



## **REVIEW REPORT 073-2020**

### **Saskatchewan Health Authority**

**November 16, 2021**

#### **Summary:**

The Applicant submitted an access to information request seeking records from the Saskatchewan Health Authority (SHA). The SHA responded to the Applicant's request providing access to some portions of records and withholding other portions pursuant to section 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The SHA also took the position that a portion of the record was non-responsive to the Applicant's request. The Commissioner found that the SHA did not provide sufficient detail to conclude that it had conducted a reasonable search, the SHA did not accurately identify a portion of the record as non-responsive and that section 28(1) of LA FOIP applied to some portions of the record, but not others. The Commissioner recommended the SHA conduct another search for records and provide details to the Applicant and my office, and release the portion of the record the SHA identified as non-responsive. As well, the Commissioner recommended the SHA continue to withhold the portions of the record the SHA severed pursuant to section 28(1) of LA FOIP.

#### **I BACKGROUND**

[1] In a letter to the Saskatchewan Health Authority (SHA) dated December 9, 2019, the Applicant requested:

... records from both the Saskatchewan Health Authority and the former Sunrise Health Region – firstly, the Do Not Hire List, and secondly, my Human Resources and Labour Relations records.

1. I understand the Do Not Hire List (DNHL) may be identified by alternate terminology. In the former Sunrise Health Region it was kept in the \* Binder (read as

Star Binder). The \* Binder was a hard copy file, which was later saved electronically. I am requesting access to:

- i. A copy of the former Sunrise Health Region's DNHL list for the period January 2000 – December 2017;
- ii. The categories that exist on such a list;
- iii. The policies and work standards used to determine if/when someone should be placed on the former Sunrise Health Region's DNHL;
- iv. Whether my name is on the former Sunrise Health Region's DNHL;
- v. The policies used when disseminating names to be noted on a DNHL to other former health regions;
- vi. A copy of the Saskatchewan Health Authority's current DNHL;
- vii. The policies and work standards used to determine if/when someone should be placed on the current Saskatchewan Health Authority's DNHL.

2. I would like to request my Human Resources and Labour Relations files from the former Sunrise Health Region.

[2] In a letter dated December 23, 2019, the Applicant sent a second letter to the SHA revising their request:

I am revising my request dated December 9, 2019 to both the Saskatchewan Health Authority and the former Sunrise Health Region.

Firstly, I would [sic] to know if my name exists [sic] the Cautionary Hire List of the Saskatchewan Health Authority, and the recorded reason(s) why I am on it.

Secondly, I would like to access records from the former Sunrise Health Region for what was known as the Do Not Hire List (DNHL) may be identified by alternate terminology or names. In the former Sunrise Health Region the DNHL was kept in the \* Binder (read as Star Binder). The \* Binder was a hard copy file, which was later saved electronically. I am requesting access to:

- i. A copy of the former Sunrise Health Region's DNHL list for the period January 2000 – December 2017;
- ii. The categories that exist on such a list;
- iii. The policies, work standards and criteria used to determine if/when someone should be placed on the former Sunrise Health Region's DNHL;
- iv. Whether my name is on the former Sunrise Health Region's DNHL, and the recorded reason(s) why I am on it;
- v. The criteria used when disseminating names to be noted on a DNHL to other former health regions;
- vi. A copy of the Saskatchewan Health Authority's Cautionary Hire List;
- vii. The policies, work standards and criteria used to determine if/when someone should be placed on the current Saskatchewan Health Authority's Cautionary Hire List.

Thirdly, I would like to request my Human Resources and Labour Relations files from the former Sunrise Health Region.

[3] On January 23, 2020, the SHA responded to the Applicant's request:

Thank you for your revised access to information request received in this office on December 23, 2019 requesting access to your own personal health information and general information including Cautionary Hire Lists for Sunrise and SHA and related policies.

Access to the requested records has been provided in part and denied in part pursuant to Section 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act*. The reasons for refusal of parts of the records are:

- Access to a copy of Sunrise's DNHL and SHA's Cautionary Hire List are denied under LA FOIP 28(1) as the record contains individual personal information. Access is provided to responsive records containing your name is provided.
- Access to the Work Standard record is provided in part as there is non-responsive information contained on the record.
- Access to your Human Resources record in [sic] released in full; no Labour Relations record is found to exist.

[4] On March 16, 2020, the Applicant submitted a request for review to my office stating:

The SHA, however, failed to provide me with some personal information I requested as well as some general information I requested. Those are:

1. Re personal information - the SHA provided me with a line from the Cautionary Hire List Excel spreadsheet with my information only. Information was unclear as outlined below:

- 1.1 The SHA did not give the significance of the number 1827.
- 1.2 The SHA did not explain why I am on a list until 2027.
- 1.3 The SHA did not provide a Category or Title under which I am classified.
- 1.4 The SHA did not give me the date I was added to the list.
- 1.5 The SHA did not give me the reason in writing why I was added to this list.

2. Re general information:

- 2.1 The SHA did not provide me with the old work standards of the former Sunrise Health Region, which is linked to the corresponding criteria used for placing me on the then Do Not Hire List.

2.2 The SHA did not provide me with the copies of the Sunrise Health Region's Do No Hire List nor [sic] the SHA's Cautionary Hire List.

[5] In communications with the Early Resolution Officer from my office, the Applicant continued to have questions about why they were on the cautionary hire list. The Early Resolution Officer forwarded these questions to the SHA. On April 27, 2020, the SHA responded to the Applicant's questions about their own personal information recorded on the SHA Cautionary Hire List.

[6] On April 29, 2020, the Early Resolution Officer confirmed the scope of the review with the Applicant and notified the parties of my office's intent to undertake a review of the following:

- The SHA's decision to deny access pursuant to section 28(1) of LA FOIP;
- The SHA's decision to deny access to part of the record on the basis that part of the record is non-responsive;
- The SHA's section 7 response which notified the Applicant that part of the record does not exist; and
- The SHA's search efforts as the Applicant does not believe all the records were located that were responsive to [their] request. Specifically the Applicant believes the following records are missing:
  - "the old work standards of the former Sunrise Health Region, which is linked to the corresponding criteria used for placing me on the then Do Not Hire List"; and
  - "the copies of the Sunrise Health Region's Do Not Hire List nor [sic] the SHA's Cautionary Hire List".

## **II RECORDS AT ISSUE**

[7] The SHA had provided my office with an unredacted copy of the records that had been released to the Applicant. However, the SHA did not indicate on this unredacted copy what portions of the record it had severed from the version released to the Applicant. After following up with the SHA to gain clarification on exactly what information had been

withheld in Record 2, the SHA claimed that it had withheld a portion of a line of text on page 1 and all of pages 3 and 4. However, based on a review of a copy of the records provided to my office by the Applicant, the SHA had released pages 3 and 4 in full to the Applicant. It is not required for an Applicant to provide my office with copies of the records they had received and often would not be available for my office to verify if the public body's assertions were accurate.

[8] In the future, when the SHA is providing my office with a copy of the record, it also must provide me with a copy of the record that accurately reflects what portions of the records were withheld in full or in part. To prevent future instances where there is confusion about what records were withheld, the SHA should ensure to keep a file that includes a copy of what was released and withheld from the Applicant.

[9] The SHA withheld portions of the two records at issue were:

<b>Record</b>	<b>Description</b>	<b>What portions of the records at issue were withheld?</b>	<b>Exemption Applied to Withhold in Part</b>
1	The SHA's Cautionary Hire List is an excel document containing 5,379 rows of data related to individuals.	The column headings of the SHA Cautionary Hire List and row 1827, which was the single row related to the Applicant, were released in full.  All other rows of information pertaining to individuals other than the Applicant in the Cautionary Hire List excel document were withheld in full.	Section 28(1) of LA FOIP
2	SHA Work Standard: <i>Cautionary Hire List Maintenance and Additions/Removals</i>	A portion of a line containing a hyperlink on the first page of this record was withheld.  Remaining information in this record was released in full.	Non-Responsive

### III DISCUSSION OF THE ISSUES

#### 1. Do I have jurisdiction?

[10] The SHA qualifies as a “local authority” pursuant to section 2(f)(xiii) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). As such, I have jurisdiction to conduct this review.

#### 2. Did the SHA conduct a reasonable search for the records?

[11] In my office’s notification to the SHA, my office requested the SHA detail its search efforts for the records, as the Applicant did not believe all the records were located. Specifically, the Applicant believed the following records were missing:

- “the old word standards of the former Sunrise Health Region, which is linked to the corresponding criteria used for placing me on the then Do Not Hire List”; and
- “the copies of the Sunrise Health Region’s Do Not Hire List nor [sic] the SHA’s Cautionary Hire List”.

[12] As noted above, the Applicant was of the opinion that there were additional records in the SHA’s possession or control that had not been identified in its search for responsive records. In the SHA’s submission it had indicated that the Sunrise Health Region’s Do Not Hire List no longer exists. Additionally, in its section 7 response to the Applicant, the SHA advised the Applicant that, “no labour relations record is found to exist” relating to the Applicant.

[13] Section 7(2)(e) of LA FOIP provides:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:

...

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

- [14] My office’s *Guide to LA FOIP*, Chapter 3: “Access to Records”, updated: June 29, 2021 (*Guide to LA FOIP*, Ch. 3) at pages 35 and 36 provides that there are two circumstances where responsive that records do not exist can occur:

**1. Search did not produce records**

There are times when a search for responsive records turns up nothing.

When responding to the applicant, local authorities should include the steps taken to find records.

Where a record has been destroyed, information should be provided on the date of destruction and the authority for carrying it out.

...

**2. No possession/control of the record**

There are times that a record exists but it is not within the possession or under the control of the local authority.

Section 5 of LA FOIP provides the right of access to records that are in the possession or under the control of the local authority that received the access to information request...

Even if a local authority does not possess or control a record, merely citing subsection 7(2)(e) of LA FOIP may not be adequate. If the local authority considers that another local authority or a government institution has a “greater interest” in the record, the local authority should transfer the applicant’s access to information request in accordance with section 11 of LA FOIP.

- [15] The SHA’s submission did not state which circumstance for claiming records do not exist – that is, whether it searched and came up with no results, or if the records at issue are not in its possession or control.

- [16] The SHA’s submission provided the following regarding its efforts to locate the responsive records:

The records were searched for completely and provided to the applicant. It was explained to the applicant that the former Sunrise Health Region “Do Not Hire List” no longer exists as it has been incorporated into the SHA Cautionary Hire List.

[17] My office followed up with the SHA requesting additional details on the search efforts. As the Access and Privacy Officer that provided my office with the submission was no longer with the SHA, my office requested SHA's Director of Access and Privacy consider the list of criteria listed above and provide additional details on the search efforts. The following is guidance on what constitutes a reasonable search for records.

A reasonable search is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records which are reasonably related to the request. A reasonable effort is the level of effort you would expect of any fair, sensible person searching areas which records are likely to be stored. What is reasonable depends on the request and related circumstances.

...

When a local authority receives a notification letter or email from the IPC requesting details of its search efforts, some or all of the following can be included in the local authority's submission (not exhaustive):

**Outline the *search strategy* conducted:**

- For personal information requests – explain how the individual is involved with the local authority (i.e. client, employee, former employee etc.) and why certain departments/divisions/branches/committees/boards were included in the search.
- For general requests – tie the subject matter of the request to the departments/divisions/branches/committees/boards included in the search. In other words, explain why certain areas were searched and not others.
- Identify the employee(s) involved in the search and explain how the employee(s) is experienced in the subject matter.
- Explain how the records management system is organized (both paper & electronic) in the departments/divisions/branches/committees/boards included in the search.
- Describe how records are classified within the records management system. For example, are the records classified by:
  - alphabet
  - year
  - function
  - subject
- Consider providing a copy of your organization's record schedule and screen shots of the electronic directory (folders & subfolders).
- If the record has been destroyed, provide copies of record schedules and/or destruction certificates.



- Explain how you have considered records stored off-site.
- Explain how records that may be in the possession of a third party but in the local authority's control have been searched such as a contractor or information management service provider.
- Explain how a search of mobile electronic devices was conducted (i.e. laptops, smart phones, cell phones, tablets).
- Explain which folders within the records management system were searched and how these folders link back to the subject matter requested. For electronic folders – indicate what key terms were used to search if applicable.
- Indicate the calendar dates each employee searched.
- Indicate how long the search took for each employee.
- Indicate what the results were for each employee's search:
- Consider having the employee that is searching provide an affidavit to support the position that no record exists or to support the details provided. For more on this, see the IPC resource, *Using Affidavits in a Review with the IPC* available on the IPC website.

The above list is meant to be a guide. Each case will require different search strategies and details depending on the records requested.

(*Guide to LA FOIP*, Ch. 3, pp. 7 - 10)

[18] The SHA's Director of Access and Privacy responded to my office's request for additional details advising as follows:

Due to the time that has passed since the original search, I am unable to provide you with additional details around the search efforts.

However, since the time of this incident, our office has created work standards, including a checklist for the areas to record their search efforts.

[19] As noted earlier, it does not appear that the SHA kept a file on this request with the required details of how this request was processed. It is important that public bodies keep accurate records of how a request was processed so that the information is available to my office if a review is requested.

[20] The SHA provided my office with copies of the work standard and search checklist. The work standard provides that when an access request is received a file is to be created and contains the following subfolders:

- Applicant package
- Documentation & Communications
- Duplicates
- Non-Responsive
- Original
- Redacted
- Third Party Consults

[21] The Work Standard then provides that once it is known who holds the responsive records that an email be sent requesting a search be conducted within seven days and provide the *SHA Responsive Search Checklist & Search Log* (search log). The SHA provided my office with a copy of the search log, which states that it must be completed and returned to the Access and Privacy Officer. The search log contains details on how to search and contains fields to be completed related to how the search was conducted and the amount of time it took to conduct a search in the following areas:

- Confirm the scope and understanding of the request
- Run a file search on your computer and/or laptop
- Run a search on your email using all folders
- Don't forget your calendar
- Paper records
- Offsite Storage
- Electronic Storage
- Mobile Devices
- Other areas of note

[22] The development and implementation of this work standard and search log will help to ensure the SHA effectively documents how it processes access to information requests and its search details. However, for the request at issue, the SHA has not been able to provide my office with sufficient details to find that it conducted a reasonable search. As such, I find that the SHA has not conducted a reasonable search for records.

[23] I recommend the SHA conduct another search for all records requested by the Applicant within 30 days of the issuance of this Report and issue a new section 7 response that includes details of its search efforts. This should be provided to my office and the Applicant.

[24] Based on the limited submission the SHA provided regarding search efforts, it is unclear how the SHA has reached the conclusion that some of the records requested by the Applicant do not exist or no longer exist. In its response to the Applicant, the SHA should provide details on how it concluded certain records do not exist, and if some of the requested records had been disposed of prior to the Applicant's request, information regarding when the information was disposed of and the authority for disposing of those records should be provided.

**3. Was there information in the records that was not responsive to the access request?**

[25] The SHA withheld a portion on a line on the first page of Record 2 as non-responsive. The SHA's submission stated as follows:

The record that was deemed non-responsive was the URL of where the document is held within the SHA. As the applicant only requested specifically their own personal information, this URL does not reasonably relate to the applicant's request for records as it not defined as personal information of the applicant.

[26] Some considerations when determining what information is responsive to a request is as follows:

When a government institution receives an access to information request, it must determine what information is responsive to the access request.

Responsive means relevant. The term describes anything that is 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 responsive".

Subsection 5.1(1) of FOIP requires government institutions to respond to applicants openly, accurately and completely. If a government institution removes information from a responsive document because it has been deemed not responsive, it should advise the applicant in its section 7 response and explain why.

...

Avoid breaking up the flow of information (i.e. do not remove information as not responsive within sentences or paragraphs). Providing an applicant with a complete copy of a record subject only to limited and specific exemptions, even if this means providing what the government institution views as not responsive information is entirely consistent with the purposes of FOIP.

When determining what information is responsive, consider the following:

- The request itself sets out the boundaries of relevancy and circumscribes the records or information that will ultimately be identified as being responsive.
- A government institution can remove information as not responsive only if the applicant has requested specific information, such as the applicant's own personal information.
- The government institution may treat portions of a record as not responsive if they are clearly separate and distinct and entirely unrelated to the access request. However, use it sparingly and only where necessary.
- If it is just as easy to release the information as it is to claim not responsive, the information should be released (i.e. releasing the information will not involve time consuming consultations nor considerable time weighing discretionary exemptions).
- The purpose of 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.

*(Guide to LA FOIP, Ch. 3, pp. 12-13)*

[27] Upon review, the portion of the record withheld as non-responsive is hyperlinked text that identifies the documents related to the work standard. When my office selects the hyperlinked text in the work standard, it takes you to a webpage with an SHA logo that requests log-in information.

[28] As noted earlier, the SHA indicated in its submission that the Applicant's request was for their own personal information and that this portion of the record did not reasonably relate. From a review of the Applicant's request, it did not only relate to the Applicant's own personal information, it also related to policies and work standards related to the Cautionary Hire List. The records that were identified by the SHA also show that its own

interpretation of the request was not solely based on the Applicant's own personal information as it identified two work standards and an accompanying form.

[29] From a review of the portion of the record at issue and the SHA's submission, it does not appear that the redacted portions of the record are non-responsive to the Applicant's request.

[30] I find that the information severed on page 1 of Record 2 is responsive to the access request.

[31] I recommend the SHA release this portion of the record to the Applicant.

**4. Does section 28(1) of LA FOIP apply?**

[32] Record 1 is the SHA Cautionary Hire List consisting of a 5,379 row excel spreadsheet. The SHA released the column headers and one row of information that was related to the Applicant. The SHA withheld the remaining portions of Record 1 pursuant to section 28(1) of LA FOIP which 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.

[33] For section 28(1) of LA FOIP to apply, the information at issue would have to qualify as personal information of someone other than the Applicant pursuant to section 23(1).

[34] While the SHA's submission indicated that the information at issue was personal information, it did not indicate what specific subsections of section 23(1) of LA FOIP applied. Based on my review of the record, the relevant subsections of section 23(1) of LA FOIP, are:

**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;

...

(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.

[35] The SHA's submission provides as follows:

The part of the record that was withheld under subsection 28(1) of LA FOIP contains the personal information of individuals other than the applicant. The record in question is the SHA Cautionary Hire List. This list contains:

- First name
- Last name
- Known Aliases
- Reason for being on the SHA Cautionary Hire List
- Any comments
- The year designated for review
- The category and title
- The former region (if needed)
- Date individual was added to the list

This information as defined within section 23 of LA FOIP would be deemed as personal information and is information that would be considered personal in nature.

[36] The version of the excel document, the SHA Cautionary Hire List, that my office received appears to be a version from May 2020. The column headings differ from the column headings that the SHA referenced in its submission and from the column headings shown on the record released to the Applicant in January 2020. However, the previously used column headings do appear at row 2691 and it appears that the SHA just updated the headings of the columns for the document. As has been discussed in other sections of this Report, it is imperative that the SHA maintain a file for access requests that accurately reflect what records were at issue at the time the request was processed. Based on a review of the work standard that the SHA provided, and was referenced previously in this Report, it appears that the SHA intends to save a copy of the original record and redacted record in

a file for each access request going forward, which should address this issue for future requests.

[37] The SHA Cautionary Hire List that my office received is an excel spreadsheet with 5,379 rows. In this version of the SHA Cautionary Hire List, the entry related to the Applicant appears at row 1859. The first row contains the column headings:

- Last Name
- First Name
- Other Names
- Comment
- Additional Info [sic]
- Review Date
- Position
- Source
- Date Added

[38] The release of the fields *Last Name*, *First Name* and *Other Names* would reveal that these individuals are on the SHA's Cautionary Hire List and other personal information related to them that is recorded in this record. Pursuant to sections 23(1)(k)(i) and (k)(ii) of LA FOIP, the release of their names would reveal information that is personal in nature to these identifiable individuals. As such, the information in the excel fields under the *Last Name*, *First Name* and any of the cells that contain information in the *Other Names* column, should continue to be withheld pursuant to section 28(1) of LA FOIP. Additionally, the Applicant advised my office that they were not interested in the names of the other individuals listed on the SHA's Cautionary Hire List, but they were interested in all other information on the list.

[39] The information in the cells below the *Comment* and *Additional Info* headings contain information related to the reason the individual was placed on the SHA Cautionary Hire List. The level of detail provided for each of these individuals varies and ranges from a detailed account of why they were placed on this list, the date the employee's employment with the SHA ceased, other identification numbers such as "VIP ID" number, a note to contact another employee to discuss the reason, a note that they should not be hired, and other cells that are left blank.

[40] The *Review Date* is the date that the SHA will consider removing the individual from the SHA Cautionary Hire List. Very few of the individuals on this list have a date recorded under this heading. The *Date Added* is the date the SHA added the individual to either the SHA Cautionary Hire List or the Do Not Hire List from the former regional health authorities that are now amalgamated into the SHA. Not all of the individuals on this list have a date recorded under the *Date Added* heading.

[41] The information recorded for *Position* references the former position the individual held with the SHA and the information recorded under *Source* references a former regional health authority that is now amalgamated into the SHA. Under the heading *Position*, only some of these cells contain information. The *Source* information appears to be complete for each of the individuals on the list.

[42] In [Review Report 035-2019](#), regarding employment history I stated:

[19] *Employment history* is the type of information normally found in a personnel file such as performance reviews, evaluations, disciplinary actions taken, reasons for leaving a job or leave transactions. It could also include the start date and end date of employment.

[20] To assist in my analysis, I look to Investigation Report 296-2017 and Investigation Report 173-2018. First, in Investigation Report 296-2017, I had determined that the contents of a termination letter contained “personal information”. The termination contained a statement of why a person’s contract was terminated, the reasons for the termination, the fact that expectations were discussed with the person and that the expectations were not met. I found that such information is “employment history” and qualified as personal information pursuant to subsection 23(1)(b) of LA FOIP.

[43] The individuals listed on the SHA’s Cautionary Hire List are individuals that the SHA believes should not be hired or rehired, or should exercise caution if they were to hire or rehire. While the reason each individual was added to this list varies, the information recorded in the SHA Cautionary Hire List would qualify as employment history of these individuals. In order for this information to qualify as employment history pursuant to section 23(1)(b) of LA FOIP, the information would have to either directly identify an individual on this list or enable the drawing of accurate inferences of an identifiable individual.



[44] As referenced at paragraph [10] of [Review Report 069-2020](#), identifiable individual is defined as follows:

*Identifiable individual* means that it must be reasonable to expect that an individual may be identified if the information were disclosed. The information must be reasonably capable of identifying particular individuals because it either directly identifies a person or enables an accurate inference to be made about their identity when combined with other available sources of information or because of the context of the information in the record.

[45] If any of the information on this list were to be released to the Applicant, this information could be disseminated in any way the Applicant sees fit. It is reasonable to conclude that the identity of an individual on this list could be deciphered either with the Applicant's knowledge and history of the SHA as a former employee, or that the information could be shared with others that may have the ability to determine the identity of individuals based on the information in this record. As such, I find that it is reasonable to conclude that accurate inferences could be made about the identity of individuals on this list. As such, I find that the remaining portions of Record 1, the SHA Cautionary Hire List excel document, qualifies as personal information of identifiable individuals pursuant to section 23(1)(b) of FOIP.

[46] As I have found that the withheld information in Record 1 to qualify as personal information pursuant to sections 23(1)(b), (k)(i) and (k)(ii) of LA FOIP, I find that section 28(1) of LA FOIP applies.

[47] I recommend the SHA continue to withhold the remaining portions of Record 1.

#### **IV FINDINGS**

[48] I find that the SHA has not conducted a reasonable search for records.

[49] I find that the information severed on page 1 of Record 2 is responsive to the access request.

[50] I find that section 28(1) of LA FOIP applies to the withheld portions of Record 1.

**V RECOMMENDATIONS**

[51] I recommend the SHA conduct another search for all records requested by the Applicant within 30 days of the issuance of this Report and issue a new section 7 response that includes details of its search efforts. This should include details on how the SHA concluded certain records do not exist and if the SHA had disposed of any of the requested records prior to receiving the Applicant's request, the date the information was disposed of and the authority for the disposal of those records. This should be provided to my office and the Applicant.

[52] I recommend the SHA release the severed portion of page 1 of Record 2.

[53] I recommend the SHA continue to withhold the remaining portions of Record 1.

Dated at Regina, in the Province of Saskatchewan, this 16th day of November, 2021.

Ronald J. Kruzeniski, Q.C.  
Saskatchewan Information and Privacy  
Commissioner