



REVIEW REPORT 140-2021, 186-2021

Ministry of Social Services

November 22, 2022

Summary:

The Applicant submitted an access to information request to the Ministry of Social Services (Social Services). Social Services notified the Applicant it was extending its response time by an additional 30 days pursuant to section 12 of *The Freedom of Information and Protection of Privacy Act* (FOIP). Social Services failed to respond to the Applicant within the extended timeline, and so the Commissioner found that Social Services did not comply with section 12 of FOIP. Social Services released portions of the responsive record, withholding other portions pursuant to subsections 15(1)(m), 17(1)(a), 17(1)(b), 18(1)(b), 19(1)(c) and 29(1) of FOIP and subsection 27(1) of *The Health Information Protection Act* (HIPA). The Applicant requested a review of Social Services' decision to withhold portions of the record. The Commissioner recommended Social Services review why it was not able to respond to the Applicant within the legislated timeframe and determine if it needs to revisit its policies and procedures, or if it has adequate resources. The Commissioner also found that subsections 17(1)(b), and 29(1) of FOIP and subsection 27(1) of HIPA were appropriately applied in some portions of the record, but not others. The Commissioner recommended that the portions of the record where it found that the exemptions do not apply, be released.

I BACKGROUND

[1] On February 18, 2021, the Ministry of Social Services (Social Services) received an access to information request from the Applicant. The Applicant requested access to the following records for the time period of November 1, 2020 to January 31, 2021:

1. Pertaining to a specific meeting reportedly held on November 3, 2020, where ministry officials advised the SWAP Board of Directors of the fiduciary responsibilities. Meeting held BETWEEN Ministry of Social Services/Government of Saskatchewan AND involving SWAP Board of Directors, SWAP Advisory

Committee, SWAP Executive Director [name of Executive Director], [name of founder of Future Quest Consulting]/Future Quest Consulting. Provide copies of meeting dates, meeting minutes, meeting notes (formal or otherwise), list of attendees.

2. Pertaining to all meeting held BETWEEN Ministry of Social Services/Government of Saskatchewan AND involving SWAP Board of Directors, SWAP Advisory Committee, SWAP Executive Director [name of Executive Director], [name of founder of Future Quest Consulting]/Future Quest Consulting. Provide copies of meeting dates, meeting minutes, meeting notes (formal or otherwise), list of attendees.

- [2] On March 22, 2021, Social Services emailed a letter to the Applicant advising it was extending the 30-day response period an additional 30 days pursuant to subsection 12(1)(b) of *The Freedom of Information and Protection of Privacy Act* (FOIP). The letter noted the response deadline would be extended from March 22, 2021 to April 20, 2021.
- [3] On May 20, 2021, the Applicant submitted a request for review to my office as they had not received a response from Social Services. The Applicant objected to the need for Social Services to apply an extension pursuant to subsection 12(1)(b) of FOIP.
- [4] On July 6, 2021, the Applicant notified my office that they had received a response from Social Services on June 14, 2021 and provided my office with copies of the correspondence.
- [5] On July 8, 2021, my office emailed the Applicant to ask if they were satisfied with Social Services' response.
- [6] On July 22, 2021, the Applicant asked my office to review if Social Services met the legislated timelines to respond to their access to information request, and Social Services' need for an extension pursuant to subsection 12(1)(b) of FOIP. Additionally, the Applicant requested my office review Social Services' decision to withhold portions of the record pursuant to subsections 18(1)(d), 19(1)(c) and 29(1) of FOIP, and subsection 27(1) of *The Health Information Protection Act* (HIPA).
- [7] On August 26, 2021, my office notified the Applicant, the Third Party, Street Workers Advocacy Project (SWAP), and Social Services of my intention to undertake a review.

[8] On April 26, 2022, Social Services provided my office with its submission. The Third Party provided my office with its submission on October 12, 2021, and clarification my office had requested on October 26, 2022. The Applicant did not provide a submission to my office.

[9] Social Services' submission advised it was no longer relying on subsection 18(1)(d) of FOIP, and raised subsections 15(1)(m), 17(1)(a), (b) and 18(1)(b) of FOIP.

II RECORDS AT ISSUE

[10] Social Services withheld 30 pages of records in part as follows:

Record	Page Numbers	Description	Withheld in Full or in Part	FOIP or HIPA Exemptions claimed
2	2	Email	Withheld in part	29(1) of FOIP
5	5 to 6	Attachment to Record 4: Community concerns	Withheld in part	19(1)(c), 29(1) of FOIP
7	8	Email thread	Withheld in part	29(1) of FOIP
8	9	Email thread	Withheld in part	19(1)(c), 29(1) of FOIP; 27(1) of HIPA
9	11	Email thread	Withheld in part	19(1)(c), 29(1) of FOIP; 27(1) of HIPA
11	14	Email thread	Withheld in part	29(1) of FOIP
14	18	Email	Withheld in part	29(1) of FOIP
16	20	Email	Withheld in part	29(1) of FOIP
17	21	Email Teams meeting link	Withheld in part	15(1)(m), 18(1)(b), 29(1) of FOIP
17A	22	Email Teams meeting link	Withheld in part	15(1)(m), 18(1)(b), 29(1) of FOIP
18	23	Meeting notes	Withheld in part	29(1) of FOIP
19	24 to 26	Meeting notes	Withheld in part	29(1) of FOIP
20	27	Meeting notes	Withheld in part	29(1) of FOIP
21	28 to 32	Meeting notes	Withheld in part	29(1) of FOIP; section 27(1) of HIPA
22	33 to 35	Meeting notes	Withheld in part	29(1) of FOIP

Record	Page Numbers	Description	Withheld in Full or in Part	FOIP or HIPA Exemptions claimed
23	36	Meeting notes	Withheld in part	17(1)(b), 19(1)(c), 29(1) of FOIP
24	37 to 39	Email thread	Withheld in part	17(1)(a), 17(1)(b), 29(1) of FOIP
25	41	Email thread	Withheld in part	29(1) of FOIP; section 27(1) of HIPA
26	42	Meeting notes	Withheld in part	19(1)(c), 29(1) of FOIP; section 27(1) of HIPA

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[11] Social Services is a “government institution” pursuant to subsection 2(1)(d)(i) of FOIP. Therefore, I have jurisdiction to conduct this review.

[12] Social Services also claimed that section 27(1) of HIPA applies to portions of the records. HIPA applies when three elements are present: 1) “personal health information” 2) a “trustee” and 3) the trustee has custody or control of the personal health information.

[13] Social Services applied section 27(1) of HIPA to portions of pages 9, 11, 32, 41 and 42. The information withheld includes information about a medical procedure, a medical diagnosis, and a medical condition. This information qualifies as personal health information of an individual as defined by subsections 2(m)(i) and (ii) of HIPA, which provides:

2 In this Act:

...
 (m) “**personal health information**” means, with respect to an individual, whether living or deceased:

- (i) information with respect to the physical or mental health of the individual;
- (ii) information with respect to any health service provided to the individual;

[14] Social Services also qualifies as a “trustee” as defined by subsection 2(t)(i) of HIPA. With respect to the third element, in my office’s [Review Report 047-2022](#), I stated that “custody” is the physical possession of a record by a trustee with a measure of control. “Control” connotes authority, meaning the trustee has the authority to manage the records, including restricting access to it. In this matter, the records are in the custody of Social Services. As Social Services has custody of the personal health information at issue, I find that HIPA applies and I also have jurisdiction under HIPA to conduct this review.

2. Did Social Services comply with section 12 of FOIP?

[15] Subsection 7(2) of FOIP requires that a government institution respond to an applicant within 30 calendar days of receiving an access to information request, unless the response deadline was extended pursuant to section 12 of FOIP. Section 7(2) of FOIP provides as follows:

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

[16] Section 12 of FOIP is clear that a government institution can extend the initial 30-day response deadline for a maximum of 30 more days. This means 60 days in total. However, this is only in limited circumstances, which are outlined in subsection 12(1) of FOIP (*Guide to FOIP*, Chapter 3: “Access to Records”, updated: June 29, 2021, at page 72 (*Guide to FOIP*, Ch. 3)).

[17] Social Services advised the Applicant it was relying on subsection 12(1)(b) of FOIP to extend its deadline to respond. Section 12 of FOIP provides as follows:

12(1) The head of a government institution may extend the period set out in section 7 or 11 for a reasonable period not exceeding 30 days:

...

(b) where consultations that are necessary to comply with the application cannot reasonably be completed within the original period;

...

(2) A head who extends a period pursuant to subsection (1) shall give notice of the extension to the applicant within 30 days after the application is made.

[18] My office's [Review Report 152-2020](#) provides the following regarding the calculation of time:

[11] ...In terms of calculating the due date, *The Legislation Act* establishes general rules that govern the interpretation of all statutory instruments in the province. Section 2-28 of *The Legislation Act* provides guidance on the computation of time and can be applied to the 30 day calculation as follows:

- The first day the access request is received is excluded in the calculation of time;
- If the due date falls on a holiday, the time is extended to the next day that is not a holiday;
- If the due date falls on a weekend, the time is extended to the next day the office is open; and
- As LA FOIP [and FOIP] expresses the time in a number of days, this is interpreted as 30 calendar days, not business days.

[19] Subsection 12(2) of FOIP states that a notice of an extension must be provided to an applicant within the first 30 days after the government institution receives an access to information request. Social Services received the Applicant's access to information request on February 18, 2021, and was required to provide notice of an extension to the Applicant within 30 days, or by March 20, 2021. Since that day was a Saturday, Social Services had until March 22, 2021, to provide the Applicant with any notice of extension.

[20] On March 22, 2021, Social Services extended the time to respond pursuant to subsection 12(1)(b) of FOIP, so it provided this notice of extension within the period it was allowed to do so. I note that best practice would be for a government institution to provide such notice as soon as it is able, rather than waiting until the due date to do so.

[21] Subsection 12(3) of FOIP then requires a government institution to respond within the period of extension. Subsection 12(3) of FOIP provides:

12(3) Within the period of extension, the head shall give written notice to the applicant in accordance with section 7.

[22] Social Services did not respond to the Applicant until June 14, 2021, which was 116 days after the Applicant submitted their request. This was well beyond the time it needed to do so. As such, Social Services did not comply with subsection 12(3) of FOIP, so there is no need for me to consider its reasons for providing an extension pursuant to subsection 12(1)(b) of FOIP. I find, therefore, Social Services did not comply with section 12 of FOIP.

[23] My office has recommended Social Services amend its policies and/or procedures for the processing of access to information requests in my office's [Review Report 137-2021](#), [Review Report 142-2021, 193-2021](#) and [Review Report 141-2021, 192-2021](#). I again remind Social Services of its obligation to process access to information requests as required by FOIP. I recommend Social Services review why it was not able to do so in this matter to determine if it needs to revisit its policies and procedures, or if it has adequate resources.

3. Did Social Services properly apply subsection 27(1) of HIPA?

[24] Subsection 27(1) of HIPA provides as follows:

27(1) A trustee shall not disclose personal health information in the custody or control of the trustee except with the consent of the subject individual or in accordance with this section, section 28 or section 29.

[25] As noted earlier, Social Services applied subsection 27(1) of HIPA to portions of pages 9, 11, 32, 41 and 42. The information withheld includes information about a medical procedure (pages 9 and 11), a medical diagnosis (page 32), and a medical condition (pages 41 and 42). I have already found these portions of the record qualify as personal health information of an individual as defined by subsections 2(m)(i) and (ii) of HIPA.

[26] As subsection 27(1) of HIPA is a mandatory exemption and the individuals have not consented to the disclosure of the information, I find that Social Services properly applied subsection 27(1) of HIPA as I have noted in the preceding paragraph. See Appendix A for details.

5. Did Social Services properly apply subsection 29(1) of FOIP?

[27] Subsection 29(1) of FOIP provides as follows:

29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 30.

[28] Subsection 29(1) of FOIP requires that a government institution shall not disclose personal information without consent unless a specific circumstance exists. The type of information that is considered personal information is described in subsection 24(1) of FOIP; the list is non-exhaustive. To determine if information is personal information, it must: 1) be about an identifiable individual, and 2) be personal in nature. Subsection 24(1) of FOIP provides as follows:

24(1) Subject to subsections (1.1) and (2), “**personal information**” means personal information about an identifiable individual that is recorded in any form, and includes:

(a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

(c) **Repealed.** 1999, c.H-0.021, s.66.

(d) any identifying number, symbol or other particular assigned to the individual, other than the individual’s health services number as defined in *The Health Information Protection Act*;

(e) the home or business address, home or business telephone number or fingerprints of the individual;

(f) the personal opinions or views of the individual except where they are about another individual;

(g) correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;

(h) the views or opinions of another individual with respect to the individual;

(i) information that was obtained on a tax return or gathered for the purpose of collecting a tax;

(j) information that describes an individual's finances, assets, liabilities, net worth, bank balance, financial history or activities or credit worthiness; or

(k) the name of the individual where:

(i) it appears with other personal information that relates to the individual; or

(ii) the disclosure of the name itself would reveal personal information about the individual.

[29] Subsection 29(1) of FOIP protects the privacy of individuals whose personal information may be contained within records responsive to an access to information request made by someone else (*Guide to FOIP*, Chapter 4: "Exemptions from the Right of Access", updated: April 30, 2021, at page 281 (*Guide to FOIP*, Ch. 4)).

[30] When dealing with information in a record that appears to be personal information, the first step is to confirm the information indeed qualifies as personal information pursuant to section 24 of FOIP (*Guide to FOIP*, Ch. 4, p. 281). I will consider if personal information, as defined by subsection 24(1) of FOIP, is involved on the following pages:

Page 2

[31] On page 2, Social Services withheld the first letter of a name that was used in the subject line of the email. In the body of the email, Social Services withheld the majority of the

body of the email. The email is between three Social Services' employees regarding a Raising Hope client.

- [32] Social Services' submission states that the "personal information includes name, housing options, and situation related to housing."
- [33] The name of the client, along with the details of the issues being discussed related to them, would reveal that they are a client with Raising Hope and the issues being dealt with. This would be personal in nature to them and would qualify as personal information pursuant to subsection 24(1)(k)(i) of FOIP.
- [34] As such, I find that section 29(1) of FOIP was properly applied to the withheld portions of this email. See Appendix A for details.

Pages 5 and 6

- [35] Pages 5 and 6 are an attachment to an email on page 4. The portion of the record released to the Applicant indicates that information withheld from pages 5 and 6 includes concerns by staff that were recorded during a meeting. Social Services stated that the personal information involved is "name of specific employee of SWAP and concerns... While names were not used, the specific details related to these individuals could be easily identifiable to others."
- [36] Pages 5 and 6 consists of statements contained in a list. While Social Services did not number each statement, I will do so for ease of reference. Social Services also appears to have applied subsection 19(1)(c) of FOIP equally alongside subsection 29(1) of FOIP to each of the statements.
- [37] Upon review of these two pages, the only items that appear to contain personal information are the third and sixteenth items in the list on page 5. The items relate to the performance of two individuals and concerns about the environment related to employing a specific individual. This information would be information about their employment, or the type of

information you might find on their personnel file, as defined by subsection 24(1)(b) of FOIP. I find Social Services properly applied subsection 29(1) of FOIP to this information. See Appendix A for details.

[38] As Social Services has applied subsection 19(1)(c) of FOIP to the remaining items on these pages, I will consider the application of that exemption to those items later in this Report.

Page 8

[39] On page 8, Social Services withheld one sentence from an email. Social Services' submission indicates that it is personal information of an employee. The sentence withheld relates to a request from an employee. The email identifies the employee and the nature of their request which would qualify as employment history pursuant to subsection 24(1)(b) of FOIP. As such, I find that subsection 29(1) of FOIP applies. See Appendix A for details.

Pages 9 and 11

[40] Pages 9 and 11 contain two duplicate emails. The portion of the email headers that were withheld include the email address for the Chair of the Board and the name and email address of another individual.

[41] In both these instances, the individual appears to use the email address in a business capacity.

[42] As I have noted in many past reports, the business contact information of an individual is not considered to be personal information (e.g., [Review Report 115-2021](#), [Review Report 369-2021](#)). As such, I find Social Services did not properly apply subsection 29(1) of FOIP to the information I described for the emails on pages 9 and 11. See Appendix A for details.

Page 14

- [43] On page 14, Social Services withheld the cellphone number of SWAP's Executive Director. As this number is being used in a business capacity, it is not personal information. This would apply even if the individual was using their personal cellphone for business-related purposes. As such, I find Social Services did not properly apply subsection 29(1) of FOIP to this number. See Appendix A for details.

Pages 18, 20, 21 and 22

- [44] On pages 18, 20, 21 and 22, Social Services withheld the email address of the Chair of the Board. Earlier in this Report, I found Social Services did not properly apply subsection 29(1) of FOIP to this information and find so again here. See Appendix A for details.

Pages 23 – 35

- [45] Page 23 includes handwritten notes from a meeting. The notes identify individuals by name and contain details relayed in the meeting regarding those individuals. That would qualify as their personal information pursuant to subsection 24(1)(k)(i) of FOIP. However, in the fourth bullet redacted, the information appears to relate to an action taken by the Applicant and another individual. With the exception of the name of the other individual, that bullet point would not qualify for exemption under subsection 29(1) of FOIP as it would be considered the Applicant's personal information and they would have a right of access to it. I find that subsection 29(1) of FOIP applies to this page of the record, except for the portion as I have described containing the Applicant's personal information. See Appendix A for details.
- [46] Pages 24 to 26 are handwritten meeting notes containing discussions regarding a number of individuals. The portion released to the Applicant indicates the meeting occurred November 16, 2020. The meeting notes appear to discuss different issues observed related to SWAP. Social Services described the withheld information as, "details of employees, former employees, and clients". The second redaction on page 24 and the fourth one on

page 25 appear to contain the Applicants' personal information, and so Social Services did not properly apply subsection 29(1) of FOIP to these portions. The other redactions on pages 24 to 26 relate to a variety of issues and identify a number of different individuals. This information would qualify as their personal information pursuant to subsection 24(1)(k)(i) of FOIP. As such, Social Services properly applied subsection 29(1) of FOIP to this information. See Appendix A for details.

[47] Page 27 contains handwritten notes from a telephone call. The portion released to the Applicant indicates the notes were taken "Nov 30". The notes identify an individual and their family member and includes discussion about some of their issues. This information qualifies as personal information pursuant to subsection 24(1)(k) of FOIP; I find Social Services properly applied subsection 29(1) of FOIP to this information. See Appendix for details.

[48] Pages 28 to 32 are also handwritten notes from a telephone call. The portion released to the Applicant indicates a date of "Dec". The notes identify the individuals that the writer had spoken to and outlines issues they encountered. This information would qualify as the personal information of those individuals pursuant to subsection 24(1)(k)(i) of FOIP; I find Social Services properly applied subsection 29(1) of FOIP to these pages. See Appendix A for details.

[49] Pages 33 to 35 are handwritten notes regarding a telephone call. The portion released to the Applicant indicates the notes were taken "January 11/21". On page 33, Social Services redacted the name of the Applicant as well as that of another individual. The Applicant's name should not have been redacted. I find Social Services did not properly apply subsection 29(1) of FOIP in this case. However, on page 34, Social Services redacted the salary and benefits of another individual. In [Investigation Report F-2012-003](#) at paragraph [18], my office found that the pay for an individual that is not an employee of a government institution qualified as personal information pursuant to subsections 24(1)(b) and 24(1)(k)(i) of FOIP. As such, I find Social Services did properly apply subsection 29(1) of FOIP to these pages, with the exception of the name of the Applicant. See Appendix A for details.

[50] Page 35 identifies a number of different individuals. It identifies actions taken by certain individuals and identifies career details, credentials and the gender of an individual. This information would qualify as personal information pursuant to subsections 24(1)(a), (b) and (k)(i) of FOIP. As such, I find Social Services properly applied subsection 29(1) of FOIP to this information. See Appendix A for details.

Page 36

[51] Page 36 is typed notes regarding a telephone call the writer had with the SWAP Executive Director. There are eight paragraphs. Social Services applied subsection 29(1) of FOIP to paragraphs 1, 2, 5, 6 and 7.

[52] In paragraph 2, Social Services withheld information relating to the Applicant. As such, I do not find that Social Services properly applied subsection 29(1) of FOIP to this information. Social Services has also applied subsection 19(1)(c) of FOIP to this information, so I will consider the application of that exemption later in this Report.

[53] In paragraph 7, the information Social Services withheld is the name of an individual with FSIN. The name of an employee with FSIN would not qualify as personal information. As such, I find Social Services did not properly apply subsection 29(1) of FOIP to this information. See Appendix A for details.

[54] Regarding paragraphs 1, 5 and 6, Social Services redacted information related to other staff or to clients, which is their personal information pursuant to subsection 24(1)(b) and (k)(i) of FOIP. As such, I find Social Services properly applied subsection 29(1) of FOIP to the remaining paragraphs. See Appendix A for details.

Pages 38 and 39

[55] The emails on pages 38 and 39 are emails the Applicant sent to various individuals. Social Services has withheld names and personal email addresses of individuals that were in email communications from the Applicant.

[56] My office's [Review Report 337-2021](#) at paragraph [17] discusses that "withholding personal information from someone who has knowledge of the information or who supplied it would constitute an absurd result". The recommendation in that Report was that such information should be released to the person who supplied it. As such, I find Social Services did not properly apply subsection 29(1) of FOIP to this information. See Appendix A for details.

Page 41

[57] The email summarizes a meeting, including the individual hired to conduct the review of SWAP. Social Services redacted the name of the individual and information about their employment history.

[58] In [Review Report 210-2017](#), my office considered the application of subsection 29(1) of FOIP as follows:

[40] In its submission, the City indicated that subsection 28(1)(b) of LA FOIP would apply to the portion of the contract that outlines the vendor's team experience. This portion lists resume information of team members. The City submitted that this would qualify as employment history of the individuals.

[41] My office has defined employment history as the type of information normally found in a personnel file such as performance reviews, evaluations, disciplinary actions taken, reasons for leaving a job or leave transactions. It does not include work product. Employment history is considered personal information pursuant to subsection 23(1)(b) of LA FOIP.

[42] I am persuaded that the information found on pages 19-25 of the "Successful Bidder's Submission" section of the record qualifies as personal information pursuant to subsection 23(1)(b) of LA FOIP. The City should withhold these pages pursuant to subsection 28(1) of LA FOIP.

[43] However, pages 16-18 of the "Successful Bidder's Submission" section of the record describes both the credentials of the individuals as well as the roles each individual will perform for the project it will do for the City. While the paragraphs describing each individual's credentials would qualify as personal information, their names, titles and roles in the project would qualify as work product. Work product is information generated by or otherwise associated with an individual in the normal course of performing his or her professional or employment responsibilities, whether in a public or private setting. This is not considered personal information.

[59] In this email, Social Services has withheld the name of the individual hired to conduct the review and discusses their past experience and credentials. As discussed in my office's Review Report 210-2017, information about an individual's past experience and credentials would qualify as personal information pursuant to subsection 24(1)(b) of FOIP. However, the name of the individual, and identifying them as the individual conducting the review, would be considered work product and would not qualify as personal information. As such, I find Social Services properly applied subsection 29(1) of FOIP to the withheld information, except for the name of the individual being discussed. See Appendix A for details.

Page 42

[60] This record is handwritten notes of a meeting. The portion released to the Applicant indicates the date as "January 11/21". Social Services described the information withheld pursuant to subsection 29(1) of FOIP as personal information of two individuals. The details regarding these individuals includes employment and volunteer history pursuant to subsection 24(1)(b) of FOIP. As such, Social Services properly applied subsection 29(1) of FOIP to this page. See Appendix A for details.

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

[61] Social Services did not identify this exemption in its section 7 response to the Applicant, but raised the application of subsections 15(1)(m) and 18(1)(b) of FOIP to this information in its submission. In the future, I will not consider additional exemptions not raised in the section 7 letter but because this was raised before September 1, 2022, I will consider it in this Report.

[62] Social Services applied subsection 15(1)(m) of FOIP to information regarding accessing the virtual Microsoft Teams meeting found in emails on pages 21 and 22. It includes a link to join the meeting, a telephone number and code to access the meeting.

[63] Subsection 15(1)(m) of FOIP provides as follows:

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.

[64] Subsection 15(1)(m) of FOIP is a discretionary class-based exemption. It permits refusal of access in situations where release of a record could 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 (*Guide to FOIP*, Ch. 4, p. 89).

[65] “Including” means that the list of information that follows is incomplete (non-exhaustive). The examples in the provision are the type of information that could be presumed to qualify as “security arrangements” (*Guide to FOIP*, Ch. 4, p. 89).

[66] 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 methods employed to protect particular vehicles, buildings, other structures or systems (*Guide to FOIP*, Ch. 4, p. 90).

[67] The following two-part test can be applied. However, only one of the questions needs to be answered in the affirmative for the exemption to apply. There may be circumstances where both questions apply and can be answered in the affirmative:

1. Could release reveal security arrangements (of particular vehicles, buildings, other structures or systems)?

2. Could release reveal security measures employed to protect the particular vehicles, buildings, other structures or systems?

(Guide to FOIP, Ch. 4, pp. 89 - 90).

[68] “Reveal” means to make known; cause or allow to be seen. *(Guide to FOIP, Ch. 4, p. 90)*

[69] “Security” means a state of safety or physical integrity. The security of a building includes the safety of its inhabitants or occupants when they are present in it. Examples of information relating to security include methods of transporting or collecting cash in a transit system, plans for security systems in a building, patrol timetables or patterns for security personnel, and the access control mechanisms and configuration of a computer system *(Guide to FOIP, Ch. 4, p. 90).*

[70] “Method” means a mode of organizing, operating, or performing something *(Guide to FOIP, Ch. 4, p. 90).*

[71] “Other structures or systems” includes computer and communication systems. An example of a communication system could be radio communication systems such as two-way radios *(Guide to FOIP, Ch. 4, p. 90).*

[72] Social Services submission provides as follows:

Saskatchewan Builds and Procurement has confirmed the link remains active even once the meeting is complete. This creates a potential security risk if applicants are permitted to navigate the site themselves.

The Ministry recognizes that records that are part of Teams meetings are subject to FOIPPA and its exemptions and, if responsive to an access request, would be part of the responsive records. However, it is quite another matter to permit an applicant to navigate the site through the Teams link, which could not only pose a security risk but also potentially allow an applicant to gain access to records that have not been redacted for exemptions and personal information.

[73] In its submission, Social Services’ does not indicate what specifically the Applicant can access with the Teams link or other information in question. Also, Social Services can share such links and information either internally or externally and may not be aware of what those individuals do with the information, so the question is what security risk is posed? Social Services has not sufficiently argued or provided evidence to support its claim that

the alleged harm could occur to support that this exemption would apply. As such, I find that Social Services did not properly apply subsection 15(1)(m) of FOIP. I will still, however, consider Social Services' application of subsection 18(1)(b) of FOIP to this information. See Appendix A for details.

7. Did Social Services properly apply subsection 18(1)(b) of FOIP?

[74] Social Services applied subsection 18(1)(b) of FOIP to information regarding accessing the virtual Microsoft Teams meeting found in emails on pages 21 and 22. It includes a link to join the meeting, a telephone number and code to access the meeting. I have already found subsection 15(1)(m) of FOIP does not apply to this information.

[75] Subsection 18(1)(b) of FOIP provides as follows:

18(1) A head may refuse to give access to a record that could reasonably be expected to disclose:

...

(b) financial, commercial, scientific, technical or other information:

(i) in which the Government of Saskatchewan or a government institution has a proprietary interest or a right of use; and

(ii) that has monetary value or is reasonably likely to have monetary value;

[76] Subsection 18(1)(b) of FOIP is a discretionary class-based exemption. It permits refusal of access in situations where release of a record could reasonably be expected to disclose financial, commercial, scientific, technical or other information which the Government of Saskatchewan or a government institution has a proprietary interest or a right of use and which has monetary value or is reasonably likely to have monetary value. (*Guide to FOIP*, Ch. 4, p. 164).

[77] My office applies the following three-part test when considering the application of subsection 18(1)(b) of FOIP:

1. Does the information contain financial, commercial, scientific, technical or other information?
2. Does the government institution have a proprietary interest or a right to use it?
3. Does the information have monetary value for the government institution or is it reasonably likely to?

(*Guide to FOIP*, Ch. 4, pp. 164 - 166)

[78] Social Services submission provides:

For the first step of the test, the information is technical in nature. The exemption on these pages relates to technical links for connecting into Microsoft Teams (Teams) meetings, which the ministry uses to conduct virtual meetings internally and with external parties. Teams is a communication system used by the provincial government to facilitate virtual meetings.

[79] “Technical information” is information relating to a particular subject, craft or technique. Examples are system design specifications and the plans for an engineering project. It is information belonging to an organized field of knowledge, which would fall under the general categories of applied sciences or mechanical arts. Examples of these fields would include architecture, engineering or electronics. It will usually involve information prepared by a professional in the field and describe the construction, operation or maintenance of a structure, process, equipment or thing. Finally, technical information must be given a meaning separate from scientific information. (*Guide to FOIP*, Ch. 4, p. 165)

[80] The withheld information is login information for a Microsoft Teams meeting, a link to join the meeting, a telephone number and code to access the meeting. The information is not describing any “subject, craft or technique”, and does not involve information prepared by a professional in the field that describes the construction, operation or maintenance of a structure, process, equipment or thing. If it does, Social Services has not sufficiently argued how. As such, I find that Social Services has not properly applied subsection 18(1)(b) of FOIP to this information. See Appendix A for details.

8. Did Social Services properly apply subsection 17(1)(a) of FOIP?

[81] Subsection 17(1)(a) of FOIP provides as follows:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

(a) advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council;

[82] Subsection 17(1)(a) of FOIP is a discretionary class-based exemption. It permits refusal of access in situations where release of a record could reasonably be expected to disclose advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council (*Guide to FOIP*, Ch. 4, p. 123).

[83] My office applies the following two-part test when considering the application of subsection 17(1)(a) of FOIP:

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

(*Guide to FOIP*, Ch. 4, pp. 124 – 126)

[84] Social Services' applied subsection 17(1)(a) of FOIP to a line of information in two separate emails on page 37 of the record. Its submission provided as follows:

With respect to the first step of the test, the information redacted falls within the categories of advice and analysis, as the Executive Director analysed the situation, related to communications between SWAP and the applicant where ministry staff were copied and determined that this was information the Assistant Deputy Minister should have for her meeting with the Minister. The email trail indicates the Executive Director was aware that there was to be a meeting of SWAP and the Minister's office the next morning. That would have affected his analysis of the situation and his advice as to what information should be provided to the Minister, to adequately prepare the Minister. As the IPC Guide to FOIP indicates, "advice" can be "guidance offered by one person to another. It can include the analysis of a situation or issue that may require

action”. The definition indicates that “advice” should not be given a restricted meaning. “Rather, it should be interpreted to include an opinion that involves exercising judgement and skill in weighing the significance of fact.” In deciding to forward the email, the Executive Director was exercising judgement in weighing the significance of the information in the email and determining that it should be provided to the Minister.

With respect to the second part of the test, the Child and Family Programs Executive Director was analysing the situation and providing the advice to the Assistant Deputy Minister, for a meeting with the Minister. Consequently, the advice was developed both by and for a government institution.

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

[85] Social Services states advice and analysis are involved.

[86] “Advice” is guidance offered by one person to another. It can include the analysis of a situation or issue that may require action and the presentation of options for future action, but not the presentation of facts. Advice encompasses material that permits the drawing of inferences with respect to a suggested course of action, but which does not itself make a specific recommendation. It can be an implied recommendation. The “pros and cons” of various options also qualify as advice. It should not be given a restricted meaning. Rather, it should be interpreted to include an opinion that involves exercising judgement and skill in weighing the significance of fact. It includes expert opinion on matters of fact on which a government institution must make a decision for future action (*Guide to FOIP*, Ch. 4, p. 124).

[87] “Analyses” (or analysis) is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements (*Guide to FOIP*, Ch. 4, p. 125).

[88] Upon review of the lines where Social Services applied subsection 17(1)(a) of FOIP on page 37, the redaction in the first email is a general question about something, and the redaction in the second email appears to be a statement about something. I am not satisfied

that the information is either advice or analysis. As the first part of the test is not met, I find that Social Services did not properly apply subsection 17(1)(a) of FOIP on page 37.

[89] Social Services also applied subsection 17(1)(b) of FOIP to this portion of the record, therefore I will consider the application of that exemption in the next section of the report.

9. Did Social Services properly apply subsection 17(1)(b) of FOIP?

[90] Subsection 17(1)(b) of FOIP provides as follows:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(b) consultations or deliberations involving:

(i) officers or employees of a government institution;

(ii) a member of the Executive Council; or

(iii) the staff of a member of the Executive Council;

[91] Subsection 17(1)(b) of FOIP is a discretionary class-based exemption. It permits refusal of access in situations where release of a record could reasonably be expected to disclose consultations or deliberations involving officers or employees of a government institution, a member of the Executive Council or the staff of a member of the Executive Council (*Guide to FOIP*, Ch. 4, p. 131).

[92] The provision is intended to allow persons having the responsibility to make decisions to freely discuss the issues before them in order to arrive at well-reasoned decisions. The intent is to allow such persons to address an issue without fear of being wrong, looking bad, or appearing foolish if their frank deliberations were to be made public (*Guide to FOIP*, Ch. 4, p. 131).

[93] My office applies the following two-part test when considering the application of subsection 17(1)(b) of FOIP:

1. Does the record contain consultations or deliberations?
2. Do the consultations or deliberations involve officers or employees of a government institution, a member of the Executive Council, or the staff of a member of the Executive Council?

(Guide to FOIP, Ch. 4, pp. 132 – 133)

- [94] “Consultation” means: the action of consulting or taking counsel together: deliberation, conference; a conference in which the parties consult and deliberate (*Guide to FOIP, Ch. 4, p. 132*)
- [95] 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 (*Guide to FOIP, Ch. 4, p. 132*).
- [96] “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; the consideration and discussions of the reasons for and against a measure by a number of councillors (*Guide to FOIP, Ch. 4, p. 132*).
- [97] 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 (*Guide to FOIP, Ch. 4, p. 132*).

Page 36

- [98] Social Services applied subsection 17(1)(b) of FOIP to the last redaction on page 36. Social Services’ submission described the record as notes of a discussion between the Manger, CFP Community Services and the Executive Director of SWAP that “included an initial

consultation on a policy change SWAP was considering.” The submission provided the following:

The page was created by the Manager, CFP Community Services based on a telephone discussion with the SWAP Executive Director. Child and Family Program (CFP) Community Services unit is responsible for the direct relationship with SWAP, related to the specific services identified in the agreement as well as communication related to community concerns. Staff from this unit have been in regular communication with SWAP over the past several months to address the concerns previously mentioned. While most concerns do not fall within the scope of the agreement, CFP has been in consultations with SWAP to identify steps for addressing the concerns and limiting disruption to the services identified in the Agreement. Release of the record of this consultation would harm the trust and damage the communication between the ministry and SWAP.

[99] In reviewing the record, this information would qualify as a consultation. Additionally, as the Executive Director of SWAP raised this with the Manager of CFP Community Services, the consultation involves an employee of a government institution. As such, I find both parts of the test are met and that Social Services properly applied subsection 17(1)(b) of FOIP to this information. As I have found that subsection 17(1)(b) of FOIP applies to this portion of the record, there is no need to consider any other exemptions raised on this information. See Appendix A for details.

Page 37

[100] In reviewing the two emails in the email thread on page 37, I previously stated the first withheld portion is a general question, and the second is a general comment. I do not find that this information would qualify as consultations or deliberations for the purposes of this subsection. I find that Social Services did not properly apply subsection 17(1)(b) of FOIP to this information. See Appendix A for details.

10. Did Social Services properly apply subsection 19(1)(c) of FOIP?

[101] Subsection 19(1)(c) of FOIP provides as follows:

19(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

...

(c) information, the disclosure of which could reasonably be expected to:

(i) result in financial loss or gain to;

(ii) prejudice the competitive position of; or

(iii) interfere with the contractual or other negotiations of;

a third party;

[102] Subsection 19(1)(c) of FOIP is a mandatory, harm-based provision. It permits refusal of access in situations where disclosure could reasonably be expected to result in the harms outlined at subclauses (i), (ii) and (iii). Government institutions and third parties should not assume that the harms are self-evident. The harm must be described in a precise and specific way to support the application of the provision (*Guide to FOIP*, Ch. 4, pp. 209 - 210).

[103] “Could reasonably be expected to” means there must be a reasonable expectation that disclosure could result in an undue benefit or loss to a person. The Supreme Court of Canada set out the standard of proof for harms-based provisions as follows:

This Court in *Merck Frosst* adopted the “reasonable expectation of probable harm” formulation and it should be used wherever the “could reasonably be expected to” language is used in access to information statutes. As the Court in *Merck Frosst* emphasized, the statute tries to mark out a middle ground between that which is probable and that which is merely possible. An institution must provide evidence “well beyond” or “considerably above” a mere possibility of harm in order to reach that middle ground: paras. 197 and 199. This inquiry of course is contextual and how much evidence and the quality of evidence needed to meet this standard will ultimately depend on the nature of the issue and “inherent probabilities or improbabilities or the seriousness of the allegations or consequences”...

(*Guide to FOIP*, Ch. 4, p. 188)

[104] I will consider the application of subsection 19(1)(c) of FOIP to portions of pages 5, 6, 36 and 42.

[105] My office applies the following tests to determine if subsections 19(1)(c)(i), (ii) or (iii) of FOIP applies:

19(1)(c)(i)

The following two-part test can be applied:

1. What is the financial loss or gain being claimed
2. Could release of the record reasonable be expected to result in financial loss or gain to a third party

For this exemption to apply there must be objective grounds for believing that disclosing the information could result in loss or gain to a third party measure in monetary terms (e.g., loss of revenue).

(Guide to FOIP, Ch. 4, p. 211)

19(1)(c)(ii)

The following two-part test can be applied:

1. What is the prejudice to a third party's competitive position that is being claimed
2. Could release of the record reasonably be expected to result in the prejudice

(Guide to FOIP, Ch. 4, p. 216)

19(1)(c)(iii)

The following two-part test can be applied:

1. Are there contractual or other negotiations occurring involving a third party
2. Could release of the record reasonably be expected to interfere with the contractual or other negotiations of a third party

Government institutions and third parties should not assume that the harm is self-evident. The harm must be described in a precise and specific way to support the application of the provision.

(Guide to FOIP, Ch. 4, pp. 221 - 222)

[106] Social Services' submission provided:

Although the tests in the Guide to FOIP are set out separately for clauses (i)(ii) and (iii), they need to be considered together, because the Courts have acknowledged the interrelationship between them.

Although s. 19(1)(c)(iii) was not applicable in *Canadian Bank Note Ltd v Saskatchewan Government Insurance*, the Saskatchewan Court of Queen's Bench considered s. 19(1)(c)(i) and (ii) noted, at paragraph 50, that "there is a close interrelationship between the notion of 'prejudice' to the competitive position of a third party, the criteria set out in s. 19(1)(c)(ii), and resultant financial loss or gain set out in ss. 19(1)(c)(i)." Most importantly, the Court said that "[i]f an opponent to disclosure establishes prejudice to its competitive position, it is likely or at least it 'could reasonably be expected to result in financial loss' to it."

...

In view of these statements of the Supreme Court of Canada and the Saskatchewan Court of Queen's Bench, it is submitted that the tests for s. 19(1)(c)(i)(ii) and (iii) cannot be considered in isolation, as one affects the other. The Ministry proposes reframing the test as follows:

Could disclosure of the record reasonably be expected to result in one of the following:

- (a) a financial loss or gain to a third party;
- (b) prejudice to the competitive position of a third party; or
- (c) interference with the contractual negotiations of a third party?

...

The Ministry submits that both (a) and (c) apply. With respect to (a) there is a very real potential for loss of funding for SWAP programs, as described below, or for interference with the negotiations of SWAP and its various funders, as well as pending human resources matters.

...

This definition reflects the relationship between SWAP and its funders when it negotiates funding agreements. SWAP is a non-profit corporation and relies upon various sources of funding for its survival.

The Ministry is one of SWAP's funders. Child and Family Program (CFP) Community Services unit is responsible for the direct relationship with SWAP, related to the specific services identified in the agreement as well as communication related to community concerns. They are responsible for ensuring CBOs providing services for children and families are meeting the requirements detailed in the agreement. Staff from this unit have been in regular communication with SWAP over the past several

months to address the concerns previously mentioned. While most concerns do not fall within the scope of the Agreement, CFP has been working with SWAP to identify steps for addressing the concerns and limiting disruption to the services identified in the Agreement. This is also a form of negotiation. Release of information, without SWAP consent, would harm the trust and damage the communication between the ministry and SWAP, and could affect the resolution of these concerns.

Pages 5 and 6

[107] I found that portions of the information on page 5 was appropriately withheld pursuant to subsection 29(1) of FOIP. See Appendix A for details. I will consider the application of subsection 19(1)(c) of FOIP to the remaining portions of pages 5 and 6, which are an attachment to an email. The withheld information includes concerns recorded (written) during a meeting.

[108] “Prejudice” in this context refers to detriment to the competitive position of a third party.

[109] “Competitive position” means the information must be capable of use by an existing or potential business competitor, whether or not that competitor currently competes for the same market share. For example:

- Information that discloses the profit margin on a private company’s operations;
- Marketing plans, including market research surveys, polls; or
- Information that reveals the internal workings of a private company.
- The information would relate to the internal workings of a private company

(Guide to FOIP, Ch. 4, p. 216)

[110] The information withheld would relate to the internal workings of the third-party organization relating to concerns raised by residents, staff and former staff.

[111] Exemption from disclosure should not be granted based on fear of harm that is fanciful, imaginary or contrived. Such fears of harm are not reasonable because they are not based on reason...the words “could reasonably be expected” “refer to an expectation for which

real and substantial grounds exist when looked at objectively”. Some relevant questions that may assist are:

- What kind of harm is expected from disclosure?
- How will the loss or gain specifically occur?
- How much money is involved.?
- Will the loss or gain affect the financial performance of the third party? How? To what degree?
- How old is the information? If the information is not current, why would disclosure still adversely affect the third party?
- Has similar information about the third party been made public in the past? If so, what was the impact? Was the impact quantifiable (e.g., lost sales or revenues)?
- Is information of this nature available about competitors of the third party?
- Are there examples in other businesses where disclosure of similar information led to material financial loss or gain? If so, describe and quantify the financial loss or gain. Why is the situation parallel to that of this third party?
- What actions could the third party take to counteract potential financial loss or gain knowing the information would be disclosed?

(Guide to FOIP, Ch. 4, pp. 223 and 224)

[112] Social Services provided detail regarding the potential harm that it did not want used in the Report; however, it did not provide sufficient detail or evidence to support the claim. The third party also provided arguments about why this exemption should apply, but also did not provide sufficient detail or evidence to support its claims. In my office’s Review Report 205-2019, 255-2019, I stated about evidence at paragraphs [130] to [132] :

[130] Evidence is the material that parties must submit in reviews/investigations to establish the facts on which they are relying. Arguments are the reasons why a party thinks that the evidence shows certain facts to be true, or why the Commissioner should interpret the law in a particular way, so as to make the decision that the party wants the Commissioner to make.

[131] Parties may not succeed in a review if they do not provide evidence to support their arguments. If the success of an argument depends on underlying facts, providing the argument alone is not sufficient. Examples of evidence include affidavits, expert reports, news articles, meeting minutes, policy documents or contracts. In a review, the records at issue are treated as evidence. Although news articles are not generally thought of as reliable evidence, they may be relevant in cases such as where a party is trying to demonstrate that something is publicly available, or where personal information has been disclosed without authority.

[132] It would not be sufficient to provide my office with records and leave it up to my office to draw from the records the facts on which the decisions will be based. In addition, it would not be sufficient to simply state “access is denied because of section 18.” It is up to the local authority to ‘make the case’ that a particular exemption applies. That means presenting reasons why the exemption is appropriate for the part of the record that has been withheld. This is usually done in the form of written representations, commonly called a submission.

[113] The standard here is “could reasonably be expected to”, which is higher than just a mere possibility. There must be an objective basis supported by facts or evidence that the alleged harm is more than probable. While Social Services has alleged a potential outcome if the information was released, it did not provide evidence to support the outcome is more than probable.

[114] As such, I find that subsection 19(1)(c) of FOIP does not apply to pages 5 and 6 of the record. See Appendix A for details.

Pages 9 and 11

[115] Pages 9 and 11 is an email thread between Social Services, SWAP, the board chairperson and advisory committee members. One sentence in the second paragraph of the second email has been withheld pursuant to subsection 19(1)(c) of FOIP. This same email is in both email threads on pages 9 and 11. The sentence withheld comments on the requests for information mentioned in the previous email.

[116] Based on a lack of supporting evidence, I am not persuaded that the release of this information would result in any harm outlined by Social Services or the Third Party. As such, I find that subsection 19(1)(c) of FOIP does not apply. See Appendix A for details.

Page 36

[117] Portions of the information on this page of the record were found to have been appropriately withheld pursuant to subsections 17(1)(b) and 29(1) of FOIP. See Appendix A for details. I will consider the remaining portions of the record pursuant to subsection 19(1)(c) of FOIP to those portions it was applied to.

[118] This page of the record is typed notes on a telephone call with the SWAP Executive Director. Social Services described this record as notes “regarding several topics”. The information withheld outlines findings and actions taken based on meetings undertaken, approach regarding media request and issues relating to a client.

[119] In the first paragraph, the first sentence is factual information and the third sentence is related to action that needs to be taken. The second paragraph is information about the Applicant. The third paragraph relates to media inquiries.

[120] I am not persuaded, based on the nature of the information involved, that it would result in any harm claimed. Again, Social Services has not provided sufficient evidence to support its claims. As such, I find that subsection 19(1)(c) of FOIP does not apply. See Appendix A for details.

Page 42

[121] This record is handwritten notes of a meeting. Social Services described the record as meeting notes “between Minister Carr, SWAP Executive Director, Board members regarding SWAP’s plan for an internal review.”

[122] The information withheld on this page pursuant to subsection 19(1)(c) of FOIP is a brief outline of the review and who will be involved. Based on a lack of supporting evidence, I am not persuaded that the release of this information would result in any harm outlined by Social Services or the third party. As such, I find that subsection 19(1)(c) of FOIP does not apply. See Appendix A for details.

IV FINDINGS

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

[124] I find that Social Services did not comply with section 12 of FOIP.

[125] I find that Social Services properly applied subsections 17(1)(b), and 29(1) of FOIP and subsection 27(1) of HIPA to some portions of the record, but not others. See Appendix A for details.

[126] I find that Social Services did not properly apply subsections 15(1)(m), 17(1)(a), 18(1)(b) and 19(1)(c) of FOIP to the record. See Appendix A for details.

V RECOMMENDATIONS

[127] I recommend Social Services review why it was not able to respond to the Applicant within the legislative timeframe and determine if it needs to revisit its policies and procedures, or if it has adequate resources within 30 days.

[128] I recommend Social Services continue to withhold the portions of the record where subsections 17(1)(b) and 29(1) of FOIP and subsection 27(1) of HIPA were found to apply. See Appendix A for details.

[129] I recommend that Social Services release the portions of the record where I have not found any exemptions apply. See Appendix A for details within 30 days.

Dated at Regina, in the Province of Saskatchewan, this 22nd day of November, 2022.

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

Appendix A

Record	Page Numbers	Redaction Number	Exemptions claimed	Does the Exemption Apply?	Release or Withhold
2	2	1	29(1)	Yes	Withhold
		2	29(1)	Yes	Withhold
5	5 – 6		19(1)(c), 29(1)	Yes applies to the third and sixteenth item in the list of concerns recorded on page 5	Withhold the specified information on page 5 and release the remaining information
7	8		29(1)	Yes	Withhold
8	9	1, 2, 3, 4, 5	29(1)	No	Release
		6	29(1); 27(1) of HIPA	27(1) of HIPA – Yes	Withhold
		7	19(1)(c)	No	Release
		8	29(1)	No	Release
9	11	1, 2, 3, 4, 5, 8	29(1)	No	Release
		6	29(1); 27(1) of HIPA	27(1) of HIPA – Yes	Withhold
		7	19(1)(c)	No	Release
11	14		29(1)	No	Release
14	18		29(1)	No	Release
16	20		29(1)	No	Release
17	21	1	29(1)	No	Release
		2	15(1)(m), 18(1)(b)	No	Release
17A	22	1	29(1)	No	Release
		2	15(1)(m), 18(1)(b)	No	Release
18	23		29(1)	Yes - with the exception of the information about the Applicant	Withhold, with the exception of the fourth redacted bullet relating to the Applicant
19	24 – 26		29(1)	Yes – with the exception of the second redaction on page 24 that relates to the	Withhold with the exception of the second redaction on page 24 that relates to the

Record	Page Numbers	Redaction Number	Exemptions claimed	Does the Exemption Apply?	Release or Withhold
				Applicant and the third and fourth redacted bullet relating to the Applicant on page 25	Applicant and the third and fourth redacted bullet relating to the Applicant on page 25
20	27		29(1)	Yes	Withhold
21	28 – 32		29(1)	Yes	Withhold
	32		29(1); section 27(1) of HIPA	27(1) of HIPA – Yes	Withhold
22	33 – 35		29(1)	Yes, applies to the name of the other individual and the salary information of another individual	Withhold the name of the other individual and the salary information. Release the name of the Applicant.
23	36	1, 2, 4, 5	19(1)(c), 29(1)	Yes – 29(1) of FOIP applies to paragraph 1, paragraph 5 and paragraph 6.	Withhold the information specified and release the remaining information.
		3	19(1)(c)	No	Release
		6	29(1)	Yes	Withhold
		7	17(1)(b), 19(1)(c)	Yes – 17(1)(b) of FOIP	Withhold
24	37	1, 2	17(1)(a), 17(1)(b)	No	Release
	38 – 39		29(1)	No	Release
25	41	1	29(1); 27(1) of HIPA	27(1) of HIPA – Yes	Withhold
		2, 3, 4, 5, 6, 7	29(1)	Yes, with the exception of the name of the individual conducting the review	Withhold, with the exception of the name of the individual conducting the review
26	42	1, 2, 3, 4, 5, 7, 8, 9	29(1)	Yes	Withhold
		6	29(1); 27(1) of HIPA	27(1) of HIPA – Yes	Withhold
		10	19(1)(c)	No	Release