



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 321-2025¹

Rural Municipality of Weyburn

June 24, 2026

Summary:

The Applicant submitted an access to information request to the Rural Municipality of Weyburn (RM) for records related to the Seven Stars Wind Project. Specifically, the Applicant requested the communications between the RM and a third party, Enbridge Incorporated. The RM withheld the record in full under sections 16(1)(b) (consultations and deliberations), 16(1)(e) (information, including proposed plans, policies or projects of the local authority), and 18(1)(b) (confidential technical information supplied by a third party) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.

The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) with respect to the RM's application of exemptions to the record.

During the process of this review, the RM released portions of the record in full, and in part, to the Applicant. The RM also applied the mandatory exemption under section 28(1) (personal information of a third party) of *LA FOIP* to two pages of the record and withheld portions of two pages of the record as non-responsive to the Applicant's access to information request.

In total, the RM continued to withhold nine pages of the record in part, and three pages of the record in full, pursuant the exemptions noted above.

Following the release of portions of the record, the Applicant requested OIPC review the search efforts of the RM and an additional review was subsequently initiated.

¹ The other OIPC file number associated with this matter is 077-2026.

The Commissioner's findings included:

- (1) The RM conducted a reasonable search for responsive records;
- (2) The RM properly applied section 16(1)(b) of *LA FOIP* to the redacted portions of pages 69, 72, 87, 136 to 138, and to page 140 in its entirety;
- (3) The RM did not properly apply section 18(1)(b) of *LA FOIP* to page 167;
- (4) The RM properly applied section 18(1)(b) of *LA FOIP* to page 168 in its entirety;
- (5) The RM did not properly apply section 16(1)(e) of *LA FOIP* to page 167;
- (6) The RM did not properly apply section 28(1) of *LA FOIP* to page 142; and
- (7) The RM properly withheld the redacted portions on pages 135 and 166 as non-responsive.

The Commissioner recommended that the RM:

- (1) Take no further action regarding the search for records.
- (2) Continue to withhold the redacted portions on pages 69, 72, 87, 136 to 138, 140 in its entirety pursuant to sections 16(1)(b) and 18(1)(b) of *LA FOIP*,
- (3) Continue to withhold page 168 in its entirety pursuant to section 18(1)(b) of *LA FOIP*;
- (4) Release pages 142 and 167 of the record to the Applicant in full within 30 days of this Report being issued; and
- (5) Continue to withhold the portions of pages 135 and 166 it properly identified as non-responsive with respect to the Applicant's access request.

I BACKGROUND

[1] On November 20, 2025, the Applicant paid the \$20.00 application fee and at the same time, emailed an access to information request form to the Rural Municipality of Weyburn (RM) for the following:

All records including documents, inquiries, communication records, notes, emails, text messages, phone calls between Enbridge, Enbridge affiliates/employees, Seven Stars Wind Project affiliates/employees and RM of Weyburn administrator, RM of Weyburn development officer, and RM of Weyburn employees pertaining to applying for or an application for a development permit for the Seven Stars Energy wind project or Enbridge and any of its affiliates.

[2] On November 28, 2025, the RM issued a section 7 decision to the Applicant which indicated it withheld all requested information under sections 16(1)(b), 16(1)(e), and 18(1)(b) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.²

[3] On December 2, 2025, the Applicant requested a review of the RM's application of the exemptions by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

[4] On December 2, 2025, OIPC corresponded with the RM to request the contact information for the third party, Enbridge Incorporated (Enbridge).³ OIPC also advised the RM to provide notice of the request for review to Enbridge as required by section 41 of *LA FOIP*. The RM complied on December 9, 2025.

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

³ Enbridge webpage, [About us](#), Enbridge is a diversified energy company based out of Calgary that specializes in renewable energy projects along with gas utilities and storage as well as liquids and natural gas pipelines.

- [5] On December 16, 2025, this office notified the Applicant, the RM and Enbridge that a review of the RM decision to withhold the record in full under sections 16(1)(b), 16(1)(e), and 18(1)(b) of *LA FOIP* would commence. OIPC requested that the RM provide a copy of the records at issue, and an index of records along with all third party correspondence. All parties were invited to provide submissions on the matter.
- [6] On January 22, 2026, the RM issued an amended section 7 decision. In that amended decision, the RM referred the Applicant to published material on its website. In addition, the RM released some records in full to the Applicant and withheld others in full or in part, pursuant to the exemptions noted at paragraph [5] on this Report. Finally, the RM applied section 28(1) of *LA FOIP* to portions of these pages and also withheld portions of the record as non-responsive.
- [7] The RM provided OIPC with its index of records on January 22, 2026, a copy of the records on January 23, 2026, and all third party correspondence on January 26, 2026. OIPC reviewed the records and noted that the remaining records at issue were approximately 1,433 pages organized into 11 separate documents.
- [8] Between the dates of January 29 to March 4, 2026, OIPC communicated with the Applicant several times regarding the records and information released by the RM. During this timeframe, the Applicant indicated that they were no longer interested in Documents 4 to 11 along with various pages contained within Documents 1 and 2. This reduced the records at issue to 70 pages.
- [9] On February 9, 2026, the Applicant provided OIPC with arguments regarding the possible existence of additional records beyond what had been provided. The Applicant submitted a request for a review of the RM's search efforts on February 25, 2026.
- [10] OIPC received submissions from Enbridge on February 12, 2026, and from the RM on February 13, 2026. The Applicant provided a submission to OIPC on February 17, 2026.

[11] On February 26, 2026, Enbridge communicated to OIPC and the RM that it consented to the release of third party information contained in Documents 1 and 2. Following the consent to release from Enbridge, the RM completed a revised index of records and released additional pages to the Applicant on March 6, 2026. This further reduced the records at issue to 12 pages.

[12] On March 10, 2026, OIPC notified the RM, and the Applicant that a review of the RM’s search efforts would commence. OIPC requested that each party provide submission on the matter which each party did on April 7 and April 8, 2026, respectively.

II RECORDS AT ISSUE

[13] As the result of successful negotiations between this office and the various parties to this matter, there are now only 12 pages of records remaining at issue. Nine pages of the record were withheld in part, and three pages of the record were withheld in full as follows:

Page Numbers	Description	Exemptions Applied by the RM
69 and 72	Emails	Partially withheld under section 16(1)(b) of <i>LA FOIP</i>
87 and 137	Emails	Partially withheld under section 16(1)(b) of <i>LA FOIP</i>
135 and 166	Phone call notes	Partially withheld as non-responsive
136 and 138	Emails	Partially withheld under sections 16(1)(b) and (e) of <i>LA FOIP</i>
140	Phone call notes	Fully withheld under sections 16(1)(b) and (e) and portions withheld under section 28(1) of <i>LA FOIP</i>
142	Email	Partially withheld under section 28(1) of <i>LA FOIP</i>
167 and 168	Wind Turbine Overview	Fully withheld under sections 16(1)(e) and 18(1)(b) of <i>LA FOIP</i>

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[14] The RM qualifies as a “local authority” pursuant to section 2(1)(f)(i) of *LA FOIP*. *LA FOIP* is engaged and OIPC has jurisdiction under PART VI of *LA FOIP* to undertake this review.

[15] A third party is also engaged in this review. Section 2(1)(k) of *LA FOIP* defines a “third party” as a person, including an unincorporated entity, other than an applicant or a local authority. As Enbridge is neither the applicant nor a local authority, Enbridge qualifies as a third party for purposes of this review.

2. The reasonableness of the RM’s search for records

[16] The Applicant provided arguments as to why additional records should exist beyond what had been provided. Specifically, the Applicant sought notes from telephone calls and Teams meetings between the RM and Enbridge that the Applicant believed must exist.

[17] 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* provides:

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.

[18] To comply with section 5 of *LA FOIP*, the RM must demonstrate that it conducted a reasonable search for responsive records. It does not need to prove with absolute certainty that further responsive records do or do not exist, only that it made reasonable efforts to search for these records and justify these efforts by providing OIPC with the details of how the search for records was conducted.

[19] 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 considered to be the level of effort you would expect of any fair, sensible person who searches areas where records are likely to be stored. What is reasonable depends on the nature of the request and related circumstances.⁴

[20] OIPC has developed a list of search strategies that a local authority may use to substantiate a reasonable search for records. A local authority can provide OIPC with some or all of the following details to demonstrate that it conducted a reasonable search for records:⁵

- For personal information requests – explain 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.
- 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 the 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 whether records stored off-site were searched and if not, explain why.

⁴ OIPC [Review Report 183-2025](#) at paragraph [17].

⁵ OIPC [Review Report 163-2025](#) at paragraph [15]. The list is meant to be a guide. Each case will require different search strategies depending on the nature of the records requested.

- Explain whether records that are in the control of the local authority, as well as in the possession of a third party, were searched and outline the method of search. Third parties in this instance may include: a contractor or an information management service provider.
- Explain how a search of mobile electronic devices was conducted (i.e., laptops, smart phones, cell phones, tablets) and if not, why.
- 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.
- Indicate the calendar dates each employee searched.
- Indicate how long each search took for each employee.
- Indicate what the results were for each employee’s search.
- Consider having the employee provide an affidavit to support the position that no record exists or to support the details provided.

[21] The RM warranted that it undertook a “comprehensive and diligent search for all records reasonably responsive to the request”. It indicated that all three RM office staff members participated in this search for records, which included the RM’s Administrator, Assistant Administrator and Development Officer. The RM submitted these employees were competent in their knowledge of the RM record-keeping systems, filing practices, and the potential locations of responsive records. Further to this, the RM explained:

Each employee, as an expert in their own record-keeping practices and familiar with both notebooks and digital filing systems, contributed to reviewing paper files, handwritten notes, and electronic records to ensure that all responsive records were identified.

[22] The RM asserted that its filing system of electronic and paper documents was well organized and that the following areas were searched:

- RM email accounts (inbox, sent items and deleted items);
- Saved Microsoft Teams chats and meeting records;

- Digital files on shared network drives, individual computer drives and relevant electronic folders; and
- Physical filing locations such as desks and filing cabinets.

[23] In relation to the Applicant's request for notes on the telephone calls and Teams meetings with Enbridge, the RM indicated:

Each staff member maintains a notebook at their workstation where notes from phone calls or meetings may be recorded. Each employee spent approximately half an hour to one hour reviewing their respective notebooks for responsive records. Any notes identified during these searches were immediately included in the index of records and submitted as part of the initial compilation. Any notes from phone calls or Microsoft Teams meetings identified during this search have been included in the index of records.

...

It is important to note that RM staff do not document information from every phone call or Microsoft Teams meeting. Staff members exercise their professional discretion in determining whether notes are necessary and what information should be documented. As a result, not all communications result in the creation of written records.

[24] The Applicant referred to the responsive record and suggested that several telephone conversations or meetings between the RM and Enbridge *could* have occurred on April 3 and 24, 2025, October 2, 9, and 23, 2025, as well as November 4, 2025. The Applicant asserted that only some of these telephone calls were documented with notes and previously provided in the responsive records. Further, the Applicant indicated that the email chains showed "gaps in communication" between the RM and Enbridge and that "there must have been phone calls or text messages to fill in [these] gaps".

[25] OIPC relayed these concerns to the RM. The RM explained that during those specific communications, no notes were taken by RM employees, and this explains why no additional records exist.

[26] The Applicant expected the RM to request from Enbridge any notes from Enbridge employees with respect to the aforementioned telephone calls and Teams meetings. Section 5 of *LA FOIP* provides that applicants only have a right to request access to records that

are in the possession and/or control of the local authority. This means that the local authority must physically possess the record and have the authority to manage the record including restricting, regulating, and administering its use, disclosure, or disposition.⁶ Enbridge is a separate entity, its records are not within the control of the RM. The RM is not required and does not have the jurisdiction to retrieve records from Enbridge related to these telephone calls or Teams meetings.

[27] The Applicant was also dissatisfied with the lack of RM documentation with respect to these outlier calls and Teams meetings that they suspected had occurred. Applicants must demonstrate a plausible suspicion that a local authority has failed to either release a responsive record, and/or conduct a thorough search for responsive records and must substantiate their claim.⁷ The Applicant did not satisfy this evidentiary hurdle.

[28] *LA FOIP* does not impose a “duty to document” obligation that would require public bodies to create records of their day-to-day business activities.⁸ As such, this office is only able to evaluate the reasonableness of the RM’s search efforts for records.

[29] As noted, the threshold to be met regarding the search for records is one of “reasonableness.” In other words, a standard of perfection is not necessary, what is required is a search that any fair and rational person would expect or consider acceptable. *LA FOIP* also does not require a local authority to prove with *absolute certainty* that records are non-existent. A local authority still must demonstrate that it made reasonable efforts to physically search.⁹

⁶ OIPC [Review Report F-2008-002](#) at paragraph [35].

⁷ *Supra*, footnote 4 at paragraphs [19] and [20], and [Review Report 254-2024](#) at paragraph [23].

⁸ OIPC [Review Report 158-2018](#) at paragraph [19].

⁹ OIPC [Review Report 077-2025](#) at paragraphs [14] and [17].

[30] The RM clearly outlined its search for responsive records through all relevant physical and electronic areas. It also engaged experienced employees who spent a reasonable amount of time and effort in the performance of this search.

[31] Given the thoroughness of the search outlined in this Report, we find that the RM demonstrated a reasonable search was conducted for records responsive to the Applicant's request.

3. The application of Section 16(1)(b) of *LA FOIP*

[32] The RM applied section 16(1)(b) of *LA FOIP* to portions of the email chains on pages 69, 72, 87, and 136 to 138, as well as to the entirety of page 140, which contained notes related to a telephone call with Enbridge.

[33] Section 16(1)(b) of *LA FOIP* provides as follows:

Advice from officials

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

...

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

[34] OIPC uses the following two-part test to determine if a local authority has properly applied section 16(1)(b) of *LA FOIP*:¹⁰

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

¹⁰ OIPC [Review Report 174-2025](#) at paragraph [17].

[35] The following definitions are helpful in the understanding of the two-part test noted above:¹¹

- “Consultation” means the act of consulting or taking counsel together, or a deliberation or conference in which the parties consult and deliberate. A consultation can occur when the views of one or more officers or employees of a local authority are sought as to the appropriateness of a particular proposal or suggested course of action. It can include consultations about prospective future actions and outcomes in response to a developing situation. It can also include past courses of action. For example, where an employer is considering what to do with an employee in the future, what has been done in the past can be summarized and would qualify as part of the consultation or deliberation.
- “Deliberation” means the act of deliberating (to deliberate: to weigh in mind; to consider carefully with a view to a decision; to think over). It involves careful consideration with a view to coming to a decision, and the discussion of the reasons for and against a measure.
- “Involving” means to include. There is nothing in the exemption that limits the exemption to the participation of officers or employees of a local authority. Collaboration with others is consistent with the concept of consultation.
- “Employee” means an individual employed by a local authority and includes an individual retained under a contract to perform services for the local authority.
- The term “officer” is a high-ranking individual within the local authority who exercises management and administrative functions, and who derives their authority either from statute or from council.

[36] The Saskatchewan Court of King’s Bench has recommended an expansive approach to the interpretation of “consultations and deliberations”:¹²

[67] I accept that the concept of deliberation might suggest an intent to decide. Consultation appears to be a broader term, and need not have that objective, though the definition advanced by the Commissioner suggests that such an objective might be necessary. Consultation might reasonably occur at such an early stage of decision-making that it equates to information gathering to better

¹¹ *Ibid*, at paragraph [18].

¹² [Tarasoff v. Saskatoon \(City\)](#), 2025 SKKB 41 at paragraph [67].

inform proposal-development. If the Legislature intended to exclude discussions with persons that might not lead to decisions, it would have been a simple matter to include that notion in s. 16. It did not do so.

[Emphasis added]

- [37] The RM explained that it applied section 16(1)(b) of *LA FOIP* to portions of records because they contained consultations and deliberations involving its employees that were hired for the purpose of assisting Council in its decision-making process. The RM further specified:

The records also contain communications with employees of the local authority providing information and necessary documents to the third party as part of municipal requirements. Withholding these records is necessary because they contain sensitive third-party project and operational information not intended for public release.

...

Protecting this information ensures that Council can review and deliberate on the project impartially while maintaining consistent, transparent, and fair municipal procedures.

- [38] The RM indicated that the release of the withheld telephone call notes on page 140 of the record would reveal employee consultations with Enbridge regarding the submission of its documents and the processes for providing this documentation to RM administration. As such, it specified that these telephone call notes were withheld in full and indicated “the exempt information is intertwined with the remaining content and that severance is not reasonable.”

- [39] The Applicant asserted that information related to emails and telephone calls should not compromise any privacy issues. Specifically, they indicated that “the only reason to withhold such information would be if it did not correspond with what the RM council and public had been told verbally”. In short, this submission misses the entire focus of section 16(1)(b) of *LA FOIP* as well as the expansive instruction given by the Saskatchewan Court of King’s Bench.

- [40] Upon review, the withheld portions of information on pages 69, 72, 87, and 136 to 138 include email exchanges involving RM employees and Enbridge. The content of the email exchanges related to collaborative discussions between RM employees and Enbridge about Enbridge's potential project application, and the scope of the proposed wind farm project. These communications included consultations between the RM and Enbridge regarding relevant next steps in the application process and information gathering on behalf of both parties.
- [41] Emails that involve "information gathering" and the discussion of next steps related to internal processes qualify as consultations as defined by section 16(1)(b) of *LA FOIP*.¹³
- [42] The telephone notes on page 140 reflect the substance of a telephone call between the RM and Enbridge that included a consultation on the process Enbridge should follow in submitting documentation to the RM administration for consideration.
- [43] The content of the email chains and telephone call notes on the pages as outlined above, qualifies as consultations involving employees of the RM and others. Consultations are not limited solely to employees of a local authority.¹⁴ Consultations may also include collaborations with others, such as Enbridge in this case. Any information containing consultations between the employees of the RM and Enbridge is captured under section 16(1)(b) of *LA FOIP* and both parts of the test have been met.
- [44] The RM also applied section 16(1)(e) of *LA FOIP* to pages 136, 138 and 140 of the record. Since section 16(1)(b) of *LA FOIP* has already been found to apply to this information, there is no need to consider the RM's application of section 16(1)(e) of *LA FOIP* to these pages. Additionally, the RM's application of section 28(1) of *LA FOIP* to portions of page 140 will also not be considered in this review as section 16(1)(b) of *LA FOIP* has already been found to apply to this page in its entirety.

¹³ *Supra*, footnote 10 at paragraph [21].

¹⁴ *Supra*, footnote 12 at paragraph [75].

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

[45] The RM applied 18(1)(b) of *LA FOIP* to the entirety of pages 167 and 168. These pages were labelled as “Appendix 2-5 Wind Turbine Overview” in the RM’s index of records, which were released to the Applicant on January 22, 2026. Page 167 is an almost blank cover page and page 168 contains an engineering schematic (visual diagram).

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

Third party information

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

...

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

[47] OIPC uses the following three-part test to determine if section 18(1)(b) of *LA FOIP* was properly applied:¹⁵

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

1. Is the information financial, commercial, scientific, technical or labour relations information of a third party?

[48] The RM indicated that pages 167 and 168 were provided by Enbridge as part of its permit application and that disclosure of this information could compromise Enbridge’s competitive position or interests. The RM further described these pages:

They contain information relating to the proposed turbine components and the structure itself. Withholding these records is necessary because they include

¹⁵ OIPC [Review Report 098-2025](#) at paragraph [24].

sensitive technical and project-specific details that are not intended for public release.

[49] Since the RM's submission emphasized that the Wind Turbine Overview is comprised of primarily technical information, the following definition is relevant:¹⁶

- “Technical information” is information relating to a particular subject, craft or technique. Examples are system design specifications and the plans for an engineering project. It is information belonging to an organized field of knowledge which would fall under the general categories of applied sciences or mechanical arts. Examples of these fields would include architecture, engineering, or electronics. It will usually involve information prepared by a professional in the field and describe the construction, operation or maintenance of a structure, process, equipment, or thing. Finally, technical information must be given a meaning separate from scientific information.

[50] In its submission to OIPC, Enbridge did not expand on the nature of the information contained within pages 167 or 168, only that it objected to the release of this document.

[51] Based on a review of these pages, OIPC observed that page 168 contained professional engineering schematics related to wind turbines including diagrams of the turbines from various angles and detailed measurement specifications. It was further noted that this page was sourced by Enbridge from a private wind turbine supplier as the wind turbine diagrams on this page were labelled with that company's name and trademark.

[52] Diagrams containing specifications of a system may be considered “technical information”.¹⁷ The Office of the Information and Privacy Commissioner for British Columbia (BC OIPC) has found that information related to structural drawings and descriptions of structures qualify as “technical information”.¹⁸ As the wind turbine

¹⁶ OIPC [Review Report 141-2025](#) at paragraph [31].

¹⁷ *Ibid*, at paragraph [33].

¹⁸ BC OIPC [Order F26-22](#) at paragraphs [24] to [27].

overview on page 168 is of a similar nature, it is evident that the information on this page qualifies as technical information and the first part of the test has been met.

[53] Regarding page 167, it is a cover page with no proprietary data related to Enbridge or to technical information. The first part of the test is not met for page 167. Since the RM has also applied the exemption under section 16(1)(e) of *LA FOIP* to this page, an analysis on that exemption will be considered later in this Report.

2. Was the information supplied by the third party to a local authority?

[54] We now consider the second part of the test as it applies to page 168 only.

[55] “Supplied” means provided or furnished. Information may qualify as “supplied” if it was directly supplied to a local authority by a third party, or where its disclosure would reveal or permit the drawing of accurate inferences with respect to information supplied by a third party. In addition, the information can still be considered to have been supplied by a third party even when the record in question originates with the local authority, for example when the record contains or repeats information extracted from documents supplied by the third party.¹⁹

[56] The RM did not provide specific arguments related to whether the information was supplied by Enbridge; however, Enbridge asserted in its submission that page 168 was submitted to the RM along with the permit application, thus the second part of the test is met for page 168.

3. Was the information supplied in confidence implicitly or explicitly?

[57] Information supplied in “confidence” means that the supplier provided the information in a situation of mutual trust.

¹⁹ *Supra*, footnote 15 at paragraphs [35] and [38].

[58] To meet the third part of the test, the information must have been supplied either “implicitly” or “explicitly” in confidence. The RM must show that both parties intended the information to be held in confidence at the time the information was supplied. “Implicitly” means that confidentiality is understood, even though there is no actual agreement or statement of confidentiality. “Explicitly” means confidentiality has been clearly stated, by means of terms attached to the documentary evidence showing the information was supplied with the understanding the local authority would keep it confidential.²⁰

[59] Several factors are relevant to considering whether information from a third party was supplied in confidence including the following:²¹

- The information is communicated to the recipient on the basis that it was to be kept confidential;
- The actions of the recipient and the supplier demonstrate objective evidence of an expectation of, or concern for, the confidentiality of the information;
- The information was treated consistently by the supplier in a manner that indicates a concern for confidentiality; and
- The information was not otherwise disclosed or available from sources to which the public has access.

[60] Enbridge expressly indicated that it objected to the release of the “confidential appendices” submitted with its permit application to the RM. Enbridge warranted: “it is Enbridge’s understanding that the RM is in alignment with this position”.

[61] Enbridge also clarified on February 26, 2026, that it had deemed three of the appendices submitted to the RM as “confidential”. Page 168 is included in one of the confidential appendices.

²⁰ *Ibid*, at paragraphs [43] and [44].

²¹ Office of the Information and Privacy Commissioner for Nova Scotia’s [Review Report FI-12-01\(M\)](#) at paragraph [76], and the Office of the Information and Privacy Commissioner of Ontario [Order MO-4798](#) at paragraph [26].

- [62] Simply labelling a document “confidential” does not necessarily make the document confidential. Other indicators may be present in order to establish confidentiality.²²
- [63] OIPC reviewed email communications between the RM and Enbridge and noted that both parties used telling terminology when referring to this information, such as: “confidential appendices”. Both parties were in agreement that these confidential appendices should be fully withheld under section 18(1)(b) of *LA FOIP*.
- [64] It is also relevant that Enbridge supplied several appendices to the RM with the majority of these appendices publicly available on the RM’s website. Appendix 2-5, which includes page 168, was not made publicly available on the RM website.²³
- [65] The above factual evidence demonstrates that the information on page 168 was provided with an expectation of confidentiality and consistently treated in a confidential manner by both the RM and Enbridge. The information contained on page 168 was also not made available on any other public platforms, such as the websites of the RM or Enbridge.
- [66] OIPC agrees that page 168 of the record was supplied by Enbridge in confidence to the RM and the third part of the test has been met regarding the RM’s application of section 18(1)(b) of *LA FOIP* to the entirety of page 168 of the record. The RM also applied section 16(1)(e) of *LA FOIP* to page 168 of the record. Since section 18(1)(b) of *LA FOIP* has already been found to apply to this information, there is no need to consider the RM’s application of section 16(1)(e) of *LA FOIP* to this page.

5. The Application of Section 16(1)(e) of *LA FOIP*

- [67] The RM applied section 16(1)(e) of *LA FOIP* to page 167 of the record. This exemption provides as follows:

²² *Supra*, footnote 15 at paragraph [47].

²³ RM website, [Discretionary Use Application 2025-214 - Public Hearing Notice](#).

Advice from officials

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

...

(e) information, including the proposed plans, policies or projects of the local authority, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

[68] Section 16(1)(e) of *LA FOIP* as a discretionary exemption that permits refusal of access in situations where release of information, including proposed plans, policies or projects of a local authority, could reasonably be expected to result in disclosure of a pending policy or budgetary decision. The purpose of the exemption is to prevent premature disclosure of policy or budgetary decisions. Once a policy or budgetary decision has been taken and has been or is being implemented, the information can no longer be withheld under this exemption.²⁴

[69] OIPC uses the following two-part test to determine if section 16(1)(e) of *LA FOIP* was properly applied:²⁵

1. Is it information of the local authority?
2. Could disclosure reasonably be expected to result in disclosure of a pending policy or budgetary decision?

[70] The following is an analysis to determine if the two-part test is met.

1. Is it information of the local authority?

[71] In order to qualify as “information of the local authority”, the information may include the following:²⁶

²⁴ OIPC [Review Report 006-2024](#) at paragraph [40].

²⁵ *Ibid*, at paragraph [41].

²⁶ *Supra*, footnote 8 at paragraph [54].

- A “plan” – which is a formulated, especially detailed method by which a thing is to be done, or an intention or decision about what one is going to do;
- A “policy” – which is a standard course of action that has been officially established by the local authority; or
- A “project” – which is an enterprise carefully planned to achieve a particular aim.
- “Information” means facts or knowledge provided or learned as a result of research or study.

[72] The RM indicated that the information on page 167 related to a potential initiative and project plan that was “under consideration by Council or local authority staff at the time the records were created”.

[73] Upon review, OIPC noted that page 167 is a cover page for the overview of the project as supplied by Enbridge to the RM. This information relates to the Enbridge project, not a project of the RM, the local authority. The RM’s role in this matter is to consider Enbridge’s application and relevant information for the proposed project and either approve or deny the project in accordance with the *R.M. Zoning Bylaw*.²⁷

[74] The information relates to a proposed Enbridge project. This page does not involve information relating to a project of the local authority. The first part of the test is not met regarding page 167 of the record, and the exemption cannot apply. We further note that while Enbridge did not consent to the release of this page, it did not supply any helpful submissions to assist with the analysis.

6. The Application of Section 28(1) of *LA FOIP*

[75] The RM applied section 28(1) of *LA FOIP* to two words on page 142 of the record.

²⁷ [*R.M. Zoning Bylaw*](#) at page 45.

[76] 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.

[77] 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(1) 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.²⁸

[78] The RM redacted both the first name of a Council member from the RM and their pronoun. This information does not qualify as personal information under section 23(1) of *LA FOIP*, because the name is referenced in the individual’s professional capacity. OIPC notes that the RM Council members full names are publicly available on the local authority website.²⁹

[79] The Saskatchewan King’s Bench court has instructed that publicly available personal information of an individual’s professional status can be disclosed without the approval of the individual in question.³⁰

[80] As the information does not constitute personal information, section 28(1) of *LA FOIP* was not properly applied to page 142 of the record.

²⁸ OIPC [Review Report 221-2025](#) at paragraph [32].

²⁹ [The RM website, Meet our Council](#). Also listed on the Government of Saskatchewan, [Municipal Directory](#).

³⁰ [Schiller v Government of Saskatchewan \(Ministry of Education\)](#), 2025 SKKB 146 at paragraph [34]. See also, OIPC [Review Report 335-2025](#) at paragraph [23].

7. Non-responsive records

[81] The RM withheld portions of pages 135 and 166 as non-responsive to the Applicant's access to information request.

[82] When a local authority receives an access to information request, it must determine what information is responsive to the access request. "Responsive" means relevant and/or reasonably related to the request.³¹ "Non-responsive" means information that is not relevant to an access request. This may include information that is unrelated to the scope of the access request as well as to the stated timeframe and or/subject matter of the request.³²

[83] Both pages 135 and 166 are photocopies of handwritten notes documenting telephone calls between RM employees and members of the general public with respect to issues that are irrelevant to the nature and scope of this review. Our review revealed that the RM properly withheld portions of these pages as non-responsive and released the responsive information on these pages as it pertained to telephone calls between RM employees and Enbridge. The information withheld on pages 135 and 166 is non-responsive to the Applicant's access request.

IV FINDINGS

[84] OIPC has jurisdiction and has undertaken a review of this matter pursuant to PART VI of *LA FOIP*.

[85] The RM conducted a reasonable search for responsive records.

³¹ OIPC [Review Report 060-2025](#) at paragraph [10].

³² *Supra*, footnote 10 at paragraph [90].

- [86] The RM properly applied section 16(1)(b) of *LA FOIP* to the redacted portions of pages 69, 72, 87, 136 to 138, and to page 140 in its entirety.
- [87] The RM did not properly apply section 18(1)(b) of *LA FOIP* to page 167.
- [88] The RM properly applied section 18(1)(b) of *LA FOIP* to page 168 in its entirety.
- [89] The RM did not properly apply section 16(1)(e) of *LA FOIP* to page 167.
- [90] The RM did not properly apply section 28(1) of *LA FOIP* to page 142.
- [91] The RM properly withheld the redacted portions on pages 135 and 166 as non-responsive.

V RECOMMENDATIONS

- [92] I recommend that the RM take no further action regarding the search for records.
- [93] I recommend the RM continue to withhold the redacted portions of pages 69, 72, 87, 136 to 138 and page 140 in its entirety under section 16(1)(b) of *LA FOIP*.
- [94] I recommend that, within 30 days of the issuance of this Report, the RM release pages 142 and 167 to the Applicant in full.
- [95] I recommend the RM continue to withhold page 168 in its entirety under section 18(1)(b) of *LA FOIP*.
- [96] I recommend that the RM continue to withhold the portions of pages 135 and 166 it properly identified as non-responsive to the Applicant's access to information request.

Dated at Regina, in the Province of Saskatchewan, this 24th day of June, 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner