



Office of the
Saskatchewan Information
and Privacy Commissioner

DISREGARD DECISION 272-2026

University of Saskatchewan

August 25, 2026

Summary:

The Applicant submitted an access to information request to the University of Saskatchewan (University), which the University considered and deemed frivolous. The University asked the Office of the Saskatchewan Information and Privacy Commissioner to disregard the access request under section 43.1(2)(c) (frivolous or vexatious, not in good faith or concerns a trivial matter) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.

The Commissioner found that the requirements to disregard the Applicant's request under section 43.1(2)(c) of *LA FOIP* were not met. The Commissioner refused the University's application to disregard the Applicant's access to information request of July 3, 2026. As a result of this decision, the 30-day clock for processing the Applicant's request resumes as of the date of the issuance of this Decision pursuant to section 43.1(5) of *LA FOIP* and the University is required to continue processing the Applicant's request.

I BACKGROUND

[1] On July 3, 2026, the University of Saskatchewan (University) received \$20 from the Applicant along with a request for records for the time period "01/09/25 – 07/03/2026" as follows:

I am interested in receiving purchasing records from University of Saskatchewan for purchases made from 01/09/2025 to present. I work for a company called [name withheld] and would like to use this information for commercial purposes.

- [2] On August 4, 2026, the University asked the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) to disregard the access request as it was “frivolous” under section 43.1(2)(c) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.¹
- [3] On August 4, 2026, OIPC advised the University and the Applicant that upon receipt of the University’s request, the clock for processing the Applicant’s access request was effectively paused. OIPC also provided notice this date to each party and invited the Applicant to provide a submission by August 18, 2026, outlining their position with respect to the University’s application to disregard. The Applicant did not provide a submission.

II DISCUSSION OF THE ISSUES

1. Jurisdiction

- [4] The University is a “local authority” pursuant to subsection 2(1)(f)(xi) of *LA FOIP*. As this office has jurisdiction, this decision can be considered under section 43.1 of *LA FOIP*.

2. Should the University’s application pursuant to subsections 43.1(2)(c) of *LA FOIP* be granted?

- [5] Section 43.1 of *LA FOIP* provides a local authority with the ability to apply to the Commissioner to disregard an access to information request. The University requested that the Applicant’s access request of July 3, 2026, be disregarded under section 43.1(2)(c) of *LA FOIP* as “frivolous.” The relevant provisions in this Decision are as follows:

Power to authorize a local authority to disregard applications or requests
43.1(1) The head may apply to the commissioner to disregard one or more applications pursuant to section 6 or requests pursuant to section 31.

¹ [*The Local Authority Freedom of Information and Protection of Privacy Act*](#), SS 1990-91, c L-27.1, as amended.

(2) In determining whether to grant an application or request mentioned in subsection (1), the commissioner shall consider whether the application or request:

...

(c) is frivolous or vexatious, not in good faith or concerns a trivial matter.

(3) The application pursuant to subsection 6(1) or the request pursuant to clause 31(1)(a) is suspended until the commissioner notifies the head of the commissioner's decision with respect to an application or request mentioned in subsection (1).

(4) If the commissioner grants an application or request mentioned in subsection (1), the application pursuant to subsection 6(1) or the request pursuant to clause 31(1)(a) is deemed to not have been made.

(5) If the commissioner refuses an application or request mentioned in subsection (1), the 30-day period mentioned in subsection 7(2) or 31(2) resumes.

[6] An application to disregard is a serious matter as it could have the effect of removing an applicant's access to information rights and any interference with a quasi-constitutional right must be carefully considered.² Indeed, *LA FOIP* recognizes that not all access requests are appropriate. Section 43.1 of *LA FOIP* exists to preserve the proper intent and functioning of the Act. Former British Columbia Information and Privacy Commissioner (BC OIPC), David Loukidelis, said the following about the role of the equivalent provision in British Columbia's Act:³

...Access to information legislation confers on individuals such as the respondent a significant statutory right, *i.e.*, the right of access to information (including one's own personal information). All rights come with responsibilities. The right of access should only be used in good faith. It must not be abused. By overburdening a public body, misuse by one person of the right of access can threaten or diminish a legitimate exercise of that same right by others, including as regards their own personal information. Such abuse also harms the public interest, since it unnecessarily adds to public bodies' costs of complying with the Act. Section 43 exists, of course, to guard against abuse of the right of access...

² [*Canada \(Information Commissioner\) v. Canada \(Minister of National Defence\)*](#), 2011 SCC 25, [2011] 2 SCR 306 at paragraphs [40] and [79].

³ BC OIPC [Order F19-25](#) (June 21, 2019), at paragraph [8].

[7] Section 5 of *LA FOIP* clearly establishes an applicant's right of access as follows:

Right of access

5 Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a local authority.

[8] When exercising this right, *LA FOIP* does not require an applicant to state the purpose of their access request, nor does *LA FOIP* require a demonstration that their access request was made for a legitimate purpose.⁴

[9] For subsection 43.1(2)(c) of *LA FOIP* to apply, the local authority must demonstrate that the applicant's access to information request is frivolous, in the sense that the request is trivial or without merit, that it lacks a legal or factual basis/merit, that the request is not serious or reasonably purposeful, or that the request itself is of little weight or importance.⁵

[10] In this matter, the University conceded that of these, the applicable consideration is that the Applicant's request is frivolous in that it is "without merit and not reasonably purposeful". A local authority may consider an access request to be without merit or trivial, but what may not be important to a local authority may be of great importance to a requestor.⁶

[11] An access to information request that is frivolous can amount to "an abuse of the right of access" if the access provisions of *LA FOIP* are manipulated in a fashion contrary to its principles and objects of the statutory scheme. In determining whether an access request should be disregarded under section 43.1(2)(c) of *LA FOIP*, this office will consider the following factors:⁷

a. **Number of requests:** are they excessive by reasonable standards?

⁴ OIPC [Disregard Decision 285-2020](#) at paragraph [56].

⁵ OIPC [Disregard Decision 225-2025](#) at paragraph [32].

⁶ Office of the Information and Privacy Commissioner of Ontario (ON OIPC) [Order M-618](#) (October 18, 1995).

⁷ OIPC [Disregard Decision 363-2025](#) at paragraph [23].

- b. **Nature and scope of the requests:** are they excessively broad and varied in scope or unusually detailed?
- c. **Purpose of the requests:** are the requests intended to accomplish some objective other than to gain access. For example, are they made for “nuisance” value, or is the applicant’s aim to harass the public body or to break or burden the system?
- d. **Timing of the requests:** is the timing of the requests connected to the occurrence of some other related event, such as a court or tribunal proceeding?
- e. **Wording of the request:** are the requests or subsequent communications in their nature offensive, vulgar, derogatory or contain unfounded allegations?

[12] Of these factors, the University argued that the purpose of the request was of little merit and not reasonably purposeful, so we will not consider the other factors. On the matter of purpose, the relevant arguments made by the University in its *Application to Disregard* are as follows:

It is trite law that the purpose of access to information legislation is to facilitate and promote democracy by ensuring “that citizens have the information required to participate meaningfully in the democratic process” and that “politicians and bureaucrats remain accountable to the citizenry.”

This general purpose has recently been confirmed by the Supreme Court of Canada in *Ontario (Attorney General) v. Ontario (Information and Privacy Commissioner)*, 2024 SCC 4 (CanLII): “There can be no doubt that...public access to government-held information is vital to our democratic process (citation omitted). As this Court noted in *Dagg*, “without adequate knowledge of what is going on”, neither legislators nor the public can hope to hold government accountable or contribute to the policy-making process (citation omitted)” (at para. 59).

Access to information legislation has been described as quasi-constitutional – as noted in *Saskatchewan (Advanced Education) (Re)*, 2010 CanLII 28547 (SK IPC), certain rights, including access rights, are “fundamentally important because they reflect primary assumptions about the relationship between citizen and state” (at para. 45, emphasis added).

Clearly, the purpose of access to information legislation is to ensure those affected by government actions can effectively participate in democracy and hold government to account.

...

In this case, [the Applicant] is not interested in the records in order to be informed and participate in democratic or policy making processes or to hold USask accountable. They are interested in acquiring data so they can sell it for profit. USask acknowledges that the identity of the applicant, and their intent or motivation in making a request should generally not be considered when processing a request. But, where it is known that the applicant is a private, for-profit corporation only making a request for commercial gain, that ought to be taken into account.

...

The request itself serves no public interest, and processing the request will consume considerable public resources. One might argue that processing fees are available pursuant to the Regulations, however, processing fees are nominal and do not adequately compensate a government institution or local authority for the actual resources spent in responding to an access request.

Inconvenience is not a sufficient reason to disregard a request, but this is not only inconvenience. It is a real cost in the absence of merit. Responding to this request does not serve the purpose of providing information to the public to enhance the democratic and policy making process and promote accountability.

- [13] From this we interpret the position of the University to be that the purpose of access under *LA FOIP* is to promote democratic participation and government accountability. While this is very true, the notion of a collateral purpose, or purpose beyond what the University outlined, was discussed at length by the Office of the Ontario Information and Privacy Commissioner (ON OIPC) in 2005:⁸

This argument necessitates a discussion of whether access requests may be for some collateral purpose over and above an abstract desire to obtain information. Clearly, such purposes are permissible. Access to information legislation exists to ensure government accountability and to facilitate democracy (see *Dagg v. Canada* (Minister of Finance), 1997 CanLII 358 (SCC), [1997] 2 S.C.R. 403). This could lead to requests for information that would assist a journalist in writing an article or a student in writing an essay. The *Act* itself, by providing a right of access to one's own personal information (section 36(1)) and a right to request correction of inaccurate personal information (section 36(2)) indicates that requesting one's personal information to ensure its accuracy is a legitimate purpose. Similarly, requesters may also seek information to assist them in a dispute with the institution, or to publicize what they consider to be inappropriate or problematic decisions or processes undertaken by institutions.

⁸ ON OIPC [Order MO-1924](#) (May 6, 2005).

To find that these reasons for making a request are “a purpose other than to obtain access” would contradict the fundamental principles underlying the *Act*, stated in section 1, that “information should be available to the public” and that individuals should have “a right of access to information about themselves”. In order to qualify as a “purpose other than to obtain access”, in my view, the requester would need to have an improper objective above and beyond a collateral intention to use the information in some legitimate manner.

[Emphasis added]

- [14] An applicant cannot be denied access to information because they have identified what may be a collateral or even commercial use for that information. Even commercial purposes serve as a lawful reason for an access request. A commercial purpose cannot be equated with an improper or bad faith purpose such as harassment or fraud. The overarching principle of *LA FOIP* is that *any* person has access to the records in a local authority’s possession or control subject to the exemptions set out in *LA FOIP*. Limiting access under section 43.1(2) of *LA FOIP* when an applicant has a legitimate use for that information but one that is seen to be lacking in merit to the local authority would be contrary to this principle. The University has not demonstrated that the Applicant’s purpose for commercial use of the information in this case is improper over and above a bad intent.
- [15] The University noted that the access request would consume considerable public resources and was devoid of any compelling public interest. The University is within its rights to conduct an appropriate fee estimate to determine the fee required for proper reimbursement associated with a search for all responsive records, the application of exemptions and the production of the records to the Applicant. This is provided for within the legislative scheme. The issue of public interest is one that must be considered later in this process if and when there is a question with respect to the issue of properly applied exemptions. It may very well be that for a request of this sort, the proper application of an exemption will be accompanied by little or no public interest in the dissemination of the information. However, the bottom line remains that any individual, including a corporate entity, may make an access request of a local authority and the fact that the request is personal or unique

does not detract from the viability of that request. The use to which the information will be put is not part of the overall consideration of the access request.⁹

[16] The Applicant's access request of July 3, 2026, was not frivolous. The requirements to disregard the Applicant's access request under section 43.1(2)(c) of *LA FOIP* have not been met.

[17] As a result of this decision, the 30-day clock for processing the Applicant's request of July 3, 2026, resumes as of the date of this Decision pursuant to section 43.1(5) of *LA FOIP*, and the University is required to continue processing the Applicant's access request.

III DECISION

[18] I refuse the University's application to disregard the Applicant's access to information request of July 3, 2026. As a result of this decision, the 30-day clock for processing this request resumes the date of this Decision pursuant to section 43.1 of *LA FOIP*. The University is required to continue processing the Applicant's access request.

Dated at Regina, in the Province of Saskatchewan, this 25th day of August, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner

⁹ ON OIPC [Order PO-2876](#) (March 19, 2010) at the bottom of p. 36 to the top of p. 37. This case involved an access to information request to the Office of the Public Guardian of Ontario by a commercial venture that profited by finding lost heirs to wealthy estates. The access request was transferred to the Ministry of Government Services. The Ministry denied access to all the records. On appeal, the Ministry argued two preliminary issues. The first was the applicability of the *Personal Information Protection and Electronic Document Act*, SC 2000, c. 5, as amended (*PIPEDA*), to the facts of the case and the second was the benefit offered by the commercial venture. The Ontario Information and Privacy Commissioner determined that the matter before him did not involve *PIPEDA* and the "use" aspect of the access to information request was irrelevant to the proper functioning of the Ontario statutory scheme.