



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 312-2025

City of Melville

October 8, 2026

Summary:

The Applicant submitted an access to information request to the City of Melville (City) for records regarding the Melville Municipal Cemetery. The Applicant sought records pertaining to cemetery burial plots, permits for burial plots, records for interment, and records for permits relating to a concrete-placing project that gave cause to remove headstones in the early 1980's.

The City provided the Applicant with several documents in full:

- Record 1: a burial permit;
- Record 2: a cemetery map;
- Record 6: a cemetery index card;
- Record 7: a cemetery purchase form;
- Record 8: a cemetery registry; and
- Record 9: the City of Melville (Public Works and Engineering Department) *Report on the Municipal Cemetery*.
- Record 10: email correspondence
- Record 11: email correspondence

The City also provided the Applicant withheld portions of the following documents under section 28(1) (third party personal information) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*:

- Record 3: a one-page table containing names and (reserved) burial locations of both living and deceased individuals;
- Record 4: a one page cemetery spreadsheet; and
- Record 5: one page from an old cemetery book.

The City informed the Applicant that it was unable to locate any specific records pertaining to permits for a concrete-placing project.

The Applicant requested that the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) review the exemption applied by the City as well as the City's search efforts.

The Commissioner found that the City:

- (1) conducted a reasonable search for responsive records;
- (2) properly applied section 28(1) of *LA FOIP* to first and last names of the living individuals found in records 3, 4 and 5, but not the remaining data elements withheld.

The Commissioner recommended that the City:

- (1) take no further action regarding search; and
- (2) de-identify the personal information by redacting any first and last names of the living individuals on the line items withheld in records 3, 4 and 5 and release the remaining data elements to the Applicant within 30 days of issuance of this Report.

I BACKGROUND

- [1] On October 9, 2025, the Applicant submitted an access to information request to the City of Melville (City) for the time period of May 25, 1977 to 1990:

Cemetery burial plot [section, block and plot number] at the Melville Municipal Cemetery, questions raised after maintenance removed headstones. Actual original positioning seems to be different from post maintenance placement. Required is the following.

Permits, for burial May 25th 1977. Records for Internment May 25th 1977. Records for permits for concrete-placing project that gave cause to remove markers early 1980's. [Applicant's child's full name¹] name of the deceased.

- [2] The Applicant paid the \$20.00 application fee the same day.
- [3] To provide more context, the Applicant is concerned that their deceased child's headstone is not where it should be in the local cemetery. The Applicant's child passed in 1977 and

¹ The use of square brackets in this Report reflects the efforts of this office to preserve the identities of all parties involved in this access request.

the Applicant claims that the headstone was removed between 1979-1980 to facilitate the placement of new concrete. The Applicant fears that the headstone marking the location of the child's grave was replaced incorrectly. The Applicant wishes the City to fund the use of ground penetrating radar to ensure the precise location of their loved one. This access to information request was made in an effort to obtain further evidence of a suspected misplacement of the child's headstone.

[4] On November 4, 2025, the City responded with six records (records 1, 2, 6, 7, 8, 9) released in full and five records (records 3, 4, 5, 10, 11) withheld in part pursuant to section 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.² The City also claimed that they could not locate any records pertaining to permits for concrete-placing projects.

[5] On November 18, 2024, the Applicant emailed the City:

...In addition to the photos I sent you just now and questions I have regarding the whereabouts of my [child's gender and name] I also located the map you have and it doesn't show [child's pronoun] grave nor that of my grandparents or my parents which I find odd to say the least.

[6] The City responded via email on November 18, 2024:

...I have looked at our cemetery map vs our cemetery records. We do show [first, middle and last name of child] in [burial plot location], however, there looks to be a typing error on the first name on the cemetery map, which we can correct.

For your aunts and uncles, may I ask what their names were, and I can search for you and email you the information?

Regards to the concerns you may have for removal of the headstone, if you could please provide the year that this was done as per your concern I can then discuss this with our public works management team so they can verify everything with their records.

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

[7] On November 19, 2024, the Applicant responded to the City with the following:

...if you look at the main picture from [Year] u will see a black head stone at the foot of [child's first name]'s grave if you look at the other more recent picture u will see that the grave at the foot of [child's first name]'s grave is grey

The black headstone remained there for many years u sat on that head stone many times over the years until the truck had removed the full row of headstones onto his truck.

I am certain if [they] reported the work to the city while they were planning to lay concrete to place the headstones, that you should have a date on which I would like you to report that information to me.

I have other photos that show [child's first name]'s grave is not where it was in 1977 which more than upsets me as well as my family members who have now other family members buried there.

My information and photos plus knowledge of the removal of [child's first name]'s headstone and several others show concern of where the placement of this people who passed and where now are laid to rest.

Please contact me when u return back to work to discuss this important matter and let me know with my findings how the city of Melville plans to prove where my [child's gender and first name] now is.

When my time comes I do need clarification of where my baby is so I am laid to rest with [pronoun] not someone else.

The City of Melville by law can't remove a headstone with out notification to the owner of the plot, how this was done and all the owners of those plots had no idea and at this point in time no idea where their loved ones are.

...

[8] On November 23, 2025, the Applicant requested a review of the City's decision by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

[9] On April 2, 2026, OIPC notified the City and the Applicant that a review of the City's decision to withhold the requested records in part pursuant to section 28(1) of *LA FOIP* would commence, along with a review of the City's search efforts. OIPC requested that the City provide a copy of the records at issue and an index of records by May 4, 2026. Both parties were invited to provide submissions by June 1, 2026.

- [10] On May 4, 2026, the City provided a copy of the records at issue and an index of records to OIPC.
- [11] On June 1, 2026, the City provided OIPC with a submission. The Applicant did not provide a submission.
- [12] Upon reviewing the records withheld, OIPC determined that records 10 and 11, that the City had withheld in part, were emails between the Applicant and the City. In an effort towards early resolution, OIPC emailed the City on June 1, 2026, to ask if the City would reconsider the application of section 28(1) of *LA FOIP* to records 10 and 11. The City agreed and released records 10 and 11 in full to the Applicant on June 2, 2026, and provided a revised index of records to OIPC.
- [13] On June 2, 2026, the Applicant emailed OIPC the following:
- ...there are email responses that are missing [from Records 10 and 11] I would request those responses...
- [14] For clarity, the Applicant was looking for email responses from the Director of Public Works and Planning and the City Manager.
- [15] The City performed an additional search and provided the missing email responses in an email to the Applicant and OIPC on June 12, 2026. This search effort satisfied the Applicant with respect to missing email responses between the Director of Public Works and Planning and the City Manager in Records 10 and 11. However, this did not fully satisfy the Applicant in terms of the adequacy of its overall search.
- [16] On August 13, 2026, the Applicant stated they were no longer interested in some of the information withheld in records 4 and 5.³ This information will not be considered in this review.

³ The Applicant is not interested in the following information as it relates to the deceased individuals in records 4 and 5: sex/marital status, previous occupation, cause of death, the name of the physician at the time of death. The Applicant is also not interested in a paid receipt number.

II RECORDS AT ISSUE

[17] Three records withheld in part remain at issue. The information withheld in the records at issue are outlined below:

- **Record 3** is a one-page spreadsheet titled, “Cemetery Burials Spreadsheet”. The City released information on deceased individuals in the cemetery. The City withheld the following information from rows 2, 8 and 9 from Record 3:

√ = withheld

Row #	Section	Block	Plot	Last Name	First or Given Name
#2	√	√	√	√	√
#8	√	√	√	√	√ redacted but blank
#9	√	√	√	√	√ redacted but blank

- **Record 4** is a one-page spreadsheet, titled, “Cemetery Spreadsheet”. The data elements in the following rows and columns (A to I) of this spreadsheet, which pertain to living individuals with reservations for the cemetery, are withheld.⁴ These headings are found on the record, with the exception of heading A which our office added for clarity

⁴ The City withheld a receipt number but the Applicant has indicated they are not interested in it.

Row #	A Interment Rights ⁵ chosen (Burial or Cremation) or Reserved	B Section	C Block	D Plot	E Last Name	F Given Name	G ⁶ Date of Birth	H ⁷ Date of Death	I ⁸ Date of Burial
225	✓	✓	✓	✓	✓	✓	✓ redacted but blank	✓ redacted but blank	✓ redacted but blank
242							✓		
243	✓	✓	✓	✓	✓	✓	✓ redacted but blank	✓ redacted but blank	✓ redacted but blank

- **Record 5**, is a one-page spreadsheet, titled, “Cemetery Book”⁹, the data elements in the following rows and columns (B, C, D and N), which pertain to living individuals only, of this spreadsheet are withheld:

⁵ [*The Cemeteries Act, 1999*](#), SS 1999, c. C-4.01, as amended. Section 2(o) defines “interment rights” as the right to use a lot for the purpose of the interment of human remains or cremated human remains.

⁶ Date of birth was redacted in record 4 for rows 225 and 243 but is blank in the original record. Instead of date of birth in row 242, a comment on burial placement plan for one individual appears. Therefore, date of birth will not be considered in this Review.

⁷ Date of death redacted in rows 225 and 243 of record 4 will not be considered as the Applicant is only interested in the living individuals with reservations in the cemetery and in the rows in question the date of death field is blank.

⁸ Date of burial was redacted in rows 225 and 243 of record 4 but these fields are blank in the original record, therefore date of burial will not be considered in this Review.

⁹ The City also withheld the sex and marital status, occupation, cause of death and name of physician at time of death which the Applicant had indicated they were no longer interested in.

Row #	B Section	C Lot	D Name	N Remarks
72	√	√	√ redacted first (or given) and last name of one individual	√ chosen method of interment ¹⁰
73	√	√	√ redacted first name (or given) and last name of two individuals and comments re: reserved interment rights	

[18] The Applicant also raised concerns that the City did not conduct a reasonable search. As such, this Report will address the search efforts first in the next segment of this Report.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

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

2. Did the City conduct a reasonable search for records?

[20] This review of search efforts was initiated because the Applicant requested access to records that the City stated it could not find. Specifically, the Applicant believes that the City may have permits for a concrete-placing project which took place in the early 1980’s.

[21] Section 5 of *LA FOIP* provides an applicant with a right of access to records in the possession or control of a local authority. Section 5 of *LA FOIP* states:

Right of access

5 Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a local authority.

¹⁰ This portion of the redacted record was cut off on the version provided to the Applicant but is visible on the version provided to this office.

[22] Therefore, to comply with section 5 of *LA FOIP*, a local authority must demonstrate it conducted a reasonable search for responsive records. To evaluate whether a reasonable search has been demonstrated, OIPC must first define the following relevant terms:¹¹

- A “reasonable search” is one where an experienced employee expends a reasonable effort to locate records that are reasonably related to the request.
- A “reasonable effort” is the level of effort one would expect of any fair, sensible person searching areas where records are likely to be stored. What is reasonable depends on the request, itself, and related circumstances.
- While a “reasonable” search must be demonstrably comprehensive and thorough, applicants cannot hold fanciful expectations that a local authority will conduct an “exhaustive” search in fulfillment of their request. A local authority need not prove with absolute certainty that further records responsive to the Applicant’s request do or do not exist, only that it conducted a “reasonable” search for records.

[23] When a local authority receives notice from OIPC requesting details of its search efforts, some or all of the following may inform the local authority’s submission with respect to the search that was conducted:¹²

- When personal information is requested – provide an explanation as to how the individual who is the subject of the personal information is involved with the local authority (i.e. Client, employee, former employee, etc.) and why certain departments/divisions/branches were included in the search.
- Identify the employee(s) involved in the search and explain how the employee(s) is experienced in the subject matter and would have the requisite knowledge to carry out the search.
- 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, whether the records are classified by alphabetical letter, year, function, subject. Explain which folders within the records management system were searched and how these folders link back to the subject.

¹¹ OIPC [Review Report 183-2025](#) at paragraph [17].

¹² OIPC [Review Report 076-2025](#) at paragraph [54]. The above list is meant to be a guide. Each case will require different search strategies depending on the nature of the records requested.

- Explain which folders within the records management system were searched and how these folders link back to the subject matter. For electronic folders – indicate what key terms were used to search if applicable.
- Provide a copy of the record schedule for the local authority and screen shots of the electronic directory (folders & subfolders).
- Explain whether records are stored off-site and whether they were searched.
- Explain whether records in the control of the local authority as well as in the possession of a third party were searched and outline method of search.
- Explain whether mobile electronic devices were required to be searched and how (i.e., laptops, smart phones, cell phones, tablets).
- Indicate the calendar dates of each search.
- Indicate the length of the search.
- Indicate the results of each search if more than one search was conducted.
- Consider having the details (above) affirmed or sworn by an employee in an affidavit.

[24] When an applicant requests a review of the search efforts of a local authority, both the applicant and the local authority are invited to provide submissions. An applicant must demonstrate some evidence that goes beyond mere suspicion that a local authority has failed to produce records either as the result of an unreasonable search or by failing to release responsive records.¹³

[25] In doing so, an applicant may:¹⁴

- Prove that they are in possession of a copy of a responsive record not released by the local authority, and/or
- Attest that they had previously encountered a copy of a responsive record not released by the local authority.

¹³ *Blank v. Canada (Minister of the Environment)*, [2000] FCJ No. 1620 at paragraph [11].

¹⁴ *Supra*, at footnote 11 at paragraph [20].

[26] In the present case, the Applicant sent an email to OIPC on March 21, 2026, providing pictures of their child's grave which shows a significant change in the environment. The Applicant asserted:

I am not satisfied with the City's response indicating that no records were located. Based on the materials available to me, it is reasonable to expect that records relating to permits, approvals, or authorization for this work should exist.

Attached for your reference are the following:

- A 1987 Public Works and Engineering report from the City of Melville describing the installation of concrete runners and structural work within the cemetery;
- A historical photograph showing the placement of my [child's] headstone and surrounding area prior to the identified work;
- Correspondence from Christie's Funeral Home confirming the recorded burial location.

These materials indicate that significant work was undertaken in the cemetery and that specific burial locations were documented. Given the scale and nature of this work, I believe it is reasonable to expect that records relating to permits or authorization should exist and be retrievable.

I would also like the OIPC to consider whether the City's response adequately addressed all aspects of my request, including records relating to any work that may have affected the placement or relocation of grave markers.

[Emphasis added]

[27] In addition, the Applicant emailed OIPC on June 3, 2026:

The city still has not disclosed the records of the permits or tender for the concrete work that was done on the graves, I feel strongly that since they provided the report on the runners there would be permits as such for the work down at the municipal graveyard and grave site of my [minor child].

Back in those years there was one concrete company as being Abel's Concrete, I have contacted the person who bought that company and he agreed that any concrete work done would require permits, those are the records I have on an ongoing basis requested from the City of Melville.

If you could help me in that matter it would be greatly appreciated then I could contact the present owners of that concrete company and ask for archived records.

[28] In a follow up email from the Applicant to OIPC on June 4, 2026, the Applicant wrote:

I would like to add some additional information the runners in question and the work that commenced back in the city's maintenance work report by [the City Engineer] would have warranted permits from the commencement of the work for the city of Melville to authorize, also in saying that this work of concrete runners has been an ongoing process to date.

I am certain the city would have those records as it's been ongoing work done for decades so those records are very important because they would include yardage and measurements of the concrete laid per row and section and depth would also be an important measurement as per the maintenance work order.

They would also have record for certain in respect to costs as not only the cost of the work done but the loads of concrete provided for each row or runners poured.

[29] The *Public Works and Engineering Department Report* on the Melville Municipal Cemetery noted that concrete runners were added to the cemetery in 1987:

RUNNERS

- Concrete runners have been constructed in all the developed areas in the new A, B, & C sections of the Cemetery. (Plan enclosed A & B)

- Consideration for using single row runners should be given as complaints have been received stating that monograms engraved on the back of headstones become obscured by the second row of headstones.

[30] On June 1, 2026, the City submitted:

Under section 5.1 of LA FOIP, a local authority must respond to applicants openly, accurately, and completely. The City of Melville has fully met and exceeded this expectation.

Prior to this formal request, we have actively cooperated with the applicant over an extended period, spanning from 2024 to present. We have provided numerous municipal records and addressed questions informally outside of the legislative process, including offering several opportunities for in-person meetings, as documented in records 10 and 11 of Index of Records.

During the search for records, a cemetery progress report dated July 21, 1987, was located. The report documented as Record 09 on the Index of Records indicated that improvements were being made during this period, including several newly developed sections where concrete runners were constructed. Although it did not include any permits or indicate removal of headstones, it was thought that this record may provide context regarding the project that was underway and offer some clarity to the applicant. The transition to a formal request was not caused by a lack of transparency. These limited redactions applied only fulfill our legal duty to protect third-party privacy.

...

A thorough and targeted search was conducted by the City Clerk including the following areas:

- **Physical Locations:** Four historical vaults, cemetery logbooks, and administrative files
- **Digital Locations:** SharePoint, cemetery database folders, and relevant employee email archives
- **Digital Search Keywords:** cemetery, burials, permits, concrete paving, cemetery project, and related terms were searched both individually and in combination, including phrases such as “cemetery permit.”
- **Time Allotted:** The search was conducted over the course of a few business days, totaling approximately 15-22 hours. While the time tracked is not precise, this realistic estimate reflects the extensive, multi-day effort required to manually review over ten years of historical cemetery documents.

[31] The City provided a lengthy submission that included the following search strategy that OIPC has presented in the following tables:

Record	Key words/Locations	Records Found
Records Retention Spreadsheet	burial	Three records found, one within time period requested
	cemetery	91 records found, 11 within time period requested

	[Last name of Applicant's deceased child]	0 results
	project	60 records found, one within time period requested
	concrete	Four records found, none of relevance
SharePoint Search Search Parameters: searched with and without the specified date of "January 1, 1977 – December 31, 1990"	burial cemetery cemetery concrete cemetery permit concrete concrete placing project [last name of the deceased] cemetery project	No records found relating to time period requested using specific data parameters Email correspondence and cemetery spreadsheets containing burial records found when specific data parameters were removed (released in full to Applicant)

Physical search of records		
Location	Search Parameter	Records Found
Old Records Room L2	Melville Municipal Cemetery Records 1975-1980	Burial and interment records located
Old Records Room L4	Melville Municipal Cemetery Records 1981	
Old Records Room Q7	Melville Municipal Cemetery Records 1931-2008	

Public Works Office (Hardcopies) MEZZ (Box 3)	Melville Municipal Cemetery Records 1966 - 1983	No records found in relation to applicant's request
Vault (hardcopies) H7 (Brown Box) – Cemetery Records and Brown Box		Burial and Interment records located
Infrastructure Records Room (Hardcopies) E2 Box 7		Cemetery Progress Report (1987)

Verbal Requests	
Verbal Requests	Spoke with employee that manages cemetery interments/inquiries and requested all email correspondence with applicant in relation to their request Requested Public Works Office MEZZ (Box 3) and reviewed the contents for any records relating to the request

- [32] The City also provided OIPC with a copy of the Record Retention and Disposal Bylaws. In the submission, the City asserted the following:

Record Retention and Disposal Procedures: Regarding the records for “permits for concrete-placing project” that could not be located, the City of Melville has authorized Records Retention and Disposal Bylaw, No 17/2019 and strictly adheres to it based on the approved retention schedule. Given the age of the records requested, and the fact that practices may have changed over time, it cannot be stated with certainty whether these particular historical records were ever possessed, controlled, retained, or created by the City. However, the absence of responsive records does not indicate the current search was inadequate but rather reflects the reality that older records may not always

have been retained, filed, or preserved in a manner that allows them to be located decades later.

[33] On August 20, 2026, the City provided responses to the OIPC bolded questions below:

For instance, does the City retain old permits in filing cabinets, boxes, in the vault, etc. or have those been scanned and retained in electronic folders (SharePoint or others), or were they destroyed at some point?

Permits are typically retained within files associated with the specific property to which they relate. Historically, these records have been maintained in property-specific files stored in filing cabinets or boxes contained within vaults, and/or designated storage areas. The locations searched were all those reasonably expected to contain responsive records, and no responsive permit records were located. The City is not aware of any additional locations that would be reasonably expected to contain responsive permit records and therefore considers the search complete.

If a record from 1987 was found, is it possible that the permits from a similar time period sought could also still exist? Please let us know why or why not.

Yes, it is possible that permits from the same time period could still exist, as the City located another record from 1987. However, the fact that a record from 1987 was located does not establish that the specific permits requested ever existed. Despite searches of the locations reasonably expected to contain responsive records, no responsive permit records were located.

[34] Based on the City's submission, the City spent a considerable amount of time searching and did find some records that satisfied the Applicant. As stated earlier, a "reasonable search" depends on the request and related circumstances. "Reasonableness" does not mean perfection, but rather an effort that is objectively diligent within the circumstances. The City conducted a search of the locations reasonably expected to store records such as permits and as such, has conducted a reasonable search.

3. Did the City properly apply section 28(1) of *LA FOIP* to the records?

[35] The City withheld certain data elements in Records 3, 4 and 5 (each record is one-page in length) under section 28(1) of *LA FOIP*.

[36] 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.

[37] Section 28(1) of *LA FOIP* is a mandatory exemption. Before considering the application of section 28(1) of *LA FOIP*, the first determination must be whether the information qualifies as “personal information” as defined by section 23 of *LA FOIP*. In order for information to be “personal information” it must: 1) be about an identifiable individual; and 2) be personal in nature.¹⁵

[38] The following information was withheld:

- Record 3: section, block, plot, last name and first name
- Record 4: interment chosen or reserved, section, block, plot, last name, given name, comment about burial placement
- Record 5: section, lot, full name and chosen method of interment

[39] The first determination is whether the withheld information of other individuals qualifies as their personal information pursuant to section 23(1) of *LA FOIP*. Section 23(1)(k) of *LA FOIP* is relevant for this review:

Protection of Privacy - 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:

...

(k) the name of the individual where:

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

¹⁵ OIPC [Review Report 321-2025](#) at paragraph [77].

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

[40] The interment rights (choice of burial or cremation) and the selected location of the reserved gravesite taken together both qualify as personal information as a name is connected to a final resting place which reveals personal information about an individual.¹⁶ The first and last names of the living individuals withheld by the City do reveal personal information as it is linked to other personal information about them.¹⁷

[41] The City is withholding the information pursuant to section 28(1) of *LA FOIP* because personal information of the living individuals is involved and there is no consent for the release of this information. In the City's submission, they argued the following:

...Because these individuals are still alive, this data constitutes personal, end-of-life planning information under section 23(1). While *The Cemeteries Regulations* require public register for the deceased, there is no legal requirement to publish records of living plot holders. We are prohibited from disclosing this personal data without their consent.

[42] Sections 25 of *The Cemeteries Regulations, 2001*,¹⁸ speaks to the register and provides as follows:

Register of interments

25(1) An owner shall maintain a register, separate from the register described in section 24, and shall record in it:

(a) with respect to every deceased person whose human remains are interred in the cemetery:

(i) the person's name;

(ii) the location of interment;

¹⁶ OIPC [Review Report 335-2025](#) at paragraph [18].

¹⁷ Our office has previously found that first and last names of individuals constitute personal information if the disclosure of the name itself would reveal personal information about the individual (in this case end of life planning). See OIPC [Review Report 291-2024](#) at paragraph [26].

¹⁸ [The Cemeteries Regulations, 2001](#), RRS c C-4.01 Reg 1 (November 1, 2001), as amended.

(iii) the date of interment;

(iv) the date of death and the gender of the deceased person; and

(v) the date of birth, if known;

...

(2) An owner shall maintain a register of cremated human remains interred or scattered in the cemetery, if the owner has been paid for or has authorized interment or scattering, and shall record in it:

(a) with respect to every deceased person whose cremated human remains are interred or scattered in the cemetery:

(i) the person's name;

(ii) the location of interment, if applicable;

(iii) the date of interment or scattering;

(iv) the date of death and the gender of the deceased person; and

(v) the date of birth, if known; and

(b) the particulars of every disinterment or removal of any cremated human remains interred in the cemetery.

(3) The records required pursuant to this section must be available to any person during reasonable business hours on request.

[Emphasis added]

[43] Section 25 of *The Cemetery Regulations, 2001* speaks to deceased individuals. The information being withheld in records 3, 4, and 5 relate to living individuals and includes:

- Reserved section, block and plot number
- First (given) and last names
- Interment Rights (choice of cremation or burial)

[44] We note that sections 24(1) and (2) of *The Cemeteries Regulations, 2001*,¹⁹ also deals with interment rights and provides as follows:

Register respecting interment rights

24(1) An owner shall keep a register in which the owner shall enter:

(a) the name and address of every buyer of interment rights in the cemetery;
and

(b) a record of every transfer of interment rights in a lot in the cemetery.

(2) Information from the register is to be available to any person on request.

[Emphasis added]

[45] The term “buyer” is defined at section 2(c) of *The Cemeteries Act, 1999*²⁰ as follows:

2 In this Act:

...

(c) **“buyer”** means a person who enters into one of the following contracts with an owner:

(i) a prepaid cemetery contract;

(ii) a contract for cemetery services or cemetery supplies that is not prepaid;

(iii) a contract for interment rights;

[46] The terms “interment rights” and “owner” are defined at section 2 of *The Cemeteries Act 1999* as follows:

2 In this Act:

...

(o) **“interment rights”** means the right to use a lot for the purpose of the interment of human remains or cremated human remains;

...

¹⁹ *Ibid.*

²⁰ *Supra*, at footnote 5.

(u) “**owner**” means the owner of a cemetery;

[47] On October 2, 2026, The City provided responses to OIPC bolded questions below:

- 1) **If the City maintains such a registry (as described in paragraph [44]);**
- 2) **if any of the data elements that were withheld on the record responsive to this access to information request are found on that registry; and**
- 3) **if so, which ones?**

The City maintains cemetery records in both electronic and historical formats. Information relating to burials and interments is maintained separately from information relating to the purchase, ownership, billing, and administration of interment rights, although some information may overlap and appear on both sets of records.

The responsive records consist of burial permits, interment records, historical registers, and cemetery spreadsheets, and contain information relating to the deceased and their interment. They do not identify the purchaser of a plot or the purchaser’s address. No responsive records identifying the purchaser of the plot or the purchaser’s address were located during the search.

The information withheld from the responsive records consisted of cause of death, marital status, occupation, and attending physician information. This information is found within the City’s historical burial and interment records maintained as part of the City’s cemetery record-keeping system.

[Emphasis Added]

[48] We conclude that none of the withheld information is publicly available through registries and, as such, this information qualifies as personal information pursuant to section 23(1) of *LA FOIP*.

[49] Once first and last name of living individuals within Records 3, 4 and 5 are redacted so that the record is de-identified of personal information, the remaining data elements will be sufficiently unidentifiable to be releasable.

- [50] The City should continue to withhold any first and last names of living individuals with reservations in the cemetery pursuant to section 28(1) of *LA FOIP* but release the remaining data elements associated with those names.²¹

IV FINDINGS

- [51] OIPC has jurisdiction to undertake this review pursuant to PART VI of *LA FOIP*.
- [52] The City did conduct a reasonable effort to search for responsive records.
- [53] The City properly applied section 28(1) of *LA FOIP* to the first and last names of the living individuals in records 3, 4 and 5, but not the remaining the data elements withheld.

V RECOMMENDATIONS

- [54] I recommend the City take no further action regarding search.
- [55] I recommend that the City de-identify the personal information by redacting any first and last names of the living individuals on the line items withheld in records 3, 4 and 5 and release the remaining data elements to the Applicant within 30 days of issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 8th day of October, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner

²¹ OIPC [Review Report 187-2025](#) at paragraph [34].