



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 048-2025

Town of Lafleche

July 16, 2025

Summary:

The Town of Lafleche (Town) received an access to information request under *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The Applicant was dissatisfied with the Town's section 7 decision letter because it was outside the required timeline, and it claimed that certain requested records did not exist. Consequently, the Applicant asked the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) for a review.

The Commissioner made the following findings/recommendations:

(1) The Town did not properly respond pursuant to sections 7 and 9 of LA FOIP. The Commissioner recommended that the Town develop policies and procedures that will assist with compliance in meeting the requirements of these two sections of the Act.

(2) The Town's search for records was reasonable and no further action was required when there were no records to be found.

(3) Of the 11 released pages, pages 1, 2, 3, and 9 should be released since they would be available for public inspection pursuant to section 117(1) of *The Municipalities Act* and copies should be provided to the Applicant on this basis. Section 28(1) LA FOIP was found to apply to portions of pages 4 and 5 and to pages 6,7,8,10 and 11 in full. It was further recommended that where release was proposed, the Town do so within 30 days of the issuance of this Report.

I BACKGROUND

[1] On January 27, 2025, the Applicant emailed the Town of Lafleche (Town) as follows:

I called and asked about Freedom of information forms & was told I could either get them from a Gov. website or I could email you the information I'm looking for & you would give me the information if not private. You would inform me if unable to provide certain information.

I am looking for a list of information to help me in court against our last mayor [name withheld]¹ as [they are] suing us for trying to have [them] held accountable for [their] actions while [they were] our mayor.

1. About 3 years ago was running the town loader & said [they] had permission from the town council. And did council know that our gas line runs directly through the center of our alley where [they were] digging to put in a raw water line across the alley, and [where they] even qualified to run heavy equipment.

2. Any information on conflicts of interest, reprimands, wrong doing that he was accused of. Like mentioning [third party name withheld] during a council meeting during a bi-election, not wanting [them] to win. Or voting to ban [name of Applicant] from the town office even though [they are] suing me. Making the decision to cut off [third party name withheld]'s water when that's not [their] job. Calling Jay's moving to constantly complain about the driver, as the driver was the [relative] of another resident. Information on when [they] installed cameras in the town shop without council or CAO approval or knowledge. ect.

3. A list of apology letters to venders, businesses & people being sent out by our new town council for the problems from the last council & mayor.

4. Information on the purchase of the town's new shop as it should have been done by the CAO, not the mayor who used [their] own Realty company & [their] direct supervisor to facilitate the purchase of the building, & did [name of mayor] receive a commission from the purchase of the shop.

5. A list of all town employee's, CAO's over the last 5 years. As well as the circumstances of the departure being fired, quite or other.

¹ The words in square brackets are OIPC's amendments of the access request to preserve the personal information of persons associated with this request.

6. Any information regarding [name of mayor] misconduct as mayor & how [they] treated the employees as well as how [they] overstepped by directly acting as the town workers direct boss, information on [third party name withheld] lawsuit against the town if it involves [name of mayor].

7. Basically, anything that the town could provide to help us defend ourselves in court against [name of mayor] and their actions.

Please reply to my query in a timely manner of what you may be able to provide and a timeline on time needed to provide it as I need to know for court purposes. Thank you very much. Sorry for adding to your heavy buisness load as I know you are playing catch up as it is.

[2] On January 28, 2025, the Applicant left a telephone message with the Office of the Saskatchewan Information and Privacy Commissioner (OIPC), stating that the Town advised them to contact OIPC. OIPC returned the call on January 30, 2025, wherein the Applicant expressed concerns regarding the Town's response to their access request. That same day, OIPC emailed the Applicant helpful information outlining the access process.

[3] Between February 12 and 27, 2025, OIPC and the Town engaged in several communications by email and telephone with respect to the processing of the access to information request.

[4] On March 4, 2025, the Applicant contacted OIPC indicating, "it has now been over 30 Days" and there was still no response from the Town. Coincidentally, on that same date, the Town issued a section 7 decision.² The Town's section 7 decision letter addressed each of the Applicant's seven requests as follows:

1. If there was a Council motion relating to [name of mayor] running Town of Lafleche equipment, it would be available in the minutes. You are welcome to come in and review the minutes as they are public documents as outlined in Section 3(1) (b).

2. Your request under point two covers off many requests. Any verbal communication is not normally recorded in the minutes. In order to ascertain if

² The Applicant did not receive the Town's section 7 decision until March 6, 2025, but the decision was dated March 4, 2025. It is agreed that March 4, 2025, is the date of issuance on the part of the Town.

there is information, other than in the minutes, will require staff time to research the office files, both hard copy and electronic. It is estimated this would take a minimum of 8 hrs at a rate of \$30/hr or \$240.00. As the office has limited staff, this could take place over a number of days with no assurance that the records exist.

Your reference to telephone calls regarding a moving company should be followed up with the moving company as there are no records that exist in the Town of Lafleche office.

3. There is no record of a "Letter of Apology" regarding the previous Council.

4. Information on the purchase of the Town Shop. This will require staff time to search for records. This is estimated to take at least 4 hrs @\$30.00/hr or \$120.00

5. Any information regarding personnel is considered as third-party information and would require permission from the third party as outlined in Sec 28 (1) of the Act. This would require staff time to research the records, contact the affected parties and follow-up if required. It is estimated that the time to review the files would be 30 minutes at a rate of \$50/hr or 525.00. Preparing the appropriate letters to the former employees to gain consent to disclose the matters in their personnel records would be estimated to take 4 hours at a rate of \$50.00/hr or \$200.00. Cost of materials will be calculated by the number of letters that are required to be sent out. It is estimated there are at least 25 employees that have been hired. Some have left the employ of the Town. The cost of mailing registered letters is \$14.60 per letter. Estimated cost is \$365.00. The cost of material is \$.25 per letter estimated to be \$6.25.

6. [Third party name withheld] lawsuit- No record exists regarding the involvement of [name of former mayor].

7. The Town would need to know what specific records you are looking for. This would require a separate application with an application fee of \$20.00. This is required as there is no way of providing an estimate until the specific items are identified.

[5] On March 10, 2025, the Applicant emailed OIPC to state that they were dissatisfied with the Town's section 7 decision. The Applicant requested a review of the fee estimate provided by the Town, and a review of the claim that certain records did not exist.

[6] Between April 4 and 30, 2025, OIPC attempted an early resolution of this matter. OIPC advised the Town that it appeared to have issued its fee estimate outside the legislated

timeline. OIPC noted that if the town was willing to provide records to the Applicant without a fee, the file could be closed. Efforts to resolve the matter through negotiations failed.

[7] On May 5, 2025, OIPC informed the parties that it would be proceeding with a notice of review which was issued that day. In the notice, OIPC offered the Town an option that if it provided the Applicant with a revised section 7 notice along with relevant records by May 20, 2025, there would be no need for the matter to go to public report. There was an option in the notice which was that upon non-compliance with the earlier option by May 20th, the Town must supply OIPC with redacted and unredacted copies of the records along with an index listing claimed exemptions and any written submissions by June 04, 2025.

[8] By May 20, 2025, it was clear that the Town had chosen the alternative of providing the records, index and submission but by June 4, 2025, OIPC still had not received the documents or a submission. On June 6, 2025, a Notice to Produce records pursuant to section 43 of LA FOIP was issued to the Town. The Town complied with the Notice to Produce on June 16, 2025.

II RECORDS AT ISSUE

[9] This review will address several issues, the first being the state of the Town's compliance with sections 7 and 9 of LA FOIP.

[10] Second, the Town produced 11 pages of records to OIPC in response to the June 6, 2025, Notice to Produce. The Town produced the 11 pages of relevant records but omitted to consider the disclosure status of the pages altogether. The Town confirmed that other than the 11 pages, no other records existed. This review will analyze the search for records and the Town's conclusion thereon.

[11] Finally, this review will consider whether, on the face of the 11 pages of produced records, any mandatory exemptions should apply to justify the withholding of the records, or

portions of the records, to the Applicant. The records were provided without a description, so this office considered them as follows:

Page Number(s)	Description
1 and 3	Council meeting minutes from 2021 and 2024 respectively.
2	Copy of council's Procedure Bylaw.
4	Employee log.
5	Copy of an employee report prepared for town council that includes a reference regarding the nature of this employee's employment.
6 to 8	Copies of four employment personnel notices.
9	Copy of council meeting minutes from 2021 that reference a specific personnel issue.
10 and 11	Copies of two employment personnel notices.

III DISCUSSION OF THE ISSUES

1. Does OIPC Have Jurisdiction?

[12] The Town is a "local authority" pursuant to subsection 2(1)(f)(i) of LA FOIP. OIPC has jurisdiction to conduct this review.

2. The Town's Compliance with Sections 7 and 9 of LA FOIP

a) Section 7 of LA FOIP

[13] This part of the Report highlights several issues relevant to the Town's response notice as mandated by section 7 of LA FOIP.

[14] Section 7 of LA FOIP instructs a local authority with respect to the proper process that is to be followed upon receipt of an access request. Guidance is given on the nature of the response and the appropriate timelines for the issuance of that response in section 7(2) but for the purposes of this analysis we provide the entire section below:

7(1) Where an application is made pursuant to this Act for access to a record, the head of the local authority to which the application is made shall:

(a) consider the application and give written notice to the applicant of the head's decision with respect to the application in accordance with subsection (2); or

(b) transfer the application to another local authority or to a government institution in accordance with section 11.

(2) The head shall give written notice to the applicant within 30 days after the application is made:

(a) stating that access to the record or part of it will be given on payment of the prescribed fee and setting out the place where, or manner in which, access will be available;

(b) if the record requested is published, referring the applicant to the publication;

(c) if the record is to be published within 90 days, informing the applicant of that fact and of the approximate date of publication;

(d) stating that access is refused, setting out the reason for the refusal and identifying the specific provision of this Act on which the refusal is based;

(e) stating that access is refused for the reason that the record does not exist; or

(f) stating that confirmation or denial of the existence of the record is refused pursuant to subsection (4); or

(g) stating that the request has been disregarded pursuant to section 45.1 and setting out the reason for which the request was disregarded.

(3) A notice given pursuant to subsection (2) is to state that the applicant may request a review by the commissioner within one year after the notice is given.

(4) If an application is made with respect to a record that is exempt from access pursuant to section 15, 16, 21, or 22 or subsection 29(1), the head may refuse to confirm or deny that the record exists or ever did exist.

(5) A head who fails to give notice pursuant to subsection (2) is deemed to have given notice, on the last day of the period set out in that subsection, of a decision to refuse to give access to the record.

[15] Pursuant to the requirements of section 7(2) of LA FOIP, the Town would have had to respond to the Applicant by February 26, 2025, to meet the 30-day response requirement.³ The Town's section 7 decision was dated March 4, 2024, thus the Town response was six days late and outside the requirements of the legislation.

[16] The second issue concerns the Town's fee *estimate*, which the Town applied to three items from the Applicant's access request. The calculation of the Town's fee will be discussed further in the section 9 LA FOIP analysis of this report. We must stress at this phase of the section 7 LA FOIP analysis that the legislation clearly instructs that only a *final* fee calculation should be included in a section 7 decision letter – never a fee estimate.⁴

[17] Finally, the Town's section 7 decision letter was deficient in that LA FOIP requires all section 7 letters to clearly cite the statutory sections of LA FOIP in combination with the Applicant's statutory rights in the following ways:

- The Applicant should be informed of their right to request OIPC to conduct a review within one year after the giving of the notice letter, citing section 7(3) of LA FOIP;
- The Applicant should be informed of their right to view publicly available records online, such as council meeting minutes, citing section 7(2)(b) of LA FOIP;⁵ and

³ The rules for calculating time are set out at section 2-26 of [The Legislation Act](#), which OIPC recently considered in [Review Report 057-2025](#) at paragraph [16].

⁴ A final fee is the amount calculated after a local authority has searched for and located records and prepared them for disclosure. The Applicant is required to pay the balance owing prior to being given the records.

⁵ Section 117(1)(d) of [The Municipalities Act](#) also requires a municipality's meeting minutes to be available for inspection during regular office hours.

- The Applicant should be informed that no records exist in relation to an initial search for records, citing section 7(2)(e) of LA FOIP.

[18] A local authority is *required* to respond to an access request. This response must include the provision of any reasons for access denial, in accordance with section 7(2) of LA FOIP. Based on the Town's late and inadequate response, there will be a finding that the Town did not meet the requirements set out by section 7 of LA FOIP. In the future, the Town must meet the requirements of section 7 in its decision letters, including citing the proper sections of LA FOIP.⁶

b) Interaction of Sections 7 and 9 of LA FOIP

[19] A prescribed fee quote must be provided to an Applicant in accordance with section 9 of LA FOIP:

9(1) An applicant who is given notice pursuant to clause 7(2)(a) is entitled to obtain access to the record on payment of the prescribed fee.

(2) Where the amount of fees to be paid by an applicant for access to records is greater than a prescribed amount, the head shall give the applicant a reasonable estimate of the amount, and the applicant shall not be required to pay an amount greater than the estimated amount.

(3) Where an estimate is provided pursuant to subsection (2), the time within which the head is required to give written notice to the applicant pursuant to subsection 7(2) is suspended until the applicant notifies the head that the applicant wishes to proceed with the application.

(4) Where an estimate is provided pursuant to subsection (2), the head may require the applicant to pay a deposit of an amount that does not exceed one-half of the estimated amount before a search is commenced for the records for which access is sought.

(5) Where a prescribed circumstance exists, the head may waive payment of all or any part of the prescribed fee.

⁶ See OIPC's [sample section 7 decisions](#) templates for guidance on what to include in a section 7 decision letter.

- [20] If a local authority intends to give a fee estimate, it must do so before the expiry of the 30-day deadline after receipt of an access request. But section 9(3) of LA FOIP allows for a suspension of time of the delivery of a section 7 notice letter if the Applicant is sent a fee estimate within 30 days of the access request. Further, if a fee estimate is provided within the first 30 days of receipt of the access request, section 9(4) of LA FOIP allows for a deposit to be paid prior to the commencement for a search for records.
- [21] Best practices dictate that a local authority issue its fee estimate within the first 10 days of receiving the request so that there is sufficient time to process the request after receipt of any deposit.⁷ The logic behind this best practice allows for an advance green light on the part of the Applicant. The local authority may then proceed with efforts to fulfill the access request with assurance that the access request is serious.
- [22] There is no other mechanism within LA FOIP to provide a fee estimate if it is not given within 30 days of receipt of an access request. Unfortunately, the opportunity of responding with a fee estimate was missed in this case because the Town's section 7 decision letter was issued six days late. There is a finding that the Town failed to issue a fee estimate pursuant to section 7(2)(a) of LA FOIP.
- [23] In the past, this office has found that when a local authority fails to issue a fee estimate within 30 days of an access request, procedural fairness dictates that the fee estimate be abandoned altogether.⁸ In this case, only 11 documents were produced. As a result of the production of such few records, there is a recommendation that the Town rescind its fee estimate and provide any records to which no exemption applies electronically to the Applicant.

c) Conclusion

⁷ See OIPC [Review Report 336-2023](#) at paragraph [30].

⁸ See OIPC [Review Report 323-2019](#) at paragraph [35].

[24] As a local authority, this Town must have a better understanding of the LA FOIP process as well as its prescribed statutory duties and obligations. As noted above, sections 9(2) and (4) of LA FOIP are prescriptive in terms of the provision of fee estimates. Sections 5(2) and (3) of LA FOIP Regulations are prescriptive regarding the costs a local authority can include in a fee estimate.⁹ If an extension of time is needed, a local authority may turn to section 12 of LA FOIP for guidance.

[25] In this case, the Town confirmed that it does not have policies and procedures in place to assist with access request responses. We highlight section 53.1 of LA FOIP that obliges local authorities to make *reasonable efforts* to make policies and procedures used in decision-making processes available online or in paper form when requested. There will be a recommendation that the Town develop and implement written policies and procedures to meet the requirements of sections 7 and 9 of LA FOIP. This office suggests that the policies address:

- How to properly respond to an access request pursuant to section 7 of LA FOIP within the required timeline. This policy should also include the need to provide a citation of the specific subsections of section 7(2) of LA FOIP where applicable; and
- How to calculate and issue a fee estimate within the required timelines and according to the prescribed fees as authorized by LA FOIP and LA FOIP Regulations.

[26] This office would welcome an opportunity to review and consult with the Town once it has completed its policies and procedures.¹⁰ Obviously, OIPC cannot draft the policies, but we are happy to provide any consultative assistance in this regard.

⁹ Sections 9(2) and (4) of LA FOIP set out that an applicant is not required to pay more than the prescribed amount, and the requirements for a deposit. Sections 5(2) and (3) of LA FOIP Regulations set out what can be charged for providing copies/photocopies of records and how much a local authority can charge for each half hour of time spent in excess of one hour searching and preparing a record for disclosure.

¹⁰ See OIPC's [*Consultation Request Form*](#).

3. The Town's Search for Records

- [27] The Town claims that records do not exist in relation to items 3, 6 and 7 of the Applicant's access request which was provided in paragraph [1] of this report. With respect to item 3, the Applicant submitted that he wished access to "apology letters to vendors, businesses, etc." in the Town meeting minutes of December 12, 2024. OIPC reviewed those minutes and found reference to *letters of introduction* to vendors; there was no mention of "apology letters".
- [28] With respect to item 6 of the access request, the Applicant submits the Town used a specific law firm for a human rights complaint, but they failed to cite a relevant date for the minutes that would shed any light on when to search for this request. The request in item 7 is generic and somewhat impractical. Unfortunately, the Applicant has provided insufficient details such that the Town's claim that records do not exist for items 3, 6 and 7 of the access request is valid.
- [29] There are two circumstances where a local authority can validly claim the non-existence of a record pursuant to LA FOIP. The first circumstance is if a record exists, but it is not in the possession or control of the local authority to whom the request was made. If a local authority considers that another local authority has a greater interest in the record, then the local authority should transfer the access request in accordance with section 11 of LA FOIP.¹¹ For obvious reasons, this aspect of LA FOIP is irrelevant to the present analysis.
- [30] The second circumstance that validates a claim of the non-existence of records is if a reasonable search failed to produce records. The threshold of "reasonableness" is met when the local authority expends a level of effort expected of any fair, sensible person searching areas where records are likely to be stored. A local authority may resort to the following avenues in its effort to search for records:¹²

¹¹ *Ibid*, at paragraph [15].

¹² See OIPC [Review Report 029-2021](#) at paragraphs [12] to [14].

- For personal information requests, explain how the individual is involved with the local authority and why certain departments or areas were searched;
- For general information requests, tie the subject matter to the department or area, that was searched and why;
- Identify who was involved in the search (e.g., employee) and explain how they're experienced in the subject matter such that the search is validated;
- Explain how the records management system is organized (both paper and electronic), in the departments or areas searched;
- Describe the records classification system: such as whether records are classified alphabetically, by year, by function or by subject;
- If a record is destroyed, provide copies of a records schedule and/or destruction certificate;
- Address offsite storage of records if relevant or storage with respect to electronic devices such as cellphones, tablets, laptops, etc.,
- Explain the key terms used in the search if a data search was engaged;
- Indicate the dates of each search, the timeline of the search and the results along with the names of the individuals that completed the search and their relation to the subject matter of the search; and
- Sworn or affirmed affidavit evidence from the searchers is convincing evidence in support of a claim that no records were found in a search.

[31] The Town submitted to OIPC that the Chief Administrative Officer and staff searched a total of eight hours on June 11, 12 and 16, 2025. The Town confirmed it searched both electronic and paper records, including council minutes. The key words used were the name of the former mayor and the names of other individuals cited by the Applicant in the access request. The Town conceded that former administrators did not establish a helpful filing system, and as a result, a review of the Town's policies and bylaws has begun.

[32] The Town provided this office with a copy of its Procedure Bylaw, page 2 of the records outlined in paragraph [11] above. Section 18.1 of that bylaw provides that minutes are to be recorded "without note or comment". We interpret this to mean that minutes should not

capture dialogue or debate that may occur at a council meeting. The section reads as follows:

18. **Minutes**

18.1 The Administrator shall record the minutes of each council meeting *without note or comment* and shall distribute copies of the minutes to each member at least two (2) days prior to a subsequent council meeting.

[33] We commend the Town in its efforts to correct the challenges with its records management and retrieval system. This work will no doubt benefit the Town's ability to respond to future access requests. We also acknowledge that the Town did expend efforts to search as part of this review, and it did locate 11 pages of responsive records. Based on these considerations and the Town's submissions, there is a finding that the Town's search was reasonable. There will also be a finding that records do not exist for items 3, 6 and 7 of the Applicant's access request.

[34] There is a recommendation that the Town take no further action with respect to items 3, 6 and 7 of the Applicant's access request dated January 27, 2025.

4. Application of Mandatory Exemptions

[35] LA FOIP sets out its mandatory exemptions in sections 13(1), 18(1) and 28(1) of LA FOIP. Sections 13 and 18 of LA FOIP are irrelevant because the records in question here do not originate from other governments or third-party information. This leaves section 28(1) of LA FOIP and it 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.

[36] For section 28(1) of LA FOIP to apply, "personal information" must be included on the face of the record. To be personal information, the information must be about an identifiable individual, meaning the individual can be identified or it is reasonable that they

can be identified from the given information. The information must also be personal in nature.¹³ The definition of “personal information” is provided in list form in section 23(1) of LA FOIP. The list is not exhaustive.

[37] This analysis will now focus on sections 23(1)(b), (d) and (e) of LA FOIP:

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;

...

(d) any identifying number, symbol or other particular assigned to the individual;

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

[38] In its statutory jurisdiction to provide access to information, LA FOIP is intended to complement, and not replace, other legislative procedures that are in place. The purpose of LA FOIP is to work in conjunction with other legislation such that the public’s access to information is never limited. In this vein, we cite section 4 of LA FOIP:

4 This Act:

(a) complements and does not replace existing procedures for access to information or records in the possession or under the control of a local authority;

(b) does not in any way limit access to the type of information or records that is normally available to the public;

(c) does not limit the information otherwise available by law to a party to litigation;

¹³ See OIPC [Review Report 291-2024](#) at paragraph [16].

(d) does not affect the power of any court or tribunal to compel a witness to testify or to compel the production of documents;

(e) does not prevent access to a registry operated by a local authority where access to the registry is normally allowed to the public.

[39] The Town produced 11 pages of records but failed to cite relevant exemptions to justify a withholding of these pages from the Applicant. We provide our table from paragraph [11] once again at this point in the review to simplify our review:

Page Numbers Of Withheld Records	Description
1 and 3	Council meeting minutes from 2021 and 2024 respectively.
2	Copy of council's Procedure Bylaw.
4	Employee log.
5	Copy of an employee report prepared for town council that includes a reference regarding the nature of this employee's employment.
6 to 8	Copies of four employment personnel notices.
9	Copy of council meeting minutes from 2021 that reference a specific personnel issue.
10 and 11	Copies of two employment personnel notices.

[40] The Town highlighted portions on pages 1 and 3, which are both copies of council minutes/resolutions, that it believes to be responsive. The subject matter of the highlighted portions accord with the Applicant's access request for items 1 and 4.

[41] Page 4 is a list of employees in table format. The names are in the first column, and the second column contains information about their employment status. Page 5 is a council report completed by an employee that includes a statement the employee made about the status of their employment. Pages 6 to 8, 10 and 11 are letters from individuals with

statements of intent regarding their employment. Page 9 is a copy of council minutes where the Town highlighted a personnel issue in connection with an individual's employment status. In conclusion, all of these pages align with the Applicant's request for records related to "circumstances of the departure being fired, quit or other" as outlined in item 5 of the access request.

a) Pages 1, 2, 3, 5 and 9

[42] From our analysis above, pages 1, 2, 3, 5 and 9 are records that would normally be made available for public inspection by means of sections 117(1)(a), (c) and (d) of *The Municipalities Act*¹⁴, which state as follows:

117(1) Any person is entitled at any time during regular business hours to inspect and obtain copies of:

(a) any contract approved by the council, any bylaw or resolution and any account paid by the council relating to the municipality;

...

(c) any report of any consultant engaged by or of any employee of the municipality, or of any committee or other body established by a council, after the report has been submitted to the council, except any opinion or report of a lawyer;

(d) the minutes of the council after they have been approved by the council.

[43] In terms of LA FOIP, pages 1, 2, 3 and 9 do not contain any personal information. These documents are to be available for public inspection by virtue of sections 117(1)(a) and (d) of *The Municipalities Act* and as such, the Town must provide copies to the Applicant. There will be a recommendation that the Town do so within 30 days of the issuance of this Report.

[44] The report on page 5 is one that would typically be made available for public inspection via section 117(1)(c) of *The Municipalities Act*. The second last paragraph on page 5,

¹⁴ [*The Municipalities Act*](#), SS 2005, c M-36.1, as amended.

however, is a statement the employee, who prepared the report for council, made about their own employment status. This statement contains personal information because it is an accounting of the employee's employment history as defined by section 23(1)(b) of LA FOIP. Section 28(1) of LA FOIP prohibits the release of personal information and is applicable in this instance.

[45] The purpose of LA FOIP is to ensure that local authorities operate transparently while at the same time ensuring that privacy is protected where mandated by statute. OIPC has supported local authorities in publishing materials available for inspection via section 117(1) of *The Municipalities Act* but has also encouraged them to implement measures that observe the need for privacy. Such measures can include de-identifying materials prior to publishing them either electronically or by means of paper.¹⁵

[46] Based on this, the Town has authority to provide a physical copy of page 5 to the Applicant via section 117(1)(c) of *The Municipalities Act*, but it must redact the second last paragraph prior to doing so pursuant to section 28(1) of LA FOIP.

b) Pages 4, 6 to 8, 10 and 11

[47] Page 4: The names of the employees listed in the first column of page 4 do not constitute "personal information" as a name *on its own* is not personal information unless it is linked to other data elements that reveal the identity of the individual.¹⁶ In certain instances the second column, however, reveals employment status and/or information contained in a personnel file, such as reasons why employee status was terminated. This is "personal information" as defined by section 23(1)(b) of LA FOIP. There will be a finding that the list of names in the first column are to be released but section 28(1) of LA FOIP operates

¹⁵ See OIPC [Review Report 237-2016](#) at paragraphs [20] and [21].

¹⁶ OIPC considered the name of an employee linked to other data elements in [Review Report 2005-001](#), concluding that the name of an employee is not personal information unless it is linked to data elements that are personal information, such as a social insurance number because this information clearly identifies an individual.

to withhold the information in the second column where the employment status of the individual is not listed as “current”. There will be a recommendation that the Town release the first column on page 4 to the Applicant within 30 days of the issuance of this Report and withhold the second column, except where the status is listed as current, pursuant to section 28(1) of LA FOIP.

- [48] Pages 6 to 8, 10 and 11 are letters regarding individuals and their employment status that include data elements such as reasons for leaving employment and end dates. This is information normally contained in a personnel file or employment history.¹⁷ These letters also contain data elements such as home addresses and signatures, which are not given in a professional capacity.¹⁸ This all constitutes “personal information” as defined by sections 23(1)(d) and (e) of LA FOIP and must be withheld on this basis. There will be a recommendation that the Town withhold these pages in full pursuant to section 28(1) of LA FOIP.

IV FINDINGS

- [49] OIPC has jurisdiction to conduct this review.
- [50] The Town: 1) did not meet the requirements of section 7 of LA FOIP; and 2) was not able to issue a fee estimate as it was beyond the 30 days required by section 7(2) of LA FOIP.
- [51] The Town’s search was reasonable, and records do not exist for items three, six and seven as worded from the Applicant’s access request.

¹⁷ In [Review Report 017-2023](#) at paragraph [33], it was considered that this type of information is personal information.

¹⁸ In [Review Report 022-2023, 028-2023](#), OIPC considered at paragraphs [62] to [70] that handwritten signatures used in a professional capacity are not personal information. Those used in a personal capacity, however, are.

- [52] Copies of pages 1, 2, 3, 5 and 9 should be provided to the Applicant as they are available for public inspection pursuant to sections 117(1)(a), (c) and (d) of *The Municipalities Act*. Section 28(1) of LA FOIP, however, would apply to the second last paragraph on page 5.
- [53] Section 28(1) of LA FOIP applies to: 1) the second column on page 4, except where the employment status is listed as current; and 2) pages 6 to 8, 10 and 11 in full.

V RECOMMENDATIONS

- [54] I recommend that the Town rescind its fee estimate and provide any records to which no exemption applies to the Applicant without cost if they can be provided electronically.
- [55] I recommend that the Town develop and implement written policies and procedures for how to meet the requirements set out in sections 7 and 9 of LA FOIP. This is to include: 1) how to properly respond pursuant to section 7 of LA FOIP within the required timeline and by properly citing section 7(2) of LA FOIP; and 3) how to calculate and issue a fee estimate within the required timelines and according to what fees are authorized by LA FOIP and LA FOIP Regulations.
- [56] I recommend that the Town take no further action with respect to items three, six and seven as they are worded in the Applicant's access request dated January 27, 2025.
- [57] I recommend that the Town withhold pursuant to section 28(1) of LA FOIP: 1) the second column of page 4 except where the status is listed as current; 2) the second last paragraph of page 5; and 3) pages 6 to 8, 10 and 11 in full; and that it release the remainder of these pages to the Applicant within 30 days of the issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 16th day of July, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner