



## REVIEW REPORT 115-2020, 116-2020, 117-2020

### Regina Police Service

June 22, 2021

#### Summary:

The Applicant submitted three access to information requests to the Regina Police Service (RPS). The RPS merged the three access to information requests and issued a single fee estimate. The Applicant paid a deposit and the RPS continued processing the access request. The RPS responded to the access request. It provided the Applicant with access to some records but withheld others in part or in full. The RPS cited subsections 13(2), 14(1)(a), (c), (e), (i), (k), 15(1)(b), 18(1)(b), 21(a) and (c), and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* as its reasons for withholding records. The Applicant appealed to the Commissioner. The Commissioner made several findings including how merging the three access requests and issuing a single fee estimate was appropriate in these circumstances. He also found that some of the exemptions applied to some of the records, but not all. The Commissioner made a number of recommendations, including that the RPS reconsider its exercise of discretion in its application of certain discretionary exemptions. Specifically, the Commissioner recommended that the RPS should not take into consideration the Applicant's identity or relationship to the labour dispute when exercising its discretion.

#### I BACKGROUND

- [1] On February 5, 2020, the Regina Police Service (RPS) received three access to information requests from the Applicant. The first access request was as follows:

I write pursuant to the Local Authority Freedom of Information and Protection of Privacy Act ("LAFOIP") to request the following records from the Regina Police Service ("RPS") for the period from December 1, 2019 to the present:

All correspondence, internal memoranda, notes, reports, e-mails, text messages and other records between, by or from RPS personnel concerning the lockout of employees by the Consumers' Cooperative Refineries Limited ("CCRL") and associated picketing at CCRL properties.

I anticipate that RPS personnel in possession of responsive records may include Superintendent Lorilee Davies, Inspector Audrey Young, Corporal Josh Potter and Staff Sergeant Guy Criddle.

[2] I will refer to the above access request as "access request #1".

[3] The second access request was as follows:

I write pursuant to the Local Authority Freedom of Information and Protection of Privacy Act ("LAFOIP") to request the following records from the Regina Police Service ("RPS") for the period from December 1, 2019 to the present:

All records of communication between RPS and any one or more of the Consumers' Cooperative Refineries Limited ("CCRL"), Federated Co-Op Ltd., Impact Security, CIS, SPI Security, Afimac Security, Evidence Security or any representative of any of those parties, respecting the lockout of employees by CCRL and associated picketing of CCRL properties; including but not limited to e-mails, texts, and notes as to telephone and in-person conversations.

I anticipate that RPS personnel in possession of responsive records may include Superintendent Lorilee Davies, Inspector Audrey Young, Corporal Josh Potter and Staff Sergeant Guy Criddle.

[4] I will refer to the above access request as "access request #2".

[5] The third access request was as follows:

I write pursuant to the Local Authority Freedom of Information and Protection of Privacy Act ("LAFOIP") to request the following records from the Regina Police Service ("RPS") for the period from December 1, 2019 to the present:

All records of communication between RPS and any one or more of Unifor Local 594, Unifor Canada and VP Protection Inc. or any representative of any of those parties, respecting the lockout of employees by CCRL, and associated picketing of CCRL properties; including but not limited to e-mails, texts, and notes as to telephone and in-person conversations.

I anticipate that RPS personnel in possession of responsive records may include Superintendent Lorilee Davies, Inspector Audrey Young, Corporal Josh Potter and Staff Sergeant Guy Criddle.

[6] I will refer to the above access request as “access request #3”.

[7] In a letter dated March 25, 2020, the RPS issued a fee estimate to the Applicant. Based on the letter, the RPS indicated that it made the decision to combine all three access requests and process them as one. The fee estimate was for \$3,244.00. The RPS requested that the Applicant provide a 50% deposit:

Attached is an “Estimate of Costs” form which details the estimated expenses for the processing of your access to information request. We have processed the 3 requests as one, and will respond to all 3 at one time. If you wish to proceed with your access request, our office will require a deposit of \$1622.00. ...

[8] On March 27, 2020, the Applicant paid the deposit by cheque.

[9] In a letter dated April 2, 2020 to the Applicant, the RPS acknowledged receipt of the deposit cheque.

[10] In a letter dated April 10, 2020 to the Applicant, the RPS indicated it needed to extend the timeline to respond. It said it would provide a response to the Applicant by April 17, 2020.

[11] On April 14, 2020, the RPS exchanged emails with the Applicant. The RPS asked the Applicant if they were legal counsel for Unifor. The Applicant responded as follows:

I’ve submitted the requests as the applicant, and I trust you won’t be treating the applications differently based on my identity or who I represent: see *Saskatchewan (Economy) (Re)*, 2018 CanLII 76877 (SK IPC) at para. 23. Please do let me know if you need anything further.

[12] The RPS responded as follows:

When responding to Access Requests, we must take a different approach depending upon the identity of the applicant.

Exemptions under the Act are applied based upon the role an applicant may have related to the file. The information that is given to an applicant may be released by necessity (i.e. they are the subject of the file), or withheld on the basis of the exemptions outlined in LAFOIP.

If you are not personally related to the file requested, or acting on behalf of any of the parties represented in the file, pursuant to the legislation the information provided will be more limited.

- [13] The RPS concluded its response by saying it would be responding to the access request with the Applicant as the applicant and not as a representative of any of the parties involved in the labour dispute:

Based upon your response to my request, we will be responding to the applications with you personally as the Applicant, and not as a representative of any of the parties involved in the labour dispute at the Coop Refinery Complex.

- [14] In a letter dated April 17, 2020, the RPS responded to the Applicant. The letter indicated that 1160 pages of responsive records and one video had been withheld in full. The RPS cited subsections 14(1)(c), 14(1)(i), 14(1)(k), and 21(a) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) as its reasons for withhold these records in full. Then, the letter indicated it was releasing the remaining responsive records, but that some of the contents had been redacted. The RPS enclosed the redacted records in its response. The RPS cited subsections 14(1)(a), 14(1)(e), 14(1)(i), 14(1)(k), 18(1)(b), 21(1)(a), and 28(1) of LA FOIP. Enclosed with the letter was a document that broke down the “actual costs” of processing the access requests. The RPS indicated that the actual cost was \$3,118.50. Since the Applicant had already paid a deposit, the RPS indicated that the amount remaining to be paid was \$1,496.50.

- [15] On April 23, 2020, the Applicant requested a review by my office. In their request for review, the Applicant said the following:

Without my consent, RPS stated that it would be responding to all three requests together, and provided a fee estimate for the consolidated request. After then taking an extension and attempting to seek additional information about the basis for the request, RPS:

- Substantially failed to provide material responsive to #1 other than communications materials by applying various provisions of s. 14 of LAFOIP to all internal memoranda and notes, without apparent justification and without any attempt at the severance required by s. 8;
- Substantially failed to provide material responsive to #s 2 and 3 by:
  - o treating all aspects of business communications between RPS and outside entities as being personal information, except for the time and identity of the RPS recipient of communications; and
  - o failing to make any attempt to secure consent to the release of such information.

[16] Through my office's early resolution process, my office requested that the RPS issue a response to each of the three access requests. This was to enable my office to identify the issues that would be reviewable by my office.

[17] The RPS sent three separate letters dated April 29, 2020, to the Applicant – each one to respond to each of the Applicant's three access requests. In each of the three letters, the RPS indicated that it was withholding 1,160 pages of records and one video in full. It cited subsections 14(1)(c), (i), (k), and 21(a) of LA FOIP as its reasons. It also said it was providing redacted records to the Applicant. It said the reasons for the redactions were subsections 14(1)(a), (e), (i), (k), 15(1)(b), 18(1)(b), 21(a), and 28(1) of LA FOIP.

[18] On May 1, 2020, the Applicant clarified the issues they wanted reviewed by my office for each of the three access requests.

[19] On May 12, 2020, my office issued notifications to both the Applicant and the RPS that my office would be undertaking reviews in all three cases. On the same day, my office also notified a third party of one of the reviews.

[20] In the course of my office's reviews, the RPS revised its responses to the Applicant. On June 3, 2020, the RPS re-issued its "actual costs". It said the actual cost of processing the access requests was \$2,713.50. Since the Applicant paid a deposit after receiving the fee estimate, the amount owed by the Applicant was revised to \$1,091.50.

[21] Then, the RPS sent three new letters dated June 18, 2020, to the Applicant. In each of the three letters, the RPS indicated that it was withholding 1160 pages of responsive records in full. It cited subsections 14(1)(c), (i), (k), and 21(a) and (c) of LA FOIP as its reasons. It said it was also providing redacted records to the Applicant. It said the reasons for the redactions were subsections 13(2), 14(1)(a), (e), (i), (k), 15(1)(b), 18(1)(b), 21(1)(a) and 28(1) of LA FOIP. In its submission, the RPS indicated it was also relying on subsection 21(c) of LA FOIP.

[22] In its submission to my office, the third party, Consumers' Cooperative Refineries Limited (CCRL) offered arguments for how it believed that section 20 and subsections 18(1)(b), 18(1)(c), 21(a), and 28(1) of LA FOIP applied to certain records. Since third parties in a review can only offer arguments for the application of section 18 of LA FOIP, I will not be considering the third party's arguments for section 20 and subsections 21(a) and 28(1) of LA FOIP.

## II RECORDS AT ISSUE

[23] A description of the records at issue is below:

- Working Copy – this is a 431 page record,
- Investigative Reports – 361 pages,
- 1 video + 1 Investigative Report (13 pages),
- Approximately 330 emails of correspondence involving RPS legal counsel,
- Watch Command records – 390 pages of event logs + 106 pages of additional records, and
- 148 pages that the RPS asserted is not responsive.

[24] The Working Copy was redacted partially while the remainder of the records were withheld in full. A greater description of each of the above records, and which exemptions that were applied to them, will be provided in the body of this Report and Appendices.

[25] I should also note that this Report references the “Original Copy” of records, which was 886 pages. Pages were extracted from the Original Copy to create the Working Copy. This will be discussed in the Report.

### **III DISCUSSION OF THE ISSUES**

#### **1. Do I have jurisdiction?**

[26] The RPS qualifies as a “local authority” as defined by subsection 2(f)(viii.1) of LA FOIP. Therefore, I have jurisdiction to review this matter.

[27] I should also note that, in this review, the CCRL qualifies as a “third party” as defined by subsection 2(k) of LA FOIP.

#### **2. Does LA FOIP allow for local authorities to merge access requests?**

[28] Section 5 of LA FOIP provides individuals with a right to access to records that are in the possession or under the control of a local authority. 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.

[29] In Order 00-19 by the Office of the Information and Privacy Commissioner of British Columbia (BC IPC) describes the advantages and disadvantages of a public body merging multiple access requests into one:

A public body should not be able to combine access requests at will for the purposes of s. 75(2)(a) of the Act. There is nothing improper about an applicant making more than one request to a public body. The public body should not be able to automatically combine those requests so the applicant loses the benefit of ‘free’ location and retrieval time. The language of s. 75 does not dictate this result and, in the absence of clear statutory language, I am unwilling to conclude that such a result was intended by the Legislature. The ‘free’ time in s. 75(2)(a) was obviously intended to benefit applicants by facilitating access without fees or with fees that do not serve as a barrier to access. This benefit was meant to be real, not an illusion. A public body should not be able to

minimize, or get around, the benefit so conferred by combining, on a blanket basis, all contemporaneous requests from an applicant. By the same token, an applicant should not be penalized, for the purposes of s. 75(2)(a), if he makes a number of discrete, and unrelated, access requests in a single piece of correspondence to a public body.

At the same time, I do not believe the Legislature intended that an applicant would be able to dictate separate processing and fee estimates for clearly related access requests made contemporaneously to the same public body. This would interfere with the ability of the public body to fulfill its s. 6(1) duties and to administer the Act efficiently, by permitting the applicant to impose processing inefficiency for the sole purpose of manipulating the assessment of fees. A public body would be wise to undertake location and retrieval, or research, on a combined basis for contemporaneous, related requests from an applicant. Minimizing processing time is a benefit to the public body. It also benefits the requester, however, and may be viewed as an element of the public body's duty to assist under s. 6(1) of the Act. I doubt the Legislature intended that, for the calculation of fees, applicants would receive the benefit of time saved when a public body combines related items or requests for the purpose of location and retrieval of records, without the combined processing of related requests also being taken into account for the purpose of calculating the 'free' time entitlement under s. 75(2)(a).

[30] Based on the above, then, the BC IPC provides that an applicant should not be penalized for making multiple discrete, and unrelated access requests to a public body at once by having the public body merge all the requests into one. By merging the access requests into one, the applicant, under BC's *Freedom of Information and Protection of Privacy Act* (BC FOIP Act), would lose the benefit of the "free" three hours of locating and retrieval of records set out in subsection 75(2)(a) of BC FOIP Act. On the other hand, BC IPC points out that it would be wise for a public body to process multiple access requests at once, if they are closely related. BC IPC points out that minimizing processing time would benefit both the public body and the requestor.

[31] In Order 00-19, the BC IPC concluded that since the four access requests were "closely related in both their subject and the location and retrieval tasks necessary to process them." Therefore, the BC IPC concluded that the public body in that case was justified for treating the four access requests as one.

[32] I will consider the matter before me in light of BC IPC's Order 00-19. Section 9 of LA FOIP and section 5 of *The Local Authority Freedom of Information and Protection of Privacy Regulations* (LA FOIP Regulations) provides that a local authority may charge



fees for certain aspects of processing an access request, such as the time taken to search for records. However, subsection 5(3) of the LA FOIP Regulations provides that an applicant should not be charged for the first hour of searching for a record. In other words, the first hour of searching for records is to be “free”. If an applicant submits three access requests to the public body, and the public body processes each access request separately, then the Applicant would get one “free” hour of search for each. However, if the public body merges all three access requests into one, then the applicant would only get one “free” hour for all three.

[33] In Order 00-19, BC IPC indicated that it is appropriate for a public body to merge multiple access requests if they are closely related. It is not appropriate to merge multiple access requests if they are discrete and unrelated. I will adopt this same approach.

[34] In its submission, the RPS indicated it made the decision to merge the three access requests because the records responsive to the three access requests would have been stored and saved in the same areas. Further, the RPS indicated that by combining the access requests into one, it only charged the Applicant fees once. Had it not merged the access requests, it would have charged the Applicant three separate times. As noted in the background of this Report, the RPS advised the Applicant of the merger in a letter dated March 25, 2020. Rather than objecting, the Applicant paid the deposit on March 27, 2020.

[35] When I review the Applicant’s three access requests, I note that the access requests are not identical. However, all three relate to records regarding the lockout of CCRL employees and the associated picketing of CCRL properties. As such, where and with whom the RPS may have searched for records responsive to the Applicant’s second and third request would likely have been the same or similar to where and with whom the RPS searched for records in response to the Applicant’s first access request. Therefore, it is far more efficient (and a wise use of public resources) to conduct a single search for records in response to the Applicant’s three access requests rather than conducting three separate searches. This also works in the Applicant’s favour since the RPS charged the Applicant fees once rather than three times. As such, in this case, because the three access requests are related, I find it was appropriate for the RPS to merge the Applicant’s three access requests into one.

[36] In Order P-943 the Office of the Information and Privacy Commissioner of Ontario (Ontario IPC) found that it was appropriate for the public body in that case to merge access requests that were similar. However, the Ontario IPC suggested that the public body consult with the applicant prior to any decision to combine access requests:

Given the particular circumstances of this case, I agree with the Ministry that it was appropriate to combine some of the requests. In my view, based on the close connection between both the subject matter of requests 940113-118 and the areas to be searched to locate records responsive to these requests, it was acceptable for the Ministry to provide a fee estimate for one comprehensive search for records responsive to each of these six requests.

....

Accordingly, the Ministry should provide the appellant with a revised fee estimate separating the search charges for requests 940113-118 from those for 940119-940120. In addition, although I am satisfied that it was acceptable for the Ministry to conduct the searches in the manner I have described, **I would suggest that if the Ministry is faced with a similar situation in the future, the requester should be consulted before any decision is made to combine requests for the purpose of conducting a search.**

[Emphasis added]

[37] Similarly, I recommend that the RPS adopt the best practice to consult with applicants in the future prior to making any decision to merge access requests.

[38] I note that the Applicant paid the \$20 application fee pursuant to subsection 5(1) of the LA FOIP Regulations for each of the three access requests. Since the RPS merged the three access requests into one, the Applicant should only be expected to pay the application fee once. I note that in a letter dated July 20, 2020 to the Applicant, the RPS returned two cheques that the Applicant had provided to it as payment of the application fees for the second and third access requests.

### 3. Were the RPS' fee estimate and actual costs reasonable?

[39] Usually, when a public body has already issued an "actual costs" for processing an access request, my office will analyze how a public body arrived at its "actual cost" only because

applicants are often concerned with the actual cost. However, in this case, I must consider the totality of the work undertaken by the RPS (and the order in which it completed its work) in how it calculated its fee estimate in order to explain my findings and recommendations regarding RPS' "actual costs".

[40] As mentioned in the background, in a letter dated March 25, 2020, the RPS issued a fee estimate to the Applicant. The combined fee estimate was for \$3,244.00. The Applicant paid a 50% deposit. Then, in its letter dated April 17, 2020, to the Applicant, the RPS indicated that the actual cost was \$3,118.50 and the amount remaining was \$1,496.50. However, on June 3, 2020, the RPS re-issued its "actual costs". The RPS indicated that the actual cost was \$2,713.50. Since the Applicant already paid a deposit, then, the amount remaining owed by the Applicant was \$1,091.50.

[41] Subsection 9(2) of LA FOIP provides:

**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.

[42] Subsection 9(2) of LA FOIP requires that a local authority provide a fee estimate where the cost for providing access to records exceeds the prescribed amount of \$100 (as set out in subsection 6(1) of the LA FOIP Regulations). Fees are intended to provide reasonable cost recovery associated with providing individuals access to records. Section 6 of LA FOIP Regulations provides:

**6(1)** For the purposes of subsection 9(2) of the Act, the amount of fees beyond which an estimate must be given by the head is \$100 in excess of the fee set out in subsection 5(1).

(2) Where the amount of an estimate exceeds the actual amount of fees determined pursuant to this Act, the actual amount of fees is the amount payable by the applicant.

[43] When a local authority determines that preparing a fee estimate is necessary, my office recommends the following steps to be taken:

1. Decide whether a fee will be charged or not.
2. Contact the Applicant:
  - Advise the Applicant that fees will be charged and a fee estimate will be provided.
  - Attempt to clarify or offer ways to narrow the request to reduce or eliminate fees.
  - Follow up in writing with the Applicant when clarification or narrowing occurs.
3. Make a search strategy.
4. Prepare a fee estimate.
5. Provide the fee estimate to the Applicant:
  - Provide the fee estimate and ask the Applicant for a 50% deposit.
  - The 30-day clock in section 7 of LA FOIP stops until the 50% deposit is paid.
  - If the Applicant is not satisfied with the fee estimate, they may request a review of the fee estimate pursuant to subsection 38(1)(a.2) of LA FOIP.
6. Clarify/narrow request with Applicant.
7. Search for/prepare/reproduce records.
8. Prepare records for disclosure.
9. Reassess fees.
10. Issue section 7 response.

[44] Below, I will review the RPS' fee estimate. Then, I will review the RPS' actual costs.

**a. RPS' fee estimate**

[45] There are three kinds of fees that a local authority can include in its fee estimate:

- i. Fees for searching for responsive records;
- ii. Fees for preparing the record for disclosure; and
- iii. Fees for the reproduction of records.

[46] I will examine each of the above three types of fees that can be charged.

**i. Fees for searching for responsive records**

[47] Subsection 5(3) of the LA FOIP Regulations provides the ability for the local authority to recover costs associated with searching for responsive records. Where the search for

responsive records exceeds one hour, the local authority can charge \$15 for every half-hour or portion of a half-hour of that excess time. Subsection 5(3) of LA FOIP provides:

5(3) Where time in excess of one hour is spent in searching for a record requested by an applicant or in preparing it for disclosure, a fee of \$15 for each half-hour or portion of a half-hour of that excess time is payable at the time when access is given.

[48] Search time consists of every half hour of manual search time required to locate and identify responsive records. For example:

- staff time involved with searching for records;
- examining file indices, file plans or listing of records either on paper or electronic;
- pulling paper files/specific paper records out of files; and
- reading through files to determine whether records are responsive.

[49] Search time does not include:

- time spent copying the records;
- time spent going from office to office or off-site storage to look for records; or
- having someone else re-review the results of the search.

[50] Generally, the following has been applied:

- it should take an experienced employee one minute to visually scan 12 pages of paper or electronic records to determine responsiveness;
- it should take an experienced employee five minutes to search one regular file drawer for responsive file folders; and
- it should take three minutes to search one active email account and transfer the results to a separate drive.

[51] In the instance where the above do not accurately reflect the circumstance, the local authority should test a representative sample of records by timing the process. The time can then be applied to the responsive records as a whole.

[52] Under “Search Fee”, the RPS showed it estimated it would need 21 officers to conduct a search and that it was estimating it would take 11.45 hours in total to search for records. Further, it estimated that it would take two staff members from its Access and Privacy team

an estimated 14 hours in total to search for records. The RPS' fee estimate dated March 25, 2020 was as follows:

<b>Search Fee</b>		
21 staff members (Officers) for a total of 11.45 hours @ \$30/hr.	\$	343.50
2 staff members (Access and Privacy) for a total of 14 hours @ \$30/hr.	\$	420.00
<b>Preparation Fee</b>		
1717 pages @ 2 minutes/page = 3434 minutes or 57 hours plus additional 27 hours redaction (estimated) of responsive records @ \$30/hr.	\$	2520.00
<b>Less 1 Free Hour</b>		
=1 @ \$30/hr.	\$	<u>- 30.00</u>
<b>TOTAL</b>	<b>\$</b>	<b>3244.00</b>
Deposit Required to Process Request (½ of total)	\$	1622.00
Additional Amount Required for Records (remaining ½)	\$	1622.00

[53] In its submission, the RPS described its search strategy as follows:

- The Access and Privacy team contacted a RPS lawyer, who was actively involved in the labour dispute, to seek guidance as to who should be contacted to search for records. The RPS lawyer provided a list of officers who should be contacted.
- The Access and Privacy team contacted to an Integrated Electronic Information System (IEIS) analyst in the Police Information Evidence Management Unit (PIEM) to learn how responsive records within the IEIS system can be searched. From there, the Access and Privacy team searched “RM” or “RA” numbers to search and locate responsive records.

[54] In its submission, the RPS indicated it conducted preliminary searches for records from February 27, 2020 and March 23, 2020. The RPS explained that given the complexity of the access requests, and in order to quantify the work to be undertaken, it was out of necessity to conduct a cursory search. Then, it issued its fee estimate on March 25, 2020. Based on its preliminary searches of records, the RPS estimated that it would take 25.45 hours to complete the search for records. Subsection 5(3) of LA FOIP Regulations allows for \$15 for every half-hour or portion of a half-hour to be charged. Therefore, at \$30/hour, it estimated a fee of \$763.50 for search. I find that this fee estimate for search is in

accordance with subsection 5(3) of LA FOIP Regulations. I do note that subsection 5(3) of LA FOIP Regulations provides that only the time after the first hour for search or preparation should be charged. In my analysis of the fee estimate for the preparation, I take into account this first hour.

**ii. Fees for preparing the record for disclosure**

[55] Preparation includes time spent preparing the records for disclosure including time anticipated to be spent physically severing exempt information from records.

[56] Preparation time does not include:

- Deciding whether or not to claim an exemption;
- Identifying records requiring severing;
- Identifying and preparing records requiring third party notices;
- Packaging records for shipment;
- Transporting records to the mailroom or arranging for courier service;
- Time spent by a computer compiling and printing information;
- Assembling information and proofing data;
- Photocopying; and
- Preparing an index of records.

[57] Generally, the test related to reasonable time spent on preparation is it should take an experienced employee two minutes per page to physically sever. In instances where this “two minutes per page” standard does not accurately reflect the circumstances, the public body should measure the time it takes to sever a representative sample of records. The time can then be applied to the responsive records as a whole.

[58] Further, in order to estimate the time it will take to sever the record, the local authority should have a reasonable estimate of how many pages of records there might be.

[59] As noted in the RPS’ fee estimate, it was estimating 1,717 pages. As such, with its estimate of 1,717 pages at 2 minutes per page, it would take 3434 minutes or 57.23 hours to prepare the records. Subsection 5(3) of LA FOIP Regulations allows for \$15 for every half-hour

or portion of a half-hour to be charged. However, subsection 5(3) of LA FOIP provides that only the time after the first hour should be charged. Therefore, I find that the estimate for preparing the record for disclosure should be \$1,687.00. However, the RPS' estimated \$2,520. Later on in this Report, I note that the RPS addresses this error in its calculation of "actual costs".

**iii. Fees for the reproduction of records**

[60] Subsection 5(2) of LA FOIP Regulations provides that a local authority can charge fees for the reproduction of records. Specifically, subsection 5(2)(a) of LA FOIP Regulations provides that a local authority can charge \$0.25 per page for photocopying.

[61] In its fee estimate, the RPS did not include an estimate for the reproduction of records. Later in the Report, I will discuss RPS' calculation of "actual costs", which also does not include a charge for the reproduction of records.

[62] Based on my findings above regarding the fees for search and fees for preparation, I find that the RPS should have issued a fee estimate of \$2,450.50.

**b. RPS' Actual Cost**

[63] As mentioned earlier, the RPS issued an "actual cost" letter to the Applicant on April 17, 2020. Then, it re-issued the "actual cost" again on June 3, 2020. The "actual cost" from June 3, 2020 is reproduced below:



<b>Search Fee</b>		
21 staff members for a total of 19.45 hours @ \$30/hr.	\$	583.50
2 staff members (Access and Privacy) for a total of 14 hours @ \$30/hr.	\$	420.00
<b>Preparation Fee</b>		
1739 pages @ 2 minutes/page = 3478 mins or 58 Hours @ \$30/hr.	\$	1740.00
<b>Less 1 Free Hour</b>		
=1 @ \$30/hr.	\$	<u>-30.00</u>
<b>TOTAL ACTUAL COSTS</b>	\$	<b>2713.50</b>
<b>Deposit Paid</b>	\$	<b>1622.00</b>
<b>Amount remaining</b>	\$	<b>1091.50</b>

[64] Below, I will analyze the fees.

**i. Fees for search**

[65] The RPS indicated that the actual cost for search is a \$1,003.50 (583.50 + 420). I find that this amount is in accordance with subsection 5(3) of LA FOIP Regulations.

**ii. Fees for preparation**

[66] The RPS indicated that the actual cost for the preparation fee is \$1,740.00. It did subtract \$30 since subsection 5(3) of LA FOIP Regulations provides that fees can be charged only for the time after the first hour. My office calculated [(1739 pages @ 2 minutes/page) (\$30/hr) - \$30] = \$1709.00. Had these 1,739 pages been provided in full or in part, then the actual cost of the fees for preparation should have been \$1,709.00. However, I note that section 7 of the LA FOIP Regulations provides that no fees are payable where a record is refused. It says:

7(1) No fees are payable pursuant to subsections 5(2) to 5(4) where access to a record is refused.

(2) Where a deposit has been paid pursuant to subsection 9(4) of the Act and access to the record requested is refused, the amount of the deposit in excess of the fee set out in sub-section 5(1) is to be refunded to the applicant.

[67] As noted above, the RPS indicated it located 1,739 pages in its search. Ultimately, it ended up providing 431 redacted documents to the Applicant. Therefore, the actual cost of the fees for preparation should be calculated as  $[(431 @ 2 \text{ minutes/page})(\$30/\text{hr}) - \$30] = \$401.00$ .

**iii. Fees for reproduction**

[68] In its submission, the RPS indicated that it provided the records to the Applicant an electronic copy via email. Therefore, it did not charge fees for reproduction. I commend the RPS for reducing costs to the Applicant by providing an electronic copy of the records.

[69] Based on the above, I find that the RPS' actual charge should have been \$1,404.50.

[70] Since the Applicant has already provided a deposit of \$1,622.00, then the RPS should refund the Applicant \$217.50.

[71] I recommend that the RPS refund the Applicant \$217.50.

**4. Should the RPS have extracted records responsive to the access request based on the Applicant's identity?**

[72] As noted in the background, the RPS completed its search for records on March 23, 2020. Once the RPS had gathered the records, it created an "Original Copy" of the records. This "Original Copy" is a portable document format (PDF) file that was 886 pages. Then, on April 14, 2020, the RPS exchanged emails with the Applicant to clarify whether or not they were representing any of the parties involved in the labour dispute. At the conclusion of the email exchange, the RPS indicated it would regard the Applicant as the applicant and not as the representative of any of the parties involved.

[73] After its email exchange with the RPS, the RPS made the decision that the Applicant would not be entitled to certain records that was gathered from IEIS. As a result, the RPS “extracted” the responsive records that was from IEIS. As a result, the “Original Copy” of the record shrunk from 886 pages to 431 pages. In its submission, the RPS explained that because it has concluded that the Applicant is not representing any party in the labour dispute, that it would treat the access request as a “general” request instead of a “personal” request:

Our office took this to mean that since he is not stating he is the Lawyer for Unifor Local 594, RPS would need to review the information differently now that his role with the request had been clarified. After some discussion between me, legal and the Executive Director of Corporate Services we made the decision withhold all the IEIS records and treat the request as a “General” request for information rather than a “Personal” request where the requestor is actively involved with the file. We provided an email back to the applicant explaining how the requestor’s role is important to each access request. The role of the applicant will change how redactions are applied at time of disclosure. Applicants who are not directly associated with the File Numbers would not receive access to those records in IEIS. Treating this request as a “General Request” still allowed RPS to provide information back to the applicant; however the information was more related to police work and business. The Access and Privacy Officer then extracted those IEIS records from the file.

[74] Section 5 of LA FOIP provides individuals with a right of access to records that are in the possession or under the control of the local authority:

**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.

[75] Further, subsection 30(1) of LA FOIP provides individuals with a right of access to their own personal information:

**30(1)** Subject to Part III and subsections (2) and (3), an individual whose personal information is contained in a record in the possession or under the control of a local authority has a right to, and:

- (a) on an application made in accordance with Part II; and
- (b) on giving sufficient proof of his or her identity;

shall be given access to the record.

- [76] Based on the wording of the three access requests, the access requests should have been considered “general” requests regardless of whether the Applicant was or was not representing any party involved in the labour dispute. A “personal” request would involve the Applicant requesting their own “personal information” as defined by subsection 23(1) of LA FOIP. However, the Applicant is not requesting their own personal information. Based on what is before me, it appears as though the RPS may have mistakenly taken on a broadened definition of “personal information”, as if information about each party involved in the labour dispute would qualify as “personal information” under LA FOIP.
- [77] If a third party individual’s personal information – as it is defined by subsection 23(1) of LA FOIP - appeared in the records, then RPS could redact personal information of third parties pursuant to subsection 28(1) of LA FOIP. This should be done instead of extracting entire records out of the responsive records. Section 5 of LA FOIP provides the Applicant (and any other person) the right to records in the possession or under the control of the RPS subject to the limited and specific exemptions set out in Parts III and IV of LA FOIP. Therefore, I find that the RPS should not have extracted records responsive to the access request based on the Applicant’s identity. Instead, the RPS should have reviewed the records to determine if any exemptions might apply to those records.
- [78] I must also address the RPS’ statement in their submission that the “role of the applicant will change how redactions are applied at the time of disclosure”. The only time an applicant’s identity should be taken into consideration is when information in a record qualifies as personal information as defined by subsection 23(1) of LA FOIP. Generally, an applicant should be provided access to their own personal information but refused access to other individual’s personal information. Otherwise, the RPS should be applying all exemptions in Part III of LA FOIP the same regardless of an applicant’s identity. Any person, regardless of their identity or relationship to the labour dispute, is entitled to the same records in the possession or under the control of the RPS. In other words, any person submitting the same access requests as the Applicant should be able to expect to receive the same records in the possession or under the control of the RPS regardless of identity or relationship to the labour dispute.

[79] I recommend that the RPS restore the records it extracted from the “Original Copy”. These would be the following pages from the “Original Copy”: 1 to 255, 260, 281, 315 to 323, 369 to 403, 409, 416, 420 to 443, 463 to 494, 569 to 592, 714 to 724, 742 to 779, and 841 to 843. Then, I recommend that the RPS conduct a line-by-line review of these pages pursuant to section 8 to determine if exemptions apply to them. Once it has applied exemptions to these pages (if any), I recommend the RPS release these pages or portions to the Applicant. This should be completed within 30 days of the issuance of the final version of this Report.

**5. Did the RPS properly apply subsection 14(1)(k) of LA FOIP?**

[80] The RPS applied subsection 14(1)(k) of LA FOIP to the majority of the pages in the “Working Copy” as outlined in Appendix A. The RPS also applied subsection 14(1)(k) of LA FOIP to the Watch Command records. First, I will analyze the pages of the Working Copy. Then, I will analyze the Watch Command records.

**Working Copy**

[81] Subsection 14(1)(k) of LA FOIP provides as follows:

**14(1)** A head may refuse to give access to a record, the release of which could:

...

(k) interfere with a law enforcement matter or disclose information respecting a law enforcement matter;

[82] In order for subsection 14(1)(k) of LA FOIP to apply, the following two-part test can be applied:

1. Is there a law enforcement matter involved?
2. Does one of the following exist?
  - a. Could the release of information interfere with a law enforcement matter?
  - b. Could the release of information disclose information with respect to a law enforcement matter?

(Guide to FOIP, pp. 74 to 77)

[83] I will consider each part of the test:

***1. Is there a law enforcement matter involved?***

[84] Pages 74 and 75 of my office’s *Guide to FOIP, Chapter 4: Exemptions from the Right of Access*, (updated February 4, 2020) (Guide to FOIP) provides that “law enforcement” includes:

- Policing, including criminal intelligence operations, or
- Investigations, inspections or proceedings conducted under the authority of or for the purpose of enforcing an enactment which lead to or could lead to a penalty or sanction being imposed under the enactment.

[85] To understand the term “policing”, I refer to subsection 36(2) of *The Police Act, 1990*, which provides members with the following powers and responsibilities:

**36(2)** Unless otherwise indicated in his or her appointment, a member has the power and the responsibility to:

- (a) perform all duties that are assigned to constables or peace officers in relation to:
  - (i) the preservation of peace;
  - (ii) the prevention of crime and offences against the laws in force in the municipality; and
  - (iii) the apprehension of criminals, offenders and others who may lawfully be taken into custody;
- (b) execute all warrants and perform all duties and services under or in relation to them that, pursuant to the laws in force in the municipality, may lawfully be executed and performed by constables or peace officers; and
- (c) perform all duties that may lawfully be performed by constables or peace officers in relation to the escorting and conveyance of persons in lawful custody to and from courts, places of confinement, correctional facilities or camps, hospitals or other places.

[86] Further, I note that in Order 2000-027 at paragraph 17, the Office of the Information and Privacy Commissioner of Alberta (AB IPC) provided that “policing” relates to the maintenance of public order, detection and prevention of crime, or the enforcement of law.

[87] Next, I need to consider the term “matter”. At paragraph [23] of *Leo v. Global Transportation Hub Authority*, 2019 SKQB 150 (CanLII), the Court of Queen’s Bench explained that the term “matter” is very broad in the context of subsection 14(1)(k) of LA FOIP and that “law enforcement matter” is not synonymous with the term “investigation”:

[23] The terms “lawful investigation” and “law enforcement matter” are not defined in FOIP, but courts interpreting similar provisions in other jurisdictions have determined that the meaning of the word “matter” in this context is very broad. The plain wording of the section also makes it clear that “investigation” and “law enforcement matter” are not synonymous terms. If they were, there would be no need to create a distinct exemption for each.

[88] Based on a review of the pages in the Working Copy to which RPS applied subsection 14(1)(k) of LA FOIP, I find that some of the pages contain details of law enforcement matters. This includes details of RPS members carrying out their powers and responsibilities as set out in subsection 36(2) of *The Police Act, 1990*. As such, I find that the records to which RPS applied subsection 14(1)(k) of LA FOIP involve law enforcement matters.

[89] I will now consider the second part of the test.

**2. Does one of the following exist?**

**a. Could the release of information interfere with a law enforcement matter?**

**b. Could the release of information disclose information with respect to a law enforcement matter?**

[90] To meet this part of the test, it is only necessary for the local authority to demonstrate that the information in the record is information with respect to a law enforcement matter. Pages 76 and 77 of Guide to FOIP explains that threshold for the word “could” is somewhat lower than a “could reasonably be expected to”. The requirement for could is simply that

the release of the information could have the specified result; however, there would still have to be a basis for asserting the outcome could occur. If the assertion is fanciful or exceedingly remote, the exemption should not be invoked. Further, the words “with respect to” are words of widest possible scope; the phrase is probably the widest of any expression intended to convey some connection between two related subject matters.

[91] As stated earlier, the RPS applied subsection 14(1)(k) of LA FOIP to the majority of the pages in the Working Copy. My office has reviewed each page to which the RPS applied subsection 14(1)(k) of LA FOIP. My office’s findings are outlined in Appendix A. In summary, I found that subsection 14(1)(k) of LA FOIP applied to the majority of the portions of the records to which RPS applied subsection 14(1)(k) of LA FOIP as the release of information would disclose information with respect to law enforcement matters. However, there were instances in which I found that subsection 14(1)(k) of LA FOIP would not apply, including the following:

- **RPS file numbers** on some of the pages. The release of file numbers on certain pages would not disclose information with respect to law enforcement matters. In its submission, the RPS explained “[e]xemptions were applied to remove (RA/RM File Numbers) that were written on pages. These RA/RM numbers identify a law enforcement matter that the applicant is not related to.” Regardless of the Applicant’s identity, I find that the release of file numbers would not disclose information with respect to a law enforcement matter. For example, the file numbers on page 307 is handwritten on a copy of a court order. The Court Order, which is public, was released to the applicant. The release of the handwritten file number would not disclose anything further with respect to a law enforcement matter. Further, the file numbers on pages 372 and 386 appear to be related to news releases, which has been made public. Revealing the file numbers would not reveal anything further regarding the law enforcement matter.
- **The majority of subject lines and attachment descriptions** were rather generic and the release of such information would not disclose information with respect to law enforcement matters.
- **Other records** such as the voice-to-text messages on pages 84 and 85 where one party was leaving their business contact information for RPS to contact them. The release of such information would not disclose information with regards to law enforcement matters. Further, the release of pleasantries, such as the first three text messages on page 360 would not disclose information with respect to law enforcement matters.



[92] Subsection 14(1)(k) of FOIP is a discretionary exemption. Pages 11 to 12 of the Guide to FOIP explains that the head (or the staff member delegated to exercise the discretion of the head) is to weigh all factors in determining whether or not information can be released despite a discretionary exemption being found to apply. Some factors that should be taken into account when exercising discretion include:

- the general purposes of the Act (i.e. local authorities should make information available to the public, and individuals should have access to personal information about themselves);
- the wording of the discretionary exemption and the interests which the exemption attempts to protect or balance;
- whether the applicant's request may be satisfied by severing the record and providing the applicant with as much information as is reasonably practicable;
- the historical practice of the government institution with respect to the release of similar types of records;
- the nature of the record and the extent to which the record is significant or sensitive to the government institution;
- whether the disclosure of the information will increase public confidence in the operation of the government institution;
- the age of the record;
- whether there is a definite and compelling need to release the record; and
- whether the Commissioner's recommendations have ruled that similar types of records or information should be released.

[93] At pages 12 and 13, the Guide to FOIP points out that the Supreme Court of Canada (Supreme Court) ruling in *Ontario (Public Safety and Security) v. Criminal Lawyers' Association*, 2010 SCC 23, [2010] 1 S.C.R. 815. In that decision, the Supreme Court confirmed the authority of the Information and Privacy Commissioner of Ontario to quash a decision not to disclose information pursuant to a discretionary exemption and to return the matter for reconsideration by the head of a public body. The Supreme Court considered the following factors to be relevant to the review of discretion:

- the decision was made in bad faith;
- the decision was made for an improper purpose;
- the decision took into account irrelevant considerations; or
- the decision failed to take into account relevant considerations.

[94] In a review, I may recommend that the head of the local authority reconsider the exercise of discretion if I feel that one of these factors played a part in the original decision to withhold information, or if not exercised at all. However, I will not substitute my discretion for that of the head.

[95] Throughout its arguments as to why it applied subsection 14(1)(k) of LA FOIP, the RPS repeated that it considered the Applicant's relationship to the labour dispute. For example, it said the following:

Exemptions were applied when RPS staff was given instruction or information to carry out police related activities such as investigations. These were inspection or law enforcement matters that RPS did not want to share with the applicant for fear that it might interfere with the investigation. **Consideration was also given to the relationship identified by the applicant in relation to the Labor Dispute.**

There were also situations in which RPS was given information or attended to the Labor Dispute and conducted police business. This could have been related to other events taking place during the labor dispute or investigating law enforcement matters that **the applicant was not related to or required to know based on his relationship with Labor Dispute.**

[Emphasis added]

[96] Earlier, I found that the RPS should not have extracted records responsive to the access request based on the Applicant's identity. Similarly, I find that the Applicant's identity is not a relevant consideration for why subsection 14(1)(k) of LA FOIP should or should not apply to a record. Therefore, I recommend that the RPS reconsider the exercise of discretion in its application of subsection 14(1)(k) of LA FOIP to determine if it could release additional records to which it applied subsection 14(1)(k) of LA FOIP.

[97] I should note that many of the responsive records in the Working Copy appear as responsive records in my Review Report 132-2020. In many instances, the RPS disclosed records (or portions of) to the applicant in Review Report 132-2020 that it withheld from the Applicant in this review pursuant to subsection 14(1)(k) of LA FOIP. At minimum, the RPS should be releasing to the Applicant the same portions of the records that it did to the applicant in Review Report 132-2020. In Appendix A, I have outlined where this is the case and I recommend that the RPS disclose, at minimum, the same portions to the Applicant as it did for the applicant in Review Report 132-2020.

### **Watch Command records**

#### **a. Event logs**

[98] The RPS provided my office with Watch Command records. The majority of these pages are event logs of activities taking place in the City of Regina from December 2019 to February 2020. The RPS applied subsection 14(1)(k) of LA FOIP to withhold the event logs. In its submission, the RPS indicated that a lot of the information in the logs did not relate to the strike. However, they included these pages to demonstrate its search efforts to my office.

[99] Based on a review of the event logs, I find that the majority of the event logs are clearly separate and distinct and entirely unrelated to the three access requests by the Applicant. For example, the event logs include many different types of incidents unrelated to the labour dispute such as sudden deaths, missing persons, and domestic assaults. Therefore, the majority of these pages would be considered not responsive. These records should not have been considered in the processing of the access request. Later on in this Report, I will discuss records that are not responsive.

[100] In Appendix B, I list the portions of the pages of the event logs that relate to the labour dispute and would be responsive to the Applicant's access requests. Some responsive portions, I find that subsection 14(1)(k) of LA FOIP would apply to them because, on the face of the record, I can tell that there is a law enforcement matter involved and that the

release of the information could disclose information with respect to the enforcement matter. My findings and recommendations are listed in Appendix B. However, similar to my analysis of the application of subsection 14(1)(k) of LA FOIP to the “Working Copy”, I recommend that the RPS reconsider the exercise of discretion in its application of subsection 14(1)(k) of LA FOIP to determine if these particular responsive portions can be released.

[101] For other responsive portions, I found that subsection 14(1)(k) does not apply. This is because, on the face of the record, I cannot determine if there is a law enforcement matter or that the release of the information could disclose information with respect to a law enforcement matter. My findings and recommendations are listed in Appendix B.

**b. Watch Command records – additional records**

[102] There are an additional 106 pages of Watch Command records that consist of emails, service requests, and the RPS responses to service requests. Based on a review of these records, I find that subsection 14(1)(k) of LA FOIP would apply to some of the records because, on the face of these record, I can tell that there is a law enforcement matter involved and that the release of the information could disclose information with respect to the law enforcement matter. However, I do not find that subsection 14(1)(k) of LA FOIP would not apply to all the records because, on the face of the records, I cannot determine that the release of these records could disclose information with respect to a law enforcement matter. My findings and recommendations are listed in Appendix C.

**6. Did the RPS properly apply subsection 28(1) of LA FOIP?**

[103] The RPS applied subsection 28(1) of LA FOIP to portions of records as outlined in Appendix A. The RPS applied subsection 28(1) of LA FOIP to remove the names and/or contact information (such as email addresses and email signatures) of non-RPS personnel. These non-RPS personnel whose name and/or contact information was removed include individuals representing the parties involved in the labour dispute. It also included names of City of Regina employees, City of Regina councillors, and Government of

Saskatchewan employees. In its submission, RPS indicated it did not have the consent of the individuals to release such information.

[104] Subsection 28(1) of LA FOIP is a mandatory provision that 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.

[105] In order for subsection 28(1) of LA FOIP to apply, I must first find that the information constitutes third party “personal information” as defined by subsection 23(1) of LA FOIP. Subsection 23(1) of LA FOIP provides:

**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:

(a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;

(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;

(c) information that relates to health care that has been received by the individual or to the health history of the individual;

(d) any identifying number, symbol or other particular assigned to the individual;

(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;

(g) correspondence sent to a local authority by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;

- (h) the views or opinions of another individual with respect to the individual;
- (i) information that was obtained on a tax return or gathered for the purpose of collecting a tax;
- (j) information that describes an individual's finances, assets, liabilities, net worth, bank balance, financial history or activities or credit worthiness; or
- (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.

[106] The list of examples of personal information in subsection 23(1) of LA FOIP is not exhaustive. There may be other information that qualifies as personal information if two elements exist. These two elements are:

1. Is there an identifiable individual? and
2. Is the information personal in nature?

[107] Based on a review of the records at issue, I find that subsection 28(1) of LA FOIP applies to the names and contact information (such as email addresses) that are found in some of the records such as on pages 408 to 411. These are private individuals acting in a personal capacity.

[108] However, in most cases where the RPS applied subsection 28(1) of LA FOIP, I find that the information does not qualify as personal information. This is because such information does not qualify as "personal information" as defined by subsection 23(1) of LA FOIP. The information of these individuals (such as names, email addresses, and information in an email signature) would qualify as "business card information". These individuals were acting in a professional and not personal capacity. In past reports, I found that business card information would not qualify as "personal information". For example, in paragraphs 25 to 30 of my office's Review Report 186-2019, I said the following:

[25] However, the Ministry has also applied subsection 29(1) of FOIP to cellular telephone numbers of a third party business employee. In its submission, the Ministry indicated that the cellular telephone number was withheld because if released it would disclose personal information of an identifiable individual as the number is not publicly available.

[26] Business card information is the type of information found on a business card (name, job title, work address, work phone numbers and work email address). This type of information is generally not personal in nature and therefore would not be considered personal information. Further, in Review Report 149-2019, 191-2019, I noted that business card information does not qualify as personal information when found with work product. 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. Work product is also not considered personal information.

[27] In this case, the cellular telephone number is in the signature line of an email, which contains work product of an employee of a third party business.

[28] In Review Report F-2010-001, Review Report F-2012-006 and Review Report LA-2013-002, my office noted that section 4.01 the Personal Information Protection and Electronic Documents Act (PIPEDA), which applies to every organization that collects, uses or discloses personal information in the course of “commercial activities”, carves out business contact information from the type of personal information that requires protection.

[29] Subsection 2.1 of PIPEDA defines “business contact information” as, “information that is used for the purpose of communicating or facilitating communication with an individual in relation to their employment, business or profession such as the individual’s name, position name or title, work address, work telephone number, work fax number or work electronic address.” This supports the conclusion that business card information is not meant to be personal information for the purposes of subsection 24(1) of FOIP when it appears in work product.

[30] The cellular telephone number, therefore, constitutes business card information and does not qualify as personal information in this instance. ...

[109] Therefore, consistent with my previous Review Reports, I find that business contact information does not qualify as personal information. I have outlined by findings and recommendations in Appendix A.

**7. Did the RPS properly apply subsection 18(1)(b) of LA FOIP?**

[110] The RPS applied subsection 18(1)(b) of LA FOIP throughout the Working Copy, as outlined in Appendix A. It applied subsection 18(1)(b) of LA FOIP to bodies of records, email addresses, and email signatures. It also applied subsection 18(1)(b) of LA FOIP to photographs by the third party. Earlier, I found that subsection 14(1)(k) of LA FOIP applies to many of the records to which RPS applied subsection 18(1)(b) of LA FOIP. When I find that a particular exemption applies to records (or portions of records), it is my usual practice to not consider if any other exemption applies. After all, there is no difference between one exemption applying and two (or more) exemptions applying – the outcome is the same – I recommend that the record (or portions of) be withheld. However, since I have recommended that RPS reconsider the exercise of its discretion with regards to its application of subsection 14(1)(k) of LA FOIP, I will consider if subsection 18(1)(b) of LA FOIP applies to these records to which RPS applied both exemptions. This is because subsection 18(1)(b) of LA FOIP is a mandatory exemption. If the RPS reconsiders the exercise of discretion in its application of subsection 14(1)(k) of LA FOIP and decides to release some of the information it withheld pursuant to subsection 14(1)(k) of LA FOIP, it must still withhold the information if subsection 18(1)(b) of LA FOIP applies.

[111] 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;

[112] My office uses the following three-part test to determine if subsection 18(1)(b) of LA FOIP applies.

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

(Guide to FOIP, pp. 191 to 195)



[113] All three parts of the test must be met in order for subsection 18(1)(b) of LA FOIP to apply.

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

[114] For the first part of the test, the RPS asserted the following:

The information was related to ongoing labor dispute and sharing that information could identify the management of personnel by a person or organization, we also considered that the two bargaining units were still involved in a current bargaining situation.

[115] Based on the above, it appears as though the RPS is asserting that the information is “labour relations” information. Similarly, the third party in this matter asserted in its submission that information qualifies as labour relations information.

[116] Page 192 of the Guide to FOIP explains “labour relations information” as follows:

Labour relations information is information that relates to the management of personnel by a person or organization, whether or not the personnel are organized into bargaining units. It includes relationships within and between workers, working groups and their organizations as well as managers, employers and their organizations. Labour relations information also includes collective relations between a public body and its employees. Common examples of labour relations information are hourly wage rates, personnel contracts and information on negotiations regarding collective agreements.

[117] In Order P-1540, the Office of the Information and Privacy Commissioner of Ontario (ON IPC) found that records containing discussions regarding agencies’ approaches to dealing with the management of their employees during a labour dispute, to qualify as labour relations information. Further, ON IPC found that information about contingency plans and strategies to be employed by the agencies in their dealings with their employees during and as a result of the labour dispute to qualify as labour relations information. In contrast, in Order M-2164, the ON IPC found that the names, duties and qualifications of individual employees did not qualify as labour relations information as such information does not relate to labour disputes or labour negotiations.

[118] Further, I note in Privacy Complaint Report PC-020022-1, the ON IPC accepted that a public body's video surveillance of picket line activity was about a labour relations matter.

[119] Based on a review of the records at issue, I find that many of the records to which RPS applied subsection 18(1)(b) of LA FOIP contains labour relations information. Specifically, records containing the CCRL's account or photographs of picket line activities that either delayed and/or blocked access to the CCRL.

[120] However, some of the records to which RPS applied subsection 18(1)(b) of LA FOIP would not qualify as labour relations information. This would include some of the subject lines attachment descriptions in email headers as well as email signatures.

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

[121] Earlier, I found that RPS qualifies as a "local authority". CCRL qualifies as a "third party" as defined by subsection 2(k) of LA FOIP, which provides:

**2** In this Act:

...

(k) "**third party**" means a person, including an unincorporated entity, other than an applicant or a local authority.

[122] Where I found the information qualifies as labour relations information, the information was supplied by CCRL to the RPS.

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

[123] Information being supplied in confidence usually describes a situation of mutual trust in which private matters are relayed or reported. Information obtained in confidence means that the supplier of the information has stipulated how the information can be disseminated. In order for confidence to be found, there must be an implicit or explicit agreement or understanding of confidentiality on the part of both the government institution and the third party providing the information (Guide to FOIP, p. 195).

- [124] Both the RPS and CCRL asserted that information was supplied in confidence implicitly.
- [125] 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. The expectation of confidentiality must be reasonable and must have an objective basis. Whether the information is confidential will depend upon: 1) its content, 2) its purposes, and 3) the circumstances in which it was compiled or communicated (Guide to FOIP, pp. 195 to 196; *Corporate Express Canada, Inc. v. The President and Vice-Chancellor of Memorial University of Newfoundland*, Gary Kachanoski, 2014 CanLII 55800 (NL SC)).
- [126] In its submission, the RPS indicated that due to the nature of the information, its position is that confidentiality needed to be maintained. It asserted that the purpose for CCRL to provide the information to the RPS was “related to the commission of a crime or crimes and in some instances for the purposes of intelligence gathering.” It also asserted that the sharing of the images could jeopardize the security of the CCRL because the photographs would give away the location of CCRL’s video cameras.
- [127] CCRL, in its submission, asserted that there is a long-standing practice of the RPS to maintain the confidentiality of information that relate to law enforcement matters. It asserted that the confidentiality of such information is codified in section 14 of LA FOIP. It also asserted that the RPS verbally assured confidentially to CCRL employees during numerous interactions, including during meetings and daily briefings with assigned RPS employees. The CCRL also cited the confidentiality footer that is included in CCRL’s emails that says:

This email including attachments is privileged and may be confidential. If you are not the intended recipient, any redistribution or copying of this message is prohibited. If you have received this email in error, please notify us immediately by return email and delete this message.

[128] When I consider the above, I find that both RPS and CCRLs' are arguing that for law enforcement purposes, the confidentiality must be maintained. Section 14 of LA FOIP contemplates law enforcement. I note that in most cases where RPS applied subsection 18(1)(b) of LA FOIP, it also applied subsection 14(1)(k) of LA FOIP. In cases where RPS applied both subsections 14(1)(k) and 18(1)(b) of LA FOIP, I have already found that subsection 14(1)(k) of LA FOIP applied but I have recommended that the RPS reconsider the exercise of discretion in its application of subsection 14(1)(k) of LA FOIP.

[129] Below, I will consider the contents, purpose, and the circumstances in which the information was compiled and communicated to determine if the information was supplied in confidence.

[130] When I consider the contents of the records, they contain CCRL's accounts or photographs of picketing activities that occurred in public. That suggests there is a diminished expectation of confidentiality. While individuals acting in public may still have privacy interests, I note that the CCRL does not represent the privacy interest of the individual picketers.

[131] When I consider the purpose of the information being supplied by CCRL, both the RPS and CCRL indicated in their submission that the purpose was for law enforcement purposes. A complaint by one party against another cannot be withheld in absolute confidence by a law enforcement agency. If this was the case, then law enforcement agencies could not fully investigate a matter and maintain absolute confidentiality. It may be necessary to disclose information to a certain extent in order to properly deal with a law enforcement matter. Furthermore, the party who is the subject of a complaint may need to be made aware of the complaint that forms the basis of a law enforcement matter.

[132] Finally, when I consider the circumstances in which the records were generated, they were generated during a highly publicized labour dispute. An injunction (and subsequent amended injunction) was issued by the Court of Queen's Bench on December 27, 2019 and February 21, 2020. The amended injunction authorized the RPS to assist the CCRL "in removing barricades by keeping the peace while the CCRL removes the barricades". It

also provided the RPS with the authority to arrest and detain persons interfering with this action. Based on the court injunctions, it would appear that the contents (or, at least, the nature) of the information being supplied by the CCRL to the RPS could easily be guessed at. Given the public nature of this labour dispute, I find that there could not have been an expectation of confidentiality when the CCRL supplied the information to the RPS.

[133] Based on the above, I find that the third part of the three-part test for subsection 18(1)(b) of LA FOIP has not been met. Therefore, I find that the RPS has not demonstrated that subsection 18(1)(b) of LA FOIP applies. However, as stated earlier, where RPS applied both subsections 14(1)(k) and 18(1)(b) of LA FOIP, I have found that subsection 14(1)(k) of LA FOIP applies. My findings and recommendations are listed in Appendix A.

**8. Does subsection 18(1)(c)(iii) of LA FOIP apply to the records?**

[134] The RPS did not apply subsection 18(1)(c)(iii) of LA FOIP as a reason for withholding access to records. However, the third party argued that subsection 18(1)(c)(iii) of LA FOIP also applied to the records to which RPS applied subsection 18(1)(b) of LA FOIP. Since subsection 18(1)(c)(iii) of LA FOIP is a mandatory exemption, I will consider the third party's arguments.

[135] Subsection 18(1)(c)(iii) of LA FOIP provides as follows:

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

...

(c) information, the disclosure of which could reasonably be expected to:

...

(iii) interfere with the contractual or other negotiations of;

a third party;

[136] My office uses the following two-part test to determine if subsection 18(1)(c)(iii) of LA FOIP applies:

1. Are there contractual or other negotiations occurring involving a third party?

2. Could release of the record reasonably be expected to interfere with the contractual or other negotiations of a third party?

(Guide to FOIP, pp. 213 to 217)

[137] For the first part of the test, the third party indicated that the records themselves were generated in the context of contractual negotiations between the third party and the union. The third party indicated while the negotiations for the specific collective bargaining agreement have been concluded, there are a number of potential future collective bargaining agreements that will need to be negotiated by the parties when the current agreement expires.

[138] For the second part of the test, the third party asserted that future negotiations may be negatively impacted by the release of the records. It said:

By way of example, the Records may be used against CCRL as part of those negotiations in a number of ways (for example, to create negative perceptions of CCRL, to create picketing and other strategies as a component of those negotiations with detailed information as to how CCRL may respond and where the CRC may be most vulnerable to such activities, and to counteract CCRL's strategies and responses to picketing, should that occur again in the future). Although obviously undesirable, these possible harms can be reasonably expected based on the demonstrated relationship between the parties.

[139] Based on a review of the records, I can confirm that the records were generated in the context of negotiations between the CCRL and the union. Earlier, I indicated that the records contain the CCRL's account or photographs of picket line activities that either delayed and/or blocked access to the CCRL. The records contain information that is static in time. That is, the records contain information of incidents that occurred during this recent labour dispute and these incidents were reported to the RPS. The RPS' involvement is already publicly known through media releases issued by the RPS. The RPS carrying out their powers and responsibilities pursuant to *The Police Act, 1990*, does not reveal CCRL's strategies and responses to picketing. I do not find that the release of such records would result in the harms alleged by the third party. I find that subsection 18(1)(c) of LA FOIP does not apply to the records. Since it was the third party who raised subsection 18(1)(c) of LA FOIP and not the RPS, I will not make a recommendation.

**9. Did the RPS properly apply subsection 14(1)(i) of LA FOIP?**

[140] The RPS applied subsection 14(1)(i) of LA FOIP to some of the records in the Working Copy and to the Watch Command records. I will first determine whether subsection 14(1)(i) of LA FOIP applies to the Working Copy records. Then, I will analyze if subsection 14(1)(i) of LA FOIP applies to the Watch Command records.

**Working Copy**

[141] The RPS applied subsection 14(1)(i) of LA FOIP to some of the records in the Working Copy, as outlined in Appendix A. In some cases, the RPS applied subsection 14(1)(i) of LA FOIP to the same records it applied other exemptions to which I have already found to apply. For example, the RPS applied subsection 14(1)(i) of LA FOIP to records to which RPS also applied subsection 14(1)(k) of LA FOIP. In some cases, I have already found that subsection 14(1)(k) of LA FOIP applied. It is normal procedure for my office to not consider additional discretionary exemptions where I have found other exemptions to have applied. However, since I have recommended that the RPS reconsider the exercise of discretion for applying subsection 14(1)(k) of LA FOIP, I will consider subsection 14(1)(i) of LA FOIP.

[142] Subsection 14(1)(i) of LA FOIP provides as follows:

**14(1)** A head may refuse to give access to a record, the release of which could:  
...  
(i) reveal law enforcement intelligence information

[143] My office uses the following two-part test to determine if subsection 14(1)(i) of LA FOIP applies to records:

1. Does the information constitute law enforcement intelligence information?
2. Could disclosure reveal law enforcement intelligence information?

(Guide to FOIP, pp. 69 to 71)

[144] In Review Report F-2014-001, my office noted Order M-202 by the ON IPC. The ON IPC considered the term “intelligence information” as follows:

The term “intelligence” is not defined in the Act. The Concise Oxford Dictionary, eighth edition, defines “intelligence” as “the collection of information, [especially] of military or political value”, and “intelligence department” as “a [usually] government department engaged in collecting [especially] secret information”.

The Williams Commission in its report entitled Public Government for Private People, the Report of the Commission on Freedom of Information and Protection of Privacy/1980, Volume II at pages 298-99, states:

Speaking very broadly, intelligence information may be distinguished from investigatory information by virtue of the fact that the former is generally unrelated to the investigation of the occurrence of specific offenses. For example, authorities may engage in surveillance of the activities of persons whom they suspect may be involved in criminal activity in the expectation that the information gathered will be useful in future investigations. In this sense, intelligence information may be derived from investigations of previous incidents which may or may not have resulted in trial and conviction of the individual under surveillance. Such information may be gathered through observation of the conduct of associates of known criminals or through similar surveillance activities.

**In my view, for the purposes of section 8(1)(g) of the Act, “intelligence” information may be described as information gathered by a law enforcement agency in a covert manner with respect to ongoing efforts devoted to the detection and prosecution of crime or the prevention of possible violation of law, and is distinct from information which is compiled and identifiable as part of the investigation of a specific occurrence.**

[Emphasis added]

[145] As such, in order to qualify as intelligence information, the information should have been gathered by a law enforcement agency in a covert manner. Further, the intelligence information is distinct from information which is compiled and identifiable as part of the investigation of a specific occurrence.

[146] In its submission, the RPS asserted that where it applied subsection 14(1)(i) of LA FOIP, information was gathered covertly. The RPS provided general detail to support its argument that information was collected covertly. Based on a review of the pages in the



Working Copy, there were comments on some of the pages that suggests information was *not* collected covertly. For example, on pages 124 and 163, there are portions of those pages that indicates RPS members were not acting in a covert manner when gathering information. As such, for some of the pages to which it applied subsection 14(1)(i) of LA FOIP, I find that the RPS has not met the burden of proof set out in section 51 of LA FOIP which says:

**51** In any proceeding pursuant to this Act, the burden of establishing that access to the record applied for may or must be refused or granted is on the head concerned.

[147] However, in other cases where the RPS applied subsection 14(1)(i) of LA FOIP, when I review the records and consider the context of the record, I find that the intelligence information was gathered covertly. As such, I find that subsection 14(1)(i) of LA FOIP applies to those portions of the records. My findings and recommendations are listed in Appendix A.

[148] As mentioned earlier in my analysis of subsection 14(1)(k) of LA FOIP, I may recommend that the head of a local authority to reconsider its exercise of discretion should I feel that one of the four factors set out by the Supreme Court played a part in the original decision to withhold information, or if discretion was not exercised at all. However, I will not substitute my discretion for that of the head. I recommend that the RPS reconsider the exercise of discretion in its application of subsection 14(1)(i) of LA FOIP to determine if it could release additional records to which it applied subsection 14(1)(i) of LA FOIP. The RPS should ensure it has considered the factors set out on pages 11 to 12 of the Guide to FOIP in its exercise of discretion.

[149] I should note that many of the responsive records in the Working Copy appear as responsive records in my Review Report 132-2020. In many instances, the RPS disclosed records (or portions of) to the applicant in Review Report 132-2020 that it withheld from the Applicant in this review pursuant to subsection 14(1)(i) of LA FOIP. At minimum, the RPS should be releasing to the Applicant the same portions of the records that it did to the applicant in Review Report 132-2020. In Appendix A, I have outlined where this is the case and I

recommend that the RPS disclose, at minimum, the same portions to the Applicant as it did for the applicant in Review Report 132-2020.

### **Watch Command records**

#### **a. Event Logs**

[150] As described earlier, the majority of the Watch Command records are event logs of activities taking place in the City of Regina from December 2019 to February 2020. The RPS applied subsection 14(1)(i) of LA FOIP to withhold the event logs.

[151] As found earlier, the majority of the event logs are not responsive. Later on in this Report, I will discuss the records that are not responsive. For the portions that are responsive, I find that subsection 14(1)(i) of LA FOIP does not apply as the contents do not constitute law enforcement intelligence information. My findings and recommendations are listed in Appendix B.

#### **b. Watch Command records – additional records**

[152] There are an additional 106 pages of Watch Command records that consist of emails, service requests, and the RPS responses to service requests. Based on a review of these records, I find that subsection 14(1)(i) of LA FOIP would apply to some of these records (but not all the records). It is apparent on the face of the records that the information was gathered by the RPS covertly in ongoing efforts devoted to the detection and prosecution of crime or the prevention of possible violation of law. I have set out my findings in Appendix C.

### **10. Did the RPS properly apply subsection 14(1)(a) of LA FOIP?**

[153] The RPS applied subsection 14(1)(a) of LA FOIP to some of the records in the Working Copy, as outlined in Appendix A. In most cases, the RPS applied other exemptions to records, including subsection 14(1)(k) of LA FOIP. Since I have recommended that it reconsider the exercise of discretion for applying subsection 14(1)(k) of LA FOIP, I will

consider subsection 14(1)(a) of LA FOIP. Subsection 14(1)(a) of LA FOIP provides as follows:

**14(1)** A head may refuse to give access to a record, the release of which could:

(a) prejudice, interfere with or adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention;

[154] Page 44 of my office’s Guide to FOIP explains that this provision permits a local authority to refuse access to records where the release of a record *could* prejudice, interfere with or adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful attention. The requirement for *could* is simply that the release of the information *could* have the specified result. There would still have to be a basis for asserting the harm could occur. If it is fanciful or exceedingly remote, the exemption should not be invoked. There must be objective grounds for believing that disclosing the information *could* result in the harm alleged.

[155] The pages to which RPS applied subsection 14(1)(a) of LA FOIP is outlined in Appendix A. In its submission, the RPS indicated these particular pages relate to investigations and asserted that the release of the information “could potentially interfere with” investigations.

[156] Page 44 of the Guide to FOIP draws from the Government of Alberta’s *FOIP Guidelines and Practices: 2009 Edition*, Chapter 4, page 152, that explains that the phrase “interfere with” includes hindering or hampering an ongoing investigation and anything that would detract from an investigator’s ability to pursue the investigation. I note that subsection 20(1)(f) of Alberta’s *Freedom of Information and Protection of Privacy Act* (AB FOIP) speaks to “ongoing or unsolved” investigations. It says:

**20(1)** The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

...

(f) interfere with or harm an ongoing or unsolved law enforcement investigation, including a police investigation

[157] Subsection 14(1)(a) of LA FOIP does not include the terms “ongoing” or “unsolved”. Nevertheless, since RPS is asserting that the release of the information “could potentially interfere with” investigations, it must be able to demonstrate there are objective grounds for believing that disclosing the information could result in the interference of an investigation (or investigations). In its submission, the RPS did not explain the basis for believing how the release of the records could interfere with the investigations. On the face of the records, the link between the release of the records and the interference in the investigations is not apparent. I find that RPS has not demonstrated that subsection 14(1)(a) of LA FOIP applies. The only exception to this finding is on pages 133 and 139 where it is clear that, on the face of the record, the release of some of the information on these pages could interfere with an investigation. As such, I find that subsection 14(1)(a) of LA FOIP applies to portions of pages 133 and 139. However, given the length of time that has passed since the time of the access request and the drafting of this Report, the investigation may have concluded. If this is the case, I recommend that the RPS reconsider the exercise of discretion and consider releasing the information on pages 133 and 139. My findings and recommendations are listed in Appendix A.

**11. Did the RPS properly apply subsection 14(1)(e) of LA FOIP?**

[158] The RPS applied subsection 14(1)(e) of LA FOIP to the subject line and the body of the email on page 157 of the Working Copy. I have already found that subsection 14(1)(k) of LA FOIP applies to these same portions of page 157 of the Working Copy. However, since I recommended earlier that RPS reconsider the exercise of discretion in its application of subsection 14(1)(k), I will consider subsection 14(1)(e) of LA FOIP.

[159] Subsection 14(1)(e) of LA FOIP provides as follows:

**14(1)** A head may refuse to give access to a record, the release of which could:

...

(e) reveal investigative techniques or procedures currently in use or likely to be used;

[160] My office applies the following three-part test to determine if subsection 14(1)(e) of LA FOIP applies:

1. Does the information in question constitute “investigative techniques” or “procedures”?
2. Are the investigative techniques and/or procedures currently in use or likely to be used?
3. Could disclosure reveal investigative techniques or procedures?

(Guide to FOIP, pp. 58 to 59)

[161] Below is my analysis to determine if all three parts of the test are met.

***1. Does the information in question constitute “investigative techniques” or “procedures”?***

[162] Page 58 of the Guide to FOIP provides that *investigative techniques and procedures* means techniques and procedures used to conduct an investigation or inquiry for the purpose of law enforcement.

- The techniques or procedures must include specific steps. General information (such as forms and standard policies that do not include specific investigative steps and procedures) would not qualify.
- Routine, common or customary investigative techniques and procedures would not qualify.
- Generally known investigative techniques and procedures which the public is already aware of would not qualify.

[163] It does not include well-known investigative techniques, such as wire-tapping, fingerprinting and standard sources of information about individuals’ addresses, personal liabilities, real property, etc.

[164] In its submission, the RPS explained that it applied subsection 14(1)(e) of LA FOIP because this page contains a complaint code. When I review page 157 of the Working Copy, there

is a numerical code that appears in the subject line of an email and in the body of the email. RPS's submission said:

Our Complaint Codes [sic] are used for internal process relating to Regina Police Service business for the purpose of law enforcement. The public is not made aware of these codes; consideration was also given with respect to other agencies that may use a similar complaint code. Our complaint Code [sic] for RPS may not be the same Complaint [sic] for Weyburn Police or Estevan Police and sharing these codes could potentially identify investigation or business related to law enforcement.

[165] The RPS' submission does not explain how the numerical code qualifies as "investigative techniques" or "procedures" as defined earlier.

[166] As such, I find that the RPS has not demonstrated that subsection 14(1)(e) of LA FOIP applies to the numerical code that appears in the subject line and in the body of the email. Therefore, there is no need to consider the other two parts of the test. I recommend that the RPS release the subject line and the body of the email on page 157 of the Working Copy to which it applied subsection 14(1)(e) of LA FOIP.

## **12. Did the RPS properly apply subsection 13(2) of LA FOIP?**

[167] The RPS applied subsection 13(2) of LA FOIP to bodies of the emails on pages 76, 77, and 78 and a message within the email footer on page 77 of the Working Copy. These pages contain an email exchange between the City of Regina and RPS.

[168] Subsection 13(2) of LA FOIP provides:

**13(2)** A head may refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from another local authority or a similar body in another province or territory of Canada.

[169] My office applies the following two-part test to determine if subsection 13(2) of LA FOIP applies:

1. Was the information obtained from a local authority?
2. Was the information obtained implicitly or explicitly in confidence?

(Guide to FOIP, pp. 34 to 38)

[170] Below is an analysis to determine if the two-part test is met.

***1. Was the information obtained from a local authority?***

[171] *Information* means factors or knowledge provided or learned as a result of research or study. *Obtained* means to acquire in any way; to get possession of; to procedure; or to get a hold of by effort. To obtain information suggests that a local authority did not create it (Guide to FOIP, p. 35).

[172] As stated earlier, pages 76, 77, and 78 of the Working Copy contains email exchanges between the City of Regina and the RPS. Since “to obtain” information means that a local authority did not create the information, then I find subsection 13(2) of LA FOIP does not apply to the bodies of the emails where the RPS is the author. However, I find that the first part of the test is met for the emails authored by the City of Regina.

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

[173] Earlier in my analysis of subsection 18(1)(b) of LA FOIP, I indicated that “in confidence” describes a situation of mutual trust in which private matters are relayed or reported. Information obtained *in confidence* means that the provider of the information has stipulated how the information can be disseminated. In order for confidence to be found, there must be an implicit or explicit agreement or understanding of confidentiality on the part of the RPS and the other local authority at the time the information was obtained. (Guide to FOIP, p. 35).

[174] Also in my analysis of subsection 18(1)(b) of LA FOIP, I indicated that whether the information is confidential will depend on its content, its purposes, and the circumstances in which it was compiled or communicated (Guide to FOIP, pp. 35 to 36; *Corporate Express Canada, Inc. v. The President and Vice-Chancellor of Memorial University of Newfoundland*, Gary Kachanoski, 2014 CanLII 55800 (NL SC)).

[175] In its submission, the RPS asserted that its position is that the information provided by the City of Regina was obtained in confidence implicitly. It did not elaborate any further. On the face of the records, I cannot determine that the information was implicitly obtained in confidence by the RPS. It appears as though the City of Regina was inquiring about matters with the RPS. Such information does not appear to have been implicitly implied in confidence. I find that the RPS has not met the burden of proof set out in section 51 of LA FOIP in demonstrating that subsection 13(2) of LA FOIP applies to pages 76, 77, and 78 of the Working Copy. My findings and recommendations are listed in Appendix A.

**13. Did the RPS properly apply subsection 15(1)(b)(i) of LA FOIP?**

[176] The RPS applied subsection 15(1)(b)(i) of LA FOIP to page 415 of the Working Copy. Page 415 provides the details of a teleconference meeting, including the date, time, the dial-in number, and the participant passcode.

[177] Subsection 15(1)(b)(i) of LA FOIP provides as follows:

**15(1)** A head may refuse to give access to a record that:

...

(b) discloses agendas or the substance of deliberations of meetings of a local authority if:

(i) an Act authorizes holding the meetings in the absence of the public;

[178] The RPS indicated that it was relying on subsection 15(1)(b)(i) of LA FOIP since this meeting was held in the absence of the members of the public. It did not identify an Act that authorizes the holding of the meeting in the absence of the public.

[179] In past reports, other local authorities would cite Acts such as subsection 120(2)(b) of *The Municipalities Act* that authorizes holding meetings in the absence of the public. In this case, the RPS did not identify which Act authorized the holding of this meeting in the absence of the public in its submission to my office. On the face of the record, I cannot determine if there is an Act that authorized the holding of the meeting in the absence of the



public. I find that the RPS has not met the burden of proof set out in section 51 of LA FOIP in demonstrating that subsection 15(1)(b)(i) of LA FOIP applies to page 415 of the Working Copy.

**14. Did the RPS properly apply subsection 14(1)(c) of LA FOIP?**

[180] The RPS refused the Applicant access to all 361 pages of records it described as “investigative reports”. In its Index of Records, the RPS cited subsection 14(1)(c) of LA FOIP as its reason for withholding the records.

[181] Subsection 14(1)(c) of LA FOIP provides as follows:

**14(1)** A head may refuse to give access to a record, the release of which could:

...

(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

[182] My office applies the following two-part test to determine if subsection 14(1)(c) of LA FOIP applies:

1. Does the local authority’s activity qualify as a “lawful investigation”?
2. Does one of the following exist?
  - a) Could the release of the information interfere with a lawful investigation?
  - b) Could the release of the information disclose information with respect to a lawful investigation?

(Guide to FOIP, pp. 52 to 53)

[183] I will analyze each part of the test below.

***1. Does the local authority’s activity qualify as a “lawful investigation”?***

[184] Page 52 of the Guide to FOIP provides that a “lawful investigation” is an investigation that is authorized or required and permitted by law. In order to meet this part of the two-part

test, the local authority should identify the legislation under which the investigation is occurring.

[185] In its submission, the RPS identified file numbers related to the labour dispute. In the course of the review, the RPS indicated to my office that the 361 pages of investigation reports relate to these file numbers. It indicated that lawful investigations were undertaken under the *Criminal Code of Canada* (the Code). Specifically, investigating section 127 (disobeying order of court) and/or subsection 430(1) (mischief) of the Code.

[186] Based on a review of the records, I find that the RPS' activities qualify as a "lawful investigation".

**2. Does one of the following exist?**

**a. Could the release of the information interfere with a lawful investigation?**

**b. Could the release of the information disclose information with respect to a lawful investigation?**

[187] To meet this part of the test, it is only necessary for the local authority to demonstrate that the information in the record is information with respect to a lawful investigation.

[188] In its submission, the RPS did not provide arguments for this particular part of the test. On the face of the records, though, I find that the information in the 361 pages would disclose information with respect to a lawful investigations.

[189] Based on the above, both parts of the test are met. I find that subsection 14(1)(c) of LA FOIP applies to the 361 pages of the investigative reports.

[190] However, subsection 14(1)(c) of LA FOIP is a discretionary exemption. In the course of my office's review, the RPS indicated to my office that it considered the identity of the Applicant in its application of subsection 14(1)(c) of LA FOIP. Earlier, in my analysis of subsection 14(1)(k) of LA FOIP, I already found that the consideration of the Applicant's identity is irrelevant in the exercise of discretion. Therefore, I recommend the RPS

reconsider the exercise of discretion in its application of subsection 14(1)(c) of LA FOIP to determine if it could release additional records.

**15. Did the RPS properly apply subsection 21(a) of LA FOIP?**

[191] The RPS applied subsection 21(a) of LA FOIP to page 4 of the Working Copy and to approximately 330 emails that involve the RPS lawyer.

[192] When applying subsection 21(a) of LA FOIP to a record, a local authority has three options when claiming solicitor-client privilege: 1) provide the documents to my office with a cover letter stating that it is not waiving the privilege; 2) provide the documents to my office with the portions severed where solicitor-client privilege is claimed; or 3) provide my office with an affidavit and schedule of records. If I have a reasonable basis for questioning the content of an affidavit, I may exercise my formal powers and, only as necessary, request additional background information by affidavit or otherwise. This is set out in Part 9 of my office's *Rules of Procedure*. In this case, the RPS provided my office with a copy of page 4 of the Working Copy. Then, it provided an affidavit and schedule of records that represent 330 emails.

[193] First, I will analyze whether subsection 21(a) of LA FOIP applies to page 4 of the Working Copy. Then, I will analyze if subsection 21(a) of LA FOIP applies to the 330 emails.

**a. Page 4**

[194] The RPS describes this page as a document that was prepared by a RPS lawyer for RPS staff.

[195] Subsection 21(a) of LA FOIP provides as follows:

**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;

[196] Based on its submission, it is not clear which privilege the RPS is claiming on page 73. Its submission said:

Regina Police Services applied exemption 21(a) to this page as this document was prepared by Regina Police Services Lawyer, Katrina Swan. The information was provided to RPS staff to provide legal advice and guidance relating to a law enforcement matter that Regina Police Services was currently involved in with the ongoing labor dispute between Co-op and Unifor Local 594.

[197] Based on the above, it appears as though the RPS is claiming solicitor-client privilege. My office uses the following three part test to determine if solicitor-client privilege pursuant to subsection 21(a) of LA FOIP applies:

1. Is the record a communication between a solicitor and client?
2. Does the communication entail the seeking or giving of legal advice?
3. Did the parties intend for the communication to be treated confidentially?

(Guide to FOIP, pp. 247 to 254)

[198] For the first part of the test, I must determine if page 4 is a communication between a solicitor and a client. Based on the RPS' submission, it appears that the solicitor is the RPS lawyer and the client is the RPS staff. Based on a review of page 4, it appears to be a document like a memorandum. On the face of the record, I cannot determine whom the intended recipient is but based on the submission, it is a document authored by the RPS lawyer to RPS staff. I find that the first part of the test is met.

[199] For the second part of the test, I must determine if page 4 entails the seeking or giving of legal advice. *Legal advice* means a legal opinion about a legal issue, and a recommended course of action, based on legal considerations, regarding a matter with legal implications (Guide to FOIP, pp. 250). Based on a review of page 4, I find that the contents contain communication that entails the giving of legal advice. Since the contents of the document entails the giving of legal advice, the second part of the test is met.

[200] For the third part of the test, I must determine if there is an expectation on the part of the local authority that the communication will be confidential. The RPS did not provide

arguments to support there was an expectation for the communication to be confidential. My office determined that the contents of page 4 has been communicated through news releases by the RPS dated [February 3, 2020](#) and [February 5, 2020](#). Therefore, I find that the third part of the test is not met.

[201] I find that subsection 21(a) of LA FOIP does not apply to page 4 of the Working Copy. I recommend that the RPS release page 4 of the Working Copy.

**b. 330 emails**

[202] The RPS provided my office with an affidavit and schedule of records that details approximately 330 emails to which it is applying 21(a) of LA FOIP. The schedule of records lists 52 records, which totals 141 pages. Over the 141 pages, the RPS indicated there are approximately 330 emails.

[203] In the schedule of records form that is available in the Forms section of my office’s *Rules of Procedure*, there is a column to be checked to indicate which privilege the local authority is claiming:

**SCHEDULE**

Record # or Page #	Severance #	# of pages	Type of Record (email, fax, letter, etc.)	Author	Recipient(s)	Date	Type of Privilege Claimed (Check one)	
							Solicitor Client	Litigation

[204] The RPS checked the “Litigation” column to indicate it was claiming litigation privilege for records 1 to 7, 9 to 13, 15 to 18, 20 to 21, 23 to 36, 39 to 41, 43 to 44, 46 to 49, and 51. The RPS checked the “Solicitor-Client” column to indicate it was claiming solicitor-client privilege for records 8, 14, 19, 22, 37 to 38, 42, 45, 50, and 52.

**i. Litigation privilege**

[205] The RPS has claimed litigation privilege for records 1 to 7, 9 to 13, 15 to 18, 20 to 21, 23 to 36, 39 to 41, 43 to 44, 46 to 49, and 51 that are listed in the schedule of records. My office uses the following two-part test to determine if litigation privilege applies:

1. Has the record or information been prepared for the dominant purpose of litigation?
2. Is the litigation ongoing or anticipated?

[206] I will analyze each part of the two-part test below.

***1. Has the record or information been prepared for the dominant purpose of litigation?***

[207] As mentioned earlier, the RPS prepared an affidavit pursuant to Part 9 of my office's *Rules of Procedure*. In that affidavit, it says the following regarding the records to which litigation privilege is claimed:

5. In respect of those records, or portions of records, claimed to be protected by litigation privilege, I have knowledge of, or believe, that the records were created for the dominant purpose of litigation, existing or anticipated, including any closely related proceedings. Such existing or anticipated litigation has not concluded.

[208] In the course of the review, the RPS asserted that there were multiple meetings with both parties and RPS, and many discussions between RPS' lawyer and the lawyers representing both parties throughout the labour dispute. The RPS submitted that any communication that was occurring had the potential for litigation or with the contemplation of litigation.

[209] Before I make a finding regarding the first part of the test, I will consider the second part of the test.

***2. Is the litigation ongoing or anticipated?***

[210] Litigation must be ongoing, or there must be a reasonable expectation of litigation. Once the litigation has ended, the privilege to which it gave rise has lost its specific and concrete purpose – and therefore its justification (Guide to FOIP, p. 258).

[211] As mentioned above, the RPS asserted that there were multiple meetings with both parties and RPS, and many discussions between RPS' lawyer and the lawyers representing both parties throughout the labour dispute. The RPS submitted that any communication that was occurring as always occurring with the potential for litigation or with the contemplation of litigation.

[212] The RPS provided my office with a few examples of its involvement in the labour dispute, which would have given rise to a reasonable expectation of litigation. The RPS also asserted that throughout the entire conflict, the RPS was concerned about the potential for litigation being commenced by Unifor every time the RPS took enforcement action. The RPS provided my office with examples of public statements made by Unifor throughout the dispute to demonstrate the basis of its concern for potential litigation:

<https://www.unifor.org/en/whats-new/press-room/regina-police-arrest-four-locked-out-workers-side-fcl> (dated February 5, 2020)

<https://www.unifor.org/en/whats-new/press-room/unifor-outraged-regina-police-denial-lawful-picket-0> (dated February 7, 2020)

<https://www.unifor.org/en/whats-new/press-room/unifor-considers-escalating-complaint-against-regina-police> (dated May 20, 2020)

[213] I note the particular statement in the media release dated May 20, 2020, which indicates that Unifor is investigating the possibility of pursuing a civil suit against the RPS.

[214] Based on the above, I find that the RPS has demonstrated that litigation privilege pursuant to subsection 21(a) of LA FOIP applies to the records 1 to 7, 9 to 13, 15 to 18, 20 to 21, 23 to 36, 39 to 41, 43 to 44, 46 to 49, and 51 that are listed in the schedule of records. I recommend that the RPS continue to withhold records 1 to 7, 9 to 13, 15 to 18, 20 to 21, 23 to 36, 39 to 41, 43 to 44, 46 to 49, and 51 that are listed in the schedule of records.

**i. Solicitor-client privilege**

[215] The RPS has claimed solicitor-client privilege for records 8, 14, 19, 22, 37 to 38, 42, 45, 50, and 52 that are listed in the schedule of records. Based on a review of the schedule of records, it appears that these records are emails between the RPS lawyer and RPS staff members.

[216] Earlier, I had already set out the three-part test my office uses to determine if solicitor-client privilege applies. For ease of reference, I am reproducing the test here:

1. Is the record a communication between a solicitor and client?
2. Does the communication entail the seeking or giving of legal advice?
3. Did the parties intend for the communication to be treated confidentially?

(Guide to FOIP, pp. 247 to 254)

[217] For the first part of the test, I find that the records 8, 14, 19, 22, 37 to 38, 42, 45, 50, and 52 are communications between a solicitor and a client.

[218] For the second part and third parts of the test, I need to consider the contents of the affidavit. The affidavit asserted that the communication entails the seeking or obtaining of legal advice that the communication intended to be kept confidential and have been consistently treated as confidential.

[219] As all three parts of the test are met, I find that the RPS has made a *prima facie* case that solicitor-client privilege applies to records 8, 14, 19, 22, 37 to 38, 42, 45, 50, and 52 that are listed in the schedule of records. I recommend that the RPS continue to withhold records 8, 14, 19, 22, 37 to 38, 42, 45, 50, and 52 that are listed in the schedule of records.

**16. Did the RPS properly apply subsection 21(c) of LA FOIP?**



[220] In its submission, the RPS indicated it was relying on subsection 21(c) of LA FOIP to withhold the approximately 330 emails listed in the schedule of records.

[221] Subsection 21(c) of LA FOIP provides as follows:

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

...

(c) contains correspondence between legal counsel for the local authority and any other person in relation to a matter involving the provision of advice or other services by legal counsel.

[222] My office uses the following two part test to determine if subsection 21(c) of LA FOIP applies:

1. Is the record a correspondence between the local authority's legal counsel and any other person?
2. Does the correspondence relate to a matter that involves the provision of advice or other services by legal counsel?

(Guide to FOIP, pp. 263 to 264)

[223] As mentioned earlier, the RPS had applied subsection 21(a) of LA FOIP to approximately 330 emails. As such, it did not provide my office with a copy of the records but it provided my office with an affidavit and schedule of records. It should be noted that the procedure set out in in Part 9 of my office's *Rules of Procedure* is only for records to which a local authority has claimed solicitor-client privilege or litigation privilege pursuant to subsection 21(a) of LA FOIP. As I have said in my blog, "Providing the record to my office" (dated November 26, 2020), it is impossible for my office to conduct a review without a copy of the record at issue. Since I do not have a copy of the 330 emails, I am unable to assess whether or not subsection 21(c) of LA FOIP applies to these emails. As such, I find that the RPS has not met the burden of proof set out in section 51 of LA FOIP. I recommend that the RPS not rely on subsection 21(c) of LA FOIP to withhold the 330 emails.

**17. Is there information that is not responsive to the Applicant's access requests?**

[224] The RPS identified the following as not responsive to the Applicant's access requests:

- 13 pages of an investigative report into a motor vehicle accident + 1 video;
- 148 pages of records that were dated after February 10, 2020; and
- Pages 5, Pages 61 to 67, 69 to 71, 73 to 74, 80 to 81, 122 of the "Working Copy".

[225] Also, as mentioned in my analysis of subsections 14(1)(k) and 14(1)(i) of LA FOIP, I mentioned I found the majority of the event logs in the Watch Command records were not responsive.

[226] When a local authority receives an access to information request, it must determine what information is responsive to the access to information request. Page 11 of Chapter 3 of my office's Guide to FOIP provides that "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".

[227] Page 12 of Chapter 3 of my office's Guide to FOIP provides the following to consider when determining if information is responsive:

- The request itself sets out the boundaries of relevancy and circumscribes the records or information that will ultimately be identified as being responsive.
- A local authority can remove information as not responsive only if the applicant has requested specific information, such as the applicant's own personal information.
- The local authority may treat portions of a record as not responsive if they are clearly separate and distinct and entirely unrelated to the access request. However, use it sparingly and only where necessary.
- If it is just as easy to release the information as it is to claim not responsive, the information should be released (i.e. releasing the information will not involve time consuming consultations nor considerable time weighing discretionary exemptions).
- The purpose of FOIP is best served when a local authority adopts a liberal interpretation of a request. If it is unclear what the applicant wants, a local authority should contact the applicant for clarification. Generally, ambiguity in the request should be resolved in the applicant's favour.

[228] Below, I will consider the sets of records to determine if they are not responsive.

**a. 13 pages of an investigative report into a motor vehicle accident + 1 video**

[229] In its submission, the RPS asserted that the records deal with a motor vehicle accident and does not relate to the strike. Based on a review of the records, the motor vehicle accident involves a picketer and a truck driver at the CCRL refinery. The contents of the records appear to be focused on the motor vehicle accident. The Applicant's first access request to the RPS was for records concerning the lockout and associated picketing at the CCRL properties. Since the motor vehicle accident appears to have been a result of picketing at the CCRL refinery, I find that these records are responsive to the access request. I recommend that the RPS release the 13-page investigation report and video, subject to applicable exemptions.

**b. 148 pages of records that were dated after February 10, 2020**

[230] As set out in the background of this Report, the Applicant's access requests were received by the RPS on February 5, 2020. As such, the only records that can be responsive to the Applicant's access request would have to be either created on or before February 5, 2020. The RPS indicated it identified 148 pages of records that were dated after February 10, 2020. Based on a review of the records, I found that three pages were dated February 7, 2020. Nevertheless, these pages would still be considered outside the scope of the access request.

[231] I find that the 148 pages are outside the scope of the three access requests.

**c. Pages 5, Pages 61 to 67, 69 to 71, 73 to 74, 80 to 81, 122 of the "Working Copy"**

[232] The RPS identified pages 5, 61 to 67, 69 to 71, 73 to 74, 80 to 81, and 122 of the Working Copy as non-responsive. I reviewed the pages and my findings on whether the pages are responsive or non-responsive are below.

[233] I find that page 5 of the Working Copy is responsive. It is about the motor vehicle accident that I discussed a few paragraphs earlier. I recommend that the RPS release page 5 of the Working Copy to the Applicant, subject to any applicable exemptions.

[234] I find that pages 61 to 67, 69 to 71, and 73 to 74 of the Working Copy are not responsive to the access request as the subject matter of these pages are clearly separate and distinct and entirely unrelated to the access request. However, I encourage local authorities to release non-responsive records (subject to exemptions) in my blog, [What about the Non-Responsive Record?](#) (dated July 14, 2017). Similarly, I recommend that the RPS release pages 61 to 67, 69 to 71, and 73 to 74 to the Applicant, subject to any applicable exemptions.

[235] I find that pages 80 to 81 of the Working Copy are responsive as it captures communication between the RPS and security personnel. In their second access to information request to the RPS, the Applicant sought records related to the “associated picketing of CCRL properties”. While I note that the contents of these pages relate to activities beyond the CCRL properties, a liberal interpretation of the Applicant’s second access to information request suggests that these pages are responsive. I recommend that the RPS release pages 80 to 81 of the Working Copy to the Applicant, subject to any applicable exemptions.

[236] I find that page 122 of the Working Copy is not responsive. On the face of the record, it is not evident that the record is related to the Applicant’s access request. Earlier, I recommended that RPS release records that are not responsive. Similarly, I recommend that the RPS release page 122 to the Applicant, subject to any applicable exemptions.

#### **d. Event logs from Watch Command records**

[237] Earlier in this Report, I mentioned that I found that the majority of the event logs are clearly separate and distinct and entirely unrelated to the three access requests by the Applicant. For example, the event logs include many different types of incidents unrelated to the labour dispute such as sudden deaths, missing persons, and domestic assaults. My findings are set out in Appendix B. I note that these records should never have been considered in

the processing of the access request. However, since the Index of Records that was provided to the Applicant accounted for these pages, my office has reviewed them and confirm that the majority of the event logs are not responsive.

[238] Furthermore, the RPS included event logs from March 2020 – a total of 68 pages. Since the RPS received the access request on February 5, 2020, I find that the event logs from March 2020 are outside the scope of the access request.

**18. Did the RPS make a reasonable effort to search for records?**

**a. The Applicant's reason for believing why records exist**

[239] As I stated earlier, section 5 of LA FOIP provides an applicant the right of access to records in the possession or under the control of a local authority. Section 5 of LA FOIP is clear that access to records must be granted if the records are in the possession or under the control of the local authority subject to any exemptions under Parts III or IV of LA FOIP.

[240] Before analyzing the RPS' search efforts, I must consider the Applicant's reasons for believing why records exist. Page 8 of Chapter 3 of the Guide to FOIP provides that applicants must establish the existence of a reasonable suspicion that a local authority is withholding a record, or has not undertaken an adequate search for records.

[241] In the course of the review, my office requested from the Applicant the reasons for believing records exist. They indicated that they were not certain as to precisely which material has been redacted as opposed to omitted from RPS' search. However, they provided me with an affidavit of the head of VP Protection. In the affidavit, the head of VP Protection indicated that they were in communication daily with the RPS. The Applicant indicated that they had requested such records in their third access to information request. However, based on the records they received, they did not receive such records.

**b. The RPS' search efforts**

[242] A reasonable search is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records related to the access to information 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. Examples of information that can be provided to my office to a local authority's search efforts include the following:

- For personal information requests – explain how the individual is involved with the local authority (i.e. client, employee, former employee etc.) and why certain departments/divisions/branches were included in the search.
- For general requests – tie the subject matter of the request to the departments/divisions/branches included in the search. In other words, explain why certain areas were searched and not others.
- Identify the employee(s) involved in the search and explain how the employee(s) is experienced in the subject matter.
- Explain how the records management system is organized (both paper & electronic) in the departments/divisions/branches included in the search.
- Describe how records are classified within the records management system. For example, are the records classified by:
  - alphabet
  - year
  - function
  - subject
- Consider providing a copy of your organization's record schedule and screen shots of the electronic directory (folders & subfolders).
- If the record has been destroyed, provide copies of record schedules and/or destruction certificates.
- Explain how you have considered records stored off-site.
- Explain how records that may be in the possession of a third party but in the local authority's control have been searched such as a contractor or information management service provider.

- Explain how a search of mobile electronic devices was conducted (i.e. laptops, smart phones, cell phones, tablets).
- Explain which folders within the records management system were searched and how these folders link back to the subject matter requested. For electronic folders – indicate what key terms were used to search if applicable.
- Indicate the calendar dates each employee searched.
- Indicate how long the search took for each employee.
- Indicate what the results were for each employee’s search.
- Consider having the employee that is searching provide an affidavit to support the position that no record exists or to support the details provided. For more on this, see my office’s resource, *Using Affidavits in a Review with the IPC* available on my office’s website.

[243] The above list is meant to be a guide. It is not an exhaustive list of what could be considered by my office in a review. Providing the above details is not a guarantee that my office will find that the search efforts were reasonable. Each case will require different search strategies and details depending on the records requested.

[244] I have broken down the RPS’ search efforts into three sections:

- i. search for records with RPS staff,
- ii. search for records in its Integrated Electronic Information system (IEIS), and
- iii. Watch Command.

[245] I will discuss each section below.

*i. Search for records with RPS staff*

[246] In each of the three access requests, the Applicant named four RPS members who may be in possession of responsive records. In its submission to my office, RPS indicated that the RPS lawyer who was actively involved with the labour dispute identified the RPS staff members who should be included in the search for records. Overall, the RPS conducted search for records with 20 RPS members, which included the four RPS members identified

by the Applicant. The RPS lawyer also conducted a search of records, which resulted in approximately 330 emails.

[247] In terms of its search with RPS members, RPS sent an email to each of the 20 members informing them of what records are being sought and requested the RPS members conduct searches for records. While it appears that all RPS members conducted searches, I note that page 15 of the Working Copy is an email from a RPS Superintendent. It appears that the Superintendent created a written summary of a meeting that they were involved in that is related to the labour dispute. They provided the written summary to the RPS' Access and Privacy Unit. It does not appear that the Superintendent conducted a search for records (such as emails) and turned them over to the RPS' Access and Privacy Unit. Based on a review of the records, it appears as though other RPS members provided the Access and Privacy Unit with emails that involve the Superintendent. For example, page 190 of the Working Copy is an email where the Superintendent was copied. Page 192 is an email sent to the Superintendent. Page 196 is an email forwarded by the Superintendent to other RPS members. That would suggest that the Superintendent was in possession of records (at least emails) that were related to the labour dispute.

[248] Providing a written summary of one's involvement in the labour dispute instead of conducting a search for responsive records and providing such records to the Access and Privacy Unit to process does not meet the RPS' obligation to respond "openly, accurately and completely" pursuant to subsection 5.1(1) of LA FOIP. Subsection 5.1(1) of LA FOIP provides:

**5.1(1)** Subject to this Act and the regulations, a local authority shall respond to a written request for access openly, accurately and completely.

[249] While I find the RPS' strategy to search for records by first going to the RPS lawyer to identify members who may have responsive records to be reasonable, I find that it has not conducted a complete search of records with its members.

[250] In the course of my office's review, the RPS explained that the particular Superintendent was the Superintendent in charge of the Investigative Services Division at the RPS. He



was the acting Deputy Chief between Christmas and New Year in 2019 and was involved in a few meetings related to the recently granted injunction, which did not come into effect until December 27, 2019. RPS indicated that this Superintendent provided a summary as he did not have any emails. RPS explained his involvement included notes from a single day of in-person meetings. Finally, the RPS indicated that the Superintendent has since retired from the RPS.

[251] In spite of RPS' assertion that there were no emails, based on a review of the records, I find that the Superintendent was either the sender or recipient of emails. I already identified emails at pages 190, 192 and 196 of the Working Copy as examples of emails provided by other RPS members that involve the Superintendent.

[252] I recommend that the RPS conduct another search for records. Since the Superintendent is retired, I recommend that the RPS search through any accounts (if they still exist), including the Superintendent's email account, for the time period in which he was the acting Deputy Chief between Christmas and New Year in 2019. Then, I recommend the RPS release such records to the Applicant, subject to applicable exemptions.

*ii. Search for records in its IEIS*

[253] In its submission, the RPS indicated that during its search for records with RPS staff members for emails, it identified possible file numbers that relate to the Applicant's three access requests. As such, it consulted with a RPS IEIS Analyst to determine how it would be able to locate all the records related to the file numbers that were stored in IEIS. The IEIS Analyst provided instruction to the RPS Access and Privacy Unit on how to search IEIS. This search for records yielded 361 pages of investigative reports to which RPS applied subsection 14(1)(c) of LA FOIP. It also resulted in the 13 pages of the investigative report and the one video to which the RPS indicated was not responsive to the access request. I have already commented on the RPS' reliance on subsection 14(1)(c) of LA FOIP and its claim that records were not responsive. In this section of the Report, I am only concerned about the RPS' search efforts. I find that the RPS' search for records within IEIS to be reasonable.

*iii. Watch Command*

[254] The RPS also indicated that in the course of processing the access requests, it determined the responsive records may be contained within its Watch Command. The RPS explained to my office that the Watch Command records related to the labour dispute were contained within a binder, which it provided a copy to my office. As I have already described earlier in this Report, the Watch Command records consist of event logs, emails, service requests and RPS responses to the service requests; however, the RPS withheld all these records pursuant to subsection 14(1)(k) and 14(1)(i) of LA FOIP. I have no reason to believe that the RPS did not conduct a thorough search of its Watch Command records. However, given that these records were withheld in full from the Applicant, it is reasonable from the Applicant's perspective to question whether a reasonable effort to search for records was made.

[255] Based on the above, overall, I find the RPS made a reasonable effort to search for records. The only exception to this finding is wherein a Superintendent provided a written summary of a meeting rather than conducting a search for records and turning over records to the RPS Access and Privacy Unit. I recommend that the RPS conduct another search for records with the Superintendent who is the author of page 15 of the Working Copy within 30 days of the issuance of this Report. Then, I recommend the RPS release records resulting from that search, subject to applicable exemptions.

**19. Did the RPS meet its obligation under section 8 of LA FOIP?**

[256] Section 8 of LA FOIP provides:

**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.

[257] When a local authority receives an access to information request, it must complete a line-by-line review of the responsive records to comply with section 8 of LA FOIP. Through this review, 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 records to the Applicant.

[258] I note that the RPS made efforts to sever portions, however heavily, to the Working Copy and provided the remainder to the Applicant. That would be in keeping with section 8 of LA FOIP.

[259] However, at Issue #4, I discussed how the RPS extracted hundreds of pages from the Original Copy instead of severing them pursuant to section 8 of LA FOIP. I find that this is not in keeping with section 8 of LA FOIP.

[260] Also, there is no evidence that there was an attempt to sever portions of the 361 pages of the Investigative Reports or Watch Command records. I find that this also is not in keeping with section 8 of LA FOIP.

[261] Since I have already recommended that the RPS reconsider the exercise of discretion in its application of discretionary exemptions, I recommend that the RPS ensure it is meeting its obligation under section 8 of LA FOIP.

#### **IV FINDINGS**

[262] I have jurisdiction to review this matter.

[263] I find it was appropriate for the RPS to merge the Applicant's three access requests into one.

[264] I find that the estimate of \$763.50 for the search of records to be in accordance with subsection 5(3) of the LA FOIP Regulations.

[265] I find that the estimate for preparing the record for disclosure should be \$1,687.00.

[266] I find that the RPS should have issued a fee estimate of \$2,450.50.

- [267] I find that the actual cost of 1,003.50 for the fees for search is in accordance with subsection 5(3) of LA FOIP Regulations.
- [268] I find the actual cost of the fees for preparation should have been \$401.00.
- [269] I find that the RPS' actual charge should have been \$1,404.50.
- [270] I find that the RPS should not have extracted records responsive to the access request based on the Applicant's identity. Instead, the RPS should have reviewed the records to determine if any exemptions might apply to the records.
- [271] I have outlined my findings in regards to the exemptions applied to the Working Copy, the event logs in the Watch Command records, and the additional records included with the Watch Command records in Appendices A, B, and C.
- [272] I find that subsection 18(1)(c) of LA FOIP does not apply to the records.
- [273] I find that subsection 14(1)(c) of LA FOIP applies to the 361 pages of investigative reports.
- [274] I find that the RPS has demonstrated that subsection 21(a) of LA FOIP applies to the records 1 to 7, 9 to 13, 15 to 18, 20 to 21, 23 to 36, 39 to 41, 43 to 44, 46 to 49, and 51 that are listed in the schedule of records.
- [275] I find that the RPS has made a *prima facie* case that solicitor-client privilege applies to records 8, 14, 19, 22, 37 to 38, 42, 45, 50, and 52 that are listed in the schedule of records.
- [276] I find that the RPS has not demonstrated that subsection 21(c) of LA FOIP applies.
- [277] I find that the 13 pages of an investigative report into a motor vehicle accident and the one video is responsive to the Applicant's access request.

- [278] I find that the 148 pages listed in the Index of Records are outside the scope of the Applicant's access requests.
- [279] I find that pages 5, 80, and 81 of the Working Copy are responsive to the access requests.
- [280] I find that pages 61 to 67, 69 to 71, 73 to 74, and 122 of the Working Copy are not responsive to the access requests.
- [281] I find the majority of the event logs in the Watch Command records are not responsive or outside the scope of the access requests. My findings are set out in Appendix B.
- [282] I find that the RPS' search strategy by first going to the RPS lawyer to identify RPS members who may have responsive records to be reasonable.
- [283] I find that the RPS has not conducted a complete search with its members, specifically the Superintendent who is the author of page 15 of the Working Copy.
- [284] I find that the RPS' search for records within IEIS to be reasonable.
- [285] I find that the RPS has met its obligation under section 8 of LA FOIP when it severed portions of the Working Copy and released the remainder to the Applicant.
- [286] I find that the RPS did not meet its obligation under section 8 of LA FOIP when it extracted hundreds of pages from the Original Copy instead of severing them pursuant to section 8 of LA FOIP.
- [287] I find that the RPS has not demonstrated that it met its obligation under section 8 of LA FOIP in withholding 361 pages of Investigation Reports or Watch Command records.

## **V RECOMMENDATIONS**

- [288] I recommend that the RPS adopt the best practice to consult with applicants in the future prior to making any decision to merge access requests.
- [289] Since the Applicant has already provided a deposit of \$1,622.00, I recommend that the RPS refund the Applicant \$217.50.
- [290] I recommend that the RPS restore the records it extracted from the “Original Copy”. These would be the following pages from the “Original Copy”: 1 to 255, 260, 281, 315 to 323, 369 to 403, 409, 416, 420 to 443, 463 to 494, 569 to 592, 714 to 724, 742 to 779, and 841 to 843. Then, I recommend that the RPS conduct a line-by-line review of these pages pursuant to section 8 to determine if exemptions apply to them. Once it has applied exemptions to these pages (if any), I recommend the RPS release these pages to the Applicant. This should be completed within 30 days of the issuance of the final version of this Report.
- [291] I recommend the RPS comply with the recommendations set out in Appendices A, B, and C.
- [292] Where I have found that a discretionary exemption applies to a record, I recommend that the RPS reconsider the exercise of discretion to determine if it can release additional records to the Applicant. In its reconsideration of discretion, the RPS should take into consideration the factors listed at pages 11 and 12 of the Guide to FOIP. It should not be taking into consideration the Applicant’s identity or relationship to the labour dispute.
- [293] I recommend the RPS reconsider the exercise of discretion in its application of subsection 14(1)(c) of LA FOIP to determine if it could release additional records.
- [294] I recommend that the RPS sever the personal information from the 13 page investigative report and the one video pursuant to subsection 28(1) of LA FOIP and release the remainder to the Applicant.

- [295] I recommend that the RPS release pages 5, 80, and 81 of the Working Copy, subject to any applicable exemptions.
- [296] Even though I find these pages are not responsive, I recommend that the RPS release pages 61 to 67, 69 to 71, 73 to 74, and 122 of the Working Copy, subject to applicable exemptions.
- [297] I recommend that the RPS continue to withhold records 1 to 7, 9 to 13, 15 to 18, 20 to 21, 23 to 36, 39 to 41, 43 to 44, 46 to 49, and 51 that are listed in the schedule of records.
- [298] I recommend that the RPS continue to withhold records 8, 14, 19, 22, 37 to 38, 42, 45, 50, and 52 that are listed in the schedule of records pursuant to subsection 21(a) of LA FOIP.
- [299] I recommend that the RPS not rely on subsection 21(c) of LA FOIP to withhold the 330 emails listed in the schedule of records.
- [300] I recommend that the RPS release the 13-page investigation report into the motor vehicle accident and the video to the Applicant, subject to applicable exemptions.
- [301] I recommend that the RPS release page 5 of the Working Copy to the Applicant, subject to any applicable exemptions.
- [302] I recommend that the RPS release pages 61 to 67, 69 to 71, and 73 to 74 to the Applicant, subject to any applicable exemptions.
- [303] I recommend that the RPS release pages 80 to 81 of the Working Copy to the Applicant, subject to any applicable exemptions.
- [304] I recommend that the RPS release page 122 of the Working Copy to the Applicant, subject to any applicable exemptions.
- [305] I recommend that the RPS conduct another search for records that would have involved the Superintendent who is the author of page 15 of the Working Copy within 30 days of the

issuance of this Report. Since the Superintendent is retired, I recommend that the RPS search through any accounts (if they still exist), including the Superintendent's email account, for the time period in which he was the acting Deputy Chief between Christmas and New Year in 2019. Then, I recommend the RPS release such records to the Applicant, subject to applicable exemptions.

[306] If the RPS reconsiders the exercise of discretion, I recommend that the RPS ensure it is meeting its obligation under section 8 of LA FOIP.

[307] I recommend that the RPS ensure that it is conducting line-by-line reviews of records and it is releasing as many records to applicants while severing only the portions to which it is refusing applicants access.

Dated at Regina, in the Province of Saskatchewan, this 22nd day of June, 2021.

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



## Appendix A – Working Copy

Page #	Exemption(s) applied by RPS	IPC finding	IPC Recommendation
1	14(1)(k)	14(1)(k) does not apply	Release
2			Take no further action as this page has been released
3			Take no further action as this page has been released
4	14(1)(k), 21(a)	14(1)(k) does not apply 21(a) does not apply	Release
5	28(1), non-responsive	28(1) applies to individual's personal email address Record is responsive.	Redact individual's personal email address then release remainder of page
6	14(1)(k), 28(1)	14(1)(k) applies to redacted portion 28(1) does not apply	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 75 in the "Working Copy" of 132-2020
7	14(1)(k), 28(1)	14(1)(k) applies; 28(1) does not apply	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 76 in the "Working Copy" of 132-2020
8	14(1)(k), 28(1)	14(1)(k) applies 28(1) does not apply	Reconsider discretion for 14(1)(k)
9	14(1)(k), 28(1)	14(1)(k) does not apply to subject line 14(1)(k) applies to the body of the email.	Release the subject lines to the Applicant; Reconsider discretion for 14(1)(k) for the remainder of the page
10	14(1)(k), 28(1)	14(1)(k) applies to the body of the email 28(1) does not apply	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 79 in the "Working Copy" of 132-2020
11	14(1)(k), 28(1)	14(1)(k) applies to the body of the email 28(1) does not apply	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 80 in the "Working Copy" of 132-2020
12	14(1)(k), 14(1)(i), 28(1)	14(1)(k) applies to the body of the email; 14(1)(i) does not apply	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 81 in the "Working Copy" of 132-2020

		28(1) does not apply	
13	14(1)(k), 14(1)(i), 28(1)	14(1)(k) applies to the body of the email  14(1)(i) does not apply  28(1) does not apply	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 82 in the "Working Copy" of 132-2020
14	14(1)(i)	14(1)(i) does not apply	Release – This page was released in its entirety at page 83 of the "Working Copy" of 132-2020
15	14(1)(k), 28(1)	14(1)(k) applies to the body of the email  28(1) does not apply	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 84 in the "Working Copy" of 132-2020
16	14(1)(k), 28(1)	14(1)(k) applies to the body of the email  28(1) does not apply	Reconsider discretion for 14(1)(k)
17 to 19			Take no further action as these pages have been released
20	14(1)(k), 28(1)	14(1)(k) applies to the body of the email  28(1) applies to the information about the individual in the first and second bullets in the email (but not to the third and fourth bullets)	Continue to withhold the information about the individual in the first and second bullets in the email pursuant 28(1).  Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 89 in the "Working Copy" of 132-2020
21	14(1)(i)	14(1)(i) applies to the second paragraph	Release the first and third paragraphs;  Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 90 in the "Working Copy" of 132-2020
22 to 32	14(1)(k), 28(1)	14(1)(k) applies to the body of the email  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(k) – at minimum, release as much as RPS did at page 91 to 101 in the "Working Copy" of 132-2020
33	14(1)(i), 28(1)	14(1)(i) does not apply	Release entire page - at minimum, release as much as RPS did at

		28(1) does not apply	page 102 in the "Working Copy" of 132-2020
34	14(1)(i), 28(1)	14(1)(i) does not apply 28(1) does not apply	Release entire page - at minimum, release as much as RPS did at page 103 in the "Working Copy" of 132-2020
35	14(1)(i), 28(1)	14(1)(i) applies 28(1) does not apply	Reconsider discretion for 14(1)(i) - at minimum, release as much as RPS did at page 104 in the "Working Copy" of 132-2020
36	14(1)(i)	14(1)(i) does not apply	Release entire page - at minimum, release as much as RPS did at page 105 in the "Working Copy" of 132-2020
37	14(1)(k)	14(1)(k) applies to the body of the email	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 106 in the "Working Copy" of 132-2020
38 to 48			Take no further action as these pages have been released
49	14(1)(k), 28(1)	14(1)(k) does not apply to the subject lines  14(1)(k) applies to the bodies of the emails;  28(1) does not apply	Release the subject lines;  Reconsider discretion for 14(1)(k)
50	14(1)(k), 28(1)	14(1)(k) does not apply to the subject lines  14(1)(k) applies to the bodies of the emails  28(1) does not apply	Release the subject lines;  Reconsider discretion for 14(1)(k)
51			Take no further action as this page has been released
52	14(1)(k), 28(1)	14(1)(k) applies to the body of the email  28(1) applies to the personal email address that appears	Reconsider discretion for 14(1)(k)

53 to 54	14(1)(k), 28(1)	14(1)(k) does not apply to the subject lines  14(1)(k) applies to the bodies of the emails  28(1) does not apply	Release the subject lines;  Reconsider discretion for 14(1)(k)
55			Take no further action as this page has been released
56	14(1)(k), 28(1)	14(1)(k) does not apply to the subject lines  14(1)(k) applies to the bodies of the emails  28(1) does not apply	Release the subject lines;  Reconsider discretion for 14(1)(k)
57			Take no further action as this page has been released
58	14(1)(k), 28(1)	14(1)(k) applies to the bodies of the emails  28(1) does not apply	Reconsider discretion for 14(1)(k)
59 to 60	28(1)	28(1) does not apply	Release these pages
61 to 67	Not responsive	Pages are not responsive	Release these pages
68			Take no further action as this page has been released
69 to 71	Not responsive	Pages are not responsive	Release these pages
72			Take no further action as this page has been released
73 to 74	Not responsive	Pages are not responsive	Release these pages
75	14(1)(k), 28(1)	14(1)(k) does not apply to the subject line 14(1)(k) applies to the body of the email  28(1) does not apply	Release the "To" field;  Release the subject line;  Reconsider discretion for 14(1)(k)
76 to 78	13(2), 28(1)	13(2) does not apply  28(1) does not apply	Release these pages

79			Take no further action as this page has been released
80	28(1); not responsive	28(1) does not apply  Record is responsive	Release this page
81	Not responsive	Record is responsive	Release this page
82			Take no further action as this page has been released
83 to 87	14(1)(k), 28(1)	14(1)(k) does not apply  28(1) does not apply	Release these pages
88	14(1)(k), 28(1), 18(1)(b)	14(1)(k) does not apply to the subject line  14(1)(k) applies to the body of the email  18(1)(b) does not apply to the subject line  18(1)(b) does not apply to the body of the email  28(1) does not apply	Release information withheld under 28(1)  Release subject line  Reconsider discretion for 14(1)(k)
89	14(1)(k), 28(1), 18(1)(b)	14(1)(k) does not apply to the subject line  14(1)(k) applies to the body of the email  18(1)(b) does not apply to the subject line  18(1)(b) does not apply to the body of the email  28(1) does not apply	Release information withheld under 28(1)  Release subject line  Reconsider discretion for 14(1)(k)

90	14(1)(k), 28(1)	14(1)(k) applies to the body of the email  28(1) does not apply	Release the "To" field  Reconsider discretion for 14(1)(k)
91	14(1)(k), 28(1)	14(1)(k) applies to the body of the email timestamped 7:46am  14(1)(k) does not apply to the bodies of the other two other emails  28(1) does not apply	Release the "To" and "From" fields in the email headers  Release the bodies of the emails for the first two emails  Reconsider discretion for 14(1)(k) for the body of the email timestamped 7:46am
92			Take no further action as this page has been released
93	14(1)(k), 28(1)	14(1)(k) does not apply  28(1) does not apply	Release this page
94	14(1)(k), 28(1), 18(1)(b)	14(1)(k) does not apply;  18(1)(b) does not apply  28(1) does not apply to email headers	Release
95	18(1)(b)	18(1)(b) does not apply	Release this page
96	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to body of email dated January 15, 2020 timestamped 7:28am.  18(1)(b) does not apply  28(1) does not apply	Release the "To" and "From" fields.  Reconsider discretion for 14(1)(k).
97	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email.  18(1)(b) does not apply.  28(1) does not apply	Release the "From" field  Release the subject line  Reconsider discretion for 14(1)(k)

98	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the bodies of the emails  28(1) applies to the subject line but not the "From" field  18(1)(b) does not apply	Release the email headers except for the subject line.  Withhold the subject line pursuant to 28(1)  Reconsider discretion for 14(1)(k)
99	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email but not the subject line.  28(1) does not apply to the "From" field  18(1)(b) does not apply	Release the "From" field  Release the subject line.  Reconsider discretion for 14(1)(k)
100	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the emails but not to the subject line, attachment description or the email signatures.  28(1) does not apply  18(1)(b) does not apply to the subject line or attachment description  18(1)(b) applies to the bodies of the emails but not the email signatures	Continue to withhold the body of the email.  Release subject line, attachment description and email signatures.
101	28(1), 18(1)(b)	18(1)(b) does not apply  28(1) does not apply	Release this page
102	14(1)(k), 18(1)(b), 28(1)	14(1)(k) does not apply to the subject line or attachment description	Release email headers and email signatures  Reconsider discretion for 14(1)(k)

		<p>14(1)(k) applies to the bodies of emails but not email signatures</p> <p>28(1) does not apply</p> <p>18(1)(b) does not apply</p>	
103			Take no further action as this page has been withheld
104	18(1)(b), 28(1)	<p>28(1) does not apply</p> <p>18(1)(b) does not apply</p>	Release this page
105	14(1)(k), 28(1), 18(1)(b)	<p>14(1)(k) applies to the subject line and body of the emails but not email signatures</p> <p>28(1) does not apply</p> <p>18(1)(b) does not apply</p>	<p>Release email signatures;</p> <p>Release "To" field</p> <p>Reconsider discretion for 14(1)(k)</p>
106	28(1), 18(1)(b)	<p>28(1) does not apply</p> <p>18(1)(b) does not apply</p>	Release
107	28(1), 18(1)(b)	<p>28(1) does not apply</p> <p>18(1)(b) does not apply</p>	Release
108	14(1)(k), 28(1), 18(1)(b)	<p>14(1)(k) applies to the bodies of the email but not the subject line</p> <p>28(1) does not apply</p> <p>18(1)(b) does not apply</p>	<p>Release the email headers including the "To" field and the subject lines;</p> <p>Reconsider discretion for 14(1)(k)</p>
109	18(1)(b)	18(1)(b) does not apply	Release this page
110	14(1)(k), 28(1), 18(1)(b)	<p>14(1)(k) applies to the body of the email but not the subject line</p> <p>28(1) does not apply</p>	<p>Release "From" field and subject line;</p> <p>Reconsider discretion for 14(1)(k)</p>



		18(1)(b) does not apply	
111	28(1), 18(1)(b)	28(1) does not apply  18(1)(b) does not apply	Release this page
112	14(1)(k), 18(1)(b)	14(1)(k) applies;  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
113	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email  28(1) does not apply  18(1)(b) does not apply	Release the "From" field and email signature.  Reconsider discretion for 14(1)(k)
114	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email  28(1) does not apply  18(1)(b) does not apply	Release the "From" field, the subject line, and the email signature.  Reconsider discretion for 14(1)(k)
115	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the subject line, attachment description and body of email  28(1) does not apply  18(1)(b) does not apply	Release the "From" field  Release email header and email signature of email at the bottom of page.  Reconsider discretion for 14(1)(k)
116	14(1)(a), 14(1)(k), 28(1)	14(1)(a) does not apply  14(1)(k) applies  28(1) applies to the last paragraph of the second email on the page	Continue to withhold the last paragraph of the second email on the page pursuant to 28(1).  Reconsider discretion for 14(1)(k).
117			Take no further action since this page has been released
118 to 120	14(1)(k)	14(1)(k) applies to the bodies of the emails	Release the subject lines;

		14(1)(k) does not apply to the subject lines	Reconsider discretion for 14(1)(k)
121			Take no further action since this page has been released
122	28(1); not responsive	28(1) applies to the "From" field  Record is not responsive	Continue to withhold the "From" field pursuant to 28(1).  Release the remainder of the page.
123	14(1)(k); 28(1)	14(1)(k) applies to the body of the email  28(1) does not apply	Reconsider discretion for 14(1)(k)
124	14(1)(i), 14(1)(k), 28(1)	14(1)(k) applies to the body of the email  28(1) does not apply  14(1)(i) does not apply	Reconsider discretion for 14(1)(k) – at minimum, release as much as RPS did at page 193 in the "Working Copy" of 132-2020
125			Take no further action since this page has been released
126	14(1)(k), 28(1)	14(1)(k) applies  28(1) does not apply	Reconsider discretion for 14(1)(k)
127			Take no further action as this page has been released
128	14(1)(a), 14(1)(k), 281(1)	14(1)(a) does not apply  14(1)(k) applies  281(1) applies to names of individuals who were arrested	Continue to withhold names of individuals who were arrested pursuant to 28(1)  Reconsider discretion for 14(1)(k)
129			Take no further action since this page has been released
130	14(1)(i)	14(1)(i) applies	Reconsider discretion for 14(1)(i)
131	14(1)(k), 28(1), 14(1)(i)	14(1)(k) applies  28(1) does not apply  14(1)(i) applies to the observations in the first half of the page	Reconsider discretion for 14(1)(i) and 14(1)(k) – at minimum, release as much as RPS did at page 200 of the "Working Copy" in 132-2020

132	14(1)(k)	14(1)(k) applies	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 201 of the "Working Copy" in 132-2020
133	14(1)(a), 14(1)(k), 28(1)	14(1)(a) applies to the third last sentence in email timestamped 5:14pm.  14(1)(k) applies  28(1) applies to name of individual that appears in the first sentence of email time stamped 4:18am; name of individual that appears in the third paragraph of email timestamped 5:14pm	Withhold name of individual whose name appears in the first sentence of email time stamped 4:18am; name of individual that appears in the third paragraph of email timestamped 5:14pm pursuant to 28(1)  Reconsider discretion for 14(1)(k)  Reconsider discretion for 14(1)(a).
134	14(1)(i)	14(1)(i) applies	Reconsider discretion for 14(1)(i)
135	14(1)(k), 28(1)	14(1)(k) applies  28(1) does not apply	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 204 of the "Working Copy" in 132-2020
136	14(1)(k)	14(1)(k) applies	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 205 of the "Working Copy" in 132-2020
137	14(1)(a), 28(1), 18(1)(b)	14(1)(a) does not apply  28(1) does not apply  18(1)(b) does not apply	Release
138	18(1)(b)	18(1)(b) does not apply	Release
139	14(1)(a), 14(1)(k), 28(1)	14(1)(a) applies to the "side note" that appears in the body of the email  14(1)(k) applies to the body of the email	Continue to withhold the individual's name in the side note pursuant to 28(1).  Reconsider discretion for 14(1)(a) and 14(1)(k).

		28(1) applies to the individual's name that appears in the side note	
140			Take no further action since this page has been released
141	14(1)(k), 28(1)	14(1)(k) applies  28(1) does not apply	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 210 of the "Working Copy" in 132-2020
142	14(1)(k)	14(1)(k) applies	Reconsider discretion for 14(1)(k)
143	14(1)(a), 14(1)(i), 14(1)(k), 28(1)	14(1)(a) does not apply  14(1)(i) does not apply  14(1)(k) does not apply to the attachment description  28(1) does not apply	Release
144	14(1)(i), 14(1)(k), 28(1)	14(1)(i) does not apply  14(1)(k) doesn't apply to the attachment description  14(1)(k) applies to the body of the email  28(1) applies to the date of birth that appears in the second paragraph.	Continue to withhold date of birth that appears in the second paragraph pursuant to subsection 28(1) of LA FOIP.  Release the attachment description.  Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 213 of the "Working Copy" in 132-2020
145			Take no further action as this page has been released
146 to 147	14(1)(i), 14(1)(k)	14(1)(i) and 14(1)(k) applies to the bodies of the emails  14(1)(k) does not apply to the subject lines	Release the subject lines  Reconsider discretion for 14(1)(i) and 14(1)(k)
148	14(1)(i), 14(1)(k)	14(1)(i) applies to the body of the email at	Release the subject lines

		<p>the top of the page but not to the body of the second email at the bottom of the page</p> <p>14(1)(k) does not apply to the subject line</p> <p>14(1)(k) applies to the body of the emails</p>	<p>Reconsider discretion for 14(1)(i) and 14(1)(k)</p>
149			<p>Take no further action as this page has been released</p>
150 to 152	14(1)(i), 14(1)(k), 28(1)	<p>14(1)(i) and 14(1)(k) applies to the body of the emails;</p> <p>14(1)(k) does not apply to the subject lines</p> <p>28(1) does not apply</p>	<p>Release the subject lines</p> <p>Reconsider discretion for 14(1)(i) and 14(1)(k)</p>
153			<p>Take no further action as this page has been released</p>
154 to 156	14(1)(i), 14(1)(k), 28(1)	<p>14(1)(i) and 14(1)(k) applies to the body of the emails</p> <p>14(1)(k) does not apply to the subject lines</p> <p>28(1) does not apply</p>	<p>Release the subject lines</p> <p>Reconsider discretion for 14(1)(i) and 14(1)(k)</p>
157	14(1)(e), 14(1)(k)	<p>14(1)(k) applies</p> <p>14(1)(e) does not apply</p>	<p>Release subject line</p> <p>Reconsider discretion for 14(1)(k)</p>
158	14(1)(k)	14(1)(k) applies	<p>Reconsider discretion for 14(1)(k)</p>
159	14(1)(k), 28(1)	<p>14(1)(k) does not apply</p> <p>28(1) does not apply</p>	<p>Release</p>
160			<p>Take no further action as this page has been released</p>
161	14(1)(i), 14(1)(k), 28(1)	<p>14(1)(i) applies to the second sentence but not the remainder of the content</p>	<p>Release information withheld under 28(1)</p>

		14(1)(k) applies 28(1) does not apply	Reconsider discretion for 14(1)(i) and 14(1)(k) - at minimum, release as much as RPS did at page 230 of the "Working Copy" in 132-2020
162	14(1)(k)	14(1)(k) applies	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 231 of the "Working Copy" in 132-2020
163	14(1)(i), 14(1)(k), 28(1)	14(1)(i) does not apply 14(1)(k) applies 28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(k) - - at minimum, release as much as RPS did at page 232 of the "Working Copy" in 132-2020
164	14(1)(i), 14(1)(k), 28(1)	14(1)(i) applies to the fifth, sixth, and seventh paragraphs 14(1)(k) applies 28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(i) and 14(1)(k) - - at minimum, release as much as RPS did at page 233 of the "Working Copy" in 132-2020
165	14(1)(i), 14(1)(k), 28(1)	14(1)(i) applies to the fifth and sixth paragraph 14(1)(k) applies 28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(i) and 14(1)(k) - - at minimum, release as much as RPS did at page 234 of the "Working Copy" in 132-2020
166	14(1)(i), 14(1)(k), 28(1)	14(1)(i) applies to the second paragraph 14(1)(k) applies 28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(i) and 14(1)(k) - at minimum, release as much as RPS did at page 235

			of the “Working Copy” in 132-2020
167 to 170	28(1), 14(1)(k)	14(1)(k) applies  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 236 to 239 of the “Working Copy” in 132-2020
171 to 172	14(1)(i), 14(1)(k), 28(1)	14(1)(k) applies  14(1)(i) does not apply  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(i) and 14(1)(k) - at minimum, release as much as RPS did at page 240 to 241 of the “Working Copy” in 132-2020
173	14(1)(i), 14(1)(k), 28(1)	14(1)(k) applies  14(1)(i) applies to the last paragraph only  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(i) and 14(1)(k) - at minimum, release as much as RPS did at page 242 of the “Working Copy” in 132-2020
174 to 175	14(1)(k), 28(1)	14(1)(k) applies;  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 243 to 244 of the “Working Copy” in 132-2020
176	14(1)(i), 14(1)(k), 28(1)	14(1)(i) applies to all paragraphs except the first paragraph  14(1)(k) applies  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(i) and 14(1)(k) - at minimum, release as much as RPS did at page 245 of the “Working Copy” in 132-2020
177 to 178	14(1)(k), 28(1)	14(1)(k) applies  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 246 to 247 of the “Working Copy” in 132-2020

179	14(1)(i), 14(1)(k), 28(1)	14(1)(i) applies to the first five sentences of the email  14(1)(k) applies  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(i) and 14(1)(k) - at minimum, release as much as RPS did at page 248 of the "Working Copy" in 132-2020
180	14(1)(i), 14(1)(k), 28(1)	14(1)(i) applies to the first three paragraphs  14(1)(k) applies  28(!) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(i) and 14(1)(k) - at minimum, release as much as RPS did at page 249 of the "Working Copy" in 132-2020
181	14(1)(i), 14(1)(k)	14(1)(i) applies  14(1)(k) applies	Reconsider discretion for 14(1)(i) and 14(1)(k) - at minimum, release as much as RPS did at page 250 of the "Working Copy" in 132-2020
182	14(1)(i), 14(1)(k), 28(1)	14(1)(i) applies to the first three paragraphs of the email but not the remainder of the page  14(1)(k) applies  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(i) and 14(1)(k) - at minimum, release as much as RPS did at page 251 of the "Working Copy" in 132-2020
183	14(1)(k)	14(1)(k) applies	Reconsider discretion for 14(1)(k) - at minimum, release as much as RPS did at page 252 of the "Working Copy" in 132-2020
184	14(1)(a), 14(1)(k), 28(1)	14(1)(a) does not apply;  14(1)(k) applies;  28(1) applies to names of individuals who were arrested	Withhold the arrested individuals' names pursuant to 28(1)  Reconsider discretion for 14(1)(k)
185			Take no further action as this page has been released
186	14(1)(i), 14(1)(k), 28(1)	14(1)(i) applies to the fourth paragraph only  14(1)(k) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(i)



		28(1) does not apply	
187	14(1)(i), 14(1)(k), 28(1)	14(1)(i) does not apply  14(1)(k) applies to the body of the email  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(k)
188	14(1)(k), 28(1)	14(1)(k) applies to the body of the email  28(1) does not apply	Release information withheld under 28(1)  Reconsider discretion for 14(1)(k)
189	14(1)(i)	14(1)(i) applies	Reconsider discretion for 14(1)(i)
190	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email but not the subject line  28(1) does not apply  18(1)(b) does not apply	Release the "From" field and the subject line  Reconsider discretion for 14(1)(k)
191	18(1)(b)	18(1)(b) does not apply	Release this page
192	18(1)(b), 28(1)	28(1) applies to the last two sentences in the email.  28(1) applies to the personal email address (SaskTel) at the bottom of the page.  28(1) does not apply to the "From" field  18(1)(b) does not apply	Release the "From" field, subject line and attachment description.  Continue to withhold the last two sentences in the email pursuant to 28(1) but release the email header (timestamped 3:06am)  Continue to withhold the personal email address at the bottom of the page pursuant to 28(1).  Release remainder of the page
193	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email dated January 2, 2020 timestamped 7:45am  28(1) does not apply  18(1)(b) does not apply	Release email headers including the "To" and "From" fields.  Release body of email dated January 2, 2020 timestamped 8:04am  Reconsider discretion for 14(1)(k)

194			Take no further action as this page has been released.
195	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email  28(1) does not apply  18(1)(b) does not apply	Release "From" and the subject line.  Reconsider discretion for 14(1)(k)
196 to 197			Take no further action as these pages have been released
198	14(1)(k), 28(1), 18(1)(b)	14(1)(k) does not apply  28(1) does not apply  18(1)(b) does not apply	Release this page
199	28(1), 18(1)(b)	28(1) does not apply  18(1)(b) does not apply	Release this page
200			Take no further action as these page have been released
201	14(1)(k), 28(1), 18(1)(b)	14(1)(k) does not apply to the subject line  28(1) does not apply  18(1)(b) does not apply	Release this page
202	14(1)(i), 14(1)(k)	14(1)(i) does not apply  14(1)(k) does not apply	Release this page
203	14(1)(k), 28(1), 18(1)(b)	14(1)(k) does not apply  28(1) does not apply  18(1)(b) does not apply	Release this page
204	14(1)(i), 14(1)(k), 28(1)	14(1)(i) does not apply  14(1)(k) does not apply	Release this page

		28(1) does not apply	
205	18(1)(b)	18(1)(b) does not apply	Release this page
206	18(1)(b)	18(1)(b) does not apply	Release this page
207 to 209	14(1)(i)	14(1)(i) applies	Reconsider discretion for 14(1)(i)
210	14(1)(k), 28(1), 18(1)(b)	14(1)(k) does not apply; 28(1)(b) does not apply; 18(1)(b) does not apply	Release this page
211			Take no further action as this page has been released.
212	14(1)(k), 28(1), 18(1)(b)	14(1)(k) does not apply  28(1) does not apply  18(1)(b) does not apply	Release these pages
213			Take no further action as this page has been released.
214 to 215	18(1)(b)	18(1)(b) does not apply	Release these pages
216	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email  14(1)(k) does not apply to the subject line or attachment descriptions  28(1) does not apply  18(1)(b) does not apply	Release the email header including the "From" field and the subject line and attachment descriptions  Reconsider discretion for 14(1)(k)
217			Take no further action as this page has been released.
218	18(1)(b)	18(1)(b) does not apply	Release this page
219			Take no further action as this page has been released.
220	18(1)(b)	18(1)(b) does not apply	Release this page

221			Take no further action as this page has been released.
222	18(1)(b)	18(1)(b) does not apply	Release this page
223			Take no further action as this page has been released.
224	18(1)(b)	18(1)(b) does not apply	Release this page
225			Take no further action as this page has been released.
226	28(1), 18(1)(b)	28(1) does not apply 18(1)(b) does not apply	Release
227 to 230	14(1)(k), 18(1)(b)	14(1)(k) applies to body of the email 18(1)(b) does not apply	Reconsider discretion for 14(1)(k) Release email signature on page 230
231			Take no further action as this page has been released.
232	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
233			Take no further action as this page has been released.
234	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
235			Take no further action as this page has been released.
236	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
237			Take no further action as this page has been released.
238	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
239			Take no further action as this page has been released.
240	14(1)(k), 18(1)(b)	14(1)(k) applies	Reconsider discretion for 14(1)(k)

		18(1)(b) does not apply	
241			Take no further action as this page has been released.
242	14(1)(k), 18(1)(b)	14(1)(k) applies; 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
243			Take no further action as this page has been released.
244	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
245			Take no further action as this page has been released.
246	28(1), 18(1)(b)	28(1) does not apply 18(1)(b) does not apply	Release
247			Take no further action as this page has been released.
248	28(1), 18(1)(b)	28(1) does not apply 18(1)(b) does not apply	Release
249			Take no further action as this page has been released.
250	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
251			Take no further action as this page has been released.
252	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
253			Take no further action as this page has been released.
254	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)

255			Take no further action as this page has been released.
256	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
257			Take no further action as this page has been released.
258	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
259			Take no further action as this page has been released.
260	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
261			Take no further action as this page has been released.
262	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
263			Take no further action as this page has been released.
264	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
265			Take no further action as this page has been released.
266	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
267			Take no further action as this page has been released.
268	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email  28(1) does not apply  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)  Release the subject line
269	14(1)(k), 18(1)(b)	14(1)(k) applies	Reconsider discretion for 14(1)(k)

		18(1)(b) does not apply	
270	14(1)(k), 18(1)(b)	14(1)(k) applies to the photos but not the email signature  18(1)(b) does not apply	Release email signature.  Reconsider discretion for 14(1)(k)
271	18(1)(b)	18(1)(b) does not apply	Release this page
272	28(1), 18(1)(b)	28(1) does not apply  18(1)(b) does not apply	Release
273			Take no further action as this page has been released.
274	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
275			Take no further action as this page has been released.
276	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
277			Take no further action as this page has been released.
278	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
279			Take no further action as this page has been released.
280	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
281			Take no further action as this page has been released.
282	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)

283			Take no further action as this page has been released.
284	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
285			Take no further action as this page has been released.
286	28(1), 18(1)(b)	28(1) does not apply 18(1)(b) does not apply	Release
287			Take no further action as this page has been released.
288	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
289			Take no further action as this page has been released.
290	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
291			Take no further action as this page has been released.
292	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
293			Take no further action as this page has been released.
294	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
295			Take no further action as this page has been released.
296	14(1)(k), 18(1)(b)	14(1)(k) applies 18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
297			Take no further action as this page has been released.
298	14(1)(k), 18(1)(b)	14(1)(k) applies	Reconsider discretion for 14(1)(k)



		18(1)(b) does not apply	
299			Take no further action as this page has been released.
300	14(1)(k), 18(1)(b)	14(1)(k) applies  18(1)(b) does not apply	Reconsider discretion for 14(1)(k)
301 to 306			Take no further action as these pages have been released.
307	14(1)(k)	14(1)(k) does not apply	Release redacted portion
308 to 310			Take no further action as these pages have been released.
311	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email  14(1)(k) does not apply to the email signature  28(1) does not apply  18(1)(b) does not apply	Release the "From" field, the subject line, email signature  Reconsider discretion for 14(1)(k)
312	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email  14(1)(k) does not apply to the subject line  28(1) does not apply  18(1)(b) does not apply	Release the "From" and "CC" fields;  Release the subject line  Reconsider discretion for 14(1)(k)
313	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email dated January 3, 2020 timestamped 4:04pm  14(1)(k) does not apply to the subject lines or the attachment description  28(1) does not apply	Release the email headers, include the "From" and "To fields, the subject lines and attachment descriptions  Release the body of the email dated January 3, 2020 timestamped 6:45pm.  Reconsider discretion for 14(1)(k)

		18(1)(b) does not apply	
314	14(1)(k), 28(1), 18(1)(b)	14(1)(k) does not apply to the subject line  14(1)(k) applies to the body of the email  28(1) does not apply  18(1)(b) does not apply	Release the "From" and "to" fields  Release the subject line  Reconsider discretion for 14(1)(k)
315	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email  14(1)(k) does not apply to the subject line  28(1) does not apply  18(1)(b) does not apply	Release the "From" field and the subject line  Reconsider discretion for 14(1)(k)
316	18(1)(b)	18(1)(b) does not apply	Release
317	28(1), 18(1)(b)	28(1) applies to the last two sentences of the email  28(1) applies to the personal email address that appears in the "from" field in the email header at the bottom of the page  18(1)(b) does not apply	Release except for: <ul style="list-style-type: none"> <li>• the personal email address that appears in the "from" field in the email head at the bottom of the page</li> <li>• The last two sentences in the email.</li> </ul>
318	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email;  14(1)(k) does not apply to the email signature	Release the "From" and "CC" field and the subject line.  Reconsider discretion for 14(1)(k)

		28(1) does not apply  18(1)(b) does not apply	
319	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email dated January 2, 2020 timestamped 12:00pm  14(1)(k) does not apply to the subject line  28(1) does not apply  18(1)(b) does not apply	Release the email headers, including the "From" and "To" fields and the subject lines.  Reconsider discretion for 14(1)(k)
320	28(1), 18(1)(b)		Release
321	14(1)(k), 28(1), 18(1)(b)	14(1)(k) applies to the body of the email;  14(1)(k) does not apply to the subject line or the email signature  28(1) does not apply  18(1)(b) does not apply	Release the "From" field, subject line, and email signature.  Reconsider discretion for 14(1)(k)
322			Take no further action since this page has been released
323 to 337	14(1)(k), 28(1)	14(1)(k) applies to the bodies of the text messages.  28(1) does not apply	Reconsider discretion for 14(1)(k)  Release the text message header (i.e. name of the individual sending texts to RPS)
338 to 339	14(1)(k), 28(1)	14(1)(k) does not apply  28(1) does not apply	Release this page
340	14(1)(k), 28(1)	14(1)(k) does not apply to the first text message;  14(1)(k) applies to the second text message	Release the first text message;  Reconsider discretion for 14(1)(k)

		28(1) does not apply	Release the text message header (i.e. name of the individual sending texts to RPS)
341 to 343	14(1)(k), 28(1)	14(1) applies to the bodies of the texts;  28(1) does not apply	Reconsider discretion for 14(1)(k)  Release the text message header (i.e. name of the individual sending texts to RPS)
344	14(1)(k), 28(1)	14(1)(k) does not apply  28(1) does not apply	Release
345	28(1)	28(1) does not apply	Release
346	14(1)(k), 28(1)	14(1)(k) applies to the first three text messages;  14(1)(k) does not apply to the last text message  28(1) does not apply	Reconsider discretion for 14(1)(k);  Release the last text message  Release the text message header (i.e. name of the individual sending texts to RPS)
347 to 348	14(1)(k), 28(1)	14(1)(k) applies to the bodies of the text messages;  28(1) does not apply	Reconsider discretion for 14(1)(k)  Release the text message header (i.e. name of the individual sending texts to RPS)
349	14(1)(k), 28(1)	14(1)(k) applies to the first text message;  14(1)(k) does not apply the second text message;  28(1) does not apply	Reconsider discretion for 14(1)(k)  Release the text message header (i.e. name of the individual sending texts to RPS)
350 to 351	14(1)(k), 28(1)	14(1)(k) does not apply  28(1) does not apply	Release
352	14(1)(k), 28(1)	14(1)(k) does not apply to the calendar information at the top of the page.  14(1)(k) applies to the remainder of the text messages	Reconsider discretion for 14(1)(k)

		28(1) does not apply	
353 to 357	14(1)(k), 28(1)	14(1)(k) applies to the bodies of the text messages; 28(1) does not apply	Reconsider discretion for 14(1)(k) Release the text message header (i.e. name of the individual sending texts to RPS)
358 to 359	14(1)(k), 28(1)	14(1)(k) applies to the first, fourth, fifth, and sixth text messages; 14(1)(k) does not apply to the second and third text messages 28(1) does not apply	Reconsider discretion for 14(1)(k) Release the text message header (i.e. name of the individual sending texts to RPS)
360	14(1)(k), 28(1)	14(1)(k) does not apply to the first three text messages; 14(1)(k) applies to the fourth and fifth text message; 28(1) does not apply	Release the first three text messages Release the text message header (i.e. name of the individual sending texts to RPS)
361 to 364	14(1)(k), 28(1)	14(1)(k) applies to the bodies of the text messages; 28(1) does not apply	Reconsider discretion for 14(1)(k);
365	14(1)(k), 28(1)	14(1)(k) does not apply 28(1) does not apply	Release
366	14(1)(k), 28(1)	14(1)(k) applies to the bodies of the text messages; 28(1) applies to the first text message	Continue to withhold the first text message pursuant to 28(1) Reconsider discretion for 14(1)(k)
367			Release name of RPS Access and Privacy staff member at the top of the page
368	28(1)	28(1) does not apply	Release
369			Take no further action since this page has been released

370	28(1)	28(1) applies to the redacted sentences in the first paragraph of the email.  28(1) does not apply to the business contact information	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold the redacted sentences in the first paragraph of the email but release the remainder
371	28(1)	28(1) applies to the "From" field	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold the "From" field
372	14(1)(k)	14(1)(k) does not apply	Release name of RPS Access and Privacy staff member at the top of the page  Release the file number
373 to 374			Take no further action since these pages have been released
375	28(1)	28(1) does not apply to the business contact information	Release name of RPS Access and Privacy staff member at the top of the page  Release the business contact information (email address)
376			Take no further action since this page has been released
377	28(1)	28(1) does not apply	Release this page
378	28(1)	28(1) does not apply	Release this page
379			Release name of RPS Access and Privacy staff member at the top of the page
380			Take no further action since this page has been released
381			Release name of RPS Access and Privacy staff member at the top of the page
382			Take no further action since this page has been released
383	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page

			Continue to withhold personal information pursuant to 28(1)
384	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold personal information pursuant to 28(1)
385	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold personal information pursuant to 28(1)
386	14(1)(k)	14(1)(k) does not apply	Release name of RPS Access and Privacy staff member at the top of the page  Release the file number
387			Take no further action since this page has been released
388			Release name of RPS Access and Privacy staff member at the top of the page
389			Take no further action since this page has been released
390	28(1)	28(1) applies to the private individual's personal email address.  28(1) does not apply to the email address in the "To" field	Release name of RPS Access and Privacy staff member at the top of the page  Release the email address in the "To" field.  Continue to withhold private individual's personal email address pursuant to 28(1).
391	28(1)	28(1) applies to the information about private individual's life and contact information  28(1) does not apply to former and current public officials' names	Release former and current public officials' names.  Continue to withhold information about private individual's life and contact information pursuant to 28(1).

392	28(1)	28(1) applies to private individual's name and email address.  28(1) does not apply to Justice's name	Release name of RPS Access and Privacy staff member at the top of the page  Release Justice's name.  Continue to withhold private individual's name and email address.
393	28(1)	28(1) applies to private individual's name	Continue to withhold private individual's name
394	28(1)	28(1) does not apply to business card information (name and email address)	Release name of RPS Access and Privacy staff member at the top of the page  Release individual's name and email address
395	28(1)	28(1) does not apply	Release this page
396			Release name of RPS Access and Privacy staff member at the top of the page
397	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold individual's email address in the "From" field pursuant to 28(1)
398	28(1)	28(1) applies to name and email address	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold individual's name and email address pursuant to 28(1)
399	28(1)	28(1) applies to name and email address	Continue to withhold individual's name and email address pursuant to 28(1)
400	28(1)	28(1) applies to private individual's name and email address  28(1) does not apply to public officials'	Release name of RPS Access and Privacy staff member at the top of the page  Release public officials' email addresses in the "CC" field.



		email addresses in the "CC" field	Continue to withhold private individual's name and email address pursuant to 28(1)
401	14(1)(k), 28(1)	14(1)(k) does not apply  28(1) does not apply	Release name of RPS Access and Privacy staff member at the top of the page  Release this page
402	28(1)	28(1) does not apply	Release this page
403			Take no further action as this page has been released
404			Release name of RPS Access and Privacy staff member at the top of the page
405	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold individual's name pursuant to 28(1)
406	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold personal information pursuant to 28(1)
407			Take no further action as this page has been released
408 to 411	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold private individual's name and email address
412	28(1)	28(1) does not apply	Release name of RPS Access and Privacy staff member at the top of the page  Release public official's name, title, and email address
413 to 414	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page

			Continue to withhold private individual's name and email address
415	28(1)	28(1) does not apply  15(1)(b)(i) does not apply	Release name of RPS Access and Privacy staff member at the top of the page  Release entire page
416	28(1)	28(1) does not apply	Release name of RPS Access and Privacy staff member at the top of the page  Release entire page
417	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold individual's name pursuant to 28(1)
418	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold individual's name and email address pursuant to 28(1)
419 to 422			Release name of RPS Access and Privacy staff member at the top of the page
423 to 425	28(1)	28(1) applies	Release name of RPS Access and Privacy staff member at the top of the page  Continue to withhold individual's name and email address pursuant to 28(1)
426	28(1)	28(1) does not apply	Release name of RPS Access and Privacy staff member at the top of the page  Release information that was withheld under 28(1)
427	28(1)	28(1) does not apply	Release name of RPS Access and Privacy staff member at the top of the page

			Release entire page
428	28(1)	28(1) does not apply	Release name of RPS Access and Privacy staff member at the top of the page  Release entire page
428 to 429	28(1)	28(1) does not apply to MP's name or email address  28(1) does not apply to Constituency Assistant's name or contact information	Release name of RPS Access and Privacy staff member at the top of the page  Release entire page
430 to 431	28(1)	28(1) does not apply	Release name of RPS Access and Privacy staff member at the top of the page  Release entire page

**Appendix B – Event Logs from Watch Command records**

RPS File name	Exemption applied	IPC Findings	IPC Recommendations
Dec 2019 – No Strike Mention.pdf (68 pages)	14(1)(i), 14(1)(k)	<p>The “Narrative” on page 32 is responsive. The remainder of this PDF file is not responsive.</p> <p>Neither 14(1)(i) nor 14(1)(k) applies to the “Narrative” on page 32.</p>	<p>Redact personal information from the “Narrative” pursuant to 28(1) and release the remainder.</p> <p>Withhold the remainder of the PDF file as “not responsive”.</p>
Dec 2019 Combined.pdf (42 pages)	14(1)(i), 14(1)(k)	<p>The following portions are “responsive”:</p> <ul style="list-style-type: none"> <li>• “Comment” on page 1</li> <li>• The entire entry regarding the labour dispute on page 5 (but not the “Narrative” that appears at the top of the page, which is unrelated to labour dispute.)</li> <li>• First sentence in “Comment” on page 7</li> <li>• Second bullet in “comment” on page 11</li> <li>• Beginning at second sentence in “comment” on page 14</li> </ul>	<p>Release the responsive portions of this file except for the incident entries on pages 5 and 32.</p> <p>Reconsider discretion for 14(1)(k) for pages 5 and 32.</p> <p>Withhold not responsive portions of this file.</p>

		<ul style="list-style-type: none"> <li>• Second bullet in “comment” on page 19</li> <li>• Second bullet point on “comment” on page 24</li> <li>• Incident entry regarding mischief on page 32</li> <li>• Fourth bullet in “comment” on page 33</li> <li>• Third bullet in “comment” on page 35</li> <li>• Second bullet in “comment” on page 39</li> <li>• Second bullet in “comment” on page 41</li> </ul> <p>Portions of this file not listed above are not responsive.</p> <p>I find that subsection 14(1)(k) applies to the entry that appears on pages 5 and 32.</p> <p>I find that subsection 14(1)(i) does not apply.</p>	
<p>Jan 20 Combined – No Strike Mention.pdf (85 pages)</p>	<p>14(1)(i), 14(1)(k)</p>	<p>Entire file is not responsive</p>	<p>Withhold this file as it is not responsive.</p>

<p>Jan 20 Combined.pdf (19 pages)</p>	<p>14(1)(i), 14(1)(k)</p>	<p>The following portions are “responsive”:</p> <ul style="list-style-type: none"> <li>• 3<sup>rd</sup> bullet in “Comment” on page 1</li> <li>• 3<sup>rd</sup> bullet in “Comment” on page 3</li> <li>• 3<sup>rd</sup> bullet in “Comment” on page 4</li> <li>• 3<sup>rd</sup> bullet in “Comment” on page 6</li> <li>• 3<sup>rd</sup> bullet in “Comment” on page 8</li> <li>• 2<sup>nd</sup> bullet in “Comment” on page 12</li> <li>• 3<sup>rd</sup> bullet in “Comment” on page 13</li> <li>• Comment on page 15</li> </ul> <p>Portions of this file not listed above are not responsive.</p> <p>I find that subsection 14(1)(k) applies to the 3<sup>rd</sup> bullet in “Comment” on page 1.</p>	<p>Release the responsive portions of this file except for the 3<sup>rd</sup> bullet in “Comment” on page 1</p> <p>Reconsider discretion for 14(1)(k) the 3<sup>rd</sup> bullet on page 1</p> <p>Withhold not responsive portions of this file.</p>
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		I find that subsection 14(1)(i) does not apply.	
Feb 20 Combined – No Strike Mention.pdf (107 pages)	14(1)(i), 14(1)(k)	Entire file is not responsive	Withhold this file as it is not responsive.
Feb 20 Combined.pdf (1 page)	14(1)(i), 14(1)(k)	3 <sup>rd</sup> sentence in “Comment” on page 1 is responsive.  The remainder of this file is not responsive.  I find that subsection 14(1)(i) does not apply.	Release the 3 <sup>rd</sup> sentence in “Comment” on page 1.  Withhold the not responsive portion of this file
March 20 Combined – No Strike Mentioned.pdf (68 pages)	14(1)(i), 14(1)(k)	I find that these pages are outside the scope.	Take no further action.

**Appendix C – Additional records for Watch Command**

<b>Page #</b>	<b>Exemption(s) applied by RPS</b>	<b>IPC finding</b>	<b>IPC Recommendation</b>
1 to 2	14(1)(i), 14(1)(k)	I find that 14(1)(k) does not apply.  I find that 14(1)(i) does not apply.	Release
3	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the body of the email.  I find that 14(1)(i) does not apply	Release the email header and email signature.  Reconsider discretion for the application of 14(1)(k).
4	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the body of the email.  I find that 14(1)(i) does not apply	Release the email header and email signature.  Reconsider discretion for the application of 14(1)(k).
5	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the first sentence of the second paragraph of the email dated December 7, 2019 timestamped 8:42am.  I find that 14(1)(i) does not apply.	Release the page except for the first sentence of the second paragraphs of the email dated December 7, 2019 timestamped 8:42am.  Reconsider discretion for the application of 14(1)(k).
6	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the body of the email.  I find that 14(1)(i) does not apply.	Release the email header.  Reconsider discretion for the application of 14(1)(k).
7 to 8	14(1)(i), 14(1)(k)	I find that 14(1)(k) does not apply.  I find that 14(1)(i) does not apply.	Release
9	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the body of the email.	Release the email header.  Reconsider discretion for the application of 14(1)(k).



		I find that 14(1)(i) does not apply.	
10	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the body of the email.  I find that 14(1)(i) does not apply.	Release the email header.  Reconsider discretion for the application of 14(1)(k).
11	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the body of the email dated December 9, 2019 time stamped 12:11am.  I find that 14(1)(i) does not apply.	Release the email headers and the body of the email dated December 9, 2019 timestamped 1:35am.  Reconsider discretion for the application of 14(1)(k).
12	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the body of the email.  I find that 14(1)(i) does not apply.	Release the email header.  Reconsider discretion for the application of 14(1)(k).
13	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the body of the email.  I find that 14(1)(i) does not apply.	Release the email signature.  Reconsider discretion for the application of 14(1)(k).
14	14(1)(i), 14(1)(k)	I find that 14(1)(i) applies to the body of the email.  I find that 14(1)(k) does not apply.	Release the email header.  Reconsider discretion for the application of 14(1)(i).
15	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	Release
16	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name, email address and IP address, and release the remainder of the page.

17	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend the RPS redact the third party's email address and release the remainder of the email.</p>
18 to 19	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>I recommend the RPS release this page</p>
20	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name, email address, phone number and PO Box, and release the remainder of the page.</p>
21	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend the RPS redact the third party's email address and release the remainder of the email.</p>
22 to 23	14(1)(i), 14(1)(k)	<p>I find that 14(1)(k) applies to the body of the email dated December 11, 2019 timestamped 6:24am.</p> <p>I find that 14(1)(i) does not apply.</p>	<p>Release email header.</p> <p>Reconsider discretion for the application of 14(1)(k).</p>
24 to 27	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>Release</p>
28	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>Release</p>

29	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name, email address, phone number, and release the remainder of the page.</p>
30	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>Release</p>
31	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including email address, and release the remainder of the page.</p>
32	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>Release</p>
33 to 34	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name, email address, phone number, and release the remainder of the page.</p>
35	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including email address, and release the remainder of the page.</p>
36	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>Release</p>

37	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name, phone number and email address, and release the remainder of the page.</p>
38	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>Release</p>
39	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including email address, and release the remainder of the page.</p>
40	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name and phone number, and release the remainder of the page.</p>
41 to 43	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name, phone number and email address, and release the remainder of the pages.</p>
44	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including email address, and release the remainder of the page.</p>

		defined by 23(1) of LA FOIP.	
45 to 48	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name, address, phone number and email address, and release the remainder of the pages.
49 to 51	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the bodies of the emails (but not the email headers or email signatures).	Release the email headers and email signatures.  Reconsider discretion for the application of 14(1)(k).
52 to 53	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	Release
54	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	Release
55 to 56	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the body of the email.  I find that 14(1)(i) does not apply.	Release the email header.  Reconsider discretion for the application of 14(1)(k).
57	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	Release
58	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the first three paragraphs.  I find that subsection 14(1)(i) does not apply.	Release email signature and the last two paragraphs of the email.  Reconsider discretion for the application of 14(1)(k).
59	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the bodies of the emails.	Release email signature.  Reconsider discretion for the application of 14(1)(k).

60	14(1)(i), 14(1)(k)	I find that 14(1)(k) does not apply.  I find that 14(1)(i) applies.	Reconsider discretion for the application of 14(1)(i).
61	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	Release
62 to 64	14(1)(i), 14(1)(k)	I find that 14(1)(k) does not apply.  I find that 14(1)(i) applies.	Reconsider discretion for the application of 14(1)(i).
65	14(1)(i), 14(1)(k)	I find that 14(1)(k) applies to the body of the email.  I find that 14(1)(i) does not apply.	Release the email signature.  Reconsider discretion for the application of 14(1)(k).
66	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name, address, phone number, email address, and IP address, and release the remainder of the page.
67	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's name and email address, and release the remainder of the page.
68	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name, address, phone number, email address, and IP address, and release the remainder of the page.

69	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's name and email address, and release the remainder of the page.</p>
70 to 71	14(1)(i), 14(1)(k)	<p>I find that 14(1)(k) applies to the body of the email.</p>	<p>Release email header.</p> <p>Reconsider discretion for the application of 14(1)(k).</p>
72	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>Release</p>
73	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's name and email address, and release the remainder of the page.</p>
74	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's name and email address, and release the remainder of the page.</p>
75	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>Release</p>
76	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's name and email address, and release the remainder of the page.</p>

77	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's name, phone number, and email address, and release the remainder of the page.</p>
78	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>Release</p>
79	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's email address, and release the remainder of the page.</p>
80	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>Release</p>
81 to 83	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's name, phone number and email address, and release the remainder of the pages.</p>
84	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p> <p>I find that this page contains personal information as defined by 23(1) of LA FOIP.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name, address, phone number, email address, and IP address, and release the remainder of the page.</p>
85	14(1)(i), 14(1)(k)	<p>I find that neither 14(1)(k) nor 14(1)(i) applies.</p>	<p>I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP,</p>



		I find that this page contains personal information as defined by 23(1) of LA FOIP.	including the individual's email address, and release the remainder of the page.
86 to 87	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's name, address, phone number and email address, and release the remainder of the pages.
88	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's email address, and release the remainder of the page.
89 to 90	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's name, address, phone number and email address, and release the remainder of the pages.
91	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	Release
92	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's email address, and release the remainder of the page.
93 to 94	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	I recommend that the RPS redact the third party individual's personal

		I find that this page contains personal information as defined by 23(1) of LA FOIP.	information pursuant to subsection 28(1) of LA FOIP, including the individual's name, address, phone number and email address, and release the remainder of the pages.
95	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	Release
96	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's email address, and release the remainder of the page.
97	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including address, phone number, email address, and IP address, and release the remainder of the page.
98	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including email address, and release the remainder of the page.
99 to 100	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including the individual's name, address, phone number and email address, and release the remainder of the pages.

101	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	Release
102	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including email address, and release the remainder of the page.
103	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	Release
104	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including name and email address, and release the remainder of the page.
105	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.	Release
106	14(1)(i), 14(1)(k)	I find that neither 14(1)(k) nor 14(1)(i) applies.  I find that this page contains personal information as defined by 23(1) of LA FOIP.	I recommend that the RPS redact the third party individual's personal information pursuant to subsection 28(1) of LA FOIP, including email address, and release the remainder of the page.