



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## REVIEW REPORT 064-2025

### Saskatoon Police Service

August 27, 2025

#### Summary:

The Applicant submitted an access to information request to the Saskatoon Police Service (SPS). SPS refused access to nine pages of a 20-page record pursuant to sections 14(1)(c) (Law enforcement and investigations) and 28(1) (Disclosure of personal information) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*. Eleven pages of the document were released in full. The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner with respect to the application by SPS of exemptions. The Commissioner found that SPS properly applied sections 14(1)(c) and 28(1) of *LA FOIP* and recommended that SPS continue to withhold the records accordingly.

#### I BACKGROUND

- [1] On March 10, 2025, Saskatoon Police Service (SPS) received an access to information request from the Applicant, along with their \$20.00 application fee, referencing a file number and requesting “I would like the police report of this accident please, for my records...”.
- [2] In its section 7 decision dated March 17, 2025, SPS advised the Applicant it was denying access to parts of the records responsive to the Applicant’s request pursuant to sections 14(1)(c) and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.<sup>1</sup>

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<sup>1</sup> [\*The Local Authority Freedom of Information and Protection of Privacy Act\*](#), SS 1990-91, c. L-27.1, as amended.

- [3] On March 20, 2025, the Applicant emailed the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) a completed request for review form. They cited their reason for the review was that they were refused access to “information about the other driver involved...”.
- [4] On April 4, 2025, the Applicant confirmed with this office that the scope of their request for review was for the application of exemptions claimed by SPS to withhold the record in part.
- [5] On April 7, 2025, OIPC notified both SPS and the Applicant that a review would proceed.
- [6] On May 6, 2025, SPS provided OIPC with the index of records and a copy of the withheld records. On May 28, 2025, OIPC received a submission from SPS, which it did not consent to sharing with the Applicant. The Applicant did not provide OIPC with a submission.

## **II RECORDS AT ISSUE**

- [7] The record at issue is a 20-page General Occurrence Report. SPS withheld portions of nine pages of this record pursuant to sections 14(1)(c) and 28(1) of *LA FOIP*. SPS released the remaining eleven pages of the record in full.

## **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*. As there are reviewable grounds as noted in the notice of review, OIPC has jurisdiction and is undertaking a review of this matter pursuant to PART VI of *LA FOIP*.

### **2. Did SPS properly apply section 14(1)(c) of *LA FOIP*?**

- [9] SPS applied section 14(1)(c) of *LA FOIP* to portions of four pages of the record, as follows:

Page Number	Redaction Number/Number of Total Redactions on Page
6	1/5
11	7/15
13	1/5
18	7/8

[10] Section 14(1)(c) of *LA FOIP* provides as follows:

**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;

[11] OIPC uses the following two-part test to determine if section 14(1)(c) of *LA FOIP* applies:<sup>2</sup>

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

[12] The following is an analysis to determine if both parts of the test are met.

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

[13] A "lawful investigation" is an investigation that is authorized or required and permitted by law.<sup>3</sup> As such, the local authority should always identify the legislation from which the investigation draws its legal jurisdiction. The investigation can be concluded, active and ongoing or occurring in the future.<sup>4</sup>

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<sup>2</sup> See OIPC [Review Report 010-2025](#) at paragraph [14].

<sup>3</sup> See OIPC [Review Report 019-2025](#) at paragraph [16].

<sup>4</sup> In [Leo v. Global Transportation Hub Authority, 2019 SKQB 150](#) (*Leo*) at paragraph [24], Kalmakoff J. concluded that nothing in section 15(1)(c) of *LA FOIP* required a matter to be active

[14] In its submission, SPS explained that “as a police service, many of the activities of the SPS encompass lawful investigations. It should be noted that the police’s powers of investigation are broad and stem from various pieces of legislation both provincially and federally.” SPS cited section 36(2) of *The Police Act, 1990*, which states as follows:<sup>5</sup>

**36(2)** Unless otherwise indicated in his or her appointment, a member has the power and the responsibility to:

(a) perform all duties that are assigned to constables or peace officers in relation to:

(i) the preservation of peace;

(ii) the prevention of crime and offences against the laws in force in the municipality; and

(iii) the apprehension of criminals, offenders and others who may lawfully be taken into custody;

[15] SPS added that “the record was created in September of 2024 as a result of a traffic collision involving the applicant.” It noted that in this situation “the investigative actions of the attending officer fell under *The Traffic Safety Act*<sup>6</sup> and *The Automobile Accident Insurance Act*.”<sup>7</sup>

[16] This office has previously found that records created by SPS in connection with investigations of possible violations under *The Traffic Safety Act* qualified as a “lawful investigation.”<sup>8</sup> It is clear on their face these records were created as a result of the

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or ongoing, and so could also apply to “closed matters” as well. This case was reversed on the issue of costs alone, the substantive law was affirmed in [\*Leo v Global Transportation Hub Authority\*](#), 2020 SKCA 91.

<sup>5</sup> [\*The Police Act, 1990\*](#), SS 1990-91, c. P-15.01, as amended.

<sup>6</sup> [\*The Traffic Safety Act\*](#), SS 2004, c. T-18.1, as amended.

<sup>7</sup> [\*The Automobile Accident Insurance Act\*](#), SS 1978, c. A-35, as amended.

<sup>8</sup> See OIPC [Review Report 043-2022](#) at paragraph [39].

investigation of a traffic incident carried out by SPS; therefore, the first part of the test is met.

**2. Does one of the following exist?**

**a) Could release of the following information interfere with a lawful investigation? and/or**

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

[17] In its submission, SPS confined its submissions to the second of the two options in the test above. Therefore, the focus of this analysis will be on whether the release of the information could *disclose* information with respect to a lawful investigation and not whether the release of the information could *interfere* with a lawful investigation.

[18] The terms “could” and “with respect to” were discussed in depth in OIPC Review Report 019-2025.<sup>9</sup> In that report, OIPC established that a local authority must demonstrate that the release of the redacted portions of the record would have an objective possibility of disclosing information with respect to a lawful investigation. If there is a connection between releasing the redacted portions of the records and an objective possibility that the redacted information will disclose information with respect to a lawful investigation, then the exemption applied by means of section 14(1)(c) of *LA FOIP* is appropriate.

[19] In its submission, SPS provided that the information withheld “included information that was provided by a witness, which falls within the scope of police duties” and that, “the records were generated in response to a lawful investigation.” The redactions on pages 6 and 13 reference a statement regarding the traffic incident from a witness that was on scene relating to actions taken by the other driver, not the Applicant. The redactions on pages 11 and 18 appear to be a conclusion reached by the SPS officer regarding the traffic incident, based on their investigation, that related to the other driver, not the Applicant, and was recorded on the *Saskatchewan Accident Report* within the General Occurrence Report.

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<sup>9</sup> *Supra*, footnote 3 at paragraphs [21] to [25].

[20] This office has previously found that information regarding interviews and statement taken by SPS members with witnesses and potential suspects, evidence collected by SPS members during the course of an investigation and steps taken by SPS members during the investigative process would reveal information with respect to a lawful investigation.<sup>10</sup> Upon review, this office agrees with the assertion by SPS that the redacted information would reveal information with respect to a lawful investigation, that is to say, the SPS investigation of the traffic incident. There will be a finding that SPS properly applied section 14(1)(c) of *LA FOIP*. There will be a recommendation that SPS continue to withhold information to which it applied section 14(1)(c) of *LA FOIP* to the portions of the record listed at paragraph [9]. Because of this, there is no need to review the reliance on section 28(1) of *LA FOIP* where SPS had applied it alongside section 14(1)(c) of *LA FOIP*.

**3. Did SPS properly apply section 28(1) of *LA FOIP*?**

[21] SPS applied section 28(1) of *LA FOIP* to the following nine pages in part:

Page Number	Redaction Numbers/Number of Total Redactions on Page
2	1 to 14/14
3	1 to 5/5
6	2 to 5/5
9	1 and 2/2
11	1 to 6 and 8 to 15/15
13	2 to 5/5
15	1 and 2/2
18	1 to 6 and 8/8
19	1 to 6/6

[22] Section 28(1) of *LA FOIP* provides as follows:

**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.

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<sup>10</sup> See OIPC [Review Report 039-2023](#) at paragraph [30].

- [23] In past reports, OIPC has explained that section 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.
- [24] Section 28(1) of *LA FOIP* is a mandatory exemption that prohibits the disclosure of personal information unless the individual about whom the information pertains consents to its disclosure or if disclosure without consent is authorized by sections 28(2) or 29 of *LA FOIP*.<sup>11</sup>
- [25] For information to be exempt from access pursuant to section 28(1) of *LA FOIP*, the information must qualify as “personal information” as defined by the list in section 23(1) of *LA FOIP*. Section 23(1) of *LA FOIP* provides a list of examples of what may constitute “personal information” as it relates to an individual, but this list is not exhaustive.
- [26] SPS indicated that the information it redacted under the exemption in section 28(1) of *LA FOIP* involves the personal information of individuals other than the Applicant who were interviewed by the police with respect to this matter. This information includes the following data elements: “Name; Sex/gender; Phone number; Address; Date of birth; Driver’s license number; Name where it appears with other personal information.”
- [27] On review of the record, it is apparent that the information qualifies as personal information as defined at section 23(1) of *LA FOIP*. For example, on page 2 of the record, the sex, birthdate, address, telephone number and driver’s license number of an individual other than the Applicant were withheld.<sup>12</sup> On page 6 of the record, the name and gender pronoun of an individual other than the Applicant were also withheld from an officer’s statement of the motor vehicle accident.<sup>13</sup>

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<sup>11</sup> See OIPC [Review Report 078-2025](#) at paragraph [48].

<sup>12</sup> See OIPC [Review Report 055-2021, 056-2021](#) at paragraphs [18], [22], [26], [27] where it was discussed that this type of information qualifies as personal information under sections 23(1)(a), (d), (e), (k)(i) and (k)(ii) of *LA FOIP*.

[28] This would all qualify as personal information pursuant to sections 23(1)(a), (d), (e), (k)(i) and (k)(ii) of *LA FOIP*, which provide:

**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:

(a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;

...

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

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

...

(k) the name of the individual where:

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

(ii) the disclosure of the name itself would reveal personal information about the individual.

[29] As the information qualifies as personal information of an individual other than the Applicant, section 28(1) of *LA FOIP* prohibits SPS from disclosing the information, unless it has obtained consent from the subject individual or if it has authority for the disclosure without consent. SPS noted in its submission that “subsection 28(1) is a mandatory exemption that ‘requires a local authority to have the consent of the individual whose personal information is in the record prior to disclosing it’.” As SPS does not have the consent of the individual to whom the information relates, or identified authority for disclosure without consent, there will be a finding that SPS properly applied section 28(1) of *LA FOIP* to the portions of the record listed at paragraph [21]. There is a

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<sup>13</sup> Pronouns in place of name qualifying as “personal information” or disclosing the identity of an individual was discussed in OIPC [Review Report 242-2022](#) at paragraph [24] and [25].



recommendation that SPS continue to withhold the portions to which it applied section 28(1) of *LA FOIP*.

#### **IV FINDINGS**

[30] OIPC has jurisdiction to conduct this review.

[31] SPS properly applied sections 14(1)(c) and 28(1) of *LA FOIP*.

#### **V RECOMMENDATION**

[32] I recommend that SPS continue withhold the portions of the records listed at paragraphs [9] and [21] to which it applied sections 14(1)(c) and 28(1) of *LA FOIP*.

Dated at Regina, in the Province of Saskatchewan, this 27th day of August, 2025.

Grace Hession David  
Saskatchewan Information and Privacy Commissioner