



REVIEW REPORT 201-2024

Saskatoon Police Service

November 26, 2024

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 Saskatoon Police Service (SPS). The request was for records related to interactions they had with a constable at the Service Centre desk at the SPS headquarters. SPS responded by providing the Applicant access to redacted records but indicated that some of the records they had requested did not exist. Further, SPS noted that portions of the records were non-responsive. The Applicant requested a review by the A/Commissioner. The A/Commissioner found that SPS properly redacted the records pursuant to subsection 28(1) of LA FOIP. He also found that the majority of the portions of the records (except one) that SPS regarded as non-responsive were indeed non-responsive. He found that SPS made reasonable efforts to locate body worn camera footage, but that SPS did not make a reasonable effort to search for cellphone records. He recommended that SPS continue to withhold the images of third-party individuals pursuant to subsection 28(1) of LA FOIP. He recommended that SPS release the first 8 minutes of Record 3 to the Applicant since he found the 8 minutes to be responsive, subject to exemptions. He also recommended that SPS ask the constable to search their personal device within 30 days of the issuance of this Report to determine if there were any records related to the subject of their interactions with the Applicant on March 26, 2024.

I BACKGROUND

[1] On March 26, 2024, the Applicant and their father sat in the waiting area in the Service Centre lobby at the Saskatoon Police Service (SPS) headquarters. Then, they both were invited to approach the Service Center desk to speak to a constable at the desk. After speaking with the constable, the Applicant and their father sat back down in the waiting area. The constable at the Service Center desk used the desk phone to call and speak to

another officer. After the constable concluded their call on the desk phone, the constable picked up a cellphone from the desk and began speaking into the cellphone. As the constable spoke into the cellphone, the constable walked away from the desk. Eventually, the constable returned to the desk and placed the cellphone on the desk. The Applicant and their father re-approached the desk to speak to the constable once again. Then the Applicant and their father left the building.

- [2] On March 27, 2024, the Saskatoon Police Service (SPS) received the following access to information request from the Applicant:

I am requesting body cam\mic recordings of constable [Name] badge# [3-digit number] on March 26th, 2024 at approximately 1300hrs and the in office footage of the interaction with him and I [sic] including the cellphone records and recordings, office phone recordings of him communicating to officer [Name] and [Name] via cell phone as to my request in order to serve them with official court documents. Use of cell phones used in the course of their duties are relevant and I am asking for them as well any text messages or video messaging and recorded calls made all records regarding all three officer [sic] during my visit and after.

- [3] In a letter dated April 15, 2024 to the Applicant, SPS indicated it was extending the 30-day response period by an additional 30 days pursuant to subsection 12(1)(a)(ii) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).

- [4] Then, in a letter dated July 31, 2024 to the Applicant, SPS responded to the access request. SPS provided the Applicant access to some records but indicated some of the information had been withheld pursuant to subsections 14(1)(c) and 28(1) of LA FOIP. The letter also indicated that the officer (the constable) was not wearing a body worn camera and did not use a work cellphone in their interaction with the Applicant. Therefore, records requested by the Applicant such as “body cam/mic recordings,” “cellphone records and recording,” and “text message or video messaging” did not exist.

- [5] On August 22, 2024, the Applicant requested a review by my office. The Applicant said:

I am requesting a “request for review” after I submitted a “Freedom of information And [sic] privacy [sic] act” and was denied the body cam and mic that constable [Name] #[3-digit number] was wearing and was recording at the time the footage from

the cameras that are behind the front desk footage that are there and I was denied access, also the cell phone records and recording of the conversation on the phone that was used by the constable [Name] used to contact both constable [Name] and constable [Name]. He was. [sic] Witnessed by myself and my father making the call from a personal cell phone. I was attempting to serve them with court documents and cst. [Name] was extremely rude raised his voice and was swearing. I was given the worst footage of the outside of the front counter. I know that his body cam was on, Because [sic] I asked him and that there are cameras behind the desk showing him make the phone calls.

[6] On August 23, 2024, the Applicant provided my office with a copy of a video that they (the Applicant) recorded of their interaction with an officer at the SPS. The Applicant said:

Also I'd like to submit this video as of the interaction between myself and constable [Name] as evidence that I did attend the police station and the officer was wearing a. [sic] Body cam and that he admits to calling and talking to the officers And me and my father watched officer [Name] pull out his cell phone out of his pocket and viewed him having a conversation with the officers but the writer of the letter I received is claiming that those records don't exist when i [sic] have cst [sic] [Name] on video admitting to calling the officers and wearing a body cam.

[7] In efforts to resolve issues at the Intake stage of my office's review process, SPS released an audio recording to the Applicant that it had previously withheld under subsection 14(1)(c) of LA FOIP. Further, it provided my office with details of its search efforts and provided explanations as to why records did not exist. My office shared details of SPS' search efforts with the Applicant.

[8] However, the Applicant indicated to my office that they were not satisfied and wanted to continue with my office's review process.

[9] On September 16, 2024, SPS released an audio recording to the Applicant that it previously withheld under subsection 14(1)(c) of LA FOIP. The audio recording was of the telephone call on the desk telephone from the constable to another officer.

[10] On September 27, 2024, my office notified both SPS and the Applicant that my office would be undertaking a review.

[11] Also on September 27, 2024, the Applicant provided their submission to my office.

[12] On October 7, 2024, my office sought and received permission from the Applicant to share the video they recorded of their interaction with the constable. Therefore, my office shared the video with the SPS on that same day.

[13] On November 21, 2024, my office received SPS' submission.

II RECORDS AT ISSUE

[14] At issue are six records:

- Record 1 is an audio recording of a telephone call. This audio recording was released by the SPS to the Applicant during the intake stage of my office's review process.
- Records 2, 3 and 4 are video recordings of the lobby of the SPS headquarters. Each recording is from a different camera in the lobby.
- Record 5 is a video recording of the vestibule at the SPS headquarters.
- Record 6 is a video recording of the front exterior of the SPS headquarters.

[15] Records 2 to 6 are 60 minutes and 3 seconds in length each. Each is a video recording taken at the same time, but each video was recorded by a different camera. Specifically, records 2, 3 and 4 are videos recorded by cameras positioned in different locations within the lobby. Record 5 is a video recorded by a camera located within the vestibule (from which people enter and exit the lobby). Record 6 is a video recording by a camera positioned outside of the vestibule and recording the exterior of the entrance/exit of the vestibule.

[16] While Records 2 to 6 are 60 minutes and 3 seconds in length each, SPS released only 14 minutes and 40 seconds of Records 2 and 3, and only 14 minutes and 41 seconds of Records 4 to 6 to the Applicant.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[17] SPS qualifies as a “local authority” as defined by subsection 2(1)(f)(viii.1) of LA FOIP. Therefore, I find that I have jurisdiction to conduct this review.

2. Did SPS properly apply subsection 28(1) of LA FOIP?

[18] SPS cited subsection 28(1) of LA FOIP as its reason to redact images of third-party individuals from Records 2 to 6. The only exception is that SPS did not apply subsection 28(1) of LA FOIP to withhold the image of the Applicant’s father at SPS headquarters.

[19] Subsection 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 the individual to whom the information relates except in accordance with this section or section 29.

[20] Subsection 28(1) of LA FOIP protects the privacy of individuals whose personal information may be contained within records responsive to an access to information request made by someone else (*Guide to LA FOIP*, Chapter 4: “Exemptions from the Right of Access”, updated October 18, 2023 [*Guide to LA FOIP*, Ch. 4], p. 252).

[21] Subsection 23(1)(a) of LA FOIP defines “personal information” as follows:

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;

[22] There are a list of examples provided for at subsection 23(1) of LA FOIP however it is not meant to be exhaustive. This means there can be other types of information that could

qualify as personal information (*Guide to LA FOIP*, Chapter 6: “Protection of Privacy”, updated February 27, 2023 [*Guide to LA FOIP*, Ch. 6], p. 39).

[23] In its submission, SPS said:

The video footage contains images of various members of the public sitting in and walking around the public areas of the building. These individuals happen to be at the SPS headquarters at the same time as the applicant but are not associated with [them]. Images of individuals are not specifically listed in the definition of personal information in subsection 23(1) of LA FOIP; however, the individuals are identifiable in the video as the video does show personal characteristics such as their gender, age, faces, ethnicity, etc. These individuals are also at the SPS headquarters in their personal capacity. Therefore, these images qualify as “personal information” as it is about an identifiable individual and is personal in nature. The IPC substantiated this in [Review Report 147-2020](#), where the IPC confirmed that “a person’s image is personal information” even if there is no other identifying information in the images. The *Guide* also confirms that subsection 28(1) is a mandatory exemption that “requires a local authority to have the consent of the individual whose personal information is in the record prior to disclosing it.”

Images of individuals in the videos who are at the SPS headquarters in their professional capacity, such as cleaning staff, were not redacted.

[24] Based on SPS’ submission and a review of the records at issue by my office, the images of third-party individuals who appear in the video recordings in Records 2 to 6 qualify as personal information. These third-party individuals appear to be acting in their personal capacities as they enter, visit and exit the SPS headquarters. I find that SPS properly applied subsection 28(1) of LA FOIP to Records 2 to 6. I recommend that SPS continue to withhold the images of third-party individuals that appear in Records 2 to 6.

3. Is there information in the records that is non-responsive to the Applicant’s access request?

[25] SPS withheld the first 8 minutes and the last 37 minutes and 23 seconds of Records 2 to 6 as non-responsive.

[26] When a local authority receives an access to information request, it must determine what information is responsive to the access request. “Responsive” means relevant. The term

describes anything that is reasonably related to the request. It follows that any information or records that do not reasonably relate to an applicant's request will be considered "not responsive" (*Guide to LA FOIP*, Chapter 3: "Access to Records", updated May 5, 2023 [*Guide to LA FOIP*, Ch. 3], p. 26).

[27] When determining what information is responsive, consider the following:

- The request itself sets out the boundaries of relevancy and circumscribes the records or information that will ultimately be identified as being responsive.
- A local authority can remove information as not responsive only if the applicant has requested specific information, such as the applicant's own personal information.
- The local authority may treat portions of a record as not responsive if they are clearly separate and distinct and entirely unrelated to the access request. However, use it sparingly and only where necessary.
- If it is just as easy to release the information as it is to claim not responsive, the information should be released (i.e., releasing the information will not involve time consuming consultations nor considerable time weighing discretionary exemptions).
- The purpose of LA FOIP is best served when a local authority adopts a liberal interpretation of a request. If it is unclear what the applicant wants, a local authority should contact the applicant for clarification. Generally, ambiguity in the request should be resolved in the applicant's favour.

(*Guide to LA FOIP*, Ch. 3, pp. 26-27)

[28] In its submission, SPS said:

The applicant was clear in [their] request that [they were] requesting information regarding [their] interaction with the identified constable at the Service Centre. The applicant provided a date of March 26, 2024, and an approximate timeframe of 1300 hours. AV Disclosure staff provided an hour of video footage for each camera as Access and Privacy staff were not advised by the applicant of the exact time and length of the interaction.

The same portions of all five videos were withheld as non-responsive. These portions all take place before the applicant is called forward to the Service Centre desk the first time and after the applicant has left the building. As the footage withheld does not

involve the applicant's "interaction" with the constable, the remainder of the video is not responsive to the request.

[29] As described in the Records at Issue section, SPS released 14 minutes and 40 seconds of Records 2 to 3 to the Applicant, and 14 minutes and 41 seconds of Records 4 to 6.

[30] Regarding Records 2, 4, 5 and 6, I find that the first 8 minutes and the last 37 minutes and 23 seconds are non-responsive to the Applicant's access request as the footage does not contain an image of the Applicant and their father.

[31] Usually, I recommend that local authorities disclose information in records that is non-responsive to an applicant's request anyway, subject to exemptions that may apply. However, in this case, I note that Records 2, 4, 5 and 6 are video. Blurring or redacting images of third party individuals from video is considerably more time intensive than redacting images from paper records. Therefore, I find it reasonable that SPS released the portions of Records 2, 4, 5 and 6 to the Applicant where the Applicant was recorded but cut out the first and last portions of the video footage as non-responsive where the Applicant is clearly not recorded.

[32] Regarding Record 3, I note that the Applicant and their father can be seen sitting in the waiting area in the first 8 minutes of the video. In other words, SPS had cited the first 8 minutes of Record 3 as non-responsive even though it contains images of the Applicant and their father. I find that the first 8 minutes of Record 3 to be responsive to the Applicant's access request. I recommend that the SPS release the first 8 minutes of Record 3 to the Applicant but redact the images of third-party individuals who appear in the video pursuant to subsection 28(1) of LA FOIP within 30 days.

4. Did SPS conduct a reasonable search for records?

[33] As detailed in the background of this Report, SPS' letter dated July 31, 2024 to the Applicant indicated that the officer was not wearing a body worn camera and did not use a

work cellphone in their interaction with the Applicant. Therefore, SPS said no records existed regarding body camera footage or records from a work cellphone.

[34] When a local authority, such as the SPS, states that no records exist, the local authority must demonstrate it conducted a reasonable search for records. A reasonable search is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records reasonably related to the access to information request. A reasonable effort is the level of effort you would expect of any fair, sensible person searching areas where records are likely to be stored. What is reasonable depends on the request and related circumstances ((*Guide to LA FOIP*, Ch. 3, at p. 12).

[35] The Applicant asserted that the officer was wearing a body worn camera and used a cellphone. The Applicant had filmed a 29 second video of their interaction with the officer and provided my office with a copy of the video as their proof that the officer was indeed wearing a body camera. Further, the Applicant asserted that the person who had accompanied them to the SPS headquarters witnessed the officer using a cellphone. On October 7, 2024, the Applicant gave my office permission to share the 29 second video with the SPS. Below, I will consider SPS' efforts to search for records related to body worn camera footage as well as records from a cellphone.

a. Body camera footage

[36] In its submission, SPS said body worn camera footage is accessible via an online platform. Footage can be searched by occurrence number/ID, officer name, date and time, title, category or tag. SPS indicated since there was no occurrence number assigned to the Applicant's interaction, it searched the online platform using the constable's name, badge number and the date of the interaction. However, the search returned no results. SPS provided my office with a screenshot of the online platform that showed its keyword search and that "no match" was returned as the search result.

[37] SPS also addressed the Applicant's assertion that the Applicant's video shows that the constable was wearing a body worn camera. Instead of a body worn camera, SPS explained

that the constable was wearing a holder that contains a microphone that connects to an in-car camera system installed in patrol vehicles. SPS explained that some members wear the microphone as a part of their standard equipment even when they are not assigned to a patrol vehicle. SPS' submission said:

The applicant has indicated to the IPC that [they] saw Cst. [Name] wearing a BWC when he interacted with [them] that day, and has provided a video to support this assertion. The video of the interaction shows that the constable is not wearing a BWC. Typically, BWCs are mounted on the member's body armour, which partially covers the "POLICE" insignia over the centre of their chest. In the footage from the Service Centre and the applicant's video, the constable's "POLICE" insignia is clearly visible. The piece of equipment that Cst. [Name] is wearing on his right shoulder is a holder containing a microphone for the in-car camera system, which is installed in patrol vehicles. Some members wear the microphone as part of their standard equipment even when they are not assigned to a patrol vehicle. The microphone needs to be connected to the in-car camera system in a patrol vehicle in order to function. As the constable was working in the Service Centre that day, he was not assigned a patrol vehicle so the microphone would not be functioning.

[38] Based on SPS' explanations outlined above, I find that it has made a reasonable effort to locate body worn camera footage.

b. Cellphone records

[39] As described in the background of this Report, the constable had called another officer using the desk telephone at the Service Center desk. After concluding that telephone call, the constable picked up a cellphone from the desk and began speaking into it. Based on their submission to my office, the Applicant sought a record of the telephone call on the cellphone. The Applicant said:

I'd like to the[sic] focus of the complaint to focus on the video evidence submitted by both parties and make sense of the SPS's excuse in determining the contents of the "private". [sic] Phone [sic] call made during a business transaction between myself and Constable [Name] and then the follow up Conversation when he finishes his call and tells me that he just spoke to the officers on the phone. And when matched up with the video and is the only call he is seen making. Make that make sense. The police are clearly covering up that conversation that whether or not it was a private call or not the fact that he is public official while employed with the city is subject to all calls made during work hours. I did not request the SPS to Review [sic] the files so that it can decide without scrutiny what was personal And [sic] what was business. The city

policies states that all Employees [sic] cell phone issued or personal r [sic] subject to the public upon request and is an extension or agent of the corporate rules extend to his Private [sic] cell. I'd like to note that the early resolution was an Attempt [sic] by SPS to once again protect its employees when. [sic] Their [sic] employed by tax payers making them My. [sic] Employees. [sic] You gotta ask yourself what was said in that phone call which the SPS has by its own Admission. [sic] "reviewed" the call with absolutely nobody listening. I think that it's a conflict of interest for the SPS police itself. The officer admits In [sic] The [sic] video he just spoke to him on the phone. It only shows the officer making one call during the entire time. And if he made a call Which [sic] video shows he did not where's the records of that phone call? It is going by corporate rules and once again my response is I'm the living man and am not subject to corporate rules. Clearly covering up. I'm only asking for what ur [sic] corporate policy allows. It's clear to me that the SPS doesn't want to release those records due to its content. That should. [sic] Be [sic] the focus of the complaint. Please and Thank you

[40] During the intake stage of my office's review process, SPS indicated it contacted the constable to ask about the telephone call made on the cellphone. The constable had asserted that the telephone call made on their cellphone was a personal and not work-related telephone call.

[41] In its submission, SPS indicated that it did not ask the constable to search their personal cellphone. The constable had confirmed that they do not use their personal cellphone for work matters as they have a work telephone for that purpose. Further, SPS noted that Part 5, Chapter D of SPS policy prohibits its members from using personal cellphones for work related matters. SPS argued that the records on the constable's personal cellphone are not in its possession or under its control.

[42] To support its position, SPS cited a portion of paragraph [181] of [Order PO-3715](#) by the Office of the Information and Privacy Commissioner of Ontario (ON IPC). The ON IPC said where there is a question of whether an institution has more than bare possession of records that are in its physical possession, then the relationship between the institution's public mandate and the records is a key consideration. SPS chose to cite a portion of paragraph [181] to support its position that records on the constable's personal device is not related to its mandate:

[181]...I am simply not persuaded that records *created by students* in their university email accounts can be characterized as having the requisite relationship to the

administration of the university's mandate to result in these factors weighing in favour of Western's custody or control over such records. Given my conclusion that students, as the authors or recipients, of records in their email accounts cannot be considered to be representing the exercise of the university's mandate, it also follows that such records would not contribute to informing the public about the operations and administration of the university.

[Emphasis in original]

- [43] The portion of paragraph [181] of Order PO-3715 speaks to records created by students of the university, which do not relate to the mandate of the university. However, SPS failed to cite the first half of paragraph [181] of Order PO-3715, which provides that some records created by faculty may be in the university's custody or control insofar as they reflect representation of the university's mandate:

[181] Does the institution have a statutory power or duty to carry out the activity that resulted in the creation of the record? Is the activity in question a "core", "central" or "basic" function of the institution? Does the content of the record relate to the institution's mandate and functions? In my view, the answer to all of these questions is no. For the purpose of determining custody or control, past orders have described the central mandate of universities as involving teaching, research, and related administrative functions. **Further, in the course of carrying out the university's academic mission, some records created by faculty may be in the university's custody or control insofar as they reflect representation of that mandate and under certain conditions.** I am simply not persuaded that records *created by students* in their university email accounts can be characterized as having the requisite relationship to the administration of the university's mandate to result in these factors weighing in favour of Western's custody or control over such records. Given my conclusion that students, as the authors or recipients, of records in their email accounts cannot be considered to be representing the exercise of the university's mandate, it also follows that such records would not contribute to informing the public about the operations and administration of the university.

[Emphasis added in bold and underline; italics in original]

- [44] In this case, the constable is to the SPS as faculty members are to a university. The constable would not be to the SPS as students are to a university. That is, as an employee of the SPS, the constable in this matter is charged with carrying out SPS' mandate. Therefore, insofar as records on a personal device reflect representation of SPS' mandate,

any records contained on the constable's personal device that are work-related would be under the control of the SPS.

[45] In [Review Report 094-2024](#), I considered an access to information request submitted to the Regina Police Service (RPS) for all records on personal devices that may have been created as a result of an interaction between an applicant and the RPS at a traffic stop. In that case, RPS did not conduct a search for records on personal devices. However, I said that RPS should be contacting their officers to search their personal devices for any responsive records as follows:

[31] Similarly, if RPS' officers relay messages or information on personal devices regarding work-related matters, such as traffic stops, those records are created in the course of their work duties and so become work product. Those records are then in RPS' possession and control. **I am not saying the officers in this matter created such records on their personal devices, but a usual step should be for RPS to reach out to those officers and ask them if they would search their personal devices.** It would be concerning if a local authority's position is that it will not request such a search for work-related product even if the local authority's policies state personal devices should not be used for such purposes. By not requesting such a search, employees can potentially be allowed to create unfettered, and unaccounted for, work product or records.

[32] Based on RPS' statements, I find that it has not made any efforts to determine if responsive records exist on the officers' personal devices to determine if any of the officers involved had records relating to the incident in question. I recommend that within 30 days of the issuance of this Report, that RPS ask the officers involved to search their personal devices for any records related to the incident in question that they may have created on that date and advise the Applicant and my office of the results.

[Emphasis added]

[46] I note that in [Privacy Complaint P116-3](#), the Office of the Information and Privacy Commissioner of Ontario (ON IPC) noted that the Ontario Provincial Police (OPP) prohibited its members from using personal devices. Nevertheless, a member of the OPP was found to have used their personal device for work-related purposes. The ON IPC said:

[37] It is also my view that, regardless of whether the OPP's policy prohibits use of a personal electronic device, the moment a personal electronic device is used to record, send or receive OPP operational information, there is an obligation to preserve this

information in order to meet the ministry's access and privacy obligations as set out in the Act.

[47] Similar to the findings in [Review Report 094-2024](#), I find that SPS has not made a reasonable effort to search for cellphone records. That is, SPS has not asked the constable to search their personal cellphone for records related to the subject of their interactions with the Applicant on March 26, 2024. I am not saying that the constable used their personal device for work-related purposes. However, there is always a possibility that members do end up using their personal devices for work-related purposes, even if policy prohibits such use. In [Privacy Complaint P116-3](#), a police officer had used their personal cellphone to record an interaction with a member of the public. As such, the recording would be subject to freedom of information laws even though it was recorded on a personal device.

[48] Of course, I should note that personal devices of employees should not always be searched as a result of access requests under LA FOIP. Only in instances where there is a possibility that a personal device was used for work purposes should local authorities such as SPS conduct searches for records on employees' personal devices. The policies and procedures of a local authority should reflect this. In this case, given that there is video of the constable using their personal cellphone in the midst of serving the Applicant at the Service Center desk, there is a possibility that there may be records on the personal device that are responsive to the Applicant's access request. I recommend that within 30 days of issuance of this Report, SPS ask the constable to search their personal device to determine if there are any records related to the subject of their interactions with the Applicant on March 26, 2024. If there are records responsive, then I recommend that SPS release the records to the Applicant subject to exemptions that may apply. If there are no records responsive to the Applicant's access request, then I recommend that SPS let my office and the Applicant know there are no responsive records.

IV FINDINGS

[49] I find that I have jurisdiction to conduct this investigation.

[50] I find that SPS properly applied subsection 28(1) of LA FOIP to Records 2 to 6.

[51] I find it reasonable that SPS released the portions of Records 2, 4, 5 and 6 to the Applicant where the Applicant was recorded but cut out the first and last portions of the video footage as non-responsive where the Applicant is clearly not recorded.

[52] I find that the first 8 minutes of Record 3 to be responsive to the Applicant's access request.

[53] I find that SPS has made a reasonable effort to locate body worn camera footage.

[54] I find that SPS has not made a reasonable effort to search for cellphone records.

V RECOMMENDATIONS

[55] I recommend that SPS continue to withhold the images of third-party individuals that appear in Records 2 to 6 pursuant to subsection 28(1) of LA FOIP.

[56] I recommend that SPS release the first 8 minutes of Record 3 to the Applicant but redact the images of third party individuals who may appear in the video pursuant to subsection 28(1) of LA FOIP within 30 days.

[57] I recommend that within 30 days of issuance of this Report, SPS ask the constable to search their personal device to determine if there are any records related to the subject of their interactions with the Applicant on March 26, 2024. If there are records responsive, then I recommend that SPS release the records to the Applicant subject to exemptions found to apply. If there are no records responsive to the Applicant's access request, then I recommend that SPS let my office and the Applicant know there are no responsive records.

Dated at Regina, in the Province of Saskatchewan, this 26th day of November, 2024.

Ronald J. Kruzeniski, K.C.
A/Saskatchewan Information and Privacy
Commissioner