



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 078-2025

Saskatoon Police Service

August 6, 2025

Summary:

The Applicant requested from the Saskatoon Police Service (SPS) access to records regarding a death investigation. SPS withheld portions of the records, either in part or in full, pursuant to sections 14(1)(a), (c), (f), (j) (Law enforcement and investigations), 16(1)(a) (Advice from officials), 20 (Danger to health or safety), 21(a) (Informer privilege), 28(1) (Disclosure of personal information) and 29(1) (Personal information of deceased person) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*. The Applicant requested that the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) review SPS' decision.

The Commissioner made the following findings and recommendations: (1) SPS properly applied sections 14(1)(c), 16(1)(a), and 28(1) of *LA FOIP*, and made a *prima facie* case that section 21(a) of *LA FOIP* applied, and properly withheld information as non-responsive. The Commissioner recommended that SPS continue to withhold the portions of the record where it applied these exemptions or claimed the information was non-responsive; (2) SPS properly applied section 14(1)(j) of *LA FOIP* to “ten codes”, but not to the other portions where it applied this exemption. The Commissioner recommended that SPS continue to withhold the ten codes pursuant to section 14(1)(j) of *LA FOIP* and release the remaining portions where it applied this exemption to the Applicant within 30 days of the issuance of this Review Report. (3) Section 29(1) of *LA FOIP* does not apply; and (4) there is no need to review SPS' reliance on sections 13(1)(a), 14(1)(f) and 20 of *LA FOIP* where it applied them alongside other exemptions that did apply.

I BACKGROUND

[1] On February 13, 2025, the Saskatoon Police Service (SPS) received the \$20.00 application fee along with the following access to information request from the Applicant:

I am seeking any and all police reports concerning the death of a [person] named [Individual X] on [date of death withheld] please. One record was sent to me in 2022 [file number withheld]. I would like it re-reviewed and re-sent please.

Along with the above, I am also seeking:

- any and all audio recordings for the call made on [date of death] concerning the discovery of [Individual X's] body at [their] apartment.
- any and all photographs and video footage recorded by law enforcement of the crime scene. Multiple photographs and videos were taken according to records.
- a report made by [name of Sergeant X withheld] (#72) labeled #374 which was not included in my original request in 2022.
- any and all video taped statements recorded by [Name of Sargeant Y withheld] (#285) which entered police possession on or around [date withheld].
- the blood spatter report which was not included in my initial request¹

- [2] On March 13, 2025, SPS cited section 12(1)(a)(i) and (ii) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)* to extend its time to respond.
- [3] In its section 7 decision to the Applicant dated April 10, 2025, SPS advised it was withholding records in part or in full pursuant to sections 13(1)(a), 14(1)(a), (c), (f), (j), 16(1)(a), 20, 28(1) and 29(1) of *LA FOIP*. SPS added that the video footage the Applicant sought no longer exists pursuant to section 7(2)(e) of *LA FOIP*. This latter claim will not form part of this review.
- [4] On April 16, 2025, the Applicant emailed a request for review to the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [5] On April 23, 2025, OIPC emailed its notice of review to the Applicant and SPS. Upon receipt of that email, SPS advised the Applicant and OIPC that it had erred in applying section 14(1)(a) of *LA FOIP*. As such, SPS relied only on sections 13(1)(a), 14(1)(c), (f), (j), 16(1)(a), 20, 21(a), 28(1) and 29(1) of *LA FOIP* to withhold records in part or in full. SPS also claimed some information in the records was non-responsive.

¹ OIPC will refer to the deceased as Individual X throughout. The name of the deceased and date of death, as well as other identifying details included in the access request, were modified by OIPC in square brackets.

[6] SPS sent the records and its index of record (index) to OIPC on May 16, 2025. SPS did not consent to sharing its submission with the Applicant. With their request for review, the Applicant had provided supplemental arguments regarding why SPS should release the records.

[7] SPS provided an amended index to OIPC on June 23, 2025, as it had dropped its reliance on section 16(1)(a) of *LA FOIP* in some, but not all, of the places it had applied this provision.

II RECORDS AT ISSUE

[8] The record is 431 pages and spans the entire police investigation of the death of Individual X. The record contains general occurrence reports, photographs (photos), handwritten notes and an email with attached spreadsheets. SPS released 69 pages of information in full to the Applicant. This review will analyze the 362 pages that SPS withheld in full or in part pursuant to sections 13(1)(a), 14(1)(c), (f), (j), 16(1)(a), 20, 21(a), 28(1) and 29(1) of *LA FOIP* and the pages that SPS has claimed as non-responsive.

[9] SPS overlapped in the application of some exemptions on some pages. In the instance that this analysis deems a proper withholding of the information under one exemption, there is no need to comment on the other exemptions as applied alongside.

III DISCUSSION OF THE ISSUES

1. Does OIPC have jurisdiction?

[10] SPS is a “local authority” pursuant to subsection 2(1)(f)(viii.1). OIPC has jurisdiction to undertake this review. 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?

[11] SPS applied section 14(1)(c) of *LA FOIP* to the following pages either in part or in full:

Description	Pages
General Occurrence Reports	1, 3, 4, 5 to 11, 14, 15, 17 to 23, 25 to 31, 35 to 37, 39, 41 to 43, 47, 49, 52, 55, 63, 64 to 67, 70 to 75, 95 to 99, 121 to 130, 140 to 156, 160 to 193, 199 to 204 (all withheld in part)
Handwritten Notes	197, 198, 206 to 214, 216 to 236, 239, 240, 242 to 247, 249 to 254, 256, 262 to 265, 273 and 275 (all withheld in part)
Photographs	279 to 404 (withheld in full)
Email (page 405) and attached spreadsheets	405 to 420 (withheld in full)

[12] 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;

[13] Section 14(1)(c) of *LA FOIP* is a discretionary class-based and harm-based exemption. It permits refusal of access in situations where the release of a record could interfere with a lawful investigation or disclose information with respect to a lawful investigation. OIPC uses the following two-part test:²

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?

1. Does the local authority’s activity qualify as a “lawful investigation?”

² See [Review Report 293-2023](#) at paragraph [19].

[14] Under the first part of the test, a “lawful investigation” is one that is authorized or required and permitted by law. The investigation can be concluded, active and ongoing, or occurring in the future.³ SPS has confirmed that the investigation file is closed/concluded.

[15] SPS stated that the records were created in relation to a death that occurred a few decades ago. The records include general occurrence reports, notes, photos and an email thread with attached spreadsheets. SPS stated that the “steps taken by investigators qualify as a lawful investigation” and that SPS police officers derive their powers to investigate under section 36(2) of *The Police Act, 1990*.⁴ SPS added that investigations are typically carried out to determine if criminal charges should be laid under the *Criminal Code*. Investigations where charges may be laid pursuant to the *Criminal Code* engage part one of the two part test noted above.⁵ Based on this, and on a review of the records, SPS’ activity meets the definition of a lawful investigation, which meets the first part of the test.

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?

[16] SPS argues that release could disclose information with respect to a lawful investigation. SPS must only demonstrate that the information in the record is information with respect to a lawful investigation. As such, this review will not focus on whether release of the records would interfere with a lawful investigation.

³ 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 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](#).

⁴ [The Police Act, 1990, SS 1990-91, c P-15.01](#), as amended.

⁵ [Criminal Code, RSC 1985, c C-46](#), as amended.

[17] This test uses “could” rather than the phrase “could reasonably be expected to.” The latter phrase is found in other provisions of *FOIP*. In 1992 former Commissioner Derril G. McLeod, Q.C. explained that the requirement to be met when the exemption sets out that an injury “could” happen has a “mere possibility of an injurious effect”:⁶

While in other sections of the Act such as Section 14 and Section 17, the Act refers to withholding the release of records which “could reasonably be expected” to have a particular result, it should be noted that in Section 15 the requirement is simply the release of information which “could” have the specified result. In the face of this language I must accept the submission of counsel for SaskPower that the mere possibility of an injurious effect would be sufficient to enable the head to withhold disclosure under Section 15(1)(d).

[Emphasis added]

[18] This office’s 1992 threshold of “mere possibility” was recently refined by the Saskatchewan Court of Appeal in *Saskatchewan Government Insurance v Giesbrecht*.⁷ Even though the subject statute of that case involved *The Health Information Protection Act (HIPA)*⁸, the Court was unanimous in finding that the similarity of the freedom of information and protection of privacy acts in Saskatchewan allowed for a concordant definition of “could” across all three statutes. In that case, the Court was called on to determine the threshold involved under section 38(1)(f) of HIPA where the release of health information could interfere with a lawful investigation. The chamber’s judge found that the appropriate threshold was a balance of probabilities. The Court of Appeal disagreed and found that the threshold in Saskatchewan is now “objective possibility”:

[73] Based on these cases, and the ordinary meaning of the words themselves in the context in which they appear in HIPA, I conclude that, for a trustee to withhold access to a document under s. 38(1)(f), the trustee need only show a possibility that disclosure of the information could interfere with a lawful investigation or be injurious to the enforcement of an Act or regulation.

...

⁶ See [Review Report 92-008](#) at page 4.

⁷ [Saskatchewan Government Insurance v Giesbrecht](#), 2025 SKCA 10.

⁸ [The Health Information Protection Act](#), SS 1999, c.H-0.021, as amended.

[80] The judge erred in law when he required SGI to prove, on a balance of probabilities, that disclosure of the Report will or would interfere with a lawful investigation or be injurious to the enforcement of an Act or regulation. SGI was only obligated to show that it is objectively possible that disclosure might have this effect...

[19] “With respect to” are words of the widest possible scope and is probably the widest of any expression intended to convey some connection between two related subject matters.⁹

[20] It is obvious that SPS collected the information contained in the general occurrence reports, notes and photos as part of the investigation of the death of Individual X. The email and attached spreadsheets from pages 405 to 419 refer to the investigation of the death of Individual X and of other suspicious deaths in the community. The nature of all of these investigations were pursued under the jurisdiction of the *Criminal Code*. Consequently, there is an objective possibility that the release of this information could, and most likely would, disclose information with respect to a lawful investigation. The second part of the test is met.

[21] The Applicant submitted in the supplemental information provided to this office that SPS should not be able to rely on section 14(1)(c) of *LA FOIP* because the file was “formally closed in 2015” and the death was decades ago. Section 14(1)(c) of *LA FOIP*, however, does not set out any considerations for disclosure based on the age of a record and both the Queen’s Bench and Court of Appeal of Saskatchewan have affirmed that the exemption provided for in section 14(1)(c) may apply to matters that are deemed closed.

[22] There is a finding that SPS properly applied section 14(1)(c) of *LA FOIP* to the pages outlined in the table at paragraph [11] of this Report. A recommendation will follow that SPS continue to withhold this information pursuant to section 14(1)(c) of *LA FOIP*. One exception to this finding and recommendation is a small portion of information that SPS withheld on page 272 (handwritten notes) pursuant to section 21(a) of *LA FOIP*, which will be reviewed next.

⁹ The phrase “with respect to” was discussed in OIPC [Review Report 019-2025](#) at paragraph [24] as considered in the *Canadian Abridgement Words & Phrases* article #15895.

3. Did SPS make a *prima facie* case that section 21(a) of *LA FOIP* applies?

[23] There is a small portion of the handwritten notes on page 272 that SPS is withholding pursuant to section 21(a) of *LA FOIP* under the classification of “informer privilege”. SPS is making a *prima facie* claim that section 21(a) of *LA FOIP* applies to this material. In support of its claim, SPS provided an affidavit and description of the withheld portion. SPS states that the individual supplied information to SPS with a promise of confidentiality. That individual has not waived that privilege, and so it is necessary to review if section 21(a) of *LA FOIP* would apply. OIPC considers claims of privilege on a case-by-case basis.

[24] Section 21(a) of *LA FOIP* provides as follows:

21 A head may refuse to give access to a record that:

(a) contains any information that is subject to any privilege that is available at law, including solicitor-client privilege;

[25] Section 21(a) of *LA FOIP* is discretionary. Access to a record can be refused under this provision if it contains information that is subject to any privilege that is available at law. There needs to be an intent that the information be kept confidential and an assurance that it will be. The purpose is to allow for honest and candid discussion without the fear of repercussion.¹⁰

[26] In [R. v. Basi, 2009 SCC 52 \(CanLII\), \[2009\] 3 SCR 389](#) (*R. v. Basi*), the Supreme Court of Canada (SCC) stated at paragraphs [37] to [40] the following regarding the intent and scope of informer privilege:

[37] The informer privilege has been described as “nearly absolute”. As mentioned earlier, it is safeguarded by a protective veil that will be lifted by judicial order only when the innocence of the accused is demonstrably at stake. Moreover, while a court can adopt discretionary measures to protect the

¹⁰ See OIPC [Review Report 198-2024](#) beginning at paragraph [37].

identity of the informer, the privilege itself is “a matter beyond the discretion of a trial judge” (*Named Person*, at para. 19).

[38] Whenever informer privilege is claimed, or the court of its own motion considers that the privilege appears to arise, its existence must be determined by the court *in camera* at a “first stage” hearing. Even the existence of the claim cannot be publicly disclosed. Ordinarily, only the putative informant and the Crown may appear before the judge. In *Named Person*, however, the Court considered that an *amicus curiae* may be necessary or appropriate, particularly where the interests of the informant and the Crown are aligned: *Named Person*, at para. 48.

[39] In determining whether the privilege exists, the judge must be satisfied, on a balance of probabilities, that the individual concerned is indeed a confidential informant. And if the claim of privilege is established, the judge must give it full effect. As we have seen, *Named Person* established that trial judges have no discretion to do otherwise.

[40] Finally, the informer privilege belongs jointly to the Crown and to the informant. Neither can waive it without the consent of the other.

[Emphasis added]

[27] As stated by the SCC in *R. v. Basi*, and most recently upheld in the Supreme Court of Canada by *CBC v Named Person*, informer privilege belongs to both the informer and the Crown and neither party can waive it without the consent of the other. Informer privilege applies broadly to *any* information that may reveal an informant’s identity.¹¹ Disclosure of an informant’s identity is to be safeguarded and is beyond the “discretion of a trial judge.”

[28] *R. v. Basi* further refers to [R. v. Leipert, 1997 CanLII 367 \(SCC\), \[1997\] 1 SCR 281](#) (*R. v. Leipert*), which held that informer privilege is subject only to the “innocence at stake” exception, or if disclosure is necessary to demonstrate the innocence of the accused. The privilege is intended to protect those who provide information to the police so that informants are not discouraged from coming forward with information. The privilege

¹¹ [CBC v Named Person](#), 2024 SCC 21 at paragraphs [39] to [44].

protects not only the name of the informant, but also any information that may “implicitly reveal his or her identity.”¹²

[29] Based on SPS’ affidavit, and the context of how this material came to be in this file, we can safely conclude that it relates to the investigation file. In its affidavit, SPS submitted that release of information would disclose the identity of the confidential informant. OIPC agrees with the assertion that the informant’s identity must not be disclosed because it is protected by informer privilege and because there is no evidence that the privilege has been waived. There will be a finding that SPS has made a *prima facie* case that section 21(a) of *LA FOIP* applies on page 272, and a recommendation that it continue withholding this information pursuant to section 21(a) of *LA FOIP*.

4. Did SPS properly apply section 14(1)(j) of *LA FOIP*?

[30] SPS is relying on section 14(1)(j) of *LA FOIP*, in part, to withhold information on general occurrence reports on pages 77, 78, 80 to 86, 88, 90, 92 and 93.

[31] Section 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;

[32] Section 14(1)(j) of *LA FOIP* is a discretionary harm-based exemption. It permits refusal of access where release of a record could facilitate the commission of an offence or impede the detection of one. To determine if section 14(1)(j) of *LA FOIP*, only one of the following two questions needs to be answered in the affirmative, though both may apply:¹³

1. Could release of the record facilitate the commission of an offence?

¹² See [R. v. Leipert, 1997 CanLII 367 \(SCC\), \[1997\] 1 SCR 281](#) beginning at paragraph [12].

¹³ See OIPC [Review Report 239-2023](#) at paragraph [28].

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

[33] SPS relied only on the first of the two possible exemptions - that release of the information “could facilitate the commission of an offence”, making a consideration of the other avenue unnecessary.

[34] As we have noted, the courts in this province have explained that the term “could” means that only an objective possibility that something could happen is required. “Facilitate” means to make the occurrence of something easier or to render it less difficult. “Commission” in this context means the action of committing an offence. “Offence” means a violation of the law or a crime. Examples include information about techniques, tools or instruments used for criminal acts; locations of police officers; and the location of valuable assets belonging to a local authority.¹⁴

[35] On page 278, SPS withheld a “ten-code” pursuant to section 14(1)(j) of *LA FOIP*. SPS submitted that police services utilize an “individual list” of confidential ten-codes in addition to codes that are standardized and publicly known such as “10-4.” SPS adds that ten-codes help “maintain a level of security over the communications of members.”

[36] OIPC has consistently found that ten-codes can be withheld pursuant to section 14(1)(j) of *LA FOIP* because disclosing them could facilitate the commission of an offense.¹⁵ There will be a finding that SPS properly applied section 14(1)(j) of *LA FOIP* to the ten-code on page 278 and a recommendation that it continue to withhold the ten-code pursuant to section 14(1)(j) of *LA FOIP*.

[37] On the remaining pages, SPS is relying on section 14(1)(j) of *LA FOIP* to withhold information it describes as “evidence location and flow within the SPS.” OIPC interprets this concern to protect evidence storage locations and the flow between units during the

¹⁴ *Ibid*, at paragraph [29].

¹⁵ *Supra*, footnote 13 at paragraph [32].

investigative process. Given such knowledge, individuals could then “anticipate the flow or steps taken in relation to evidence continuity, and potentially intercept or tamper with evidence.” SPS adds that there are details that could be gleaned from the information itself that could be “used to intercept the transfer or destruction of material.”

[38] From portions of the record SPS released to the Applicant, it is apparent that SPS applied section 14(1)(j) of *LA FOIP* to the locations of evidence. Based on SPS’ details, however, it is not clear how knowledge of physical locations and flow could facilitate the commission of an offence. SPS has not met the burden of proof in establishing this. There will be a finding that SPS has not properly applied section 14(1)(j) of *LA FOIP* to the withheld information on pages 77, 78, 80 to 86, 88, 90, 92 and 93, and a recommendation that within 30 days of the issuance of this Report that SPS release this information to the Applicant.

5. Did SPS properly apply section 16(1)(a) of *LA FOIP*?

[39] Because of the earlier findings with respect to the proper application of the exemptions in section 14(1)(c) of *LA FOIP*, section 16(1)(a) of *LA FOIP* need only be reviewed where SPS claimed it to apply on pages 29 and 30 of the general occurrence reports.

[40] Section 16(1)(a) of *LA FOIP* provides as follows:

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] 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?

¹⁶ See OIPC [Review Report 107-2024](#) at paragraph [22].

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

[42] SPS argued the information on pages 29 and 30 qualifies as “advice” and “analysis” provided by a medical professional related to the investigation. Past OIPC reports have defined these terms as follows: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. 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.

“Analyses” (or analysis) is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

[43] 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.¹⁸

[44] SPS applied section 16(1)(a) of *LA FOIP* to pages 29 and 30 of the tranche of documents. A review of this material reveals that at one point SPS sought the opinion and analysis of a medical professional. This opinion was directly related to the death investigation of Individual X and resulted in the giving of advice.

[45] Both parts of the test are met so there will be a finding that SPS properly applied section 16(1)(a) to the redactions on pages 29 and 30. A recommendation will follow that SPS continue to withhold this information pursuant to section 16(1)(a) of *LA FOIP*.

6. Did SPS properly apply sections 28(1) and 29(1) of *LA FOIP*?

¹⁷ See OIPC [Review Report 039-2021](#) at paragraphs [15] and [16].

¹⁸ See [Tarasoff v Saskatoon \(City\), 2025 SKKB 41](#) at paragraph [56].

Section 28(1) of LA FOIP

[46] Once again, because of the finding of a proper application of section 14(1)(c) of *LA FOIP*, the only pages left for review with respect to section 28(1) of *LA FOIP* include:

Description	Pages
General Occurrence Reports	2, 3, 12, 28 to 30, 32, 34, 35, 37, 47 to 50, 60, 68, 69, 121 and 137 (all withheld in part)
Handwritten Notes	205, 214 to 216, 228, 234, 235, 237, 239, 241, 242, 248, 249, 255, to 257, 274 and 278 (all withheld in part)

[47] Sections 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.

[48] 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*.¹⁹

[49] For section 28(1) of *LA FOIP* to apply, there must be personal information involved as defined by section 23(1) of *LA FOIP*, which does not provide an exhaustive list. Personal information is information about an identifiable individual that is personal in nature. To be about an identifiable individual, there must be a reasonable expectation that the individual may be identified by the information. To be personal nature means that disclosure reveals something uniquely personal about the individual.²⁰

¹⁹ See OIPC [Review Report 098-2022](#) at paragraph [54].

²⁰ See OIPC [Review Report 152-2019](#) at paragraphs [11] and [12].

[50] SPS cites section 28(1) of *LA FOIP* to withhold names, dates of birth, sex, addresses, phone numbers, employment/citizenship/marital status and physical features. SPS also applied section 28(1) of *LA FOIP* to summaries of investigations of various suspects. Many of these data elements are contained in passages that SPS have already properly withheld in conjunction with section 14(1)(c) of *LA FOIP*.

[51] SPS applied section 28(1) of *LA FOIP* on its own to the following categories of information: witness names and contact information, gender and dates of birth (e.g., on pages 2, 3 and 12).²¹ There are also instances where an individual’s educational history is related, for example on page 34 an individual’s specialty training is reviewed.²² Throughout, SPS also withheld pronouns.²³ This is all “personal information” as defined by sections 23(1)(a), (b), (e) and (k)(i) of *LA FOIP*:

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;

(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;

...

(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:

²¹ In OIPC [Review Report 337-2021](#) at paragraph [23] it was found that witness names and contact information are personal information as defined by sections 23(1)(e) and (k)(i) of *LA FOIP*.

²² “Educational history” has been defined by OIPC as an individual’s schooling and formal training, including names of schools training, courses taken and results. The information should form some significant part of their education. See OIPC [Review Report 025-2024](#) at paragraphs [25] to [27].

²³ Pronouns in place of names as being “personal information” or disclosing the identity of an individual was discussed in OIPC [Review Report 242-2022](#) at paragraphs [24] and [25].

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

[52] There will be a finding that SPS properly applied section 28(1) of *LA FOIP* as outlined at paragraph [46] of this Report and a recommendation that SPS continue to withhold this information pursuant to section 28(1) of *LA FOIP*.

Section 29(1) of LA FOIP

[53] Section 29(1) of *LA FOIP* provides as follows:

29(1) Subject to subsection (2) and to any other Act, the personal information of a deceased individual shall not be disclosed until 25 years after the death of the individual.

[54] SPS submitted that certain individuals in the records were deceased and so the 25-year timeline became relevant. The final portion for review with respect to section 29(1) of *LA FOIP* includes the redactions on page 32 of the general occurrence report and the redacted notes on page 248.

[55] Section 29(1) of *LA FOIP* enables a local authority to consider releasing personal information if the individual has been deceased more than 25 years.²⁴ The information must qualify as “personal information”.

[56] The portions SPS withheld on pages 32 and 248 clearly reveal personal information such as details about the named individual and/or their status or connection to the investigation. Even though this is personal information as defined by section 23(1)(k)(i) of *LA FOIP*, the individual in question has not been deceased for 25 years as of the date of the release of this Review Report. There is a finding that section 29(1) of *LA FOIP* does not apply and a recommendation that SPS continue to withhold this information.

²⁴ *Supra*, footnote 19 and paragraph [55].

[57] In conclusion, SPS can properly withhold the record pursuant to the application of sections 14(1)(c), (j), 16(1)(a), 21(a) and 28(1) of *LA FOIP*, there is no need to review reliance on sections 13(1)(a), 14(1)(f), and 20 of *LA FOIP*.

7. Are there portions of the record that are non-responsive?

[58] SPS claims that portions of pages 238, 241, 255, 258, 274, 276, 277 and 278 are non-responsive. Non-responsive means information that is not relevant to an access request. Factors to consider regarding relevancy includes the scope of the access request, including the stated timeframe and/or subject matter. It includes a consideration of whether portions of a record are entirely unrelated. Separate items of information cannot be viewed out of context of the record as a whole when determining they are separate and distinct.²⁵ Local authorities should make this claim sparingly.²⁶

[59] SPS submitted that the Applicant only asked for “information concerning the death of [Individual X].” SPS withheld information it deemed as non-responsive such as other files assigned to an investigator or unrelated calls for service.

[60] Pages 241, 255, 258 and 274 are copies of handwritten notes from an officer’s notebook. The portions withheld as non-responsive are the marginal edges of adjoining pages that were captured when pages 241, 255, 258 and 274 were originally photocopied. These marginal edges contain random numbers and partial words/letters and are indecipherable. Nothing of substance can be gleaned from these marginal edge notes and they are properly withheld.

[61] Pages 276, 277 and 278 also present as handwritten notes from an officer’s notebook. If a portion is responsive to an access request, it is the only portion that should be given, subject to any exemptions that may apply. A review of the unredacted material reveals that portions of the redactions fall under the auspices of section 14(1)(c) of *LA FOIP*, and the remaining

²⁵ See Alberta Information and Privacy Commissioner [Order-F2024-43](#) at paragraph [26].

²⁶ See [Review Report 112-2023](#) at paragraph [90].

portions are entirely unrelated. SPS should also continue to withhold this information as non-responsive.

[62] There will be a finding that pages 238, 241, 255, 258, 274, 276, 277 and 278 contain information that is non-responsive and a recommendation that SPS continue to withhold this information.

IV FINDINGS

[63] OIPC has jurisdiction to conduct this review.

[64] SPS properly applied section 14(1)(c) of *LA FOIP* as outlined at paragraph [11] of this Report.

[65] SPS has made a *prima facie* case that section 21(a) of *LA FOIP* applies to page 272.

[66] SPS has properly applied section 14(1)(j) to the ten code on page 278, but did not properly apply it to pages 77, 78, 80 to 86, 88, 90, 92 and 93.

[67] SPS properly applied section 16(1)(a) of *LA FOIP* to pages 29 and 30 of the record.

[68] SPS properly applied section 28(1) of *LA FOIP* as outlined at paragraph [46] of this Report.

[69] Section 29(1) of *LA FOIP* does not apply.

[70] There is no need to review SPS' reliance on sections 13(1)(a), 14(1)(f) and 20 of *LA FOIP* where it applied them alongside any other exemptions that were found to apply.

[71] There is information on pages 238, 241, 255, 258, 274, 276, 277 and 278 that is non-responsive.

V RECOMMENDATIONS

[72] I recommend that SPS continue to withhold the portions of the record it has withheld pursuant to sections 14(1)(c), 16(1)(a) and 28(1) of *LA FOIP*, to the ten code on page 278 pursuant to section 14(1)(j) of *LA FOIP*, and the information it has withheld as non-responsive.

[73] I recommend that within 30 days of the issuance of this Review Report that SPS release the information on pages 77, 78, 80 to 86, 88, 90, 92 and 93 to the Applicant, where it improperly applied section 14(1)(j) of *LA FOIP*.

Dated at Regina, in the Province of Saskatchewan, this 6th day of August, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner