



## REVIEW REPORT 198-2025

### City of Moose Jaw

March 30, 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 City of Moose Jaw (City). The City responded that there were no records in its possession. In response, the Applicant provided copies of emails between themselves and a City employee that they felt should have been identified as responsive to their request and were proof that records did exist. The City advised the Applicant that it assumed the Applicant already had access to their own communications but nonetheless provided a copy of the emails in question holding firm though that no other responsive records exist.

The Applicant requested that the Office of the Saskatchewan Information and Privacy Commissioner review the search efforts of the City to identify records responsive to their request.

The Commissioner found that the City conducted a reasonable search for records responsive to the Applicant's request and recommended that the City take no further action regarding the search for records.

#### I BACKGROUND

- [1] On August 6, 2025, the City of Moose Jaw (City) received the Applicant's access to information request, along with the \$20 application fee. The Applicant requested the following records for the time period of March 28, 2025 to "the day you begin processing this request":

Please provide any and all records, including but not limited to meeting minutes, transcripts, audio records, video records, emails, text messages, BBMs, briefing notes, memos, etc regarding this article in *The Narwhal*: "Is

contamination on a Canadian armed forces base making employees sick?” For greater certainty, the article at this URL: [thenarwhal.ca/canadianarmedforces-contamination-moose-jaw/](http://thenarwhal.ca/canadianarmedforces-contamination-moose-jaw/)

[2] On August 15, 2025, the City responded to the Applicant’s access request stating:

In response to your request, it was forwarded to the appropriate departments and staff with subject matter expertise, including the Offices of the Mayor and City Manager. Following a thorough review, I wish to advise that the City is not in possession of any records responsive to your request.

Please note that 15 Wing Moose Jaw is located outside the boundaries of Moose Jaw. To assist you further, you may wish to contact the Rural Municipality of Moose Jaw No. 161, as 15 Wing Moose Jaw falls within their rural land and jurisdiction. The RM of Moose Jaw is a separate local authority from the City of Moose Jaw.

[3] On August 15, 2025, the Applicant emailed the City stating “while the letters states ‘the City is not in possession or any records responsive to your request,’ I am in possession or at least two emails (attached between myself, [the Executive Assistant for the Offices of the Mayor and City Manager],<sup>1</sup> and the mayor’s office) pertaining to the article in question.” The City responded the same day indicating that this exchange was not included as “it was assumed you already had access to those records...”. On August 18, 2025, the City emailed the Applicant stating “I have provided you with a copy of the original email exchange between [the Executive Assistant] and yourself, which is the only records the City has on file.”

[4] On August 19, 2025, the Applicant emailed the Office of the Saskatchewan Information and Privacy Commissioner (OIPC). The Applicant requested a review of the response from the City that it did not have any records in its possession that were responsive to their access request. In their email to this office, the Applicant provided the following reason for requesting a review of the search efforts of the City:

I am in possession of at least two emails (also attached, between myself, [Executive Assistant for the Offices of the Mayor and City Manager], and the

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<sup>1</sup> The use of square brackets in this Report are amendments by this office to preserve the identity of City employees.

mayor's office) pertaining to the article in question, emails I believe fall well within the scope of this request about the article in The Narwhal.

When I asked the city clerk about this discrepancy, I was provided a "copy" of these email exchanges, which were the PDFs I myself provided from my own email account as evidence, and was told they were "the only records the City has on file," after I was originally told there were no records.

Given these email records were not located in the city's search, or presented by the mayor's office, I am left lacking confidence that a proper search was conducted.

[Emphasis added]

- [5] On November 17, 2025, this office notified the City that OIPC had received a request for review from the Applicant regarding this matter. On December 12, 2025, with permission from the Applicant, OIPC shared the Applicant's reason for requesting a review of the search efforts of the City. In an attempt at early resolution, OIPC requested that the City provide details of its search efforts and advise if it consented to sharing the details with the Applicant.
- [6] On December 15, 2025, the City provided details of its search efforts to OIPC and a response to the Applicant's concerns as noted above in paragraph [4] of this Report. The City indicated that this was an oversight and that it intended to release the City's copy of the email exchanges between the Applicant and the City, not the PDF version provided by the Applicant.
- [7] On December 23, 2025, with permission from the City, this office shared the search details with the Applicant. On December 24, 2025, the City released five pages of emails, in full, between the Applicant and the Executive Assistant. In the accompanying letter, the City noted that "...it was identified that record was not included in our initial response. In accordance with the Information and Privacy Commissioner's review, we have now enclosed the responsive record originally intended to be released for your consideration. As these records have been provided, we consider this matter closed...".

[8] On December 31, 2025, the Applicant responded to OIPC stating that they “found the city’s explanation **not persuasive and would like your office to proceed with the review of the City’s search efforts on that basis.**” [emphasis in original]

[9] On January 2, 2026, OIPC provided notice of a review. This office invited both parties to provide submissions by February 2, 2026, and both parties provided submissions on this matter.

[10] The City provided permission for OIPC to share its submission with the Applicant. On February 6, 2026, OIPC shared the submission with the Applicant and asked if it satisfied their concerns. On February 13, 2026, the Applicant responded advising that it did not.

## II RECORDS AT ISSUE

[11] As this is a review to determine if the City has conducted a reasonable search for records, there are no records at issue.

## III DISCUSSION OF THE ISSUES

### 1. Jurisdiction

[12] The City is a “local authority” pursuant to section 2(1)(f)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.<sup>2</sup> OIPC has jurisdiction and is undertaking this review pursuant to PART VI of *LA FOIP*.

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

[13] 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:

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<sup>2</sup> [\*The Local Authority Freedom of Information and Protection of Privacy Act\*](#), SS 1990-91, c. L-27.1, as amended.

**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.

[14] The City searched and produced the five pages of emails between the City and the Applicant and advised that no other records responsive to the Applicant's request exist.

[15] To validate its claim, the City must substantiate a reasonable search which resulted in no responsive records. A "reasonable search" is one in which an experienced employee expends a reasonable effort to locate records that are reasonably related to the request. The threshold that must be met is one of "reasonableness." In other words, it is not a standard of perfection, but rather what a fair and rational person would expect to be done or consider acceptable.<sup>3</sup>

[16] 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, including:<sup>4</sup>

- For general requests – tie the subject matter of the request to the departments/divisions/branches included in the search. In other words, explain why certain areas were searched and not others.
- Identify the employee(s) involved in the search and explain how the employee(s) is/are 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.
- For electronic folders – indicate what key terms were used to search.
- Indicate the results of each search if more than one search was conducted.
- Consider having the details of the search affirmed or sworn by an employee in an affidavit.

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<sup>3</sup> OIPC [Review Report 076-2025](#) at paragraph [54].

<sup>4</sup> OIPC [Review Report 254-2025](#) at paragraph [18].

[17] Each case requires different search strategies and details depending on the nature of the records and the way the organization manages them. If claiming the records do not exist, *LA FOIP* does not require that the party performing the search prove with absolute certainty that the records do not exist. This office will also consider reasonable explanations as to why a record does not exist from the party performing the search.<sup>5</sup>

[18] The City warranted in its submission that searches were initiated in the Offices of the City Manager and Mayor, the City Clerk's Office and the Department of Strategic Growth. Each office was instructed to:

- Search all physical and electronic records (email, Sharepoint, file storage).
- Use consistent search keywords: "15 Wing Base", "Canadian Armed Forces Base", "contamination", "Narwhal".
- Apply the date range March 28, 2025 to August 6, 2025.
- Confirm whether audio or video recordings are retained within the office.

[19] Along with its submission, the City provided four sworn affidavits of the searches conducted for the responsive records from: (1) the Director of Strategic Growth, (2) the Executive Assistant for the Offices of the Mayor and City Manager, (3) the Executive Coordinator for the Offices of the Mayor and City Manager and (4) the City Clerk.

[20] The submission and sworn affidavits from the City adequately addressed the findings of the searches conducted in each department. The only department to identify responsive records were the Offices of the Mayor and City Manager. The City noted that "only the Applicant's email and City's responses were found." As noted earlier in this Report, the City released these records to the Applicant.

[21] The Applicant noted that the affidavit from the Executive Assistant swore that they were not aware of the "Narwhal article regarding the contamination at the 15 Wing Base/Canadian Armed Forces Base until this application". The Applicant noted that based

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<sup>5</sup> OIPC [Review Report 077-2025](#) at paragraph [17].

on the email communications with the Executive Assistant in March and May 2025, “[the Executive Assistant for the Offices of the Mayor and City Manager] would have been aware of the Narwhal article regarding the contamination concerns months prior to the application...”. The Applicant expressed concerns about “the veracity of the submission” and questioned “whether the City is acting on good faith in regard to this issue and the records it possesses.”

[22] From a review of the email communications between the Applicant and Executive Assistant, the Applicant referenced a “story” or a “report” for the Narwhal. However, there is no reference to the actual article that was published. There is no support for the conclusion that the Executive Assistant had knowledge of the Narwhal article prior to the Applicant’s access request. Further, what is at issue is whether or not the City took reasonable steps to search for the records responsive to the Applicant’s request.

[23] The real issue here is whether or not the City took reasonable steps to search for records responsive to the Applicant’s access request. The City does not need to 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. Based on the discussion above and the sworn affidavits provided by the City, a reasonable search was conducted.

#### **IV FINDINGS**

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

[25] The City conducted a reasonable search for records responsive to the Applicant’s request.

#### **V RECOMMENDATION**

[26] I recommend that the City take no further action regarding the search for records.

Dated at Regina, in the Province of Saskatchewan, this 30<sup>th</sup> day of March, 2026.

Grace Hession David  
Saskatchewan Information and Privacy Commissioner