



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## **REVIEW REPORT 163-2025**

### **Northwest School Division No. 203**

**February 12, 2026**

#### **Summary:**

The Applicant submitted an access to information request under *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)* to the Northwest School Division No. 203 (School Division). The School Division released records to the Applicant, withholding portions pursuant to sections 14(1)(f) (disclose the identity of a confidential source or disclose information furnished by that source with respect to a lawful investigation or a law enforcement matter) and 28(1) (third party personal information) of *LA FOIP*.

The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner with respect to the application of the exemptions in sections 14(1)(f) and 28(1) of *LA FOIP*. The Applicant also requested a review of the search efforts of the School Division.

The Deputy Commissioner found that the School Division: (1) conducted a reasonable search for responsive records and that; (2) it properly applied section 28(1) of *LA FOIP* to the redacted portions of the responsive record.

The Deputy Commissioner recommended that the School Division take no further action regarding the search for records. The Deputy Commissioner also recommended that the School Division continue to withhold the redacted portions of the record pursuant to section 28(1) of *LA FOIP*.

#### **I BACKGROUND**

- [1] On May 6, 2025, the Applicant emailed an access to information request form to Northwest School Division No. 203 (School Division). The School Division advised this office that it had waived all fees as a courtesy to the Applicant, including the application fee of \$20. The

access to information request was for the time period of September 1, 2021, through to March 31, 2022, for the following records:

I am requesting access to all records – handwritten notes, typed transcripts, interview questions, draft summaries, audio or video recordings, internal emails, and any related documentation – created, received, and/or maintained by [Employee 1], [Employee 2], or any other individual acting in an investigative capacity during the investigation into allegations involving [the Applicant] at [Name of School] in September – October 2021.<sup>1</sup>

This includes but is not limited to:

All physical documents such as notebooks or printed interview forms

All digital materials (e.g., Word documents, Google Docs, PDFs, scanned notes, emails, Teams or internal messages), preserved in native format with metadata intact

Any audio or video recordings or interviews or related meetings

Any records or communications from other staff, administrators, substitute principals, instructional coaches, or external consultants who were involved directly or indirectly in conducting, assisting with, or supervising the investigation

If any such records once existed but were destroyed, discarded, or otherwise rendered inaccessible, I request documentation showing the date, rationale, and identity of the person(s) who authorized or carried out that removal or deletion

[2] On May 28, 2025, the School Division emailed the Applicant indicating some concern with respect to the parameters of the access request but that it would prepare a fee estimate based on the School Division's understanding of the request. The same day the Applicant simply requested that the School Division proceed "based on the original wording" of the access to information request.

[3] On May 29, 2025, the School Division responded to the Applicant suggesting that the wording of the Applicant's access to information request was not sufficiently clear. The

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<sup>1</sup> The use of square brackets in this Report are amendments by OIPC to preserve the identity of the Applicant and other individuals.

School Division suggested the Applicant reach out to the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

- [4] On June 4, 2025, the Applicant emailed OIPC and requested a review of a deemed refusal by the School Division. This office engaged in resolution discussions with the parties and on June 30, 2025, the School Division released the requested record to the Applicant, in part, resolving that matter. The responsive record is 35 pages in total. The School Division applied redactions to portions of 26 of the 35 pages. In its accompanying section 7 decision letter, the School Division noted that it was refusing access to parts of the record pursuant to sections 14(1)(f) and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.<sup>2</sup>
- [5] On July 2, 2025, the Applicant emailed OIPC requesting a review of the response from the School Division. On July 3, 2025, the Applicant confirmed that the scope of the requested review related to the application of the exemptions in sections 14(1)(f) and 28(1) of *LA FOIP*. The Applicant also took issue with the search efforts of the School Division to locate responsive records.
- [6] On October 10, 2025, after sharing details of its search efforts and granting permission to share, OIPC shared those details with the Applicant. The Applicant was dissatisfied and requested a review with respect to the search efforts and the application of the exemptions.
- [7] On October 21, 2025, this office notified both the School Division and the Applicant that OIPC would be undertaking a review of this matter.
- [8] On November 20, 2025, the School Division provided OIPC with a copy of the responsive record and an index of records. On December 22, 2025, the School Division provided its submission to OIPC. The School Division did not consent to the sharing of its submission with the Applicant. On October 21, 2025, OIPC received the Applicant's submission.

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<sup>2</sup> [\*The Local Authority Freedom of Information and Protection of Privacy Act\*](#), S.S. 1990-91, c. L27.1, as amended.

## **II RECORDS AT ISSUE**

[9] As noted earlier, the responsive record is 35 pages in length. This record consists of 13 pages of emails, 17 pages of notes, two pages of an agenda calendar, and three pages of text messages. The School Division applied 195 redactions in total to portions of 28 pages as follows:

- Section 28(1) of *LA FOIP* on pages 1 to 4, 6 to 13, 16 to 20, 23, 24, 26 to 29 and 31 to 35; and
- Section 14(1)(f) of *LA FOIP* alongside section 28(1) of *LA FOIP* to some of the redactions on pages 1, 2, 8 to 13, 16 to 20, 26 to 29, 31, 32 and 35.

[10] During the OIPC review, the School Division advised OIPC that the redactions applied to pages 33 and 34 of the record were an oversight and that it would release those portions to the Applicant, which it did on January 23, 2026. As the School Division fully released pages 33 and 34 of the record, these pages of the record will not be at issue in this review. Remaining at issue in this review are a total of 193 redactions to 26 pages of the responsive records.

## **III DISCUSSION OF THE ISSUES**

### **1. Jurisdiction**

[11] The School Division is a “local authority” pursuant to section 2(1)(f)(viii) of *LA FOIP*. As there are reviewable grounds as noted in the notice of review, OIPC has jurisdiction and is undertaking this review pursuant to PART VI of *LA FOIP*.

### **2. Did the School Division conduct a reasonable search for records?**

[12] Section 5 of *LA FOIP* provides an applicant with a right of access to records in the possession of a local authority. Section 5 of *LA FOIP* states:

**Right of access**

**5** Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a local authority.

[13] OIPC has historically established two circumstances where a local authority can validly claim the non-existence of a record under *LA FOIP*.<sup>3</sup> The second circumstance is relevant to this case: if a reasonable search failed to produce records. To validate this claim, the School Division must provide convincing submissions that a reasonable search was conducted.

[14] A “reasonable search” is one where an experienced employee expends a reasonable effort to locate records that are reasonably related to the request. A “reasonable effort” is the level of effort one would expect of any fair, sensible person searching areas where records are likely to be stored. What is reasonable depends on the request, itself, and related circumstances.<sup>4</sup>

[15] OIPC has developed a list of search strategies that a local authority may use to substantiate a reasonable search for records. Some of the search strategies that are relevant to this review and which we note the School Division undertook, including:<sup>5</sup>

- For personal information requests – provide an explanation as to how the individual who is the subject of the personal information is involved with the local authority (i.e., client, employee, former employee, etc.) and why certain departments/divisions/branches were included in the search.
- Identify the employee(s) involved in the search and explain how the employee(s) is experienced in the subject matter and would have the requisite knowledge to carry out the search.
- Explain which folders within the records management system were searched and how these folders link back to the subject matter. For

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<sup>3</sup> OIPC [Review Report 077-2025](#) at paragraph [16].

<sup>4</sup> OIPC [Review Report 275-2024](#) at paragraph [13].

<sup>5</sup> OIPC [Review Report 254-2025](#) at paragraph [18].

electronic folders – indicate what key terms were used to search if applicable.

- Explain whether mobile electronic devices were required to be searched and how (i.e., laptops, smart phones, cell phones, tablets).
- Indicate the calendar dates of each search.
- Indicate the results of each search if more than one search was conducted.

[16] The Applicant conveyed the following concerns with the search:

1. Records emailed to police exist. On Oct 15, 2021, Superintendent [Name of Individual 1] emailed RCMP “Find attached notes... related to the Sept 10, 2021 allegation.” Those sent emails and all attachments (NWSD copies) are responsive and must be located/produced.
2. “v2” implies versioning. The disclosure itself includes “[Name of Applicant] Investigation – September 2021\_v2\_Redacted,” which indicates at least one prior version (and likely later ones). Version history and drafts weren’t produced.
3. Investigation continued after Sept 21, 2021. NWSD and SSBA counsel were still working the file in March 2022 (scheduling calls; “continuing to work on the case”). That contradicts “no drafts saved” and the claim the “actual report was completed outside the dates.” If the final was outside scope, the duty to assist required clarifying/expanding the date range—not ignoring drafts/versions inside the range.
4. Text messages/backups. NWSD says one custodian had a “new phone,” so no texts are available. That’s not the end of the search: enterprise email/SMS exports, MDM/mobile backups, other custodians’ devices, Teams/OneDrive/SharePoint and email archives/Sent Items must be searched, with results described in detail.

[17] **Re Item 1:** The School Division confirmed in a January 23, 2026 email to this office that the attached notes referenced in the email on page 5 of the record can be found at pages 8 to 22 of the record.

[18] **Re Items 2 and 3:** Both items spring from the belief that draft materials should exist. The School Division noted in its submission that it does not retain draft materials and we accept this explanation:

As the employee was terminated in June of 2022, certain records which did not need to be retained were no longer kept by the school division. For example, many of the drafts of the investigation report were not retained by the local authority as they served no purpose following the investigation report being finalized in June of 2022. ...

The investigation report itself was not identified to be a responsive record to this request as it fell outside of the period specified by the Applicant. The Applicant has received a copy of the investigation report through other requests/processes, which demonstrates that this specific record was not withheld from the Applicant, however, it did not fall within the scope of this request.

- [19] The School Division added that it only retained drafts until the completion of the final investigation report. After that point, drafts were not saved because “they no longer served a purpose.” This practice was supported by [\*Administrative Procedure 185: Records Retention and Disposal\*](#) and [\*Appendix A: Records Retention and Disposal Guide for Saskatchewan School Divisions\*](#). These policies address the retention periods for transitory records. In fact, *Appendix A* mandates that transitory records are of “temporary usefulness” and should be “destroyed after use.”<sup>6</sup>
- [20] **Re Item 4:** The School Division noted in its submission that some employees were able to access text messages sent during the material time period, while others had obtained new devices such that the School Division no longer had access to the devices from that time. The School Division informed this office that all available text messages were searched. The School Division released the text message information that it had save for withholding information that was deemed to be personal information as discussed below.
- [21] The School Division concluded that there are no further records related to the Applicant’s access to information request in its possession or control. Documentation provided to this office by the School Division included: an outline of the searches conducted, a list of the paper/electronic records of three individuals - two of them were listed by the Applicant in

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<sup>6</sup> This is supported by OIPC resource: [\*Improving Access and Privacy with Records and Information Management\*](#). This office recommends that “transitory records” serve no significant business purpose to the public body or to the public and should be destroyed.

the access request. The School Division supplied screen shots of the search queries used by the IT department when searching the email accounts of the three specified individuals.

- [22] The search effort of a local authority must be reasonable and should be supported by reasonable explanations for why a record does not exist. A local authority is not required to prove beyond a doubt that a record does not exist. Based on the foregoing explanations and documentation, the search efforts of the School Division were reasonable.

**3. Did the School Division properly apply section 28(1) of *LA FOIP*?**

- [23] The School Division applied section 28(1) of *LA FOIP* in withholding parts of pages 1 to 4, 6 to 13, 16 to 20, 23, 24, 26 to 29, 31, 32 and 35, for a total of 193 redactions. The nature of the information withheld included: names or initials of individuals, contact information and other details related to individuals.

- [24] Section 28(1) of *LA FOIP* prohibits the disclosure of personal information of individuals unless the individual about whom the information pertains consents to its disclosure. Section 28(1) of *LA FOIP* provides:

**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 this individual to whom the information relates except in accordance with this section of section 29.

- [25] When analyzing section 28(1) of *LA FOIP* with an eye to the proper application, it must first be determined if the withheld information qualifies as personal information according to the guidance given by section 23(1) of *LA FOIP*. Section 23(1) of *LA FOIP* states that to qualify as personal information, the information must be about an identifiable individual and it must be personal in nature. Information is about an “identifiable individual” if:

- the individual can be identified from the information (e.g., name, where they live); or
- the information, when combined with information otherwise available, could reasonably be expected to allow the individual to be identified.



[26] Section 23(1) of *LA FOIP* provides a non-exhaustive list of what may constitute personal information. The School Division noted that the information qualified as personal information pursuant to section 23(1) of *LA FOIP*. The relevant provisions from a review of the records by this office include sections 23(1)(a), (b), (e), (k)(i) and (ii) 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:

(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.

[27] Information is publicly available if it is available or accessible to the citizenry at large.<sup>7</sup> This may include an individual’s professional information such as business emails or telephone numbers. Section 28(2)(p) of *LA FOIP* states as follows:

**28(2)** Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:

...

(p) if the information is publicly available, including information that is prescribed as publicly available;

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<sup>7</sup> [\*Schiller v Government of Saskatchewan \(Ministry of Education\)\*](#), 2025 SKKB 146 at paragraphs [32] to [35].

[28] *LA FOIP* does not apply to published materials or material that is a matter of public record by way of sections 3(1)(a) and (b) of *LA FOIP*, which provides:

3(1) This Act does not apply to:

(a) published material or material that is available for purchase by the public;

(b) material that is a matter of public record;

[29] The portions of the record where the names and initials of individuals were withheld include those who were interviewed in relation to the investigation of a serious allegation that was made against the Applicant. The names of others who contacted the School Division in relation to the allegation were withheld as well.<sup>8</sup> Because the record relates to an investigation of the Applicant, it is reasonable to conclude that individuals will be identified by name and/or their initials.<sup>9</sup> Their names and initials then would make them identifiable and qualify as personal information pursuant to section 23(1)(k)(ii) of *LA FOIP*. There is a finding that the School Division properly applied section 28(1) of *LA FOIP* to this information and a recommendation that it continue to withhold this information.

[30] The contact information withheld by the School Division included that of individuals who were involved with the School Division in connection to the allegations. The type of contact information withheld includes personal and professional email addresses,<sup>10</sup>

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<sup>8</sup> In OIPC [Review Report 064-2025](#) at paragraphs [26] to [29], it was found that information relating to individuals, other than the Applicant, who were interviewed by police with respect to an investigation, including the name of a witness qualified as personal information.

<sup>9</sup> In Office of the Information and Privacy Commissioner for Nova Scotia [Review Report 19-02](#) (March 1, 2019) an applicant sought records related to a complaint they made the Department of Health and Wellness regarding the quality of care their parents were receiving at a care home. At paragraph [21] of that report, it was found that the names, initials and pronouns of individuals constituted personal information and that it was very likely that the Applicant could identify individuals based on their initials due to their familiarity with the employees of the care home.

<sup>10</sup> In most instances, the School Division released the domain name of the email address, only withholding the unique username of the email address. In other instances, it appears the School

telephone numbers, cellular telephone numbers, physical addresses, and fax numbers. The release of this information would reveal the contact information of these individuals, and/or, in some instances, allow the Applicant to identify the full name of the individuals. The contact information qualifies as personal information as defined by sections 23(1)(e) and (k)(i) of *LA FOIP*, and it does not appear to be publicly available.

[31] The School Division withheld information that relates to the age, school grade and gender/sex of an individual as well as information that relates the place of employment of an individual and/or their position of employment. Again, because of the Applicant's prior employment, it is likely the Applicant could identify individuals from this information thus making this personal information as defined by sections 23(1)(a) and (b) of *LA FOIP*.

[32] One redaction includes a description of a piece of clothing. This descriptor was withheld from a page of interview notes, along with the names of the individual interviewed and other individuals discussed in the interview. The logo on the article of clothing described where it was from and could be unique to the individual.<sup>11</sup> Since it is likely the Applicant could identify the individual based on a description of the article of clothing, it qualifies as personal information as defined by section 23(1)(k)(i) of *LA FOIP*.

[33] There is no need to review where the School Division also applied section 14(1)(f) of *LA FOIP* alongside section 28(1) of *LA FOIP* as it has been found that the School Division properly applied section 28(1) of *LA FOIP* to the redacted portions of the record.

#### **IV FINDINGS**

[34] OIPC has jurisdiction and is undertaking this review pursuant to PART VI of *LA FOIP*.

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Division may have withheld the email address in full where the release of the domain name could allow the identification of the individual.

<sup>11</sup> OIPC [Investigation Report 035-2024, 047-2024, 052-2024, 059-2024](#) at paragraph [15] references Ontario Information and Privacy Commissioner [Order MO-3358](#) that provides there may be something distinctive about an individual that would allow them to be identifiable, including an individual's attire that may set them apart from others.

[35] The School Division conducted a reasonable search for records.

[36] The School Division properly applied section 28(1) of *LA FOIP* to the redacted portions of the record.

## **V RECOMMENDATIONS**

[37] I recommend that the School Division take no further action regarding the search for records.

[38] I recommend that the School Division continue to withhold the redacted portions of the record pursuant to section 28(1) of *LA FOIP*.

Dated at Regina, in the Province of Saskatchewan, this 12<sup>th</sup> day of February, 2026.

Diane Aldridge  
Saskatchewan Information and Privacy Deputy Commissioner