



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 055-2025

Saskatoon Police Service

August 19, 2025

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 Saskatoon Police Service (SPS) for records related to a statement given to police in 1995. SPS responded to the access to information request withholding the records pursuant to sections 14(1)(b)(ii) (injurious to the enforcement of an Act of Parliament), 14(1)(k) (interference with, or disclosure of information respecting a law enforcement matter) and 28(1) (no disclosure of personal information without consent) of *LA FOIP* in addition to asserting it was unable to release information pursuant to provisions of the *Youth Criminal Justice Act (YCJA)*. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner of the SPS decision. The Commissioner found that provisions of the *YCJA* must prevail. The Commissioner recommended that SPS take no further action.

I BACKGROUND

- [1] On February 23, 2025, the Saskatoon Police Service (SPS) received the \$20.00 application fee along with an access to information request from the Applicant via email for the following:

I wish to access a statement I made to police in 1995. An officer attended at my residence on [address stated] and took my statement regarding sexual abuse that occurred in a Saskatoon foster home between September 1964 and August 1963¹. At the time I made the

¹ This office does not change the access request that we receive from all applicants. This is the wording we received verbatim.

statement, my legal (adoptive) name was [Name], and my DOB is [DOB].

This is my second request. The first request was denied and in order to appeal that denial, I need another denial letter. The original is lost.

- [2] In a letter dated March 13, 2025, SPS provided its section 7 decision to the Applicant. In its decision, SPS asserted that the records were being withheld in full pursuant to sections 14(1)(b)(ii), (k), and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)* in addition to provisions of the *Youth Criminal Justice Act (YCJA)*².
- [3] On March 14, 2025, the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) received a request for review from the Applicant. The Applicant requested the Commissioner review SPS' decision to withhold the records at issue.
- [4] On April 24, 2025, OIPC sent notice to SPS and the Applicant advising of OIPC's intent to undertake a review.³ OIPC requested that SPS provide it with a copy of the records and an index of records by May 26, 2025. Further, both parties were invited to provide submissions to OIPC by June 23, 2025.
- [5] On May 20, 2025, SPS provided OIPC a schedule of records and a sworn affidavit in Form E, authored by an SPS Access and Privacy Officer in lieu of providing the unredacted records to OIPC.⁴

² *Youth Criminal Justice Act*, S.C. 2002, c.1 (April 1, 2003), as amended.

³ The notice indicated that OIPC would be undertaking the review pursuant to PART VI of *LA FOIP*.

⁴ See SK OIPC's [Form E: Affidavit of Records](#); see also SK OIPC's [Rules of Procedure Part 9.1](#) (1)(b) which provides that "if the time limit under section 119 has expired, an affidavit of records, and a schedule listing the records which are claimed to be protected by the YCJA, setting out the elements requested in the schedule to Form E" will suffice.

- [6] SPS provided its submission to OIPC on June 2, 2025. The Applicant did not provide a submission.

II RECORDS AT ISSUE

- [7] SPS identified 12 pages of responsive records which were withheld in full. As SPS claims that the records in this matter are covered by the provisions of the *YCJA*, OIPC accepted an affidavit of records and a schedule of records in lieu of providing the records.

III DISCUSSION OF THE ISSUES

1. Does OIPC have jurisdiction?

- [8] SPS qualifies as a “local authority” pursuant to section 2(1)(f)(viii.1) of *LA FOIP*. Therefore, OIPC has jurisdiction and is undertaking a review of this matter pursuant to PART VI of *LA FOIP*.

2. Do the records contain “personal information” as defined by *LA FOIP*?

- [9] The materials provided to OIPC reveal a 12-page General Occurrence Report (GOR) from 1992. This report contains the statement of the complainant and details allegations of a sexual assault allegedly committed in the mid-1960s by a named individual who was a young person at the time. The Applicant stated in their access to information request that they had reported the allegations in 1995; however, affidavit of records provided to OIPC by SPS were dated 1992. SPS indicated in its submission that “the record was created in response to a complaint to police relating to an allegation of sexual assault” and that charges were not laid in the matter. Instead, the authorities decided that “extrajudicial measures” should be taken with the young person. Further, SPS claims that the record is protected by the *YCJA* and cannot be released to the Applicant. The Applicant confirmed in the access to information request that they were the alleged victim in this case.

- [10] Personal information must be information about an identifiable individual, and it must be personal in nature. There is a long list of information in section 23(1) that qualifies as personal information under *LA FOIP*, and we hasten to add that this list is non-exhaustive. We reference section 23(1)(k)(i) that indicates where the disclosure of the name of an individual where it appears with other personal information that relates to the individual, the information qualifies as personal in nature. Since the GOR reveals the alleged assailant's name and provides details of an alleged sexual assault, this information would qualify as "personal information" pursuant to section 23(1)(k)(i) of *LA FOIP*.

3. What is the impact of the *YCJA* to the records in issue?

- [11] SPS' submission noted that since the matter in question had been proceeded with by means of "extrajudicial measures", the governing provision of the *YCJA* was section 119(4) which allows access to the historical record to a very select group of persons and in connection with very specific purposes – none of which include the access request in this case.
- [12] Further, by way of an email dated July 30, 2025, SPS asserted that section 163 of the current *YCJA* applies to retroactively cloak the same disclosure provisions onto a record that was created under the legislation as it was in 1992:

The offender was, at the time of the offence, within the age range of 12 to 17, which is within the definition of a young person pursuant to the *Youth Criminal Justice Act*, as well as the repealed *Young Offenders Act* and *Juvenile Delinquents Act*.

In relation to your question on the *Juvenile Delinquents Act* and the *Young Offenders Act*, section 163 of the *YCJA* provides the following:

163 Sections 114 to 129 apply, with any modifications that the circumstances require, in respect of records relating to the offence of delinquency under the *Juvenile Delinquents Act*, chapter J-3 of the Revised Statutes of Canada, 1970, and in respect of records kept under sections 40

to 43 of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985.

- [13] The central issue in this access request is which statute governs the access status of the record in question, and does it matter? The federal enactment has made it clear that the record created in 1992 cannot be released because of the interaction between the definition of “extrajudicial measures” and section 119(4). In this case the record was created and housed by the SPS which qualifies it as a “police record” by means of section 115 of the *YCJA*. That having been said, the provisions of the federal statute limit access to the record to one of the four possible bodies outlined in section 119(4) in connection with the specific duties or goals as pursued by each body. The relevant provisions of the *YCJA* include:

2(1) The definitions in this subsection apply in this Act.

extrajudicial measures means measures other than judicial proceedings under this Act used to deal with a young person alleged to have committed an offence and includes extrajudicial sanctions. (*mesures extrajudiciaires*)

young person means a person who is or, in the absence of evidence to the contrary, appears to be twelve years old or older, but less than eighteen years old and, if the context requires, includes any person who is charged under this Act with having committed an offence while he or she was a young person or who is found guilty of an offence under this Act.

...

119(4) Access to a record kept under section 115 or 116 in respect of extrajudicial measures, other than extrajudicial sanctions, used in respect of a young person shall be given only to the following persons for the following purposes:

- (a) a peace officer or the Attorney General, in order to make a decision whether to again use extrajudicial measures in respect of the young person;
- (b) a person participating in a conference, in order to decide on the appropriate extrajudicial measure;

(c) a peace officer, the Attorney General or a person participating in a conference, if access is required for the administration of the case to which the record relates; and

(d) a peace officer for the purpose of investigating an offence.

- [14] Section 22(1) of *LA FOIP* provides that if there is a conflict between another Act, regulation, resolution or bylaw, *LA FOIP* prevails. This office has always interpreted “another Act” in section 22(1) to mean a provincial Act and not a federal one because of the provisions in section 2-29 of *The Legislation Act*.⁵

General Definitions

“Act” or “statute” means an Act of the Legislature and includes an Ordinance of the Northwest Territories in force in Saskatchewan.

- [15] Assuming for the moment that the provisions of *LA FOIP* would allow for a dissemination of the record in question, a literal reading of section 22(1) of *LA FOIP* allows for a conclusion that the provisions of the provincial statute cannot supersede the access provisions of a federal statute such as the *YCJA*. *LA FOIP* only supersedes other provincial statutes with the exception of the four options set out in section 22(3).

- [16] Without a doubt, a strict reading of section 119(4) of the *YCJA* prohibits disclosure of the GOR. SPS submitted that the *YCJA* is an Act enacted by the Parliament of Canada, to which the doctrine of paramountcy applies. We agree with this submission, and we note that the Supreme Court of Canada has provided that where there is an inconsistency between validly enacted but overlapping provincial and federal legislation, the provincial legislation is inoperative to the extent of the inconsistency.⁶

⁵ *The Legislation Act*, SS 2019, c. L-10.2, as amended.

⁶ [*Rothmans, Benson & Hedges Inc. v. Saskatchewan*](#), 2005 SCC 13, [2005] 1 SCR 188 at [11]. See also [*Saskatchewan \(Attorney General\) v. Lemare Lake Logging Ltd.*](#), 2015 SCC 53, [2015] 3 SCR 419 at [15].

[17] In 2014, the Information and Privacy Commissioner of Ontario applied the doctrine of paramountcy in similar circumstances. In that case, a complainant applied for a Police Vulnerable Sector Check (PVSC) report to enroll in an educational program that required work placement with vulnerable individuals. The Guelph Police reported on a charge that had been laid and later withdrawn pursuant to the *YCJA* when the complainant was a youth and another matter where no charge had been laid because the complainant was a child at the material time. The police submitted that the *Police Services Act*⁷ provided them with overriding discretion to disclose information for the protection of the public regardless of the non-disclosure provisions of the *YCJA*. The Information and Privacy Commissioner of Ontario disagreed:⁸

The *YCJA* is a federal statute containing comprehensive records management provisions whose intent is to ensure that young persons do not suffer from the stigmatization of having been dealt with under the *YCJA*. The records management provisions of the *YCJA* restrict access to records on the basis of the type of disposition and the time. Generally speaking, it prohibits the use and disclosure of records and information in records that could identify a young person and prohibits the publication of information that could serve to identify a young person.

As a duly enacted federal statute, it can be presumed that, in the event of a conflict, the *YCJA* supersedes or is paramount over provincial legislation. However, as the Supreme Court of Canada has held⁹, it is only “when the operational effects of provincial legislation are incompatible with federal legislation, the federal legislation must prevail and the provincial legislation is rendered inoperative to the extent of the incompatibility”...

⁷ *Police Services Act*, RSO 1990, c. P.15 (this was the legislation at the time of the privacy complaint, this Act was repealed on March 31, 2024 and replaced with *Comprehensive Ontario Police Services Act, 2019*, SO 2019, c.1).

⁸ Ontario Information and Privacy Commissioner (ON IPC), Guelph Police Services Board [Privacy Complaint Report MC113-49](#), at page 7.

⁹ *Canadian Western Bank v Alberta*, 2007 SCC 22, [2007] 2 SCR 3.

[18] The approach taken in Ontario would have this office analyze the provisions of *LA FOIP* to determine whether there is, in fact, an incompatibility with respect to the disclosure provisions of *LA FOIP* and the *YCJA*. Section 28(1) of *LA FOIP* authorizes disclosure of personal information if consent is obtained from the requisite third party. SPS submitted that consent was not forthcoming.

[19] Section 28(2) of *LA FOIP* provides options for disclosure of personal information in the control of a local authority. However, the Applicant chose not to rely on any of these exceptions. The matter does not end there. This office must abide by section 8 of *LA FOIP* which instructs us to approach a record with a mind to the severability of information on a line by line basis. Section 8 provides:

Severability

8 Where a record contains information to which an applicant is refused access, the head shall give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.

[20] As noted earlier, we do not have access to the record in question. In a perfect world, we would expect the head of a local authority to have approached this document with a mind to redacting the personal information of the young person but leave the Applicant's personal information untouched. Indeed, it would be an absurd result if the Applicant could not have access to their own personal information.

[21] In conclusion, on the grounds that are before me as submitted by the parties in this access request, there is a finding that there is likely an incompatibility between the provisions of *LA FOIP* and the *YCJA* in this matter. The GOR contains personal information with respect to the young person who is the subject of the allegations and this information cannot be released subject to section 28(1) of *LA FOIP* and section 119(4) of the *YCJA*. However, it is foreseeable that there may be the personal information of the complainant that could be released pursuant to the

application of *LA FOIP*. Having come to this conclusion, there is no need to consider the application of the exemptions in sections 14 and 20 of *LA FOIP*.

[22] We are mindful of the commitment to the proper development of youth as stated in the preamble and section 3 of the *YCJA* and as eloquently phrased by the Information and Privacy Commissioner of Ontario only very recently:¹⁰

[30] Part 6 of the *YCJA* governs the management, publication and disclosure of records kept under the *YCJA* and information that would identify individuals who become involved in the youth justice system. The scope and purpose of the *YCJA* was discussed in the Ontario Court of Appeal decision, *S.L. v. N.B.* (*S.L. v. N.B.*). The Court in *S.L. v. N.B.* held that Part 6 of the *YCJA* is an exclusive and comprehensive regime governing the disclosure of information about young persons involved in the youth criminal justice system.

[31] Section 110(1) of the *YCJA* states that no person shall publish the name or other information related to young person “if it would identify the young person as a young person dealt with under [the *YCJA*].” Section 111(1) of the *YCJA* states that no person shall publish the name or other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having

[32] “Publication” is defined in the *YCJA* to mean “the communication of information by making it known or accessible to the general public through any means” including via media. IPC adjudicators have held that, with limited exceptions, disclosure under the access provisions of the *MFIPPA* is equivalent to disclosure to the world because there are generally no limits on the dissemination of records accessed under the *MFIPPA*. The Ontario IPC has not yet considered whether disclosure under the Act is equivalent to publication under the *YCJA*. However, the British Columbia Information and Privacy Commissioner has considered this issue and found that disclosure under the B.C. equivalent to *MFIPPA* of certain information protected by the *YCJA* amounts to “access to the world at large” and moreover “publication” under section 110 of the *YCJA*. In consideration of the Ontario IPC’s consistent approach in relation to disclosure and the principles protected by the *YCJA*, I find that disclosure under the Act would be equivalent to publication under the *YCJA*.

...

¹⁰ Ontario Information and Privacy Commissioner (ON IPC), Ottawa-Carleton District School Board, [Order MO-4421](#) (August 3, 2023).

[37] Section 110(1) of the *YCJA* prohibits publication of any information that would reveal the identity of a young person dealt with under the *YCJA*. Section 111(1) prohibits publication of any information that would identify “[a] child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person.

[38] I am mindful that the purpose of Part 6 of the *YCJA* is to act as a comprehensive scheme designed to carefully control access to youth criminal justice records and information about young persons involved in the youth criminal justice system. As explained above, I agree with the B.C. Information and Privacy Commissioner, as stated in Order F18-38, that disclosure under *MFIPPA* amounts to publication under the *YCJA*. In the circumstances of this appeal, I find that the *YCJA* prevails over *MFIPPA* in relation to the information contained on several of the pages of records at issue in this appeal.¹¹

[Emphasis added]

[23] There is a conflict between the provisions of the *YCJA* and *LA FOIP* on the facts of this case but the provisions of the *YCJA* remain paramount. There will be a recommendation for SPS to take no further action.

IV FINDINGS

[24] OIPC has jurisdiction to undertake this review.

[25] There is a conflict between *YCJA* and *LA FOIP* on the specific facts of this case but the *YCJA* is paramount such that the GOR cannot be disclosed.

V RECOMMENDATION

[26] I recommend that SPS take no further action.

¹¹ See ON IPC [Order MO-4421](#)

Dated at Regina, in the Province of Saskatchewan, this 19th day of August, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner