information with respect to a lawful investigation in order for the application of section 15(1)(c) of *FOIP* to be appropriate.<sup>16</sup>

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<sup>15</sup> [\*Saskatchewan Government Insurance v. Giesbrecht\*](#), 2025 SKCA 10 at paragraph [78]. In this ruling, the Court of Appeal for Saskatchewan is considering the word “could” within the context of section 38(1)(f) of the *Health Information Protection Act*, SS 1999, c. H-0.021, as amended, but the substance of the meaning is relevant to this analysis regarding section 15(1)(c) of *FOIP*.

<sup>16</sup> *Supra*, footnote 4 at paragraph [29].

[29] “With respect to” are words of the widest possible scope.<sup>17</sup> In *CanadianOxy Chemicals Ltd. v. Canada*, this phrase has been interpreted by the Supreme Court of Canada to mean “anything relevant or rationally connected to the incident under investigation...”.<sup>18</sup>

[30] In its submission, Agriculture indicated that the responsive records would “disclose information regarding the investigation.” Upon review, OIPC noted that the record contains information pertaining to the livestock investigation in question including the detailed notes and forms from inspectors.

[31] Information with respect to evidence collected during the course of a police investigation as well as steps taken by police officers during an investigative process would reveal information with respect to a lawful investigation.<sup>19</sup>

[32] This office confirms that the redacted information would reveal information with respect to a lawful investigation if released. For example, the release of the inspector’s notes, forms and reports would reveal information gathered by the LSS inspector in the course of the investigation as well as confidential personal information connected to other individuals involved in the investigation. The second part of the two-part test is met.

[33] Section 15(1)(c) of *FOIP* was found to be properly applied by Agriculture to the six pages of the responsive record. There is no need to consider the application of further exemptions.

#### **IV FINDINGS**

[34] OIPC has jurisdiction to undertake this review under Part VII of *FOIP*.

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<sup>17</sup> OIPC [Review Report 030-2020](#) at paragraph [94].

<sup>18</sup> *CanadianOxy Chemicals Ltd. v. Canada* (Attorney General), [1999] 1 SCR 743, at paragraph [15].

<sup>19</sup> OIPC [Review Report 064-2025](#) at paragraph [20].

[35] Agriculture properly applied section 15(1)(c) of *FOIP* to the six pages of the responsive record in full.

## **V RECOMMENDATION**

[36] I recommend that Agriculture continue to withhold the six pages of the responsive record in full under section 15(1)(c) of *FOIP*.

Dated at Regina, in the Province of Saskatchewan, this 28<sup>th</sup> day of April, 2026.

Grace Hession David  
Saskatchewan Information and Privacy Commissioner