



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 259-2025

Moose Jaw Police Service

May 29, 2026

Summary:

The Applicant asked for records from the Moose Jaw Police Service (MJPS). MJPS refused access to the record in its entirety, citing the discretionary exemptions in section 14(1)(a) (prejudice, interfere with or adversely affect the detection, investigation, prevention or prosecution of an offence), section 14(1)(c) (disclose information with respect to a lawful investigation), section 14(1)(i) (reveal law enforcement intelligence) and section 14(1)(k) (interfere with or disclose information respecting a law enforcement matter) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.

The Applicant was dissatisfied with MJPS' decision and asked the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) for a review. Prior to the commencement of the OIPC review, MJPS applied to this office for a discontinuance of the review pursuant to section 43.1 of *LA FOIP*. The Commissioner refused to grant the discontinuance, and the review proceeded.

Upon provision of an index of records, MJPS added several discretionary exemptions to portions of some pages, namely section 13(1)(a) (records from the Government of Canada), section 14(1)(e) (reveal investigative techniques), section 14(1)(j) (facilitate or impede the detection of an offence), section 14(1)(m) (reveal security arrangements), section 16(1)(a) (advice, proposals, recommendations, analyses or policy options), section 16(1)(b) (consultations or deliberations) and section 21 (solicitor-client privilege) of *LA FOIP*. MJPS also released nine pages of the record to the Applicant, applying the mandatory exemption in section 28(1) (third party personal information) of *LA FOIP* to portions of three of the pages.

The Commissioner found that MJPS properly applied section 14(1)(c) of *LA FOIP* to the 559 pages of the entire record.

The Commissioner recommended that MJPS continue to withhold the record in its entirety under section 14(1)(c) of *LA FOIP*.

I BACKGROUND

[1] On September 5, 2025, the Moose Jaw Police Service (MJPS) received the following access request along with the \$20.00 application fee:

All records relating to the investigation, charging, prosecution, reconsideration and staying of the following charge against [the Applicant]¹ (or any other documents relating to the matter). After an investigation by the MJPS, [the Applicant] was charged with one count of fraud over \$5,000, on Information No. [number redacted]. The complainant was [name withheld], relating to alleged events in October 2021. The charge was stayed at the request of the Crown on February 16, 2023...

[2] By letter dated September 26, 2025, MJPS returned the \$20.00 application fee and denied the Applicant access to the record in full under sections 14(1)(a), (c), (i) and (k), of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*².

[3] On October 6, 2025, the Applicant asked the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) to review the MJPS application of exemptions.

[4] On January 13, 2026, MJPS asked OIPC to discontinue the request for review under sections 38(1)(a), 38(2) and 39(2)(a) of *LA FOIP*. On March 5, 2026, OIPC released Review Report 016-2026 (Part I)³ refusing the application and concluding that the review would continue.

[5] On March 12, 2026, MJPS provided this office with an index of records and access to the unredacted records. On April 7, 2026, MJPS raised additional exemptions pursuant to sections 13(1)(a), 14(1)(e), (j), (m), 16(1)(a), (b) and 21 of *LA FOIP*. Only sections 14(1)(c) and (k) of *LA FOIP* were cited as authority to deny access to the record in its entirety.

¹ The amendments in brackets were made by OIPC to protect the identity of the Applicant and any other individual.

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

³ OIPC [Review Report 016-2026 \(Part I\)](#).

- [6] On April 6, 2026, the Applicant provided a submission to OIPC. OIPC invited a supplemental submission from the Applicant with respect to the late application of exemptions.
- [7] On April 22, 2026, OIPC completed its review of the records.
- [8] On April 23, 2026, MJPS released nine pages of the record to the Applicant. Three of the nine pages had a line of information withheld under section 28(1) of *LA FOIP*. The Applicant was content with this record, and it is not part of this review.
- [9] On May 7, 2026, MJPS provided a submission to this office and withheld permission to share with the Applicant.
- [10] Also on May 7, 2026, the Applicant provided a supplemental submission addressing the additional exemptions claimed by MJPS.

II RECORDS AT ISSUE

- [11] MJPS is withholding 559 pages in their entirety pursuant to the exemptions contained in sections 14(1)(c) and (k) of *LA FOIP*. Within this, pages are also partially redacted pursuant to the exemptions in sections 13(1)(a), 14(1)(a), (e), (i), (j), (m), 16(1)(a), (b) and 21 of *LA FOIP*. MJPS organized the records in four main groups:

Group	Description	Number of Pages
1	29 emails on USB	54 pages (all withheld)
2	Documents related to the investigation (e.g., witness statements, and gathered evidence) on USB	380 pages (all withheld)

3	Documents on Versaterm ⁴	26 pages (MJPS released 5 pages to the Applicant leaving 21 pages subject to this review)
4	33 items (hard copy)	108 pages (MJPS released 4 pages to the Applicant leaving 104 pages subject to this review)

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[12] MJPS is a “local authority” under section 2(1)(f)(viii.1) of *LA FOIP*. OIPC has jurisdiction and is undertaking this review under PART VI of *LA FOIP*.

2. The application of the exemption in section 14(1)(c) of *LA FOIP*

[13] Section 14(1)(c) of *LA FOIP* states:

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

...
(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

[14] To determine the application of the exemption in section 14(1)(c) of *LA FOIP*, OIPC employs the following test:⁵

1. Does the local authority’s activity qualify as a “lawful investigation”?
2. Does one of the following exist?
 - a) Could release of the following information interfere with a lawful investigation?

⁴ Versaterm is MJPS’ internal case/records management system.

⁵ OIPC [Review Report 064-2025](#) at paragraph [11].

b) Could release disclose information with respect to a lawful investigation?

[15] “Lawful investigations” are investigations that are authorized or required and permitted by law.⁶ The legislation from which the investigation draws its legal jurisdiction should be clearly identified. Investigations can be concluded, ongoing, or preparatory for the future.⁷

[16] MJPS submitted that its jurisdiction to investigate the Applicant originated by virtue of section 380(1)(a), of the *Criminal Code*.⁸ The *Warrant for Arrest*, a copy of which MJPS released to the Applicant as part of the nine pages, corroborates this claim. MJPS also submitted that it draws its jurisdiction from the duty to prevent crime and apprehend criminals under the authority of section 36(2) of *The Police Act, 1990*.⁹ The interplay of section 36(2) of *The Police Act* and the provisions of the *Criminal Code* supply the jurisdiction for the police to undertake a “lawful investigation”¹⁰. We conclude that MJPS possessed the jurisdiction to pursue a lawful investigation into an allegation of fraud against the Applicant.

[17] The second part of the test employs the term “could” rather than the usual phrase “could reasonably be expected to.” The threshold for “could” is lower than the threshold of a reasonable expectation, thus implying an objective possibility that disclosure could cause harm.¹¹ A local authority must demonstrate that the release of the record would have an

⁶ *Ibid*, at paragraph [13].

⁷ See [Leo v. Global Transportation Hub Authority](#), 2019 SKQB 150 (*Leo*) at paragraph [24]. Kalmakoff J. A. concluded that nothing in section 15(1)(c) of *LA FOIP* required an investigation to be active or ongoing, and so could also apply to “closed matters” as well. See also [Evenson v Saskatchewan \(Ministry of Justice\)](#), 2013 SKQB 296 at paragraph [40].

⁸ [Criminal Code](#), RSC 1985 c. C-46, as amended.

⁹ [The Police Act, 1990](#), SS 1990-91, c. P-15.01, as amended.

¹⁰ OIPC [Review Report 010-2025](#) at paragraphs [17] and [18].

¹¹ [Saskatchewan Government Insurance v. Giesbrecht](#), 2025 SKCA 10 at paragraph [78]. In this ruling, the Court of Appeal for Saskatchewan is considering the word “could” within the context

objective possibility of disclosing information with respect to a lawful investigation in order to apply the exemption in section 14(1)(c) of *LA FOIP*.¹²

[18] MJPS provided this office with access to the withheld pages and a thorough review was conducted. MJPS acknowledged that it was only necessary to demonstrate that the record contains information *with respect to* a lawful investigation. It follows that release of the information would indeed disclose information *with respect to* a lawful investigation. The phrase “with respect to” are words of the widest possible scope, or the widest expression intended to convey a connection between two related subject matters.¹³

[19] The Applicant’s main argument was that the material should be released due to the fact that the investigation has been concluded and the “...core Information can be severed and discretely disclosed”.

[20] This argument fails for two reasons. The first is Saskatchewan courts have provided guidance such that the exemption may still be applied to information that arises from a concluded investigation, as noted earlier.

[21] The second reason is that the threshold is one of “objective possibility”. The local authority need only show that the release of the information could disclose information *with respect to* a police investigation. As a result of the independent OIPC review of the records, we confirm that the release of the withheld pages in this record could indeed disclose information *with respect to* a police investigation. MJPS properly applied the exemption in section 14(1)(c) of *LA FOIP* to the 559 pages of the record in their entirety. It goes without saying that because MJPS properly applied the exemption in section 14(1)(c) of *LA FOIP*, there is no need to review the application of any of the other exemptions raised by MJPS.

of section 38(1)(f) of [The Health Information Protection Act](#), SS 1999, c. H-0.021, as amended, but the substance of the meaning is relevant to this analysis regarding section 14(1)(c) of *LA FOIP*.

¹² OIPC [Review Report 199-2025](#) at paragraph [29].

¹³ *Supra*, footnote 10 at paragraph [23].

IV FINDINGS

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

[23] MJPS properly applied the exemption in section 14(1)(c) of *LA FOIP* to the 559 pages of the record in their entirety.

V RECOMMENDATION

[24] I recommend that MJPS continue to withhold the record in its entirety under section 14(1)(c) of *LA FOIP*.

Dated at Regina, in the Province of Saskatchewan, this 29th day of May, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner