



REVIEW REPORT 238-2025

Saskatchewan Rivers Public School Division No. 119

June 17, 2026

Summary:

The Applicant submitted an access to information request to the Saskatchewan Rivers Public School Division No. 119 (School Division) for records related to their child. The School Division responded by providing access to some records but refusing access to portions of others pursuant to the application of the exemptions in the following sections of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*:

- 14(1)(e) (reveal investigative techniques or procedures currently in use or likely to be used),
- 14(1)(f) (disclose the identity of a confidential source of information),
- 16(1)(b) (consultations or deliberations involving officers or employees of the local authority),
- 18(1)(b) (financial, commercial, scientific, technical or labour relations information of a third party),
- 20 (threaten the safety or the physical or mental health of an individual); and
- 28(1) (third party personal information).

The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner.

The Commissioner found:

- (1) The School Division properly applied section 28(1) of *LA FOIP* to the names or initials of students who are not the Applicant's child;
- (2) That it would be an absurd result to apply section 28(1) of *LA FOIP* to names and email addresses of staff of the school division and other professionals because such information is clearly within the Applicant's knowledge;

(3) The School Division did not adequately meet the burden of showing the release of the *School Social Work Log - Record 45* would constitute an unreasonable violation of the privacy rights of the Applicant's child such that the legal guardian cannot exercise the rights of the child pursuant to section 49(d) of *LA FOIP*. The School Division did not properly apply section 28(1) of *LA FOIP* to the *School Social Work Log - Record 45*.

(4) The School Division properly applied section 16(1)(b) of *LA FOIP* in one instance but not in others; and

(5) The School Division did not properly apply sections 14(1)(e), (f), 18(1)(b) and 20 of *LA FOIP*.

The Commissioner recommended that the School Division continue to withhold the names and initials of students who are not the Applicant's child pursuant to section 28(1) of *LA FOIP*, and to the portion of the record where section 16(1)(b) of *LA FOIP* was found to apply.

The Commissioner recommended that within 30 days of this Report being issued, the School Division release to the Applicant:

- names and email addresses of School Division staff and names of other professionals in the records;
- the *School Social Work Log - Record 45*; and
- portions of records to which it had initially refused the Applicant access, including Records 1, 2, 3, 4, 26, 28, 29, 36, 39, 40, 50, 60, 61 and 70.

I BACKGROUND

[1] On June 18, 2025, Saskatchewan Rivers Public School Division No. 119 (School Division) received the following access to information request from the Applicant, who sought records in relation to their child:¹

All emails, notes to file, assessments, checklists
All information pertaining to 2024-2025 school year.
Including ALL documented information pertaining to ARTO and/or VTRA²

¹ Later in this Review Report, OIPC will consider section 49 of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*, and the exercise of an individual's rights under *LA FOIP* by another individual.

² ARTO – Assessment of Risk to Others; VTRA – Violence Threat Risk Assessment

- [2] In a letter dated July 7, 2025, the School Division notified the Applicant it was extending the 30-day response period set out in section 7 of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)* by an additional 30 days pursuant to sections 12(1)(a)(i) and (ii) of *LA FOIP*.³
- [3] In a letter dated August 18, 2025, the School Division said it was responding to a portion of the Applicant's access request. It was responding to the portion that said:
- All information pertaining to 2024-2025 school year.
Including ALL documented information pertaining to ARTO and/or VTRA.
- [4] The School Division said it was providing the Applicant access to records, but it had redacted portions citing sections 14(1)(e), 14(1)(f), 16(1)(b) and 28(1) of *LA FOIP* as its authority for the application of redactions.
- [5] On September 10, 2025, the School Division provided the Applicant with a second tranche of records responsive to the Applicant's access request. Portions of this tranche had been redacted pursuant to the exemptions in sections 14(1)(e), 14(1)(f), 16(1)(b), 18(1)(b), 20, 28(1) and 49(d) of *LA FOIP*.
- [6] The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) on September 13, 2025.
- [7] On January 20, 2026, OIPC notified the School Division, the Applicant and a third party, Cochrane Consulting, that a review would commence.
- [8] On February 18, 2026, Cochrane Consulting informed this office that it consented to the release of the entire record that the School Division had withheld pursuant to section 18(1)(b) of *LA FOIP*.

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

[9] The School Division provided the unredacted records at issue to OIPC on February 19, 2026.

[10] The Applicant provided a submission to OIPC on March 5, 2026.

[11] The School Division provided its submission to OIPC on April 27, 2026, and refused permission to share its submission with either the Applicant or the third party.

II RECORDS AT ISSUE

[12] The School Division identified 76 records responsive to the Applicant's access request. The School Division partially redacted 48 of those records pursuant to sections 14(1)(e), 14(1)(f), 16(1)(b), 18(1)(b) and 28(1) of *LA FOIP*. One record was withheld in full pursuant to sections 20 and 28(1) of *LA FOIP*.

[13] Most of the records consist of emails between staff of the School Division. Other records include:

- Records 1 and 2 - Assessment of Risk to Others (ARTO)
- Record 45 – *School Social Work Log*
- Record 46 – Summary of Edsby observations
- Record 49 – Student Cumulative File Insert
- Record 50 – Special Ed files

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[14] The School Division is a “local authority” pursuant to section 2(1)(f)(viii) of *LA FOIP*. Cochrane Consulting is a “third party” pursuant to section 2(1)(k) of *LA FOIP*. OIPC has jurisdiction and is undertaking this review under PART VI of *LA FOIP*.

2. The application of section 28(1) of *LA FOIP*

[15] The School Division applied section 28(1) of *LA FOIP* to Record 45 in its entirety and to portions of Records 1 to 5, 7, 9, 12, 15 to 16, 18, 19, 22, 25 to 26, 28 to 36, 39 to 40, 42, 46, 49 to 51, 56 to 57, 60 to 64, 66 to 68, 70, and 72 to 76.

[16] Section 28(1) of *LA FOIP* provides:

Disclosure of personal information

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.

[17] Section 28(1) of *LA FOIP* is a mandatory exemption. Prior to a consideration of whether section 28(1) of *LA FOIP* rightly applies, we must first determine whether the information qualifies as “personal information” as defined by section 23(1) of *LA FOIP*. For information to be “personal information”, it must (1) be about an identifiable individual; and (2) be personal in nature.⁴

[18] The School Division submitted the following:

- It applied section 28(1) of *LA FOIP* to information that it considers the personal and confidential information of a number of individuals;
- The information qualifies as personal information as defined by sections 23(1)(d), (g) and (k) of *LA FOIP*; and
- The individuals did not provide consent to share their personal information with others.

[19] Sections 23(1)(d), (e), (g), (k) of *LA FOIP* are relevant in this review:

⁴ OIPC [Review Report 108-2025](#) at paragraph [33].

Interpretation

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:

...

(d) any identifying number, symbol or other particular assigned to the individual;

(e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;

...

(g) correspondence sent to a local authority by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;

...

(k) the name of the individual where:

(i) it appears with other personal information that relates to the individual;

(ii) the disclosure of the name itself would reveal personal information about the individual.

a. Professional information

[20] The majority of the information to which the School Division applied section 28(1) of *LA FOIP* was the professional information of individuals, including names and email addresses of staff of the School Division that appear in the records, including email exchanges between staff. These email exchanges did not include the Applicant. However, it is worth noting that the School Division provided the Applicant copies of the Applicant’s own email exchanges with School Division staff without having redacted any names and email address of staff in those instances.

[21] An individual’s professional information such as name, business email addresses and telephone numbers qualifies as personal information pursuant to section 24(1)(e), (k)(i) and

(k)(ii) of *The Freedom of Information and Protection of Privacy Act (FOIP)*.⁵ Section 29(2)(p) of *FOIP* allows for the disclosure of an individual's professional information such as business emails or cellphone numbers if the information is publicly available.⁶ Sections 24(1)(e), (k)(i) and (k)(ii) of *FOIP* are equivalent to sections 23(1)(e), (k)(i) and (k)(ii) of *LA FOIP*. Section 29(2)(p) of *FOIP* is the equivalent to section 28(2)(p) of *LA FOIP*, which provides:

28(2) Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:

...

(p) if the information is publicly available, including information that is prescribed as publicly available;

[22] In this case, the names and email addresses of staff at the School Division are publicly available via the School Division's website, the Annual Report,⁷ the *Inclusive Education: Orientation Manual for Inclusive Education Coaches*⁸ and the School Division social media accounts.⁹ In addition, the Applicant is already familiar with the names and email addresses of staff because of past email interactions. It would be an absurd result to refuse the Applicant access to information which is clearly within their knowledge.¹⁰ The School Division should release the names and email addresses of its staff as they appear in the records.

⁵ [The Freedom of Information and Protection of Privacy Act](#), SS 1990-91, c. F-22.01, as amended.

⁶ [Schiller v. Saskatchewan \(Ministry of Education\)](#), 2025 SKKB 146 at paragraphs [32] to [34].

⁷ Saskatchewan Rivers Public School Division: [Annual Reports – Archive](#).

⁸ Saskatchewan Rivers Public School Division: [Inclusive Education: Orientation Manual for Inclusive Education Coaches](#).

⁹ Saskatchewan Rivers Public School Division, Spruce Home Public School: [Facebook Account](#). March 18, 2025 post.

¹⁰ OIPC [Review Report 010-2025](#) at paragraph [28].

[23] Similarly, the School Division redacted the names of professionals, such as the name of the Applicant's family physician on page 8 of Record 2. The name of the physician is publicly available.¹¹ The name of the family physician also appears on a *Student Safety Plan* (Record 11) – which is a record that the School Division has disclosed in full to the Applicant. It would be an absurd result to refuse the Applicant access to the family physician's name in these records. The School Division should release the names of professionals as they appear in the records, including the name of the family physician on page 8 of Record 2.

b. Names or initials of students

[24] The School Division redacted the names or initials of students who are not the Applicant's child in Records 2, 3, 22, 30 to 33, 35 to 36, 40, 46, 56, 57, 61, 64 and 73. These students are classmates of the Applicant's child and/or involved in incidents with the Applicant's child. Such information qualifies as personal information as defined by section 23(1)(k)(i) of *LA FOIP*.¹² The School Division properly applied section 28(1) of *LA FOIP* to the names or initials of other students.

c. School Social Work Log - Record 45

[25] The School Division refused the Applicant access to Record 45 in its entirety pursuant to section 28(1) of *LA FOIP*. Record 45 is titled the *School Social Work Log*. It is a record of the dates and type of contact between the school social worker and the Applicant's child during school hours.

[26] In its submission, the School Division said that section 49 of *LA FOIP* provides that “parents are not able to receive personal information of their minor child if it constitutes an unreasonable invasion of the student's privacy”. Section 49(d) of *LA FOIP* states:

¹¹ The [website](#) of the College of Physicians and Surgeons of Saskatchewan (CPSS) features a General Physicians Search that enables to the public to search for physicians and surgeons registered with the CPSS.

¹² OIPC [Investigation Report 003-2025](#) at paragraphs [19] to [22].

Exercise of rights by other persons

49 Any right or power conferred on an individual by this Act may be exercised:

...

(d) where the individual is less than 18 years of age, by the individual's legal custodian in situations where, in the opinion of the head, the exercise of the right or power would not constitute an unreasonable invasion of the privacy of the individual;

[27] Under section 49(d) of *LA FOIP*, a legal custodian (often, a parent) can exercise the rights of a child who is less than 18 years old. This authority is limited to situations where the legal custodian exercises the right and the exercise of the right does not constitute an unreasonable invasion of the privacy of the child.¹³

[28] In this case, the Applicant's child is less than 18 years old. All parties agree that the Applicant is the legal custodian of the child. The School Division objects to the Applicant exercising the right of the child to have access to the *School Social Work Log - Record 45*. The School Division submitted that the release of the *School Social Work Log - Record 45* constitutes an unreasonable invasion of the child's privacy but it did not offer any evidence or reasons to support this position. Section 51 of *LA FOIP* clearly states that the burden with the application of an exemption lies with the party claiming the exemption. It is not sufficient to identify the bare exemption and then expect this office to fill in the blanks. Were that to be the case, our interpretation of the documents would remove the independence upon which this office needs in order to function properly. We rely on the reasons and fulsome submissions of the parties to a review. The log is nothing more than a list of the dates and meetings between the school social worker and the Applicant's child. There are very short comments appended to the log in some instances that describe the nature of the meeting or reasons as to whether or not a meeting occurred. The School Division did not adequately meet the burden of showing how this document constitutes an unreasonable violation of the privacy rights of this child such that the legal custodian cannot exercise the child's rights to it.

¹³ OIPC [Investigation Report 083-2022](#) at paragraph [16].

[29] The School Division released the *Student Safety Plan* - Record 11 in full to the Applicant. The school social worker is listed as being directly involved with the Applicant's child in this record. The School Division also released the *Inclusion & Intervention Plan* – page 27 of Record 50 in full to the Applicant. This document also references the school social worker's support for the Applicant's child. It is difficult to ascertain how the disclosure of information in *School Social Work Log* - Record 45 would constitute an unreasonable invasion of the child's privacy in light of the other documents that have been fully released.

[30] The School Division did not properly apply section 28(1) of *LA FOIP* to Record 45. Since the School Division also applied section 20 of *LA FOIP* to the *School Social Work Log* - Record 45, we will consider the application of section 20 next.

3. The application of section 20 of *LA FOIP*

[31] The School Division refused the Applicant access in full to *School Social Work Log* - Record 45 pursuant to section 20 of *LA FOIP*. As described earlier, this is a record of the dates and, in some cases, a brief summary of the type of contact the school social worker had with the Applicant's child.

[32] Section 20 of *LA FOIP* provides:

Danger to health or safety

20 A head may refuse to give access to a record if the disclosure could threaten the safety or the physical or mental health of an individual.

[33] OIPC uses the following test to determine if a local authority has properly applied section 20 of *LA FOIP*:¹⁴

- Could the disclosure of the record threaten the safety or the physical or mental health of an individual?

¹⁴ OIPC [Review Report 236-2023](#) at paragraph [17].

[34] Section 20 of *LA FOIP* features the word “could” and the threshold for “could” is somewhat lower than a reasonable expectation. There does not need to be a likelihood of a happening, but only an *objective possibility*, or a possibility based on the facts.¹⁵

[35] Other relevant definitions include:¹⁶

- “Threaten” means to be likely to injure; to be a source of harm or danger. The possibility or risk of harm or well-being.
- “Safety” means the state of being protected from, or guarded against, hurt or injury and includes freedom from danger.
- “Physical health” refers to the well-being of an individual’s physical body. The determination of the effect of a release of the information on an individual’s physical health must consider the current or normal state of health of a person who may be affected by the release of information, as well as the decline in health that is expected to occur if the information is disclosed.
- “Mental health” means the condition of a person with respect to the functioning of the mind in its normal state. The determination of the effect of a release of information on a person’s mental health must, where practicable, be based on a subjective evaluation made on a case-by-case basis.

[36] In its submission, the School Division asserted that the release of *School Social Work Log - Record 45* would “divulge the social worker and student relationship and communications and could harm the mental health of the student.” However, the School Division did not elaborate further. It is not evident from a review of the record itself how its release could cause mental or physical harm because the record is nothing more than a simple log of the dates of meetings between a social worker and the Applicant’s child. As noted in the analysis of section 28(1) of *LA FOIP*, the School Division already released the *Student Safety Plan* (Record 11) and the *Inclusion & Intervention Plan* (Page 27 of Record 50) to

¹⁵ [Saskatchewan Government Insurance v Giesbrecht](#), 2025 SKCA 10 at paragraphs [73] and [80]. In this ruling the Court of Appeal considered the word “could” within the context of section 38(1)(f) of [The Health Information Protection Act](#), S.S. 1999, c. H-0.021, as amended, but the substance of the meaning is relevant to this analysis.

¹⁶ *Supra*, footnote 14 at paragraphs [21] to [24].

the Applicant, which revealed the identity of the school social worker and the fact this person was directly involved with the child.

[37] Once again, the School Division has not met the factual or evidential burden necessary to support the application of section 20 of *LA FOIP* to the *School Social Work Log - Record 45*. The *School Social Work Log - Record 45* should be released to the Applicant in its entirety.

4. The application of section 18(1)(b) of *LA FOIP*

[38] The School Division applied section 18(1)(b) of *LA FOIP* to portions of Record 70. Record 70 is an email from the third party, Cochrane Consulting, to the School Division.

[39] Section 18(1)(b) of *LA FOIP* provides:

Third party information

18(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

...

(b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to the local authority by a third party;

[40] OIPC finds the following three-part test helpful in analyzing the application of section 18(1)(b) of *LA FOIP*:¹⁷

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?
2. Was the information supplied by the third party to a local authority?
3. Was the information supplied in confidence implicitly or explicitly?

¹⁷ OIPC [Review Report 098-2025](#) at paragraph [24].

[41] Relevant definitions include:¹⁸

- “Financial information” is information regarding monetary resources, such as financial capabilities, assets, and liabilities, past or present. Common examples are financial forecasts, investment strategies, budgets and profit and loss statements. The financial information must be specific to a third party.
- “Commercial information” is information regarding the buying, selling or exchange of merchandise or services. This can include third party associations, past history, references and insurance policies and pricing structures, market research, business plans, and customer records.
- “Scientific information” is information exhibiting the principles or methods of science. The information could include designs for a product and testing procedures or methodologies.
- “Technical information” is information relating to a particular subject, craft or technique.
- “Labour relations information” is information that relates to the management of personnel by a person or organization, whether or not the personnel are organized into bargaining units.

[42] As mentioned in the Background section of this Report, the third party consented to the disclosure of Record 70 in full in discussions with our office. It was clear from our discussions with the third party that they had not been contacted prior to the OIPC review. This is important because section 18(2) of *LA FOIP* allows a head to provide access to a document upon written consent of the third party. It would appear that the School Division did not contact the third party with respect to this document. We say this not to criticize the School Division, but to underline the fact that it was likely that written consent would have obviated the need for a review with respect to Record 70. Once again, the School Division did not provide fulsome submissions as to the reason for the redacted portions and how the exemption in section 18(1)(b) of *LA FOIP* justifies the redactions from the point of view of the School Division.

¹⁸ OIPC [Review Report 315-2023](#) at paragraph [112]; OIPC [Review Report 002-2025](#) at paragraph [43].

[43] The mandatory nature of section 18(1)(b) of *LA FOIP* requires this office to examine the face of the record and to make our own conclusions if the exemption should apply. Our review revealed that there is no financial, commercial, scientific, technical or labour relations information/data within Record 70. The first part of the three-part test is not met. The School Division did not properly apply section 18(1)(b) of *LA FOIP* to Record 70.

[44] The School Division did not properly apply section 28(1) of *LA FOIP* to Record 70 and section 18(1)(b) of *LA FOIP* cannot justify the existence of these redactions, thus Record 70 should be released in its entirety to the Applicant.

5. The application of sections 14(1)(e) and (f) of *LA FOIP*

[45] The School Division applied both sections 14(1)(e) and (f) of *LA FOIP* to portions of Records 1 and 2, regarding various risk assessments that were carried out with respect to the Applicant's child. Record 1 is titled *ARTO – Initial Screening Data Collection*. Record 2 is titled *Stage One: ARTO*. An ARTO appears to be a protocol developed by the Centre for Trauma Informed Practices (CTIP).¹⁹

a. Section 14(1)(e) of LA FOIP

[46] Sections 14(1)(e) of *LA FOIP* provide as follows:

14(1) A head may refuse to give access to a record, the release of which could:

...
(e) reveal investigative techniques or procedures currently in use or likely to be used;

[47] OIPC uses the following three-part test to determine if section 14(1)(e) of *LA FOIP* applies:²⁰

¹⁹ [Center for Trauma Informed Practices](#).

²⁰ OIPC [Review Report 095-2023](#) at paragraph [44].

1. Does the information in question constitute “investigative techniques” or “procedures”?
2. Are the investigative techniques and/or procedures currently in use or likely to be used?
3. Could disclosure reveal investigative techniques or procedures?

[48] “Investigative techniques and procedures” mean techniques and procedures used to conduct an investigation or inquiry for the purpose of law enforcement.²¹ The expression “law enforcement” pertains to the enforcement of laws of general or particular application by appropriate law enforcement agencies.²²

[49] The School Division provided the following submissions:

The head has applied section 14(1)(e) to these records as release would reveal investigative techniques that are used to determine the risk of a student to violence and it is deemed that its exemption from release outweighs the applicant’s right to this record. School administration, division leadership and safety officers (police) need the ability to ensure that there is a reliable and secure process to investigation the worrisome behaviours of students in a logical prescribed manner that ensures the fidelity of the process and reduces harm to students and staff through its investigation process. Release of investigative techniques in the Head’s view would jeopardize this process.

[50] Upon review of Records 1 and 2, OIPC noted that the School Division redacted portions of the ARTO such as the titles of each section of the ARTO or guidance or instruction within the ARTO if a certain criterion is met. The contents of these redacted portions do not qualify as “investigation techniques or procedures” as defined earlier. Therefore, the first part of the three-part test for section 14(1)(e) of *LA FOIP* is not met. The School Division did not properly apply section 14(1)(e) of *LA FOIP* to Records 1 and 2.

²¹ *Ibid*, at paragraph [46].

²² OIPC [Review Report 019-2025](#) at paragraph [32].

[51] OIPC identified a resource on the School Division’s website titled *The Prince Albert and Area Community Threat Assessment and Support Protocol*,²³ which describes the ARTO as being a tool developed by CTIP. Appendix D of the resource features CTIP’s *ARTO – Initial Screening Data Collection* form. Other school divisions with the province have similar protocols in place which are featured on their websites, including the North East School Division No. 200.²⁴ Further, CTIP provides training on the ARTO tool as a part of its Violence Threat Risk Assessment (VTRA) training. As such, the ARTO tool appears to be a widely-known tool and can be known to any person who registers for training by CTIP. The School Division’s assertion that the disclosure of redacted portions of Records 1 and 2 would jeopardize an “investigative techniques” is unfounded.

b. Section 14(1)(f) of LA FOIP

[52] Section 14(1)(f) of *LA FOIP* provides:

14(1) A head may refuse to give access to a record, the release of which could:

...

(f) disclose the identity of a confidential source of information *or* disclose information furnished by that source with respect to a lawful investigation or a law enforcement matter;

[53] OIPC uses the following test to determine if section 14(1)(f) of *LA FOIP* applies. We note that the language of section 14(1)(f) of *LA FOIP* allows for a consideration of either of the two possible options below. Only one must be met for the test to apply:

1. Could the information disclose the identity of a confidential source of information, *or*
2. Could the disclosure reveal information that was provided by the confidential source with respect to a lawful investigation or a law enforcement matter?

²³ Saskatchewan Rivers Public School Division, [The Prince Albert and Area Community Threat Assessment and Support Protocol](#) at p. 12, Appendix D: School/Education Initial Screening Tool.

²⁴ North East School Division, [North East Community Threat Assessment and Support Protocol](#).

[54] In its submission, the School Division said it applied section 14(1)(f) of *LA FOIP* to the records because the School Division “works directly with law enforcement agencies and other agencies (such as social services) that require confidentiality.” A “lawful investigation” is an investigation that is authorized or required and permitted by law.²⁵ The School Division was relying on option two listed above – information provided by a confidential source with respect to a lawful investigation or a law enforcement matter.

[55] In Review Report 141-2024, OIPC considered section 15(1)(f) of *FOIP*, which is the equivalent of section 14(1)(f) of *LA FOIP*. In that report, OIPC said that a government institution needs to have authority to conduct a lawful investigation to fulfill the requirements set out by section 15(1)(f) of *FOIP*.²⁶ Similarly, a local authority needs to have authority to conduct a lawful investigation to fulfill the requirements set out by section 14(1)(f) of *LA FOIP*.

[56] The School Division submissions did not indicate that this particular ARTO contained information that was later referred to a law enforcement agency. Upon review, Records 1 and 2 are not related to a lawful investigation or law enforcement matter. There may have been confidential source information on page 2 of Record 2, but we note that the School Division chose to only apply section 28(1) of *LA FOIP* to the redactions on that page of Record 2. As such, the test is not met. The School Division did not properly apply section 14(1)(f) of *LA FOIP*.

6. Did the School Division properly apply section 16(1)(b) of *LA FOIP*?

[57] The School Division applied section 16(1)(b) of *LA FOIP* to portions of Records 2, 3, 4, 7, 26, 28, 29, 36, 39, 40, 50, 60 and 61.

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

²⁵ OIPC [Review Report 061-2024](#) at paragraph [12].

²⁶ OIPC [Review Report 141-2024](#) at paragraph [23].

Advice from officials

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

...

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

[59] OIPC uses the following two-part test to determine if a local authority has properly applied section 16(1)(b) of *LA FOIP*:²⁷

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

[60] Relevant definitions include:²⁸

- “Consultation” means 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.

²⁷ OIPC [Review Report 174-2025](#) at paragraph [17].

²⁸ OIPC [Review Report 121-2025](#) at paragraphs [42] and [43].

- “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.

[61] It should be noted that the consultations or deliberations do not need to be exclusively internal and can involve the information gathering process in the effort to come to a decision:²⁹

[62] In its submission, the School Division asserted that the records to which it applied section 16(1)(b) of *LA FOIP* contained deliberations between two or more employees. However, upon review of the records, OIPC noted that only Record 7 contained deliberations. Record 7 included emails timestamped 9:47 a.m. and 10:12 a.m. that contained reasons against a suggested course of action. Such information qualifies as a “deliberation.” The deliberations were between two employees of the School Division. As such, the two-part test is met for the redactions in the emails timestamped 9:47 a.m. and 10:12 a.m. in Record 7. The School Division properly applied section 16(1)(b) of *LA FOIP* to redacted portions of emails timestamped 9:47 a.m. and 10:12 a.m. in Record 7.

[63] The rest of the records to which the School Division applied section 16(1)(b) of *LA FOIP* do not qualify as either consultations or deliberations. For example, the School Division applied section 16(1)(b) of *LA FOIP* to a sentence on an email timestamped 10:33am on page 2 of Record 3. The sentence is a simple description of a situation. The sentence is not a consultation (the seeking of views as to a suggested course of action) or a deliberation (the reasons for or against a suggested course of action). Another example is Record 61 where the School Division applied section 16(1)(b) of *LA FOIP* to a sentence. In the index of records, the School Division described the redacted sentence as an opinion. However, an opinion is not a consultation nor is it a deliberation between two parties. The School

²⁹ [*Tarasoff v Saskatoon \(City\)*](#), 2025 SKKB 41 at paragraph [67].

Division did not properly apply section 16(1)(b) of *LA FOIP* to Records 2, 3, 4, 26, 28, 29, 36, 39, 40, 50, 60, and 61.

IV FINDINGS

[64] OIPC has jurisdiction and is undertaking this review under PART VI of *LA FOIP*.

[65] It is an absurd result to refuse the Applicant access to the names and email addresses of staff of the School Division and other professionals in Records 1 to 5, 7, 9, 12, 15 to 16, 18, 19, 22, 25 to 26, 28 to 36, 39 to 40, 42, 45 to 46, 49 to 51, 56 to 57, 60 to 64, 66 to 68, 70, 72 to 76. This information is clearly within the Applicant's knowledge.

[66] The School Division properly applied section 28(1) of *LA FOIP* to the names or initials of students who are not the Applicant's child in Records 2, 3, 22, 30 to 33, 35 to 36, 40, 46, 56, 57, 61, 64 and 73.

[67] The School Division did not adequately meet the burden of showing the release of the *School Social Work Log*— Record 45 constitutes an unreasonable violation of the privacy rights of this child such that the legal guardian custodian cannot exercise the child's rights to it under section 49(d) of *LA FOIP*.

[68] The School Division did not properly apply sections 20 and 28(1) of *LA FOIP* to the *School Social Work Log* - Record 45.

[69] The School Division did not properly apply section 18(1)(b) of *LA FOIP* to Record 70.

[70] The School Division did not properly apply sections 14(1)(e) and (f) of *LA FOIP* to Records 1 and 2.

[71] The School Division properly applied section 16(1)(b) of *LA FOIP* to redacted portions of emails timestamped 9:47 a.m. and 10:12 a.m. in Record 7.

[72] The School Division did not properly apply section 16(1)(b) of *LA FOIP* to Records 2, 3, 4, 26, 28, 29, 36, 39, 40, 50, 60, and 61.

V RECOMMENDATIONS

[73] I recommend that the School Division release the names and email addresses of its staff that appears in Records 1 to 5, 7, 9, 12, 15 to 16, 18, 19, 22, 25 to 26, 28 to 36, 39 to 40, 42, 45 to 46, 49 to 51, 56 to 57, 60 to 64, 66 to 68, 70 and 72 to 76 that it redacted pursuant to section 28(1) of *LA FOIP* to the Applicant within 30 days of this Report being issued.

[74] I recommend that the School Division release the names of professionals (such as the name of the family physician) as they appear in the records, including in on page 8 of Record 2, that it redacted pursuant to section 28(1) of *LA FOIP* to the Applicant within 30 days of this Report being issued.

[75] I recommend that the School Division continue to refuse the Applicant access to the names or initials of students who are not the Applicant's child in Records 2, 3, 22, 30 to 33, 35 to 36, 40, 46, 56, 57, 61, 64 and 73 that it redacted pursuant to section 28(1) of *LA FOIP*.

[76] I recommend that the School Division release *School Social Work Log* - Record 45 in its entirety that it withheld in full pursuant to sections 20 and 28(1) of *LA FOIP* to the Applicant within 30 days of this Report being issued.

[77] I recommend that the School Division release the portions of Record 70 that it redacted pursuant to section 18(1)(b) of *LA FOIP* to the Applicant within 30 days of this Report being issued.

[78] I recommend that the School Division continue to refuse access to the portions of Record 7 that it redacted pursuant to section 16(1)(b) of *LA FOIP* in the emails timestamped 9:47 a.m. and 10:12 a.m. in Record 7.

[79] I recommend that the School Division release the portions of Records 1 and 2 that it redacted pursuant to sections 14(1)(e) and (f) of *LA FOIP* to the Applicant within 30 days of this Report being issued.

[80] I recommend that the School Division release the portions of Records 2, 3, 4, 26, 28, 29, 36, 39, 40, 50, 60, and 61 it redacted pursuant to section 16(1)(b) of *LA FOIP* to the Applicant within 30 days of this Report being issued.

ADDENDA

[81] OIPC has prepared a set of records for the use of the School Division that includes the application of the exemptions as explained in this Report. We supply this to be of maximum assistance to the School Division.

Dated at Regina, in the Province of Saskatchewan, this 17th day of June, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner