



## **DISREGARD DECISION 363-2025**

### **Rural Municipality of Reford No. 379**

**January 14, 2026**

#### **Summary:**

The Rural Municipality of Reford No. 379 (RM) received an access to information request from the Applicant on December 10, 2025. The RM asked the Office of the Saskatchewan Information and Privacy Commissioner to disregard the application pursuant to sections 43.1(2)(a) (would unreasonably interfere with the operations of a local authority because of the systemic and repetitious nature), (b) (an abuse of the right of access because of the systemic and repetitious nature) and (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 requirements to disregard the Applicant's access request pursuant to sections 43.1(2)(a), (b) and (c) of *LA FOIP* have not been met. Further, as a sign that the access request had been considered and that the RM wished to proceed, the RM had provided a fee estimate to the Applicant which was paid in full. As a result, the Commissioner refused the application from the RM to disregard the Applicant's access request. The 30-day clock for processing this request resumes the date of this Decision and the RM is required to continue processing the Applicant's access to information request.

#### **I BACKGROUND**

- [1] On December 10, 2025, the Rural Municipality of Reford No. 379 (RM) received an access to information request from the Applicant. The request is replicated, with redactions, at the Appendix to this Decision.<sup>1</sup>

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<sup>1</sup> Redactions to the replicated access request are applied by OIPC to protect the identities of the Applicant and others referred to in the access request.

- [2] The Applicant requested access to records “created, sent, received or otherwise held” by the RM for the time between “October 1, 2022 and the date of this request.” The Applicant identified several keywords to be used by the RM, including that of their name and of their representative. Suffice to say, the request included a variety of communications including emails and text messages from a variety of platforms. The searches were to use the keywords supplied by the Applicant and were to be carried out on various devices used by “RM Councillors and Reeve” and several others as identified on the request. The Applicant paid the \$20.00 application fee.
- [3] By letter dated December 16, 2025, the RM presented the Applicant with a fee estimate, under section 9 of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*. The fee estimate was noted to reflect “an assessment of the work required to respond to the request as framed.”<sup>2</sup> The fee estimate was quoted at \$690.00, to account for approximately 10 hours of searching for records, and 13 hours for their preparation for disclosure. The RM added that as “applicants share responsibility for facilitating efficient and accurate responses”, the RM was prepared to work with the Applicant to reasonably refine the scope of the request, thereby reducing fees. This was, however, not necessary since the Applicant paid the \$690.00 fee, in full, on the same day.
- [4] By email on December 23, 2025, the RM asked OIPC to apply section 43.1 of *LA FOIP* and disregard the Applicant’s request of December 10, 2025. The RM copied the Applicant on its application.
- [5] On December 23, 2025, OIPC asked the RM for additional details to support its application. The RM provided a supplemental submission on December 29, 2025.
- [6] On December 29, 2025, OIPC advised the RM and the Applicant<sup>3</sup> that the legislative timeline with respect to processing the Applicant’s access request of December 10, 2025

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<sup>2</sup> [\*The Local Authority Freedom of Information and Protection of Privacy Act\*](#), S.S. 1990-91, c. L-27.1, as amended.

was now paused.<sup>4</sup> On this date, OIPC also notified the RM and the Applicant that the application from the RM to disregard the Applicant's access request of December 10, 2025, would be considered. The Applicant provided a response to the RM's application to OIPC on December 26, 2025, but was invited to provide further response to this office, if they wished, by January 8, 2026. Nothing further was received from the Applicant.

## II DISCUSSION OF THE ISSUES

### 1. Jurisdiction

[7] The RM is a "local authority" pursuant to section 2(1)(f)(i) of *LA FOIP*. Therefore, OIPC has jurisdiction to consider this application to disregard pursuant to PART VI of *LA FOIP*.

### 2. Should the application to disregard from the RM pursuant to sections 43.1(2)(a), (b) and (c) of *LA FOIP* be granted?

[8] In its application, the RM submitted that the access to information request dated December 10, 2025, should be disregarded pursuant to sections 43.1(2)(a), (b) and (c) of *LA FOIP*. These sections provide a local authority with the ability to apply to the Commissioner with a request to disregard an access to information request. Section 43.1 of *LA FOIP* provides as follows:

**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.

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

(a) would unreasonably interfere with the operations of the local authority because of the repetitious or systematic nature of the application or request;

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<sup>3</sup> The Applicant authorized another individual to act on their behalf in this matter. This Decision considers the responses of the authorized individual to be those of the Applicant.

<sup>4</sup> This is pursuant to the legislative scheme set out in section 43.1(3) of *LA FOIP*.

(b) would amount to an abuse of the right of access or right of correction because of the repetitious or systematic nature of the application or request; or

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

[9] An application to disregard is a serious matter because, if granted, it removes an applicant's express right to seek access to information. However, *LA FOIP* recognizes that not all access to information requests are valid. Section 43.1 of *LA FOIP* exists to preserve and ensure the proper intent and functioning of the Act. Former British Columbia Information and Privacy Commissioner (BC OIPC), David Loukidelis, stated the relevant principles with respect to the equivalent provision in British Columbia's Act:<sup>5</sup>

...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...

***Section 43.1(2)(a) of LA FOIP***

[10] For section 43.1(2)(a) of *LA FOIP* to be found to apply, the local authority must demonstrate that an applicant's access to information request interferes unreasonably with the operations of the local authority due to its repetitious or systematic nature. OIPC uses the following two-part test to determine if an access request can be disregarded pursuant to section 43.1(2)(a) of *LA FOIP*:<sup>6</sup>

1. Is the request for access or correction repetitious or systematic?
2. Does the repetitious or systematic request unreasonably interfere with the operations of the local authority?

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<sup>5</sup> [BC OIPC Decision 99-01](#) at pages 7 and 8.

<sup>6</sup> OIPC [Disregard Decision 225-2024](#) at paragraph [10].

***1. Is the request for access or correction repetitious or systematic?***

[11] OIPC offers these definitions regarding the first part of the two-part test:<sup>7</sup>

- “Repetitious” requests are requests that are made two or more times.
- “Systematic” requests are those made according to a method or plan of acting that is organized and carried out according to a set of rules or principles. It includes a pattern of conduct that is regular or deliberate; to be methodical, arranged, and/or conducted according to system. The local authority needs to identify any of the following factors that may apply:
  - Are the requests similar in nature or is there some overlap?
  - Are the requests close in their filing time?
  - Does the applicant continue to engage in a determined effort to request the same information? (An important factor in finding whether requests are systematic, is to determine whether they are repetitious.)
  - Is there a pattern of conduct on the part of the applicant in making repeated requests that are regular or deliberate. Does the applicant methodically request records or information in many areas of interest over extended time periods, rather than focusing on accessing specific records or information of identified events or matters?
  - Has the applicant requested records or information of various aspects with respect to the same issue?
  - Has the applicant filed several new requests related to matters previously disclosed?
  - Does the applicant follow up on responses by making further requests with the same theme or topic?
  - Does the applicant question the content of disclosed records by making further access requests?
  - Does the applicant question whether records or information exist when told they do not?

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<sup>7</sup> *Ibid*, at paragraph [11].

- Can the requests be seen as a continuum of previous requests rather than standing in isolation?
- Does the applicant obtain the assistance of others in a repeated pattern of harassment through repeated access requests on the same theme?

[12] The first phase of this analysis is whether the Applicant’s access request is repetitious or systematic. The RM submitted on December 23, 2025, that the Applicant has “submitted multiple access requests that are overlapping, expansive and systematic in nature.” The RM attached a “Request Register” (register) outlining the number of access requests made by the Applicant to demonstrate the “repetition, escalation and cumulative burden.” The register prepared by the RM itemized 14 requests filed by the Applicant in 2023, 20 in 2024, and one from 2025 on top of the one under review in this Decision.

[13] To further demonstrate the “repetition, escalation and cumulative burden”, the RM attached supporting documentation that only pointed to the volume of access requests – unfortunately, this office was not supplied with the necessary details. The materials summarized below were all responses from the RM to the same Applicant. We were hampered in developing a contextual analysis because the RM failed to provide details with respect to each of the access requests to which the RM responded below and how this related to the present request. Hence, it became impossible to discern whether or not the materials now sought were of the same nature and truly repetitious:

Document	OIPC Description
Three response letters dated February 29, 2024	<p>The responses all informed the Applicant that their three separate access requests were being denied as they were either duplicates or that responses were previously provided to the Applicant.</p> <p>It is difficult for this office to scrutinize the repetition as alleged by the RM with respect to these three access requests, because the details of the three separate access requests were never conveyed, so this office is functioning in a vacuum.</p>
Section 7 decision letter dated March 21, 2024	Response to the Applicant that no records existed regarding “order of council for communication.” Again, a lack of details

	with respect to the merits of the access request in this matter is prohibitive to our analysis.
Two section 7 decision letters dated September 13, 2024	<p>The first section 7 decision letter indicated that no records existed for copies of an “incident/accident report written and submitted” by an ex-councilor.</p> <p>The second section 7 decision letter indicated that the RM was withholding information in relation to bid contracts pursuant to the mandatory exemption outlined in section 18(1)(c) of <i>LA FOIP</i>.</p>
Section 7 decision letter dated October 9, 2024	Response to the Applicant that no records existed regarding certain calibration documentation for a mobile scale and loader for 2023 and 2024.
Section 7 decision letter dated September 29, 2024	Response to Applicant that disciplinary write-ups and complaints filed about the Applicant either did not exist or were being withheld pursuant to the mandatory exemption in section 28 of <i>LA FOIP</i> .
Copy of OIPC Disregard Decision 070-2024 et al <sup>8</sup>	OIPC disregard decision regarding the Applicant wherein the Commissioner granted the application from the RM to disregard three of the Applicant’s requests pursuant to section 43.1(2)(c) of <i>LA FOIP</i> . In that matter, the details of the Applicant’s three requests were provided in full to this office and it was clear that the Applicant used the access request legislative scheme as an opportunity to “air grievances or criticisms” with the RM. It was clear from the material submitted to this office that the Applicant’s objectives were not legitimately connected to the access to information process. The Applicant refused to communicate with the RM and would not accept the registered mail from the RM.

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<sup>8</sup> OIPC [Disregard Decision 070-2024, 074-2024, 076-2024](#).

- [14] The threshold for repetitious or systematic access requests involves recurrent “overlap or repetition.”<sup>9</sup> Requests that are also sufficiently connected can be said to be repetitious, which means the requests pertain to the same topic.<sup>10</sup>
- [15] The requisite contextual analysis in this instance must focus on whether the Applicant’s request of December 10, 2025, repeats or overlaps with anything the Applicant has previously requested from the RM. In the alternative, it can qualify as repetitious if it continues a topic or theme to the point that it can be considered sufficiently connected to other requests previously made by the Applicant or the Applicant’s agent.
- [16] As previously noted, the RM failed to provide this office with the crucial details and salient information to support its submission that the Applicant’s access request of December 10, 2025, repeats or overlaps with other requests made in the past. We have been left in the dark with respect to the thematic connection between the December 10, 2025 access request and any previous applications.
- [17] The Applicant’s December 10, 2025 request contains 25 keywords that mostly appear related to records containing their own personal information. For example, keywords contain their own name and that of their representative. The Applicant identified the types of communications, such as emails and texts, and platforms, such as WhatsApp and Facebook Messenger, that should be searched. The Applicant also stated the RM officials whose devices should be searched. The Applicant further requested internal documents, such as memos and handwritten notes, and communications shared with third parties.
- [18] While the Applicant’s request is certainly extensive and multi-faceted, this office cannot identify any specific duplication or overlap between wording contained in the December

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<sup>9</sup> OIPC [Disregard Decision 311-2023](#) at paragraph [19] where it was discussed that repetition can occur when there is overlap in the type of information that would result from an access request. The application to disregard in that matter was made pursuant to equivalent provisions in *The Freedom of Information and Protection of Privacy Act* ([The Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. F-22.01](#), as amended).

<sup>10</sup> BC OIPC [Decision F05-01](#) at paragraph [17].



10, 2025 access request and the access requests that were subject of the decision letters or responses outlined at paragraph [13]. Nor is it apparent that the Applicant's request of December 10, 2025, continues a topic or theme that can be said to be sufficiently connected to the access requests that were subject to the responses of the RM outlined at paragraph [13]. This office is not legally permitted to speculate on the connections between access requests from the past if the evidence has not been clearly identified.<sup>11</sup> The burden in this respect always falls upon the RM.

[19] The RM has not demonstrated that the Applicant's access request of December 10, 2025, is repetitious or systematic. There is no need to consider the second part of the test. The requirements to disregard the access request of December 10, 2025 under section 43.1(2)(a) of *LA FOIP* were not met.

[20] Because the application of section 43.1(2)(b) of *LA FOIP* also requires an access request to be systematic or repetitious, there is no need to determine if the access request can be disregarded under section 43.1(2)(b) of *LA FOIP*.<sup>12</sup> The requirements to disregard the access request of December 10, 2025 under section 43.1(2)(b) of *LA FOIP* were not met.

[21] This leaves section 43.1(2)(c) of *LA FOIP* to consider.

***Section 43.1(2)(c) of LA FOIP***

[22] In its application, the RM stated that the Applicant's access request of December 10, 2025, was not made in good faith. For section 43.1(2)(c) of *LA FOIP* to apply, the RM needs to

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<sup>11</sup> In OIPC [Disregard Decision 254-2021 et al](#) it was discussed at paragraph [15] that a local authority when making an application to disregard is charged with presenting its arguments and evidence in a way the clearly demonstrates its position, and that this office as a neutral oversight body cannot put a case together for a local authority.

<sup>12</sup> *Supra*, footnote 9 at paragraph [11] identifies the two-part test used by OIPC to determine if the requirements for section 43.1(2)(b) of *LA FOIP* have been met.

demonstrate this access request rises to this level in such a way that it would amount to an abuse of the right of access. OIPC outlines the following definition:<sup>13</sup>

- “Good faith” means that state of mind denoting honesty of purpose, freedom from intention to defraud, and means being faithful to one’s duty or obligation. Good faith is an intangible quality encompassing honest belief, the absence of malice and the absence of design to defraud or take advantage of something. “Not in good faith” means the opposite of “good faith”, generally implying or involving actual or constructive fraud, or a design to mislead or deceive another, or a neglect or refusal to fulfill some duty or other contractual obligation, not prompted by an honest mistake as to one’s rights, but by some interested or sinister motive.

[23] An “abuse of the right of access” occurs when an applicant uses the *LA FOIP* access provisions in a way that is contrary to its principles and objectives. A “pattern of conduct” requires recurring incidents of related or similar requests made on the part of the applicant. The time span of the requests is also a significant factor. Other relevant factors to consider, which can appear alone or in combination with other factors, include the following that a local authority should consider:<sup>14</sup>

**The number of requests:** are they excessive by reasonable standards?

**Nature and scope of the request:** are they excessively broad and varied and varied in scope or unusually detailed?

**Purpose of the request:** are the requests intended to accomplish some objective other than to gain access? For example, are they made for nuisance value, or if the applicant’s aim to harass or break or burden the system?

**Timing of the request:** is the timing connected to the occurrence of some other related event, such as a court or tribunal proceeding?

**Wording of the request:** are the requests or subsequent communications in their nature offensive, vulgar, derogatory or contain unfounded allegations?

[24] In OIPC [Review Report 044-2025](#) at paragraphs [31] and [32], this office also considered the purpose or motivation behind an access request and when it can be considered that they

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<sup>13</sup> See OIPC [Disregard Decision 182-2023](#) at paragraph [9].

<sup>14</sup> See OIPC [Disregard Decision 204-2020, et al](#) at paragraphs [37] to [41].

have been made in bad faith. This Review Report involved the exact same Applicant and in that case, there was concrete evidence that the Applicant had possession of a road report that the RM indicated did not exist. In that case, the Applicant's own actions illustrated an intention that was quite contrary to the spirit and purpose of the legislation:

[31] ... prior rulings by other Information and Privacy Commissioner offices across Canada outline that the purpose behind a request is often illustrated more by the Applicant's actions rather than their words. And in many cases, the exact purpose of the request is not easily discernable, but what is clear is that the spirit and the purpose of the legislation is not the prime motivation behind the request:

Past orders of this office have recognized, however, that the *conduct* of requesters often gives a much more accurate picture of their purpose than do their words. Consequently, as is suggested by Order M-864, adjudicators have relied on evidence of the requester's use of the freedom of information process to accomplish objectives *unrelated* to access in order to conclude that they have abused the right of access. (See Orders M-947 and MO-1519)

[32] No "pattern of conduct" is required where bad faith has been established. The Ontario Information and Privacy Commissioner has adopted the definition of "bad faith" from *Black's Law Dictionary* (6th edition) to include: "The opposite of "good faith", generally implying or involving actual or constructive fraud, or *a design to mislead or deceive another ...*". There will be a finding that this request for review was not brought pursuant to the intended purpose of *LA FOIP* and as such, was brought in bad faith. This office will not tolerate an abuse of the right of access. Applicants must engage the access provisions of *LA FOIP* in a way that is aligned with the principles and objects of the legislation and must bring access requests and requests for review in the spirit of good faith.

[25] In describing how the Applicant has not made their access request "in good faith", the RM stated that the request's "wording, timing and context" suggest the Applicant is on a "surveillance exercise." The RM stated that the Applicant's request "targets individuals, not records by naming 19 individuals", thereby "resembling an investigative or adversarial probe." The RM submitted that the Applicant's request coincides with three legal proceedings the Applicant has against the RM regarding their past employment and so determined their access request of December 10, 2025, to be "a parallel discovery tool." Attached as exhibits were copies of the register, the access request at issue, the fee estimate letter issued by the RM, four disregard decisions issued by this office, and four issued by

the Office of the Alberta Information and Privacy Commissioner (AB OIPC). Also attached was a copy of a discussion paper on vexatious litigants.<sup>15</sup>

[26] In its supplemental submission, the RM referred to a ruling on the part of the AB OIPC, that “[a] lack of good faith may be inferred from contextual factors including timing, linkage to collateral disputes, and the use of access litigation as a parallel litigation or discovery mechanism.”<sup>16</sup> It was further posited by the RM that the AB OIPC similarly confirmed that “requests used to exert pressure, harass officials, or advance objectives unrelated to an access fall outside the intended purpose of FOIP legislation.”<sup>17</sup>

[27] The Applicant on December 16, 2025, paid the fee requested by the RM to process their access request. In their submission, the Applicant stated that the fact that they paid this fee, plus what they described as a “OptionPay Load Fee of \$21.89 for a total of \$711.89” meant they were not “acting frivolously, vexatiously, or in bad faith.”

[28] This office now considers the five factors.

*The number of requests: are they excessive by reasonable standards?*

[29] According to the register prepared by the RM, the Applicant made 14 access requests in 2023, 20 access requests in 2024, and two in 2025 including the one under consideration.

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<sup>15</sup> The link to this document provided by the RM was a discussion paper on vexatious litigants prepared by the Law Reform Commission of Nova Scotia. It was stipulated by the Commission that the paper “does not represent the final views of the Commission.” (See [Discussion Paper December 2005 - Vexatious Litigants](#)).

<sup>16</sup> The RM was referring to paragraphs [52] to [58] and [61] to [65] of AB OIPC [Request to Disregard F2018-RTD-10](#).

<sup>17</sup> The RM was referring to AB OIPC [Request to Disregard F2020-RTD-01](#).

Three from 2024 were disregarded by this office.<sup>18</sup> In 2025, the Applicant made two access requests, which by a reasonable count standard is not excessive.<sup>19</sup>

- [30] Thirty-six access to information requests over a three-year period verges on excessive. We have noted that there has been some overlap and repetition in the themes of the applications. Still, the burden in *this* application is with the RM. We wish to put the Applicant and any agents on notice however, that these access to information requests have now been brought to our attention and we will be scrutinizing any future requests carefully. But, as always, the burden will be with the RM to supply convincing submissions on the thematic repetition or any other arguments if there are to be future applications for disregards pursuant to section 43.1 of *LA FOIP*.

*Nature and scope of the request: are they excessively broad and varied and varied in scope or unusually detailed?*

- [31] In [Disregard Decision 070-2024, 074-2024, 076-2024](#) concerning the RM and the same Applicant, at paragraph [21], this office considered that past access requests made by the Applicant demonstrated a pattern in that they were identical or similarly worded. That was because the access requests produced by the RM clearly demonstrated how the Applicant had repeatedly asked for the same records on three different occasions.

- [32] The access request currently under review can be said to be excessively broad and varied in scope as it has many parts and involves searching through the records of many individuals over the span of three years. This office stated in past decisions that when a public body recognizes that an access request is broad and requires great effort to process the request, then it has the option to issue a fee estimate. The purpose for the fee estimate is to encourage applicants to be reasonable or to cooperate with the public body in defining and clarifying the request.<sup>20</sup>

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<sup>18</sup> *Supra*, footnote 8.

<sup>19</sup> In OIPC [Disregard Decision 285-2020 et al](#) at paragraph [48], *reasonable* in this context of a *reasonable standard* was defined to mean *fair, proper or moderate in the circumstances*.

- [33] In this case, the RM issued a fee estimate to the Applicant, which the Applicant paid in full. By issuing and receiving payment of a fee estimate, a local authority conveys an important procedural message to an applicant: first, the local authority conveys that it does not require further clarification with respect to the nature of the access request and that the access request is fully understood and the general nature of the request has resulted in a cursory consideration of what records are available and how much time and effort it will cost in meeting the request. The second important message conveyed by the issuance of a fee estimate is that the local authority is prepared to respond and that it believes it can meet the request. This application to disregard was brought after the fact. We can consider that the RM conducted a preliminary search for documents and a fee estimate was issued to meet that search and the eventual production. This application to disregard was brought late in the process and it is in cross purposes with the procedure already pursued by the RM in issuing a fee estimate.

***Purpose of the request:** are the requests intended to accomplish some objective other than to gain access? For example, are they made for nuisance value, or if the applicant's aim to harass or break or burden the system?*

***Timing of the request:** is the timing connected to the occurrence of some other related event, such as a court or tribunal proceeding?*

- [34] The purpose and timing of this request can be considered together. The main argument of the RM is that the Applicant's purpose is to "target" individuals in carrying out an "investigative or adversarial probe" in the wake of three legal proceedings against the RM.
- [35] The response by the Applicant to the claims of the RM is that the "existence of related employment, OHS or legal proceedings" does not negate their "statutory right of access under *LA FOIP*." The Applicant added that requesting access under these circumstances also does not "constitute evidence of bad faith", nor does *LA FOIP* "prohibit access merely because records may also be relevant to other lawful processes."

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<sup>20</sup> OIPC [Disregard Decision 173-2023, 174-2023](#) at paragraph [60].

- [36] Access to records while personnel/disciplinary disputes are ongoing is legitimate.<sup>21</sup> This office has often noted that an applicant cannot be assumed to be acting in a vexatious manner simply because they are involved in litigation with the public body. In this respect, the legislation does not burden the applicant with the proof that their request for information is in connection with a legitimate purpose.<sup>22</sup>
- [37] Once again, the RM has not provided this office with details regarding the legal proceedings it believes motivates the Applicant. Without such detail, it again becomes impossible for this office to comment on the Applicant's motives. As noted above, access to records that may assist with a legal matter is a legitimate purpose supported by *LA FOIP*.
- [38] At this stage, it is important to address the outcomes of [Disregard Decision 070-2024, 074-2024, 076-2024](#) and [Review Report 044-2025](#). The RM raised these two reports in support of its arguments that this request should be discontinued.
- [39] In the former, this office granted the RM the ability to disregard the same Applicant's requests under section 43.1(2)(b) of *LA FOIP* primarily because the Applicant had been refusing the responses the RM sent to their access requests via registered mail. The lack of the Applicant's participation in the access process was enough to demonstrate that their purpose for making requests was not legitimate or that they were acting in bad faith.
- [40] In the latter, the decision of this office to discontinue the same Applicant's request for review hinged on the fact that the Applicant already had the records in their possession that they claimed the RM was refusing access. This clearly demonstrated bad faith on the part of the Applicant. The review was then discontinued under section 39(2) of *LA FOIP*. The fact that an applicant may have acted contrary to the spirit and purpose of the legislation in the past cannot remove the right to access forever. Each case must be decided on a case-by-case basis. And in the present matter, bad faith is not apparent for the reasons given.

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<sup>21</sup> *Supra*, footnote 6 at paragraph [23].

<sup>22</sup> OIPC [Disregard Decision 181-2021, 182-2021](#) at paragraph [14].

- [41] These two cases are materially different from the present situation. The RM has not demonstrated how either case supports that the Applicant's present request for access is not for a legitimate purpose. The timing of the Applicant's request may be of relevance if legitimately connected to a legal action.

***Wording of the request:** are the requests or subsequent communications in their nature offensive, vulgar, derogatory or contain unfounded allegations?*

- [42] The RM has not directly commented on the wording of the Applicant's access request. Certainly, it was found in [Disregard Decision 070-2024, 074-2024, 076-2024](#) at paragraphs [26] to [28] that the wording of the requests under review in that decision contained language that was unduly critical of the RM. This had bearing on the decision to disregard those requests under section 43.1(2)(b) of *LA FOIP*. The Applicant's request of December 10, 2025, however, contains no such language.

- [43] The requirements to disregard the access request of December 10, 2025 under section 43.1(2)(c) of *LA FOIP* have not been met. The application from the RM to disregard the Applicant's December 10, 2025 access request pursuant to sections 43.1(2)(a), (b) and (c) of *LA FOIP* is refused. As a result of this decision, the 30-day clock for processing this request resumes the date of this Decision and the RM is required to continue processing the Applicant's access to information request.

### ***Conclusion***

- [44] Without a doubt, the Applicant's request in this instance is multi-faceted and expansive. This Applicant has been the subject of two disregard applications on the part of this RM. One decision went in favour of the RM, the other against. This Applicant was the subject of a review that was discontinued by this office because it was found that the Applicant acted with obvious bad faith. Going forward we put these parties on notice. It is obvious that there is some acrimony between the parties. We do have some concern with respect to this Applicant and the repeated access to information requests upon the limited resources of this RM and this office. Nonetheless, in issuing a fee estimate, the RM signaled to the Applicant that the access request was understood and was considered viable for the



purposes of processing. The fee estimate also signaled that the RM would expend considerable resources and effort but that it was willing to do so. At the end of the day, the issuance of a fee estimate and its payment is a signal to all parties that the matter will go forward pursuant to section 9 of *LA FOIP*.

- [45] Although this Applicant has been found to have acted in bad faith in the past, the RM has not demonstrated that the Applicant has risen to the same level with this matter for the reasons given. While an applicant cannot weaponize *LA FOIP* against a local authority, a local authority cannot seek to quash an applicant's rights through a disregard without the provision of convincing evidence to this office.

### **III DECISION**

- [46] I refuse the application from the RM to disregard the Applicant's access request of December 10, 2025. As a result of this decision, the 30-day clock for processing this request resumes the date of this Decision and the RM is required to continue processing the Applicant's access to information request.

Dated at Regina, in the Province of Saskatchewan, this 14th day of January, 2026.

Grace Hession David  
Saskatchewan Information and Privacy Commissioner

### **Appendix**

**The Applicant's access request of December 10, 2025, is reproduced verbatim by OIPC as follows:**

Pursuant to section 5 of the Local Authority Freedom of Information and Protection of Privacy Act ("LA FOIP"), I am requesting access to all records (regardless of format, platform, or device ownership) created, sent, received, or otherwise held by the Rural Municipality of Reford No.

379 between October 1, 2022 and the date of this request, containing any of the following keywords:

“[Applicant name],” “[Applicant surname],” “[Applicant initials],” “tractor,” “CASE,” “2590,” “complaint,” “claim,” “seizure,” “abandonment,” “OHS,” “Occupational Health,” “reinstatement,” “wrongful termination,” “termination,” “return to work,” “harassment,” “Gazette,” “[Name of representative],” “[Name of representative],” “[Representative surname],” “[Representative initials],” “Co-habiting,” “spouse,” “partner.”

## 1. Scope of Requested Records

I request full copies of all responsive records, including but not limited to:

### A. Email Communications

- RM employee and councillor emails
- personal email accounts used for RM business
- communications with legal counsel
- attachments, drafts, and forwarded messages

### B. Text Messages, SMS, iMessage

Including messages stored on:

- councillor personal phones
- administrator personal phones
- foreman personal phones
- RM-issued cell phones

### C. Messaging Platforms (ALL)

This includes complete message histories, screenshots, attachments, and exported chat files from:

- WhatsApp
- Microsoft Teams
- Facebook Messenger
- Signal
- Telegram
- Instagram Messenger
- SMS / iMessage
- any platform used for RM business

These must include:

- group chats
- private chats
- council-only threads
- deleted-message indicators
- shared images or documents

D. Internal RM Documents

- memos
- handwritten notes
- internal investigation notes
- briefing documents
- in-camera preparation materials (severable)
- drafts of reports or letters referencing [Applicant name]

E. Communications Shared With Third Parties

Including but not limited to:

- legal counsel, [one individual listed]
- Occupational Health and Safety (OHS)
- Ministry officials
- SARM
- RCMP
- consultants (including [specific person mentioned])
- other municipalities

2. Personnel Whose Records Must Be Searched

This request explicitly includes records created, held, or sent by:

A. All Current Divisional RM Councillors and Reeve

- [seven individuals listed]

B. RM Current and Former Administration

- [five individuals listed]

C. Current and Former Forepersons

- [three individuals listed]

D. Former Council Members and Reeve

- [five individuals listed]

3. Devices and Platforms Covered

Applies to ALL devices used for RM business, including:  
personal smartphones (iPhone/Android)

- personal laptops/tablets
- RM-issued cell phones
- office computers
- cloud storage used for RM business
- Microsoft Teams accounts
- WhatsApp installed on personal devices
- any/all social media and messaging apps used to coordinate RM decisions

This request includes email server logs, backup archives, metadata showing deleted or missing

messages, and any records stored on Munisoft servers or RM backup systems

F. Contractors, External Parties, and Third-Party Businesses Contacted Regarding [Applicant name] This explicitly includes:

- JDL Underground Ltd. ([one individual listed])
- any employees of JDL
- any correspondence between RM and JDL
- notes or summaries of conversations with JDL
- in-camera preparation documents discussing JDL
- council instructions regarding JDL
- any communication where JDL was mentioned in discussions of [Applicant name]

5. Delivery Format

Please provide all responsive records in electronic format (PDF, MSG, EML, JPG, or chat exports) to: