



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 044-2025

Rural Municipality of Reford No. 379

August 26, 2025

Summary:

The Applicant submitted an access to information request to the Rural Municipality of Reford No. 379 (RM) for records, including road reports. The RM responded by providing the Applicant access to some of the records. However, it indicated that road reports sought by the Applicant from the time period dated December 19, 2022 to March 30, 2023 did not exist. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner.

In the course of reviewing the Applicant's submissions, it was discovered that the Applicant had supplied OIPC with five documents dated January/February 2023 that they claimed the RM was refusing them or for which the RM had not conducted a proper search. The Commissioner recommended the RM take no further action as the review pursuant to section 39(2)(b) of *The Local Authority Freedom of Information and Protection of Privacy Act* was discontinued because it was brought in bad faith.

I BACKGROUND

[1] On October 16, 2024, the Rural Municipality of Reford No. 379 (RM) received the following access to information request along with the Applicant's \$20.00 application fee:

- **Invoices** to match the following cheques to [Name of Employee 1] for "mileage": #16545, dated 2022-12-30 - \$528.00; #16583, dated 2023-01-12 - \$1,029.60; #16587, dated 2023-01-27 - \$396.00; #16614, dated 2023-02-16 - \$712.80; #16628, dated 2023-02-28 - \$792.00

- **Timesheets** for [Name of Employee 1] from December 19th, 2022 to March 30, 2023

- **Road reports** from December 19, 2022 to March 30, 2023 for [Name of Employee 1]¹

- [2] In a letter dated December 12, 2024, post dated December 17, 2024, the RM responded to the Applicant's access request. The RM provided the Applicant access to some of the records requested. However, the RM explained that "Road reports from December 19, 2022 to March 30, 2023 for [Name of Employee 1]" did not exist.
- [3] In an email dated December 27, 2024, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC). The Applicant raised two concerns. First, they asserted they had not received the March 2023 timesheet. They had only received the timesheets from December 2022 to February 2023.
- [4] Second, they insisted that the road reports from December 19, 2022 to March 30, 2023 must exist contrary to the RM's claim. They explained:

In their Section 7 decision they advise that "Road reports from December 19, 2022 to March 30, 2023 for [Name of Employee 1]" do not exist in the Rural Municipality of Reford. These road reports are necessary for the employees to submit to the RM for insurance purposes. These are basically maps of the RM that the employees mark out which roads they were working on each day in case there is an incident. It enables the Administrator to look up which employee was working on which road on a certain day. (Example: Ratepayer A driving grid road #4 gets side-swiped by a grader on Month B, Day 2 - CAO checks these road reports and can see whether an operator was on that grid on the date / month Ratepayer A claims, and which employee was working there.) The employees must turn in their reports with their time sheets in order for the CAO to process their pay cheques.

The fact that the RM can provide timesheets, and [Name of Employee 1] was paid mileage (evidenced by his timesheets and the financials), indicates that there must have been road reports turned in. For these reasons, I request a second search be conducted for the road reports.

- [5] The Applicant also provided a copy of a road report completed by Employee 1 in January 2023. The Applicant pointed out to OIPC that the back of the road report says, "This map *must* be returned to the office *with* your Monthly Time Sheet in order to process your

¹ OIPC redacts the names of third parties unconnected to this matter.

cheque.” The Applicant later revealed that he already had in his possession five road reports in the name of Employee 1 during the timeframe of the access request as well as 11 other road reports from a similar time span in the name of another employee.

- [6] On March 19, 2025, OIPC sought details of the RM’s efforts to search for the road reports as part of OIPC’s early resolution efforts. In response, the RM explained it keeps road reports longer than payroll records. It said:

As for records [road reports] not in the possession of the RM, the RM confirms it does not have such records. In preparation for the 2023 financial audit, the Administrator removed all the ‘road reports’ from the payroll records and grouped the reports [maps] together. As such records need to be retained for a longer period than payroll records according to records retention guide (refer to OIPC file #275-2024).

- [7] Then on April 4, 2025, the RM duly provided the Applicant with a copy of the March/April 2023 timesheet, which resolved the first of the Applicant’s concerns and no longer forms a part of this review.

- [8] On April 17, 2025, OIPC notified both the RM and Applicant that this office would be undertaking a review. In the notice to the RM, OIPC requested a focussed submission on the RM’s search efforts and an explanation as to what happened to the road reports when they were “removed from the payroll records.”

- [9] On April 22, 2025, the RM provided its submission to OIPC. The RM consented to OIPC sharing its submission with the Applicant and on May 21, 2025, OIPC shared the RM’s submission with the Applicant. The Applicant was not satisfied. Therefore, OIPC continued with its review.

- [10] On May 20, 2025, the Applicant provided their submission to OIPC.

II RECORDS AT ISSUE

- [11] At issue was the RM’s efforts to search for records. As such, there are no records at issue.

III DISCUSSION OF THE ISSUES

1. Does OIPC have jurisdiction?

[12] The RM is a “local authority” pursuant to section 2(1)(f)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.² OIPC has jurisdiction and is undertaking a review of this matter pursuant to PART VI of *LA FOIP*.

2. Did the RM conduct a reasonable search for responsive records?

[13] Section 5 of *LA FOIP* provides an applicant with a right of access to records in the possession or control of a local authority. It states:

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.

[14] Section 5.1(1) of *LA FOIP* imposes the duty on local authorities to respond to access requests openly, accurately and completely:

5.1(1) Subject to this Act and the regulations, a local authority shall respond to a written request for access openly, accurately and completely.

[15] When an applicant requests a review where the local authority has indicated that “no records exist,” OIPC reviews whether the local authority has conducted a reasonable search. A “reasonable search” is one where an employee, experienced in the subject matter, expends a reasonable effort to locate records that are reasonably related to the request. A reasonable effort is the level of effort you would expect of any fair, sensible person searching areas where records are likely to be stored. What is reasonable depends on the request and related circumstances.³

² *The Local Authority Freedom of Information and Protection of Privacy Act*, S.S. 1990-91, c. L-27.1, as amended.

³ OIPC [Review Report 275-2024](#) at paragraph [13].

- [16] In [Review Report 275-2024](#), OIPC noted that, in the past, it had provided guidance to the RM with respect to what constitutes a reasonable search and what efforts may be taken in that regard.⁴ In that report, OIPC urged the RM to use a [Responsive Records Search Checklist](#) to document its efforts to locate responsive records. This is because such documentation would be helpful in a review of its search efforts. The RM still did not expand upon its efforts, so this office was left with no other conclusion that a reasonable search for records had not been conducted in an open, accurate and complete fashion.
- [17] In this review, the RM provided two *Responsive Records Search Checklists*. The first checklist noted that its Access Coordinator was responsible for overseeing the search. The checklist is dated October 28, 2024, which indicates that the RM conducted this search soon after it had received the access request. The RM described its search efforts as follows:

8. Paper records	Date completed: October 28, 2024
List of files/folders/drawers searched: Archive Storage Room: Payroll Records 2022 & 2023; Archive Storage Room: Accounts Payable (shannon boxes): CK#16429-16563 Sept-Dec 2022, CK#16654-16690 Jan-Apr, 2023; File Room: Road Reports - Fourth shelf.	
Time taken to search: 60 minutes	Number of records/pages located: 1/6
9. Outside Storage	Date completed: October 28, 2024
List of files/folders/drawers searched: RM Maintenance Shop & Office: Desk/drawers, counters, file cabinets searched for Road Reports.	
Time taken to search: 45 minutes	
Number of records/pages located: 0	

- [18] The second checklist also noted that the RM's Access Coordinator was responsible for overseeing the search for records. It is dated March 24, 2025, which indicates that the RM conducted this search during the intake stage of OIPC's review process. The RM described its search efforts as follows:

8. Paper records	Date completed: March 24, 2025
List of files/folders/drawers searched: Archive Storage Room: Payroll Records 2023.	
Time taken to search: 10 minutes	Number of records/pages located: 1/2

⁴ Also see OIPC [Review Report 336-2023](#) and OIPC [Review Report 071-2024](#) referenced at paragraph [21] OIPC [Review Report 275-2024](#).

[19] The second search for records during the intake review process resulted in the RM locating the missing timesheet, as detailed in the background of this Report.

[20] The RM's searches did not result in locating any of the road reports for Employee 1 as sought by the Applicant. In its submission, the RM explained where it stored road reports and speculated on the reasons for the lack of success in finding responsive records:

The "road reports" are currently stored on a shelf in the front office storage room.

...

The "Road reports" the Applicant refers to are maps. The timeframe cited by the Applicant coincides with the winter season, during which it is not the RM's standard practice to create or retain "Road reports" for snowplowing activities.

...

In considering factors, it cannot be ruled out that, if such records ever did exist, they may have been inadvertently discarded by maintenance staff unaware of their potential relevance.

It is important to note that the Applicant is a former employee whose employment was previously terminated, November 2022, by the former council and later reinstated by the Ministry of Labour Standards. The Applicant subsequently resumed work from November, 2023 until February 13, 2024, at which time the Applicant commenced a ... leave.

Moreover, the RM is concerned that the Applicant's prior access to municipal premises and materials may have impacted the availability or status of any such documents, had they ever existed.

Accordingly, the RM respectfully submits that it has exercised due diligence in its search and has taken all reasonable steps to locate the requested records. Based on all available information, the RM steadfastly concludes that the requested records do not exist.

[Emphasis added]

[21] In the course of this review, OIPC sought clarification from the RM regarding how road reports are stored. For example, on its checklist, the RM noted that it searched the fourth shelf of the "file room." However, in its submission, the RM said the road reports are stored in the "front office storage room".

[22] The RM responded by explaining how the file room is the same as the front office storage room. It also explained that road reports are not necessarily stored solely on the “fourth shelf” as noted on the checklist. It said the “location of where they’re stored within the room may have changed as we’re working through files/documents”.

[23] The RM provided photos of its file room (or its front office storage room), including a photo of how the road reports are “loosely filed”. It said:

Currently the road reports are loosely filed, placed on available shelf space in the front storage room/file room.

[24] The Applicant’s submission to this office contained a detailed explanation as to why the documents should exist and be in the hands of the RM. We have chosen not to reproduce that submission in its entirety here. Surprisingly, the Applicant’s submission also contained copies of five road reports in the name of Employee 1, all of which were dated between January 2023 and February 2023 – from the very period that the RM indicated it could not find and which the Applicant strongly submitted that the RM was intentionally keeping from them. Upon close inspection, all the road reports in the Applicant’s possession appear to be the original version of the road reports as the ink from the front of the road reports bleeds to the back of the document on many instances. This would not be the case with a copy.

[25] The prime objective of *LA FOIP* is to provide individuals with a right of access to records in the possession or control of a local authority so that local authorities do not function under a hidden veil of secrecy. The public has a right to know how a local authority is acting on their behalf, subject of course, to the legal exemptions that are fully laid out in *LA FOIP*.⁵ In this case, the OIPC review revealed that the Applicant has in their possession

⁵ The purposes of *LA FOIP* and *The Freedom of Information and Protection of Privacy Act* are to: 1) give the public a right of access to records; 2) give individuals a right of access to, and a right to request corrections of, personal information about themselves; 3) specify limited exceptions to the right of access; 4) prevent the unauthorized collection, use or disclosure of personal information by public bodies; and 5) provide for an independent review of decisions made under *LA FOIP*. See OIPC [Review Report 2004-003](#) at paragraphs [10] to [11].

copies of road reports that they accuse the RM of keeping from them. Even though the focus of this review was originally to be on the quality of the search conducted by the RM, there is a preliminary matter to consider.

[26] The reports in the Applicant's possession indicate that they may not be *all* of the reports from the time period as specified in the access request – but they constitute a significant number. At this stage in the analysis, this office has to question the Applicant's motive in filing this access request for information and the subsequent request for review. Unfortunately, we come to the conclusion that the Applicant's objective may not be to access records pursuant to the full spirit of the guiding legislation. That is to say, while this office cannot speculate with any certainty on the Applicant's motives, we are certain that those motives are outside the jurisdiction that is provided to members of the public by *LA FOIP*. This office cannot allow itself to be drawn into the machinations of an Applicant that is not willing to abide by the principles and spirit of the law with respect to an access request. The principles of the law were explained by Justice Cromwell writing for the majority of the Supreme Court of Canada in *Merck Frosst Canada Ltd. v. Canada (Health)*.⁶

[22] ...the overarching purpose of the Act is to facilitate democracy and that it does this in two ways: by helping to ensure that citizens have the information required to participate meaningfully in the democratic process and that politicians and officials may be held meaningfully to account to the public.

[27] On August 12, 2025, this office invited the Applicant to respond to the issue of the access request and the motivation behind it seeing that they were already in possession of several of the documents that they alleged were being kept from them. On August 20, 2025, the Applicant responded to this request with a submission that simply re-iterated the same arguments already made in their earlier submission. In this response, the Applicant focused

⁶ [*Merck Frosst Canada Ltd. v. Canada \(Health\)*, 2012 SCC 3, \[2012\] 1 SCR 23](#). In this case the Supreme Court was asked to review an access request for information that had been provided to the federal government by a manufacturer as part of the drug approval process. The requisite statute at the centre of that case was the federal *Access to Information Act*, RSC 1985, c.A-1, as amended. However, Justice Cromwell's words apply liberally to all access to information legislation across Canada.

on why they were certain the records existed. They did not provide a submission that was persuasive or that addressed what should have been the objective as outlined by Justice Cromwell above. The Applicant conceded that they had been terminated from employment with the RM on November of 2022 and re-instated on November of 2023. The Applicant further conceded that they possessed five reports from the very time-period that they had been absent from the RM's premises because of the job termination. Those five reports spanned from January 2023 to February 2023 and were with respect to Employee 1 – the only employee to be singled out in the access request. The RM has alleged that the road reports were stored in the back storage room until they were moved in 2023 during a financial audit to the front storage room/file room. At all times the road reports were kept onsite. The Applicant also conceded that they had in their possession road reports for another employee during the time span of February to April 2023. These were also produced and shelved when the Applicant was no longer employed by the RM but theoretically should have been onsite when the Applicant was re-instated in November of 2023. This office took note of the fact that the Applicant provided a copy of an email from the RM dated February 16, 2024, where at that time the RM was still actively attempting to retrieve the RM's keys from the Applicant's possession.⁷

[28] In its August 20, 2025 submission, the Applicant noted that the road reports “were typically created in duplicate: one copy retained by the operator and one maintained in the RM office. Even if an operator's personal copy was inadvertently misplaced or discarded, the office copy would remain within the RM's care and control.” The Applicant has not explained how they came into possession of these reports which is curious because the road reports involve work done by other people and on one side of the road report the following is indicated: “This map must be returned to the office with your Monthly Time Sheet in order to process your cheque.”

⁷ OIPC notes that the Applicant claims that after their termination in 2022, Council immediately changed all building locks. There is no dispute that the Applicant was re-instated in November 2023 and by February 2024, while on leave, the RM was still trying to get the keys to the premises back. Logic dictates that access to the RM premises was granted to the Applicant upon re-instatement.

[29] In this instance, it would seem that the access request was launched when the Applicant was already in possession of several of the documents requested. The Applicant is not satisfied with the local authority's response that it either does not have the documents or cannot find them and has gone to lengths to draw attention to the "serious administrative shortfalls within the RM of Reford." It *appears* that the Applicant is asking for documents that they already knew did not exist on the RM premises. Further, it would seem that the Applicant is engaged in a game of "cat and mouse" with the RM which is not one of the goals of *LA FOIP*.

[30] *LA FOIP* allows the Commissioner to discontinue a review on the grounds that it is either frivolous/vexatious or not made in good faith. The relevant section is below:

Review or refusal to review

39(2) The commissioner may refuse to conduct a review or may discontinue a review if, in the opinion of the commissioner, the application for the review:

- (a) is frivolous or vexatious;
- ...
- (b) is not made in good faith; or
- (c) concerns a trivial matter.

[31] While there is some overlap between the concepts in section 39(2)(a) and (b) of *LA FOIP*, prior rulings by other Information and Privacy Commissioner offices across Canada outline that the purpose behind a request is often illustrated more by the Applicant's actions rather than their words. And in many cases, the exact purpose of the request is not easily discernable, but what is clear is that the spirit and the purpose of the legislation is not the prime motivation behind the request:⁸

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

⁸ *Re Regional Municipality of Niagara*, [Order MO-1782](#) (April 23, 2004).

[32] No “pattern of conduct” is required where bad faith has been established. The Ontario Information and Privacy Commissioner has adopted the definition of “bad faith” from *Black’s Law Dictionary* (6th edition) to include: “The opposite of “good faith”, generally implying or involving actual or constructive fraud, *or a design to mislead or deceive another ...*”. There will be a finding that this request for review was not brought pursuant to the intended purpose of *LA FOIP* and as such, was brought in bad faith. This office will not tolerate an abuse of the right of access. Applicants must engage the access provisions of *LA FOIP* in a way that is aligned with the principles and objects of the legislation and must bring access requests and requests for review in the spirit of good faith.⁹

[33] This review is the 18th review the OIPC has conducted on the basis of 15 access requests submitted by the Applicant to the RM since 2023. This Report is the 9th review report issued by this office on these reviews. The Applicant is well-aware of the principles and objects of *LA FOIP*.

IV FINDINGS

[34] OIPC has jurisdiction and is undertaking a review of this matter pursuant to PART VI of *LA FOIP*.

[35] There is a finding that this request for review was not brought according to the intended purpose of *LA FOIP* and as such, was brought in bad faith and must be discontinued.

V RECOMMENDATION

[36] There is a recommendation that the RM take no further action as this review has been discontinued pursuant to section 39(2)(b) of *LA FOIP*.

⁹ *Re Town of Midland*, [Order M-850](#) (October 24, 1996). See also OIPC [Disregard Decision 254-2021, 255-2021, 256-2021, 257-2021, 258-2021, 259-2021, 260-2021](#) (November 10, 2021) at paragraph [28].

Dated at Regina, in the Province of Saskatchewan, this 26th day of August, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner