



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 176-2026

WCRM158 (Wastewater Management Authority Inc.)

October 21, 2026

Summary:

The Applicant submitted an access to information request to the WCRM158 Wastewater Management Authority Inc. (WCRM158) under *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)* for information about the assessment of a potential project at Hunter Creek.

Upon fulfillment of the access request, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC). The review was to address the decision by WCRM158 to withhold the record in full pursuant to the discretionary exemptions in sections 16(1)(a) (advice, proposals, recommendations, analyses or policy options developed by, or for, a local authority) and 16(1)(e) (information, including proposed plans, policies or projects of the local authority) of *LA FOIP*.

The Commissioner found:

- WCRM158 properly applied section 16(1)(a) of *LA FOIP* to some, but not all, of the information in the record.
- WCRM158 did not properly apply section 16(1)(e) of *LA FOIP* to the information in the record to which section 16(1)(a) of *LA FOIP* also did not apply.
- WCRM158 did not comply with section 8 (severability) of *LA FOIP*.

The Commissioner recommended that WCRM158 continue to withhold the information to which section 16(1)(a) of *LA FOIP* was properly applied. However, the Commissioner also recommended that, within 30 days of the issuance of this Report, WCRM158 release to the Applicant the information in the record to which neither sections 16(1)(a) nor 16(1)(e) of *LA FOIP* applied.

I BACKGROUND

[1] On April 1, 2026, the Applicant submitted the following access to information request under *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*¹ to WCRM158 Wastewater Management Authority Inc. (WCRM158)². The Applicant requested the:

“Hunter Creek Risk Assessment and all related documents”.

[2] On May 4, 2026, WCRM158 provided a section 7 decision letter to the Applicant, informing that the responsive record was withheld in full pursuant to the discretionary exemption provided in sections 16(1)(a) and 16(1)(e) of *LA FOIP*.

[3] On May 5, 2026, the Applicant requested that the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) review the application of exemptions by WCRM158.

[4] On June 3, 2026, OIPC notified WCRM158 and the Applicant that a review would commence. WCRM158 provided OIPC with a copy of the record, the index and a written submission on June 16, 2026. WCRM158 did not consent to the sharing of its index or submission with the Applicant. The Applicant did not provide a submission.

II RECORDS AT ISSUE

[5] The responsive record was comprised of two documents, withheld in full under sections 16(1)(a) and (e) of *LA FOIP*:

- The Hunter Creek Four Season Discharge cover letter (MPE) (4 pages); and

¹ *The Local Authority Freedom of Information and Protection of Privacy Act*, S.S. 1990-91, c. L-27.1, as amended.

² WCRM158 is a joint utility board comprised of the Town of White City and the Rural Municipality of Edenwold as we explain later in this Report.

- The Technical Memorandum: Effluent Freeze-up Analysis for Hunter Creek Four Season Discharge (16 pages).

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[6] WCRM158 submitted that it was subject to the jurisdiction of *LA FOIP* by virtue of section 2(1)(f)(v) of *LA FOIP*.

[7] Section 2(1)(f)(v) of *LA FOIP* provides:

Interpretation

2(1) In this Act:

...

(f) “**local authority**” means:

...

(v) any board, commission or other body that:

(A) is appointed pursuant to *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*; and

(B) is prescribed;

[8] The Rural Municipality of Edenwold No. 158 (RM) and the Town of White City (Town) are both local authorities as defined by section 2(1)(f)(i) of *LA FOIP*. The councils for the RM and the Town enacted bylaws *2010-4* and *536-10*, on January 26, 2010 and February 1, 2010, respectively, to establish a joint utility board known as WCRM158.

[9] Part 1 of the RM’s *Bylaw 2010-4* states:

The Rural Municipality of Edenwold No. 158 is hereby authorized to enter into an agreement, a copy of which is attached hereto and forms part of this Bylaw and is identified as Schedule “A”, with the Town of White City for the purpose of establishing a Wastewater Public Utility Board.

[10] Part 3 of the Town’s *Bylaw 536-10* states:

The Town of White City is hereby authorized to enter into an agreement with the Rural Municipality of Edenwold #158 for the purpose stated within the agreement.

[11] The above agreement is termed *The Multi-Municipality Wastewater Management Agreement*. It states:

A. The parties to this Agreement are municipalities as defined under *The Municipalities Act*.

B. The parties to this Agreement wish to create a Wastewater Management Authority to serve its members;

...

NOW THEREFORE THIS AGREEMENT WITNESSES AND THE PARTIES HERETO AGREE AND COVENANT, pursuant to *Section 33* – of *The Municipalities Act*, to establish and authorize the functioning of a Wastewater Management Authority ...

[Emphasis in the original]

[12] We conclude that the wastewater management authority was appointed pursuant to *The Municipalities Act*.³ Section 33(2)(a) of *The Municipalities Act* states:

Establishment

33(2) A council may, by bylaw:

(a) establish a public utility board on its own or in conjunction with one or more municipalities;

[13] Section 33 of *The Municipalities Act* enables two local authorities (the RM and the Town, both municipalities) to jointly create the utility board referred to herein as WCRM158.

[14] Part I of the Appendix to *The Local Authority Freedom of Information and Protection of Privacy Regulations (LA FOIP Regulations)*⁴ on “Boards, Commissions, and Other Bodies Prescribed as Local Authorities”, provides:

³ *The Municipalities Act*, SS 2005, c M-36.1, as amended.

2. A board, commission or other body established pursuant to *The Municipalities Act*

[15] The *LA FOIP Regulations* allow for local authorities to establish a board, such as WCRM158, that is a local authority in its own right by virtue of section 2(f)(v) of *LA FOIP*.

[16] For these reasons, we conclude that WCRM158 qualifies as a “local authority”. Therefore, OIPC has jurisdiction to undertake a review of this matter under PART VI of *LA FOIP*.

2. The application of section 16(1)(a) of *LA FOIP*

[17] As noted earlier, the 20-page responsive record involved two documents:

- A four-page cover letter; and
- A sixteen-page memorandum.

[18] WCRM158 confirmed that both documents were, “prepared by MPE Engineering (consultants) for the purpose of assisting WCRM158 in evaluating wastewater management matters for the future”. Hereafter, MPE Engineering will be referred to as MPE.

[19] WCRM158 withheld both documents in full under section 16(1)(a) of *LA FOIP*, which states:

Advice from officials

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;

[20] To determine whether this exemption was properly applied, OIPC uses the following test:⁵

⁴ *The Local Authority Freedom of Information and Protection of Privacy Regulations*, RRS c L-27.1 Reg 1 (July 1, 1993), as amended.

1. Does the information qualify as advice, proposals, recommendations, analyses, or policy options?
2. Was the advice, proposals, recommendations, analyses and/or policy options developed by or for the local authority?

1. Does the information qualify as advice, proposals, recommendations, analyses, or policy options?

[21] Since WCRM158 submitted that the records contained advice, recommendations and analyses, the following definitions are helpful:⁶

- “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.
- A “recommendation” is a specific piece of advice about what to do, especially when given officially; it is a suggestion that someone should choose a particular thing or person that one thinks particularly good or meritorious. Recommendations relate to a suggested course of action more explicitly and pointedly than “advice.”
- “Analyses” (or an analysis) is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

[22] We now turn to consider the two documents at issue.

Document 1: The four-page letter

[23] On the face of this document, advice and recommendations are evident but do not permeate the entire letter. The subject line of the letter signals that the purpose of the communication was to convey final recommendations about a potential project at Hunter Creek. The letter appears to be a cover letter for the other document in the record – the memorandum. Our analysis will consider the letter in sections:

⁵ OIPC [Review Report 314-2023](#) at paragraph [30].

⁶ *Ibid*, at paragraph [32].

Section of the Letter	Description and Conclusion
Header (page 1)	As is customary for a business letter, the header of the letter includes MPE's business letterhead. The header clearly does not contain advice, recommendations, or analyses, as it merely establishes the sender, recipient, date of creation, and subject of the letter. The first part of the test is not met for the header of the letter.
Paragraph 1 (page 1)	The first paragraph of the letter describes the purpose of the memorandum attached to the letter. The reader is also told that the letter summarizes the recommendations with respect to a four season discharge to Hunter Creek. This information does not constitute advice, recommendations, or analyses, as it is merely descriptive and forecasts the nature of the information to be conveyed. No advice or recommendations are present. The first part of the test is not met for the first paragraph of the letter.
Paragraphs 2 to 4 (page 1)	These paragraphs delineate the parameters of MPE's work and the scope of the evaluation factors. Because this information outlines and confirms an understanding of work to be completed by MPE, it is also presents a detailed description and serves as an outline of the analysis that MPE was tasked to perform in the investigative study. The first part of the test is met for the second, third, and fourth paragraphs of the letter.
Paragraph 5 (bottom of page 1 to top of page 2) Paragraph 6 (page 2)	A review of the content of these paragraphs confirms the presence of detailed guidance (advice) and suggested courses of action (recommendations) made by MPE regarding a project at Hunter Creek. The first part of the test is met for the fifth and sixth paragraphs of the letter.
Paragraphs 7 to 12 (bottom half of page 2 and all of page 3)	A review of the content in these paragraphs confirms detailed guidance was provided (advice) along with suggested courses of action (recommendations) by MPE to WCRM158 regarding a potential project at Hunter Creek. There is also factual detail interwoven within the paragraphs that lay the foundation for analysis.

	Factual material can be withheld pursuant to the exemption in section 16(1)(a) if the factual information is sufficiently interwoven with other advice, proposals, recommendations, analyses and/or policy options so that it cannot reasonably be considered separate and distinct.⁷ OIPC finds that is the case here. The first part of the test is met for the seventh through twelfth paragraphs of the letter.
Paragraph 13 and closing (page 4)	The thirteenth paragraph is a formal closing of the letter. It begins with a conventional courtesy message of thanks. It ends with a customary final closing phrase. No advice, recommendations, or analyses are present in paragraph thirteen. The first part of the test is not met for paragraph thirteen and the formal closing of the letter.
Footer (page 4)	The footer of the letter captures the name, title, and signature of the sender from MPE, and indicates the presence of an enclosure (the memorandum). Plainly, this information does not constitute advice, recommendations, or analyses. The first part of the test is not met for the footer of the letter.

[24] To sum up, with respect to the four-page letter, the first part of the test is met for paragraphs 2 to 12, and we will consider the second part of the test in the subsequent paragraphs.

[25] WCRM158 did not properly apply section 16(1)(a) of *LA FOIP* to the header, footer and paragraphs 1 and 13, but we will consider later in this Report if section 16(1)(e) of *LA FOIP* was properly applied to these portions of the letter.

Document 2: The sixteen-page memorandum

[26] On the face of this document, analyses are abundant. However, there are portions of the memorandum that do not qualify as advice, recommendations, or analyses. Our analysis

⁷ OIPC [Review Report 154-2024](#) at paragraph [51].

follows the traditional dictates of severability which is required of all access to information professionals who are tasked with analyzing a document.

- [27] The subject of the memorandum indicates that the purpose was to inform on the analyses conducted, and conclusions relayed, with respect to a potential project at Hunter Creek. This review will consider the memorandum in sections:

Pages of the Memorandum	Description and Conclusion
Page 1 up to the final paragraph; and Page 16	As in the case of the covering letter, the memorandum begins with MPE's business letterhead. The document has a title, a date, an intended recipient, a sender, a subject line, and a line that indicates the total number of pages. These data elements cannot qualify as advice, recommendations, or analyses; thus, the first part of the test is not met. Page 1 of the memorandum up to the final paragraph outlines the factual background prompting the contract with MPE. This segment presents the three possible options that were open to the Authority and as such, consists of a factual background and explanation. Page 16 consists of a scientific bibliography of the literature referenced by MPE. This information cannot be construed as advice, recommendations, or analyses. As such, the first part of the test is not met for Page 1 up to the final paragraph and Page 16.
Page 1 (final paragraph) and Page 2	The final paragraph in Page 1 and all of Page 2 provides the scientific background and foundational outline for the analysis that was to be conducted by MPE. The first part of the test is met for the final paragraph of Page 1 and the whole of Page 2.
Pages 3 to 15	Pages 3 to 15 document the investigation completed by MPE. The pages catalogue in-depth examination of a potential project (analyses) and concludes by providing

	suggestions about courses of action (recommendations) for WCRM158. Where advice from officials is bound up in the facts, information, or consultations on which it is predicated, it may not be possible to extricate advice, analysis, or recommendations from a document.⁸ This is the case for figures (photographs and illustrations) and reviews of relevant literature that serve as a basis for the formulation of evaluations and guidance (analyses and recommendations). The first part of the test is met for pages 3 to 15.
--	---

[28] To sum up, the first part of the test is met for the final paragraph of page 1 over to page 15 of the memorandum, which will be considered under the second part of the test below.

[29] The first part of the test is not met for page 1 up to the final paragraph and page 16 of the memorandum. WCRM158 did not properly apply section 16(1)(a) of *LA FOIP* to this information. We will still review WCRM158's application of section 16(1)(e) of *LA FOIP* to these pages later in this Report.

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

[30] We now consider the second part of the test for paragraphs 2 to 12 of the letter and for the final paragraph on page 1 over to page 15 of the memorandum.

[31] To be “developed by or for” within the meaning of section 16(1)(a) of *LA FOIP* means that the advice, proposals, recommendations, analyses, and/or policy options were created either:⁹

⁸ [*Kasprick v Saskatchewan Power Corporation*](#), 2025 SKKB 139 at paragraph [38].

⁹ *Supra*, footnote 5 at paragraph [40].

- 1) Within the local authority; or
- 2) Outside the local authority but for the local authority (for example, by a service provider or stakeholder).

[32] WCRM158 submitted that the advice, recommendations, and analyses were created *outside* the local authority but *for* the local authority, stating that its advice, recommendations, and analyses were “prepared by MPE Engineering (consultants) for the purpose of assisting WCRM158 in evaluating wastewater management matters for the future”.

[33] MPE is a professional engineering consulting firm that provides municipal, water resource, and building services across Western Canada.¹⁰

[34] It is evident that the letter and memorandum were created *by* MPE *for* WCRM158. The second part of the test is met for paragraphs 2 to 12 of the letter and for the final paragraph on page 1 over to page 15 of the memorandum. WCRM158 properly applied section 16(1)(a) of *LA FOIP* and should continue to withhold this information in full.

3. The application of section 16(1)(e) of *LA FOIP*

[35] We now must consider whether section 16(1)(e) of *LA FOIP* applies to the remaining information at issue:

- Within the letter: the header, the footer and paragraphs 1 and 13; and
- Within the memorandum: Page 1 up to the final paragraph and Page 16.

[36] Section 16(1)(e) of *LA FOIP* states:

Advice from officials

16(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

¹⁰ The [MPE](#) website.

(e) information, including the proposed plans, policies or projects of the local authority, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

[37] To determine whether this exemption applies, OIPC uses the following test:¹¹

1. Is it information of the local authority?
2. Could disclosure reasonably be expected to result in disclosure of a pending policy or budgetary decision?

1. Is it information of the local authority?

[38] OIPC defines “information” as facts or knowledge provided or learned as a result of research or study.¹² In order for it to qualify as “information of the local authority,” the information may include:¹³

- A “plan,” which is a formulated, especially detailed method by which a thing is to be done, or an intention or decision about what one is going to do;
- A “policy,” which is a standard course of action that has been officially established by the local authority; or
- A “project,” which is an enterprise carefully planned to achieve a particular aim.

[39] It is evident that WCRM158 acquired the documents at issue as a result of retaining MPE for an assessment of a possible project at Hunter Creek. The letter and memorandum include facts and knowledge compiled by MPE for WCRM158 as a result of research commissioned by WCRM158 for its use. Because the contents of the report constitute the information of WCRM 158, the first part of the test is met: the information reflects a plan made by the local authority to explore the viability of Hunter Creek for future development.

¹¹ OIPC [Review Report 006-2024](#) at paragraph [41].

¹² *Ibid*, at paragraph [43].

¹³ OIPC [Review Report 158-2018](#) at paragraph [54].

2. *Could disclosure reasonably be expected to result in disclosure of a pending policy or budgetary decision?*

[40] The outstanding material left for consideration involves perfunctory greetings, closings and general explanatory material along with an academic bibliography. It is obvious that this material is not disclosure of a pending policy or budgetary decision. This information is not covered by the exemption in section 16(1)(e) of *LA FOIP*.

[41] WCRM158 did not properly apply section 16(1)(e) of *LA FOIP* to the information listed in paragraph [35] of this Report. This information should be released within 30 days of the issuance of this Report.

6. Did WCRM158 comply with section 8 of *LA FOIP*?

[42] Given that WCRM158 withheld the entire record in full, OIPC must consider whether the local authority complied with section 8 of *LA FOIP*:

Severability

8 Where a record contains information to which an applicant is refused access, the head shall give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.

[43] In the submission, WCRM158 asserted:

WCRM158 determined that severance was not reasonably possible. The records consist entirely of recommendations, analyses, project proposals, and budgetary considerations that formed part of an ongoing deliberative process. The exempt information is intertwined throughout the records and constitutes the substance of the records themselves.

[44] This Report has established that severance of the record was not only possible, but necessary to separate information that could be properly withheld as advice, recommendations, and analyses from other information to which the exemptions did not apply. Therefore, WCRM158 did not comply with section 8 of *LA FOIP*.

IV FINDINGS

[45] OIPC has jurisdiction to undertake a review of this matter under PART VI of *LA FOIP*.

[46] WCRM158 properly applied section 16(1)(a) of *LA FOIP* to some, but not all of the information in the record, as noted at paragraph [34] of this Report.

[47] WCRM158 did not properly apply section 16(1)(e) of *LA FOIP* to the information in the record as noted at paragraph [35] of this Report.

[48] WCRM158 did not comply with section 8 of *LA FOIP*.

V RECOMMENDATIONS

[49] I recommend that WCRM158 continue to withhold the information to which section 16(1)(a) of *LA FOIP* was properly applied, as noted at paragraph [34] of this Report.

[50] I recommend that, within 30 days of the issuance of this Report, WCRM158 release to the Applicant the information noted at paragraph [35] of this Report.

Dated at Regina, in the Province of Saskatchewan, this 21st day of October, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner