



REVIEW REPORT 035-2026 – Part I

University of Saskatchewan

March 3, 2026

Summary:

The University of Saskatchewan (U of S) requested that the Commissioner discontinue OIPC review of file number 118-2025, on the grounds that the Applicant’s request was not an “application” pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*. U of S cited section 5 (right of access to records in the possession or control of a local authority), section 6(1) (application for access to records made in the prescribed form and with sufficient particularity to identify record) of *LA FOIP* and section 4 (prescribed application for access to records) of *The Local Authority Freedom of Information and Protection of Privacy Regulations* in support of the application to discontinue.

The Office of the Saskatchewan Information and Privacy Commissioner (OIPC) provided notice that this preliminary application on the part of U of S would be considered as Part I of a possible further investigation involving file number 118-2025.

The Commissioner concluded that the U of S fully released the totality of the Applicant’s employee file. As such, the Applicant’s access request was fulfilled. Should the Applicant wish to access additional records over and above the contents of the employee file, a separate access request may be made to the U of S. As a result, the Applicant’s request that OIPC review the U of S handling of their request is now discontinued and there is no further action to be taken.

I BACKGROUND

[1] On April 10, 2025, the Applicant emailed the Senior Strategic Business Advisor, Human Resources (Senior HR Advisor) at the University of Saskatchewan (U of S) requesting certain records:

I am writing to formally request a complete copy of my employee file. Due to my restrictions, I am unable to view in person as outlined on the university website and therefore require my file be sent to me either electronically or a paper copy by mail. I am happy to pay the cost of printing and mailing...

I appreciate HR's timely completion of this request.

[2] The Applicant attached a signed note from a medical practitioner requesting the provision of a paper copy of the file.

[3] On April 22, 2025, the Senior HR Advisor confirmed receipt of the Applicant's request. The Senior HR Advisor noted that they were working in conjunction with the U of S Privacy Office and would respond as soon as possible. On the same day, the Applicant responded to the Senior HR Advisor stating:

Thank you for your response and confirming that my request has been received. Under LA FOIP, a response with access to my records is required within 30 calendar days of the original request, which I submitted on April 10. That would place the deadline at May 10. Please let me know if you anticipate any issues meeting that timeline.

[4] On May 12, 2025, the Applicant emailed the Senior HR Advisor to follow up with the status of their request. The same day the Senior HR Advisor responded that the Applicant should expect to receive the documents that same week since the request was being designated as an informal request. The Applicant immediately responded to the Senior HR Advisor stating:

I just wanted to follow up and clarify that when I submitted my request, I clearly stated it was a formal. As you're likely aware, an email is sufficient under LA FOIP as long as its in writing, identifies the records, and includes the requesters contact information. My request met all criteria.

If the records aren't ready today, I should be receiving appropriate documentation in line with the university's obligations under the Act.

[5] On May 12, 2025, the U of S Privacy Officer responded by email to the Applicant stating that:

...Although it was a request for information in writing, we do not consider it a formal request triggering deadlines. Not every written request received by the university can be considered or treated as a formal request under *The Local Authority Freedom of Information and Protection of Privacy Act*. In any event, the records are not ready for disclosure and we'd be extending the time to respond an additional 30 days pursuant to section 12(1)(a) and (b) of *The Local Authority Freedom of Information and Protection of Privacy Act*. As I'm sure you're aware, you have the right to request a review of our decision within one year of this notice.

[6] On May 13, 2025, the Applicant responded to the Privacy Officer disputing the legal nature of the request:

On April 10, I sent a message to Human Resources [name of Senior HR Advisor]¹ explicitly stating that I was "formally requesting a complete copy of my employee file." I identified the records requested... This request met the legal threshold for a formal request under section 6(1) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*

- On April 22, HR acknowledged receipt of my request and confirmed they were working with the privacy office. That same day, I responded and referenced LA FOIP Act, noting that a response was required within 30 calendar days—by May 10. I received no reply to that message.

- On May 12, I followed up again, as I should have received my file by that date. (Since May 10 fell on a Saturday, May 12 was the next business day.) HR responded that my request had been treated as informal and that I should receive documents later that week.

- After I reiterated that my request was explicitly formal and met all relevant criteria under LA FOIP, I received your message stating that not all employee file requests are treated as formal under the Act. You explained that my request had been treated informally, but that the university would now be invoking section 12(1)(a) and (b) to extend the timeline by an additional 30 days. I could appeal this if I choose within a year.

To summarize, my April 10 request met the requirements for a formal request under LA FOIP. The university chose to treat it as informal, and I was not informed of this. After I followed up on the deadline for disclosure, the university stated that the request was informal but is now retroactively treating it as formal and invoking section 12 to extend the timeline.

...

¹ The use of square brackets in this Report are OIPC amendments to preserve the identity of the Applicant and U of S employees.

[7] On May 14, 2025, the U of S Privacy Officer responded to the Applicant fully releasing a copy of their “central HR personnel file” totaling 18 pages. This message accompanied the documents:

Your initial request(s) made no indication that the request was being made pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act*. Therefore, it was treated informally but with the intention to give you access to the records you have a right to access.

...The first indication that this was a request pursuant to LA FOIP was April 22. If we were to consider it formal, it would be from that date and our deadline for a response would be May 22. We are still within the timelines.

...

[8] On May 28, 2025, the Applicant emailed the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) requesting a review of the handling of the request by U of S.

[9] On September 12, 2025, this office notified U of S that we had received a request for review from the Applicant and sought additional information. OIPC requested a copy of the Applicant’s original access request and a copy of their receipt indicating the payment of the \$20 application fee. On September 15, 2025, U of S responded advising that the Applicant did not submit an access to information request and their email made no reference to *LA FOIP*. U of S also noted that the Applicant did not pay the \$20 application fee.

[10] In communications with this office, the Applicant indicated that they also wished a review of the U of S search efforts to locate records responsive to their request and the issue of the extension of the 30-day response period. On December 4, 2025, the Applicant confirmed that they believed the following records existed and were not provided by the U of S in its fulfillment of the access request:

1. Records containing accommodation attempts through Arc Health such as, but not limited to:
 - a. Correspondence between Arc Health and the U of S.

- b. The U of S email to Arc Heath containing decision to close accommodation request.
2. Records related to potential Leave of Absence.
3. Records related to Long Term Disability application.
4. Records related to vacation time and pay out.
5. Records containing all communications with [name of Senior HR Advisor] relating to issues with employment at the U of S and attempts to resolve issues of employment prior to resignation.
6. Communication between [name of Senior HR Advisor] and union regarding FTE.

[11] On December 5, 2025, OIPC shared this list with U of S, stating that the Applicant requested a review of the U of S search efforts. U of S indicated that these items do not form part of the central HR personnel file. Central HR personnel files typically contain letters of offer, personal information forms, job information (change) forms, pension and benefits forms. They do not contain health records or records related to short- or long-term disability or communications in that regard. U of S proposed that this matter could be informally resolved if the Applicant would submit a separate access to information request for these items.

[12] On December 8, 2025, OIPC emailed the Applicant that U of S suggested this matter could be informally resolved if the Applicant made a request for the specific list of items. The Applicant responded the same day advising that they would like to proceed with the review and this office notified both parties that a review would occur.

[13] On January 21, 2026, U of S submitted a preliminary application for a discontinuance on the grounds that the Applicant's request was not an "application" pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*,² citing sections 5 and 6 of *LA FOIP* and section 4 of *The Local Authority Freedom of Information*

² [*The Local Authority Freedom of Information and Protection of Privacy Act*](#), SS 1990-91, c. L-27.1, as amended.

and Protection of Privacy Regulations (LA FOIP Regulations).³ U of S provided this office with argument on January 21, 2026, and also provided consent to share the submission with the Applicant.

[14] On January 27, 2026, OIPC notified both parties that this request would be considered as a preliminary application by this office. OIPC shared the U of S submission with the Applicant and invited a submission in response. The parties were notified that if the application from U of S was deemed to be granted, this matter will be complete and the Applicant's request for a further review would be closed. If the application was dismissed, then the review would proceed. The Applicant provided OIPC a submission on February 8, 2026.

II ANALYSIS

1. Jurisdiction

[15] U of S is a "local authority" pursuant to section 2(1)(f)(xi) of *LA FOIP*. Therefore, OIPC has jurisdiction to consider this request to discontinue this review under PART VI of *LA FOIP*.

2. Should the preliminary application from U of S be granted?

[16] As previously noted, this preliminary application from U of S takes the position that the Applicant's request did not qualify as an application under *LA FOIP*, specifically sections 5 and 6 of *LA FOIP* and section 4 of *LA FOIP Regulations*:

LA FOIP

Right of access

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

³ [*The Local Authority Freedom of Information and Protection of Privacy Regulations*](#), c. L-27.1 Reg 1 (July 1, 1993), as amended.

Application

6(1) An applicant shall:

- (a) make the application in the prescribed form to the local authority in which the record containing the information is kept; and
- (b) specify the subject matter of the record requested with sufficient particularity as to time, place and event to enable an individual familiar with the subject-matter to identify the record.

LA FOIP Regulations

Applications

4 For the purposes of clause 6(1)(a) of the Act, Form A of Part III of the Appendix is the form prescribed for applications for access to records.

[17] U of S noted that previous OIPC reports and section 2-26 of *The Legislation Act*⁴ recognize that the mandatory use of the prescribed form may be deviated from provided that the salient aspects of the request are included in the material that is submitted.⁵ Section 2-26 of *The Legislation Act* states as follows:

Deviations from required form

2-26 If an enactment requires the use of a specified form, deviations from the form do not invalidate a form used if:

- (a) the deviations do not affect the substance;
- (b) the deviations are not likely to mislead; and
- (c) the form used is organized in the same way or substantially the same way as the form the use of which is required.

[18] In its submission, U of S identified several deviations from the prescribed form on the part of the Applicant. The omissions included the fact that the Applicant did not provide:

⁴ [The Legislation Act](#), SS 2019, c. L-10.2, as amended.

⁵ [Mitchell v. Canada](#) (C.A.), 2002 FCA 407, [2003] 2 FC 777 at paragraphs [30] to [46]. In this case it was found that a letter sent by counsel to Canada Revenue contained an intention to waive and was sent in place of the prescribed form. It therefore constituted a valid waiver.

- The required contact information such as: an address, city, province, postal code, phone or fax number;
- The Applicant did not specify a time period for the request;
- The Applicant did not provide the mandatory \$20 application fee or a request a waiver of that fee.
- More importantly, the Applicant's original email did not include any indication that the request was being made pursuant to *LA FOIP*.⁶

[19] The U of S website addresses *LA FOIP* access requests and stipulates that there is a \$20 application fee for access to information requests and that the fee may be waived for personal information requests.⁷

[20] Section 5(1) of *LA FOIP Regulations* provides that “an application fee of \$20 is payable at the time an application for access to a record is made.” This office has previously stated that a local authority is not required to process an access request made under *LA FOIP* until the fee has been paid.⁸ An Applicant must still request a waiver of the \$20 application fee when the access request involves their own personal information.⁹ However, the local authority head always retains the discretion whether or not to waive the application fee.¹⁰

⁶ OIPC [Review Report 223-2018](#) considered whether an applicant's written letter outlining privacy concerns and requesting specific information related to those concerns qualified as an access to information request under *LA FOIP*. A finding was made at paragraphs [13] and [14] of that report that the Applicant's letter never clearly stated that they intended to make a request for access in accordance with *LA FOIP*. Consequently, it was found that the Applicant's letter to the R.M. was not an application as per section 6(1) of *LA FOIP*.

⁷ U of S website, [Access to Information and Privacy](#) webpage.

⁸ OIPC [Review Report 315-2023](#) at paragraphs [30] to [36].

⁹ Section 8(1)(a) of *LA FOIP Regulations* provides a local authority with the discretion to waive all or part of the \$20 application fee if the application involves the Applicant's own personal information. However, even if the access request involves the Applicant's own personal information, it is still in the discretion of the head of the local authority to refuse to waive the application fee and this must follow a request submitted on the part of an Applicant.

¹⁰ OIPC [Review Report 231-2025](#) at paragraphs [18] to [20], [26] to [28] and [30].

- [21] In this case the U of S fully released the records responsive to the Applicant's request and did not receive a request for a waiver of the \$20 application fee and did not require its payment. In our view this request was fulfilled. As such, the determination of whether a formal access to information request was made is moot in the circumstances.
- [22] While the Applicant identified to this office records that they believed to be missing from their request, the nature and the scope of the original request was never clarified with the U of S at any time. The request in the April 10, 2026 email was simply for "a complete copy of my employee file". The U of S noted in its submission that the request was sent to the Senior HR Advisor who reasonably understood this request to mean a copy of the Applicant's central HR employee file.
- [23] The U of S explained that the records the Applicant now claims to be missing are not the sort of records that are typically included in an employee file. These records may exist in other departmental areas of the University or they may be in the possession of third-party affiliate organizations. As an example, the U of S also noted that "much of the information the Applicant believes should be on the HR employee file was disclosed (in part) in response to [a] separate request to the Department of Psychology...".
- [24] In situations where an Applicant believes there are additional relevant and responsive records, the issue should be addressed with the local authority in a spirit of mutual cooperation prior to a request for a review from OIPC.
- [25] In conclusion, since the Applicant's request for their employee file was fulfilled by U of S, this application for discontinuance is granted. Should the Applicant wish to access additional records that are separate and apart from their employee file, they may submit a further access request to U of S for those records.
- [26] Should the Applicant wish to submit a formal access to information request under *LA FOIP* to U of S for further records, the Applicant is encouraged to do so using the prescribed access to information request form while working with the U of S to narrow the scope of the request and upon payment of the application fee or by requesting a waiver of the fee.

III CONCLUSION

[27] As U of S fully released the Applicant's employee file, this request has been fulfilled. As a result, the Applicant's request that OIPC review the handling of their request by U of S is now discontinued as there is no further action to be taken.

Dated at Regina, in the Province of Saskatchewan, this 3rd day of March, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner