



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 060-2025

University of Saskatchewan

November 26, 2025

Summary:

The Applicant submitted an access to information request to the University of Saskatchewan (U of S), College of Medicine for emails, letters, agendas, reports, and correspondence referencing them by name.

The U of S provided the Applicant with partial access to the records, applying sections 28(1) (third party personal information), 15(1)(b)(i) (minutes and agendas from meetings held in the absence of the public), 15(1)(b)(ii) (matters discussed at meetings held in the absence of the public), 16(1)(a) (advice, proposals, recommendations, analyses, and policy options developed by the local authority), and 16(1)(b) (consultations or deliberations involving officers or employees of the local authority) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.

The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

The Commissioner found that the U of S properly considered information in the records as non-responsive to the Applicant's access to information request. The Commissioner further found that the U of S properly applied section 28(1) of *LA FOIP* to the names and personal cellular telephone number redacted within the records. The Commissioner also found that the U of S properly applied sections 15(1)(b)(i), 16(1)(a), and 16(1)(b) of *LA FOIP* to information withheld in the records. The Commissioner recommended that the U of S continue to withhold the information that it properly considered as non-responsive to the Applicant's access to information request. The Commissioner recommended that the U of S continue to withhold the names and personal cellular telephone number withheld under section 28(1) of *LA FOIP*, as well as the information withheld under sections 15(1)(b), 16(1)(a), and 16(1)(b) of *LA FOIP*.

I BACKGROUND

- [1] On January 16, 2025, the Applicant submitted the following access to information request to the University of Saskatchewan (U of S), College of Medicine for the period of April 2022 to January 13, 2025:

Any e-mails, letters, agendas, and reports, pertaining to me, ... and all correspondence sent or received by Andries Muller that includes reference to me by name, pursuant to Freedom of Information and Protection of Privacy Act

- [2] On February 21, 2025, the U of S notified the Applicant that it was extending the response time an additional 30 days due to interpretation by the U of S that the request engaged a large number of records under section 12(1)(a) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.¹

- [3] On March 20, 2025, the U of S provided a section 7 decision letter to the Applicant, informing them that some records responsive to their request were provided in part. Further, the U of S communicated that portions were being withheld under sections 15(1)(b), 16(1)(a),(b), 17(1)(g), and 28(1) of *LA FOIP*. The records were provided in two bundles:

- Bundle 1 was a compilation of records related to the Applicant's application to the U of S College of Medicine Doctor of Medicine (MD) program. It included the Applicant's MD program application materials, internal correspondence between staff in the Admissions Office, and internal correspondence between members of the MD program Admissions Committee (Admissions Committee).
- Bundle 2 was a compilation of records related to the Applicant's appeal of the decision of the U of S College of Medicine to refuse the Applicant's application to its MD program. It included the Applicant's appeal materials, internal correspondence between staff in the Admissions Office, internal correspondence between members of the Admissions Committee and the MD program Appeals Committee (Appeals Committee), and the Appeals Committee response to the appeal.

¹ *The Local Authority Freedom of Information and Protection of Privacy Act*, SS 1990-91, c. L-27.1, as amended.

- [4] On March 20, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [5] On March 25, 2025, the U of S provided the Applicant with a revised section 7 decision letter, informing that records responsive to their request were provided, redacted under the previously established exemptions, but also pursuant to section 30(3)(a)(ii) of *LA FOIP*, as this exemption was inadvertently missed.
- [6] On March 26, 2025, OIPC notified the U of S and the Applicant that this office would be undertaking a review of the decision by the U of S to withhold portions of the records under sections 15(1)(b)(i), (ii), 16(1)(a), (b), 17(1)(g), 28(1) and 30(3)(a)(ii) of *LA FOIP*, as well the determination of certain non-responsive material. OIPC requested that the U of S provide an unredacted copy of the records and an index of records by April 24, 2025. The U of S fulfilled that request. Both parties were invited to provide submissions by May 26, 2025.
- [7] On May 21, 2025, the U of S requested a short extension to facilitate the provision of a submission. This office granted the extension and the U of S provided a submission on June 2, 2025. In the submission, the U of S identified additional records as non-responsive and withdrew reliance on section 30(3)(a)(ii) of *LA FOIP* with respect to Bundle 1. The Applicant did not provide a submission.

II RECORDS AT ISSUE

- [8] The records at issue relate to the Applicant's application to the U of S MD program and the Applicant's subsequent appeal of the refusal. The two bundles of records comprise a total of 266 pages, of which the U of S released, in full, 84 pages of Bundle 1 and 98 pages of Bundle 2. The U of S withheld 30 pages (in full) and 12 pages (in part) of Bundle 1, and 17 pages (in full) and 16 pages (in part) of Bundle 2, pursuant to the exemptions provided in sections 15(1)(b), 16(1)(b), 17(1)(g), and 28(1) of *LA FOIP*. The U of S also withheld (in full) nine pages and three pages (in part) as non-responsive materials.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[9] The U of S qualifies as a “local authority” under section 2(1)(f)(xi) of *LA FOIP*. Therefore, OIPC has jurisdiction to undertake a review of this matter, under PART VI of *LA FOIP*.

2. Non-responsive records

[10] When a local authority receives an access to information request, it must determine what information is responsive to the access request. “Responsive” means relevant; that is, anything reasonably related to the request. It follows that any information or records that do not reasonably relate to an applicant’s request will be considered “not (or non) responsive.”²

[11] The following factors should be considered when determining if information is non-responsive:³

- The boundaries of relevancy will be set out in the applicant’s request.
- The local authority may treat portions of a record as non-responsive if they are separate, distinct, and entirely unrelated to the access request. However, this determination is to be used sparingly and only where necessary.
- The purpose of *LA FOIP* is best served when a government institution adopts a liberal interpretation of a request. If it is unclear what the applicant wants, a government institution should contact the applicant for clarification. Generally, ambiguity in the request should be resolved in the applicant’s favour.

² See OIPC [Review Report 002-2025](#) at paragraph [49].

³ *Ibid*, at paragraph [50].

[12] The U of S withheld (in full) nine pages of a PowerPoint presentation and redacted three pages (in part) of email messages on the basis that they were non-responsive to the Applicant's access to information request. Specifically:

- From Bundle 1, the U of S identified pages 118 to 125 and page 131 as non-responsive.
- From Bundle 2, the U of S identified that redactions 2 and 3 on page 14, redaction 2 on page 48, and redactions 1, 2, and 3 on page 125 are of non-responsive information.

[13] On review, the slides of the PowerPoint presentation are clearly not responsive to the Applicant's specific access request, and in fact deal with statistics and other issues that are completely irrelevant.

[14] Similarly, the redactions deemed non-responsive by the U of S in Bundle 2 do not focus on the Applicant's request for information "pertaining to me" and "in reference to me," as specified in the access to information request. This material contains personal information with respect to other individuals and the U of S was correct in categorizing this material as non-responsive.

[15] OIPC has established that a local authority can remove information as non-responsive if the applicant has requested specific information, such as the applicant's own personal information, or if the portions of the record are separate, distinct, and entirely unrelated to the access request.⁴ Both appear to be the case in the present matter. There will be a finding the information deemed non-responsive by the U of S at paragraph [12], is, indeed, non-responsive to the Applicant's request. Based on this finding, there will be a recommendation that the U of S continue to withhold the information.

⁴ See OIPC [Review Report 148-2024; 163-2024](#) at paragraph [40] at the second and third bullet.

3. Did the U of S properly apply section 15(1)(b)(i) of *LA FOIP*?

[16] The U of S withheld information on 30 pages (in full) and eight pages (in part) of Bundle 1 and 17 pages (in full) and five pages (in part) of Bundle 2, under section 15(1)(b)(i) of *LA FOIP*. Specifically:

- From Bundle 1, the U of S withheld pages 41 to 47, 49 to 54, 88 to 97, 100 to 102, and 126 to 130 (in full) and pages 39, 47, 58, 59, 60, and 82 to 84 (in part), under section 15(1)(b)(i) of *LA FOIP*.
- From Bundle 2, the U of S withheld pages 108 to 124 (in full) and pages 4, 51 to 53, and 130 (in part), under section 15(1)(b)(i) of *LA FOIP*.

[17] Section 15(1)(b)(i) of *LA FOIP* states:

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

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

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

[18] As a discretionary, class-based exemption, section 15(1)(b)(i) of *LA FOIP* allows for the withholding of information that may disclose agendas (or the substance of deliberations) of *in camera* meetings held by a local authority. The exemption is intended to allow local authorities to debate contentious or sensitive issues freely and within a sphere of privacy.

[19] For the exemption in section 15(1)(b)(i) to apply, the local authority must establish that the meeting was properly constituted *in camera*.⁵ *Black's Law Dictionary* defines "*in camera*" as "in the courtroom with all spectators excluded".⁶ Of course, proceedings that go *in camera* are not specific to a courtroom only. Administrative matters are often conducted

⁵ See OIPC [Review Report 148-2015](#) at paragraph [11].

⁶ *Black's Law Dictionary*, 12th edition, Thomson Reuters at p. 909.

in camera when there is a need to preserve the privacy of the deliberations or discussion. A local authority must also provide information concerning:⁷

- When the *in camera* meeting was held, and
- Details of the subject matter or substance of the deliberations of the meeting.

[20] OIPC uses the following test to determine if section 15(1)(b)(i) of *LA FOIP* has been properly applied:⁸

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

[21] Below is an analysis to determine if the three-part test is met.

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

[22] The U of S asserted in its submission that the records at issue are connected to meetings held by two separate committees in the U of S to deal with admissions and refusals: the Admissions Committee and the Appeals Committee. The Admissions Committee meetings were held on November 7, 2023 and February 13, 2024, and the Appeals Committee meetings were held on January 11, 2023 and January 10, 2025.

[23] OIPC has historically established that “meeting” means an assembly or gathering at which the business of the local authority is considered.⁹

⁷ *Supra*, footnote 5 at paragraph [11].

⁸ See OIPC [Review Report 093-2022; 117-2022](#) at paragraph [29].

⁹ See OIPC [Review Report 018-2023](#) at paragraph [67].

- [24] Based on a review of the records, the committees did, indeed, meet on the above-noted dates. Given that the MD program is offered by the U of S College of Medicine, the meetings were authorized by the local authority. Therefore, the first part of the test is met.

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

- [25] In the submission, the U of S asserted:

... pursuant to *The University of Saskatchewan Act, 1995*, [the committees are] entitled to hold private meetings Pursuant to Part VI of *The University of Saskatchewan Act, 1995*, Council is responsible for overseeing and directing the university's academic affairs (section 60), including admissions requirements (section 61). Pursuant to Part IX of Council Bylaws, Council may delegate to Faculty Councils and/or to the Admissions Office responsibility for assessment of applications. The Faculty Council Bylaws for the College of Medicine establishes the Admissions Committee and provides the Committee broad authority to process applications for admission and make recommendations for admission. This authority permits the Committee to set its procedures including *in camera* meetings.

- [26] OIPC must determine whether statutes exist to justify the meetings of the committees, as described.

- [27] Section 60 of *The University of Saskatchewan Act, 1995*¹⁰ states that the U of S council is responsible for overseeing and directing the academic affairs of the university. Section 61 of the same Act further describes the powers of that council, which includes, at sections 61(1)(p) and (q):

61(1) The council may:

...

(p) subject to subsection (2), establish any committees that it considers necessary;

(q) subject to subsection (2), delegate any of its powers to any committee of the council;

¹⁰ [*The University of Saskatchewan Act, 1995*](#), SS 1995, c U-6, as amended.

- [28] Further, section 61(1)(u) of *The University of Saskatchewan Act, 1995* provides authority to the council to make bylaws which it provides on its website:

61(1) The council may:

...

(u) make bylaws respecting any matter over which it has responsibility; ...

- [29] The U of S has the authority to establish committees that are entitled to meet, as per section 61(1)(p) of *The University of Saskatchewan Act, 1995*. Moreover, the U of S has the authority to delegate council's powers to those committees and make bylaws, as per sections 61(1)(q) and (u) of *The University of Saskatchewan Act, 1995*.

- [30] The U of S *Council Bylaws and Regulations*, specifically addresses the admission of students:¹¹

IX. ADMISSION OF STUDENTS

Under section 61(1)(i) and (l) of the Act, Council is authorized to prescribe academic and other qualifications required for admission as a student, and to prescribe and limit the number of students who may be admitted to a college or a program of study. Subject to the authority given to Senate under the Act, Council will approve admission qualifications for all programs. Upon the approval of Council and subject to any necessary approvals by Senate, these may be published and go into effect.

1. Council may establish policies, regulations and procedures concerning admission of students and granting of credit for prior learning.

2. In accordance with these regulations, Council may delegate to Faculty Councils and/or to the Admissions Office responsibility for setting application deadlines and for the assessment of applications and for making admission offers in accordance with the admission qualifications approved by Council.

- [31] In other words, the *University of Saskatchewan Council Bylaws and Regulations* allows for the U of S Council to establish the MD program Admissions Committee and Appeals Committee for the U of S. The U of S, College of Medicine, *Faculty Council for Academic*

¹¹ See the U of S [*Council Bylaws and Regulations, as amended*](#), Part Three – Council Regulations, IX – Admission of Students (p. 42).

Programs, Rules, Regulations & Bylaws (Approved by Faculty Council, May 28, 2025) has set terms of reference for these committees as they relate to the medical program at U of S.¹² The U of S has provided sufficient evidence of the legal authorization for these Committees to meet and set the terms of their meeting.

[32] The *University of Saskatchewan Council Bylaws and Regulations* specifically allows for council meetings to convene *in camera* at the discretion of the council.¹³ Both committees are authorized to hold meetings that allow for in camera proceedings when necessary. The second part of the test is met.

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

[33] In the submission, the U of S asserted: "...[the records] disclose information about the agenda and substance of deliberations of the Admissions Committee [and Appeal Committee]."

[34] OIPC defines the relevant terms as follows:¹⁴

- An "agenda" is a list of things to be done, as items to be considered at a meeting, arranged in order of consideration.
- "Substance" means generally more than just the subject or basis of the meeting. Rather, it is the essential or material part of the deliberations themselves.
- "Deliberation" means the action of deliberating (to deliberate: to weigh in mind; to consider carefully with a view to a decision; to think over); careful consideration with a view to a decision; the consideration and discussions of the reasons for and against a measure by a number of councillors.

¹² See the U of S, College of Medicine, [*Faculty Council for Academic Programs Rules, Regulations, & Bylaws*](#), see term 16 for the Appeals Committee (p. 21) and term 17 for the Admissions Committee (p. 22).

¹³ *Supra*, footnote 11 at Part One – Council; III – Procedural Bylaws of Council; 5. Council Meetings – 5(a) (p. 8).

¹⁴ See OIPC [Review Report 093-2022;117-2022](#) at paragraph [38].

[35] Agendas and substance of deliberations of meetings can be revealed in two ways:¹⁵

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

[36] Based on a review of the records, disclosure would, indeed, reveal the agendas, minutes, or substance of deliberations of closed meetings of the committees. The following examples illustrate this conclusion:

From Bundle 1

- Page 39 is an internal U of S email message (withheld in part) from a Program Evaluation Specialist to the Academic Director and Admissions Coordinator about a PowerPoint presentation. The presentation was to be delivered to the Admissions Committee at the subsequent February 13, 2024 meeting.
- Page 47 is a forwarded copy of the above-noted email message.
- Pages 41 to 46, 88 to 94, 100 to 102, and 126 to 130 are slides from the above-noted PowerPoint presentation. The presentation appears to have been developed for delivery by committee members to other committee members at the February 13, 2024 Admissions Committee meeting.
- Pages 49 to 54 and 95 to 97 (withheld in part) are duplicates of pages 41 to 46.
- Pages 58 to 60 are the minutes of the February 13, 2024 Admissions Committee meeting and pages 82 to 84 are the minutes of the November 7, 2023 Admissions Committee meeting (both withheld in part). The Admissions Committee meeting minutes are not publicly available.

From Bundle 2

- Page 4 is the minutes of the January 11, 2023 Appeals Committee meeting (withheld in part). Page 130 is the minutes from the January 10, 2024 Appeals Committee meeting (withheld in part). The Appeals Committee meeting minutes are not publicly available.

¹⁵ *Ibid*, at paragraph [39].

- Pages 51, 52, and 53 are an internal U of S memorandum (withheld in part) created by the Director of Admissions (College of Medicine) for the Chair of the Appeals Committee about the outcome of the Applicant's admissions appeal.
- Pages 108 to 124 are documents (withheld in full) that were attached as appendices to the above-noted memorandum to substantiate the outcome of the Applicant's appeal process. The Admissions Office directed the Appeals Committee to review these appendices in advance of the January 10, 2023 meeting. Further, the contents of the January 10, 2023 minutes clearly parallel the content of the appendices. The withheld appendices reveal the substance of the deliberations of the meeting.

[37] The above-noted records that are not, on their faces, minutes or agendas are, nevertheless, materials considered during the Committee's *in camera* sessions. The information, if disclosed, would permit the drawing of accurate inferences as to the content of the actual agendas or meeting minutes. Therefore, the third and final part of the test is met for the information outlined at paragraph [16] of this Report.

[38] There is a finding that the U of S properly applied section 15(1)(b)(i) of *LA FOIP* to the withheld information outlined at paragraph [16] of this Report. There will be a recommendation that the U of S continue to withhold that information from the Applicant.

4. Did the U of S properly apply section 16(1)(a) of *LA FOIP*?

[39] The U of S withheld three pages (in part) of Bundle 1 and six pages (in part) of Bundle 2, pursuant to the exemption in section 16(1)(a) of *LA FOIP*. Specifically:

- The U of S withheld portions of pages 31, 55, and 56 of Bundle 1.
- The U of S withheld portions of pages 7, 8, 10, 11, 127 and 128 of Bundle 2.

[40] Section 16(1)(a) of *LA FOIP* states:

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

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

[41] As a discretionary, class-based exemption, section 16(1)(a) of *LA FOIP* allows a head to withhold information in situations where release of that information could reasonably be expected to disclose advice, proposals, recommendations, analyses, or policy options developed by or for a local authority.

[42] OIPC uses the following two-part test to determine if section 16(1)(a) of *LA FOIP* applies:¹⁶

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

[43] Below is an analysis to determine if the two-part test is met.

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

[44] In the submission dated June 2, 2025, the U of S asserted the following about Bundle 1:

[Regarding pages 31, 55, and 56] ... portions of the messages constitute advice, recommendations and analyses developed by and for USask ... the purpose of these communications was to provide information to the Admissions Committee for the purposes of making an informed decision. These communications included analysis of the information gathered and provided advice and recommendations about how ... credentials should be interpreted.

[45] In the submission, the U of S asserted the following about Bundle 2:

[Regarding pages 7 and 8] These pages contain draft decisions of the Admissions Appeal Committee and draft correspondence. As it is in draft form it constitutes a proposal and recommendation

...

¹⁶ See OIPC [Review Report 192-2024](#) at paragraph [76].

[Regarding pages 10 and 11] These portions of pages 10 and 11 contain a suggested course of action in response to an inquiry and constitute advice, proposals and recommendations developed by and for USask and as a part of consultations involving employees of USask ...

[Regarding pages 127 and 128] These pages contain draft decisions of the Admissions Appeal Committee and draft correspondence. As it is in draft form it constitutes a proposal and recommendation...

[46] In the arguments presented, the U of S alluded to the presence of advice, recommendations, proposals, and/or analyses in the withheld information. Subsequently, the following definitions must be considered:¹⁷

- “Advice” is guidance offered by one person to another. It can include the analysis of a situation or issue that may require action and the presentation of options for future action, but not the presentation of facts.
 - Advice encompasses material that permits the drawing of inferences with respect to a suggested course of action, but which does not itself make a specific recommendation. It can be an implied recommendation.
 - The “pros and cons” of various options also qualify as advice. It should not be given a restricted meaning. Rather, it should be interpreted to include an opinion that involves exercising judgement and skill in weighing the significance of fact.
 - Advice includes expert opinion on matters of fact on which a local authority must make a decision for future action.
 - Advice includes the views or opinions of a public servant as to the range of policy options to be considered by the decision maker even if they do not include a specific recommendation on which option to take.
 - Advice has a broader meaning than recommendations. The legislative intention was for advice to have a distinct meaning from recommendations. Otherwise, it would be redundant.
 - While “recommendation” is an express suggestion, “advice” is simply an implied recommendation.

¹⁷ See OIPC [Review Report 263-2024](#) at paragraph [21].

- A “recommendation” is a specific piece of advice about what to do, especially when given officially; it is a suggestion that someone should choose a particular thing or person that one thinks particularly good or meritorious.
 - Recommendations relate to a suggested course of action more explicitly and pointedly than “advice.”
 - It can include material that relates to a suggested course of action that will ultimately be accepted or rejected by the person being advised.
 - It includes suggestions for a course of action as well as the rationale or substance for a suggested course of action.
 - A recommendation, whether express or inferable, is still a recommendation.
- A “proposal” is something offered for consideration or acceptance.
- “Analyses” (or analysis) is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

[47] This office has historically recognized that advice, recommendations, proposals, and policy options may be revealed in two ways:¹⁸

- The information itself consists of advice, proposals, recommendations, analyses, or policy options.
- The information, if disclosed, would permit the drawing of accurate inferences as to the nature of the actual advice, proposals, recommendations, analyses or policy options.

[48] Section 16(1)(a) of *LA FOIP* does apply to information to which section 16(2) of *LA FOIP* is found to apply. In the present case, based on a review of the records, OIPC has determined that section 16(2) of *LA FOIP* is not engaged. The information at issue here:

¹⁸ See OIPC [Review Report 093-2022; 117-2022](#) at paragraph [39]. See also Government of British Columbia *FOIPA Policy and Procedures Manual* on "[Section 12 - Cabinet and local public body confidences.](#)"

- a. Has *not* been in existence for 25 years or more
- b. Is *not* an official record of a decision made in exercise of discretionary power or adjudicative function
- c. Is *not* the result of product or environmental testing
- d. Is *not* a statistical survey
- e. Is *not* the result of background research of a scientific or technical nature
- f. Is *not* an instruction or guideline/rule or statement of policy adopted by the local authority.

[49] A review of the records in question reveals that information is present that constitutes advice, recommendations, proposals, and analyses. The following examples illustrate this conclusion:

For Bundle 1

- Page 31 is an email message (withheld in part) that includes an examination of and evaluation framework (analyses) of the Applicant's prior educational history.
- Page 55 is an email message (withheld in part) that includes a discussion of the evaluative framework of other post-secondary institutions.
- Redaction 1 of page 56 is a response to the email on Page 55 that provides additional discussion of other post-secondary institutions have evaluative framework. Redaction 2 of page 56 is the same content as that which was redacted on page 55 (implied recommendations).

For Bundle 2

- Page 7 is a draft decision letter (withheld in part) written by the Chair of the Appeals Committee regarding the outcome of the Applicant's appeal. Redaction 1 of page 8 is a withheld portion of the second page of the same draft decision letter. OIPC acknowledges that a document, in draft form, does not necessarily qualify as advice, recommendations, proposals, or analyses. Rather, the information in the draft must have the character of advice, recommendations, proposals, or analyses in order to qualify for exemption.¹⁹ Given that the draft decision letter is a description of the process that led to the decision of the Appeals Committee, this office accepts that the withheld portion includes an analyses in the most technical sense of the word.
- Pages 127 and 128 (withheld in part) are duplicates of pages 7 and 8.

¹⁹ See OIPC [Review Report 007-2024](#) at paragraph [18] at the last bulleted item.

- Redaction 1 on page 10 is an email message that offers a draft response regarding the Appeals Committee decision. OIPC interprets that redaction 1 of page 10 suggests a basis for responding to a question (advice). Redaction 2 on page 10 is of an email message that presents a suggested course of action (a recommendation).
- Redaction 1 of page 11 is an email message that provides feedback on the draft decision letter and suggests a course of action (recommendations).

[50] Therefore, the first part of the test for section 16(1)(a) of *LA FOIP* is met for the withheld information outlined at paragraph [39].

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

[51] It is not sufficient to have information that constitutes advice, recommendations, proposals, analyses, and policy options. That information must be *developed by or for* the local authority.

[52] OIPC has historically established that the term “by or for” is disjunctive and applies to information prepared *by or for* the local authority. The information need not be created solely for the local authority.²⁰

[53] In the present case, based on a review of the records, it is evident that U of S employees (as well as community stakeholders) with distinct knowledge and expertise provided the afore-noted advice, proposals, recommendations, commentary and analyses. It is apparent that MD program admissions staff, Admissions Committee members, and Appeals Committee members engaged in and provided advice, suggested proposals, made recommendations, and provided analyses as part of their collective responsibility to make decisions, or support others within the local authority who made the decisions.

²⁰ See OIPC [Review Report 078-2025](#) at paragraph [43].

[54] OIPC is satisfied that the records constitute advice, proposals, recommendations, analyses, and policy options developed by or for the U of S, as the local authority. Therefore, the second and final part of the test is met for the withheld information at paragraph [39].

[55] There is a finding that the U of S properly applied section 16(1)(a) of *LA FOIP* to the withheld information outlined at paragraph [39]. There will be a recommendation that the U of S continue to withhold information redacted under section 16(1)(a) of *LA FOIP*.

5. Did the U of S properly apply section 16(1)(b) of *LA FOIP*?

[56] The U of S withheld one page (in part) of Bundle 2 under section 16(1)(b) of *LA FOIP*. Specifically, this is redaction 2 on page 11 of Bundle 2.

[57] Section 16(1)(b) of *LA FOIP* states:

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

...

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

[58] As a discretionary, class-based exemption, section 16(1)(b) of *LA FOIP* allows a head to withhold particular information that could reasonably be expected to disclose consultations or deliberations involving officers or employees of a local authority.

[59] OIPC uses the following two-part test to determine if section 16(1)(b) of *LA FOIP* applies:²¹

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

²¹ See OIPC [Review Report 119-2022](#) at paragraph [16].

[60] Below is an analysis to determine if the two-part test is met.

1. Does the record contain consultations or deliberations?

[61] In the submission, the U of S asserted:

[Portions of page 11] contain a suggested course of action in response to an inquiry ... as part of consultations involving employees of Usask. ...

[62] The U of S suggests that redaction 2 on page 11 of Bundle 2 contains consultations, specifically, which OIPC has previously defined as follows:²²

“Consultation” means the action of consulting or taking counsel together: deliberation, conference. It is a conference in which parties consult and deliberate. A consultation can occur when the views of one or more officers or employees of a local authority are sought as to the appropriateness of a particular proposal or suggested action. It can include consultations about prospective future actions and outcomes in response to a developing situation. It can also include past courses of action.

[63] Based on a review of redaction 2 of page 11 of Bundle 2, the withheld content of the email message, addressed to fellow employees of the U of S, is introduced by the following phrase (released to the Applicant): “Could you please provide guidance on our next steps for a response?” The subsequent withheld content poses questions to fellow U of S employees, soliciting their insights about future actions and inviting proposals for potential next steps. This office has previously established that questions that inspire a response with respect to a course of action can constitute a consultation.²³ Following the questions posed, the U of S withheld a statement on that part of an employee of the U of S that explains their decision-making. This also constitutes involvement in the consultative process. Therefore, the first part of the test is met.

²² *Ibid*, at paragraph [18].

²³ See OIPC [Review Report 313-2023](#) at paragraphs [47] and [49].

2. *Do the consultations or deliberations involve officers or employees of the local authority?*

[64] As noted above, the email correspondence that constitutes a consultation originates from an employee of the U of S College of Medicine and is sent directly to several other U of S College of Medicine employees. Based on a review of the titles associated with the sender and recipients, OIPC confirms that all engaged in the consultation are “employees” of the U of S, as defined by section 2(b.1) of *LA FOIP*:

2(1) In this Act:

...

(b.1) “employee” means an individual employed by a local authority and includes an individual retained under a contract to perform services for the local authority;

[65] Since this correspondence constitutes consultations involving employees of the U of S, and the second part of the test is met. There is a finding that the U of S properly applied section 16(1)(b) of *LA FOIP* to redaction 2 on page 11 of Bundle 2. There will be a recommendation that the U of S continue to withhold the information in redaction 2 on page 11 of Bundle 2.

6. Did U of S properly apply section 28(1) of *LA FOIP*?

[66] There are 11 pages withheld (in part) remaining at issue. The U of S withheld information on three pages (in part) of Bundle 1 and eight pages (in part) of Bundle 2, under section 28(1) of *LA FOIP*. Specifically:

- From Bundle 1, the U of S withheld pages 58, 82, and 108 (in part), under section 28(1) of *LA FOIP*.
- From Bundle 2, the U of S withheld portions of pages 5, 8, 10, 14, 48, 52, 128, and 131 (in part), under section 28(1) of *LA FOIP*.

[67] Section 28(1) of *LA FOIP* states:

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.

[68] For information to be withheld under section 28(1) of *LA FOIP*, the information must qualify as “personal information”, defined in section 23(1) of *LA FOIP*.²⁴ Given that the list of examples provided for at section 23(1) of *LA FOIP* is not meant to be exhaustive, this office has established that, to constitute personal information, two elements must be present:

- The information must be about an identifiable individual; and
- The information must be personal in nature.

[69] To be an “identifiable individual” means that it must be reasonable to expect that an individual may be identified if the information was disclosed. The information must reasonably be capable of identifying particular individuals because it either directly identifies a person or enables an accurate inference to be made as to their identity when combined with other available sources of information or due to the context of the information in the record.²⁵

[70] To be “personal in nature” means that the information reveals something personal about the individual. Information that relates to an individual in a professional, official or business capacity could only qualify if the information revealed something personal about the individual, such as information that fits the definition of employment history.²⁶

[71] In the submission to OIPC, the U of S asserted:

- The first six names on page 58, the first four names on page 82, and the name on page 108 are non-university employees and therefore, their

²⁴ See OIPC [Review Report 013-2025](#) at footnote [2].

²⁵ See OIPC [Review Report 192-2024](#) at paragraph [101].

²⁶ *Ibid.*

participation on the Admissions Committee is personal information and exempt pursuant to section 28(1).

- [the] minutes contain names of non-university employees, constituting personal information (section 28(1)).
- [In the draft minutes,] Section 28(1) applies to the name of an external Admissions Appeal Committee member (student representative) (second paragraph) who is not a USask employee. As such, their membership on the committee constitutes personal information and is exempt pursuant to section 28(1).
- Digital signatures have been withheld primarily for security purposes and USask is not aware of the Applicant taking issue with this approach.
- [For redaction 3 on page 10] This is the personal cell phone number of a staff person and qualifies as personal information. It is exempt pursuant to section 28(1).

Names

[72] The U of S asserted that it withheld the names of individuals on pages 58, 82, and 108 of Bundle 1 and pages 14 and 48 of Bundle 2 because the names were of non-university employees who participated in the Admissions Committee (Bundle 1) and Admissions Appeal Committee (Bundle 2).

[73] While the U of S released the names of other committee members who were university employees, those names were also publicly available on the University website. None of the individuals whose names were redacted within the above-noted records are U of S employees and those names are not available on the U of S website.

[74] OIPC has historically found that names, alone, do not constitute personal information, unless:

- The release of the name, itself, reveals personal information about the individual, or

- The name appears with other information that constitutes personal information.²⁷

[75] Given the presence of the withheld names in the context of their involvement in the admissions or appeals processes, the names inherently reveal something personal about the identifiable individuals. For this reason, section 23(1)(k)(i) of *LA FOIP* is engaged, which states:

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:

...

(k) the name of the individual where:

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

[76] There is a finding that the U of S properly applied section 28(1) of *LA FOIP* to the names of individuals outlined at paragraph [72]. There will be a recommendation that the U of S continue to withhold the names of individuals withheld in Bundles 1 and 2.

Personal cellular telephone number

[77] The U of S asserted that a telephone number was redacted on pages 10 and 14 of Bundle 2 under section 28(1) of *LA FOIP* because it was alleged to be the personal cellular telephone number of a U of S employee. For this reason, section 23(1)(e) of *LA FOIP* is engaged, which provides:

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:

...

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

²⁷ See OIPC [Review Report 331-2023](#) at paragraph [40].

[78] This office confirmed that the cellular telephone number in question s not publicly available online, nor does it appear to be a number in use by the U of S College of Medicine. This substantiates the assertion by U of S that the cellular telephone number is personal.

[79] There is a finding that the U of S properly applied section 28(1) of *LA FOIP* to the personal cellular telephone number featured in redactions outlined at paragraph [77]. There will be a recommendation that the U of S continue to withhold the personal cellular telephone number.

IV FINDINGS

[80] OIPC has jurisdiction to undertake this review of this matter under PART VI of *LA FOIP*.

[81] The U of S properly considered the information outlined at paragraph [12] of this Report as non-responsive to the Applicant's access to information request.

[82] The U of S properly applied section 28(1) of *LA FOIP* to the names and personal cellular telephone number redacted within the records.

[83] The U of S properly applied sections 15(1)(b)(i), 16(1)(a), and 16(1)(b) of *LA FOIP* to the withheld information in the records.

V RECOMMENDATIONS

[84] I recommend that the U of S continue to withhold the information outlined at paragraph [12] of this Report that the U of S properly considered non-responsive to the Applicant's access to information request.

[85] I recommend that the U of S continue to withhold the names and personal cellular telephone number for which it was found that the U of S properly applied section 28(1) of *LA FOIP* as outlined at paragraphs [72] and [77] of this Report.

[86] I recommend that the U of S continue to withhold the information outlined at paragraphs [16], [39] and [56] of this Report for which it was found that the U of S properly applied sections 15(1)(b)(i), 16(1)(a), and 16(1)(b) of *LA FOIP*.

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

Grace Hession David
Saskatchewan Information and Privacy Commissioner