



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 211-2025

Ministry of Community Safety

May 26, 2026

Summary:

The Applicant submitted an access to information request to the Ministry of Community Safety (Community Safety). Community Safety responded to the access request by providing records that were partially redacted pursuant to the following exemptions: section 15(1)(a) (prejudice, interfere with or adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention), section 15(1)(c) (disclose information with respect to a lawful investigation), section 15(1)(e) (investigative techniques or procedures currently in use or likely to be used), section 15(1)(f) (identity of a confidential source of information), section 15(1)(i) (law enforcement intelligence information), section 15(1)(k) (disclose law enforcement information), section 15(1)(m) (security arrangements) and section 29(1) (third party personal information) of *The Freedom of Information and Protection of Privacy Act (FOIP)* and section 27(1) (third party personal health information) of *The Health Information Protection Act (HIPA)*.

Community Safety informed the Applicant that certain records (video footage) do not exist.

Finally, Community Safety informed the Applicant that it was refusing to confirm or deny existence of certain records requested by the Applicant pursuant to section 7(4) (the head may refuse to confirm or deny that the record exists or ever did exist) of *FOIP*.

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

The Commissioner's findings included:

- (1) Community Safety properly applied sections 15(1)(a) and (c), and 29(1) of *FOIP* and section 27(1) of *HIPA*;

(2) Community Safety improperly applied section 29(1) of *FOIP* to classification and salary information of an employee of a government institution that did not qualify as personal information;

(3) Community Safety conducted a reasonable search for records; and

(4) Community Safety properly invoked sections 7(2)(f) (confirmation or denial of the existence of the record is refused) and 7(4) of *FOIP*.

The Commissioner recommended that Community Safety:

(1) Release the classification and salary information of the employee to the Applicant within 30 days of this Report being issued, but continue to refuse access to the employment start date pursuant to section 29(1) of *FOIP*; and

(2) Continue to refuse access to other information that was redacted under sections 15(1)(a), (c) and 29(1) of *FOIP* and section 27(1) of *HIPA*.

(3) Take no further action regarding the search for records.

I BACKGROUND

[1] On December 4, 2024, the Ministry of Community Safety¹ (Community Safety) received the following access to information request from the Applicant:²

(1) All CCTV Videos from provided dates. Doctors records, ALL institution documents, request, notes, charges ANYTHING regarding [Name of Applicant].

(2) All Eco 3 range, charges, CCTV From dates provided.

(3) ALL Documents regarding [Name of employee of Saskatoon Correctional Centre] Team leader at [Saskatoon Correctional Center].

¹ At the time of the access request, the Ministry of Community Safety as known as the Ministry of Corrections, Policing and Public Safety. The Ministry of Corrections, Policing and Public Safety was renamed to the Ministry of Community Safety on December 11, 2025: <https://www.saskatchewan.ca/Government/News-and-Media/2025/december/11/new-cabinet-balances-experience-with-new-faces>.

² The use of square brackets in this Report preserve the identity of the Applicant and others in this matter.

- [2] The Applicant specified the time period for the access request to be January 2021 to October 27, 2024. The Applicant also specified the dates for the CCTV videos to be February 14th to July 30th of 2022 and August 28th to November 1 of 2024.
- [3] Community Safety divided the access request into two parts. Community Safety treated item number (1) as the first access request, and items numbered (2) and (3) as the second request.³ This Report will focus on how Community Safety responded to the second access request.
- [4] In a handwritten letter dated December 10, 2024 to Community Safety, the Applicant provided greater clarification with respect to the items required in the second access request:
- I am requesting records in regards to [Name of employee of Saskatoon Correctional Centre] that pertain [their] termination, willingly quit and or any suspensions imposed during [their] employment with the SCC. Also any misconduct, inappropriate behaviour while employed at SCC. [Their] Hire/start date and end date. The position [they] fulfilled/role at the SCC. What unit she was team lead on and what dates. Any dealings documented with [Name of Applicant] from Jan 2021 to current date of December 9th/2024.
 - I am seeking all charges regarding all inmates received on Eco 3 range and all CCTV footage from February 14th 2022 to Oct 2022.
 - Additionally all charges on inmates on Eco 3 range from July 30th 2012 to December 1st 2022.
- [5] On January 10, 2025, Community Safety issued a fee estimate. The Applicant paid a 50% deposit on January 13, 2025, to Community Safety.
- [6] In a letter dated February 27, 2025, Community Safety informed the Applicant that it was still processing the access request and apologized for any inconvenience.

³ OIPC Review Report 210-2025 discusses how Community Safety responded to the first point of the access request.

[7] In a letter dated April 22, 2025, Community Safety requested that the Applicant pay the remainder of the fees, which the Applicant paid on May 1, 2025.

[8] On May 2, 2025, Community Safety responded to the second access request pursuant to section 7 of *The Freedom of Information and Protection of Privacy Act*⁴ (*FOIP*). In the section 7 decision, Community Safety communicated that:

- Video recordings in correctional facilities are overwritten every 30 days unless flagged specifically due to an incident. Therefore, Community Safety cited section 7(2)(e) of *FOIP* and noted the video recordings that the Applicant requested do not exist.
- It was relying on section 7(4) of *FOIP* in relation to “some” of the Applicant’s access request. Therefore, Community Safety noted that it was refusing to confirm or deny the existence of a record or that it ever existed.
- It was releasing 193 pages of records responsive to the Applicant’s access request. Portions of these pages contained redactions pursuant to sections 15(1)(a), (c), (e), (k), (m) and 29(1) of *FOIP* and section 27(1) of *The Health Information Protection Act (HIPA)*.⁵

[9] On August 21, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

[10] On December 22, 2025, Community Safety clarified its reliance on section 7(4) of *FOIP*, adding that access to the records, if they existed, would be refused pursuant to sections 15(1)(c), (e), (f), (i), (k), (m) and 29(1) of *FOIP*.

[11] On January 5, 2026, Community Safety released the following additional information that had been redacted from the records to the Applicant:

- The Oath or Declaration of Office signed by an employee on page 65 of the records.
- The name of the employee on page 6 of the records.
- The salary of the employee on page 7 of the records.

⁴ [*The Freedom of Information and Protection of Privacy Act*](#), c. F-22.01, S.S. 1190-91, as amended.

⁵ [*The Health Information Protection Act*](#), c. H-0.021, S.S. 1999, as amended.

- [12] Community Safety also informed the Applicant it was raising section 20(b) of *FOIP* (in addition to section 29(1) of *FOIP*) to refuse the Applicant access to the contents on page 54 of the records.
- [13] The Applicant informed OIPC that they still were not satisfied with the additional release of information.
- [14] On January 7, 2026, OIPC sent emails to Community Safety and the Applicant to notify them that OIPC would be undertaking a review.
- [15] On February 19, 2026, Community Safety provided the records at issue and an index of records to OIPC.
- [16] On March 24, 2026, Community Safety provided a submission to OIPC. Community Safety expressly refused permission to share the submission with the Applicant.
- [17] On April 23, 2026, the Applicant provided a submission to OIPC.

II RECORDS AT ISSUE

- [18] The Applicant was provided with 193 pages of records. 164 of these pages were withheld in part or in full:
- Letters of Offer
 - Termination Notification Forms
 - Notice of Charge Reports
 - Disciplinary Hearing Reports
 - Notice of Disciplinary Hearing Reports
 - Log Detail Reports
- [19] Aside from the above, Community Safety refused to confirm or deny the existence of “some” records pursuant to section 7(4) of *FOIP*, which is discussed later in this Report.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[20] Community Safety is a government institution as defined by section 2(1)(d)(i) of *FOIP*. OIPC has jurisdiction to undertake this review under PART VII of *FOIP*.

[21] Jurisdiction under *HIPA* is found when three elements are present: (1) there is a trustee; (2) there is personal health information; and (3) the personal health information is in the custody or control of the trustee.

[22] Community Safety is a “trustee” as defined by section 2(1)(t)(i) of *HIPA*, which satisfies the first element.

[23] Pages 23 and 28 of the record are *Request for Approval* forms completed by an employee for approval for a leave. Page 27 is an attachment to one of the forms. The forms plus the attachment contain information that could be seen to describe the health of the employee and that of another individual. Such information qualifies as personal health information as defined by section 2(1)(m)(i) of *HIPA*, which provides:

2(1) 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;

[24] As there is personal health information, the second element is met.

[25] On the third element, the records are in the custody and control of Community Safety.⁶ All three elements are present, thus *HIPA* is engaged and OIPC can also undertake this review pursuant to the jurisdiction as afforded by *HIPA*.

2. The application of the exemption in section 29(1) of *FOIP*

[26] Community Safety applied section 29(1) of *FOIP* to the following pages of the responsive record: 1, 3 to 5, 9 to 11, 13 to 15, 18, 21 to 29, 32, 35 to 36, 40 to 47, 49 to 58, 60 to 74, 76, 81, 83 to 96, 98 to 182, 184, and 188.

[27] Section 29(1) of *FOIP* provides:

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] Section 29(1) of *FOIP* is a mandatory exemption. Prior to applying section 29(1) of *FOIP*, the first determination must be whether the information qualifies as “personal information” as defined by section 24(1) of *FOIP*. In order for information to be “personal information”, it must: (1) be about an identifiable individual; and (2) be personal in nature.⁷

[29] Sections 24(1)(a), (b), (e) and (k)(i) of *FOIP*, which are all relevant in this review, provide:

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;

⁶ *Custody* means that a trustee has physical possession of records with a measure of control over them. *Control* means having the authority to manage the records including storing, restricting, and regulating their use, see OIPC [Investigation Report 266-2024](#) at paragraph [14].

⁷ OIPC [Review Report 199-2025](#) at paragraph [46].

(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;

...

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

...

(k) the name of the individual where:

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

[30] The Applicant clarified in communications to Community Safety that they are seeking information about an employee at the Saskatoon Correctional Centre as well as information about “all inmates” in a specific unit at the Saskatoon Correctional Centre. In other words, the Applicant is seeking information about third party individuals. *FOIP* defines “third party” at section 2(1)(j) as follows:

2(1) In this Act:

...

(j) “**third party**” means a person, including an unincorporated entity, other than an applicant or a government institution.

[31] Section 31 of *FOIP* provides individuals with the right to access their *own* personal information. It says:

31(1) Subject to Part III and subsection (2), an individual whose personal information is contained in a record in the possession or under the control of a government institution has a right to, and:

(a) on an application made in accordance with Part II; and

(b) on giving sufficient proof of his or her identity;

shall be given access to the record.

[32] *FOIP* does not give individuals the right to access the personal information of other third party individuals. Without the consent of the third party individual, Community Safety must refuse the Applicant access pursuant to section 29(1) of *FOIP*.⁸

[33] Upon review of the records, OIPC noted that Community Safety redacted information pursuant to section 29(1) of *FOIP* where the information clearly qualified as personal information as defined by section 24(1) (a), (b), (e) and (k)(i) of *FOIP* and where there was no consent for disclosure. The types of information redacted included:

- Information that qualifies as employment history⁹ – information about an employee including onboarding documents (letters of offer, tax information, direct deposit information, etc.) as well as offboarding documents (termination notification form¹⁰). Further, information within documents such as leave requests contained information about the employee (such as the reason for requesting leave). These documents included an employee’s name and personal contact information as well.
- Information that qualifies as education history – information about training undertaken by the employee.
- Information that qualifies as criminal history – information about disciplinary offences¹¹ committed by inmates (other than the Applicant) and disciplinary action taken against the inmates (other than the Applicant). These documents include inmates’ names and a description of their disciplinary offences.

⁸ Section 59 of *FOIP* sets out circumstances in which an individual’s rights (including the right of access) may be exercised by another person. The Applicant did not provide any evidence in their submission that they were able to exercise any third party individual’s right of access.

⁹ OIPC [Review Report 152-2023](#) at paragraph [62] 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, information in a résumé, or leave transactions.

¹⁰ OIPC [Review Report 038-2025](#) at paragraph [18] sets out a lengthy list of the data elements found on a Termination Notification Form, including employee name, employee number, employee assignment number, employee home address, ministry and branch, last date worked, last pay period, last effective date of employment, and reasons for terminating employment at current ministry.

¹¹ As defined by section 69(1)(a) of [The Correctional Services Act, 2012](#) c. C-39.2, S.S. 2012, as amended.

[34] Community Safety properly applied section 29(1) of *FOIP* to the personal information found on pages 1, 3 to 5, 9 to 11, 13 to 15, 18, 21 to 29, 32, 35 to 36, 40 to 47, 49 to 58, 60 to 74, 76, 81, 83 to 96, 98 to 182, 184, and 188.¹²

[35] The only instance in which OIPC noted that information redacted pursuant to section 29(1) of *FOIP* did *not* qualify as personal information was at page 13. Page 13 contains an email by the Public Service Commission to the then-Ministry of Corrections, Policing and Public Safety (now the Ministry of Community Safety) that identified an employee's: (1) employment start date; (2) job classification; and (3) salary. Community Safety redacted all three elements. While the employment start date was appropriately redacted pursuant to section 29(1) of *FOIP*, the employee's classification and salary were not. This is because section 24(2)(a) of *FOIP* specifically carves out these types of information from the definition of "personal information". It says:

24(2) "Personal information" does not include information that discloses:

(a) the classification, salary, discretionary benefits or employment responsibilities of an individual who is or was an officer or employee of a government institution or a member of the staff of a member of the Executive Council;

[Emphasis added]

[36] Community Safety did not properly apply section 29(1) of *FOIP* to the classification and salary information on page 13. Community Safety should release the classification and salary of the employee on page 13 to the Applicant within 30 days of this Report being issued. Access to the employment start date of the employee should continue to be refused pursuant to section 29(1) of *FOIP*.

¹² Since Community Safety properly applied section 29(1) of *FOIP* to page 54, then there is no need to consider whether Community Safety properly applied section 20(b) of *FOIP* to that same page. Further, since Community Safety properly applied section 29(1) of *FOIP* to pages 83, 84, 87, 88, 90, 91, 93, 94, 95, 98, 99, 101, 102, 104, 105, 107, 108, 110, 111, 113, 114, 116, 117, 119, 120, 122, 123, 125, 126, 128, 129, 131, 132, 134, 136, 137, 139, 140, 142, 143, 145, 146, 147, 149, 150, 152, 153, 155, 156, 158, 160, 161, 162, 164, 165, 167, 168, 170, 171, 173, 174, 177, 178, 180, 181, then there is no need consider whether section 15(1)(k) of *FOIP* applies to these pages either.

3. The application of the exemption in section 27(1) of *HIPA*

[37] It has already been determined that personal health information is included on pages 23, 27 and 28 as defined by section 2(1)(m)(i) of *HIPA*. Section 27(1) of *HIPA* applies to personal health information of an individual and mandates that disclosure cannot be ordered unless the trustee has the consent of the subject individual or the disclosure is made in accordance with section 27 (disclosure of personal health information), section 28 (disclosure of registration information) and/or section 29 (disclosure for the purposes of scientific research).

[38] Since the redacted portions of pages 23, 27 and 28 contain the personal health information of individuals who are not the Applicant and there is no consent for public dissemination of this information, we conclude that Community Safety properly applied section 27(1) of *HIPA* to pages 23, 27, and 28.

4. The application of the exemption in section 15(1)(a) of *FOIP*

[39] Community Safety applied the exemption contained in section 15(1)(a) of *FOIP* to three pages: pages 185, 186 and 187.

[40] Section 15(1)(a) of *FOIP* provides:

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

(a) prejudice, interfere with or adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention;

[41] Section 15 of *FOIP* uses the word “could” instead of the phrase “could reasonably be expected to” as in other provisions in *FOIP*. The threshold for “could” involves a showing of a possibility that disclosure of the information could interfere with the security of a

lawful detention centre. There does not need to be a likelihood of a happening, but just a possibility on the facts.¹³

[42] Relevant definitions in the consideration of section 15(1)(a) of *FOIP* include:¹⁴

- “Prejudice” in this context refers to detriment to the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention.
- “Interfere” includes hindering or hampering an ongoing investigation and anything that would detract from an investigator’s ability to pursue the investigation.
- “Adversely affect” in this context means to have a harmful or unfavorable impact on the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention.
- “Detection” is the act of discovering or revealing something that is hidden or barely perceptible, especially to solve a crime.
- “Investigation” can include police, security or administrative investigations or a combination of these. Investigation has been defined, in general terms, as a systematic process of examination, inquiry and observation.
- “Prevention” means the stopping of something, especially something bad, from happening; to hinder or impede. In the context of subsection 15(1)(a) of *FOIP*, it means the stopping of an offence.
- A “prosecution”, in this context, refers to proceedings in respect of a criminal or quasi-criminal charge laid under an enactment of Saskatchewan or Canada and may include regulatory offences that carry true penal consequences such as imprisonment or a significant fine.
- “Offence” means a violation of the law; a crime.
- “Security” means a state of safety or physical integrity. Security includes securing, ensuring safety or protecting from danger, theft or damage. Security means sufficient security.

¹³ [Saskatchewan Government Insurance v Giesbrecht](#), 2025 SKCA 10 at paragraphs [73] to [80].

¹⁴ OIPC [Review Report 230-224](#) at paragraph [13].

- “Lawful detention” means any person held in custody pursuant to a valid warrant or other authorized order. It extends to individuals remanded in custody (charged but not yet tried or convicted). It does not include individuals released under bail supervision.
- “Centre of lawful detention” is a centre where persons are detained when suspected of a crime, awaiting trial, or sentencing, found to be an illegal immigrant or youthful offender, or for political reasons. It can also include a centre where persons are in custody under federal or provincial statute. In general, any person held in custody pursuant to a valid warrant or other authorized order is under lawful detention.

[43] Community Safety provided arguments as to how the withheld material on the three pages involve information relating to the security of the Saskatoon Correctional Centre, a lawful detention centre. Broadly based, the information discusses operational decisions in connection with the Saskatoon Correctional Centre.

[44] Upon review, OIPC can confirm that the information on pages 185 and 186 describes steps taken by management at Saskatoon Correctional Centre to ensure the security and safety of workers and inmates at the Saskatoon Correctional Centre. Community Safety properly applied section 15(1)(a) of *FOIP* to pages 185 and 186 and should continue to withhold this information under this exemption.

[45] Page 187 contains details of discussions with respect to measures to be taken to enhance security including disciplinary procedures, conduct expectations and the consequences for violation of policies and procedures. This material is all directly relevant to the detection, investigation, prevention and/or prosecution in connection with the security of a lawful detention centre. Community Safety properly applied section 15(1)(a) of *FOIP* to page 187 and should continue to withhold this information under this exemption.

5. The application of the exemption in section 15(1)(c) of FOIP

[46] Community Safety applied section 15(1)(c) of *FOIP* to pages 184 and 188.

[47] 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;

[48] OIPC uses the following two-part test to determine if section 15(1)(c) of *FOIP* applies:

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?

[49] OIPC discussed the threshold for "could" earlier, which is the same threshold that applies for section 15(1)(c) of *FOIP*.

[50] A "lawful investigation" is an investigation that is authorized or required and permitted by law.¹⁵ The government institution should always identify the legislation that authorizes the investigation. An investigation can be concluded or ongoing for this exemption to apply.¹⁶

[51] Community Safety submitted that page 184 contains details of an investigation conducted by a correctional officer. Community Safety noted that *The Correctional Services Act, 2012* empowers staff members to conduct investigations at a correctional facility.¹⁷

¹⁵ OIPC [Review Report 199-2025](#) at paragraph [22].

¹⁶ *Supra*, footnote 13 at paragraphs [55] and [58], affirming [Leo v. Global Transportation Hub Authority](#), 2019 SKQB 150 at paragraph [24] and [Evenson v Saskatchewan \(Ministry of Justice\)](#), 2013 SKQB 296 at paragraphs [40] to [44].

¹⁷ As authority for staff members of a correctional facility to conduct investigations, Community Safety cited sections 34 to 51 and 69 to 75 of [The Correctional Services Act, 2012](#) and sections 20, 43(2), 47(2), 48(3), 49(2) and 63(1)(a) of [The Correctional Services Regulations, 2013](#), RRS c. C39.2 Reg 1.

Further, it noted that directors of correctional facilities are empowered to make rules with respect to the security of the correctional facility.¹⁸ Directors also have the power to discipline inmates for failing to following such rules and to impose penalties on inmates for disciplinary offences after a hearing is held and a finding of guilt registered.¹⁹

[52] OIPC can confirm that the redacted content on page 184 pertains to an investigation undertaken by an employee of the Saskatoon Correctional Centre with respect to an allegation of a *Criminal Code* offence.²⁰ The release of the withheld information could disclose information with respect to the lawful investigation. Community Safety properly applied section 15(1)(c) of *FOIP* to page 184.²¹

[53] Regarding page 188, OIPC noted that this page was a duplicate of pages 711 and 977 in the records at issue in Review Report 210-2025 involving the same Applicant. Since OIPC has already considered this page in Review Report 210-2025, it is outside the scope of this Report.²²

¹⁸ As authority for directors of correctional facilities to make rules, including rules with respect to the security of the institution, Community Safety cited section 23 of *The Correctional Services Act, 2012*.

¹⁹ Section 54(2) of *The Correctional Services Regulations, 2013* set out offences designated as disciplinary offences. Section 77 of *The Correctional Services Act* sets out sanctions that a disciplinary panel may impose upon an inmate who has been found to have committed a major disciplinary offence.

²⁰ [Criminal Code](#), RSC 1985, c. C-46, as amended.

²¹ Community Safety also applied sections 15(1)(e), (k) and (m) and 29(1) of *FOIP* to page 184. Since OIPC has found that section 15(1)(c) of *FOIP* applies to page 184, there is no need to consider whether sections 15(1)(e), (k) and (m) and 29(1) of *FOIP* applies to page 184.

²² In [Kasprick v Saskatchewan Power Corporation](#), 2025 SKKB 139 at paragraph [65], Davis J. found there is little value in ordering duplicate pages to be reproduced and disclosed. Since page 188 is a duplicate of pages 711 and 977, both considered in Review Report 210-2025, and since Community Safety properly applied section 29(1) of *FOIP* to the redacted portions of pages 711 and 977, there is no need to consider whether section 15(1)(c) of *FOIP* to page 188.

6. The reasonableness of the search for records

[54] This analysis is provided in detail in Review Report 210-2025. We adopt the same conclusion that the search for records was reasonable.

7. The invocation of sections 7(2)(f) and 7(4) of FOIP

[55] Sections 7(2)(f) and (4) of *FOIP* provide:

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

...
(f) stating that confirmation or denial of the existence of the record is refused pursuant to subsection (4);

...
(4) If an application is made with respect to a record that is exempt from access pursuant to section 15, 16, 21 or 22 or subsection 29(1), the head may refuse to confirm or deny that the record exists or ever did exist.

[56] Community Safety denied the Applicant the right to know whether a record (or records) exist by invoking the provisions of sections 7(2)(e) and section 7(4) of *FOIP*. These sections provide government institutions with a significant discretionary power that should be exercised only in rare cases. They are meant to protect highly sensitive records where confirming or denying the mere existence of a record would itself impose a significant risk. The provisions enable government institutions to address risks that could occur just by revealing records exist but they cannot be used as a shield to protect a government institution from possible embarrassment or negative public scrutiny.²³

[57] In order for a government institution to properly invoke these of *FOIP*, it must:²⁴

1. Demonstrate that records (if they existed) would qualify for the particular exemption provided for at section 7(4) of *FOIP*.

²³ OIPC [Review Report 248-2024, 249-2024](#) at paragraph [13].

²⁴ *Ibid*, at paragraph [14]. See also OIPC [Review Report 192-2025](#) at paragraph [18].

2. Explain how disclosing the existence of records (if they existed) could reasonably compromise information that is exempted from disclosure.

1. ***Demonstrate that records (if they existed) would qualify for the particular exemption provided for at section 7(4) of FOIP.***

[58] The Applicant clarified that they sought records regarding a specific employee at the Saskatoon Correctional Centre. The Applicant queried if that employee had willingly quit or had any suspensions imposed while employed at the Saskatoon Correctional Centre.

[59] As described in the first section of this Report, Community Safety indicated that if records existed, the records would be exempt from disclosure pursuant to sections 15(1)(c), (e), (f), (i), (k), (m) and 29(1) of *FOIP*.

[60] The first aspect of this analysis will involve a determination of whether the activities of the government institution qualify as an investigation, a law enforcement matter or a matter of security as these concepts are associated with the subsections of section 15 of *FOIP*. The legislation authorizing the investigation, law enforcement matter or security issue should be cited. In this case, Community Safety omitted to identify the legislation that authorized anything in connection with this employee.

[61] The fact that legislation has not been cited is not determinative of this phase of the analysis. The Applicant sought information about an employee and matters connected to that employee's term of employment. It is obvious that such information readily qualifies as "personal information" pursuant to the non-exhaustive list in section 24(1) of *FOIP* in particular, section 24(1)(b) of *FOIP*.²⁵ Since there is no consent for the release of this information, records of this nature, if they even exist, would be exempt from disclosure pursuant to section 29(1) of *FOIP*.

2. ***Explain how disclosing the existence of records (if they existed) could reasonably compromise information that is exempted from disclosure.***

²⁵ *Supra*, footnote 7.

[62] The Office of the Information and Privacy Commissioner of Alberta (AB OIPC) has considered an access request for records related to the hiring of a former employee. The municipality in question refused to confirm or deny the existence of responsive records pursuant to section 12(2)(b) of Alberta's then *Freedom of Information and Protection of Privacy Act (AB FOIP)*.²⁶ The municipality argued that the disclosing the existence of such records would disclose whether investigations had been carried out and this could result in an unreasonable invasion of privacy. The AB OIPC agreed and found that the municipality properly refused to confirm or deny the existence of a record as authorized by section 12(2)(b) of *AB FOIP*.²⁷

[63] In this case, the Applicant requested records related to the reason an employee left their job and more particularly, whether they were suspended. We conclude that the release of such records, if they existed, would disclose the personal information of the employee, which would be protected from disclosure by section 29(1) of *FOIP*. As such, Community Safety properly invoked section 7(2)(f) and 7(4) of *FOIP*.

IV FINDINGS

[64] OIPC has jurisdiction to undertake this review under PART VII of *FOIP* and pursuant to the jurisdiction as afforded by *HIPA*.

[65] Community Safety properly applied section 29(1) of *FOIP* to the personal information found on pages 1, 3 to 5, 9 to 11, 13 to 15, 18, 21 to 29, 32, 35 to 36, 40 to 47, 49 to 58, 60 to 74, 76, 81, 83 to 96, 98 to 182, 184, and 188.

²⁶ [Freedom of Information and Protection of Privacy Act](#), RSA 2000, c F-25. In June 2025, the *Freedom of Information and Protection of Privacy Act* was repealed and replaced with the [Access to Information Act](#), SA 2024, c A-1.4 and the [Protection of Privacy Act](#), SA 2024, c P-28.5.

²⁷ AB OIPC [Order F2025-09](#) at [para 17] and [para 36].

- [66] Community Safety did not properly apply section 29(1) of *FOIP* to the information of an employee of a government institution that did not qualify as personal information on page 13.
- [67] Community Safety properly applied section 27(1) of *HIPA* to pages 23, 27, and 28.
- [68] Community Safety properly applied section 15(1)(a) of *FOIP* to pages 185, 186 and 187.
- [69] Community Safety properly applied section 15(1)(c) of *FOIP* to page 184.
- [70] Community Safety conducted a reasonable search for records.
- [71] Community Safety properly invoked sections 7(2)(f) and 7(4) of *FOIP*.

V RECOMMENDATIONS

- [72] I recommend that Community Safety release the classification and salary information of the employee on page 13 to the Applicant within 30 days of this Report being issued but continue to refuse access to the employment start date pursuant to section 29(1) of *FOIP*.
- [73] I recommend that Community Safety continue to refuse to release the remainder of the redacted information in the records pursuant to sections 15(1)(a), (c) and 29(1) of *FOIP* and section 27(1) of *HIPA*.
- [74] I recommend that Community Safety take no further action regarding the search for records.

Dated at Regina, in the Province of Saskatchewan, this 26th day of May, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner