



REVIEW REPORT 108-2019

City of Regina

December 3, 2019

Summary:

The Applicant requested a review of the City of Regina's (the City) response to an access to information request for records related to a certain parcel of land. The Commissioner reviewed several issues such as whether the City responded to legislated timelines and its search. The Commissioner also reviewed whether subsections 13(1)(b), 16(1)(a), (b), (c), 18(1)(a), (b), 21 and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) applied to portions of the record. The Commissioner recommended that the City provide more details about certain parts of the record to the Applicant and that the City release portions of the record.

I BACKGROUND

[1] On January 17, 2019, the City of Regina (the City) received an access to information request for information regarding a certain parcel of land. The time frame for the request was January 1, 2015 to January 1, 2019. The request was as follows:

1. Regina Planning Commission Meeting – August 2, 2018. Copy of the report and any other information filed including the information and records which was presented to Council by [name of individual] representing Shindico, and [name of individual] representing Cushman & Wakefield on August 2, 2018.
2. Re: City of Regina – Bylaw No. 2018-45 – Proposed Zoning Bylaw Amendment 18-A-10. Copy of the Amendment made by City Solicitor to authorize the respective Regina Zoning Bylaw No. 9250 Amendment.

3. Any additional Agreements entered into between the City and [a certain parcel of land] between January 1, 2015 and January 17, 2019.
4. Copy of any and all development applications, plans, permits issued and/or submitted, including all correspondence sent directly by the owner of the property or on behalf of any government body or other parties for [the certain parcel of land] from January 1, 2015 to January 17, 2019”.

[2] The City and the Applicant had several exchanges between the time when the Applicant made the access request and when the City provided its section 7 response on March 26, 2019. A timeline of these interactions can be found in Appendix A. The City’s response indicated that portions of the responsive records were withheld pursuant to subsections 3(1)(a), 16(1)(a), (b), (c), 18(1)(a), (b), (c), 21 and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The record received by the Applicant also indicated that information was withheld pursuant to subsection 13(1)(b) of LA FOIP.

[3] On April 5, 2019, the Applicant requested a review by my office. The Applicant requested a review of the exemptions applied as well as the City’s search for records and lack of response within the legislated timelines.

[4] On May 9, 2019, my office provided notification to the City, the Applicant and two third parties of my intention to undertake a review.

[5] After receiving the notification, the Applicant indicated that the City also withheld records because they were not responsive to the request. On June 7, 2019, my office notified the City and the Applicant that I would also review the non-responsive records.

II RECORDS AT ISSUE

[6] The City identified 195 pages of responsive records. It is withholding portions of 100 pages of records. It is withholding various portions of the record pursuant to subsections 13(1)(b), 16(1)(a), (b), (c), 18(1)(a), (b), 21 and 28(1) of LA FOIP. It is also withholding three of the pages of records because they are not responsive to the Applicant’s request.

The City has also indicated that twelve of the pages have been published or are available for purchase as described in subsection 3(1)(a) of LA FOIP.

[7] In its submission, the City indicated that it is no longer relying on subsection 18(1)(c) of LA FOIP. Further, on October 24, 2019, the City released 19 pages of previously identified records to the Applicant.

[8] See Appendix B for more information about the record and how the exemptions have been applied.

III DISCUSSION OF THE ISSUES

1. Does LA FOIP apply in these circumstances?

[9] The City qualifies as a local authority pursuant to subsection 2(f)(i) of LA FOIP. Therefore, LA FOIP applies and I have jurisdiction to conduct this review.

2. Did the City meet legislated timelines?

[10] Subsection 7(2) of LA FOIP requires local authorities to respond to access to information requests within 30 days after the request is made. Subsection 7(2) of LA FOIP provides:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:...

[11] I note that subsection 9(3) of LA FOIP provides that the time within which a local authority is to respond to an Applicant's request pursuant to subsection 7(2) of LA FOIP is suspended when a local authority issues a fee estimate pursuant to subsection 9(2) of LA FOIP. The time is suspended until the applicant notifies the local authority that he or she wishes to proceed with the request. Subsections 9(2) and 9(3) of LA FOIP provide:

9(2) Where the amount of fees to be paid by an applicant for access to records is greater than a prescribed amount, the head shall give the applicant a reasonable estimate of the amount, and the applicant shall not be required to pay an amount greater than the estimated amount.

(3) Where an estimate is provided pursuant to subsection (2), the time within which the head is required to give written notice to the applicant pursuant to subsection 7(2) is suspended until the applicant notifies the head that the applicant wishes to proceed with the application.

[12] Further, section 12 of LA FOIP enables local authorities to extend the 30 days prescribed in subsection 7(2) for a reasonable period not exceeding 30 days in certain circumstances. If one of those circumstances exist, subsection 12(3) of LA FOIP requires that the local authority provide a response pursuant to section 7 to the Applicant within the period of extension. In other words, the local authority has a maximum of 60 days to provide a response pursuant to section 7 to the applicant. Section 12 of LA FOIP provides:

12(1) The head of a local authority may extend the period set out in section 7 or 11 for a reasonable period not exceeding 30 days:

(a) where:

(i) the application is for access to a large number of records or necessitates a search through a large number of records; or

(ii) there is a large number of requests;

and completing the work within the original period would unreasonably interfere with the operations of the local authority;

(b) where consultations that are necessary to comply with the application cannot reasonably be completed within the original period; or

(c) where a third party notice is required to be given pursuant to subsection 33(1).

(2) A head who extends a period pursuant to subsection (1) shall give notice of the extension to the applicant within 30 days after the application is made.

(3) Within the period of extension, the head shall give written notice to the applicant in accordance with section 7.

[13] A timeline of the City's exchanges with the Applicant is detailed in Appendix A. I will now analyze whether the City's response was within the legislative timelines.

[14] The City received the Applicant's access requests on January 17, 2019. Twelve days elapsed and then it issued its fee estimate letter dated January 29, 2019 to the Applicant. That meant that once the Applicant paid the deposit, the City had 18 more days to provide a response pursuant to section 7 of LA FOIP.

[15] On February 6, 2019, the City informed the Applicant that it would be relying on subsections 12(1)(a)(i) and (b) of LA FOIP to extend the time period to respond to the access requests. That period was not to exceed 30 days. In other words, once it received payment of the deposit, the City would have had 48 days (or until March 19, 2019) to provide a response to the Applicant. That is because subsection 12(3) of LA FOIP requires the City to provide a response required by subsection 7(2) of LA FOIP within the period of extension. Subsection 12(3) of LA FOIP provides:

12(3) Within the period of extension, the head shall give written notice to the applicant in accordance with section 7.

[16] The City had until March 19, 2019 to provide its written response to the Applicant. It failed to do so. Instead, the City provided the Applicant with the section 7 response on March 26, 2019.

[17] I find that the City's response to the Applicant did not meet legislated timelines as required by subsections 12(3) or 7(2) of LA FOIP.

[18] In its submission, the City acknowledged that it did not respond within the legislated timelines. It indicated that its access and privacy team was dealing with a number of other complex access requests and reviews with my office.

[19] Shortly after receiving the City's section 7 response, the Applicant contacted the City requesting additional records referred to in portions of the record received by the Applicant. The Applicant's email stated:

...on Page 47- 48, a copy of which is attached, there is correspondence received from Shindico dated December 7, 2016 which is addressed to [an employee of the] City of Regina in reference to rezoning the property as well a reference in the letter is made to

a previous email on November 14, 2016 and conference call on date of the letter. Can you please provide me with the additional correspondence(s), emails, etc and any notes made regarding this call or previous emails with others, as I am sure it was an oversight, as you are aware the time frame which I requested was from January 1, 2015 to January 17, 2019.

[20] The additional records referred to in the Applicant's email were responsive to the Applicant's original access request.

[21] The City began searching for the additional records and they were provided to the Applicant on April 19, 2019. The Applicant was dissatisfied with the amount of time it took to receive the additional records from the City.

[22] When a local authority receives an access to information request, it must respond to the request in accordance with Part II of LA FOIP, which includes a written response as described by section 7 of LA FOIP. If an Applicant is dissatisfied with the local authority's response, they can request a review from my office as described in Part VI of LA FOIP.

[23] In this case, the City provided the additional responsive records to the Applicant 92 days after it received the access request. This was not within the legislated time frame.

3. Have some of the responsive records been published pursuant to subsection 3(1)(a) of LA FOIP?

[24] Subsection 3(1)(a) of LA FOIP provides:

3(1) This Act does not apply to:

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

[25] Further, subsection 7(2)(b) of LA FOIP provides:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:

...

(b) if the record requested is published, referring the applicant to the publication;

[26] As described in Appendix A, on the day after receiving the access to information request, the City wrote to the Applicant and acknowledged the request. It also indicated that some records responsive to the Applicant's access to information request was publicly available on the City's website. Specifically, the City indicated that records relating to a meeting and a zoning bylaw was available on the City's website. The letter provided specific details of where the information could be found. Although, the City did not provide this information to the Applicant in its section 7 response as required by subsection 7(2)(b) of LA FOIP, I applaud the City for making the Applicant aware of where to find the information as soon as possible.

[27] On March 26, 2019, the City provided the Applicant with its section 7 response. In it, the City indicated that it withheld some additional information because it was available for purchase by the public pursuant to subsection 3(1)(a) of LA FOIP. The material in question includes 12 pages of responsive records that were available for purchase from the Information Services Corporation (ISC). However, the City's section 7 response did not refer the Applicant to these publications as it did for the other information referred to in its letter the day after the access request was received. The City did not indicate what the information was or where the information was available to purchase.

[28] In Investigation Report 249-2017, I defined "published" as follows: "to make known to people in general ... An advising of the public or making known of something to the public for a purpose".

[29] In Review Report 192-2016, I dealt with whether LA FOIP applied to reports from ISC. I noted that LA FOIP did not apply and that the local authority should refer the Applicant to

where the public record is available, pursuant to subsection 7(2)(b) of LA FOIP. I also encouraged public bodies to release public information to applicants, especially if the public body has already spent taxpayer money to retrieve the information.

[30] I recommend the City specifically inform the Applicant what information was not provided pursuant to subsection 3(1)(a) of LA FOIP. Alternatively, I recommend that the City release these pages to the Applicant.

4. Did the City perform a reasonable search for records?

[31] Section 5 of LA FOIP provides:

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.

[32] Section 5 is clear that access to records must be granted if they are in the possession or under the control of the local authority subject to any applicable exemptions under LA FOIP.

[33] In the notification, my office requested that the City describe its search efforts for the records in its possession or control that are responsive to the Applicant's request.

[34] The threshold that must be met is one of "reasonableness". In other words, it is not a standard of perfection, but rather what a fair and rational person would expect to be done or consider acceptable. LA FOIP does not require the local authority to prove with absolute certainty that records do not exist. However, it must demonstrate that it has conducted a reasonable search to locate them.

[35] 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 the level of effort you would expect of any fair, sensible person

searching areas where records are likely to be stored. What is reasonable depends on the request and related circumstances.

[36] When conducting a review of a local authority's search efforts, details are requested that help my office understand the level of effort made to locate the records. Examples of the type of information that can be provided can be found in my office's resource *IPC Guide to Exemptions for FOIP and LA FOIP* (June 21, 2019) (the Guide to Exemptions).

[37] In its submission, the City provided details of its search for records. It indicated that 13 employees in City departments participated in the search for records. It noted that the search for records was performed in City departments that would reasonably be expected to possess responsive records. The City described its search in two pages in its submission. Its description contained the keywords used and where the searches took place. As noted, the City does not have to prove with absolute certainty that additional records do not exist, just that it performed a reasonable search for records. Based on the City's description of its search, I am satisfied that the City performed a reasonable search for records.

[38] Once the City provided its section 7 response to the Applicant, the Applicant raised new concerns with the City. When requesting a review from my office, the Applicant provided me with copies of correspondence they sent to the City after the section 7 response was issued. The Applicant indicated the following:

1. On March 26, 2019, the Applicant wrote to the City asking for records that are referred to on pages C47 and C48 of the record. The Applicant indicated that he had not received the records that were referred to on page C47 and C48.
2. On April 17, 2019, the Applicant wrote to the City indicating that he believed that a second application for rezoning existed. On April 19, 2019, the Applicant supplied the City with reasons he believed another application should have existed.
3. On April 26, 2019, the Applicant referred to a specific record and asked the City to provide "all of the correspondence to show the process that the City went through on behalf of the owners with the Ministry of Highways..."

[39] Even though the Applicant sought to resolve these issues directly with the City instead of requesting a review by my office or making new requests, the City engaged with the Applicant to try to reach a resolution. The City responded as a part of its duty to assist.

[40] The City indicated that it searched and found the records referred to on pages 47 and 48 of the record. The City provided an additional two pages to the Applicant on April 23, 2019. However, it applied subsection 18(1)(b) of LA FOIP to portions of this record. This record is identified as package E in Appendix B and I will review the application of the exemption in this Report.

[41] With respect to the Applicant's second concern, that a second application for rezoning should exist, the City replied to the Applicant on April 24, 2019. It provided an explanation as to why there was not a second application. It stated:

The City went through a process with the proponent to consider whether re-use of a portion of the building by the Ministry of Highways could be accommodated under the zoning and policy that pertains to the site. This process concluded with a letter issued by the City, which granted the approval and stated reasons for it. This letter would have been included in records responsive to your initial access to information request.

[42] The City provided my office with correspondence from the Applicant after the City's explanation of April 24, 2019. The Applicant continued to request records related to the process described above. On May 7, 2019, the City responded to the Applicant, which indicated that no records were located and confirmed that all records related to this request had previously been released. The City had also previously encouraged the Applicant to speak with a specific City employee who could address the Applicant's concerns. The Applicant expressed concerns about their anonymity. The City offered to arrange a telephone conversation in a way that would maintain the Applicant's anonymity. These discussions concluded when my office started this review.

[43] Based on the material provided by the City, I am satisfied that the City has performed a reasonable search for records related to the Applicant's concerns about a second application.

[44] During the course of the review, the Applicant also raised concerns that another individual asked the City for information as shown on page D59 of the record. The Applicant noted that they did not receive the City's response to this individual. Again, I am satisfied that the City performed a reasonable search for records based on its description of its search.

[45] Finally, the Applicant also requested records "to show the process that the City went through on behalf of the owners with the Ministry of Highways". It is my understanding that potential responsive records would be the same as the request for records about a 'second application' and the process that actually occurred. The City has already persuaded me that it has performed a reasonable search for records and made attempts to provide a verbal explanation to the Applicant in addition to the written explanation already provided.

[46] I am satisfied that the City has performed a reasonable search for records.

5. Is there information not responsive to the Applicant's access to information request?

[47] When a local authority receives an access to information request, it must determine what information is responsive to the access to information request.

[48] Responsive means relevant. The term describes anything that is reasonably related to the request. It follows that any information or records that do not reasonably relate to an Applicant's request will be considered "not-responsive". The Applicant's access to information request itself sets out the boundaries of relevancy and circumscribes the records or information that will ultimately be identified as being responsive.

[49] A local authority can sever information as non-responsive only if the Applicant has requested specific information, such as their own personal information. The local authority may treat portions of a record as non-responsive if they are clearly separate and distinct and not reasonably related to the access to information request.

[50] The purpose of LA FOIP is best served when a local authority adopts a liberal interpretation of a request. If a local authority has any doubts about its interpretation, it has a duty to assist the Applicant by clarifying or reformulating the request.

[51] In this case, the City indicated that information on three pages of the record are not responsive to the Applicant's request. Its submission stated that the City redacted information as non-responsive because it contained information related to addresses/properties other than the address noted in the request as well as subject matter not related to the request.

[52] The Applicant requested information related to the parcel of land in question, including, agreements development applications, plans, permits issued and/or submitted, including all correspondence sent directly by the owner of the property or on behalf of any government body or other parties.

[53] Upon review of the three pages, I agree that the information redacted as non-responsive does relate to properties other than the property requested by the Applicant.

6. Does subsection 18(1)(b) of LA FOIP apply to the record?

[54] Subsection 18(1)(b) of LA FOIP provides:

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;

[55] In order for subsection 18(1)(b) of LA FOIP to apply, the City should demonstrate that the three parts of the following test are met:

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

[56] For the purposes of the records currently under review, the City identified two third parties. The first is a property manager and the other is an agent working on behalf of the property manager. Only the property manager made a submission for the purpose of this review and addresses all of the records to which subsection 18(1)(a) and (b) of LA FOIP has been applied. As the two third parties are working together, and for simplicity, I will refer to both as the “Third Party”. As discussed later in this Report under subsection 13(1)(b) of LA FOIP, the client of the Third Party was the Ministry of Central Services who was looking for rental space on behalf of the Ministry of Highways and Infrastructure.

[57] The City applied subsection 18(1)(b) of LA FOIP to portions of 37 pages of the record. The records in question include email and letter correspondence related to zoning and the Ministry of Highways and Infrastructure needs, pictures, plans for space and general information about parcel of land in question.

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

[58] The City and Third Party submitted that the information in question qualifies as commercial information. My office has defined commercial information as follows:

Commercial information is information relating to the buying, selling or exchange of merchandise or services. Types of information included in the definition of commercial information:

- offers of products and services a third-party business proposes to supply or perform;
- a third-party business’ experiences in commercial activities where this information has commercial value;
- terms and conditions for providing services and products by a third party;

- lists of customers, suppliers or sub-contractors compiled by a third-party business for its use in its commercial activities or enterprises - such lists may take time and effort to compile, if not skill;
- methods a third-party business proposes to use to supply goods and services; and
- number of hours a third-party business proposes to take to complete contracted work or tasks.

[59] There is some material that would qualify as commercial information within the records in question. This would include how the parcel of land in question could meet the needs of the Ministry of Highways and Infrastructure and plans developed by the Third Party for this Ministry. The records were supplied to the City for the purpose of zoning. The information that qualifies as commercial information of the Third Party is: B41 (last sentence in first paragraph), B45 (second paragraph repeated on C2 and C3), B50 to B52, C44, F8, F9 and F13 to F15.

[60] However, I am not persuaded that all of the material identified qualifies as commercial information. The information on pages B53, B54, C54 and C55 of the record outlines the requirements of the Ministry of Highways and Infrastructure. This would be the information of the Ministry and not the Third Party. The City has also applied subsection 13(1)(b) of LA FOIP to these records and I will review them later in this Report.

[61] There are other examples of records that do not qualify as commercial information. Some of the correspondence simply relays attachments or acknowledges an exchange. Other information describes where the Third Party is in the process of leasing space to a Ministry of Highways and Infrastructure. There are other records that contain business travel plans, expressions of the Third Party's interest in participating in separate public consultations, the Third Party's inquiries into the status of the City's processes, questions from the City, requests to meet, confirmation that the Third Party is the successful bidder with the Ministry and pictures, drawings and specifications of the parcel of land in question. This information does not qualify as commercial information (the majority of B41, B45, C2 and C3; B23 to 25, B29, B30, B42, B46, C1, C52, C53, C56, E1, F2-F7, F10, F11 F17, F18).

2. Was the information supplied by the third party to a public body?

[62] All of the information that I have found to qualify as commercial information appears to have been provided by the Third Party.

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

[63] Both the City and the Third Party's submission indicated that the information on page B41 was provided in explicit confidence because there was a confidentiality disclaimer at the bottom of the email.

[64] My office has indicated that explicitly means that the request for confidentiality has been clearly expressed, distinctly stated or made definite. There may be documentary evidence that shows that the information was supplied on the understanding that it would be kept confidential. My office has also indicated that simply labelling documents as "confidential" does not, on its own, make the documents confidential (i.e. confidentiality stamps or standard automatic confidentiality statements at the end of emails). Confidentiality statements are just one factor that I would consider when determining whether the information was explicitly supplied in confidence.

[65] The information severed from page B41 is in a long email string of communication between the property manager, the agent and the City. Subsection 18(1)(b) of LA FOIP has not been applied to all of the information in the string. Confidentiality statements are found throughout the email chain, but not in every transaction. There is also a cluster of these statements at the end of the email string. It is difficult to know exactly what information has been marked as confidential. Further, upon review of the entire record, there are instances where the confidentiality statement appears with innocuous information. Finally, the City and Third Party also indicated that the information on page B41 was also provided in implicit confidence. I am not persuaded that the confidentiality statement indicates that this record was provided in explicit confidence.

[66] The City and Third Party have indicated the remainder of the information was supplied implicitly in confidence.

[67] Implicitly means that the confidentiality is understood even though there is no actual statement of confidentiality, agreement, or other physical evidence of the understanding that the information will be kept confidential. Factors considered when determining whether a document was supplied in confidence implicitly include:

- What is the nature of the information? Would a reasonable person regard it as confidential? Would it ordinarily be kept confidential by the third party or public body?
- Was the information treated consistently in a manner that indicated a concern for its protection by the third party and the public body from the point at which it was supplied until the present time?
- Is the information available from sources to which the public has access?
- Does the public body have any internal policies or procedures that speak to how records such as the one in question are to be handled confidentially?
- Was there a mutual understanding that the information would be held in confidence? Mutual understanding means that the public body and the third party both had the same understanding regarding the confidentiality of the information at the time it was supplied. If one party intends the information to be kept confidential but the other does not, the information is not considered to have been supplied in confidence. However, mutual understanding alone is not sufficient. Additional factors must exist in addition.

[68] The above factors are not a test but rather guidance on factors to consider. It is not an exhaustive list. Each case will require different supporting arguments. The bare assertion that the information was supplied implicitly in confidence would not be sufficient.

[69] In their submissions, both the City and the Third Party indicated that the information in question was supplied implicitly in confidence. The City and Third Party indicated that the information is related to an ongoing commercial negotiation which included the requirement for zoning approval by the City. Both submitted that a reasonable person would regard it as confidential.

[70] During the review, my office asked the City what specific negotiations were ongoing. On October 21, 2019, the City indicated that the ongoing negotiations are between the Third Party and the Ministry of Central Services. It confirmed that the negotiations did not involve the City. Neither the Vice-President of Legal Affairs for the Third Party or the City provided me with specific information with respect to the ongoing negotiations.

[71] After receiving a copy of the draft report, the City indicated that the negotiations between the Third Party and the Ministry of Central Services involved the rental of office space. But did not elaborate further why it believed a reasonable person would regard the information in question as confidential because the negotiations were ongoing. As noted, the information in question describes how the parcel of land in question could meet the needs of the Ministry. I am not persuaded that the information in question was provided implicitly in confidence based on this assertion by the City.

[72] Also, after receiving the draft report, the City indicated that the information in question was provided to the City before the application process began because the Third Party was seeking advice. The City indicated that it holds this type of information in confidence to provide equity and fairness to all parties. The City did not provide a timeline that demonstrated at one point in the application process each record was received.

[73] I am not persuaded that the information provided to the City was supplied implicitly in confidence. The City has not demonstrated that subsection 18(1)(b) of LA FOIP applies to the record.

7. Does subsection 13(1)(b) of LA FOIP apply to the record?

[74] Subsection 13(1)(b) of LA FOIP provides:

13(1) A head shall refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from:

...

(b) the Government of Saskatchewan or a government institution;

[75] Section 13 of LA FOIP is a mandatory exemption, which means that the head of the local authority is obligated to withhold information where it thinks the exemption may apply. Section 13 of LA FOIP allows local authorities to withhold information that it obtained in confidence from other governments, which are listed in its subsections, in this case, the Government of Saskatchewan or government institutions.

[76] Both parts of the following test must be met:

1. Was the information obtained from the government of Saskatchewan or a government institution?
2. Was the information obtained implicitly or explicitly in confidence?

[77] The City applied subsection 13(1)(b) of LA FOIP to portions of 19 pages of the record (see Appendix B for details).

1. Was the information obtained from the government of Saskatchewan or a government institution?

[78] Upon review of the record, it appears that the information to which the City has applied subsection 13(1)(b) of LA FOIP was obtained from a third party. However, the information relates to the Ministry of Central Services and the Ministry of Highways and Infrastructure. The Ministries qualify as government institutions pursuant to subsections 2(d) of LA FOIP and 2(1)(d)(i) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

[79] My office's Guide to Exemptions indicates that a local authority could obtain information either intentionally or unintentionally. It can also include information that was received indirectly provided its original source was the Government of Saskatchewan.

[80] Therefore, I am satisfied that the information was obtained from a government institution and the first part of the test was met.

2. Was the information obtained implicitly or explicitly in confidence?

- [81] A local authority must also demonstrate that the information in question was obtained implicitly or explicitly in confidence.
- [82] In its submission, the City indicated that the information was obtained implicitly in confidence.
- [83] Implicitly means that the confidentiality is understood even though there is no actual statement of confidentiality, agreement, or other physical evidence of the understanding that the information will be kept confidential. I have listed factors to consider when determining whether information was obtained in confidence implicitly earlier in this Report.
- [84] In its submission, the City contacted the Ministry of Central Services about the potential release of the records. The Ministry of Central Services was not in favour of release. Some of the Ministry of Central Services' objections to releasing the record include the fact that floor plans were provided to the property manager by the Ministry of Central Services in support of a rezoning application to accommodate ministry programs/tenants. The City also indicated the information lists potential programs that were being considered to occupy the building at that time but that the information is no longer up-to-date and that the information was used in negotiations.
- [85] It is unclear how the City obtained the information in implicit confidence. The Ministry of Central Services noted that the information was used in negotiations, but did not say who the parties were or if the negotiations were on going. Either way, the information appears to be out-of-date.
- [86] Further, in its submission, the City only relied on objections from the Ministry of Central Services after it received the Applicant's access to information request. In order for the record to be found to have been provided in confidence, there must be an implicit or explicit

agreement or understanding of confidentiality on the part of both the government institution and the local authority at the time the information was obtained.

[87] After having the opportunity to review the draft report, the City again indicated that the information in question was provided to the City before the application process began because the Third Party was seeking advice. The City indicated that it holds this type of information in confidence to provide equity and fairness to all parties. The City did not provide a timeline that demonstrated at what point in the application process each record was received or demonstrate that the information in question differs from what is in the application.

[88] I am not satisfied that the information was obtained in confidence. The second part of the test is not met. The City has not demonstrated that subsection 13(1)(b) of LA FOIP applies to the record.

8. Does subsection 18(1)(a) of LA FOIP apply to the record?

[89] Subsection 18(1)(a) of LA FOIP provides:

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

(a) trade secrets of a third party;

[90] My office has defined trade secrets as information, including a plan or process, tool, mechanism or compound, which possesses each of the four following characteristics:

1. the information must be secret in an absolute or relative sense (is known only by one or a relatively small number of people);
2. the possessor of the information must demonstrate he/she has acted with the intention to treat the information as secret;
3. the information must be capable of industrial or commercial application; and
4. the possessor must have an interest (e.g. an economic interest) worthy of legal protection.

- [91] The information must meet all of the above criteria to be considered a trade secret. Further, the third party must also be able to prove ownership or a proprietary interest in the trade secret or prove a claim of legal right to the information.
- [92] The City applied subsection 18(1)(a) of LA FOIP to portions of 36 pages of the record. In its submission, the City indicated that the fact that the Third Party in question is dealing with a zoning issue with the City is a trade secret. The Third Party echoed this in its submission and addressed the criteria outlined above.
- [93] Upon review, the record in question consists of pictures of space on the parcel of land in question, drawings for how the space could be used, requirements of the Third Party's client and correspondence about the zoning for the space. All are in the possession of the City for the purpose of the zoning of the property in question.
- [94] The correspondence about the zoning would not qualify as a trade secret because it is a required public process; therefore, it is not a secret in any sense. The pictures depict a particular space at a point in time and the images would be known to anyone who has visited the space. They are factual in nature and do not qualify as a trade secret. The requirements of the Third Party's client is the information of client, not the Third Party. It does not qualify as a trade secret. Finally, the City has indicated that the drawings of the space are out-of-date. Therefore, they no longer have a commercial application. They are not a trade secret.
- [95] Subsection 18(1)(a) of LA FOIP does not apply to the record.

9. Does subsection 16(1)(a) of LA FOIP apply to the record?

[96] Subsection 16(1)(a) of LA FOIP 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;

[97] Subsection 16(1)(a) of LA FOIP is an exemption that is meant to allow for candor during the policy-making process, rather than providing for the non-disclosure of all forms of advice. My office has recently adopted the following test for subsection 16(1)(a) of LA FOIP:

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?
2. Was the advice, recommendations, analyses and/or policy options developed by or for the local authority?

[98] The City applied subsection 16(1)(a) of LA FOIP to seven pages of the record.

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?

[99] In its submission, the City indicated that it believed that the information in question qualified as advice, recommendations and analysis.

[100] Advice is guidance offered by one person to another. It can include the analysis of a situation or issue that may require action and the presentation of options for future action, but not the presentation of facts. Advice encompasses material that permits the drawing of inferences with respect to a suggested course of action, but which does not itself make a specific recommendation. It can be an implied recommendation. The “pros and cons” of various options also qualify as advice. It should not be given a restricted meaning. Rather, it should be interpreted to include an opinion that involves exercising judgement and skill

in weighing the significance of fact. It includes expert opinion on matters of fact on which a government institution must make a decision for future action.

[101] Advice includes the views or opinions of a public servant as to the range of policy options to be considered by the decision maker even if they do not include a specific recommendation on which option to take.

[102] A recommendation is a specific piece of advice about what to do, especially when given officially; a suggestion that someone should choose a particular thing or person that one thinks particularly good or meritorious. Recommendations relate to a suggested course of action more explicitly and pointedly than “advice”. It can include material that relates to a suggested course of action that will ultimately be accepted or rejected by the person being advised. It includes suggestions for a course of action as well as the rationale or substance for a suggested course of action. A recommendation, whether express or inferable, is still a recommendation.

[103] Analyses is a detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

[104] With respect to the information found on page B1 of the record, a City employee is asking another City employee to review a message intended for a third party. This includes the draft of the message. The draft of the message does not contain advice, recommendations or analyses. I am not persuaded that any part of this portion of the record contains advice, recommendations or analysis. The first part of the test is not met.

[105] Page B32 of the record is a briefing note intended for the Mayor. The City’s submission indicated that it was created for discussion purposes, recommendations, making decisions, analyses, proposals, and taking actions. With respect to briefing notes, my office generally recommends that factual information be released as it does not usually qualify as advice, proposals, recommendations, analyses or policy options. In this case, the background and next steps portions appear to be factual information. It appears that the next steps that are listed have been predetermined and are factual. With respect to the discussion portion of

the briefing note also appears to be factual information. From a review of the record, it outlines a decision that has been made and the reasons for the decision. It is not evident that another decision or action needs to be taken. It appears the briefing note was created for discussion purposes, as indicated by the City, but not necessarily for recommendations, making decisions, analyses, proposals, and taking actions. The first part of the test is not met.

[106] Upon review, the information severed from pages B5, C6, C43, D57 and D58 of the record would qualify as advice because it is guidance offered by one person to another. The first part of the test is met.

2. Was the advice, recommendations, analyses and/or policy options developed by or for the local authority?

[107] “Developed by or for” means the advice, proposals, recommendations, analyses and/or policy options must have been created either 1) within the local authority, or 2) outside the local authority, but for the local authority (for example, by a service provider or stakeholder).

[108] For information to be developed by or for a local authority, the person developing the information should be an official, officer or employee of the government institution, be contracted to perform services, be specifically engaged in an advisory role (even if not paid), or otherwise have a sufficient connection to the local authority.

[109] To put it another way, in order to be engaged in an advisory role or have a sufficient connection to the local authority, the advice, proposals, recommendations, analyses and/or policy options should:

- i) be either sought, be expected, or be part of the responsibility of the person who prepared the record;
- ii) be prepared for the purpose of doing something, for example, taking an action or making a decision; and
- iii) involve or be intended for someone who can take or implement the action.

[110] For pages B5, C6, C43, D57 and D58 of the record, the City explained in its submission who created the advice in each portion and who the advice was for. The submission made clear the responsibilities and who could take action. I am satisfied that the second part of the test is met for these pages. Subsection 16(1)(a) of LA FOIP applies to pages B5, C6, C43, D57 and D58 of the record. See Appendix B for details.

[111] Subsection 16(2) provides some specific cases where the exemptions in subsection 16(1) do not apply. The Applicant also submitted that subsection 16(1)(a) of LA FOIP cannot be applied to the information severed from pages D57 and D58 because it falls in the category of information described in subsection 16(2)(f)(ii) of LA FOIP, which provides:

16(2) This section does not apply to a record that:

...

(f) is:

...

(ii) a substantive rule or statement of policy that has been adopted by a local authority for the purpose of interpreting an Act, regulation, resolution or bylaw or administering a program or activity of the local authority.

[112] I have not had the opportunity to consider this specific provision in a report before. On this provision, my office's Guide to Exemptions references comments from Service Alberta's *FOIP Guidelines and Practices: 2009* on a similar provision in Alberta's legislation.

[113] The Guide to Exemptions indicated that, in the context of subsection 16(2)(f)(ii), basic interpretations of the law, regulations and policy under which a public body operates its programs and activities cannot be withheld under subsection 16(1) of LA FOIP. The public should have access to any manual, handbook or other guideline used in the decision-making processes that affect the public. I adopt this interpretation for subsection 16(2)(f)(ii) of LA FOIP.

[114] Pages D57 and D58 discuss the application of LA FOIP in a certain situation. The Applicant contended that, “there are normal procedures in place for rezoning, which have been adopted by the City of Regina, as well as FOI process for everyone should be the same for everyone”. However, the Applicant does not have access to what has been severed from the record.

[115] Upon review of the severed portions of the records, they are not a substantive rule or statement of policy that has been adopted by a local authority. The passages in question are discussing a specific situation. This is not information quoted from a manual, handbook or other guideline used in the decision-making processes.

[116] Subsection 16(2)(f)(ii) of LA FOIP does not apply to pages D57 and D58 of the record.

10. Does subsection 16(1)(b) of LA FOIP apply to the record?

[117] Subsection 16(1)(b) of LA FOIP provides:

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;

[118] In the context of subsection 16(1)(b) of LA FOIP, a ‘consultation’ occurs when the views of one or more officers or employees of a public body are sought as to the appropriateness of a particular proposal or suggested action. A ‘deliberation’ is a discussion or consideration, by the persons described in the section, of the reasons for and against an action. It refers to discussions conducted with a view towards making a decision.

[119] In order to qualify for subsection 16(1)(b) of LA FOIP, the opinions solicited during a consultation or deliberation should:

i) be either sought, expected, or be part of the responsibility of the person who prepared the record; and

ii) be prepared for the purpose of doing something, such as taking an action, making a decision or a choice.

[120] The provision is not meant to protect the bare recitation of facts, without anything further.

[121] The City applied subsection 16(1)(b) of LA FOIP to portions of three remaining pages of the records. See Appendix B for details.

[122] With respect to the portion of the record severed on page B1, as described earlier, is a City employee asking another City employee to review a message intended for a third party. This includes the draft of the message. The information in the draft of the message is factual. I agree that the first sentence qualifies as a consultation. I also agree that it was sought by the person who prepared the record and was prepared for the purpose of taking an action. Subsection 16(1)(b) of LA FOIP applies to the first sentence of the email; however the remainder is factual and this exemption does not apply.

[123] The City also applied subsection 16(1)(b) of LA FOIP to page B32 of the record. This is the briefing note discussed earlier in this Report. It consists of factual information and appears to be informational that outlines predetermined next steps. Subsection 16(1)(b) of LA FOIP does not apply to this portion of the record.

[124] Finally, the City applied this exemption to two sentences on page B33 of the record. Both sentences are factual statements. Subsection 16(1)(b) of LA FOIP does not apply to this portion of the record.

11. Does subsection 16(1)(c) of LA FOIP apply to the record?

[125] Subsection 16(1)(c) of LA FOIP provides:

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

...

(c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the local authority, or considerations that relate to those negotiations;

[126] This provision covers positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the public body. It also covers considerations related to the negotiations. Examples of the type of information that could be covered by this exemption are the various positions developed by public body negotiators in relation to labour, financial and commercial contracts. All three parts of the following test must be met:

1. Does the record contain positions, plans, procedures, criteria, instructions or considerations that relate to the contractual or other negotiations?
2. Were they developed for the purpose of contractual or other negotiations?
3. Were the contractual or other negotiations being conducted by or on behalf of a public body?

[127] The City applied this exemption to two remaining pages of the record.

[128] The portion of the record severed from page B1 of the record is a draft message to a third party containing factual information. The City's submission indicates that a City employee is seeking the views of a manager regarding responding to a private citizen about negotiations ongoing with another third party and past negotiations regarding the property in question. This is a draft email response to a citizen outlining the city's positions, plans, procedures and criteria that were considered for contractual negotiations.

[129] My office has defined a plan as a formulated and especially detailed method by which a thing is to be done; a design or scheme. Positions and plans refer to information that may

be used in the course of negotiations. Procedures, criteria, instructions and considerations are much broader in scope, covering information relating to the factors involved in developing a particular negotiating position or plan.

[130] The information in the draft message is factual. Therefore, it does not qualify as positions, plans, procedures, criteria or instructions for the purposes of this exemption. Subsection 16(1)(c) of LA FOIP does not apply to page B1 of the record.

[131] Further, the information in the briefing note on page B32 is factual in nature. It appears to brief the Mayor on a decision that has been made and the reasons for the decisions. As such, I am not satisfied it qualifies as positions, plans, procedures, criteria or instructions. Subsection 16(1)(c) of LA FOIP does not apply to page B32 of the record.

12. Does subsection 21(a) of LA FOIP apply to the record?

[132] Subsection 21(a) of LA FOIP provides:

21 A head may refuse to give access to a record that:

(a) contains any information that is subject to any privilege that is available at law, including solicitor-client privilege;

[133] On May 16, 2018, the Court of Appeal for Saskatchewan determined whether my office had authority to require local authorities to produce records that may be subject to solicitor-client privilege. *University of Saskatchewan v Saskatchewan (Information and Privacy Commissioner)*, 2018 SKCA 34 concluded that my office should follow the “absolutely necessary” principle. As a result, it suggested that my office follow a process to gather information about records and consider whether a *prima facie* case for solicitor-client privilege has been made before requiring a record.

[134] My office has established a process to consider a claim of solicitor-client privilege. When considering claiming solicitor-client privilege, public bodies have three options when preparing records for review with my office:

1. Provide the documents to the IPC with a cover letter stating the public body is not waiving the privilege;
2. Provide the documents to the IPC with the portions severed where solicitor-client privilege is claimed; or
3. Provide the IPC with an affidavit with a schedule of records (see sample in the Rules of Procedure).

[135] The City applied subsection 21(a) of LA FOIP to four remaining pages of the record. It provided my office with an affidavit that was signed on June 21, 2019.

[136] My office has established the following test for subsection 21(a) of LA FOIP:

1. Is the record a communication between solicitor and client?
2. Does the communication entail the seeking or giving of legal advice?
3. Was the communication intended to be confidential?

[137] The information severed from pages D14, D19, D26 and D57 involve emails between Legal Counsel from the Office of the City Solicitor and employees of the City. Therefore, the first test is met.

[138] The affidavit from the City indicates that the information was for the purpose of seeking or obtaining legal advice or legal services. Therefore, the second test is met. The affidavit also stated that the information was intended to be confidential. The third part of the test is met.

[139] The City has made a prima facie case that subsection 21(a) of LA FOIP applies to portions of the record.

[140] The City also applied subsections 21(b) and (c) of LA FOIP to certain records. As I have found subsection 21(a) of LA FOIP applies, there is no need to review the other subsections.

13. Does subsection 28(1) of LA FOIP apply to the record?

[141] Subsection 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.

[142] In order for subsection 28(1) of LA FOIP to apply, the information in the record must first qualify as “personal information” as defined by subsection 23(1) of LA FOIP; however, it is not an exhaustive list. Some relevant provisions include:

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:

...

(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;

...

(e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;

(f) the personal opinions or views of the individual except where they are about another individual;

...

(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.

[143] The City identified and severed personal information from 12 pages of the record. In its submission, the City indicated the information constituted personal information because it contained personal email addresses and telephone numbers, personal opinions and employment history.

[144] The City indicated that the information withheld on pages B1, B3, B5, C11, C24, D23, D26, D30 and D47 of the record contain personal telephone numbers, addresses, and portions of personal email addresses of individuals.

[145] In Review Reports 157-2016, 216-2017, and 184-2016, I found that personal email addresses qualify as personal information pursuant to subsections 24(1)(e) and (k) of FOIP which are equivalent to subsections 23(1)(e) and (k) of LA FOIP. I am satisfied that the portions of email addresses severed from the record constitute personal information pursuant to these subsections and should be withheld pursuant to subsection 28(1) of LA FOIP. I am also satisfied that the addresses and telephone numbers found on pages D23, D26, D30 and D47 qualify as personal information pursuant to subsection 23(1)(e) of LA FOIP and should be withheld pursuant to subsection 28(1) of LA FOIP.

[146] However, the telephone numbers found on pages C11 and C24 of the record are for business use. My office has found that business card information is not personal in nature and would not qualify as personal information. Further, the telephone numbers are available through a search on the Internet. The telephone numbers do not qualify as personal information.

[147] The City indicated that a phrase found in the first paragraph on page A3 constituted the employment history of the subject individual and therefore qualified as personal information pursuant to subsection 23(1)(b) of LA FOIP. This phrase is repeated on pages B3 and B5 of the record. The phrase indicates that the subject individual worked with a public body and when. My office has defined employment history as the type of information normally found in a personnel file such as performance reviews, evaluations, disciplinary actions taken, reasons for leaving a job or leave transactions. It does not include work product. Generally, the fact that an individual worked for a public body or had a client that was a public body would not fall into the category of employment history. I find that this phrase does not qualify as personal information.

[148] Finally, the City indicated that the remaining statements that were severed from pages A1, A2, A3, B2, B4 and B5 of the record constituted personal information because they

conveyed the personal opinions or views of an individual pursuant to subsection 23(1)(f) of LA FOIP. In order to qualify as personal information, the information in question must be personal in nature. Work product is information generated by or otherwise associated with an individual in the normal course of performing his or her professional or employment responsibilities, whether in a public or private setting. This is not considered personal information. Upon review of the information in question, I am of the opinion that the identified views and opinions are work product because the subject individual's work is in the real estate market. Therefore, they do not qualify as personal information pursuant to subsection 23(1)(f) of LA FOIP.

14. Did the City meet its obligations under section 8 of LA FOIP?

[149] Section 8 of LA FOIP provides as follows:

8 Where a record contains information to which an applicant is refused access, the head shall give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.

[150] When a local authority receives an access to information request, it must complete a line-by-line analysis of the responsive records to comply with section 8 of LA FOIP. Through this analysis, the local authority is required to determine where a mandatory or discretionary exemption applies and sever those specific portions of the records. Then, it is to release the remainder of the record to the Applicant.

[151] The Applicant believes the City has redacted information for inappropriate reasons.

[152] In its submission, the City contended that it met its responsibilities under section 8 of LA FOIP. It described its process for responding to access to information requests. It indicated that a line-by-line review is conducted by the City when responding to each request.

[153] Upon review of the record, there is evidence of a line-by-line review by the City. For example, it appears that the City, in general, disclosed email headers (including recipients, senders, dates, subject lines and attachments), signatory lines and some text from the body

of the emails. It appears that the City was selective in where it applied exemptions, sometimes severing information from the middle of paragraphs.

[154] I am satisfied that the City performed a line-by-line review of the records as evidenced by the severing of internal documents and therefore, met its obligations under section 8 of LA FOIP.

IV FINDINGS

[155] I find that the City's response to the Applicant did not meet legislated timelines as required by subsections 12(3) or 7(2) of LA FOIP.

[156] I find the portions of the record qualify as material that is available for purchase by the public pursuant to subsection 3(1)(a) of LA FOIP.

[157] I find that the City has performed a reasonable search for records.

[158] I find that some of the information withheld is not responsive to the Applicant's access request.

[159] I find the City has met its obligations under section 8 of LA FOIP.

[160] I find that subsections 13(1)(b), 18(1)(a), (b) and 16(1)(c) of LA FOIP do not apply to the record.

[161] I find that subsections 16(1)(a), (b) and 28(1) of LA FOIP apply to portions of the record.

[162] I find that the City has made a prima facie case that subsection 21(a) of LA FOIP applies to the record.

V RECOMMENDATIONS

[163] I recommend the City specifically inform the Applicant what information was not provided pursuant to subsection 3(1)(a) of LA FOIP. Alternatively, I recommend that the City release these pages to the Applicant.

[164] I recommend that the City withhold and release records as described in Appendix B of this Report.

Dated at Regina, in the Province of Saskatchewan, this 3rd day of December, 2019.

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

Appendix A

Timeline	Calendar Date	Action
	January 17, 2019	Access to information request received by City.
Day 1	January 18, 2019	Letter from the City to the Applicant: <ul style="list-style-type: none"> • Acknowledged receipt of request. • Indicated a \$20 application fee was required. • Informed the Applicant that records responsive to items #1 and #2 of the request were publicly available. All public meetings are posted on the City website including minutes, agendas and complete meeting packages. The City provided details.
		Applicant paid \$20 application fee.
Day 12	January 29, 2019	Letter from the City of Regina to the Applicant: <ul style="list-style-type: none"> • Provided fee estimate. • Indicated the City required 50% of fee estimate as deposit.
		Applicant paid 50% of fee estimate.
Day 20	February 6, 2019	Letter from the City of Regina to the Applicant: <ul style="list-style-type: none"> • Acknowledged receipt of deposit. • Notified that third party is involved and has 20 days to make representations. • Notified of 30 day extension pursuant to subsections 12(1)(a)(i), 12(1)(b), 12(1)(c) of LA FOIP.
		Applicant paid remainder of fees.
Day 61	March 19, 2019	Letter from the City of Regina to the Applicant: <ul style="list-style-type: none"> • States that the City is legislated to advise the third party that it has 20 days to request a review and that access to requested records will be provided to the Applicant after those 20 days have elapsed unless the third party requests a review.
Day 69	March 26, 2019	Letter from the City of Regina to the Applicant: <ul style="list-style-type: none"> • Section 7 response. • Partial records released; some information was redacted pursuant to subsections 3(1)(a), 16(1), (a), (b), (c), 18(1)(a), (b), (c), 21 and 28(1) of LA FOIP.

Timeline	Calendar Date	Action
		Email from the Applicant to the City of Regina: <ul style="list-style-type: none"> • Applicant read through records and noticed a reference in one of the records to a conference call and emails from November 14, 2016. • Applicant asks the City for those records.
Day 76	April 3, 2019	Letter from the City of Regina to the Applicant: <ul style="list-style-type: none"> • Notified that the City has located the information requested and that the information affects the interest of a third party. • The third party has 20 days to make representations.
		Email from Applicant to City of Regina: <ul style="list-style-type: none"> • Applicant believes more records are missing from the package provided to him.
Day 92	April 19, 2019	Letter from the City of Regina to the Applicant: <ul style="list-style-type: none"> • More records provided to the Applicant, but some information redacted pursuant to subsection 18(1) of LA FOIP.

Appendix B

Page	3(1)(a)	13(1)(b)	16(1)(a)	16(1)(b)	16(1)(c)	18(1)(a)	18(1)(b)	21(a)	28(1)	Non-responsive	Withhold or Release
A1									Email addresses only		Withhold email addresses only
A2		No							Email addresses only		Withhold email addresses only
A3									Email addresses only		Withhold email addresses only
B1			No	First sentence only	No				Email addresses only		Withhold email addresses and first sentence
B2		No							Email addresses only		Withhold email addresses only
B3									Email addresses only		Withhold email addresses only
B4									no		Release
B5			Yes	No Need to Review					Email addresses only		Withhold email addresses only
B23						No	No				Release
B24						No	No				Release
B25						No	No				Release
B29		No				No	No				Release
B30						No	No				Release
B32			No	No	No						Release
B33				No							Release
B34		No									Release
B35		No									Release
B36										Yes	Withhold
B37										Yes	Withhold

Page	3(1)(a)	13(1)(b)	16(1)(a)	16(1)(b)	16(1)(c)	18(1)(a)	18(1)(b)	21(a)	28(1)	Non-responsive	Withhold or Release
B41						No	No				Release
B42						No	No				Release
B45						No	No				Release
B46						No	No				Release
B50		No				No	No				Release
B51		No				No	No				Release
B52		No				No	No				Release
B53		No				No	No				Release
B54		No				No	No				Release
C1						No	No				Release
C2						No	No				Release
C3						No	No				Release
C6			Yes	No Need to Review							Withhold
C8	Yes										Release
C9	Yes										Release
C10	Yes										Release
C11									No		Release
C14	Yes										Release
C15	Yes										Release
C16	Yes										Release
C24									No		Release
C27	Yes										Release
C28	Yes										Release
C29	Yes										Release
C43			Yes	No Need to Review	No Need to Review						Withhold
C44						No	No				Release
C46						No					Release
C47						No					Release
C52						No	No				Release
C53						No	No				Release
C54		No					No				Release
C55		No					No				Release
C56							No				Release

Page	3(1)(a)	13(1)(b)	16(1)(a)	16(1)(b)	16(1)(c)	18(1)(a)	18(1)(b)	21(a)	28(1)	Non-responsive	Withhold or Release
D14								Yes			Withhold
D16	Yes										Release
D17	Yes										Release
D18	Yes										Release
D19								Yes			Withhold
D23									Yes		Withhold
D25	Released to the Applicant on October 24, 2019										
D26								Yes	Yes		Withhold
D27	Released to the Applicant on October 24, 2019										
D28	Released to the Applicant on October 24, 2019										
D29	Released to the Applicant on October 24, 2019										
D30	Released to the Applicant on October 24, 2019 but personal information severed							Yes			Withhold
D31	Released to the Applicant on October 24, 2019										
D32	Released to the Applicant on October 24, 2019										
D33	Released to the Applicant on October 24, 2019										
D41		No									Release
D42		No									Release
D43		No									Release
D44	Released to the Applicant on October 24, 2019										
D45	Released to the Applicant on October 24, 2019										
D46	Released to the Applicant on October 24, 2019										
D47	Released to the Applicant on October 24, 2019 but personal information severed							Yes			Withhold

Page	3(1)(a)	13(1)(b)	16(1)(a)	16(1)(b)	16(1)(c)	18(1)(a)	18(1)(b)	21(a)	28(1)	Non-responsive	Withhold or Release
D48	Released to the Applicant on October 24, 2019										
D50	Released to the Applicant on October 24, 2019										
D51	Released to the Applicant on October 24, 2019										
D52	Released to the Applicant on October 24, 2019										
D53	Released to the Applicant on October 24, 2019										
D54	Released to the Applicant on October 24, 2019										
D56	Released to the Applicant on October 24, 2019										
D57			Yes	No Need to Review				Yes			Withhold
D58			Yes	No Need to Review							Withhold
D61										Yes	Withhold
E1							No				Release
F2						No	No				Release
F3						No	No				Release
F4						No	No				Release
F5						No	No				Release
F6						No	No				Release
F7						No	No				Release
F8		No				No	No				Release
F9		No				No	No				Release
F10						No	No				Release
F11						No	No				Release
F13						No	No				Release
F14		No					No				Release
F15		No					No				Release
F16						No					Release
F17						No	No				Release

