



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 335-2025

Horizon School Division No. 205

May 13, 2026

Summary:

The Applicant submitted an access to information request to Horizon School Division No. 205 (Horizon) asking for the name of the Quill Lake High School Valedictorian for a particular class year.

Horizon provided the Applicant with a section 7 decision letter that denied the Applicant access to the record in full, pursuant to section 28(1) (consent required to disclose third party personal information) of *The Local Authority of 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). The review considered the application of sections 28(1), 28(2)(p) (disclosure of personal information if publicly available), 3(a) (published material or available for purchase), 3(b) (matter of public record) and 4(a) (complements and does not replace existing procedures) of *LA FOIP*.

The Commissioner found that sections 28(2)(p), 3(a) and (b) of *LA FOIP* did not apply in this matter. However, the Commissioner did find that the access provisions in *LA FOIP* complements the existing procedures regarding access to yearbooks pursuant to section 4(a) of *LA FOIP* and though there was no consent pursuant to section 28(1) of *LA FOIP*, nonetheless recommended that within 30 days of the issuance of this Report that Horizon release the name and image of the valedictorian to the Applicant due to unique circumstances in this case.

I BACKGROUND

[1] On October 14, 2025, the Applicant submitted the following access to information request to Horizon School Division No. 205 (Horizon):

Who was the Quill Lake High School Valedictorian for the Class of [Year]?¹

[2] Horizon waived the \$20.00 application fee for the Applicant at the time of the request.

[3] On November 13, 2025, Horizon provided the Applicant with a section 7 decision letter informing them that it denied access to the responsive records, in full, under section 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.²

[4] On December 15, 2025, the Applicant submitted a request for review with the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).

[5] On December 17, 2025, OIPC notified Horizon and the Applicant that this office would be undertaking a review of the decision by Horizon to withhold the record in full under section 28(1) of *LA FOIP*. OIPC also advised Horizon and the Applicant that the Review may also consider sections 3 and 4 of *LA FOIP*. OIPC requested that Horizon provide a copy of the record at issue, and an index of records by January 16, 2026. Both parties were invited to provide submissions by February 17, 2026.

[6] On January 15, 2026, Horizon emailed OIPC a copy of the record (redacted and unredacted) as well as an index of records. Upon review, it was determined that Horizon was not withholding the record in full and had redacted only portions under section 28(1) of *LA FOIP*. OIPC also determined that the Applicant had not received a copy of the redacted record. OIPC requested Horizon send a copy of the redacted record to the Applicant. It did so on February 3, 2026. On February 4, 2026, the Applicant advised they were still not satisfied with the redacted record and requested the review continue.

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.

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

[7] On February 13, 2026, Horizon sent their submission to OIPC. The Applicant did not provide a submission to OIPC by the deadline. However, on March 9, 2026, the Applicant provided a submission to OIPC that included a complete copy of the record unredacted and arguments as to why the information should be publicly available.

II RECORDS AT ISSUE

[8] At issue is one page (page 61) of the Quill Lake High School Yearbook for a particular year. Horizon withheld the image of the valedictorian, along with their name and title. It released the remainder of the page to the Applicant which was the speech given by the valedictorian.

III DISCUSSION OF THE ISSUES

1. Jurisdiction

[9] Horizon qualifies as a “local authority” under section 2(1)(f)(viii) of *LA FOIP*. Therefore, OIPC has jurisdiction to complete a review of this matter under Part VI of *LA FOIP*.

2. Did Horizon properly apply section 28(1) of *LA FOIP*?

[10] Although the Applicant has revealed they already have the record unredacted, it’s important to note that it is not necessarily an abuse of the right of access for applicants to request access to records they already have. A similar position is taken by the Office of the British Columbia Information and Privacy Commissioner (BC OIPC) in Order F15-67.³ In that Order, a senior adjudicator with BC OIPC stated as follows:

[9] In my view, it is not an abuse of FIPPA processes for the applicant to request access to a record she has already obtained by other means. It may be that she recognizes that her ability to use the record is restricted because of the manner in which it was obtained, so she seeks to obtain it under the auspices of FIPPA.

³ [Re Board of Education of School District 71 \(Comox Valley\)](#), 2015 BCIPC 73 (CanLII) at paragraph [9].

Further, FIPPA applies to records in the custody or under the control of a “public body” and applicants are not public bodies under FIPPA.

[Emphasis added]

[11] As noted earlier, the Applicant provided a submission to OIPC that included a complete copy of the record unredacted and arguments as to why the information should be publicly available.

[12] Horizon withheld the image of the valedictorian, along with their name and the title under section 28(1) of *LA FOIP*.

[13] Section 28(1) of *LA FOIP* provides:

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.

[14] In order for section 28(1) of *LA FOIP* to apply, the information severed must first be found to qualify as “personal information” pursuant to section 23(1) of *LA FOIP*. Sections 23(1)(b), (k)(i) and (ii) of *LA FOIP* are relevant and state:

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

...

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

...

(k) the name of the individual where:

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

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

[15] Horizon advised that it withheld the name, title, and image of the individual because:

...

Under subsection 23(1), personal information includes recorded information about an identifiable individual. The name of the valedictorian constitutes personal information within subsection 23(1)(k). The photograph of the valedictorian constitutes personal information within subsection 23(1). The exclusions in subsection 23(2) do not apply.

...

The Division does not have consent of the individual to whom the personal information relates.

[16] First, the image of the individual will be considered. OIPC has previously found that an individual's image is their personal information where the individual can be identified in the instance in question.⁴ In this case, the image we received could reveal the individual's identity when combined with information already released such as the name of the community high school, the fact that the image is of the valedictorian combined with the year of high school graduation. Consistent with past findings of this office, the individual's image constitutes the personal information of the individual.

[17] This individual is not the Applicant.

[18] The next data element to consider is the name of the individual. A name constitutes personal information if it appears with other personal information that relates to the individual or if the disclosure of the name *itself* would reveal personal information about the individual. In this case, the name when combined with personal information otherwise available (image, name of high school attended, year of high school graduation and the fact the individual was class valedictorian) constitutes personal information under section 23(1)(k)(i) of *LA FOIP*.⁵ The *Oxford English Dictionary* defines the "valedictorian" as a student in colleges, academies, etc., appointed on grounds of merit to deliver the valedictory oration on Commencement day.⁶ Horizon also withheld the individual's title

⁴ OIPC [Review Report 043-2022](#) at paragraph [63].

⁵ OIPC [Review Report F-2014-005](#) at paragraph [10].

⁶ *Oxford English Dictionary*, Oxford UP, July 2023, <https://doi.org/10.1093/OED/6572753961>.

on the yearbook page directly under the section entitled “Valedictory Address”. The title relates to education history. Our office has previously defined “education history” as information regarding an individual’s schooling and formal training, including names of schools, colleges or universities attended, courses taken and results achieved.⁷ The name of high school attended, year of high school graduation and title constitute education history pursuant to section 23(1)(b) of *LA FOIP*. As such, the name appears with other personal information easily associated to the individual. Therefore, the name and title in this instance constitutes personal information pursuant to section 23(1)(k)(i) of *LA FOIP*.

[19] Horizon is withholding the personal information pursuant to section 28(1) of *LA FOIP* because the personal information of the valedictorian is involved and there is no consent for the release of this information.

[20] The Applicant is however of the view that the personal information may be disclosed for the following reasons:

As the attached document proves, this information was officially published and distributed to the community by the school itself. Under **Section 28(2)(p) of LA FOIP**, personal information may be disclosed if it is “publicly available”.

The Horizon School Division’s previous refusal – on the grounds that this was not “publicly available” (Point 3 of their refusal letter) – is now factually incorrect. As this information was historically released into the public domain by the institution, there is no legal basis to continue withholding it under the guise of privacy.

...

The information is, and always has been, a matter of public record.

[Emphasis in original]

[21] The Applicant argues that section 28(2)(p) of *LA FOIP* provides authority for Horizon to disclose personal information where the personal information is “publicly available”.

⁷ OIPC [Review Report 172-2019](#) at paragraph [18].

[22] The Saskatchewan Court of King’s Bench recently provided guidance with respect to the meaning of public availability within the context of the equivalent provision in *The Freedom of Information and Protection of Privacy Act*:⁸

[33] As well, ss. 29(2)(p) of the *FIPPA* is relevant to the issue at hand. It creates an exemption for the disclosure of personal information, as follows:

29(2) Subject to any other Act or regulation, personal information in the possession or under the control of a government institution may be disclosed:

...

(p) if the information is publicly available, including information that is prescribed as publicly available;

...

[34] “Publicly available” information is information “available or accessible by the citizenry at large”: *Lukács v Canada (Transport, Infrastructure and Communities)*, [2015 FCA 140](#) at para [69](#), 386 DLR (4th) 163. ...

[Emphasis added]

[23] This office has previously defined “publicly available” as published material, material that is a matter of public record (for example, through a public registry). “Published material” is material that is made known to the citizenry in general. This can include several means such as an advising of the public or making known of something to the public for a purpose. “Public record” is defined as a record that a government unit is required by law to keep, such as land deeds kept by a public registry. Public records are generally open to view by the public.⁹ These are the types of records contemplated by section 3 of *LA FOIP*.

[24] Sections 3(1)(a) and (b) of *LA FOIP* provide that *LA FOIP* does not apply to the following:

3(1) This Act does not apply to:

⁸ [Schiller v Saskatchewan \(Education\)](#), 2025 SKKB 146 (CanLII), at paragraphs [34].

⁹ OIPC [Review Report 095-2023](#) at paragraph [72].

(a) published material or material that is available for purchase by the public;

(b) material that is a matter of public record;

[25] In considering whether a record or information is published, the local authority should consider the following:¹⁰

- The specific information or record requested is published (what data elements are actually published.)
- There is a way for the public to access the published record or information.

[26] The Province of Saskatchewan has developed the Saskatchewan Schools Privacy Committee.¹¹ This Committee has provided guidance on privacy with respect to schools in Saskatchewan. The [Saskatchewan Schools Privacy](#) page contains the following statement regarding the distribution of yearbooks within Saskatchewan school divisions:¹²

...
The publication of yearbooks is a well-known tradition and they have a very limited circulation within the school.

[Emphasis added]

[27] Horizon submitted that the only purpose of a yearbook was to memorialize a student's time at the school and to serve as a lasting keepsake.

¹⁰ OIPC [Investigation Report 249-2017](#) at [22].

¹¹ Saskatchewan Schools Privacy Committee (linked from the [Saskatchewan School Boards Association](#) website) is an *LA FOIP* Stakeholder. The Committee whose purpose is to provide school divisions guidance/resources for *LA FOIP*. The Committee was comprised of members from Saskatchewan School Boards Association, Saskatchewan Teacher's Federation, Saskatchewan Ministry of Education, League of Educational Administrators, Directors and Superintendents of Saskatchewan and the Saskatchewan Association of School Business Officials. The goal of the Committee was to develop a consistent understanding of privacy issues in Saskatchewan schools.

¹² Saskatchewan Schools Privacy Website, [Privacy and Access in Saskatchewan Schools: Disclosure of Yearbooks](#).

[28] In an email dated March 18, 2026, Horizon provided the following in terms of its current practice of selling and distributing yearbooks:

Each spring (May-June), the school notifies current students and families directly – by email, written notice, or personal communication – of the opportunity to purchase a yearbook. Students may purchase more than one copy. Yearbooks are not advertised or made available to the public.

Yearbooks are available for purchase only to families of currently enrolled students. No public sales mechanism exists, and that has not been the practice. Families who have provided contact information to the school are contacted directly by school administration. Students receive reminders directly from the school in the form of handouts, stickers, or other reminders.

In May – June there is a two-week window for students and families to order yearbooks. Yearbooks are not made available outside this window as a matter of practice.

Yearbooks are typically purchased through the yearbook company directly.

...

The primary change over time has been the shift from cash, cheque, or mail-in credit card payment to online ordering and production processes.

[29] A yearbook cannot be considered published material to the extent that it is available for purchase by the public at large. Yearbooks are created for a small, targeted audience and only available for purchase for a limited amount of time to a limited group of people. Yearbooks are also not considered a matter of public record as they are not typically found in a public register or elsewhere that the members of the public (the citizenry at large) have ready access to.¹³

[30] What is obvious is that yearbooks have been available through procedures outside of *LA FOIP* for a long time. The purpose of section 4(a) of *LA FOIP* is to ensure that existing procedures for access that existed prior to proclamation of *LA FOIP* in 1993 continue. Section 4(a) of *LA FOIP* provides as follows:¹⁴

¹³ OIPC [Review Report LA-2007-002](#) at paragraph [28].

¹⁴ OIPC [Review Report 019-2024](#) at paragraphs [44] and [45].

4 This Act:

(a) complements and does not replace existing procedures for access to information or records in the possession or under the control of a local authority;

[31] The Saskatchewan Court of Appeal has taken the view that this provision is a kind of grandfathering provision. The Saskatchewan Court of Appeal affirmed this and while that case applied to *FOIP* – the ruling equally applies to *LA FOIP*:¹⁵

[10] The *FOIA* was proclaimed in force effective April 1, 1992. It was enacted to facilitate public access to “Government” documents. It is broadly conceived and like similar legislation in other jurisdictions, it seeks to permit access to official information shielded unnecessarily from public view and attempts to create a judicially enforceable public right to secure such information from reluctant or unwilling officials. *The Act does not limit or reduce the rights of access existing at the time of proclamation.* This general philosophy appears in the plain language of section 4...

[32] Horizon could not speak to the practices prior to the enactment of *LA FOIP* because Quill Lake was not part of the Horizon School Division. However, Horizon was able to confirm that the procedures for access at the time of the yearbook at issue have not changed in that the yearbooks are not publicly available and likely never have been.

[33] Section 4 of *LA FOIP* ensures the past and current procedures regarding access to yearbooks may continue but access to personal information is governed by the disclosure provisions in *LA FOIP*. For those that did not purchase a copy of a yearbook at the time they were sold, a school division must comply with section 28 of *LA FOIP* when considering authority to disclose.

[34] However of note, from their request for review on December 15, 2025, the Applicant argued the following:

¹⁵ [*General Motors Acceptance Corp. of Canada v. Saskatchewan Government Insurance*](#), 1993 CanLII 9128 (SK CA), at paragraph [10].

...

The information at issue is very much public information, who was the valedictorian for the Quill Lake High School Class of [Year], which the public body has declined to disclose as requested on the grounds that this is personal information and reveals a specific student's educational achievements.

The information I seek has already been made publicly available in the Quill Lake School Voice newsletter and at the 1999 Graduation live ceremony/event held in September 1999, where I acted as Master of Ceremonies and personally announced this information. Graduation Ceremonies are, very much, a public event. The year books also published who is on the honor role as well as who are the valedictorians. Even my name has been made public in regards to my academic achievements! Because this information has already been disclosed publicly in these forums, I believe that continued refusal to disclose it under section 28, including paragraph 28(2)(p) regarding accuracy and use of personal information is not justified.

[Emphasis in original]

[35] *In this particular case and under these unique circumstances*, because the Applicant was the Master of Ceremonies at the graduation ceremony at a public event that anyone could attend, it would be considered an absurd result to withhold the record from the Applicant. An “absurd result” occurs when a public body applies an exemption to withhold records that contradicts the purpose of the legislation. It would be an “absurd result” to withhold the information from the Applicant as the Applicant was present when the information was presented to the public body and where the information is clearly within the requestor's knowledge.¹⁶

IV FINDINGS

[36] OIPC has jurisdiction to undertake a review of this matter under Part VI of *LA FOIP*.

[37] Sections 3(1)(a) and (b) of *LA FOIP* have no application in the circumstances.

¹⁶ [*Re Durham Regional Police Service*](#), 2004 CanLII 56170 (ON IPC).

[38] Section 4 of *LA FOIP* applies in this matter as past and current procedures for access to yearbooks have remained consistent so *LA FOIP* complements and does not replace existing procedures for access.

[39] Horizon properly applied section 28(1) of *LA FOIP* to the image and name of the valedictorian on page 61 of the yearbook at issue.

V RECOMMENDATION

[40] I recommend that Horizon release the name and image of the valedictorian to the Applicant within 30 days of issuance of this Report due to the unique circumstances in this case.

Dated at Regina, in the Province of Saskatchewan, this 13th day of May 2026.

Grace Hession David
Saskatchewan Information and Privacy Commissioner