



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 061-2024

Regina Police Service

October 4, 2024

Summary:

The Applicant submitted an access to information request to the Regina Police Service (RPS). RPS withheld records in part or in full pursuant to subsections 14(1)(c), (j), (k) and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The Applicant asked the Commissioner to review RPS' decision. The A/Commissioner found that RPS properly applied subsections 14(1)(c), (j) and (k) of LA FOIP to the record. The A/Commissioner also found that it would be an absurd result to withhold some portions of the records and that subsection 28(1) of LA FOIP was properly applied to other portions. The A/Commissioner recommended that RPS continue to withhold some parts of the record and release other parts within 30 days of issuance of this Report.

I BACKGROUND

[1] On December 30, 2023, the Applicant submitted an access to information request to the Regina Police Service (RPS) for the following records for the time period of the years “2008 and 2023”:

In 2008, when I was 12, I called the Regina Police Service because my siblings and I were victimized by my now estranged [parent] for years. When the police showed up, they took the plug [name of parent] (my now estranged [parent]) used for [their] aggravated assault against me and my younger siblings. The police did not charge [name of parent] even though they have probable cause and they did not report the incident to Children's Aid even though they are required to by law. I need a copy of that record because I will be filing charges of indictable offenses against [name of parent] that includes attempted murder. My information against [name of parent] is

- ready and I will file it the first week of 2024. On Tuesday, November 21, the tenant who lives above me [address of tenant] flooded my bathroom, destroying the light and ripping out the bathroom tiles. When the police showed up, they didn't press charges, even though they had probable cause. The Regina Police Service is useless because they don't enforce the criminal code. I need a copy of that report as well, because if the caretaker doesn't press charges, I will. I need every police report that the Regina Police Service has on my file.
- [2] RPS's section 7 decision letter to the Applicant, dated January 30, 2024, indicated that it had withheld some of the responsive records in full pursuant to subsections 14(1)(c) and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The letter also indicated that the remaining responsive records were attached, and parts of the records had been withheld pursuant to subsections 14(1)(j), (k) and 28(1) of LA FOIP.
- [3] On February 9, 2024, the Applicant asked the Commissioner to review RPS' decision.
- [4] On April 18, 2024, my office notified RPS and the Applicant that my office would be undertaking a review.
- [5] On May 16, 2024, RPS provided my office with an index of records, and three copies of the responsive records (one copy was unredacted, another with redactions and the third was red-lined). On June 19, 2024, RPS emailed the Applicant releasing additional portions of the responsive record. On June 19, 2024, RPS provided my office a copy of the correspondence with the Applicant, which included an updated index of records. RPS also provided my office with the three updated copies of the responsive records. Upon review of the three updated copies of the responsive records, it appeared that the total number of pages in one of the copies did not match the total number of pages in the index of records. My office followed up with RPS on September 20, 2024, asking if it could address this discrepancy. RPS responded on the same day indicated it had sent the wrong copy of the record and provided my office with an updated copy of the record. However, upon review it appeared that the copy of the record was organized in an order that differed from the other copies of the record and did not match the order referenced in the index of records. On the same day, my office once again followed up with RPS. RPS responded on the same

day, provided my office with an updated copy of the record. This copy of the record appeared to be organized in a way that was consistent with the other copies of the record and in line with the index of records.

[6] On June 19, 2024, RPS provided my office with its submission. The Applicant did not provide a submission.

II RECORDS AT ISSUE

[7] RPS identified 58 pages of responsive records; it withheld 6 pages in part and 48 pages in full, for a total of 54 pages, as follows:

- Pages 3 to 7 withheld in part pursuant to subsection 28(1) of LA FOIP;
- Page 9 withheld in part pursuant to subsections 14(1)(j) and (k) of LA FOIP; and
- Pages 11 to 58 withheld in full pursuant to subsections 14(1)(c) and 28(1) of LA FOIP.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[8] RPS is a “local authority” as defined by subsection 2(1)(f)(viii.1) of LA FOIP; therefore, I have jurisdiction to conduct this review.

2. Did the RPS properly apply subsection 14(1)(c) of LA FOIP?

[9] RPS applied subsection 14(1)(c) of LA FOIP to withhold pages 11 to 58 in full. Subsection 14(1)(c) of LA FOIP provides:

14(1) A head may refuse to give access to a record, the release of which could:

...

(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

[10] My office's *Guide to LA FOIP*, Chapter 4, "Exemptions from the Right of Access", updated October 18, 2023 [*Guide to LA FOIP*, Ch. 4], at pages 54 to 56, provides the following two-part test to determine if subsection 14(1)(c) of LA FOIP applies:

1. Does the local authority's activity qualify as a "lawful investigation"?
2. Does one of the following exist?
 - a. Could release of the information interfere with a lawful investigation?
 - b. Could release disclose information with respect to a lawful investigation?

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

1. Does the local authority's activity qualify as a "lawful investigation"?

[12] A "lawful investigation" is an investigation that is authorized or required and permitted by law. The local authority should identify the legislation under which the investigation is occurring. The investigation can be concluded, active and ongoing or be occurring in the future (*Guide to LA FOIP*, Ch. 4, p. 54).

[13] In its submission, RPS indicated that these records relate to investigations into two offences pursuant to the *Criminal Code*. While RPS' submission has referenced the specific section of the *Criminal Code*, I have not referenced the section number as it would reveal the type of offence that was being investigated.

[14] In past reports, including [Review Report 066-2020](#), I have found that an investigation pursuant to a section of the *Criminal Code* qualifies as a "lawful investigation." I am satisfied that the matter before me qualifies as a "lawful investigation" and that the first part of test it met.

2. Does one of the following exist?

a. Could release of the information interfere with a lawful investigation?

b. Could release disclose information with respect to a lawful investigation?

[15] RPS' submission indicated that the records on these pages of the record relate to two investigations that were being conducted pursuant to the *Criminal Code*. Its submission does not specifically address if it is withholding the information because the release could interfere with a lawful investigation, or if the release could disclose information with respect to a lawful investigation. However, its submission outlines the information about the lawful investigation that would be disclosed, rather than arguments regarding how release could interfere with a lawful investigation. As such, I will consider if the information could disclose information with respect to a lawful investigation.

[16] Page 54 of the *Guide to LA FOIP*, Ch. 4, provides that it is only necessary for the local authority to demonstrate that the information in the record is information with respect to a lawful investigation to meet this part of the test. "With respect to" are words of the widest possible scope; the phrase is probably the widest expression intended to convey some connection between two related subject matters.

[17] Section 14 of LA FOIP uses the word "could" versus "could reasonably be expected to" as seen in other provisions of LA FOIP. The threshold for could is somewhat lower than a reasonable expectation. The requirement for could is simply that the release of the information could have the specified result. There would still have to be a basis for asserting the harm could occur. If it is fanciful or exceedingly remote, the exemption should not be invoked (*Guide to LA FOIP*, Ch. 4, p. 54).

[18] RPS indicated that pages 11 to 58 contain information related to two investigations into offences. Based on a review on the face of the records, the release of the information could disclose information with respect to a lawful investigation, including interview notes, occurrence reports and statements. As such, the second part of the test is met.

[19] RPS stated that for the matters outlined on pages 11 to 58, the Applicant was not a witness or otherwise involved. Where it is possible that a record may contain information relating to an applicant, I have considered in a review of subsection 14(1)(c) of LA FOIP, the possibility of an absurd result existing (e.g., paragraph [32] of [Review Report 245-2022](#) concerning the Saskatoon Police Service). It would be an absurd result to withhold information from an applicant where an applicant was either: 1) the one who provided the information; 2) was present when the information was given; and/or 3) would otherwise have knowledge of the information. Upon review, in this matter, it is not evident that the Applicant provided any of the information for these pages, was present when it was provided, or would otherwise have knowledge of it. I find, therefore, that RPS properly applied subsection 14(1)(c) of LA FOIP to pages 11 to 58. I recommend that RPS continue to withhold these pages of the record, in full, pursuant to subsection 14(1)(c) of LA FOIP.

[20] As I have found that RPS properly applied subsection 14(1)(c) of LA FOIP to these pages, I do not need to consider its reliance on subsection 28(1) of LA FOIP alongside the same portions.

3. Did RPS properly apply subsection 14(1)(j) of LA FOIP?

[21] RPS applied subsection 14(1)(j) of LA FOIP to withhold a “dispatch code” on page 9 of the record. Subsection 14(1)(j) of LA FOIP provides as follows:

14(1) A head may refuse to give access to a record, the release of which could:

...

(j) facilitate the commission of an offence or tend to impede the detection of an offence;

[22] Page 73 of the *Guide to LA FOIP*, Ch. 4, provides that subsection 14(1)(j) of LA FOIP is a discretionary harm-based exemption. It permits refusal of access in situations where release of a record could facilitate the commission of an offence or impedes the detection of one. It also outlines that “could” is somewhat lower than a reasonable expectation that

something could occur. The requirement is that release of the information could have the specified result, although there still needs to be a basis for asserting the harm could occur.

[23] The *Guide to LA FOIP*, Ch. 4 at pages 73 and 74, lays out the two-part test my office uses to determine if a public body has properly applied this exemption. Only one question needs to be answered in the affirmative for the exemption to apply, although both may apply. The questions are as follows:

1. Could release of the record facilitate the commission of an offence?
2. Could release of the record tend to impede the detection of an offence?

[24] RPS' submission provided the following:

- 900 Codes are Complaint Codes and are used by the RPS to provide quality service and ensure the best utilization of our resources.
- If the public was to become aware of our 900 codes, and the associated priorities for those calls the knowledge of them could be used to impede an offence by diverting calls for service.
- RPS has utilized encryption for our radio transmissions to protect these 900 codes from being diverted and used to impede an investigation.

[25] In multiple previous reports (e.g., Review Reports [156-2021](#) at paragraph [45], [132-2022](#) at paragraph [28], [077-2023](#) at paragraph [28], [293-2023](#) at paragraph [42] and [095-2024](#) at paragraph [18]), I took the position that subsection 14(1)(j) of LA FOIP applies to such codes. I continue with this position and find that RPS properly applied subsection 14(1)(j) of LA FOIP to the dispatch code on page 9 of the incident report. I recommend RPS continue to withhold the dispatch code on page 9 pursuant to subsection 14(1)(j) of LA FOIP.

4. Did RPS properly apply subsection 14(1)(k) of LA FOIP?

[26] RPS applied subsection 14(1)(k) of LA FOIP to withhold a portion of page 9 of the record. Subsection 14(1)(k) of LA FOIP provides as follows:

14(1) A head may refuse to give access to a record, the release of which could:

...

(k) interfere with a law enforcement matter or disclose information respecting a law enforcement matter;

[27] Page 76 of the *Guide to LA FOIP*, Ch. 4, provides that subsection 14(1)(k) of LA FOIP is a discretionary exemption that contains both a class and harm-based component. It permits refusal of access in situations where release of a record could interfere with a law enforcement matter or disclose information respecting a law enforcement matter.

[28] Pages 76 to 78 of the *Guide to LA FOIP*, Ch. 4, provide the following two-part test to determine if subsection 14(1)(k) of LA FOIP applies:

1. Is there a law enforcement matter involved?
2. Does one of the following exist?
 - a. Could release of the information interfere with a law enforcement matter?
 - b. Could release disclose information with respect to a law enforcement matter?

[29] RPS' submission states that "the requested records are unquestionably related to investigation conducted by the RPS... the release could disclose information respecting a law enforcement matter."

[30] The *Guide to LA FOIP*, Ch. 4 at pages 76 to 77, defines "law enforcement" as including policing which is defined as the activities of police services carried out under the authority of a statute regarding the maintenance of public order, detection and prevention of crime or the enforcement of law. Law enforcement also includes investigations, inspections or proceedings conducted under the authority of, or for the purpose of enforcing an enactment which led to or could lead to a penalty or sanction being imposed under the enactment.

[31] Page 77 of the *Guide to LA FOIP*, Ch. 4, provides the following definitions:

- “Policing” refers to the activities of police services. This means activities carried out under the authority of a statute regarding the maintenance of public order, detection and prevention of crime or the enforcement of law.
- “Investigation”, in general, as a systematic process of examination, inquiry and observations.
- “Inspection”, in general, as a careful examination.
- “Matter” should be given its plain and ordinary meaning. It does not necessarily always have to apply to some specific on-going investigation or proceeding.

[32] RPS withheld details about a “special address comment”. RPS’ indicates that the comment contains information that “is used when officers are dispatched to a call.” RPS further noted that “active law enforcement incident officers are given instruction on how to enter buildings.” In this case, this special address comment provides information about how to enter the building and was used in a “lawful investigation, which in this case was a Mischief in Progress.”

[33] Page 78 of the *Guide to LA FOIP*, Ch. 4, explains that it is necessary for the local authority to demonstrate that the information in the record is information with respect to a law enforcement matter to meet this part of the test. RPS indicated that a police officer’s authority is set out in section 36(2) of *The Police Act, 1990*, and that RPS members are required to investigate mischief calls pursuant to section 430(1) of the *Criminal Code*. In my office’s [Review Report 023-2019, 098-2019](#) at paragraph [99], I found that the Saskatoon Police Service’s response to complaints from the public about alleged criminal activities pursuant to *The Police Act, 1990* to enforce the *Criminal Code* qualifies as a “law enforcement matter.” I take the same approach here and find that a law enforcement matter is involved. Therefore, the first part of the test is met.

[34] For the second part of the test, I have previously noted in this Report that, “with respect to” are words of the widest possible scope; the phrase is probably the widest expression intended to convey some connection between two related subject matters. As well, I stated that the requirement for “could” is simply that the release of the information could have the specified result. In my office’s [Review Report 023-2019, 098-2019](#) at paragraph [100],

I found that releasing records about the activities undertaken by Saskatoon Police Service members to enforce the *Criminal Code* could disclose information with respect to law enforcement matters. I take that same approach here. As the information withheld contains details about how the officers accessed the building in the course of their investigation, the disclosure in this matter could disclose information with respect to a law enforcement matter. Therefore, the second part of the test is met.

[35] As such, I find that RPS has properly applied subsection 14(1)(k) of LA FOIP to page 9 of the record. Accordingly, I recommend that RPS continue to withhold this information pursuant to subsection 14(1)(k) of LA FOIP.

5. Did RPS properly apply subsection 28(1) of LA FOIP?

[36] RPS applied subsection 28(1) of LA FOIP to withhold portions of pages 3 to 7.

[37] Subsection 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.

[38] Subsection 28(1) of LA FOIP protects the privacy of individuals whose personal information may be contained within records responsive to an access to information request made by someone else. When dealing with information in a record that appears to be personal information, the first step is to confirm the information indeed qualifies as personal information pursuant to section 23 of LA FOIP. The list of examples provided for at subsection 23(1) of LA FOIP is not meant to be exhaustive. This means there can be other types of information that could qualify as personal information. For information to be personal information, it must: 1) be about an identifiable individual; and 2) be personal in nature. The *Guide to LA FOIP*, Chapter 6, “Protection of Privacy”, updated February 27, 2023 [*Guide to LA FOIP*, Ch. 4], at pages 39 and 40, elaborates on these as follows:

- Information is about an “identifiable individual” if the individual can be identified from the information (e.g., their name or address) or the information, if combined with other available individual, could reasonably be expected to allow the individual to be identified. “Identifiable” means it is reasonable to expect the person can be identified as a result of disclosure.
- Information is “personal in nature” if it reveals something personal about the person. “Personal” means affecting or concerning a person or concerning their private rather than professional life.

[39] RPS did not specify under what subsection of section 23 of LA FOIP the information qualified as personal information, but did state that the type of information withheld was race, creed, name, date of birth, criminal history, address, phone number and information that relates to health care services. RPS did not specify which redacted portions of the record contain each type of information.

[40] As noted in the Applicant’s access to information request, the Applicant requested access to records regarding a domestic complaint that the Applicant had submitted to RPS. The complaint was against a parent and involved the Applicant and their siblings.

[41] Before I begin my analysis, I note that the Ontario Information and Privacy Commissioner (ON IPC) in [Order M-847](#) stated:

In general, the information in the remaining records consists of names, telephone numbers and opinions of identifiable individuals other than the appellant. In my view, this information constitutes the personal information of the respondent and other identifiable individuals (collectively the affected persons). However, **because the records relate to an investigation into a complaint made by the appellant, I find that this information necessarily relates to both the appellant and the affected persons.**

...

Record 73 contains **references, by name, to the individuals or respondents against whom the appellant filed the complaint. The appellant is therefore, fully aware of the identity of these individuals and withholding this information under the Act would result in an absurdity.** In my view, disclosure of this information would not result in an unjustified invasion of personal privacy. I will review this record again to determine the possible application of sections 7(1) and 38(a) of the Act.

[Emphasis added]

[42] Earlier in this Report, I stated it would be an absurd result to withhold information from an Applicant when: 1) they provided the information; 2) they were present when the information was being presented to the public body; and/or 3) it is reasonable that they would otherwise have knowledge of the information.

[43] As noted, RPS withheld portions of pages 3 to 7 pursuant to subsection 28(1) of LA FOIP. These pages relate to a complaint the Applicant made to RPS about their parent. Pages 3 and 4 contain a record of the complaint the Applicant made to the RPS and RPS' account of its response to the complaint. Based on a review, it would be an absurd result to withhold the following information from the Applicant because the Applicant made the original complaint to the RPS, was present when RPS responded to the complaint, would clearly know who the information is about, and would know about any allegations made. The Applicant would also be able to discern from the information RPS already released what information RPS has withheld in the surrounding portions. I find, then, that it would be an absurd result to withhold the following from the Applicant:

- Page 3 (paragraph 4), redactions 1 to 4 and 7 – the name of an individual was withheld, the Applicant would be aware of the identity of the individual.
- Page 3 (paragraph 5), redactions 1 to 9 – the name of an individual was withheld, the applicant would be aware of the identity of the individual. There is also a portion of redaction 8 that contains information RPS released to the Applicant later in the records. As RPS was withholding this information, claiming that it qualifies as personal information, my office asked RPS to address the authority to release these details in other portions of the record. RPS indicated that the portions withheld in this paragraph were “direct conversations with [the individual]. RPS members discussed with [the individual] privately.” RPS indicated that the information found in another part of the record were released as it took the position that it related to “the family as a whole and police work involved.” Additionally, it indicated that information on another page could not be tied back to the individual as their name and other identifying details had been withheld. However, given the Applicant's knowledge of the complaint and those involved and given the context of the other details released, it is likely that the Applicant would be able to identify the individual. As noted earlier, personal information is information that is personal in nature about an identifiable individual. When releasing information from records that is personal in nature, RPS should ensure that based on the information being released in the record, or combined with other details available to them, the information would not reveal the identity of the individual.

- Page 3 (paragraph 6) – the names of individuals were withheld; the Applicant would be aware of the identity of the individuals. The name withheld at redaction 4 relates to an allegation about the Applicant. In my office’s [Review Report 284-2020](#), it was found that it would be an absurd result to withhold this type of information from an applicant.
- Page 4 (paragraph 7) – the name of an individual was withheld; the Applicant would be aware of the identity of the individual.
- Page 4 (paragraph 9) – the names and ages of individuals were withheld. RPS disclosed information surrounding these names, and the Applicant would be able to place the names given these details.
- Page 4 (paragraph 10), redaction 2 – the name of an individual was withheld; the Applicant would be aware of the identity of the individual.
- Page 5 – titled, “Regina Police Service Statement Form” – contains a statement by an individual and that individual’s details. The withheld portions contain a name and birthdate of the individual. RPS indicated the information on this page is “the act of answer the questions on a standard form.” RPS took the position that withholding the name, date of birth and signature of the individual protected the identity of the individual. However, given the context of the other details released, it is likely that the Applicant would be able to identify the individual. In addition, given the Applicant’s knowledge of those involved, it is likely the Applicant would already have knowledge of the individual’s birthdate. As noted earlier, personal information is information that is personal in nature about an identifiable individual. When releasing information from records that is personal in nature, RPS should ensure that based on the information being released in the record, or combined with other details available to them, the information would not reveal the identity of the individual. RPS also withheld the signature of an individual that was released in another portion of the report. RPS advised that the release of the signature was an error and should have been withheld pursuant to subsection 28(1) of LA FOIP.
- Page 6, redactions 1 to 3 – titled, “Witness Statement” – withheld portions contain the name and birthdate of an individual. It is likely the Applicant would have knowledge of the identity of the individual and their birthdate.
- Page 7, redactions 1 and 3 – titled, “Statement Continuation Form” – withheld portions contain a name and signature of an individual. It is likely that the Applicant would know who the statement is from, based on their knowledge of the complaint. RPS also withheld the signature of an individual that was released in another portion of the report. RPS advised that the release of the signature was an error and should have been withheld pursuant to subsection 28(1) of LA FOIP.

[44] As I find it would be an absurd result to withhold the information as I have identified at paragraph [43] of this Report, I recommend RPS release it to the Applicant within 30 days of the issuance of this Report.

[45] There is information, however, where it does not appear that the Applicant provided it, was present when it was given to the RPS, or would otherwise have knowledge of it. It is also information that is not about the Applicant. These portions would contain personal information of another individual as defined by subsections 23(1)(b) and (f) of LA FOIP, which provides as follows:

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;

...

(f) the personal opinions or views of the individual except where they are about another individual;

[46] I find that the following information is personal information as follows:

- Page 3 (paragraph 2) – contains an allegation made by one individual against another (named) who is not the Applicant. The allegation relates to the nature of the alleged crime, and so it is that individual’s personal information as defined by subsection 23(1)(b) of LA FOIP.
- Page 3 (paragraph 5), redaction 10 – contains a personal opinion of an RPS officer of someone who is named and who is not the Applicant, which makes it their personal information as defined by subsection 23(1)(f) of LA FOIP.
- Page 4 (paragraph 10), redaction 1 – contains a personal opinion of someone who is named who is not the Applicant, and which there is no evidence to support that the Applicant would have knowledge of it. This is that individual’s personal information as defined by subsection 23(1)(f) of LA FOIP.
- Page 6 (redaction 4) - contains a personal opinion of someone who is named who is not the Applicant, and which there is no evidence to support that the Applicant

would have knowledge of it. This is that individual's personal information as defined by subsection 23(1)(f) of LA FOIP.

- Page 7 (redaction 2) - contains a personal opinion of someone who is named who is not the Applicant, and which there is no evidence to support that the Applicant would have knowledge of it. This is that individual's personal information as defined by subsection 23(1)(f) of LA FOIP.

[47] As such, I find that RPS has properly applied subsection 28(1) of LA FOIP to the information as outlined at paragraph [46] of this Report and recommend it continue to withhold this information pursuant to subsection 28(1) of LA FOIP.

6. Did RPS comply with section 8 of LA FOIP?

[48] As I noted earlier, RPS withheld pages 11 to 58 of the record in full as the information related to two investigations into offences. Section 8 of LA FOIP provides:

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 be reasonably severed without disclosing the information to which the applicant is refused access.

[49] Page 70 of the *Guide to LA FOIP*, Chapter 3, "Access to Records", updated May 5, 2023 (*Guide to LA FOIP*, Ch. 3) states that a line-by-line review is essential to comply with the principle of severability set out in section 8 of LA FOIP. This provision grants an applicant a right of access to any record from which exempted material can be reasonably severed.

[50] From a review of pages 11 to 58 of the record, it appears that RPS applied subsection 14(1)(c) and 28(1) of LA FOIP in a blanket fashion, rather than a line-by-line review. RPS's submission addressed the obligations under section 8 of LA FOIP as follows:

Information contained within the reports that pertained to the applicant was shared with [them]. We considered [their] right to access records within the control of RPS, but given much of the information contained in the records was personal information that belonged to other individuals it was determined [their] right of access was limited. The applicant was provided with as much information as allowable under LAFOIP.

In addition to the mandatory exemptions required to protect the personal information of the individuals in the file, we also considered exemptions under 14(1)(c), which

allows the RPS to discretion to deny access to protect a lawful investigation. We contemplated whether more information could be provided, but chose to deny access to protect the lawful investigation and to protect the personal information of the individuals named in the file.

[51] From a review of the records on pages 11 to 58, the information relates to investigations into two offences pursuant to the *Criminal Code*. RPS's submission indicates that the investigation of these offences did not relate to the Applicant, nor were they a witness or otherwise involved in the files. The release of the names of those involved in the offences, the nature of the offences, or details related to the offences on these pages would disclose information to which the Applicant is refused access.

[52] Based on RPS' response, it appears that its review of the records did take into consideration if any portion of these pages could be released to the Applicant without disclosing information subject to exemption. Going forward, I encourage RPS to continue to be mindful of its obligation pursuant to section 8 of LA FOIP.

IV FINDINGS

[53] I find that I have jurisdiction.

[54] I find that RPS has properly applied subsections 14(1)(c) of LA FOIP to withhold pages 11 to 58 in full.

[55] I find that RPS has properly applied subsection 14(1)(j) of LA FOIP to the "dispatch code" on page 9.

[56] I find that RPS has properly applied subsection 14(1)(k) of LA FOIP to redaction 2 on page 9.

[57] I find that it would be an absurd result to withhold information in the record from the Applicant as outlined at paragraph [43] of this Report.

[58] I find that RPS has properly applied subsection 28(1) of LA FOIP to some portions of the record, as outlined at paragraph [46] of this Report.

V RECOMMENDATIONS

[59] I recommend that RPS continue to withhold pages 11 to 58 in full pursuant to subsection 14(1)(c) of LA FOIP.

[60] I recommend that RPS continue to withhold the “dispatch code” on page 9 pursuant to subsection 14(1)(j) of LA FOIP.

[61] I recommend that RPS continue to withhold redaction 2 on page 9 pursuant to subsection 14(1)(k) of LA FOIP.

[62] I recommend that RPS release the information as outlined at paragraph [43] of this Report to the Applicant within 30 days of the issuance of this Report.

[63] I recommend that RPS continue to withhold the information as outlined at paragraph [46] of this Report pursuant to subsection 28(1) of LA FOIP.

Dated at Regina, in the Province of Saskatchewan, this 4th day of October, 2024.

Ronald J. Kruzeniski, K.C.
A/Saskatchewan Information and Privacy
Commissioner