



REVIEW REPORT 257-2024

Rural Municipality of Reford No. 379

February 19, 2025

Summary:

The Rural Municipality of Reford No. 379 (RM) responded to an access to information request pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The Applicant was dissatisfied with the RM's response, so they requested a review by the A/Commissioner. The A/Commissioner found that the RM properly withheld portions of the responsive record pursuant to subsection 28(1) of LA FOIP but not in all cases. He also found that the RM did not demonstrate that it conducted a reasonable search for records. The A/Commissioner recommended that the RM release portions of the records to which subsection 28(1) of LA FOIP does not apply to the Applicant within 30 days of the issuance of this Report. He also recommended that the RM conduct a search for records and provide the Applicant and his office with details of its search efforts and any records resulting from the search within 30 days of issuance of this Report.

I BACKGROUND

[1] On October 15, 2024, the Applicant emailed the following access to information request to the Rural Municipality of Reford No. 379 (RM):

- Please provide me with a copy of the write-ups on me, including dates & times, that I was called into the office to be talked to about my alleged behaviour.
- Please provide me with a copy of all the incident/discipline reports against me that I signed.
- Please provide me with a copy of the complaints filed against me by the employees that allegedly refuse to work with me.
- Please provide me with the dates of all the new hires that were onboarded...who are refusing to work with me, when I have not even met them.

[2] The RM issued a receipt dated October 17, 2024, to the Applicant acknowledging receipt of the \$20 application fee.

[3] In a letter dated October 29, 2024, the RM responded to the Applicant with the following:

Number 1 and 2 of the requests have been withheld from release in full because disciplinary information was released previously under LAFOIP request #17-24.

Number 3 does not exist in the Rural Municipality of Reford No. 379. For your information, this notification has been provided pursuant to clause 7(2)(e) of *The Local Authority Freedom of Information and Protection of Privacy Act*.

Enclosed are copies of the records you requested under #4 of your requests. Access to this information is redacted pursuant to sections 23(1)(a)(b)(d)(e)(j)(k) of *The Local Authority Freedom of Information and Protection of Privacy Act*.

[4] On November 2, 2024, the Applicant requested a review by my office.

[5] Then, in a letter to the Applicant dated November 25, 2024, the RM said it was releasing records responsive to the first and second part of the Applicant's access request.

[6] On December 2, 2024, the Applicant informed my office that they were not satisfied with the records they received. They said:

...I am not satisfied with the R.M.'s responses to #1 and #2. The records I have requested would be the disciplinary write-ups on me that **I signed**,...including the dates I was called into the office; and the incident / accident reports filed with the R.M. against me by any ratepayer, Council member, staff member or other employee. These records were not provided to me in the records released in my personnel file (RM 17-2024/OIPC #200-2024). If the R.M. cannot find or the records do not exist in the R.M., then I would like them to confirm this with an explanation as to why.

[Bold in original]

[7] On December 5, 2024, my office notified the RM and the Applicant that my office would be undertaking a review.

[8] On January 10, 2025, and January 24, 2025, the RM provided my office with a copy of the records at issue.

[9] Neither the RM nor the Applicant provided a submission to my office.

II RECORDS AT ISSUE

[10] The RM identified 68 pages of records that are responsive to the first and second part of the access request. I will refer to these 68 pages as the Set 1 Records. Portions of the third and fourth pages of Set 1 Records were redacted. The RM did not identify the reason for redacting these portions on the third and fourth pages.

[11] The RM indicated no records exist regarding the third part of the access request.

[12] The RM identified six pages of responsive records responsive to the fourth part of the access request. They are records entitled “Detailed Employee Information by Employee Name”. Each page is broken down into seven sections. Below is a description of each section:

- The first section is entitled “General Information” and includes information such as the employee’s name, personal mailing address, personal telephone number and social insurance number.
- The second section is entitled “Payment Information” and includes information if the employee is still an active employee, their account number, the department they work in and their job title. It also includes information about whether they are paid hourly or bi-weekly.
- The third section is entitled “Pay Rates” and includes information about the rate in which the employee was paid.
- The fourth section is entitled “Dates (mm/dd/yy)” and includes dates such as date of birth, last hired date and original hire date.
- The fifth section is entitled “Vacation and Sicktime information” and includes information about vacation sick time entitlements.
- The sixth section is entitled “Tax Information” and includes information about net claim amount for the employee’s TD1 Form.

- The seventh section is entitled “Additional Features” and includes information about a “Special Earning #19”.

[13] I will refer to these six pages as the Set 2 Records. The RM did not release any of the six pages of the Set 2 Records. The RM withheld these records, in full, from the Applicant pursuant to subsection 28(1) of LA FOIP.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

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

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

[15] The RM did not identify its reasons for its redactions on the third and fourth pages of the Set 1 Records. However, I will consider whether subsection 28(1) of LA FOIP applies to these two pages. Further, the RM withheld the Set 2 Records, in full, pursuant to subsection 28(1) of LA FOIP.

[16] Subsection 28(1) of LA FOIP provides as follows:

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 of LA FOIP prohibits the disclosure of personal information unless the individual about whom the information pertains consents to its disclosure or if disclosure without consent is authorized by one of the enumerated subsections of 28(2) or section 29 of LA FOIP. Section 28 of LA FOIP applies to information defined at section 23 of LA FOIP, though the list provided at section 23 of LA FOIP is not exhaustive. To be personal information, the information must be about an identifiable individual (or the person must be capable/reasonably capable of being identified), and the information must be personal

in nature (*Guide to LA FOIP*, Chapter 6, “Protection of Privacy”, updated February 27, 2023 [*Guide to LA FOIP*, Ch. 6], p. 163).

[18] When deciding if subsection 28(1) of LA FOIP was properly applied, I must first determine if the withheld information about other individuals qualifies as their personal information pursuant to subsection 23(1) of LA FOIP. The following subsections are relevant for this review:

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

(a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;

(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;

...

(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;

...

(j) information that describes an individual’s finances, assets, liabilities, net worth, bank balance, financial history or activities or credit worthiness; or

(k) the name of the individual where:

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

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

[19] Subsection 23(2)(a) of LA FOIP provides what does not qualify as personal information:

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;

[20] Further, page 43 of the *Guide to LA FOIP*, Ch. 6, defines business card information as the type of information found on a business card (name, job title, work address, work telephone numbers and work email address). This type of information is generally not personal in nature and therefore is considered “business contact information” and not personal information.

a. Set 1 Records

[21] The third page of the Set 1 Records is a copy of an email. The contents of the “From” field contain a name and email address that was redacted. Then, the subject line – containing the name of a RM employee - was also redacted. I find that that the contents of the “From” field is the name and email address of an individual acting in a personal capacity. Such information qualifies as personal information as defined by subsection 23(1)(e) and (k)(i) of LA FOIP. Therefore, I find that the RM properly applied subsection 28(1) of LA FOIP to the contents of the “From” field on the third page of the Set 1 Records. I recommend that the RM continue to withhold the contents of the “From” field on the third page of the Set 1 Records pursuant to subsection 28(1) of LA FOIP. However, the name of the RM employee that appears in the subject line does not qualify as personal information. Rather, such information qualifies as business card information and is not personal in nature to an individual. As such, I find that the RM did not properly apply subsection 28(1) of LA FOIP to the subject line of the email on the third page of the Set 1 Records. I recommend that the RM release the subject line on the third page of the Set 1 Records to the Applicant within 30 days of the issuance of this Report.

[22] The fourth page of the Set 1 Records is a copy of an email to the Applicant from the RM. The name of an RM employee was redacted from the body of the email. Since the RM sent the email to the Applicant, it would be an absurd result to withhold the name from the Applicant pursuant to subsection 28(1) of LA FOIP (see [Review Report 203-2024](#) at paragraph [49]). Afterall, the RM had already disclosed the name to the Applicant in the email, and so they are aware of the name. Further, since it is the name of an RM employee, then the information qualifies as business card information and not personal information. I

find that the RM did not properly apply subsection 28(1) of LA FOIP to page 4 of the Set 1 Records. I recommend that the RM release page 4 of the Set 1 Records to the Applicant, in full, within 30 days of the issuance of this Report.

b. Set 2 Records

[23] The Applicant requested the dates of new hires in the fourth part of their access request. The Set 2 Records contain the dates of new hires; however, the RM asserted that the information qualified as personal information as defined by subsections 23(1)(a), (b), (d), (e), (j), and (k) of LA FOIP. Therefore, it refused access to all six pages, in full, pursuant to subsection 28(1) of LA FOIP.

[24] In [Order F17-40](#), the Office of the Information and Privacy Commissioner of British Columbia (BC IPC) found that dates of hire qualify as “employment history”:

[14] FIPPA defines “personal information” as recorded information about an identifiable individual, other than contact information. **BC Transit argued that the dates of hire of the [transit operators] are their personal information. The applicant did not expressly discuss this issue but his submission indicates that he too considers the dates of hire to be the [transit operators’] personal information.**

[15] The information in dispute is about the [transit operators] as identifiable individuals and is clearly not contact information. Therefore, **I find that it is personal information.**

...

[20] The information in dispute does not relate to the [transit operators’] “position, functions or remuneration”, as past BC orders have interpreted those terms. **Rather, the information relates to their employment history as individuals.**

[Emphasis added]

[25] Similarly, I find that dates of hire qualify as “employment history”. Therefore, such information qualifies as “personal information” as defined by subsection 23(1)(b) of LA FOIP. As such, I find that the RM properly applied subsection 28(1) of LA FOIP to the dates of hire of the new employees in the Set 2 Records.

[26] Since the Applicant requested only the dates of hire, the remainder of the information in the Set 2 Records could be considered non-responsive. However, in my blog entry, [*What About the Non-Responsive Record?*](#), I encouraged public bodies to release non-responsive portions of records where an exemption does not apply. I stated:

In other situations, a record may have responsive and non-responsive information in it. The public body is obliged to provide the applicant with the responsive information (subject to exemptions), and it has to decide what to do with the non-responsive information in that same record. Again, I suggest best practice is to provide the non-responsive information to the applicant (subject to exemptions). Alternatively, the public body might choose to sever the non-responsive information, but that strikes me as a waste of time. Unnecessary severing causes applicants to be suspicious that something is being hidden. An applicant could submit a second access request for the severed non-responsive portions and the public body would have to provide it (subject to exemptions). So, this blog is written just to encourage public bodies to release non-responsive portions of records where an exemption does not apply.

[27] Based on a review of the remainder of the information in the Set 2 Records, I find that information in the sections entitled “Pay Rates” and “Additional Features”, as well as the information regarding the department the employee works in and their job title in the Set 2 Records, does not qualify as “personal information” pursuant to subsection 23(2)(a) of LA FOIP (which was quoted earlier). However, I find that the remainder of the information in the Set 2 Record qualifies as personal information as defined by subsection 23(1)(b), (d), (e), (j), (k)(i) and (k)(ii) of LA FOIP. I recommend that within 30 days of the issuance of this Report that the RM release the “Pay Rates” and “Additional Features” sections as well as the information about the department the employee worked/works in and their job title, to the Applicant, and withhold the remainder of the Set 2 Records pursuant to subsection 28(1) of LA FOIP.

3. Did the RM conduct a reasonable search for records?

[28] As described in the background of this Report, the Applicant had requested a copy of complaints filed against them. The RM responded by indicating that no records exist.

[29] It is important to note that LA FOIP does not require a local authority to prove with absolute certainty that records responsive to an access to information request do not exist. However, it must demonstrate that it has conducted a reasonable search to locate them.

[30] A “reasonable search” is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records which are reasonably related to the request. A reasonable effort is the level of effort you would expect of any fair, sensible person searching areas where records are likely to be stored. What is reasonable depends on the request and related circumstances.

[31] When conducting a review of a local authority’s search efforts, details are requested that help my office understand the level of effort made to locate the records. The submission to my office should outline the search strategy conducted which can include:

- For personal information requests – explain how the individual is involved with the local authority (i.e. client, employee, former employee etc.) and why certain departments/divisions/branches were included in the search.
- For general requests – tie the subject matter of the request to the departments/divisions/branches included in the search. In other words, explain why certain areas were searched and not others.
- Identify the employee(s) involved in the search and explain how the employee(s) is experienced in the subject matter.
- Explain how the records management system is organized (both paper & electronic) in the departments/divisions/branches included in the search:
- Describe how records are classified within the records management system. For example, are the records classified by:
 - Alphabet
 - Year
 - Function
 - Subject
- Consider providing a copy of your organization’s record schedule and screen shots of the electronic directory (folders & subfolders).

- If the record has been destroyed, provide copies of record schedules and/or destruction certificates.
- Explain how you have considered records stored off-site.
- Explain how records that may be in the possession of a third party but in the local authority's control have been searched, such as a contractor or information service provider.
- Explain how a search of mobile electronic devices was conducted (i.e. laptops, smart phones, cell phones, tablets).
- Which folders within the records management system were searched and explain how these folders link back to the subject matter requested?
- For electronic folders – indicate what key terms were used to search if applicable.
- On what dates did each employee search?
- How long did the search take for each employee?
- What were the results of each employee's search?
- Consider having the employee that is searching provide an affidavit to support the position that no record exists or to support the details provided. For more on this, see the IPC resource, [Using Affidavits in a Review with the IPC](#) available on our website.

(Guide to LA FOIP, Chapter 3: "Access to Records", updated May 5, 2023 [Guide to LA FOIP, Ch. 3], pp. 14 to 15).

[32] Although the RM did not provide my office with a submission, it provided my office with information regarding its search efforts during the intake stage of my office's review process. These search efforts are regarding the RM's efforts to search for records for another access request the Applicant submitted to the RM, which is being considered in a separate review by my office. In an email dated November 13, 2024 to my office, the RM said:

...attached are two responsive document searches regarding the same applicant's request for personnel file information. At the time of the search for RM file #17-24 / OIPC #200-2024 a thorough search of physical and digital records was conducted. There are no physical or digital records related to point 3.

[33] The RM has not demonstrated it has conducted a search for records regarding the access request being considered in this review. It has merely shown me that it has conducted a search for records regarding another access request. Therefore, I find that the RM has not demonstrated that it conducted a reasonable search for records for this access request. In the background of this Report, I quoted the Applicant's email dated December 2, 2024, where they explained the records, they believed existed but were not provided. I recommend that the RM conduct a search for records regarding the first, second and third parts of the Applicant's access request. The RM should provide the Applicant and my office with details of its search efforts and any records resulting from the search within 30 days of this Report being issued.

IV FINDINGS

[34] I find that I have jurisdiction to conduct this review.

[35] I find that the RM properly applied subsection 28(1) of LA FOIP to the contents of the "From" field on the third page of the Set 1 Records.

[36] I find that the RM did not properly apply subsection 28(1) of LA FOIP to the subject line of the email on the third page of the Set 1 Records.

[37] I find that the RM did not properly apply subsection 28(1) of LA FOIP to page 4 of the Set 1 Records.

[38] I find that information in the sections entitled "Pay Rates" and "Additional Features", as well as the information regarding the department the employee works in and their job title in the Set 2 Records, does not qualify as "personal information" pursuant to subsection 23(2)(a) of LA FOIP, and that the RM did not properly apply subsection 28(1) of FOIP to this information. I also find that the remainder of the information in the Set 2 Record qualifies as personal information as defined by subsection 23(1)(b), (d), (e), (j), (k)(i) and (k)(ii) of LA FOIP, and that the RM properly applied subsection 28(1) of LA FOIP to this information.

[39] I find that the RM has not demonstrated that it conducted a reasonable search for records.

V RECOMMENDATIONS

[40] I recommend that the RM continue to withhold the contents of the “From” field on the third page of the Set 1 Records pursuant to subsection 28(1) of LA FOIP.

[41] I recommend that the RM release the subject line on the third page of the Set 1 Records to the Applicant within 30 days of the issuance of this Report.

[42] I recommend that the RM release page 4 of the Set 1 Records to the Applicant, in full, within 30 days of the issuance of this Report.

[43] I recommend that the RM release the “Pay Rates” and “Additional Features” sections, as well as the information about the department the employee worked/works in and their job title, to the Applicant within 30 days of issuance of this report, and that it withhold the remainder of the Set 2 Records pursuant to subsection 28(1) of LA FOIP.

[44] I recommend that the RM conduct a search for records regarding the first, second and third parts of the Applicant’s access request. The RM should provide the Applicant and my office with details of its search efforts and any records resulting from the search within 30 days of issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 19th day of February, 2025.

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