



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 221-2025

City of Humboldt

May 22, 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 Humboldt (City). The City issued a \$330.00 fee estimate to the Applicant. The Applicant paid the fee, and the City released responsive records, withholding some information pursuant to the exemptions in sections 16(1)(a), (b), (c), (d), (e) and 28(1) of *LA FOIP*.

The Applicant asked the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) to review the reasonableness of the fee charged by the City and the application of the exemptions to parts of the record.

Part I: The City requested that the Commissioner discontinue the review on the grounds that the application was vexatious and not made in good faith, pursuant to section 39(2) (the commissioner may discontinue a review) of *LA FOIP*. The Office of the Saskatchewan Information and Privacy Commissioner (OIPC) provided notice that this would be considered as a preliminary issue.

The Commissioner found that the City had not met the burden of demonstrating the Applicant's request for a review was vexatious or not made in good faith.

Part II: The City's section 7 decision letter only referenced sections 16(1)(d) and 28(1) of *LA FOIP*. During the review, the City subsequently provided arguments for the application of 16(1)(b) of *LA FOIP*, rather than section 16(1)(d) of *LA FOIP*. This review will consider if the City properly identified certain records as non-responsive, if it properly applied sections 16(1)(b) (consultations and deliberations involving employees of a local authority), and 28(1) (third party personal information) of *LA FOIP* to withhold parts of the records. Finally the review will consider whether the fees charged to the Applicant were reasonable.

The Commissioner found that:

- (1) the City did not demonstrate that the Applicant's request for review was vexatious and/or not made in good faith.
- (2) the City properly applied section 28(1) of *LA FOIP* to some portions of the record, but not others;
- (3) the City properly applied section 16(1)(b) of *LA FOIP* to the record; and
- (4) the fee charged to the Applicant in the amount of \$330.00 issued by the City is not reasonable.

The Commissioner recommended that:

- (1) the City should continue to withhold the parts of the record where section 28(1) of *LA FOIP* was properly applied;
- (2) within 30 days of the issuance of this Report, the City should release the Applicant's own personal information;
- (3) within 30 days of the issuance of this Report, the City review its application of section 28(1) of *LA FOIP* to the names of City employees that are publicly available and consider releasing those portions of the record to the Applicant pursuant to section 28(2)(p) of *LA FOIP*.
- (4) the City should continue to withhold parts of the record where section 16(1)(b) of *LA FOIP* was properly applied; and
- (5) within 30 days of the issuance of this Report, the City should refund the amount of \$185.10 to the Applicant.

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I BACKGROUND

[1] On July 23, 2025, the City of Humboldt received the Applicant's access to information request, along with the \$20 application fee. The Applicant requested records from April 8 to July 23, 2025:

A copy of the full investigation report conducted by [name of individual]¹ regarding the harassment complaint I submitted on April 8, 2025, including findings, conclusions, and recommendations related to my complaint, as well as any communications or directions given to or received from the investigating firm.

I understand that some third-party personal information may need to be redacted but I request access to all information that pertains to me.

[2] On August 15, 2025, the City emailed the Applicant and advised that it had prepared a fee estimate in the amount of \$330 for the request. The City noted that some information in the records would likely be withheld in accordance with the exemptions as set out in *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.²

[3] That same day the Applicant agreed to pay the fee and asked for the access request to proceed. The Applicant asked how to make an upfront payment. On August 18, 2025, the City advised that a deposit would not be required, and that the \$330 would be required at the time the records were released.

[4] The records were available on August 26, 2025. The Applicant paid the \$330 fee and received the records. The records were released to the Applicant with certain redactions. Redactions were made with respect to the personal information of the Applicant and other parties pursuant to section 28(1) of *LA FOIP*. The only other redaction was with respect to the exemption in section 16(1) of *LA FOIP*.

¹ The use of square brackets is amendments by OIPC to preserve the identity of individuals.

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

- [5] On August 26, 2025, the City emailed the Applicant and explained the calculation of the fee. The City indicated there were over 85 pages that required nearly 1,000 redactions for personal information. The overall fee calculation was based on an estimation that it would take 12 hours to complete the search, but more time had likely been spent to finish the task. The Applicant was informed of the right to request a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [6] That same day the Applicant asked the City about a page that appeared to be missing, based on the sequence of the page numbers. The Applicant also expressed a concern with the fee estimate calculation.
- [7] On August 27, 2025, the City explained that it withheld that one page since the contents had been reproduced elsewhere in the record. The City re-iterated that a review of the fee estimate was a right according to the law.
- [8] On August 29, 2025, the Applicant submitted a request for review to OIPC. On October 31, 2025, the City issued a late section 7 decision letter to the Applicant advising that portions of the record were withheld pursuant to sections 16(1)(d) and 28(1) of *LA FOIP*.
- [9] On November 17, 2025, this office notified the City and the Applicant that a review of the fee and the application of the exemptions pursuant to sections 16(1)(d) and 28(1) of *LA FOIP* would commence.
- [10] On December 5, 2025, the City requested that the Commissioner exercise its discretion to discontinue the review on the grounds that the Applicant's request was vexatious and not brought in good faith, pursuant to section 39(2) of *LA FOIP*. The City provided a submission to support the request. On December 10, 2025, this office notified both parties that the application to discontinue would be considered as a preliminary issue. OIPC shared the submission from the City with the Applicant on consent and invited a submission from the Applicant. The Applicant provided a submission on December 12, 2025.

[11] The City provide a copy of the records and index of records on December 17, 2025, and both parties provided written submissions. The index of records prepared by the City referenced section 16(1)(d) of *LA FOIP*, but the written submission only argued section 16(1)(b) of *LA FOIP*.

II RECORDS AT ISSUE

[12] The City identified 36 responsive records that were comprised of a total of 85 pages. Two pages were released in full (**Record 9**, page 2 and **Record 10**, page 2). 83 pages were withheld in part, pursuant to sections 16(1)(b), (d) and 28(1) of *LA FOIP*:

Record Number	Total Number of Pages	Record Description	Exemption(s) applied
Record 1	19 pages	Harassment Investigation Report	28(1) of <i>LA FOIP</i>
Records 2 to 36	64 pages	Emails	16(1)(b), 16(1)(d) and 28(1) of <i>LA FOIP</i>

[13] During the review, this office ascertained that some of the email attachments in Records 2 to 36 had been overlooked and excluded from the overall assembly of the responsive record. On February 2, 2026, OIPC inquired why the attachments were not included. The City explained that these attachments were deemed to be non-responsive records.

[14] In the section 7 decision letter, the City omitted to notify the Applicant that it was withholding records as non-responsive. This issue is beyond the scope of this review but on April 29, 2026 this office recommended that the City issue a revised section 7 decision letter identifying and explaining the records that were deemed non-responsive to the Applicant’s request.

III DISCUSSION OF THE ISSUES

Jurisdiction

[15] The City is a “local authority” pursuant to section 2(1)(f)(i) of *LA FOIP*. Therefore, OIPC has jurisdiction to conduct this review under PART VI of *LA FOIP*.

PART I

The Request for a Discontinuance

[16] The City submitted that the Applicant’s request for review is vexatious and not in good faith. The City applied for a discontinuance pursuant to section 39(2) of *LA FOIP*. Sections 39(2)(a) and (b) of *LA FOIP* provide as follows:

Review or refusal to review

39(2) The commissioner may refuse to conduct a review if, in the opinion of the commissioner, the application for review:

(a) is frivolous or vexatious;

...

(b) is not made in good faith; or

[17] The prime objective of *LA FOIP* is to provide individuals with a right of access to records in the possession or control of a local authority. The Supreme Court of Canada has found this right to be a quasi-constitutional right.³ The legislation was enacted to ensure that local authorities do not function under a hidden veil of secrecy. It is accepted that the public has a right to know how local authorities act on their behalf. All of this is subject to the legal exemptions that are contained within *LA FOIP*.⁴ The relevant principles were explained by

³ [*Canada \(Information Commissioner\) v Canada \(Minister of National Defence\)*](#), 2011 SCC 25, [2011] 2 SCR 306 at paragraphs [40] and [79].

⁴ OIPC [Review Report 044-2025](#) at paragraph [25].

Justice Cromwell writing for the majority of the Supreme Court of Canada in *Merck Frosst Canada Ltd. v. Canada (Health)*:⁵

[22] ...the overarching purpose of the Act is to facilitate democracy and that it does this in two ways: by helping to ensure that citizens have the information required to participate meaningfully in the democratic process and that politicians and officials may be held meaningfully to account to the public.

[18] This office has previously noted that an applicant's overall conduct can often be very revealing when it comes to an assessment of bad faith, especially when those actions allow for an inference that the prime motivation for the access request is contrary to the spirit and purpose of the legislation:⁶

[31] While there is some overlap between the concepts in section 39(2)(a) and (b) of *LA FOIP*, prior rulings by other Information and Privacy Commissioner offices across Canada outline that the purpose behind a request is often illustrated more by the Applicant's actions rather than their words. And in many cases, the exact purpose of the request is not easily discernable, but what is clear is that the spirit and the purpose of the legislation is not the prime motivation behind the request:

Past orders of this office have recognized, however, that the conduct of requesters often gives a much more accurate picture of their purpose than do their words. Consequently, as is suggested by Order M-864, adjudicators have relied on evidence of the requester's use of the freedom of information process to accomplish objectives unrelated to access in order to conclude that they have abused the right of access. (See Orders M-947 and MO-1519)

[19] This office has previously offered the following definitions relevant to this issue:⁷

- A request is vexatious when the primary purpose of the request is not to gain access to information but to continually or repeatedly harass a local

⁵ [Merck Frosst Canada Ltd. v. Canada \(Health\)](#), [2012] 1 SCR 23 at paragraph [22]. In this case the Supreme Court was asked to consider an access request for information that had been provided to the federal government by a manufacturer as part of the drug approval process. The requisite statute at the center of that case was the federal [Access to Information Act](#), R.S.C 1985, c. A-1, as amended. However, the guidance applies liberally to all access to information legislation across Canada.

⁶ *Supra*, footnote 4 at paragraph [31].

⁷ OIPC [Disregard Decision 225-2025](#) at paragraph [32].

authority to obstruct or grind a local authority to a standstill. It is usually taken to mean with intent to annoy, harass, embarrass or cause discomfort. A request is not vexatious simply because a local authority is annoyed or irked because the request is for information the release of which may be uncomfortable for the local authority. However, LA FOIP must not become a weapon for disgruntled individuals to use against a local authority for reasons that have nothing to do with the Act. Some examples of vexatious proceedings are to use them as collateral attacks, to initiate or escalate proceedings that are hopeless, to persistently engage in inappropriate behaviour, to make unsubstantiated allegations of conspiracy or misconduct and to use scandalous or inflammatory language.

- “Good faith” means that state of mind denoting honesty of purpose, freedom from intention to defraud, and means being faithful to one’s duty or obligation. Good faith is an intangible quality encompassing honest belief, the absence of malice and the absence of design to defraud or take advantage of something. “Not in good faith” means the opposite of “good faith”, generally implying or involving actual or constructive fraud, or a design to mislead or deceive another, or a neglect or refusal to fulfill some duty or other contractual obligation, not prompted by an honest mistake as to one’s rights, but by some interested or sinister motive.

[20] In *Chutskoff Estate v. Bonora*, Michalyshyn J identified the general characteristics of vexatious litigation.⁸ This catalog of behaviour applies equally to matters that are brought before regulators and we recite the relevant principles here:

1. The launching of a review collateral to the matter at hand;
2. The repeated launching of reviews without merit;
3. The launching of reviews that escalate;
4. The launching of reviews grounded in improper purposes;
5. The initiation of “busybody” reviews to enforce alleged rights of third parties;
7. The persistent launching of unsuccessful reviews;
8. The use of inappropriate behavior/conduct in the course of dealings between this office and the other party;

⁸ *Chutskoff Estate v. Bonora*, 2014 ABQB 389 at paragraph [92]. Adopted in *Ryan v Remai Holdings*, 2020 SKQB 133 at paragraph [47] and *Kaiser v Baidon (Rural Municipality)*, 2018 SKQB 292 at paragraph [99].

9. The making of unsubstantiated allegations of conspiracy, fraud, and misconduct against the other party;
10. The use of scandalous or inflammatory language; and
11. The attempt to advance pseudolegal arguments.

[21] It is important to consider the nature and scope of the records sought by the Applicant. A review of the requests may indicate a theme, pattern or type of conduct that reveals the true intent of the Applicant. In many cases, ascertaining the Applicant's purpose requires the drawing of inferences from behavior as applicants seldom admit to a purpose other than access.⁹ In this case the Applicant made the first access request of this local authority for documents that were entirely connected to a matter with which they were involved. The scope and nature of the request was completely logical and understandable.

[22] This office must also consider if there is a pattern or type of conduct that amounts to an abuse of the right of access. Depending on the nature of the case, one factor alone or multiple factors in concert with each other can lead to a finding that a request is an abuse of the right of access. The following factors are considered when determining if there is a pattern or type of conduct that amounts to an abuse of the right of access:¹⁰

1. ***The number of requests:*** are they excessive by reasonable standards?
2. ***Nature and scope of the request:*** are they excessively broad and varied and varied in scope or unusually detailed?
3. ***Purpose of the request:*** are the requests intended to accomplish some objective other than to gain access? For example, are they made for nuisance value, or if the applicant's aim to harass or break or burden the system?
4. ***Timing of the request:*** is the timing connected to the occurrence of some other related event, such as a court or tribunal proceeding?
5. ***Wording of the request:*** are the requests or subsequent communications in their nature offensive, vulgar, derogatory or contain unfounded allegations?

⁹ OIPC [Review Report 001-2021 – Part I](#) at paragraph [21]; OIPC [Review Report 053-2015](#) at paragraph [25].

¹⁰ OIPC [Disregard Decision 225-2025](#) at paragraph [26].

[23] Turning to the submissions of each party, the City saw the Applicant's request for a review of the fee and the application of exemptions as an act of retaliation made in bad faith. The City also submitted that the time to review this matter is a disproportionate use of public resources. The City explained why it believes the Applicant's request is vexatious and not made in good faith:

[The Applicant], a former employee, filed a harassment complaint against a colleague after successfully grieving a disciplinary action. The Local Authority engaged an external Human Resources Consultant to conduct the investigation. During the investigation, [the Applicant] revealed a retaliatory intent, stating [they] had issues with several co-workers, but the respondent was chosen because that is "the one we have the most evidence on". As per the investigators report, [the Applicant's family member] provided the same response when interviewed. During the interview process, a union steward representing the respondent ensured the investigators were aware of a clause in the City's Harassment Policy that deals with false accusations and/or embellishment.

Following the investigation outcome, [the Applicant] requested a copy of the investigation report and all related communications with the investigator. The Local Authority provided *near-full disclosure*, withholding only the personal identifiers (names of third-party individuals) under the privacy provisions of LA FOIP.

The sole remaining point of contention relates to background information forwarded by the City's internal HR Coordinator to the external investigator. This information addressed unrelated incidents/occurrences mentioned in the investigation but not included in the original complaint. This internal HR communication, which discussed how to proceed with those pending situations, is withheld under Section 16(1)(d) of LA FOIP (Discretionary Exception: Personnel Management Plans) as it constitutes unimplemented plans for personnel management.

The Local Authority provided a fee estimate to [the Applicant] prior to proceeding, which [they] agreed to pay and instructed the Local Authority to proceed with the application. It was only after paying the fees and receiving the requested the information did [the Applicant] question the estimated fees.

[The Applicant] requesting a review from the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) of both the Section 7 decision to deny access to part of the record and the final fees is vexatious as it is a continuation of the retaliatory behavior due to the original disciplinary action on the applicant.

...

The City of Humboldt has concluded that [the Applicant] is proceeding through the current process of requesting this review simply to cause additional work upon the City and the office of the Privacy Commissioner as an abuse of the right of review for purposes unrelated to the legitimate aims of LA FOIP.

[Emphasis in original]

[24] The Applicant provided a rebuttal which must be included here:

...
I am acting in good faith when I asked in person on August 26 and in the email on August 26, 2025 for the City of Humboldt to review the fee because the OIPC fee estimate guide didn't compute realistically to the City's final fee in my opinion. I gave the City an opportunity to let me know if I missed something to help me understand the fee charged. In the August 27, 2025 email the City stated that "If you believe the fees are unreasonable, you have the option to request a review through the Office of the Privacy Commissioner. They are in place to ensure a fair process for both the applicant and the local authority." So, I am respectfully following the City's advice.

...
To address the City's timeline of events and their conclusions on the matter in their letter to the OIPC on December 5, 2025, the particulars about the overall case they referred to are much more complex than the City has outlined to the OIPC. The timeline they provided is not complete and in no way shows that I am retaliatory or vexatious. Rather, it is a timeline which shows that I was trying to do the right things in getting the unions and other professionals help. I filed a legitimate harassment complaint which was confirmed in the investigation report and in a letter from the City Manager dated June 19, 2025 which I received on June 26 in a meeting with HR finding that my complaint was not made with malicious intent and without getting into specific details was confirmed as valid. Then later I requested my information under LA FOIP to gain access to it for legitimate reasons and now I'm requesting a review for legitimate merited concerns as I've outlined in my submission and correspondence with the OIPC.

The City asking for the OIPC to discontinue the review shows their misunderstanding of the LA FOIP process. LA FOIP is an instrument to foster openness, transparency, and accountability in local authorities. I believe that applicants as well as the local authority should act respectfully at all stages of the request.

...

[25] The main bone of contention in the two submissions is the true purpose of the access request. This office previously noted that if the purpose of the request is a motivation that originates from something other than a desire to obtain access, then the entire purpose of

the access request becomes suspect. This is readily apparent when there is evidence of harassment, foul language and/or through the raising of irrelevant issues.

[26] There is no burden on an applicant to demonstrate that the access request or a request for review is for a legitimate purpose. Rather, the burden of proof rests with the party requesting the discontinuance and the threshold for relief is considerable because of the quasi constitutional status of the right at play.¹¹

[27] The City supplied little to no evidence to support allegations of retaliation and bad motive on the part of the Applicant. It is obvious that the relationship between the Applicant and the City is frosty because of the filing of the harassment complaint and the grieving of the City's written warning on the part of the Applicant. The City provided a timeline of events for context in its December 5, 2025 submission to this office, but provided little explanation as to how the events in the timeline evidenced retaliation or a vexatious motive on the part of the Applicant. The timeline, as re-produced below, shows nothing out of the ordinary in a typical lead up to an access to information request for review where there has been a dispute between a citizen and a local authority. Just because the access to information request is made in circumstances where there is a difficult relationship between parties, or even pending litigation, cannot mean that the motive for the access request is retaliatory or made in bad faith.¹² It takes clear evidence of *male fides* which is not present here:

- **March 11, 2025** – Applicant provided Written Warning
- **March 28, 2025** – Following review the disciplinary action was downgraded to a Verbal Warning
- **April 8, 2025** – Applicant filed Harassment Complaint against colleague
- **June 19, 2025** – Investigation Outcome letter provided to Applicant
- **July 21, 2025** – Applicant resigns from position
- **July 23, 2025** – Applicant filed Access to Information Request

¹¹ OIPC [Disregard Decision 122-2021](#) at paragraph [35].

¹² OIPC [Review Report 053-2015](#) at paragraph [32].

- **August 15, 2025** – Fee Estimate provided
- **August 18, 2025** – Local Authority receives confirmation from Applicant to proceed understanding fees and redaction of information
- **August 26, 2025** – City fulfills request to Applicant with near-full disclosure
- **August 27, 2025** – Applicant questions fees estimate

[28] The *Background* segment of this Report listed exchanges between the City and the Applicant on August 26 and 27, 2025. These exchanges centered on the Applicant’s concerns with the City’s fee calculation. The City provided an explanation in response and advised the Applicant that if they were dissatisfied with the explanation, they could press for a review with this office. The fact that the Applicant acted on the City’s suggestion is not indicative of vexatious behaviour towards the City, or an indication that the Applicant is acting in bad faith. There is no pattern of offensive behaviour on the part of the Applicant. This access request is the one and only request on the part of the Applicant. The nature and scope of this request is understandable in light of the events that precede it.

[29] This office concludes that the City has not demonstrated that the Applicant’s request for review was vexatious or not made in good faith. The review of the substantive issues will continue in PART II below.

PART II

1. The Application of Exemptions

a. The Application of Section 28(1) of *LA FOIP*

[30] The City withheld some information from 83 pages of the responsive records under section 28(1) of *LA FOIP*. Rather than focusing on where the City properly applied section 28(1) of *LA FOIP*, this phase of the analysis will instead focus on where section 28(1) of *LA FOIP* was *not* properly applied, and whether the City should release information.

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

[32] Section 28(1) of *LA FOIP* is a mandatory exemption. Prior to a consideration of the application of the exemption in section 28(1), the first determination must be whether the information qualifies as “personal information” as defined by section 23(1) of *LA FOIP*. In order for information to be “personal information”, it must: 1) be about an identifiable individual; and 2) be personal in nature.

[33] The City submitted that the information redacted under section 28(1) of *LA FOIP* qualifies as personal information because it includes information relating to an individual’s name, age, and employment history. Based on a review of the record, there is personal information that appears in all 83 pages of the records at issue. Most information where section 28(1) of *LA FOIP* was applied includes personal information from the list in section 23(1) of *LA FOIP* such as:

- the names of individuals;¹³
- ages, place of employment;¹⁴
- contact information;¹⁵ and

¹³ OIPC [Review Report 154-2025](#) at paragraphs [32] to [35] provides that the name of an individual acting in their professional capacity qualifies as personal information pursuant to section 23(1)(k)(i) of *LA FOIP*. See also [OIPC Review Report 064-2025](#) at paragraphs [26] to [29], where names of individuals interviewed by police with respect to an investigation qualified as personal information.

¹⁴ [OIPC Review Report 163-2025](#) at paragraph [31] provides that the age and place of employment of an individual qualifies as personal information pursuant to sections 23(1)(a) and (b) of *LA FOIP*.

¹⁵ *Ibid*, at paragraph [30] provides that personal and professional contact information of individuals qualifies as personal information pursuant to sections 23(1)(e) and (k)(i) of *LA FOIP*.

- other details that could reveal personal information in nature about identifiable individuals.¹⁶

The City should continue to withhold this information under section 28(1) of *LA FOIP*.

[34] As noted, our review did reveal areas where information withheld from the records where the City did not properly apply section 28(1) of *LA FOIP*, and where it is recommended that the City release information.

[35] Most notably, the City withheld the Applicant’s own name and contact information. One of the purposes of *LA FOIP* is to provide individuals with the right of access to their own personal information under section 30(1) of *LA FOIP* as follows:¹⁷

30(1) Subject to Part III and subsections (2) and (3), an individual whose personal information is contained in a record in the possession or under the control of a local authority has a right to, and:

- (a) on an application made in accordance with Part II; and
- (b) on giving sufficient proof of his or her identity;

shall be given access to the record.

[36] The City did not properly apply section 28(1) of *LA FOIP* to the Applicant’s own personal information, or name and contact information, and should release it to the Applicant in the following locations in the records:

Record 1 – pages 1 to 19	Record 17 – page 1
Record 4 – page 1	Record 18 – page 1
Record 5 – page 1	Record 19 – page 2
Record 6 – page 1	Record 21 – pages 1 and 2

¹⁶ OIPC [Review Report 035-2017](#) at paragraph [18] provides that information describing an individual’s personal relationship with another individual qualifies as personal information pursuant to section 23(1) of *LA FOIP*; OIPC [Review Report 061-2024](#) at paragraph [46] provides that information about an allegation made by one individual against another individual that is not the Applicant qualifies as personal information.

¹⁷ OIPC [Review Report 291-2024](#) at paragraph [24].

Record 7 – page 1	Record 22 – page 1
Record 8 – page 2	Record 23 – page 1
Record 9 – page 1	Record 25 – page 1
Record 12 – page 1	Record 26 – page 1
Record 14 – pages 1 and 2	Record 27 – pages 1 and 2
Record 15 – page 1	Record 29 – page 1
Record 16 – pages 1 and 2	Record 32 – pages 1 and 2

[37] The City withheld the names of some City employees from the emails in **Records 2 to 36**. In some instances, the release of an employee’s name in the body of an email could reveal the fact that they served as a witness in the investigation. To reveal a City employee’s name could also reveal other information that is personal in nature. As outlined above, this information would qualify as personal information and is properly withheld without the consent of the individual.

[38] Some of the City employee names are publicly available through the City organization chart available on the City’s website.¹⁸ Where an employee’s name is publicly available, the disclosure of that name and the position of that employee is no longer protected by the personal information exemption.¹⁹

[39] Section 28(2) of *LA FOIP* is a discretionary exemption so the City should review its application of section 28(1) of *LA FOIP* to the names of City employees that are publicly available and reconsider its discretion for any instances where the release would only reveal the individual was acting in their professional capacity for the City and consider releasing those portions of the record to the Applicant pursuant to section 28(2)(p) of *LA FOIP*.

¹⁸ City website, [2026 City of Humboldt Organizational Chart](#).

¹⁹ [Schiller v Government of Saskatchewan \(Ministry of Education\)](#), 2025 SKKB 146 at paragraphs [32] to [35]. Section 3(1)(b) of *LA FOIP* states that the Act does not apply to material that is a matter of public record.

b. The Application of Section 16(1)(b) of LA FOIP

[40] In the record released to the Applicant, the City cited it had applied the exemptions in sections 16(1)(a), (b), (c), (d) and (e) of *LA FOIP*. In the section 7 decision letter to the Applicant, the City only referenced the application of the exemption in section 16(1)(d) of *LA FOIP*. In the request from the City to discontinue this review and in its index of records, the City referenced the application of the exemption in section 16(1)(d) of *LA FOIP*. Finally in its written submission to this office, the City provided arguments for the application of the exemption in section 16(1)(b) of *LA FOIP*. We will first consider whether the exemption pursuant to section 16(1)(b) of *LA FOIP* was properly applied by the City.

[41] The information under this segment on the review is contained in the body of emails in:

Record 5 – page 1	Record 13 – pages 1 to 3
Record 6 – pages 1 and 2	Record 23 – pages 2 to 4
Record 12 – pages 1 to 4	Record 33 – pages 1 to 4

[42] The City asserted that the portions of the record were withheld pursuant to the exemption in section 16(1)(b) of *LA FOIP* because they contain consultations and deliberations between officers and employees of the City.

[43] Section 16(1)(b) of *LA FOIP* provides:

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

- ...
- (b) consultations or deliberations involving officers or employees of the local authority;

[44] OIPC uses the following two-part test to determine if section 16(1)(b) of *LA FOIP* applies:²⁰

²⁰ OIPC [Review Report 174-2025](#) at paragraph [17].

1. Does the record contain consultations or deliberations?
2. Do the consultations or deliberations involve officers or employees of the local authority?

[45] Relevant definitions include:²¹

- “Consultation” means the act of consulting or taking counsel together, or a deliberation or conference in which the parties consult and deliberate. A consultation can occur when the views of one or more officers or employees of a local authority are sought as to the appropriateness of a particular proposal or suggested action. It can include consultations about prospective future actions and outcomes in response to a developing situation. It can also include past courses of action. For example, where an employer is considering what to do with an employee in the future, what has been done in the past can be summarized and would qualify as part of the consultation or deliberation.
- “Deliberation” means the act of deliberating (to deliberate: to weigh in mind; to consider carefully with a view to a decision; to think over). It is the careful consideration with a view to coming to a decision, and the consideration and discussions of the reasons for and against a measure by several counsellors. A deliberation can occur when there is a discussion or consideration of the reasons for or against an action. It can refer to discussions conducted with a view towards making a decision.
- “Involving” means including. There is nothing in the exemption that limits the exemption to participation only of officers or employees of a local authority. Collaboration with others is consistent with the concept of consultation.
- “Employee” means an individual employed by a local authority and includes an individual retained under a contract to perform services for the local authority.
- The term “officer” is a high-ranking individual within the local authority who exercises management and administrative functions, and who derives their authority either from statute or from council.

²¹ *Ibid*, at paragraph [18].

[46] Guidance has been provided to the effect that the term “deliberation” might suggest an intent to decide, while a “consultation” involves a much broader concept and may include discussion at an early stage of the decision-making:²²

[67] I accept that the concept of deliberation might suggest an intent to decide. Consultation appears to be a broader term, and need not have that objective, though the definition advanced by the Commissioner suggests that such an objective might be necessary. Consultation might reasonably occur at such an early stage of decision-making that it equates to information gathering to better inform proposal-development. If the Legislature intended to exclude discussions with persons that might not lead to decisions, it would have been a simple matter to include that notion in s. 16. It did not do so.

[Emphasis added]

[47] From a review of the records it is clear that the redacted information qualifies as “consultations” and meets the first part of the test:

Record Number	Page(s) withheld	Description
Record 5	Page 1	The information redacted from this email involves a discussion between City employees with respect to a personnel matter and the drafting of letters. ²³
Record 6	Pages 1 and 2	The information redacted from these emails involves a discussion between City employees with respect to a personnel matter and the drafting and/or wording of letters.
Record 12	Pages 2, 3 and 4	The information redacted in these emails involves a discussion between City employees and an external party with respect to how a personnel matter will be addressed. There is an email discussion between City employees about the drafting and wording of a letter regarding a personnel matter.

²² [Tarasoff v. Saskatoon \(City\)](#), 2025 SKKB 41 at paragraph [67].

²³ *Supra*, footnote 20 at paragraph [21] provides that email exchanges on the reporting of a personnel matter, discussions regarding steps to address a personnel matter and discussions on the drafting and wording of correspondence in connection with the personnel matter qualify as “consultations”.

Record 13	Pages 1, 2 and 3	The information redacted in these emails involves a discussion between City employees and an external party with respect to personnel matters.
Record 23	Pages 2, 3 and 4	The information redacted in these emails contain the same information as described in Record 13.
Record 33	Pages 1 to 4	The information redacted in these emails contain a discussion between City employees with respect to the adoption of possible options in response to social media reports.

[48] Our review of the redacted information confirms that consultations occurred between officers and employees of the City. The second part of the test is met.

[49] The pages outlined in the paragraph above can properly be withheld under section 16(1)(b) of *LA FOIP*. As the information can be properly withheld under section 16(1)(b) of *LA FOIP*, there is no need to consider the application of section 16(1)(d) of *LA FOIP*.

2. The Reasonableness of the Fee Charged by the City

[50] In an August 15, 2025 email, the City advised the Applicant that it had prepared a fee estimate in the amount of \$330 in relation to their access request. The City noted that payment was required prior to releasing any information and asked the Applicant to confirm in writing if they wanted the City to proceed. The Applicant responded on the same day requesting that the City proceed and asked when payment was due. The City responded advising that payment would be due at the time of the release of the records, but that a deposit was not necessary. On August 26, 2025, the Applicant paid the \$330 fee to the City, and the City released the responsive records with the following explanation for the fees charged:

...you had enquired on the fee estimate. We had anticipated there was upwards of 85+ pages and over 1000+ redactions, we also needed to search through 3 email addresses of the individuals who had correspondence with the investigator.

Search email accounts: 9 minutes

Reading/reviewing the records: 85 minutes

Redacting/Severing information: 626 minutes

That was what used to estimate the 12 hours to complete the search. The search and preparation ended up taking more than 12 hours to complete however the act states that the applicant is not be required to pay for an amount greater than the estimated amount.

[Emphasis added]

[51] The City based its fee on estimates and once it proceeded – it did not track any real time spent in the preparation of the record.²⁴ The City explained the fee for the access request as follows:

In accordance with the Act’s fee schedule, we have prepared the following cost estimate for your review:

- **Application Fee:** \$20.00 (already received)
- **Excess Search & Preparation Time:** We estimate that the work required to fulfill your request will be approximately 12 hours. The first hour is free, and the remaining 11 hours are billed at rate of \$15.00 for each half hour
- **Total Estimated Cost:** The total estimated cost for the excess time is **\$330.00.**

[52] The City estimated a total time of 734 minutes or 12.24 hours as:

- 94 minutes or 1.57 hours for search and review of the records; and
- 640 minutes or 10.67 hours to prepare the records for disclosure.

²⁴ A local authority should always track the time taken to search for and prepare a record so that a refund may be made to an applicant if it turns out that the fee estimate overstated the actual costs incurred. Since this Report is not meant as a lecture to this local authority, we refrain from further comment but the tracking of time is best practice and is always recommended.

[53] *LA FOIP* provides for reasonable cost recovery. There are three general types of fees to consider in a fee estimate: (1) fees for searching for records; (2) fees for preparing the records for disclosure; (3) fees for reproducing the records. A “reasonable fee estimate” is one that is proportionate to the work required by the local authority to respond effectively and efficiently to an access to information request. A fee estimate is “equitable” when it is fair and even-handed, meaning applicants should bear a reasonable cost of producing records. Applicants should not, however, bear costs arising from administrative inefficiencies.²⁵ The City did not charge a fee for reproducing the records, and so we do not include this cost in our review.

[54] In calculating the fee charged to the Applicant, the City rounded down to 12 hours for the search and preparation of the records. The City subtracted the first hour of time for search or preparation as per section 5(3) of *The Local Authority Freedom of Information and Protection of Privacy Regulations*,²⁶ which is 11 hours, to reach the \$330.00 fee charged to the Applicant. Our analysis uses the estimated times calculated by the City.

Reasonableness of the Fees for Searching

[55] Section 5(3) of the *LA FOIP Regulations* describes the fee formula local authorities are to apply when estimating a fee for searching or preparing responsive records. A local authority is to charge \$15.00 for every 30 minutes of search or preparation time in excess of one hour. In other words, the first hour is free. Section 5(3) of *LA FOIP Regulations* provides as follows:

5(3) Where time in excess of one hour is spent in searching for a record requested by an applicant or in preparing it for disclosure, a fee of \$15 for each half-hour or portion of a half-hour of that excess time is payable at the time when access is given.

²⁵ OIPC [Review Report 214-2025 \(Part II\)](#) at paragraph [26].

²⁶ Section 5(3) of [The Local Authority Freedom of Information and Protection of Privacy Regulations](#), R.S.S. c. L-27.1 Reg 1 (July 1, 1993), as amended.

[56] Search time is to be broken down to an accounting for every half hour manual search time required to locate and identify responsive records. This can include the time spent in a physical search for records, the time spent examining file indices or paper/electronic records, time spent pulling paper files, and the time spent reading through files to determine responsiveness. As a rule, search time does not include time spent copying records, going from office to office or to off-site storage, or having someone review the results of a search.²⁷

[57] OIPC has set out the following general standards for estimating search time:²⁸

- It should take an experienced employee one minute to visually scan 12 pages of paper or electronic records for responsiveness.
- It should take an experienced employee five minutes to search one regular file drawer for responsive file folders.
- It should take three minutes to search one active email account and transfer the results to a separate folder or drive.

[58] The City submitted that the search involved three management email accounts (City Manager, HR Coordinator, and Department Head) and physical HR files. The City did not account for the time taken to search the physical HR file. For the three email accounts, the City applied the OIPC search standard of 3 minutes per email account, for a total of 9 minutes. Based on OIPC standard for searching an email account, 9 minutes is reasonable for the search of three email accounts.

[59] The search identified 85 responsive pages of records and calculated 85 minutes, or one minute per page, for the administrative review of these pages of the record. The OIPC standard to review records for responsiveness is *one minute to review 12 pages*, and so the application of one minute per page by the City far exceeds this standard. Based on the

²⁷ *Supra*, footnote 25 at paragraph [29].

²⁸ *Ibid*, at paragraph [30].

OIPC standard for reviewing records for responsiveness, the total time for this review should have only taken 7.08 minutes.

[60] The total time calculated by the City for the search and review was 94 minutes, or 1.67 hours. Using the OIPC standard for search and review, we calculate the total time as: 9 minutes + 7.08 minutes, for a total of 16.08 minutes or approximately 0.3 hours.

[61] At a rate of \$15/half hour, OIPC's calculated fee for search and review is \$9.00.

Reasonableness of the Fees for Preparation

[62] As noted earlier, section 5(3) of the *LA FOIP Regulations* allows for \$15.00 per half hour of preparation time. Preparing a record for disclosure includes the time anticipated to be spent physically severing exempted information from the records. However, preparation time *does not* include time spent:²⁹

- Deciding whether to claim an exemption.
- Identifying records requiring severing.
- Identifying and preparing records requiring third party notice.
- Packaging records for shipment.
- Transporting records to the mailroom or arranging for courier service.
- Time spent by a computer compiling and printing information.
- Assembling information and proofing data.
- Photocopying.
- Preparing an index of records.

²⁹ OIPC [Review Report 252-2024](#) at paragraph [49].

[63] OIPC has set out the following general standards for calculating time spent preparing records for disclosure:³⁰

- The test related to reasonable time spent is generally that an experienced employee should take two minutes per page to physically sever records.
- If the above test does not reflect the circumstances (e.g., the record is complex), the local authority should test a representative sample and apply that time to the whole record.

[64] The City submitted that it conducted a representative test sampling of the record “to ensure the estimate was reasonable and proportionate”. The City estimated the time to sever the record at seven minutes per page. The City indicated that this was due to the high density of personal information in the records relating to multiple individuals, averaged at 13 redactions per page. The City added that the subject matter used in the test sample was a portion of the harassment investigation report and a few emails. The City rounded the down the time to prepare the records for disclosure to 640 minutes or 10.67 hours.

[65] When asked how much time it took for the City to perform the *actual* severing of the records, the City responded that actual severing took “approximately 12 hours to complete” but that it did not document this time. The City stated it was partly because it was severing the material while at the same time studying the provisions of *LA FOIP*. The consideration of the reasonableness of the fee charged to the Applicant will be based on the estimate calculated by the City.

[66] While this office has historically set the reasonable time for an experienced employee to physically sever records at *two minutes per page*, this office recently considered the salient factors for determining if more time for preparation is warranted in some circumstances. This office concluded that the factors required to assess the time required to prepare records must be assessed on a case-by-case basis. One of the factors this office considers is the level of experience held by the local authority with respect to the preparation of records for disclosure, as the office holds the two-minutes time standard in relation to an *experienced*

³⁰ *Ibid*, at paragraph [50].

employee.³¹ In a February 13, 2026 email to this office, the Finance Manager noted that the limited experience held by the City in processing requests stating it is “a small City and receiving minimal LA FOIP requests...”. In addition to this, the number and types of redactions must be a consideration. The City advised that out of a total of 1,104 redactions, 1,086 involved the redacting of personal information. This is a mandatory exemption and great care must be taken with the redactions for this exemption. If personal information is missed in a redaction of this type, a privacy breach occurs. OIPC proposes that, in this particular case, an average of *four minutes per page* be applied to prepare the records for disclosure to be reasonable. We note that it is incumbent on every local authority, no matter how small, to become efficient at processing access to information requests and to meet the access to information needs of the community it serves.³²

[67] Because 83 pages of the record were withheld in part, we calculate the time to sever as 83 pages x 4 minutes/page to be 332 minutes or 5.53 hours. At a rate of \$15/half hour, the estimated fee would be \$165.90.

[68] The fee charged to the Applicant versus the reasonable fee calculated by this office is a difference of \$185.10 as follows:

Fee Calculation	City Calculation	OIPC Calculation
Search Fee Calculations	1.57 hours x \$15/half hour \$47.10	0.3 hours x \$15/half hour \$9.00
Preparation Fee Calculations	10.67 hours x \$15/hour \$320.10	5.53 hours x \$15/half hour \$165.90
Subtotal for Search and Preparation	12.24 hours – rounded down to 12 hours \$360.00	5.83 hours \$174.90
LESS: one hour free of search/preparation	(\$30.00)	(\$30.00)

³¹ OIPC [Review Report 328-2025](#) at paragraphs [28] to [30].

³² *Ibid*, at paragraph [32].

Total Fee for Applicant	\$330.00	\$144.90
Difference between fee calculated by City and OIPC	\$185.10	

IV FINDINGS

[69] OIPC has jurisdiction to conduct this review under PART VI of *LA FOIP*.

[70] The City has not demonstrated that the Applicant’s request for review was vexatious or not made in good faith.

[71] The City properly applied section 28(1) of *LA FOIP* to the records, with the exception of the Applicant’s personal information and the names of City employees that are publicly available.

[72] The City properly applied section 16(1)(b) of *LA FOIP* to the responsive record.

[73] The fee charged to the Applicant in the amount of \$330.00 issued by the City is not reasonable.

V RECOMMENDATIONS

[74] I recommend the City continue to withhold the parts of the record where section 28(1) of *LA FOIP* was properly applied;

[75] I recommend that within 30 days of the issuance of this Report, the City should release the Applicant’s own personal information from the responsive record;

[76] I recommend that within 30 days of the issuance of this Report, the City review its application of section 28(1) of *LA FOIP* to the names of City employees that are publicly

available and consider releasing those portions of the record to the Applicant pursuant to section 28(2)(p) of LA FOIP;

[77] I recommend that the City continue to withhold parts of the record where section 16(1)(b) of *LA FOIP* was properly applied; and

[78] I recommend that within 30 days of the issuance of this Report, the City should refund the amount of \$185.10 to the Applicant.

Dated at Regina, in the Province of Saskatchewan, this 22nd day of May, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner