



REVIEW REPORT 183-2025

Northwest School Division No. 203

May 14, 2026

Summary:

The Applicant submitted an access to information request to the Northwest School Division No. 203 (School Division) under *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.

The School Division provided the Applicant with access to some records in full and others in part. The Applicant requested a review of the search efforts on the part of the School Division by the Office of the Saskatchewan Information and Privacy Commissioner.

The Deputy Commissioner found that the School Division conducted a reasonable search. The Deputy Commissioner recommended no further action regarding the search for records.

I BACKGROUND

[1] On May 28, 2025, the Applicant submitted an access to information request to the Northwest School Division No. 203 (School Division) and paid the \$20 application fee that same day. The date range of May 15, 2022 to September 30, 2022 was given as the time frame for the access request:¹

1. All internal communications—including emails, memos, text messages, and meeting notes—between the following NWSD personnel concerning the creation, review, coding, or approval of the **Record of Employment (ROE)** issued in my name ([name redacted]):
 - [Payroll Clerk]
 - [Deputy Director of Education]

¹ The use of square brackets in this Report preserve the identity of the Applicant and others in this matter.

- [former Director of Education for School Division]
 - [current Director of Education for School Division]
2. All drafts, templates, metadata, revision history, or electronic logs related specifically to **Box 16 (Reason for Issuing ROE)**, marked as “**Code E – Quit**,” on the ROE filed with Service Canada in June 2022.
 3. All records (including emails, call logs, phone messages, notes, and voicemail transcripts) documenting communication between any NWSD staff and representatives from **Service Canada** or **Employment and Social Development Canada (ESDC)** regarding:
 - My Employment Insurance (EI) claim status;
 - Clarifications, corrections, or justifications for the submitted ROE;
 - Requests from Service Canada for information or responses related to my separation from NWSD.
 4. Any NWSD internal policies, procedures, HR guidelines, decision documents, or email exchanges that were relied upon or consulted in determining the use of “**Code E – Quit**” as the reason for separation indicated on my ROE.
 - This request explicitly includes responsive emails or messages from personal devices or accounts, if used for NWSD-related communications or business.
 - Please ensure metadata, electronic attachments, and email threads are included wherever available.
 - As this request pertains directly to potential misrepresentation by NWSD to federal authorities—a matter of serious public interest—I request a **full waiver of fees** pursuant to **Section 9(5)** of LA FOIP.

[2] The Applicant submitted that the School Division provided a *Record of Employment (ROE)*² to Service Canada in June 2022 that contained an error. The Applicant submitted that the *ROE* provided by the School Division indicated that the Applicant had “quit” their employment, when, in fact, employment had been terminated by the School Division.

[3] On July 16, 2025, the School Division provided a section 7 decision letter to the Applicant, releasing 11 pages in full and 2,062 pages in part. The redactions were effected pursuant to section 28(1) of *The Local Authority Freedom of Information and Protection of Privacy*

² An *ROE* is a document that employers must issue when an employee stops working, has a salary interruption, or experiences a reduction in hours. It is the single most important document used to determine eligibility for employment insurance benefits. See the [Government of Canada Employment Insurance \(EI\)](#) website on “[Record of Employment](#).”

Act (LA FOIP).³ On the same day, the Applicant requested that the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) review the exemptions applied and the search effort demonstrated by the School Division in fulfillment of their access to information request.

- [4] On December 5, 2025, this office notified the School Division and the Applicant that a review would commence. OIPC requested the School Division provide an unredacted copy of the records and an index of records by January 5, 2026. On that same day the Applicant provided a submission to OIPC.
- [5] The School Division provided an index of records and a copy of the records on January 5, 2026. OIPC clarified the content of the records with the School Division on January 21, 2026. This led to a conclusion on the part of the School Division that the withheld information pursuant to section 28(1) of *LA FOIP* was non-responsive.⁴ The School Division issued the Applicant an updated section 7 decision letter on January 23, 2026. The Applicant confirmed no further interest in a review of exemptions as applied by the School Division. This Report will focus solely on a review of the search efforts of the School Division.
- [6] On February 2, 2026, the School Division released an additional record in full and provided an updated section 7 decision letter to the Applicant.
- [7] The School Division provided a submission on February 3, 2026, as requested.
- [8] On February 5, 2026, the School Division granted consent to share certain portions of the submission with the Applicant. In spite of this, the Applicant still wished for a review of search effort.

³ [*The Local Authority Freedom of Information and Protection of Privacy Act*](#), S.S. 1990-91, c. L-27.1, as amended.

⁴ “Non-responsive” means information that is not relevant to an access request.

[9] Further efforts on the part of OIPC resulted in the School Division releasing two additional records in full and the provision of another updated section 7 decision letter to the Applicant on April 24, 2026. On that same day, the Applicant informed OIPC that the newly released records did not satisfy their concerns, so the review continued.

II RECORDS AT ISSUE

[10] At issue is the effort by the School Division to search for 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*. Given the reviewable grounds outlined in the notice of review, OIPC has jurisdiction and is undertaking this review under PART VI of *LA FOIP*.

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

[12] As noted above, the Applicant instructed that the time frame for the access request was: “May 15, 2022 to September 30, 2022.”

[13] The School Division originally understood the time frame for the access request to be “September 1, 2021 through March 31, 2022.” Subsequently, the Applicant’s access request was first fulfilled based on the identification of records that fell within the “September 1, 2021 through March 31, 2022” time frame.

[14] The Applicant’s concerns with respect to the results of a search conducted in a completely different time frame is understandable. On the first installment, the School Division released several pages in full and over 2,000 pages in part conceding that the withheld information was non-responsive.

[15] The Applicant cited the suspected existence of records from June 1, 2022 and August 2022. Obviously records from this time period would *not* have fallen within the initial timeframe understood by the School Division. When this office clarified the time frame with the School Division, more records were identified and released in full to the Applicant.

[16] The Applicant's right to request a review of a search effort is enshrined in *LA FOIP*. Section 5 of *LA FOIP* provides an applicant with a right of access to records in the possession or control of a local authority. Section 5 of *LA FOIP* states:

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.

[17] Therefore, to comply with section 5 of *LA FOIP*, a local authority must demonstrate it conducted a reasonable search for responsive records. To evaluate whether a reasonable search has been demonstrated, OIPC must first define the following relevant terms:

- A “reasonable search” is one where an experienced employee expends a reasonable effort to locate records 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.⁵
- While a “reasonable” search must be demonstrably comprehensive and thorough, applicants cannot hold fanciful expectations that a local authority will conduct an “exhaustive” search in fulfillment of their request. A local authority need not prove with absolute certainty that further records responsive to the Applicant's request do or do not exist, only that it conducted a “reasonable” search for records.⁶

⁵ OIPC [Review Report 163-2025](#) at paragraph [14].

⁶ OIPC [Review Report 198-2025](#) at paragraph [23].

[18] OIPC has developed a list of factors that may assist a local authority in the conduct of a reasonable search for records:⁷

- When personal information is requested – 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 how the records management system is organized (both paper & electronic) in the departments/divisions/branches included in the search.
- Describe how records are classified within the records management system. For example, whether the records are classified by alphabetical letter, year, function, subject. Explain which folders within the records management system were searched and how these folders link back to the subject matter. For electronic folders – indicate what key terms were used to search if applicable.
- Provide a copy of the record schedule for the local authority and screen shots of the electronic directory (folders & subfolders).
- Explain whether records are stored off-site and whether they were searched.
- Explain whether records in the control of the local authority as well as in the possession of a third party were searched and outline method of search.
- 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 length of the search.
- Indicate the results of each search if more than one search was conducted.
- Consider having the details (above) affirmed or sworn by an employee in an affidavit.

⁷ OIPC [Review Report 108-2025](#) at paragraph [45]. The list is meant to be a guide. Each case will require different search strategies depending on the nature of the records requested.

[19] When an applicant requests a review of the search efforts of a local authority, both the applicant and the local authority are invited to provide submissions. An applicant must demonstrate some evidence that goes beyond a mere suspicion that a local authority has failed to produce records either as the result of an unreasonable search or by failing to release responsive records.⁸

[20] In so doing, an applicant may:⁹

- Prove that they are in possession of a *copy* of a responsive record not released by the local authority, and/or
- Attest that they had previously encountered a copy of a responsive record not released by the local authority.

[21] In the present case, the Applicant was of the belief that the School Division had not provided all responsive records in connection with the *ROE*. The Applicant asserted that a draft severance contract, dated June 1, 2022, was not released by the School Division. To substantiate their assertion, the Applicant provided a copy of the draft severance contract to this office.

[22] The Applicant also alleged that more responsive records *should* exist to explain how, when, and by whom the deficient *ROE* was submitted to Service Canada. The Applicant also provided to a copy of a document referred to as “FORM K: Notice of Termination of Contract.” The document is a letter on School Division letterhead and signed by a former Director of Education for the local authority. The letter clearly informs the Applicant that their contract with the School Division had been terminated on a particular date in 2022. In the wake of this, the Applicant asserted:

The Form K termination letter ... documents serious allegations. A termination of this kind necessarily generates:

⁸ *Blank v. Canada (Minister of The Environment)*, 2000 CanLII 16437 (FC) at paragraph [11]. See also OIPC [Review Report 254-2025](#) at paragraph [23].

⁹ OIPC [Review Report 254-2025](#) at paragraph [24].

- HR analysis,
- Deliberations,
- Internal notes,
- Emails,
- Drafts,
- Decision-making records,
- Workflow documentation,
- Communication regarding ROE coding.

... It is not credible that ... no ROE rationale, no workflow, and no internal correspondence exist now.

... The absence of internal communications proves an inadequate search. A custom-drafted ... legal contract and a formal federal decision letter do not exist in an administrative vacuum. The assertion that these events generated zero internal emails, memos, or meeting notes is not plausible and points to a deliberately constrained search.

- [23] The Applicant’s concerns with respect to the search effort were further heightened when the School Division released a copy of the corrected *ROE* on February 5, 2026 - long after it was submitted to Service Canada:

NWSD received my FOI request on May 28, 2025. Weeks later, on July 16, 2025, they generated an amended ROE—this time coded Code M (Dismissal)—which they later described to your office as a “termination with cause.” They then withheld that document for over six months before presenting it on February 5, 2026, as a “recently discovered” error.

- [24] The School Division explained why they did not provide the Applicant with an updated *ROE* prior to February 5, 2026:

... NWSD first became aware of this possible error on the ROE when we received the LA FOIP request from the applicant on May 28, 2025. This error was confirmed when we did our search on July 9, 2025. Our Payroll department amended the ROE on July 16, 2025 and NWSD sent an updated ROE in the mail shortly after this, which would have notified the Applicant that their ROE was amended. However, as we were preparing our submission for review, we realized that we should have formally reached out to the Applicant to advise them of the amendment, thus, the reason for the notification on February 2, 2026.

[25] The School Division acknowledged that it erred in failing to formally advise the Applicant of the amendment to the *ROE* at the time the error was caught and corrected. While certainly unfortunate, the failure to notify the Applicant of the amendment to the *ROE* is an issue that is outside the jurisdiction of our evaluation of the search effort. The amended *ROE* was released in full to the Applicant so it will not be considered further in relation to this search effort analysis.

[26] OIPC must now turn to consider whether the School Division conducted a reasonable search in light of the fact that the Applicant maintained responsive records were not released: chiefly, a draft severance contract and additional responsive records related to how, when, and by whom the initial *ROE* was submitted to Service Canada.

[27] In the submission, the School Division asserted:

Employees in this case searched as many locations as records could reasonably be expected to be stored, and NWSD submits with a reasonable degree of certainty that no other records pertaining to the Applicant's *ROE* during the time specified by the Applicant are in the local authority's possession or under its control.

[28] The School Division further advised OIPC that it searched the following locations for responsive records:

- Emails of four School Division employees;
- *Microsoft Teams* accounts of four School Division employees;
- *Microsoft OneDrive* and *Microsoft SharePoint* holdings of four School Division employees;
- *Microsoft Office* files of four School Division employees;
- Text messages of four School Division employees;
- Call logs of four School Division employees;
- Memos from four School Division employees; and
- Notes from four School Division employees.

[29] Within these locations, the School Division employed keyword search terms that captured:

- The Applicant's name and the dates explicitly outlined in the Applicant's access to information request.
- The acronym "ROE" and the phrase "record of employment."
- The acronym "EI," the phrase "employment insurance," and the name "Service Canada."

[30] In the submission, the School Division listed four individuals who were involved in the search effort:

In determining appropriate places to look for responsive records, NWSD employees who are involved with Records of Employment did their own search of records and NWSD's IT department further did a search through the school division's electronic records to ensure no records were overlooked. ...

The employees who performed the search were familiar with NWSD's policies and procedures and none identified a specific procedure relied upon in the creation of the Applicant's ROE.

[31] The employees who performed the search were the same individuals the Applicant identified by name in the access to information request.

[32] The Applicant expressed concern that there were no records related to the creation of the original *ROE*.

[33] The School Division explained that the federal government directed that the *ROE* be submitted via the Service Canada online platform [ROE Web](#). Upon submission, the School Division noted that no website-generated receipt or other confirmation is generated by *ROE Web*. OIPC confirmed that no record is created with a submission to *ROE Web*. The *ROE* itself appears to be the singular record related to this matter within the record holdings of the School Division and both versions were released to the Applicant in full.

[34] With respect to the Applicant's assertions that other records should exist that illuminate how, when, and by whom the *ROE* was authorized for submission to Service Canada,

OIPC concluded that the School Division demonstrated reasonable search strategies that would have resulted in the identification of all responsive records. This office noted that the School Division's records retention policy outlines that records of this type are disposed of after three years. Considering that the original *ROE* was provided to Service Canada in June 2022, it is reasonable to conclude that any correspondence regarding how, when and by whom the *ROE* was authorized may have been long discarded.

[35] The Applicant maintained that a June 1, 2022 draft severance contract should have been identified as a record responsive to their request. The language of the access request focused explicitly on the Applicant's *ROE*, not other records related to their termination.

[36] When an applicant believes additional responsive records exist, the issue should *first be addressed with the local authority* in a spirit of mutual co-operation prior to a request for a review from this office.¹⁰ Without question, some of the issues in this review could have been resolved by means of direct communication between the Applicant and the School Division. The Applicant submitted a request for a review of the search efforts within an hour of receipt of the section 7 decision letter. A show of *bona fides* must exist and be shown to exist on each side of an access request for information.

[37] Twice during the review, the School Division voluntarily advanced opportunities for informal resolution and even voluntarily conducted a new search to provide the Applicant with the records. Even with the sensible search strategies employed by the School Division, the remaining records suspected by the Applicant could not be found. In light of our observations above, the School Division demonstrated a reasonable search.

IV FINDINGS

[38] OIPC has jurisdiction and has undertaken a review of this matter under PART VI of *LA FOIP*.

¹⁰ *Supra*, footnote 7 at paragraph [49].

[39] The School Division conducted a reasonable search.

V RECOMMENDATION

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

Dated at Regina, in the Province of Saskatchewan, this 14th day of May, 2026.

Diane Aldridge
Saskatchewan Information and Privacy Deputy Commissioner