

**SASKATCHEWAN  
INFORMATION AND PRIVACY COMMISSIONER**

**REVIEW REPORT 106/2013**

**University of Saskatchewan**

**Summary:** The Applicant requested records from the University of Saskatchewan (U of S). The U of S denied access to the records in full pursuant to subsections 14(1)(d), 15(1)(b), 16(1)(a), (d), (e), 17(1)(d), (g) and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The Commissioner found that subsection 16(1)(a) of LA FOIP applied to the records and recommended they continue to be withheld.

**I BACKGROUND**

[1] On October 4, 2013, the University of Saskatchewan (U of S) received an access to information request from the Applicant for the following information:

We are requesting the following information with respect to the layoffs that began in November 2012 at the University of Saskatchewan, specifically November 1, 2012 until present:

1. Breakdown of the layoff numbers based on the following:
  - a. Union affiliation/Bargaining Unit
  - b. Out of Scope
  - c. College/Department
  
2. Breakdown of monetary savings; both one time and ongoing related to the reductions based on the following:
  - a. Union affiliation/Bargaining Unit
  - b. Out of Scope
  - c. College/Department
  
3. Breakdown of total monies paid in notice and severance related to the reductions based on the following:
  - a. Union affiliation/Bargaining Unit

- b. Out of Scope
- c. College/Department

- 4. Breakdown of the total years of service of the employees related to the reductions based on the following:
  - a. Union affiliation/Bargaining Unit
  - b. Out of Scope
  - c. College/Department

[2] The U of S advised the Applicant by a letter dated October 28, 2013, that access to the records were denied in full pursuant to subsections 14(1)(d), 15(1)(b), 16(1)(a), (d), (e), 17(1)(d), 17(1)(g), 18(1)(c), and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The U of S later dropped reliance on subsection 18(1)(c) after the third parties involved consented to the release of the third party information.

[3] On November 13, 2013, my office received a Request for Review from the Applicant.

[4] My office notified the U of S and the Applicant of its intention to undertake a review via letter dated November 19, 2013. At that time, my office requested that the U of S provide a copy of the record, an Index of Records (Index) and a submission in support of the exemptions relied on.

[5] On March 14, 2014, my office received a copy of the record and an Index from the U of S. Its submission was received on April 2, 2014. A submission was received from the Applicant on May 15, 2014.

## **II RECORDS AT ISSUE**

[6] The record at issue is seven different spreadsheets totaling 16 pages.

## **III DISCUSSION OF THE ISSUES**

[7] The U of S is a “local authority” within the meaning of subsection 2(f)(xi) of LA FOIP.

**1. Does subsection 16(1)(a) of LA FOIP apply?**

[8] Subsection 16(1)(a) of LA FOIP is a discretionary exemption and provides:

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

(a) advice, proposals, recommendations, analyses or policy options developed by or for the local authority;

[9] The U of S applied subsection 16(1)(a) of LA FOIP to all of the information in the spreadsheets.

[10] The following two criterion must be met in order for subsection 16(1)(a) of LA FOIP to be found to apply:

- i. The information in the record must constitute “advice”, “proposals” “recommendations”, “analyses” and/or “policy options”; and
- ii. It is offered or developed “by or for the local authority”.

*i. Does the information in the record constitute “advice”, “proposals” “recommendations”, “analyses” and/or “policy options”?*

[11] In its submission, the U of S asserted that the spreadsheets contained “proposals, recommendations, analyses and policy options”.

[12] *Recommendations* include suggestions for a course of action as well as the rationale for a suggested course of action.

[13] *Proposals* and *analyses or policy options* are closely related to advice and recommendations and refer to the concise setting out of the advantages and disadvantages of particular courses of action.

[14] Further, proposals, recommendations, analyses and/or policy options must be:

- sought or expected, or be part of the responsibility of a person by virtue of that person's position;
- directed towards taking an action, including making a decision; and
- made to someone who can take or implement the action.

[15] My office received a supplemental submission from the U of S on September 12, 2014. In its supplemental submission, the U of S explained how the spreadsheets as a whole contained proposals, recommendations, analyses and policy options. In essence, the spreadsheets were developed to help guide a workforce planning project. More specifically, to assist senior leadership at the U of S with short and long term decision-making.

[16] Therefore, I find that the spreadsheets meet the first part of the test for subsection 16(1)(a) of LA FOIP.

***ii. Was it offered or developed "by or for the local authority"?***

[17] For information to be developed by or on behalf of a public body, the person developing the information should be an official, officer or employee of the public body, be contracted to perform services, be specifically engaged in an advisory role (even if not paid), or otherwise have a sufficient connection to the public body.

[18] In its submission, the U of S addressed the creation of the spreadsheets and the employees involved in their creation. The spreadsheets were developed internally at the U of S. Therefore, I find that the spreadsheets were created by the U of S thereby meeting the second part of the test for subsection 16(1)(a) of LA FOIP.

[19] In conclusion, I find that the U of S has demonstrated that subsection 16(1)(a) of LA FOIP applies to the spreadsheets. As this subsection has been found to apply, there is no need to consider subsections 14(1)(d), 15(1)(b), 16(1)(d), (e), 17(1)(d), (g) and 28(1).

#### **IV FINDINGS**

[20] I find that the U of S has appropriately applied subsection 16(1)(a) of LA FOIP to the spreadsheets.

#### **V RECOMMENDATIONS**

[21] I recommend that the University of Saskatchewan continue to withhold the record.

Dated at Regina, in the Province of Saskatchewan, this 10<sup>th</sup> day of October, 2014.

Ronald J. Kruzeniski, Q.C.  
Saskatchewan Information and Privacy Commissioner