



## **REVIEW REPORT 018-2023**

### **North East School Division No. 200**

**July 19, 2023**

**Summary:**

The Applicant submitted an access to information request under *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) to the North East School Division No. 200 (School Division) for an investigation report into a complaint of harassment and sexual harassment. The Applicant also sought access to records related to the discipline and disciplinary procedures that the Respondent was subject to. The School Division refused the Applicant access to portions of the records pursuant to subsections 15(1), 16(1)(a), (b), (c), 18(1)(b), 21(a), 21(c), and 23(1) of LA FOIP. The Applicant appealed to the Commissioner. The Commissioner made several findings, including that the School Division properly applied exemptions to portions of the record but not to all. The Commissioner recommended the School Division release additional records to the Applicant and that its policies and procedures ensure it responds to access requests within the legislated timelines.

## **I BACKGROUND**

[1] The Applicant had submitted a complaint of workplace harassment against another employee (the Respondent) of North East School Division No. 200 (School Division). The School Division investigated the matter.

[2] Then, on June 22, 2022, the School Division received the following access to information request from the Applicant:

[Name] was provided with a copy of a 37 page document titled “Investigation Report [Name] v. [Name]” dated August 28, 2021 by Investigator [Name] in relation to an Investigation into a complaint of harassment and sexual harassment filed with the North East School Division by [Name] against [Name] (the “Report”). The following paragraphs in the Report were redacted in whole or in part: 31, 32, 34, 41, 60, 65, 66,

71, 99, 104, 110, 111, 114, 119, 120, 122, 128, 128-139, 141-146, 148, 152-154, 157, 161, 188, and 170.

I am requesting access to a complete copy of the Report without any of the redactions stated above.

...

I am requesting access to all documents, correspondence and information that will afford a complete description and understanding of the discipline/disciplinary procedures that [Name] was made subject to by the Board for his sexual harassment of me.

[3] Based on the above, there were two parts to the Applicant's access to information request. First, the Applicant sought a copy of a 37-page investigation report. Second, the Applicant sought records regarding the discipline of an individual as well as disciplinary procedures.

[4] In a letter dated August 1, 2022, the School Division responded to the first part of the access request as follows:

Where a record contains information to which access is refused, I have severed information as permitted pursuant to s. 8 of LAFOIP and have identified the grounds adjacent to the record as required pursuant to s. 7(2) of LAFOIP.

The School Division's replies to your requests for records are as follows:

1. Paragraph 31 and 32 redacted as per Section 28 and 23 (k)(ii)
2. Paragraph 34 and 41 – Paragraph 34 and 41 redacted as per Section 28 and 23 (f)
3. Paragraph 60 – Redacted as per Section 28 and 23 (k)(ii)
4. Paragraph 65 - Redacted as per Section 28.
5. Paragraph 111 - Redacted as per Section 28 and 23 (k)(ii) and Section 23 (f).
6. Paragraphs 114-154 – All redactions made pursuant to Section 28 and 23 (k) (ii) and Section 23 (f)
7. Paragraph 161 a – Redacted as per Section 28 and Section 23 (k)(ii)

[5] Then, within the same letter, the School Division sought clarification from the Applicant regarding the second part of the access request as follows:

You have also requested access to “all documents, correspondence and information that will afford a complete description and understanding of the discipline/disciplinary procedures that [Name] was made subject to by the Board for his sexual harassment of me”. **We would appreciate confirmation from you as to the exact records or types of records you are seeking.** (If we were to make a literal interpretation of the request, for example, the “discipline/disciplinary procedures” would encompass the investigation process and would include everything from the original complaint you

made and all correspondence between you and the Division as well as that between the division and [name] and your representatives, communications with the investigator, witnesses, etc.)

**We will forward any additional records, subject to determining our ability to disclose, once we receive the clarification.**

[Emphasis added]

[6] In an email dated August 17, 2022, the Applicant provided the following clarification to the School Division:

I am not aware of the exact records of which the Board has possession. As such, I am requesting documents, email messages and correspondence that I was not a part of or have not already been disclosed which pertain to the discipline of [name] for [their] sexual harassment of me. These records would include information relevant or related to the Board's decisions imposing, amending or removing [name]'s discipline before and subsequent to [their] show cause hearing as well as the information or documents relied on by the Board in making its decisions to impose, amend or remove [name]'s discipline.

[7] In a letter dated October 17, 2022, the School Division responded to the Applicant. Its letter listed 72 records, some of which were redacted. Beside each listed record, the School Division identified sections of LA FOIP that it was relying on to withhold portions of the record. It cited subsections 15(1), 16(1)(a), (b), (c), 21(a), 21(c), and 23(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

[8] On November 4, 2022, the Saskatchewan Teachers' Federation (STF) wrote an email to the School Division and copied the Applicant. The STF indicated that the School Division had only responded to the second part of the Applicant's access request, but not the first part.

[9] Then, on November 22, 2022, the School Division sent another letter to the Applicant. The letter addressed both parts of the access request. Regarding the first part of the access request, the School Division reiterated it was withholding portions and cited subsections 23(f), 23(k)(ii) and section 28 of LA FOIP. Regarding the second part of the access request,

the School Division reiterated it was withholding portions pursuant to subsections 15(1), 16(1)(a), (b), (c), 18(1)(b), 21(a), (c), and 23(1) of LA FOIP.

[10] On January 20, 2023, my office received a request for review from the Applicant.

[11] On March 29, 2023, the School Division confirmed with my office that it was no longer relying on section 18 of LA FOIP. However, where it had cited section 18 of LA FOIP, it was now relying on subsection 28(1) of LA FOIP to withhold the information.

[12] Also on March 29, 2023, my office notified both the School Division and the Applicant that my office would be undertaking a review.

[13] On May 29, 2023, the Applicant provided their submission.

[14] On June 23, 2023, the School Division provided its submission.

## **II RECORDS AT ISSUE**

[15] At issue is 73 records, which were withheld in part, as described in the appendices.

[16] Records 1 to 72 are described in Appendix A and includes emails, letters, handwritten notes and typed notes.

[17] Record 73 is a 37-page investigation report described in Appendix B.

## **III DISCUSSION OF THE ISSUES**

### **1. Do I have jurisdiction?**

[18] The School Division is a “local authority” pursuant to subsection 2(1)(f)(viii) of LA FOIP. Therefore, I find that I have jurisdiction to undertake this review.

**2. Did the School Division properly apply subsection 28(1) of LA FOIP?**

[19] The School Division had cited subsection 23(1) of LA FOIP as its reason for withholding portions of records. However, subsection 23(1) of LA FOIP is the definition of “personal information” and not the exemption to be applied when the personal information of a third party appears in a record. Rather, subsection 28(1) of LA FOIP is the subsection to be cited by local authorities when the personal information of a third party individual appears in a record. Therefore, where the School Division cited subsection 23(1) of LA FOIP, I have considered whether subsection 28(1) of LA FOIP applies.

[20] The School Division applied subsection 28(1) of LA FOIP to portions of the following records:

1, 3, 4a, 4b, 5 to 7, 9, 10a, 10b, 11 to 12, 14a, 16 to 21, 23 to 24, 26 to 29, 32 to 34, 36 to 38, 42, 46 to 47, 49, 51a, 52, 54 to 56, 58 to 66, 70, and 72 to 73.

[21] I should note that there were records, such as Record 8a and Record 8b, where the School Division refused the Applicant access pursuant to an exemption other than subsection 28(1) of LA FOIP. However, since subsection 28(1) of LA FOIP is a mandatory exemption, I have considered whether subsection 28(1) of LA FOIP applied to a portion or all of the record.

[22] Subsection 28(1) of LA FOIP provides:

**28(1)** No local authority 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 29.

[23] Subsection 28(1) of LA FOIP prohibits the disclosure of personal information unless the individual about whom the information pertains to consents to its disclosure or if disclosure without consent is authorized by one of the enumerated subsections of 28(2) or section 29 of LA FOIP (*Guide to LA FOIP*, Chapter 6, “Protection of Privacy”, updated February 27, 2023, [*Guide to LA FOIP*, Ch. 6], at p. 163).

[24] In order for subsection 28(1) of LA FOIP to apply, the information must qualify as personal information as defined by subsection 23(1) of LA FOIP. The relevant clauses of subsection 23(1) of LA FOIP in this matter include:

**23(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:

...

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

...

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

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

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

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

...

(k) the name of the individual where:

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

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

[25] The School Division asserted it redacted information it believed to qualify as “personal information” pursuant to subsections 23(1)(b), (e), (f), (g), (h), and (k)(ii) of LA FOIP.

[26] I note that the list of examples of personal information in subsection 23(1) of LA FOIP is not exhaustive. To be personal information, two elements must be present:

1. The information must be about an identifiable individual; and

2. The information must be personal in nature.

*(Guide to LA FOIP, Chapter 6, p. 39)*

[27] First, I will discuss the School Division's application of subsection 28(1) of LA FOIP to refuse access to information in Record 73.

[28] Second, I will discuss the School Division's application of subsection 28(1) of LA FOIP to refuse access to portions of Records 1 to 72.

***Record 73 – the Investigation Report***

[29] In its submission, the School Division explained its redaction of third party individuals (such as the Respondent and witnesses) as follows:

The information being sought is information about the respondent's employment history, specifically disciplinary action taken against the individual and all records related to discussions and actions taken with respect to the individual personal to the respondent, along with opinions of individuals with respect to the respondent. This information is and has been considered confidential. Both individuals are employed with the NESD. We are not of the believe [sic] that the complainant/applicant or any member of the public should be given access to this information. As the Privacy Officer of the organization, it is within my discretion to apply LAFOIP Sections and principals [sic] to provide as much information into the complainant/applicant as possible, which was done, yet protect the private information of the respondent and witnesses.

Witness information, be it information and opinions about the respondent or their own personal experiences, was considered private information. The Privacy Officer did not seek approval from the respondent to share witness information about [them] as witnesses were interviewed in confidence and the respondent was not informed who they were. ... To provide full witness statements to the complainant/applicant would open the door to provide it to the respondent thus removing the confidentiality of the witnesses. Since this is not a case that is in front of the courts or an arbitrator, it was determined anonymity is a reasonable expectation.

[30] In their submission, the Applicant cited my office's [Review Report LA-2013-001](#). Where my office reviewed portions of a harassment investigation report that the applicant in that case was refused access. In that report, my office had found that "opinions or views of an employee(s) of RQRHA given in the course of their employment to the extent that it relates

to or is about the Applicant must be released.” This finding was consistent with the Court of King’s Bench decision [\*Liick v. Saskatchewan \(Minister of Health\)\*, 1994 CanLII 4934 \(SK KB\)](#) (“*Liick*”) that said:

A decision by a head to withhold personal information of the appellant on the ground that it is also personal information of another individual is untenable in this instance. It is difficult to foresee a situation where there is personal information of an identifiable individual without there being personal information of another identifiable individual.

[31] In a review of Record 73, my office found that the School Division had disclosed information to the Applicant where the information was about the Applicant. The majority of the redacted information in the records at issue was about the Respondent and did not include information about the Applicant. Other redacted information was about witnesses and their experiences and did not include information about the Applicant.

[32] However, I note that at paragraph [98] of [Review Report LA-2013-001](#), the former Commissioner had noted that he found that opinions expressed by the local authority’s employees that were not about the Applicant but about other persons qualify as “personal information” as defined by subsection 23(1)(h) of LA FOIP. However, he was bound by the *Liick* decision that such information should also be released to the applicant in that case. The former Commissioner said:

[89] Justice Hrabinsky, allowed the appeal and in his judgment concluded as follows:

a. A decision by a head to withhold personal information of the appellant on the ground that it is also personal information of another individual is untenable in this instance. It is difficult to foresee a situation where there is personal information of an identifiable individual without there being personal information of another identifiable individual.

b. I find that the public interest in disclosure clearly outweighs any invasion of privacy that could result in the disclosure. Further, the grievance would clearly benefit the appellant in his grievances against his employer.

[90] **I am mindful that, unlike the current review, in the 1994 Queen’s Bench decision the applicant apparently was the individual alleged to have harassed another. In this review, the applicant is the person asserting she was the victim of the alleged harassment. I do not find that difference to be material since a harassment investigation is typically one which is largely shaped by the evidence**



**of two individuals both of whom would have a huge stake in the outcome. That appears to me to be no different than the situation in the earlier court decision and I think I am bound to follow that direction from a superior court.**

...

[98] Were it not for the Liick decision described earlier, I would have been inclined to address differently that part of the record that relates to the investigation into the harassment complaints being investigated by RQRHA. **I am referring to opinions expressed by RQRHA employees that relate not to the Applicant but to other persons. I would have found that such opinions as recorded in the record would constitute the personal information of the individual to whom those opinions related. Such opinions I would have found to be captured by section 23(1)(h) “the views or opinions of another individual with respect to the individual”.**

[99] **Nonetheless, Justice Hrabinsky has clearly stated that “...the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure. Further, the disclosure would clearly benefit the appellant in his grievances against his employer.”**

**[100] I therefore consider myself bound by that decision on similar facts and therefore find that the opinion evidence that is integral to the overall record of the investigation, even when expressing opinions about individuals other than the Applicant should be released to her.**

[Emphasis added]

[33] In this case, I am also dealing with a case that is similar to the situation described in Review Report LA-2013-001 and in the *Liick* decision. Specifically, I note that Record 73 is an investigation report that contains opinions by School Division employees that do not relate to the Applicant, but to other persons. Similar to the former Commissioner, I am inclined to find such opinions would constitute the personal information of the individual to whom those opinions relate pursuant to subsection 23(1)(h) of LA FOIP. However, because of the *Liick* decision, I find that such information in the investigation report should be released to the Applicant in this case within 30 days of the issuance of this Report. My findings and recommendations regarding Record 73 are outlined in Appendix B.

[34] I also take note that the School Division asserted information about witnesses should be withheld. However, my office has said in the past in Review Report LA-2013-001 at paragraph [93]:

...RQRHA has argued that much of the information in the record is information about witnesses, including their views, opinions and comments which should not be released to the Applicant. **The short answer is that there is no special exemption of personal information for “witnesses”. Certainly, if information fits within the definition of personal information in section 23(1) and is not excluded by section 23(2), then it must be withheld from the Applicant.** In this case however, the witnesses in question all appear to be other employees of RQRHA and their statements relate to things they did or said in the course of their employment. The names of those employees should be disclosed. The name by itself is not personal information. It only becomes personal information when the name is used in conjunction with personal information of an individual. Opinions or views of an employee(s) of RQRHA given in the course of their employment to the extent that it relates to or is about the Applicant must be released.

[Emphasis added]

[35] Based on the *Liick* decision, a great deal of opinion information in Record 73 should be released to the Applicant, which I recommend the School Division do within 30 days of the issuance of this Report.

[36] However, in limited cases, witnesses offered personal information about themselves such as at paragraphs 131, 144 and 145. Such information qualifies as personal information as defined by subsection 23(1)(k)(i) as it is about their retirement plans, their own reactions to situations, and information about their home life. The School Division should continue to withhold such information pursuant to subsection 28(1) of LA FOIP.

[37] My findings and recommendations are set out in Appendix B.

### ***Records 1 to 72***

[38] As mentioned earlier, Records 1 to 72 includes emails, letters, handwritten notes and typed notes. Below is a discussion of the types of information within these records to determine if the School Division properly withheld such information pursuant to subsection 28(1) of LA FOIP.

#### ***a. Disciplinary information***

[39] After its investigation, the School Division communicated the discipline that the Respondent would receive. Therefore, information detailing the discipline is in some of the records including Records 4a, 6, 8, 10a, 10b, 14(a), and 16. Disciplinary information qualifies as “personal information” as defined by subsection 23(1)(b) of LA FOIP (see [Review Report 086-2014](#) at paragraph [8]; [Investigation Report 100-2015](#) at paragraph [22]; [Investigation Report 087-2020](#) at paragraph [21]). Therefore, I find that the School Division properly withheld such information pursuant to subsection 28(1) of LA FOIP.

[40] However, in their submission, the Applicant asserted that the “lack of transparency regarding the discipline is alarming as it does not allow the victim to know the offender is being held accountable for [their] actions if the school division is taking appropriate action regarding harassment against women.”

[41] Subsection 28(2)(s) of LA FOIP and subsection 10(g)(i) of *The Local Authority Freedom of Information and Protection of Privacy Regulations* (LA FOIP Regulations) allows local authorities to disclose certain types of personal information, including disciplinary information. Subsection 28(2)(s) of LA FOIP says:

**28(2)** Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:

...  
(s) as prescribed in the regulations.

[42] Subsection 10(g)(i) of the LA FOIP Regulations provides:

**10** For the purposes of clause 28(2)(s) of the Act, personal information may be disclosed:

...  
(g) to any person where the information pertains to:

(i) the performance of any function or duty or the carrying out of any responsibility by an officer or employee of a local authority;

[43] In [Investigation Report 100-2015](#), my office had found that the disciplinary information of an employee who had snooped into patient records to qualify as personal information as

defined by subsection 23(1)(b) of LA FOIP. However, from paragraphs [24] to [27], I had said that providing disclosure of disciplinary information would provide closure to affected individuals as well as act as a deterrent to snooping by other employees. I had also quoted the former Ontario Information and Privacy Commissioner in their [Investigation Report HO-010](#):

This level of transparency is important for several reasons. Accessing a patient's personal health information in an unauthorized manner is a serious violation of an individual's privacy and security of the person. **In such a situation, the aggrieved individual has a right to a complete accounting of what has occurred. In many cases, the aggrieved parties will not find closure regarding the incident unless all the details of the investigation have been disclosed.** Receiving general assurances that "the incident has been dealt with appropriately" falls far short of the level of disclosure that is required.

[Emphasis added]

[44] I note that the records at issue in this review is regarding workplace harassment and not about employee snooping as discussed in Investigation Report 100-2015. Also, subsections 28(2)(s) of LA FOIP and subsection 10(g)(i) of the LA FOIP Regulations do not compel disclosure. Disclosure would be at the discretion of the head of the School Division. I also cannot substitute my discretion for that of the head. Therefore, I recommend the head of the School Division reconsider whether the head will disclose disciplinary information to the Applicant pursuant to subsection 28(2)(s) of LA FOIP and subsection 10(g)(i) of the LA FOIP Regulations. Disclosing such information may help bring closure to the Applicant and to know what actions the School Division took to hold the Respondent accountable.

[45] Finally, I should note that Record 46 and Record 47 contains information regarding motions made by the Board of Education that is recorded in the Board of Education's meeting minutes dated November 23, 2021 and January 21, 2022. Such information is public since subsection 80(3) of *The Education Act, 1995* provides that a board of education may conduct a vote on any matter in a meeting that is open to the public. Therefore, information regarding the motions in Records 46 and 47 is public and should be released to the Applicant within 30 days of the issuance of this Report.

[46] My findings and recommendations are set out in Appendix A.

***b. Information regarding actions taken by the Respondent***

[47] *The Education Act, 1995* provides opportunities for teachers to appeal disciplinary action. First, I will discuss records that are letters and emails between the STF and the School Division regarding actions taken by the Respondent. Second, I will discuss records that references actions taken by the Respondent.

***i. Letters and Emails between the STF and the School Division***

[48] The records at issue contain letters and emails between the STF and the School Division, including Records 9, 11, 12, 17, 24, 28, 33, 34, and 42. The STF was writing to the School Division on behalf of the Respondent that describe actions taken by the Respondent in response to the disciplinary action. The School Division refused access to the contents of the letters and emails, citing that the information qualified as “personal information” as defined by subsection 23(1)(g) of LA FOIP.

[49] Pages 63 to 65 of Chapter 6 of my office’s *Guide to LA FOIP* sets out three questions to help determine if information is personal information pursuant to subsection 23(1)(g) of LA FOIP:

1. Is the information correspondence sent to a local authority by an individual?
2. Is the information implicitly or explicitly of a private or confidential nature?
3. Is it a reply and would disclosure reveal the content of the original correspondence?

[50] The following is an analysis to determine if the records at issue qualify as personal information.

***1. Is the information correspondence sent to a local authority by an individual?***

- [51] “Correspondence” is letters sent or received. In terms of this provision, the information must be correspondence sent to a local authority or the replies from the local authority (*Guide to LA FOIP*, Ch. 6, p. 63).
- [52] “Individual” means natural persons (human beings). Use of the word “individual” in this provision makes it clear that the protection provided relates only to a natural person or human being (*Guide to LA FOIP*, Ch. 6, p. 63).
- [53] “About” means on the subject of or concerning. “About” an identifiable individual means the information is not just the subject of something but also relates to or concerns the subject (*Guide to LA FOIP*, Ch. 6, p. 63).
- [54] Based on a review of the records, there are letters and emails sent by the STF representing the Respondent to the School Division about the Respondent.

***2. Is the information implicitly or explicitly of a private or confidential nature?***

- [55] If the information is associated with the individual in their professional capacity, the information is not considered to be “about” the individual for purposes of this provision. The provision requires that an ‘individual’ send the correspondence in question in a personal capacity, as opposed to in an official local authority or business capacity (*Guide to LA FOIP*, Ch. 6, p. 64).
- [56] “Implicitly” means that the 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 (*Guide to LA FOIP*, Ch. 6, p. 64).
- [57] “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 obtained with the understanding that it would be kept confidential (*Guide to LA FOIP*, Ch. 6, p. 65).

[58] Based on a review of the records, the information is about actions taken by the Respondent in response to the disciplinary action. Therefore, the nature of the information is about the individual in a personal capacity and is implicitly of a private or confidential nature.

***3. Is it a reply and would disclosure reveal the content of the original correspondence?***

[59] The provision also protects replies from the local authority to the individual if the replies reveal personal information from the original correspondence sent by the individual that is of a private or confidential nature.

[60] Based on a review of the records, there were replies by the School Division that would reveal the content of the original correspondence from the STF.

[61] I find that the School Division properly applied subsection 28(1) of LA FOIP where the information qualifies as personal information pursuant to subsection 23(1)(g) of LA FOIP. My findings and recommendations are set out in Appendix A.

***ii. Records that references actions taken by the Respondent.***

[62] Some portions of the records, such as Records 20, 23, 29, and 39, reference actions taken by the Respondent in response to the disciplinary action. Subsection 23(1)(k)(i) of LA FOIP provides that the name appearing with other personal information that relates to the individual qualifies as “personal information”. Page 74 of Chapter 6 of my office’s *Guide to LA FOIP* provides that a name alone is not personal information unless the name itself reveals personal information about the individual. Further, while removing an individual’s name from a record may de-identify information, that is not true in all cases. In this case, I find that the removal of the Respondent’s name is not enough to de-identify information about the actions taken in response to the disciplinary action. Therefore, I find that information in records that references actions taken by the Respondent in response to the disciplinary action qualifies as personal information pursuant to subsection 23(1)(k)(i) of LA FOIP. My findings and recommendations are sent out in Appendix A.

*c. Personal contact information*

[63] The personal email addresses and telephone numbers of individuals appear in some of the records, including Record 9, 23, 26, 32, 51(a), 52, 55, 59a, 60, 61, 62, 63, 66, and 72. For example, the personal email address of the Respondent is found on some of these records. In other records, there are the personal email addresses and telephone numbers of individuals who are not School Division employees. Subsection 23(1)(e) of LA FOIP provides that the home or business telephone number of an individual qualifies as “personal information”. Based on a review of the records, I find that the personal email addresses and telephone numbers qualify as personal information and that the School Division properly withheld it pursuant to subsection 28(1) of LA FOIP. My findings and recommendations are set out in Appendix A.

**3. Did the School Division properly apply subsection 15(1)(b)(i) of LA FOIP?**

[64] The School Division applied subsection 15(1)(b)(i) of LA FOIP to Records 14(b), 15(a), 15(b), 25, 32, 36, 43, 44, 45, and 50. Subsection 15(1)(b)(i) of LA FOIP provides:

**15(1)** A head may refuse to give access to a record that:

...

(b) discloses agendas or the substance of deliberations of meetings of a local authority if:

(i) an Act authorizes holding the meetings in the absence of the public;

[65] My office uses the following three-part test to determine if subsection 15(1)(b)(i) of LA FOIP applies:

1. Has a meeting of a local authority taken place?
2. Does a statute authorize the holding of the meeting in the absence of the public?
3. Would the disclosure of the record reveal the agenda or substance of the deliberations of the meeting?

*(Guide to LA FOIP, Chapter 4: “Exemptions from the Right of Access”, Updated April 29, 2021 [Guide to LA FOIP, Ch. 4] pp. 94-95).*



[66] The following is an analysis to determine if the three-part test is met.

**1. *Has a meeting of a local authority taken place?***

[67] “Meeting” means an assembly or gathering at which the business of the local authority is considered (*Guide to LA FOIP*, Ch. 6, p. 94).

[68] In its submission, the School Division noted that board meetings occurred on November 23, 2021 and again on January 20, 2022. The School Division provided my office with a copy of the meeting minutes for both meetings. The meeting minutes indicate that portions of each meeting were moved into closed sessions. Therefore, I find that the first part of the test is met.

**2. *Does a statute authorize the holding of the meeting in the absence of the public?***

[69] “In absence of the public” means the absence of the public at large (*Guide to LA FOIP*, Ch. 4, p. 95).

[70] In its submission, the School Division noted subsection 80(2) of *The Education Act, 1995* allows the Board of Education to deal with a matter in closed session:

**80(2)** Notwithstanding subsection (1) but subject to subsection (3), a board of education or the conseil scolaire may determine, by resolution, that any matter should be dealt with in closed session and, on the making of that resolution, the board of education or the conseil scolaire may deal with that matter in closed session.

[71] Therefore, I find that the second part of the test is met.

**3. *Would the disclosure of the record reveal the agenda or substance of the deliberations of the meeting?***

[72] An “agenda” is a list of things to be done, as items to be considered at a meeting, arranged in order of consideration (*Guide to LA FOIP*, Ch. 6, p. 95).

[73] “Substance” means generally more than just the subject or basis of the meeting. Rather, it is the essential or material part of the deliberations themselves (*Guide to LA FOIP*, Ch. 6, p. 95).

[74] “Deliberation” means the action of deliberating (to deliberate: to weigh in mind; to consider carefully with a view to a decision; to think over); careful consideration with a view to a decision; the consideration and discussions of the reasons for and against a measure by a number of councillors (*Guide to LA FOIP*, Ch. 6, p. 95).

[75] Agendas and substance of deliberations of meetings can be revealed in two ways:

1. The information itself consists of agendas or meeting minutes; or
2. The information, if disclosed, would permit the drawing of accurate inferences as to the content of the actual agendas or meeting minutes.

[76] Based on a review, the disclosure of Records 14(b), 15a, 15b, 36, 43, 44, 45, 50 would reveal the agendas or substance of deliberations of the closed sessions of the board meeting that occurred on November 23, 2021 and January 20, 2022. I find that the School Division properly applied subsection 15(1)(b)(i) of LA FOIP to Records 14(b), 15a, 15b, 36, 43, 44, 45, 50.

[77] However, I do not find that the disclosure of Records 25 and 32 would reveal the agendas or substance of the deliberations of the closed session of the board meetings. The School Division applied subsection 15(1)(b)(i) of LA FOIP to an email in Records 25 and 32. The email is a cover email with attachments. The attachments contain the agendas or substance of the deliberations of the closed session of a board meeting, not the email itself. Therefore, I find that the School Division did not properly apply subsection 15(1)(b)(i) to Records 25 and 32. However, I should note that I found subsection 28(1) of LA FOIP applies to portions of the email in Records 25 and 32 that would reveal personal information of the Respondent.

[78] My findings and recommendations are outlined in Appendix A.

**4. Did the School Division properly apply subsection 15(1)(b)(ii) of LA FOIP?**

[79] The School Division applied both subsections 15(1)(b)(i) and (ii) of LA FOIP to subsection 14(b), 15(a), 15(b), 25, 32, 36, 43, 44, 45, and 50. Since I found subsection 15(1)(b)(i) of LA FOIP applies to all but Records 25 and 32, I will consider if subsection 15(1)(b)(ii) of LA FOIP applies to these two records.

[80] Subsection 15(1)(b)(ii) of LA FOIP provides:

**15(1)** A head may refuse to give access to a record that:

...

(b) discloses agendas or the substance of deliberations of meetings of a local authority if:

...

(ii) the matters discussed at the meetings are of such a nature that access to the records could be refused pursuant to this Part or Part IV.

[81] My office uses the following two-part test to determine if subsection 15(1)(b)(ii) of LA FOIP applies:

1. Would the records disclose an agenda or substance of the deliberations of meetings of a local authority?
2. Are the matters discussed of a nature that the records could be refused under Parts III or IV of LA FOIP?

*(Guide to LA FOIP, Ch. 4, pp. 99-100)*

[82] The following is an analysis to determine if subsection 15(1)(b)(ii) of LA FOIP applies.

***1. Would the records disclose an agenda or substance of the deliberations of meetings of a local authority?***

[83] Earlier, I provided definitions of agenda, deliberations and meetings. Based on a review, I find that the email in Records 25 and 32, to which the School Division applied subsection

15(1)(b)(ii) of LA FOIP, would not disclose an agenda or substance of the deliberations of meetings of a local authority.

[84] Since the first part of the test is not met, I do not need to consider the second part of the test. I find that the School Division did not properly apply subsection 15(1)(b)(ii) of LA FOIP.

[85] My findings and recommendations are outlined in Appendix A.

## **5. Did the School Division properly apply subsection 21(a) of LA FOIP?**

[86] The School Division applied subsection 21(a) to Records 2, 4b, 13, 22a, and 22b. Subsection 21(a) of LA FOIP provides:

**21** A head may refuse to give access to a record that:

(a) contains any information that is subject to any privilege that is available at law, including solicitor-client privilege;

[87] The *Guide to LA FOIP* (Ch. 4, p. 221-225) suggests the following three-part test can be used to determine if subsection 21(a) of LA FOIP applies:

1. Is the record a communication between solicitor and client?
2. Does the communication entail the seeking or giving of legal advice?
3. Did the parties intend for the communication to be treated confidentially?

[88] The following is an analysis to determine if subsection 21(a) of LA FOIP applies.

### ***1. Is the record a communication between solicitor and client?***

[89] A “communication” is the process of bringing an idea to another’s perception; the message or ideas so expressed or exchanged; the interchange of messages or ideas by speech, writing, gestures or conduct (*Guide to LA FOIP*, Ch. 4, p. 221).

[90] “Client” means a person who consults a lawyer and on whose behalf the lawyer renders or agrees to render legal services; or having consulted the lawyer, reasonably concludes that the lawyer has agreed to render legal services on his or her behalf; and includes a client of the law firm of which the lawyer is a partner or associate, whether or not the lawyer handles the client’s work (*Guide to LA FOIP*, Ch. 4, p. 221).

[91] “Lawyer” means a member of the Law Society and includes a law student registered in the Society’s pre-call training program (*Guide to LA FOIP*, Ch. 4, p. 221).

[92] Records 2, 4b, 13, 22a, and 22b are handwritten notes of meetings between the School Division’s legal counsel and employees of the School Division. Page 223 of Chapter 4 of my office’s *Guide to LA FOIP* provides that an employee’s notes documenting the legal advice given orally by the solicitor could qualify. Therefore, these records qualify as a “communication”.

[93] In its submission, the School Division identified the solicitor to be its legal counsel and the client to be the School Division employees. The school division’s legal counsel was a member of the Law Society of Saskatchewan. I find the first part of the three part test is met.

**2. Does the communication entail the seeking or giving of legal advice?**

[94] “Legal advice” means a legal opinion about a legal issue, and a recommended course of action based on legal considerations regarding a matter with legal implications (*Guide to LA FOIP*, Ch. 4, p. 224).

[95] Background information can be part of the definition of legal advice because it forms part of the “continuum of communication” between a solicitor and his or her client (*Guide to LA FOIP*, Ch. 4, p. 224).

[96] In its submission, the School Division indicated it sought legal advice with respect to possible courses of action and the legal risks involved with potential decisions it would

have to make. Based on a review of the records, I find that the handwritten notes entail the seeking or giving of legal advice between the solicitor and client.

**3. Did the parties intend for the communication to be treated confidentially?**

[97] There must be an expectation on the part of the local authority that the communication will be confidential. “Not every aspect of relations between a lawyer and a client is necessarily confidential”. Conduct which is inconsistent with an expectation of confidentiality can constitute a waiver of privilege (*Guide to LA FOIP*, Ch. 4, p. 225).

[98] Based on a review of the records, and a consideration of the context in which these records were created, it would seem that there would be an expectation of confidentiality on the part of the School Division. It is not apparent to me that there has been any conduct which is inconsistent with an expectation of confidentiality. I find that the third part of the test is met. I find that the School Division properly applied subsection 21(a) of LA FOIP to Records 2, 4b, 13, 22a, and 22b.

[99] My findings and recommendations are outlined in Appendix A.

**6. Did the School Division properly apply subsection 21(c) of LA FOIP?**

[100] I have already found that subsection 21(a) of LA FOIP applies to Record 2, 22a and 22b, and that subsection 28(1) of LA FOIP applies to Records 26, 38, 49. As such, I will consider whether subsection 21(c) of LA FOIP applies to records 8a, 8b, 27, 30, 36, 37, 39, 41, 48, 49, 51b, 53, 55, 56, 57, 59a, 60, 61, 62, 63, 64, 65, 66, 68, 71, and 72.

[101] Subsection 21(c) of LA FOIP provides:

**21** A head may refuse to give access to a record that:

...

(c) contains correspondence between legal counsel for the local authority and any other person in relation to a matter involving the provision of advice or other services by legal counsel.

[102] The *Guide to LA FOIP* (Ch. 4, p. 237) suggests the following two-part test can be used to determine if subsection 21(c) of LA FOIP applies:

1. Is the record a correspondence between the local authority's legal counsel and any other person?
2. Does the correspondence relate to a matter that involves the provision of advice or other services by legal counsel?

[103] The following is an analysis to determine if subsection 21(c) of LA FOIP applies.

***1. Is the record a correspondence between the local authority's legal counsel and any other person?***

[104] "Correspondence" means letters sent or received. It is an interchange of written communication (*Guide to LA FOIP*, Ch. 4, p. 239).

[105] "Agent" means someone who is authorized to act for or in place of another (*Guide to LA FOIP*, Ch. 4, p. 239).

[106] "Any other person" was an intentional and inclusive phrase to capture just that – any other person (*Guide to LA FOIP*, Ch. 4, p. 239).

[107] Records 8a, 8b, 36, 39, 49, 53, and 71 are handwritten notes of the School Division employees. They do not appear to be "correspondence" in that written communication was sent or received. Therefore, I find that the School Division did not properly apply subsection 21(c) of LA FOIP to Records 8a, 8b, 36, 39, 49, 53, and 71.

[108] Further, I find that subsection 21(c) of LA FOIP does not apply to Record 72. The School Division had applied subsection 21(c) of LA FOIP to portions of it where the emails were between the School Division employees and legal counsel for another party (not the School Division). Therefore, I find that portions of Record 72 do not meet the first part of the test.

[109] Based on a review of the remaining records, I find that they are emails or letters between the School Division’s legal counsel and another person.

**2. Does the correspondence relate to a matter that involves the provision of advice or other services by legal counsel?**

[110] “In relation to” has been found to have a similar meaning as “in respect of”. Page 239 of Chapter 4 of my office’s *Guide to LA FOIP* quotes [Nowegijick v. The Queen](#), [1983] 1 SCR 29, 1983 CanLII 18 (SCC) at [39] that states:

The words “in respect of” are, in my opinion, words of the widest possible scope. They import such meanings as “in relation to”, “with reference to” or “in connection with”. The phrase “in respect of” is probably the widest of any expression intended to convey some connection between two related subject-matters.

[111] Earlier, I already provided a definition of “legal advice”.

[112] “Legal service” includes any law-related service performed by a person engaged by the local authority and who is licensed to practice law (*Guide to LA FOIP*, Ch. 4, p. 240).

[113] In its submission, the School Division described the records as its legal counsel either providing legal advice to School Division employees in the correspondence or corresponding with other parties, such as the STF regarding the matter involving the Respondent. I find that the second part of the test is met for portions of Records 27, 30, 37, 38, 41, 48, 51b, 55, 56, 57, 59a, 60, 61, 62, 63, 64, 65, 66, 68 and 72. I find that the School Division properly applied subsection 21(c) of LA FOIP to Records 27, 30, 37, 38, 41, 48, 51b, 55, 56, 57, 59a, 60, 61, 62, 63, 64, 65, 66, 68 and portions of Record 72.

[114] My findings and recommendations are outlined in Appendix A.

**7. Did the School Division properly apply subsection 16(1)(a) of LA FOIP?**

[115] The School Division applied subsection 16(1)(a) of LA FOIP to portions of Records 31, 48 and 55. However, I have already found that subsection 21(c) of LA FOIP applies to Record



48. Therefore, I will only consider whether subsection 16(1)(a) of LA FOIP applies to Records 31 and 55.

[116] Subsection 16(1)(a) of LA FOIP provides:

**16(1)** Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

(a) advice, proposals, recommendations, analyses or policy options developed by or for the local authority;

[117] My office uses the following two-part test to determine if subsection 16(1)(a) of LA FOIP applies:

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?
2. Was the advice, proposals, recommendations, analyses and/or policy options developed by or for the local authority?

*(Guide to LA FOIP, Ch. 4, pp. 105-108)*

[118] The following is an analysis to determine if subsection 16(1)(a) of LA FOIP applies.

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

[119] In its submission, the School Division said that Records 31 and 55 contain recommendations.

[120] A “recommendation” is a specific piece of advice about what to do, especially when given officially; it is a suggestion that someone should choose a particular thing or person that one thinks particularly good or meritorious. Recommendations relate to a suggested course of action more explicitly and pointedly than “advice”. It can include material that relates to a suggested course of action that will ultimately be accepted or rejected by the person being advised. It includes suggestions for a course of action as well as the rationale or substance

for a suggested course of action. A recommendation, whether express or inferable, is still a recommendation (*Guide to LA FOIP*, Ch. 4, pp. 106-107).

[121] Based on a review of the portion of Record 31 to which the School Division applied subsection 16(1)(a) of LA FOIP, I find that it contains a recommendation as it contains a suggested course of action.

[122] Based on review of the portions of Record 55 to which the School Division applied subsection 16(1)(a) of LA FOIP, I find that they do not contain recommendations. The redacted content appears to be about accomplishing a task and appears to be transitory in nature. The redacted content in Record 55 does not meet the first part of the test. Therefore, I find that the School Division did not properly apply subsection 16(1)(a) of LA FOIP to Record 55.

[123] Since the first part of the test is met for Record 31, I will continue my analysis to determine if the second part of the test is met for that record.

***2. Was the advice, proposals, recommendations, analyses and/or policy options developed by or for the local authority?***

[124] “Developed by or for” means the advice, proposals, recommendations, analyses and/or policy options must have been created either: 1) with the local authority, or 2) outside the local authority but for the local authority (for example, by a service provider or stakeholder) (*Guide to LA FOIP*, Ch. 4, p. 108).

[125] For information to be developed by or for a local authority, the person developing the information should be an official, officer or employee of the local authority, be contracted to perform services, be specifically engaged in an advisory role (even if not paid), or otherwise have a sufficient connection to the local authority (*Guide to LA FOIP*, Ch. 4, p. 108).

[126] Based on a review of Record 31, the recommendation was developed by an employee of the School Division. Therefore, I find that the second part of the test is met.

[127] I find that the School Division properly applied subsection 16(1)(a) of LA FOIP to the indented bullet in Record 31. My findings and recommendations are outlined in Appendix A.

**8. Did the School Division properly apply subsection 16(1)(b) of LA FOIP?**

[128] The School Division applied subsection 16(1)(b) of LA FOIP to portions of Records 4a, 4b, 37, 38, 61 and 62. I have already determined that subsection 28(1) of LA FOIP applies to the portions of Records 4a, 4b, 37 and 38 to which the School Division applied subsection 16(1)(b) of LA FOIP. Therefore, I will only consider whether subsection 16(1)(b) of LA FOIP applies to the portions of Records 61 and 62 to which the School Division applied the exemption.

[129] Subsection 16(1)(b) of LA FOIP provides:

**16(1)** Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(b) consultations or deliberations involving officers or employees of the local authority;

[130] My office uses the following two-part test to determine if subsection 16(1)(b) of LA FOIP applies:

1. Does the record contain consultations or deliberations?
2. Do the consultations or deliberations involve officers or employees of the local authority?

*(Guide to LA FOIP, Ch. 4, pp. 113-114)*

[131] The following is an analysis to determine if the two-part test is met.

***1. Does the record contain consultations or deliberations?***

[132] “Consultation” means the action of consulting or taking counsel together: deliberation, conference; a conference in which the parties and deliberation. A consultation can occur when the views of one or more officers or employees of a local authority are sought as to the appropriateness of a particular proposal or suggested action. It can include consultations about prospective future actions and outcomes in response to a developing situation. It can also include past courses of action. For example, where an employer is considering what to do with an employee in the future, what has been done in the past can be summarized and would qualify as part of the consultation or deliberation (*Guide to LA FOIP*, Ch. 4, p. 113).

[133] Earlier, I provided a definition of the term “deliberation” in my analysis of subsection 15(1)(b)(i) of LA FOIP.

[134] In its submission, the School Division indicated that Records 61 and 62 contain “proposals” from one School Division employee to another regarding next steps. However, subsection 16(1)(b) of LA FOIP does not contemplate “proposals”. It contemplates “consultations” and/or “deliberations”. It appears that the School Division may have mixed subsection 16(1)(a) and 16(1)(b) of LA FOIP.

[135] In my office’s [Review Report 119-2022](#), I cited [Order F2013-13](#) by an adjudicator from Alberta’s Office of the Information and Privacy Commissioner. Subsections 24(1)(a) and (b) of Alberta’s *Freedom of Information and Protection of Privacy Act* is similar to subsections 16(1)(a) and (b) of LA FOIP. The adjudicator explained the difference as follows:

[para 146] I agree with the interpretation Commissioner Clark assigned to the terms “consultation” and “deliberation” generally. However, as I stated in Order F2012-10, **section 24(1)(b) differs from the section 24(1)(a) in that section 24(1)(a) is intended to protect communications developed for a public body by an *advisor*, while section 24(1)(b) protects communications involving *decision makers*.** That this is so is supported by the use of the word deliberation: only a person charged with making a

decision can be said to *deliberate* that decision. Moreover, “consultation” typically refers to the act of *seeking* advice regarding an action one is considering taking, but not to *giving* advice in relation to it. Information that is the subject of section 24(1)(a) may be voluntarily or spontaneously provided to a decision maker for the decision maker’s use because it is the responsibility of an employee to provide information of this kind; however, such information cannot be described as a “consultation” or a “deliberation”. **Put simply, section 24(1)(a) is concerned with the situation where advice is given, section 24(1)(b) is concerned with the situation where advice is sought or considered.**

[Emphasis added]

[136] On the face of Records 61 and 62, I do not find that the content contains “consultations” or “deliberations”. The portions of each record to which the School Division applied subsection 16(1)(b) of LA FOIP provides that the School Division will conduct a consultation regarding a particular matter. It is not the consultation itself. Therefore, I find that the first part of the test is not met. There is no need to consider if the second part of the test is met. I find that the School Division did not properly apply subsection 16(1)(b) of LA FOIP to Records 61 and 62. My findings and recommendations are outlined in Appendix A.

#### **9. Did the School Division properly apply subsection 16(1)(c) of LA FOIP?**

[137] The School Division applied subsection 16(1)(c) of LA FOIP to portions of Records 5, 37, 38, 40, and 48. I have already found that subsection 28(1) of LA FOIP applies to the portion of Record 38 to which the School Division applied subsection 16(1)(c) of LA FOIP. I have also found that subsection 21(c) of LA FOIP applies to Record 48. Further, the School Division indicated it meant to only apply subsection 21(c) of LA FOIP to Record 37. Therefore, I will only consider the portions of Records 5 and 40 to which the School Division applied subsection 16(1)(c) of LA FOIP.

[138] Subsection 16(1)(c) of LA FOIP provides:

**16(1)** Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the local authority, or considerations that relate to those negotiations;

[139] My office's *Guide to LA FOIP* (Ch. 4, pp. 117-118) uses the following two-part test to determine if subsection 16(1)(c) of LA FOIP applies:

1. Does the record contain positions, plans, procedures, criteria, instructions or considerations that relate to the negotiations?
2. Were the positions, plans, procedures, criteria, instructions or considerations developed for the purpose of contractual or other negotiations by or on behalf of the local authority?

[140] The following is an analysis to determine if the two-part test is met:

1. *Does the record contain positions, plans, procedures, criteria, instructions or considerations that relate to the negotiations?*

[141] In its submission, the School Division said that Record 5 contains "deliberations" and Record 40 contains "consultations". Subsection 16(1)(c) of LA FOIP does not contemplate deliberations or consultations. Section 51 of LA FOIP provides:

**51** In any proceeding pursuant to this Act, the burden of establishing that access to the record applied for may or must be refused or granted is on the head concerned.

[142] Pursuant to section 51 of LA FOIP, the burden was on the School Division to identify positions, plans, procedures, criteria, instructions or considerations that relate to negotiations. It did not. As such, I find that the first part of the test is not met. There is no need to consider the second part of the test. I find that the School Division did not properly apply subsection 16(1)(c) of LA FOIP to Records 5 and 40.

**10. Are there records that are non-responsive to the Applicant's access request?**

[143] When a local authority receives an access to information request, it must determine which information in the records is responsive to the access request. "Responsive" means relevant or anything reasonably related to the request. Records that do not reasonably relate to an

access to information request are called not responsive. (*Guide to LA FOIP*, Chapter 3, “Access to Records”, updated May 5, 2023 [*Guide to LA FOIP*, Ch. 3] p. 26).

[144] The School Division identified portions of Record 8b, 31, 36, 40, 53, 67b, and 71 to be non-responsive. In its submission, the School Division said that specific portions in these records were not related to the Applicant’s access request.

[145] Based on a review, I agree with the School Division that portions of Records 31, 36, 40, 53, 67b, and 71 are indeed non-responsive. These records are emails or handwritten notes that list different discussion topics containing names of individuals who are not the Applicant, Respondent, or any other individual involved in the matter discussed in the responsive records. As such, this information qualifies as personal information of third party individuals and should be withheld.

[146] However, based on a review of Record 8b, I find that the portion identified by the School Division appears to be responsive. However, earlier, I found that subsection 28(1) of LA FOIP applies to Record 8b. My findings and recommendations are set out in Appendix A.

**11. Did the School Division comply with section 7 of LA FOIP?**

[147] Subsection 7(2) of LA FOIP requires that a local authority respond to an applicant within 30 calendar days of receiving an access to information request unless the response deadline was extended pursuant to section 12 of LA FOIP.

[148] Section 12 of LA FOIP is clear that a local authority can extend the initial 30-day response period for a maximum of 30 more days. This means a local authority may have 60 days in total to respond to an access request. However, this is only under limited circumstances (*Guide to LA FOIP*, Ch. 3, p. 100).

[149] As described in the background of this Report, the School Division received the access request on June 22, 2022. Therefore, the School Division would have needed to respond to

the Applicant's access request by July 22, 2022, to meet the 30-day response period set out in subsection 7(2) of LA FOIP.

[150] If it had extended the 30-days response period pursuant to section 12 of LA FOIP (which it did not) then the School Division would have needed to respond to the Applicant's access request by August 21, 2022.

[151] As described in the background, the School Division provided a portion of the Applicant's access request on August 1, 2022, but then sought clarification regarding the remaining portion of the Applicant's access request that same day. After some exchanges, the School Division responded to the Applicant's access request in full on November 22, 2022. As such, I find that the School Division did not comply with section 7 of LA FOIP.

[152] I recommend that the School Division amend its policies and procedures regarding the processing of access requests as follows:

- Seek clarification regarding the records sought by the Applicant within the first three days of receiving the access request. That would provide the School Division with 27 remaining days to process the access request. In this case, the School Division sought clarification from the Applicant 40 days after it received the access request.
- Ensure it responds to access requests within the 30-day response period set out in subsection 7(2) of LA FOIP.
- If it is extending the original 30-day response period to respond to an access request, then it must comply with the time set out in subsection 12(2) of LA FOIP. That is, it must notify the Applicant it is extending the time period within the first 30 days of receiving the access request.
- The School Division must only extend the period of time to respond to an access request for the reason (or reasons) set out in subsection 12(1) of LA FOIP.
- The School Division must respond to the Applicant's full request within the period of extension pursuant to subsection 12(3) of LA FOIP.

#### **IV FINDINGS**



- [153] I find that I have jurisdiction to undertake this review.
- [154] I find that the School Division properly applied subsection 28(1) of LA FOIP to portions of Record 73.
- [155] I find that the School Division cannot rely on subsection 28(1) of LA FOIP to portions of Record 73 due to the *Liick* decision.
- [156] I find that the School Division properly applied subsection 28(1) of LA FOIP to portions of Records 1 to 72.
- [157] I find that the School Division properly applied subsection 15(1)(b)(i) of LA FOIP to Records 14(b), 15a, 15b, 36, 43, 44, 45, 50.
- [158] I find that the School Division did not properly apply subsection 15(1)(b)(ii) of LA FOIP.
- [159] I find that the School Division properly applied subsection 21(a) of LA FOIP to Records 2, 4b, 13, 22a, and 22b.
- [160] I find that the School Division did not properly apply subsection 21(c) of LA FOIP to Records 8a, 8b, 36, 39, 49, 53, 71, and portions of Record 72.
- [161] I find that the School Division properly applied subsection 21(c) of LA FOIP to Records 27, 30, 37, 38, 41, 48, 51b, 55, 56, 57, 59a, 60, 61, 62, 63, 64, 65, 66, 68 and portions of Record 72.
- [162] I find that the School Division did not properly apply subsection 16(1)(a) of LA FOIP to Record 55.
- [163] I find that the School Division properly applied subsection 16(1)(a) of LA FOIP to the indented bullet in Record 31.

[164] I find that the School Division did not properly apply subsection 16(1)(b) of LA FOIP to Records 61 and 62.

[165] I find that the School Division did not properly apply subsection 16(1)(c) of LA FOIP to Records 5 and 40.

[166] I find that portions of Records 31, 36, 40, 53, 67b, and 71 are non-responsive.

[167] I find that the School Division did not respond to the Applicant's access request within the legislated timeline set out in section 7 of LA FOIP.

## **V RECOMMENDATIONS**

[168] I recommend that the School Division comply with the recommendations set out in Appendices A and B.

[169] I recommend the head of the School Division reconsider whether the head will disclose disciplinary information to the Applicant pursuant to subsection 28(2)(s) of LA FOIP and subsection 10(g)(i) of the LA FOIP Regulations.

[170] I recommend that the School Division amend its policies and procedures regarding the processing of access requests as follows:

- Seek clarification regarding the records sought by the Applicant within the first three days of receiving the access request. That would provide the School Division with 27 remaining days to process the access request. In this case, the School Division sought clarification from the Applicant 40 days after it received the access request.
- Ensure it responds to access requests within the 30-day response period set out in subsection 7(2) of LA FOIP.
- If it is extending the original 30-day response period to respond to an access request, then it must comply with the time set out in subsection 12(2) of LA FOIP. That is, it must notify the Applicant it is extending the time period within the first 30 days of receiving the access request.

- The School Division must only extend the period of time to respond to an access request for the reason (or reasons) set out in subsection 12(1) of LA FOIP.
- The School Division must respond to the Applicant's full request within the period of extension pursuant to subsection 12(3) of LA FOIP.

Dated at Regina, in the Province of Saskatchewan, this 19<sup>th</sup> day of July, 2023.

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

## Appendix A

<b>Record #</b>	<b>Description</b>	<b>Exemption(s) applied by school division</b>	<b>IPC Finding(s)</b>	<b>IPC Recommendations</b>
1	Email	28(1) of LA FOIP	28(1) applies.	Continue to withhold.
2	Handwritten notes	21(a) and (c) of LA FOIP	21(a) applies.	Continue to withhold.
3	Handwritten notes	28(1) of LA FOIP	28(1) applies.	Continue to withhold.
4a	Typed notes	16(1)(b); 28(1) of LA FOIP	28(1) applies.	Reconsider whether the head will disclose disciplinary information to the Applicant pursuant to 28(2)(s) of LA FOIP and 10(g)(i) of LA FOIP Regulations.
4b	Handwritten notes	16(1)(b); 21(a); 28(1) of LA FOIP	Pages 1 and 2 - 28(1) applies  Top of page 3 - 28(1) applies  Bottom of page 3 - 21(a) applies	Continue to withhold.
5	Emails	16(1)(c); 28(1) of LA FOIP	For email timestamped 3:49pm - 28(1) of LA FOIP applies  For email timestamped 8:11am - 16(1)(c) of LA FOIP does not apply.	Release email timestamped 8:11am.  Continue to withhold remainder.

6	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Reconsider whether the head will disclose disciplinary information to the Applicant pursuant to 28(2)(s) of LA FOIP and 10(g)(i) of LA FOIP Regulations.
7	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
8a	Handwritten notes	21(c) of LA FOIP	<p>Page 1 - 28(1) of LA FOIP applies to the phone number at the top of the page</p> <p>Page 2 - 28(1) of LA FOIP applies to the description of the discipline at top of the page as this is Respondent's PI.</p> <p>21(c) of LA FOIP does not apply - not correspondence.</p>	<p>Page 1 – continue to withhold phone number per 28(1) of LA FOIP.</p> <p>Page 2 – Reconsider whether the head will disclose disciplinary information to the Applicant pursuant to 28(2)(s) of LA FOIP and 10(g)(i) of LA FOIP Regulations.</p>
8b	Handwritten notes	21(c) of LA FOIP; non-responsive	<p>Page 1 - 28(1) of LA FOIP applies to information about discipline at the top of the page; 21(c) of LA FOIP does not apply.</p> <p>Page 2 - 21(c) of LA FOIP does not apply.</p>	<p>Release page 2.</p> <p>Reconsider whether the head will disclose disciplinary information to the Applicant pursuant to 28(2)(s) of LA FOIP and 10(g)(i) of LA FOIP Regulations.</p>

			Page 3 - 28(1) of LA FOIP applies to discipline information towards bottom of the page;	
9	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
10a	Email	28(1) of LA FOIP	28(1) of LA FOIP applies.	Reconsider whether the head will disclose disciplinary information to the Applicant pursuant to 28(2)(s) of LA FOIP and 10(g)(i) of LA FOIP Regulations.
10b	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Reconsider whether the head will disclose disciplinary information to the Applicant pursuant to 28(2)(s) of LA FOIP and 10(g)(i) of LA FOIP Regulations.
11	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
12	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
13	Handwritten notes	21(a) of LA FOIP	21(a) of LA FOIP applies.	Continue to withhold.
14a	NESD submission to the Board	28(1) of LA FOIP	28(1) of LA FOIP applies.	Reconsider whether the head will disclose disciplinary information to the Applicant pursuant to 28(2)(s) of LA FOIP and 10(g)(i) of LA FOIP Regulations.

14b	Attachment to Board submission	15(1)(b)(i) and (ii) of LA FOIP	15(1)(b)(i) of LA FOIP applies.	Continue to withhold.
15a	Questions from Board	15(1)(b)(i) and (ii) of LA FOIP	15(1)(b)(i) of LA FOIP applies.	Continue to withhold.
15b	Handwritten notes	15(1)(b)(i) and (ii) of LA FOIP	15(1)(b)(i) of LA FOIP applies.	Continue to withhold.
16	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Reconsider whether the head will disclose disciplinary information to the Applicant pursuant to 28(2)(s) of LA FOIP and 10(g)(i) of LA FOIP Regulations.
17	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
18	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies except to the name of the nominee (which was released by school division in record 19).	Continue to withhold except for the name of the nominee.
19	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
20	Emails	28(1) of LA FOIP	For email timestamped 9:40am, 28(1) of LA FOIP applies to the redacted information.  For email timestamped 9:43am, 28(1) of LA FOIP applies to the subject line.	Continue to withhold except release first sentence of email timestamped 9:44:10AM.

			For email timestamped 9:44:10am, 28(1) of LA FOIP applies to the subject line and the second sentence of the email.	
21	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
22a	Handwritten notes	21(a) and (c) of LA FOIP	21(a) of LA FOIP applies.	Continue to withhold.
22b	Handwritten notes	21(a) and (c) of LA FOIP	21(a) of LA FOIP applies.	Continue to withhold.
23	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
24	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
25	Email	15(1)(b)(i) and (ii) of LA FOIP	<p>28(1) applies to the attachment field in the header.</p> <p>28(1) of LA FOIP applies the last six words of the first sentence in the email.</p> <p>28(1) of LA FOIP applies to the last sentence of the email.</p> <p>15(1)(b)(i) and (ii) of LA FOIP do not apply.</p>	<p>Continue to withhold the attachment field.</p> <p>Continue to withhold the last six words of the first sentence of the email.</p> <p>Continue to withhold the last sentence of the email.</p> <p>Release the remainder.</p>
26	Emails	21(c); 28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
27	Emails	21(c); 28(1) of LA FOIP	For email timestamped 9:12am, 28(1) applies to the subject line; 21(c) applies to	Continue to withhold.



			<p>the body of the email</p> <p>For email timestamped 10:13am 28(1) applies to the redacted information</p> <p>For email timestamped 1:08:00PM, 28(1) applies to the redacted information.</p>	
28	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
29	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
30	Emails	21(c) of LA FOIP	21(c) of LA FOIP applies.	Continue to withhold.
31	Emails	Non-responsive; 16(1)(a) of LA FOIP	<p>For email timestamped 7:50am, the first three bullet points are non-responsive;</p> <p>16(1)(a) of LA FOIP applies to the indented bullet point at bottom of email.</p>	Continue to withhold.
32	Emails	15(1)(b)(i) and (ii); 28(1) of LA FOIP	<p>28(1) of LA FOIP applies</p> <p>15(1)(b)(i) and (ii) of LA FOIP do not apply.</p>	Continue to withhold.
33	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies	Continue to withhold.
34	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies	Continue to withhold.
35	Emails		For email timestamped	Release the body of the email

			<p>5:53pm - 28(1) of LA FOIP applies;</p> <p>For email timestamped 6:07:00pm - 28(1) of LA FOIP applies to subject line; however, 28(1) of LA FOIP doesn't apply to body of email.</p>	<p>timestamped 6:07:00pm; continue to withhold the remainder.</p>
36	Handwritten notes	Non-responsive; 15(1)(b)(i) and (ii); 21(c); 28(1) of LA FOIP	<p>Page 1 - content under numbers 4, 5 and 7 are non-responsive (there is no 6); 28(1) of LA FOIP applies to content written in margin; 15(1)(b) of LA FOIP applies.</p> <p>Page 2 - 21(c) of LA FOIP does not apply</p> <p>Page 3 - 21(c) of LA FOIP does not apply</p> <p>Page 4 - 21(c) of LA FOIP does not apply.</p>	<p>Page 1 – continue to withhold.</p> <p>Release pages 2, 3 and 4 to the Applicant.</p>
37	Emails	16(1)(b) and (c); 21(c); 28(1) of LA FOIP.	<p>For email timestamped 6:12pm - 21(c) of LA FOIP applies to redacted information.</p> <p>For email timestamped</p>	<p>Continue to withhold redacted information in email timestamped 6:12pm.</p> <p>Continue to withhold the subject line of email timestamped</p>

			<p>9:08am - 28(1) of LA FOIP of applies to the subject line.</p> <p>For email timestamped 9:35:00AM - 16(1)(b), (c), 21(c), and 28(1) of LA FOIP do not apply.</p>	<p>9:08am; release remainder.</p> <p>Release email timestamped 9:35:00am.</p>
38	Emails	16(1)(b) and (c); 21(c); 28(1) of LA FOIP.	<p>For email timestamped 6:12pm - 21(c) of LA FOIP applies to the redacted information.</p> <p>For email timestamped 9:08am - 28(1) of LA FOIP applies to the subject line;</p> <p>For email timestamped 9:36:00AM - 28(1) of LA FOIP applies to the subject line</p>	<p>Continue to withhold redacted information in email timestamped 6:12pm.</p> <p>Continue to withhold the subject line of email timestamped 9:08am; release remainder.</p> <p>Continue to withhold the subject line of email timestamped 9:36:00am.</p> <p>Release remainder.</p>
39	Handwritten notes	21(c) of LA FOIP	<p>Page 1 – 28(1) of LA FOIP applies to the one line the top of the page that describes action taken by Respondent.</p> <p>21(c) of LA FOIP does not apply;</p>	<p>Continue to withhold the one line at top of the page that describes action taken by Respondent.</p> <p>Release the remainder.</p>
40	Handwritten notes	Non-responsive; 16(1)(c) of LA FOIP	Content under numbers “3”	Continue to withhold content

			and “4” are non-responsive.  16(1)(c) of LA FOIP does not apply.	under numbers “3” and “4”.  Release remainder.
41	Emails	21(c) of LA FOIP	21(c) of LA FOIP applies.	Continue to withhold.
42	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
43	Materials for Board	15(1)(b)(i) and (ii) of LA FOIP	15(1)(b)(i) of LA FOIP applies.	Continue to withhold.
44	Materials for Board	15(1)(b)(i) and (ii) of LA FOIP	15(1)(b)(i) of LA FOIP applies.	Continue to withhold.
45	Handwritten notes	15(1)(b)(i) and (ii) of LA FOIP	15(1)(b)(i) of LA FOIP applies.	Continue to withhold.
46	Email	28(1) of LA FOIP	28(1) of LA FOIP applies to the subject line.  28(1) of LA FOIP does not apply to the body of the email.	Continue to withhold the subject line.  Release remainder.
47	Emails	28(1) of LA FOIP	For email timestamped 3:58pm - 28(1) of LA FOIP applies to the subject line; 28(1) does not apply to body of the email.  For email timestamped 1:51pm, 28(1) of LA FOIP applies to second sentence in body of email.	Continue to withhold the subject line of email timestamped 3:58pm but release remainder of email.  Continue to withhold second sentence of email timestamped 1:51pm but release remainder of email.  Continue to withhold emails timestamped 1:59pm, 2:10pm, 5:03pm.

			Emails timestamped 1:59pm, 3:10pm, 5:03pm - 28(1) of LA FOIP applies.	
48	Letter	16(1)(a) and (c); 21(c) of LA FOIP	21(c) of LA FOIP applies.	Continue to withhold.
49	Handwritten notes	21(c); 28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
50	Board Chair Report	15(1)(b)(i) and (ii) of LA FOIP	15(1)(b)(i) of LA FOIP applies.	Continue to withhold.
51a	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
51b	Letter	21(c) of LA FOIP	21(c) of LA FOIP applies.	Continue to withhold.
52	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
53	Handwritten notes	Non-responsive; 21(c) of LA FOIP	Content under numbers "2", "3", and "4" are non-responsive;  21(c) of LA FOIP does not apply.	Continue to withhold content under numbers "2", "3", and "4".  Release remainder.
54	Emails	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
55	Emails	16(1)(a); 21(c); 28(1) of LA FOIP	21(c) of LA FOIP applies to pages 3 and 4 of Record 55 (attachment to email timestamped 4:11pm).  For email timestamped 4:11pm - 28(1) of LA FOIP applies to personal email address in CC line and subject line.	Continue to withhold pages 3 and 4 of Record 55.  Continue to withhold personal email address in the CC line and the subject line for email timestamped 4:11pm.  Continue to withhold the subject line in email timestamped 4:42pm.

			<p>For email timestamped 4:42pm - 28(1) of LA FOIP applies to subject line.</p> <p>For email timestamped 12:40pm - 28(1) of LA FOIP applies to the subject line; 16(1)(a) of LA FOIP does not apply to the body of the email.</p> <p>For email timestamped 9:02am - 28(1) of LA FOIP applies to the subject line; 16(1)(a) of LA FOIP does not apply to the body of the email</p> <p>For email timestamped 10:37:00am - 28(1) of LA FOIP applies to the subject line; 16(1)(a) of LA FOIP does not apply to the body of the email.</p>	<p>Continue to withhold the subject line of email timestamped 12:40pm. Release the body of the email.</p> <p>Continue to withhold subject line of email timestamped 9:02am. Release the body of the email.</p> <p>Continue to withhold the subject line of email timestamped 10:37:00am. Release the body of the email.</p>
56	Emails	21(c); 28(1) of LA FOIP	For email timestamped 4:11pm - 28(1) of LA FOIP	Continue to withhold personal email address and subject line in the

			<p>applies to personal email address in CC line; 28(1) of LA FOIP applies to the subject line.</p> <p>For email timestamped 4:42pm - 28(1) of LA FOIP applies to subject line.</p> <p>For email timestamped 12:40pm - 28(1) of LA FOIP applies to subject line; 21(c) of LA FOIP applies to body of the email.</p> <p>For email timestamped 9:02am - 28(1) of LA FOIP applies to subject line; 21(c) of LA FOIP applies to the body of the email.</p> <p>For email timestamped 10:42am - 28(1) applies to subject line; 21(c) applies to the body of the email.</p>	<p>email timestamped 4:11pm.</p> <p>Continue to withhold subject line in the email timestamped 4:42pm.</p> <p>Continue to withhold the subject line and body of the email timestamped 12:40pm.</p> <p>Continue to withhold subject line and body of email timestamped 9:02am.</p> <p>Continue to withhold subject line and body of email timestamped 10:42am.</p> <p>Continue to withhold subject line and body of email timestamped 11:58:00am.</p>
--	--	--	---	--

			For email timestamped 11:58:00am - 28(1) applies to subject line; 21(c) applies to the body of the email.	
57	Letter	21(c) of LA FOIP	21(c) of LA FOIP applies.	Continue to withhold.
58	Emails	28(1) of LA FOIP	<p>For email timestamped 7:30am, 28(1) of LA FOIP does not apply to sentence preceding bullets points or the bullet points; 28(1) of LA FOIP applies to paragraph after bullet points.</p> <p>For email timestamped 8:19am, 28(1) of LA FOIP does not apply.</p> <p>For email timestamped 8:44am, 28(1) of LA FOIP does not apply.</p>	<p>Release the beginning of email and the bullet points of the email timestamped 7:30am. Continue to withhold the paragraph after the bullet points.</p> <p>Release email timestamped 8:19am.</p> <p>Release email timestamped 8:44am.</p>
59a	Emails	21(c); 28(1) of LA FOIP	<p>21(c) of LA FOIP applies;</p> <p>28(1) of LA FOIP applies.</p>	Continue to withhold.
59b	Letter	21(c) of LA FOIP	21(c) of LA FOIP applies.	
60	Emails	21(c); 28(1) of LA FOIP	21(c) of LA FOIP applies;	Continue to withhold.



			28(1) of LA FOIP applies.	
61	Emails	16(1)(b); 21(c); 28(1) of LA FOIP	<p>For email timestamped 10:06am - 28(1) of LA FOIP applies to personal email address in the CC line, and subject line; body of email was already released to Applicant by NESD in record 59(a)</p> <p>For email timestamped 3:38pm - 28(1) of LA FOIP applies to subject line; 21(c) of LA FOIP applies to the body of the email.</p> <p>For email timestamped 3:58pm - 28(1) of LA FOIP applies to the subject line; 16(1)(b) of LA FOIP does not apply to the body of the email.</p>	<p>Continue withhold the personal email address in the CC line and the subject line for email timestamped 10:06am; however release the body of the email since it was already released to the Applicant in Record 59a.</p> <p>Continue to withhold the subject line and the body of the email timestamped 3:38pm.</p> <p>Continue to withhold the subject line of the email timestamped 3:58pm but release the body of the email.</p>
62	Emails	16(1)(b); 21(c); 28(1) of LA FOIP.	For email timestamped 10:06am - 28(1) of LA FOIP applies to personal email address in the	Continue withhold the personal email address in the CC line and the subject line for email timestamped 10:06am; however

			<p>CC line and subject line; body of the email was already released to the Applicant by NESD in record 59(a)</p> <p>For email timestamped 3:38pm - 28(1) of LA FOIP applies to subject line; 21(c) of LA FOIP applies to the body of the email.</p> <p>For email timestamped 3:55pm - 28(1) of LA FOIP applies to the subject line; 21(c) of LA FOIP applies to the body of the email</p> <p>For email timestamped 4:09pm - 28(1) of LA FOIP applies to subject line; 21(c) of LA FOIP applies to the body of the email.</p> <p>For email timestamped 4:14:00pm - 28(1) of LA FOI P applies to</p>	<p>release the body of the email since it was already released to the Applicant in Record 59a.</p> <p>Continue to withhold the subject line and the body of the email timestamped 3:38pm.</p> <p>Continue to withhold the subject line and body of the email timestamped 3:55pm.</p> <p>Continue to withhold the subject line and body of the email timestamped 4:09pm.</p> <p>Continue to withhold subject line of email timestamped 4:14pm but release the body of the email.</p>
--	--	--	--	---

			the subject line; 16(1)(b) of LA FOIP does not apply.	
63	Emails	21(c); 28(1) of LA FOIP	<p>For email timestamped 10:06am - 28(1) of LA FOIP applies to personal email address in CC line and subject line; body of the email was already released in record 59(a)</p> <p>For email timestamped 10:45am - 28(1) of LA FOIP applies to subject line; 21(c) of LA FOIP applies to the body of the email.</p> <p>For email timestamped 11:55am - 28(1) of LA FOIP applies to the subject line</p> <p>For email timestamped 8:42:00am - 28(1) of LA FOIP applies to the subject line; 21(c) of LA FOIP does not apply to the body of the email.</p>	<p>Continue withhold the personal email address in the CC line and the subject line for email timestamped 10:06am; however release the body of the email since it was already released to the Applicant in Record 59a.</p> <p>Continue to withhold subject line and body of email timestamped 10:45am.</p> <p>Continue to withhold subject line of email timestamped 11:55am.</p> <p>Continue to withhold subject line of email timestamped 8:42am but release the body of the email.</p>

64	Emails	21(c); 28(1) of LA FOIP	<p>For email timestamped 8:35am - 28(1) of LA FOIP applies to subject line; 21(c) of LA FOIP applies to the body of the email.</p> <p>For email timestamped 4:29pm - 28(1) of LA FOIP applies to the subject line, 21(c) of LA FOIP applies to the body of the email.</p> <p>For email timestamped 9:45:00AM - 28(1) of LA FOIP applies to the Attachment field, 21(c) applies to body of the email.</p>	<p>Continue to withhold subject line and body of email timestamped 8:35am.</p> <p>Continue to withhold subject line and body of email timestamped 4:29pm.</p> <p>Continue to withhold the attachment field and body of email timestamped 9:45am.</p>
65	Emails	21(c); 28(1) of LA FOIP	<p>For email timestamped 8:35am - 28(1) applies to subject line; 21(c) applies to the body of the email.</p> <p>For email timestamped 4:29pm - 28(1) applies to the subject line, 21(c) applies to</p>	<p>Continue to withhold subject line and body of email timestamped 8:35am.</p> <p>Continue to withhold subject line and body of email timestamped 4:29pm.</p> <p>Continue to withhold the attachment field and body of email</p>

			<p>the body of the email.</p> <p>For email timestamped 9:45:00AM - 28(1) applies to the Attachment field, 21(c) applies to body of the email.</p> <p>For email timestamped 5:36:58pm - 28(1) applies to the subject line, 21(c) applies to the body of the email.</p> <p>For email timestamped 4:43pm - 21(c) applies to the body of the email.</p> <p>For email timestamped 5:18pm - 28(1) applies to the subject line.</p> <p>For email timestamped 5:07pm - 21(c) applies to the body of the email.</p> <p>For email timestamped 5:34:53pm - 21(c) applies to the body of the email.</p>	<p>timestamped 9:45:00am.</p> <p>Continue to withhold subject line and body of email timestamped 5:36:58am.</p> <p>Continue to withhold body of email timestamped 4:43pm.</p> <p>Continue to withhold subject line of email timestamped 5:18pm.</p> <p>Continue to withhold body of email timestamped 5:07pm.</p> <p>Continue to withhold body of email timestamped 5:34:53pm.</p> <p>Continue to withhold subject line of email timestamped 5:32pm.</p> <p>Continue to withhold subject line and body of email timestamped 7:00am.</p> <p>Continue to withhold the subject line of email timestamped 9:27am but release</p>
--	--	--	---	--

			<p>For email timestamped 5:32pm - 28(1) applies to the subject line.</p> <p>For email timestamped 7:00am - 28(1) applies to the subject line; 21(c) applies to the body of the email.</p> <p>For email timestamped 9:27am - 28(1) applies to the subject line; 21(c) does not apply to the body of the email - appears to be scheduling only. not legal service</p> <p>For email timestamped 10:07:00am - 28(1) applies to the subject line</p>	<p>the body of the email.</p> <p>Continue to withhold the subject line of email timestamped 10:07:00am.</p>
66	Emails	21(c); 28(1) of LA FOIP	<p>For email timestamped 10:06am - 28(1) applies to the personal email in CC line and the subject line.</p> <p>For email timestamped 10:45am - 28(1) applies to the subject line;</p>	<p>Continue withhold the personal email address in the CC line and the subject line for email timestamped 10:06am.</p> <p>Continue to withhold subject line and body of email timestamped 10:45am.</p>

			<p>21(c) applies to the body of the email.</p> <p>For email timestamped 2:16pm - 28(1) applies to the subject line; 21(c) applies to the body of the email.</p> <p>For email timestamped 4:33pm - 28(1) applies to the subject line; 21(c) applies to the body of the email.</p> <p>For email timestamped 10:14am - 28(1) applies to the subject line; 21(c) applies to the body of the email.</p> <p>For email timestamped 10:17am - 28(1) applies to the subject line.</p> <p>For email timestamped 10:48:00 - 28(1) applies to the subject line.</p>	<p>Continue to withhold subject line and body of email timestamped 2:16pm.</p> <p>Continue to withhold subject line and body of email timestamped 4:33pm.</p> <p>Continue to withhold subject line and body of email timestamped 10:14am.</p> <p>Continue to withhold subject line of email timestamped 10:17am.</p> <p>Continue to withhold subject line of email timestamped 28(1) of LA FOIP.</p>
67a		Disclosed in full.		
67b	Handwritten notes	Non-responsive	Top half of page is non-responsive.	Continue to withhold the top half of the page.

68	Emails	21(c) of LA FOIP	21(c) of LA FOIP applies.	Continue to withhold.
69		Disclosed in full		
70	Letter	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold
71	Handwritten notes	Non-responsive; 21(c) of LA FOIP	Very top of the page in black ink is non-responsive.  21(c) of LA FOIP does not apply.	Continue to withhold the contents of the page in black.  Release the remainder of the page.
72	Emails	21(c); 28(1) of LA FOIP	For email timestamped 7:20pm - 28(1) of LA FOIP applies to personal email addresses in the To field, 28(1) of LA FOIP applies to subject line, 21(c) of LA FOIP does not apply to the body of the email  For email timestamped 8:53pm - 28(1) of LA FOIP applies to the personal email address in the To field, 28(1) of LA FOIP applies to the subject line, 21(c) of LA FOIP does not apply not apply to the body of the email.	Continue to withhold the personal email addresses in the "To" field and the subject line of the email timestamped 7:20pm but release the remainder of the email.  Continue to withhold the personal email addresses in the "To" field and the subject line of email timestamped 8:53pm but release the remainder of the email.  Continue to withhold the personal email addresses in the "To" field and the subject line of email timestamped 2:55pm (June 13 <sup>th</sup> ) but release the remainder of the email.



			<p>For email timestamped 2:55pm (June 13) - 28(1) of LA FOIP applies to the personal email address in the From field, 28(1) of LA FOIP applies to the subject line, 21(c) of LA FOIP does not apply to body of email.</p> <p>For email timestamped 2:58pm - 28(1) of LA FOIP applies to the personal email address in the To field, 28(1) of LA FOIP applies to the subject line, 21(c) of LA FOIP does not apply to body of email.</p> <p>For email timestamped 3:22pm - 28(1) of LA FOIP applies personal email address in the To field, 28(1) of LA FOIP applies to the subject line</p> <p>For email timestamped 10:20am - 28(1)</p>	<p>Continue to withhold the personal email addresses in the "To" field and the subject line of email timestamped 2:58pm but release the remainder of the email.</p> <p>Continue to withhold the personal email addresses in the "To" field and the subject line of email timestamped 3:22pm.</p> <p>Continue to withhold redacted information in email timestamped 10:20am.</p> <p>Continue to withhold the personal email address in the CC field and the subject line of the email timestamped 2:55pm (June 16<sup>th</sup>).</p> <p>Continue to withhold the personal email address in the CC field and the subject line of the email timestamped 2:57pm.</p> <p>Continue to withhold the personal email</p>
--	--	--	--	---

			<p>of LA FOIP applies to the personal email address in the To field, 28(1) of LA FOIP applies to the subject line, 21(c) of LA FOIP applies to the body of the email.</p> <p>For email timestamped 2:55pm (June 16) - 28(1) applies to the personal email address in the CC field, 28(1) of LA FOIP applies to the subject line</p> <p>For email timestamped 2:57pm - 28(1) of LA FOIP applies to the personal email address in the CC field, 28(1) of LA FOIP applies to the subject line</p> <p>For email timestamped 2:59pm - 28(1) of LA FOIP applies to the personal email address in the CC field, 28(1) of LA FOIP</p>	<p>address in the CC field and the subject line of the email timestamped 2:59pm.</p> <p>Continue to withhold the personal email address in the CC field and the subject line of the email timestamped 3:00pm.</p> <p>Continue to withhold the subject line and body of the email timestamped 10:59:00am.</p>
--	--	--	---	--

			<p>applies to the subject line</p> <p>For email timestamped 3:00pm - 28(1) of LA FOIP applies to the personal email address in the CC field, 28(1) of LA FOIP applies to the subject line</p> <p>For email timestamped 10:59:00am - 28(1) of LA FOIP applies to the subject line; 21(c) of LA FOIP applies to the body of the email.</p>	
--	--	--	--	--

**Appendix B – School Division’s Investigation Report**

<b>Page</b>	<b>Paragraph</b>	<b>Exemption(s) applied by school division</b>	<b>IPC Finding(s)</b>	<b>IPC Recommendations</b>
7	32	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
8	34	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
8	41	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
11	60	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
12	65	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
13	71	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
20	104	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
21	111	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
22	114	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
23	119	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
23	120	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
23	122	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
24	123	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
24	124	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.

24	125	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
24	126	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
25	128	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
25	129	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
25	130	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
25	131	28(1) of LA FOIP	28(1) of LA FOIP applies to personal information about witness themselves.  28(1) of LA FOIP does not apply to opinion about respondent.	Continue to withhold information about witness themselves.  Release information about opinion about respondent.
26	132	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
26	133	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
26	134	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
26	135	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
26	136	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
26	137	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.

27	139	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
27	141	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
27/28	142	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
28	143	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
28	144	28(1) of LA FOIP	28(1) of LA FOIP does not apply to the first two sentences.  28(1) of LA FOIP applies to the last sentence.	Continue to withhold the last sentence; release remainder.
29	145	28(1) of LA FOIP	28(1) of LA FOIP applies to personal information about witness himself.  28(1) of LA FOIP does not apply to opinion about respondent.	Continue to withhold information about witness themselves.  Release information about opinion about respondent.
29	146	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
30	148	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
30	152	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
30	153	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.

30	154	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
32	161a	28(1) of LA FOIP	28(1) of LA FOIP applies.	Continue to withhold.
33	166a	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.
35	170a	28(1) of LA FOIP	28(1) of LA FOIP does not apply.	Release.