



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 242-2024

Rural Municipality of Prairie Rose No. 309

May 21, 2025

Summary:

The Applicant submitted an access to information request to the Rural Municipality of Prairie Rose No. 309 (RM) for video and audio camera footage of an interaction between themselves and the RM's Chief Administrative Officer (CAO). The RM refused the Applicant access to the video (with audio) pursuant to subsection 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The Applicant requested a review by the Commissioner. The Commissioner found that the RM inappropriately applied subsection 28(1) of LA FOIP to the Applicant's own personal information. The Commissioner also found that it would be an absurd result to refuse the Applicant access to video of the interaction with the CAO since the information is clearly within the Applicant's knowledge. Therefore, the Commissioner recommended that the RM release the video of the Applicant's interaction with the CAO. There was also video capturing an interaction between the CAO and the Mayor. The Commissioner found that segments of that video included the CAO's personal information as defined by subsections 23(1)(f) and (k)(i) of LA FOIP. The Commissioner recommended that the RM withhold those segments but release the remainder of the video to the Applicant within 30 days of the issuance of this Report.

I BACKGROUND

- [1] On March 11, 2024, the Applicant mailed an access to information request to the Rural Municipality of Prairie Rose No. 309 (RM). Though it could not confirm *exactly* when it was received, the RM indicated the request was received some time between March 12, 2024, and March 15, 2024. The access request read as follows:

Surveillance footage of incident between Mr. [Name of Applicant] and Ms. [Name of RM's Chief Administrative Officer].

Footage MUST be provided with audio and video intact, and may not be edited or modified in any way. Footage may be delivered via WeTransfer, Dropbox, or via [hyperlink].

- [2] The Applicant specified that the time period for the video and audio camera footage (video) was, “June 27th, 2023, between 4:40 PM (SK time) to 5:15 PM (SK time).”
- [3] In a letter dated March 28, 2024, the RM responded to the Applicant. The RM denied the Applicant’s request in full, pursuant to subsection 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).
- [4] On October 7, 2024, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [5] On November 7, 2024, the OIPC notified both the RM and the Applicant that it would be undertaking a review.
- [6] On December 19, 2024, the RM attempted to provide the OIPC with the records at issue via email, which was a video of the Applicant’s interaction with the Chief Administrative Officer (CAO). The interaction was split into two videos. The OIPC received the first video. However, because the second video was not attached to the email, the OIPC did not receive the second video.
- [7] On January 14, 2025, the OIPC received the RM’s submission. The RM asked that the videos not be shared with the Applicant.
- [8] On February 6, 2025, the RM re-sent the second video, which was 20 minutes and four seconds long.
- [9] On April 22, 2025, the OIPC noted that there was an approximately 20-minute gap between the end of the first video and the beginning of the second video of the interaction between

the Applicant and the CAO. Therefore, the OIPC requested that the RM provide video of the entire interaction between the Applicant and the CAO.

[10] On April 29, 2025, the OIPC received two videos that show the entire interaction between the Applicant and the CAO, which is described in the next part of this Report.

[11] The OIPC did not receive a submission from the Applicant.

II RECORDS AT ISSUE

[12] There are two videos (with audio) that show the interaction between the Applicant and the CAO. These two videos are the records at issue. The videos contain the interaction between the Applicant and the CAO on the date specified by the Applicant in their access request.

[13] Video 1 is 19 minutes: 28 seconds long. The video begins with the Applicant entering the RM's office. Then, from the 10 second mark to the end of Video 1 there is an interaction between the Applicant and the RM's CAO.

[14] Video 2 is 20 minutes: four seconds long. The video picks up where Video 1 left off and is a continuation of the interaction between the Applicant and the RM's CAO that lasts until the 11 minute: 30 second mark of Video 2. The remaining 8 minutes: 30 seconds of Video 2 reflects that the CAO made a telephone call to the authorities with the Mayor present.

III DISCUSSION OF THE ISSUES

1. Does the OIPC have jurisdiction?

[15] The RM qualifies as a "local authority" pursuant to subsection 2(1)(f)(i) of LA FOIP. Therefore, the OIPC has jurisdiction to undertake this review.

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

[16] The RM refused the Applicant access to Video 1 and Video 2. It cited subsection 28(1) of LA FOIP as its reasons for refusing access.

[17] Subsection 28(1) of LA FOIP states:

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.

[18] In past Reports, such as [Review Report 291-2024](#) at paragraph [16], the OIPC has explained that subsection 28(1) of LA FOIP protects the privacy of individuals whose personal information may be contained within records responsive to an access to information request made by someone else. For information to be exempt from access pursuant to subsection 28(1) of LA FOIP, the information must qualify as “personal information” as defined at subsection 23(1) of LA FOIP, though the list provided at subsection 23(1) of LA FOIP is not exhaustive. To be personal information, the information must be about an identifiable individual (or the individual must be capable, or reasonably capable, of being identified), and the information must be personal in nature. Where the personal information involves the applicant, unless another exemption applies, pursuant to subsection 30(1) of LA FOIP, the applicant shall be given access. Subsection 30(1) of LA FOIP provides:

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.

[19] In this matter, the RM has chosen to rely upon no further exemptions. Therefore, in those cases where portions of the video contain the Applicant’s personal information, the OIPC recommends release.

[20] In this review, subsections 23(1)(b), (e), (f), (h) and (k)(i) of LA FOIP are relevant. These subsections provide as follows:

23(1) Subject to subsections (1.1) and (2), “**personal information**” means personal information about an identifiable individual that is recorded in any form, and includes:

...

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

...

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

(f) the personal opinions or views of the individual except where they are about another individual;

...

(h) the views or opinions of another individual with respect to the individual;

...

(k) the name of the individual where:

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

[21] Subsection 23(2) of LA FOIP carves out certain types of information from the definition of “personal information”. Subsections 23(2)(a) and (b) of LA FOIP are also relevant to this analysis; it provides as follows:

23(2) “**Personal information**” does not include information that discloses:

(a) the classification, salary, discretionary benefits or employment responsibilities of an individual who is or was an officer or employee of a local authority;

(b) the personal opinions or views of an individual employed by a local authority given in the course of employment, other than personal opinions or views with respect to another individual;

[22] The RM explained the reason for access refusal while relying on subsection 28(1) of LA FOIP as follows:

...

You can clearly see in the recording of the events that occurred on June 27, 2023, that [Applicant's name] was being very discriminatory to the office records that have been in the office for years, whereby insulting individuals who worked in the office previous to me. [They state] that the Record of Bylaw Book was very unprofessional and disorganized. ...

In [Applicant's name] opinion [they] suggested that I [Applicant's description of the CAO]. As you can clearly see I had full of intentions of helping [them] when [they] entered the Municipal Office. It is [their] opinion about me and my actions as an individual that started to escalate the situation and I could clearly begin to see that [Applicant's name] opinions were making the situation on reasonable.

[Applicant's name] view and opinions and how [they] treated me is very unprofessional. Releasing the recording of this situation at [their] request is in my opinion is releasing private information. ...

- [23] The following is the OIPC's analysis to determine if the information within Video 1 and Video 2 qualifies as personal information as defined by subsection 23(1) of LA FOIP. The first issue that must be considered is whether there is personal information in the interaction between the Applicant and the CAO in Video 1 and in the first 11 minutes: 30 seconds of Video 2. Then it must be determined whether it would be an absurd result to withhold the footage of the interaction between the Applicant and the CAO in these portions of Video 1(19:28) and Video 2(11:30). Finally, there will be a determination of whether there is personal information in Video 2 from the 11 minute: 31 second mark to the end of Video 1.

i. Video 1 (19minutes: 28seconds)

- [24] Video 1 commences with the entrance of the Applicant to the RM's office. There is then an interaction between the Applicant and the RM's CAO.
- [25] The image of the Applicant and audio of their voice appear throughout Video 1. In [Review Report 201-2024](#) at paragraph [24], the OIPC found that images of individuals acting in their personal capacities qualified as "personal information" as defined by subsection 23(1) of LA FOIP. Further, in [Review Report 135-2018](#) at paragraph [12] to [14], there was a finding that a person's voice paired with identifying information that is personal in nature

qualifies as “personal information” pursuant to subsection 24(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP), which is the equivalent of subsection 23(1) of LA FOIP. In this case, Video 1 contains the Applicant’s image as well as audio of their voice. The Applicant appears to be acting in their personal capacity, representing their own personal views and opinions, in their interaction with the CAO. As such, the OIPC finds that the image of the Applicant and the audio of their voice throughout Video 1 qualifies as the Applicant’s personal information as defined by subsection 23(1) of LA FOIP.

[26] The image and audio of the RM’s CAO also appear throughout Video 1. However, in [*Beniey v. Canada \(Public Safety and Emergency Preparedness\)*, 2021 FC 164 \(CanLII\)](#) (*Beniey v. Canada*), the Federal Court determined in paragraph [34] of that decision that images of a government institution’s employee while in uniform and acting in their professional capacity do not qualify as “personal information” pursuant to paragraph 3(j) of the federal *Privacy Act*, RSC 1985, c.P-21. Subsection 3(j) of the *Privacy Act* carves out certain employee information from the definition of “personal information” as follows:

3 In this Act,

...

personal information means information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing,

...

but, for the purposes of sections 7, 8 and 26 and section 19 of the *Access to Information Act*, does not include

(j) information about an individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual including,

(i) the fact that the individual is or was an officer or employee of the government institution,

(ii) the title, business address and telephone number of the individual,

(iii) the classification, salary range and **responsibilities of the position held by the individual,**

(iv) the name of the individual on a document prepared by the individual in the course of employment, and

(v) the personal opinions or views of the individual given in the course of employment, ...

[Emphasis added]

[27] Further, in [Beniey v. Canada](#), the Federal Court explained that the images of a government institution employee, while on duty, are information concerning the nature of responsibilities of the position:

[34] In my opinion, it is difficult to imagine how the image of a border services officer, taken while the officer is in uniform and on duty for his or her employer, could be excluded from the scope of paragraph 3(j) of the PA.

[35] A distinction should also be made between information on a video recording taken when an employee arrived and left work and information on the employee's sign-in logs. In both cases, although "this information may not disclose anything about the nature of the responsibilities of the position, it does provide a general indication of the extent of those responsibilities" (Dagg at paragraph 9). Even more importantly, **I find it difficult to see how images taken while border officers exercise their duties would not be information concerning the nature of the responsibilities of the position.**

...

[43] Since I have come to the conclusion that the Agency erred in its interpretation of paragraph 3(j) of the PA and, consequently, of section 19 of the ATIA, the debate surrounding the application of section 25 of the ATIA is for all intents and purposes moot. **The faces of the Agency's employees do not need to be redacted whereas those of members of the public appearing in the videos given to the applicant have already been covered with black boxes. It is therefore possible for the Agency to do the same with the additional video recordings that will be given to the applicant.**

[Emphasis added]

[28] In [Review Report 024-2023](#) at paragraph [55], the OIPC found that subsection 24(2)(a) of FOIP (the equivalent of subsection 23(2)(a) of LA FOIP) carves out information regarding the employment responsibilities of an individual who is or was an officer or employee of a government institution, similar to the finding in [Beniey v. Canada](#). In line with [Beniey v.](#)

[Canada](#), there is a finding that the images and audio of the RM's CAO in Video 1 do not qualify as personal information pursuant to subsection 23(2)(a) of LA FOIP.

[29] Next, as described by the RM in its submission, the Applicant reveals their own personal information in the form of educational background at the following segments in Video 1:

- 5 minute: 50 second mark to the 5 minute: 52 second mark; and
- 7 minute: 4 second mark to the 7 minute: 6 second mark.

[30] I find that the nature of this information qualifies as the Applicant's personal information pursuant to subsection 23(1)(b) of LA FOIP.

[31] Further, at the following times in the video, the Applicant expresses their opinion about the organization of the RM's Record of Bylaw Book:

- 5 minute: 28 second mark to 5 minute: 31 second mark; and
- 9 minute: 17 second mark to 9 minute: 19 second mark.

[32] I find that the Applicant's personal opinion is the Applicant's personal information pursuant to subsection 23(1)(f) of LA FOIP.

[33] In earlier Reports, the OIPC has found that subsection 30(1) of LA FOIP provides that an applicant shall be given access to their own personal information unless another exemption applies. I find that the RM has inappropriately applied subsection 28(1) of LA FOIP to the Applicant's own personal information in Video 1. Since the RM has not cited another exemption for refusing the Applicant access to their own personal information, the RM should release the Applicant's own personal information to the Applicant.

[34] It is further noted that the Applicant describes their perception of the CAO's emotional state at the following times in the video:

- 7 minute: 12 second mark to the 7 minute: 13 second mark;

- 9 minute: 48 second mark;
- 14 minute: 57 second mark; and
- 15 minute: 26 second mark.

[35] An individual's opinion about another person, whether accurate or not, is the other person's personal information pursuant to subsection 23(1)(h) of LA FOIP. As such, the OIPC finds that the Applicant's opinion about the RM's CAO is the CAO's personal information pursuant to subsection 23(1)(h) of LA FOIP. But for reasons that will be explained shortly, it would be absurd to withhold this information from the Applicant.

[36] Finally, from the 12 minute: 20 second mark to the 12 minute: 41 second mark of Video 1, the CAO reveals personal information to the Applicant. I find that the CAO's utterances qualify as personal information pursuant to subsection 23(1)(b) of LA FOIP. Again, for reasons that will be made known in the next section of this opinion, it would be absurd to withhold this information pursuant to LA FOIP.

ii. Video 2 (beginning of the video to the 11 minute: 30 second mark)

[37] Video 2 commences as a continuation from Video 1 of the Applicant's interaction with the RM's CAO. The interaction proceeds until the 11 minute: 30 second mark, when the Applicant leaves the RM's office.

[38] As found earlier in the analysis of Video 1, the image and audio of the Applicant's voice in Video 2 qualify as the Applicant's own personal information pursuant to subsection 23(1) of LA FOIP. The RM has inappropriately applied subsection 28(1) of LA FOIP to the Applicant's own personal information in Video 2.

[39] However, as explained earlier, the image and audio of the RM's CAO in Video 2 do not qualify as personal information pursuant to subsection 23(2)(a) of LA FOIP because she was performing her duties and responsibilities as the CAO.

[40] Next, as in Video 1, the Applicant repeated personal educational information at the 37 second mark of Video 2. Once again, this qualifies as the Applicant's personal information as defined by subsection 23(1)(b) of LA FOIP.

[41] At the 3 minute: 08 second mark to the 3 minute: 32 second mark, the CAO expressed an opinion about the Applicant and the Applicant's partner who was not present at the time. The CAO's opinion is the Applicant's and the partner's personal information pursuant to subsection 23(1)(h) of LA FOIP.

iii. Is it an absurd result to withhold the video of the interaction between the Applicant and the RM's CAO?

[42] As explained earlier, information must qualify as personal information of an individual other than an Applicant as defined by subsection 23(1) of LA FOIP for it to be withheld pursuant to subsection 28(1) of LA FOIP. In this case, there are findings that portions of Video 1 and Video 2 contain personal information that belongs to individuals other than the Applicant (i.e., the CAO and the Applicant's partner). However, it must be determined if it would be an absurd result for the RM to refuse access to such information pursuant to subsection 28(1) of LA FOIP.

[43] An "absurd result" occurs where information that qualifies for an exemption would be absurd and inconsistent with the purpose of the exemption. An absurd result occurs where the applicant:

- was the one who provided the information to the local authority;
- was present when the information was presented to the local authority; and/or
- was present for the dissemination of the information such that it is clearly within the applicant's knowledge.¹

¹ The OIPC has considered "absurd result" principle in past Reports such as [Review Report 291-2024](#) at paragraph [27]; [Review Report 203-2024](#) at paragraph [26]; [Review Report 293-2023](#) at paragraph [7]. See also [Order MO-4645](#) at [55]; [Order PO-4617](#) at [106], and [Order MO-4119](#) at paragraphs [94] to [95] by the Ontario Office of the Information and Privacy Commissioner.)

[44] In this case, Video 1 and the first portion of Video 2 capture the Applicant personally interacting with the CAO, which suggests that the entirety of each video is clearly within the Applicant's knowledge. Based on this, I find that it is an absurd result to refuse the Applicant access to the CAO's personal information that was revealed in Video 1 and the first 11 minutes and 30 seconds of Video 2 pursuant to subsection 28(1) of LA FOIP. I recommend that within 30 days of the issuance of this Report that the RM release Video 1 in its entirety and the first 11 minutes and 30 seconds of Video 2 to the Applicant.

iv. Video 2 – (11 minute: 31 second mark to the end of Video 2)

[45] After the Applicant left the RM office, the Mayor entered at the 11 minute: 31 second mark of Video 2. The CAO and the Mayor conversed throughout and a phone call was made to the authorities. As noted, Video 2 ends at the 20 minute: 4 second mark.

[46] At the 16 minute: 47 second mark to the 17 minute: 08 second mark of Video 2, the CAO reported their own name and mailing address to the police authorities. This information qualifies as the CAO's personal information as defined by subsection 23(1)(f) and 23(1)(k)(i) of LA FOIP and must be withheld from disclosure.

[47] Further, at the 18 minute: 17 second mark to the 19 minute: 10 second mark of Video 2, the CAO and the Mayor discuss the CAO's personal situation. This information qualifies as the CAO's personal information as defined by subsection 23(1)(f) of LA FOIP and must be withheld.

[48] No other portion of the 11 minute and 31 second mark to the end of the Video 2 qualifies as personal information as defined by subsection 23(1) of LA FOIP. The substance of the discussion between the RM's CAO and the Mayor centered around their professional responsibilities and duties. [Investigation Report 320-2023](#) found at paragraph [28] that "work product" is the information generated by or otherwise associated with an individual in the normal course of performing their professional or employment responsibilities. Therefore, the remaining portion of Video 2 where the RM's CAO and the Mayor discuss

matters related to performing their professional duties cannot qualify as personal information pursuant to subsection 23(2)(b) of LA FOIP.

[49] Similarly, the images and the audio of the RM's CAO and Mayor, in the course of performing their duties in Video 2 do not qualify as personal information pursuant to subsection 23(2)(a) of LA FOIP.

[50] Based on these findings, it is recommended that within 30 days of the issuance of this Report that the RM release Video 2 to the Applicant except for the following segments:

- The 16 minute: 47 second mark to the 17 minute: 08 second mark of Video 2; and
- The 18 minute: 17 second mark to the 19 minute: 10 second mark of Video 2.

IV FINDINGS

[51] The OIPC has jurisdiction to undertake this review.

With Respect to Video 1:

[52] The image of the Applicant and the audio of their voice throughout Video 1 qualify as the Applicant's personal information as defined by subsection 23(1) of LA FOIP.

[53] The images and audio of the RM's CAO in Video 1 do not qualify as personal information pursuant to subsection 23(2)(a) of LA FOIP.

[54] The following portions of Video 1 qualify as the Applicant's personal information pursuant to subsection 23(1)(f) of LA FOIP:

- 5 minute: 28 second mark to 5 minute: 31 second mark; and
- 9 minute: 17 second mark to 9 minute: 19 second mark.

[55] The following portions of Video 1 qualify as the RM's CAO's personal information pursuant to subsection 23(1)(h) of LA FOIP but it would be absurd to withhold this information since it was disseminated in the Applicant's presence:

- 7 minute: 12 second mark to the 7 minute: 13 second mark;
- 9 minute: 48 second mark;
- 14 minute: 57 second mark; and
- 15 minute: 26 second mark.

[56] The 12 minute: 20 second mark to the 12 minute: 41 second mark of Video 1 qualify as the personal information of the RM's CAO pursuant to subsection 23(1)(b) of LA FOIP but it would be absurd to withhold this information because it was disseminated in the Applicant's presence.

[57] The RM has inappropriately applied subsection 28(1) of LA FOIP to the Applicant's own personal information in Video 1.

With Respect to Video 2:

[58] The image and audio of the Applicant in Video 2 qualifies as the Applicant's own personal information pursuant to subsection 23(1) of LA FOIP.

[59] The image and the audio of the RM's CAO' in Video 2 and the interaction with the Applicant do not qualify as personal information pursuant to subsection 23(2)(a) of LA FOIP.

[60] The 37 second mark of Video 2 qualifies as the Applicant's personal information pursuant to subsection 23(1)(b) of LA FOIP.

[61] The RM has inappropriately applied subsection 28(1) of LA FOIP to the Applicant's own personal information in Video 2.

- [62] The segment which comprises the 3 minute: 08 second mark to the 3 minute: 32 second mark of Video 2, qualifies as the Applicant's and the partner's personal information pursuant to subsection 23(1)(h) of LA FOIP.
- [63] The segment which comprises the 16 minute: 47 second mark to the 17 minute: 8 second mark of Video 2, qualifies as the CAO's personal information as defined by subsection 23(1)(f) and 23(1)(k)(i) of LA FOIP and must be withheld from disclosure.
- [64] The segment that comprises the 18 minute: 17 second mark to the 19 minute: 10 second mark of Video 2, qualifies as the CAO's personal information as defined by subsection 23(1)(f) of LA FOIP and must be withheld from disclosure.
- [65] The images and the audio of the RM's CAO's and Mayor, in the course of performing their professional responsibilities at the end of Video 2 (11 minute: 31 second mark to the end), do not qualify as personal information pursuant to subsection 23(2)(a) of LA FOIP.

V RECOMMENDATIONS

- [66] I recommend that within the 30 days of the issuance of this Report that the RM release Video 1 in its entirety and the first 11 minutes and 30 seconds of Video 2 to the Applicant.
- [67] I recommend that within 30 days of the issuance of this Report that the RM release Video 2 to the Applicant save for the following segments:
- The 16 minute: 47 second mark to the 17 minute: 08 second mark of Video 2; and
 - The 18 minute: 17 second mark to the 19 minute: 10 second mark of Video 2.

Dated at Regina, in the Province of Saskatchewan, this 21st day of May, 2025.

Grace Hession David
Saskatchewan Information and Privacy
Commissioner