



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 280-2025

Ministry of Social Services

July 17, 2026

Summary:

The Applicant submitted an access to information request to the Ministry of Social Services (Social Services) for records about themselves. Social Services responded to the access request by providing the Applicant access to records but withholding some portions pursuant to sections 29(1) (disclosure of third party personal information), 31(2) (evaluative/opinion personal information compiled for suitability/eligibility purposes) of *The Freedom of Information and Protection of Privacy Act (FOIP)* and section 27(1) (disclosure of third party personal health information) of *The Health Information Protection Act (HIPA)*. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner.

The Commissioner found that:

- (1) Social Services properly applied section 29(1) of *FOIP* to the employee user identification numbers (IDs) that appear on pages 1 to 6 of Record 1;
- (2) It is an absurd result to refuse the Applicant access to the portions in Record 2 that Social Services redacted pursuant to section 29(1) of *FOIP* and section 27(1) of *HIPA*;
- (3) It is an absurd result to refuse the Applicant access to portions in Record 3 that Social Services redacted pursuant to section 29(1) of *FOIP*; and
- (4) Social Services has demonstrated that section 31(2) of *FOIP* applies to the withheld information on pages 236, 238 to 244, and 248 to 258 of Record 2.

The Commissioner recommended that:

- (1) Social Services continue to withhold the redacted employee user IDs that appear on pages 1 to 6 of Record 1 pursuant to section 29(1) of *FOIP*;
- (2) Social Service continue to withhold the redacted information on pages 236, 238 to 244, and 248 to 258 of Record 2 pursuant to section 31(2) of *FOIP*; and
- (3) Social Services release the withheld information on pages 20, 21, 28, 32, 41, 45, 51, 55, 59, 66, 67, 106, 112, 124, 125, 131, 139, 140, 141, 146, 151, 152, 154, 155, 161, 162, 172, 213, 230, 247, 297, 306, 310, 311, 314 to 319, 321 of Record 2 and pages 219, 223, 225, 226, 236, 261, 271, 282, 282, 287 of Record 3 within 30 days of the issuance of this Report.

I BACKGROUND

- [1] On September 17, 2025, the Ministry of Social Services (Social Services) received the following access request under *The Freedom of Information and Protection of Privacy Act*¹ (*FOIP*) from the Applicant:

I want copies of all information on my file and notations of what interactions they have had with me, for the entire time I have received benefits from them.

- [2] On October 15, 2025, Social Services responded to the access request by sending two letters.
- [3] In the first letter, Social Services provided the Applicant with access to records but indicated that portions of the records were redacted pursuant to sections 29(1) and 31(2) of *FOIP* and section 27(1) of *The Health Information Protection Act*² (*HIPA*).
- [4] In the second letter, Social Services said that some information sought by the Applicant did not exist in the sense that it was stored in a central Social Services database. Social Services

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

² [*The Health Information Protection Act*](#), S.S. 1999, c. H-0.021, as amended.

explained that *FOIP* does not require a government institution to create records in response to an access request. In spite of this, a record was created containing the stored database information and provided to the Applicant. We applaud the efforts of Social Services in meeting the needs of this Applicant.

- [5] On October 28, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [6] On November 13, 2025 Social Services contacted the Applicant and provided two more pages of the central database record from March 14, 2024. Again, Social Services repeated that the any information stored in a database is not considered a record under *FOIP*, but it was still attempting to respond in good faith to the Applicant's access request.
- [7] On April 16, 2026, OIPC notified both Social Services and the Applicant that OIPC was undertaking a review of the exemptions as applied by Social Services.
- [8] On May 5, 2026, Social Services provided this office with the records and an index of records.
- [9] On June 15, 2026, Social Services provided its submission to OIPC. Social Services did not provide permission to share the submission with the Applicant. The Applicant did not provide a submission.

II RECORDS AT ISSUE

Record Number	Record Description	Total Number of Pages	Pages withheld in part	Exemptions applied by Social Services
1	Action History	6	6 pages withheld in part	29(1) of <i>FOIP</i>
2	Client Copy	322	60 pages withheld in part	29(1), 31(2) of <i>FOIP</i> , 27(1) of <i>HIPA</i>
3	Courtesy Copy	301	9 pages withheld in part	Redacted 3 rd party information

III DISCUSSION OF THE ISSUES

1. Jurisdiction

a. FOIP

[10] Social Services qualifies as a “government institution” pursuant to section 2(1)(d)(i) of *FOIP*. Therefore, OIPC has jurisdiction to undertake this review pursuant to PART VII of *FOIP*.

b. HIPA

[11] 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.

[12] Social Services is a trustee as defined by section 2(1)(t)(i) of *HIPA*, which satisfies the first element.

[13] Portions of pages 55, 106, 151 and 154 of Record 2 contains a description of the physical health of a close family member of the Applicant. 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;

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

- [15] With respect to the third element, the records are in the custody or control of Social Services.³ Page 55 was a form completed by the Applicant and submitted to Social Services. Pages 106, 151 and 154 contain duplicate emails dated August 20, 2025 sent by the Applicant to Social Services. These emails are in the custody and control of Social Services. As all three elements are present, *HIPA* is engaged. OIPC can also pursue this review by means of the jurisdiction afforded by *HIPA*.

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

- [16] Social Services applied section 29(1) of *FOIP* to the following pages:

Record	Pages
1	Portions of pages 1 to 6.
2	Portions of pages 20, 21, 28, 32, 41, 45, 51, 55, 59, 66, 67, 106, 112, 124, 125, 131, 139, 140, 141, 146, 151, 152, 154, 155, 161, 162, 172, 213, 230, 247, 297, 306, 310, 311, 314 to 319, 321.
3	Portions of pages 219, 223, 225, 226, 236, 261, 271, 282, 282, 287.

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

Disclosure of personal information

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.

- [18] Section 29(1) of *FOIP* is a mandatory exemption. Prior to a determination of the applicability of section 29(1) of *FOIP*, the first consideration must be whether the information qualifies as “personal information” as defined by section 24(1) of *FOIP*. For

³ “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. OIPC [Investigation Report 266-2024](#) at paragraph [14].

information to be “personal information”, it must: (1) be about an identifiable individual; and (2) be personal in nature.⁴

[19] Sections 24(1)(a), (d), (e), (j) and (k)(i) of *FOIP* define “personal information” as it is relevant to this phase of the analysis:

Interpretation

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;

...

(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;

...

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

(k) the name of the individual where:

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

a. The Withheld Information in Record 1

[20] Record 1 is a six-page *Action History* report that identifies each Social Services employee who accessed the Applicant’s file, including the action date, the action type, the name of the employee who accessed the file and the employee’s user identification number (ID). Social Services only redacted the employee user IDs and released the remainder of the record.

⁴ OIPC [Review Report 240-2025](#) at paragraph [12].

[21] Employee numbers qualify as “personal information” pursuant to section 24(1)(d) of *FOIP*.⁵ We are satisfied that Social Services properly applied the exemption in section 29(1) of *FOIP* to the employee user ID and that this information should continue to be withheld.

b. The Withheld Information in Record 2

[22] Record 2 consists of 322 pages and includes documents within the Applicant’s client file. For example, the client file contains the Applicant’s application for social assistance as well as supporting documentation supplied by the Applicant such as bank statements, invoices and a proof of death certificate for a family member. It also contains emails from the Applicant to Social Services.

[23] Social Services redacted the names and information of third party individuals for portions of documents in Record 2. Our review revealed that the following information was originally supplied in full by the Applicant either by means of supplied documentation or by form:

- Names of employees of banking institutions that appear on bank documents and statements.
- Names of the Applicant’s family members and information such as addresses, and dates of births and deaths of family members.

[24] This information qualifies as personal information of the third parties as defined by sections 24(1)(a), (d), (e) and (k)(i) of *FOIP*.⁶ However, the third party personal information was supplied by the Applicant in the course of engagement with Social Services. The Applicant had the originals and logic dictates that the Applicant supplied Social Services with copies.

⁵ OIPC [Review Report 038-2025](#) at paragraph [23].

⁶ OIPC [Review Report 324-2025](#) at paragraph [28]; Ontario Office of the Information and Privacy Commissioner (ON OIPC) [Order PO-1736](#) provides that “date of death” in combination with an individual’s name qualifies as “personal information” since such information is “about” an individual.

[25] When analyzing the application of exemptions and considering the grounds to withhold information under *FOIP*, government institutions must consider whether a strict application of the exemption would give rise to an absurd result. This is based on a well-established principle of Canadian law that instructs that statutory interpretation of legislation should not result in absurd consequences. The presumption against absurd results was described by the Supreme Court of Canada as follows:⁷

[27] In my opinion, the consequences or effects which result from the Court of Appeal's interpretation of ss. 40 and 40a of the *ESA* are incompatible with both the object of the Act and with the object of the termination and severance pay provisions themselves. It is a well established principle of statutory interpretation that the legislature does not intend to produce absurd consequences. According to Côté, *supra*⁸, an interpretation can be considered absurd if it leads to ridiculous or frivolous consequences, if it is extremely unreasonable or inequitable, if it is illogical or incoherent, or if it is incompatible with other provisions or with the object of the legislative enactment (at pp. 378-80). Sullivan echoes these comments noting that a label of absurdity can be attached to interpretations which defeat the purpose of a statute or render some aspect of it pointless or futile (Sullivan, *Construction of Statutes*, *supra*, at p. 88).

[26] In *Rizzo*, former employees of a bankrupt employer appealed an order from the Ontario Court of Appeal disallowing their claims for vacation, termination and severance pay upon the bankruptcy of their employer Rizzo Shoes Ltd. The Court of Appeal applied a strict interpretation of the sections of the Ontario *Employment Standards Act (ESA)*⁹ which resulted in the disallowance of the termination, vacation and severance pay that was due to the employees upon bankruptcy. The appellate court found that the bankruptcy of an employer does not technically constitute “dismissal from employment” – resulting in no entitlement to severance, termination or vacation pay. The Supreme Court of Canada overturned this strict and inequitable application of the law. The Supreme Court of Canada noted that the *ESA* was primarily enacted by the Ontario government to protect the rights and interests of employees and to require employers to comply with certain minimum

⁷ [*Rizzo & Rizzo Shoes Ltd. \(Re\)*](#), [1998] 1 SCR 27 at paragraph [27]. [“*Rizzo*”]

⁸ Pierre-Andre Côté, *The Interpretation of Legislation in Canada*, 2nd ed. 1991.

⁹ *Employment Standards Act*, R.S.O. 1980, c. 137. (“*ESA*”)

standards of employment. The Supreme Court of Canada re-instated the ruling of the trial judge who had awarded over \$2M in pay to the employees. The Ontario Court of Appeal failed to pay sufficient attention to the scheme of the *ESA* and the intention of the legislation. In so doing, the Ontario Court of Appeal had unwittingly produced an absurd result.

[27] This office must be guided by the instruction of the Supreme Court of Canada in *Rizzo*. An “absurd result” occurs when a public body applies an exemption to withhold records that conflicts with the purpose of the legislation. It would be an “absurd result” to withhold information from an Applicant that they already have access to by legitimate means.¹⁰ To do otherwise would be incompatible with the principle of access to information which is the underlying foundation of this Province’s *FOIP* legislation.

[28] To be absolutely clear, the absurd result principle applies where:

- The applicant seeks access to information they themselves have supplied in response to a form request or a request for documentation by the government institution;¹¹
- The applicant was physically present when the information was provided to the government institution by a third party;¹²
- The information is clearly within the applicant’s knowledge, such as the names and addresses of family members.¹³

[29] Social Services acknowledged that withholding the information from Record 2 could create an absurd result because the Applicant supplied the information. However, Social Services adopted an over-careful approach because it believed that consent was required from the

¹⁰ Office of the Ontario Information and Privacy Commissioner (ON OIPC) [Reconsideration Order MO-1868-R](#), 2004, CanLII 56170 (ON IPC).

¹¹ OIPC [Review Report 210-2025](#) at paragraph [26].

¹² OIPC [Review Report 038-2022](#) at paragraph [25].

¹³ OIPC [Review Report 242-2024](#) at paragraph [44].

named third parties or the information had to fit into one of the exceptions of section 29(2) of *FOIP*. We commend Social Services for its dedication to privacy but this interpretation of the legislation is misinformed. We urge common sense when it comes to information that was originally supplied by an Applicant and at the end of the day, this office is always happy to assist if there is a question in this regard.

[30] The primary purpose of freedom of information legislation in Saskatchewan is to allow citizens of the Province of Saskatchewan access to records in the possession or under the control of a government institution *unless* there is a statutory reason for non-disclosure that takes the form of one of the listed exemptions in the Act. In this case, the non-disclosure of information that was supplied by the Applicant to Social Services on the basis of section 29(1) of *FOIP* is an absurd result and would defeat this primary purpose of *FOIP*.¹⁴

[31] Social Services should release the portions of Record 2 withheld under section 29(1) of *FOIP*, except for the withheld portions of pages 55, 106, 151 and 154 because the exemption under section 27(1) of *HIPA* was also applied to these pages. The analysis with respect to the exemption in section 27(1) of *HIPA* will be considered later in this Report.

c. The Withheld Information in Record 3

[32] Record 3 is a 301-page document featuring *Case Chronological Summaries*.

[33] The portions of Record 3 withheld by Social Services contain information about third party individuals such as the names of the Applicant's close family members and their dates of death, and information about another family member of the Applicant, which qualifies as personal information as defined by sections 24(1)(a), (e) and (k)(i) of *FOIP*. However, the information was supplied by the Applicant in the course of engagement with Social Services in an effort to obtain social assistance. As above, to withhold this information from the Applicant constitutes an absurd result.

¹⁴ ON OIPC [*Order M-44*](#), 1995 CanLII 6573 (ON IPC).

- [34] Social Services should release the withheld portions of pages 219, 223, 225, 226, 236, 261, 271, 282 and 287 of Record 3.

3. The application of section 31(2) of *FOIP*

- [35] This provision of *FOIP* addresses two competing interests: the right of an individual to have access to their own personal information and the need to protect the flow of frank information to those working within a government institution so that appropriate decisions can be made respecting the awarding of jobs, contracts and in this case, benefits for disability.
- [36] Social Services applied section 31(2) of *FOIP* to portions of two tranches of material. The first tranche of material includes pages 236 to 244 of Record 2. This material is entitled a *Client Eligibility Report* and it was completed by an assessor employed by the Saskatchewan Abilities Council (SaskAbilities) under the aegis of Social Services. Social Services redacted the scores assigned by the assessor and the assessor's private notes. Curiously, the private notes contain codes such that the numerical scores are clearly not the only ranking method employed by the assessor. The remainder of the material that was released in full to the Applicant are the Applicant's responses to various topics. These topics include the Applicant's descriptions of their skills and abilities such as: the ability to read, print, write, type, speak and problem solve to name just a few. The date and time when the interview occurred is recorded on page 247 as January 16, 2013.
- [37] The second tranche of information to which Social Services applied section 31(2) of *FOIP* is pages 248 to 258 of Record 2. Although these pages assume a different format than the *Client Eligibility Report* format described in the first tranche, the scoring process and notes are of a similar nature. The date of this assessment is noted on page 247 as January 16, 2013.

[38] Social Services explained:

The Client Eligibility Report (Client Copy Pages 236-237) is a summary of information collected by the Assessor and the ministry which the ministry uses to assess eligibility. Client Copy Pages 238-244 and 248-258 are copies of the assessment for the applicant. Most of the record is released and the scores are redacted under FOIP 31(2)....

The assessment tool is used to assess eligibility for all SAID applicants. *Assessors do not identify specific scores to applicants while interviewing them and scores are held as confidential as required by the ministry.*

[Emphasis added]

[39] Section 31(2) of *FOIP* provides:

Individual's access to personal information

31(2) A head may refuse to disclose to an individual personal information that is evaluative or opinion material compiled solely for the purpose of determining the individual's suitability, eligibility or qualifications for employment or for the awarding of government contracts and other benefits, where the information is provided explicitly or implicitly in confidence.

[40] Section 31(2) of *FOIP* attempts to address two competing interests: the right of an individual to access their own personal information and the need to protect the flow of frank information to government institutions so that appropriate decisions can be made respecting the awarding of jobs, contracts and other benefits. OIPC uses the following three-part test in the section 31(2) of *FOIP* analysis:¹⁵

1. Is the information personal information that is evaluative or opinion material?
2. Was the personal information compiled solely for one of the enumerated purposes?
3. Was the personal information provided explicitly or implicitly in confidence?

¹⁵ OIPC [Review Report 038-2025](#) at paragraph 40; OIPC [Review Report 013-2023](#) at paragraph [18].

1. Is the information personal information that is evaluative or opinion material?

[41] Social Services redacted the scores, notes and codes as assigned by the assessor during the course of the Applicant's assessment for benefits on the two tranches of information of Record 2.

[42] OIPC must first determine if the scores qualify as "personal information" as defined by section 24(1) of *FOIP*. If so, then OIPC must determine if the information "evaluative" or opinion material.

a. Does the information qualify as "personal information"?

[43] An applicant's eligibility for benefits is based on an assessor's opinion during and after an interview. A strict interpretation of section 24(1)(h) of *FOIP* allows for a conclusion that this constitutes "personal information":

Interpretation

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

...

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

[44] Therefore, the assessor's personal notes, numerical scores and codes all qualify as opinions such that it constitutes the "personal information" of the Applicant as defined by section 24(1)(h) of *FOIP*.

b. Is the personal information evaluative or opinion material?

[45] Relevant definitions are as follows:¹⁶

- "Evaluative" means to have assessed, appraised, to have found or to have stated the number of.

¹⁶ OIPC [Review Report 142-2022](#) at paragraphs [24] and [25].

- “Opinion material” is a belief or assessment based on grounds short of proof; a view held as probable. For example, a belief that a person would be a suitable employee, based on that person’s employment history. An opinion is subjective in nature and may or may not be based on facts.

[46] Scores/codes on an eligibility report can qualify as “evaluative”.¹⁷ In this case, the redacted scores involve a numerical rating of the Applicant on scale. To arrive at the scores, the assessor posed a series of questions to the Applicant in order to assess the impact of the Applicant’s disability and the supports required. As such, the redacted personal information qualifies as “evaluative”. The first part of the three-part test is met.

2. Was the personal information compiled solely for one of the enumerated purposes?

[47] In this case, to meet the second part of the three-part test, the personal information must have been compiled solely for the purpose of determining the individual’s eligibility or for the awarding of government benefits.

[48] Relevant definitions are as follows:

- “Compiled” means that the information was drawn from several sources or extracted, extrapolated, calculated or in some other way manipulated.¹⁸
- “Eligibility” means fit and proper to be selected or to receive a benefit.¹⁹

[49] In its submission, Social Services confirmed that the purpose of the information collected by the assessor was to assess the Applicant’s eligibility for benefits. Given this context, the personal information was compiled for the purpose of determining the Applicant’s eligibility for benefits. The second part of three-part test is met.

3. Was the personal information provided explicitly or implicitly in confidence?

¹⁷ *Ibid*, at paragraphs [29] to [31].

¹⁸ OIPC [Review Report 013-2023](#) at paragraph [23].

¹⁹ *Supra*, footnote 16 at paragraph [27].

[50] Relevant definitions at this phase of the analysis include:²⁰

- “In confidence” usually describes a situation of mutual trust in which private matters are relayed or reported. Information provided in confidence means that the supplier of the information has stipulated how the information can be disseminated. In order for confidence to be found, there must be an implicit or explicit agreement or understanding of confidentiality on the part of both the government institution and the party providing the information.
- “Implicitly” means confidentiality is understood even though there is no actual statement of confidentiality, agreement, or other physical evidence of the understanding that the information will be kept confidential. Factors to consider include if the government institution would normally and/or consistently keep the information confidential, or if it has internal policies or procedures that speak to how the information is to be handled.
- “Explicitly” means that the request for confidentiality has been clearly expressed, distinctly stated or made definite. There may be documentary evidence that shows that the information was provided on the understanding that it would be kept confidential.

[51] Social Services offered the following arguments for the third part of the three-part test:

- The assessor does not reveal the scores while interviewing the individual.
- Social Services regards the scores as confidential.
- Social Services does not provide the scores when advising an individual if they are eligible for the Saskatchewan Assured Income for Disability (SAID) program.
- Social Services has a contract with SaskAbilities that requires all employees to not disclose “confidential information to a third party without the written authorization of the Minister”.
- Section 9(4) of *The Saskatchewan Assured Income for Disability Regulations, 2012*²¹ (SAID Regulations) provides that the ministry is not compellable, in the case of an appeal, to produce records related to an individual’s disability assessments.

²⁰ *Ibid*, at paragraphs [33] to [35].

²¹ [*The Saskatchewan Assured Income for Disability Regulations, 2012*](#), RRS c. S-8 Reg 11, (effective December 6, 2012) as amended.

- Social Services said it is the practice of ministry to redact all scores from the assessment documents to protect the consistency and objectivity of the tool.

[52] The ratings were clearly not shared with the Applicant during the course of the evaluation. In late 2012, the Applicant presented and consented to an evaluation by an assessor with the hopes of obtaining assistance benefits. If the assessment were to be conducted today, there is no question that the assessment and rating scale must be kept confidential. The regulations clearly state that Social Services employees are not compellable witnesses and all collected documentation during the assessment phase is not produceable in an appeal or in any other proceeding brought in this Province. Section 9(4) of the *SAID Regulations* contain the following enactment:

Assessment for eligibility

9(1) For the purposes of determining whether an individual is an individual with a significant and enduring disability, the minister shall:

(a) establish acceptable methods and procedures for conducting disability assessments to determine the functional impact of a disability;

...

(c) establish a minimum disability assessment threshold that is to be determined through the disability assessment mentioned in clause (a).

(4) The minister and any other person involved in determining whether an individual is an individual with a significant and enduring disability in accordance with this section are not compellable, in an appeal brought pursuant to section 40 *or in any other proceeding*, to produce any file, paper, information, report, correspondence or other document relating to all or any of the following:

(a) an individual's disability assessment;

(b) the methods and procedures established for conducting a disability assessment mentioned in clause 1(a);

(c) the minimum disability assessment threshold mentioned in clause (1)(c).

[Emphasis added]

- [53] Section 9(4) of the *SAID Regulations* came into effect by means of a June 12, 2025 amendment.²² Section 9(4) of the *SAID Regulations* is a clear indication not only that the assessment and evaluation is to be conducted in confidence but that the assessor cannot be compelled to take the stand as a witness in any proceeding and the associated documentation is not produceable in a court of law. Our research has indicated that section 9(4) of the *SAID Regulations* has not been considered by the Saskatchewan courts to date.
- [54] Had the Applicant's assessment occurred after June 12, 2025 the Applicant would be deemed to know the law and understand that the assessment is confidential. At the time the Applicant applied for disability benefits and consented to the assessment procedure, section 9(4) of the *SAID Regulations* was not in effect. The Applicant's assessment appears to have taken place over a course of several months from late 2012 to March of 2013.
- [55] It is persuasive that the assessor did not share the rating or notes with the Applicant at the time of the assessment interviews. The assessment clearly has numerical scores and codes in place for evaluation and some confidential assessment has occurred within the assessor's notes. A reasonable person would understand that they were being assessed in confidence by the government with respect to their suitability for government benefits. A reasonable person would understand that a special coding was being used that would be otherwise meaningless to a random individual. The fact that the rating and the notes are not shared with the Applicant at the time of the interview is evidence to suggest that the assessment was conducted within the framework of implicit confidentiality. It is only logical that the assessors within the government maintain their method of assessment in a privileged capacity and as such, this is similar to a competitive job interview situation²³ or a reference check situation where it is understood that information is being provided within a situation of full and frank disclosure.²⁴

²² *The Saskatchewan Gazette*, [Volume 121, Part II, Revised Regulations of Saskatchewan](#), 20 June 2025, p. 3. [Order in Council 245/2025](#), dated June 12, 2025.

²³ *Supra*, footnote 5 at paragraph [56].

²⁴ *Supra*, footnote 18 at paragraph [39].

[56] Social Services has demonstrated that section 31(2) of *FOIP* applies to the withheld portions on pages 236 to 244, and pages 248 to 258 of Record 2.

4. The application of section 27(1) of *HIPA*

[57] Social Services applied section 27(1) of *HIPA* to portions of pages 55, 106, 151 and 154 of Record 2. Page 55 is a *Review Declaration* form completed by the Applicant for Social Services. Pages 106, 151 and 154 are duplicates of an email dated August 20, 2025, sent by the Applicant to Social Services.

[58] Section 27(1) of *HIPA* provides:

Disclosure

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.

[59] The redacted information on pages 55, 106, 151 and 154 contains a description of the physical health of a very close family member of the Applicant. As such, the information qualifies as personal health information as defined by section 2(1)(m)(i) of *HIPA*. However, such information was supplied by the Applicant. Therefore, to refuse the Applicant access to information they provided to Social Services is an absurdity. Social Services should release the portions of pages 55, 106, 151 and 154 of Record 2 withheld pursuant to section 27(1) of *HIPA*.

IV FINDINGS

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

[61] Social Services properly applied section 29(1) of *FOIP* to the employee user IDs that appear on pages 1 to 6 of Record 1.

- [62] It is an absurd result to refuse the Applicant access to the portions in Record 2 that Social Services redacted pursuant to section 29(1) of *FOIP* and section 27(1) of *HIPA*.
- [63] It is an absurd result to refuse the Applicant access to the portions in Record 3 that Social Services redacted pursuant to section 29(1) of *FOIP*.
- [64] Social Services has demonstrated that section 31(2) of *FOIP* applies to the redacted portions on pages 236 to 244, and pages 248 to 258 of Record 2.

V RECOMMENDATIONS

- [65] I recommend that Social Services continue to withhold the redacted employee user IDs that appear on pages 1 to 6 of Record 1 pursuant to section 29(1) of *FOIP*.
- [66] I recommend that Social Services continue to withhold the redacted information on pages 236 to 244, and pages 248 to 258 of Record 2 pursuant to section 31(2) of *FOIP*.
- [67] I recommend that Social Services release the withheld information on pages 20, 21, 28, 32, 41, 45, 51, 55, 59, 66, 67, 106, 112, 124, 125, 131, 139, 140, 141, 146, 151, 152, 154, 155, 161, 162, 172, 213, 230, 247, 297, 306, 310, 311, 314 to 319, 321 of Record 2 and pages 219, 223, 225, 226, 236, 261, 271, 282, 282, 287 of Record 3 within 30 days of the issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 17th day of July, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner