

FILE NO. 95/020★

**REPORT WITH RESPECT TO THE APPLICATION FOR REVIEW  
OF [REDACTED] WITH RESPECT TO  
INFORMATION REQUESTED FROM THE TOWN OF KELVINGTON**

This request for a review is made pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act* (the "Act") by [REDACTED] on behalf of [REDACTED]. She had applied to the Town of Kelvington (the "Town") for the names of the persons who had made two separate complaints to the Town that there were carcasses of dead animals on the premises of [REDACTED].

By a letter dated September 19, 1995, [REDACTED] was advised by the Town's solicitors that her application was refused. The letter states in part:

"The Town considered your request and the provisions of s. 14 of The Act, a copy of which is attached, and thereafter instructed our Firm to write you on behalf of the Town of Kelvington indicating that a determination has been made to refuse to provide to you access to the information sought on the grounds that The Act authorizes the Municipality to refuse to give access to the information which you are seeking, and in particular we refer you to s. 14(1)(a), 14(1)(b)(i), 14(1)(c), 14(1)(i), 14(1)(j) and 14(1)(k)."

From the information supplied to me by the Town, it appears that two separate complaints were, indeed, received, and that subsequent investigation indicated that in one instance

the complaint appeared to be justified as there were, in fact, two dead carcasses on the premises. This situation was apparently immediately corrected by [REDACTED] and no charges were laid. The second complaint does not appear to have been well founded.

It would appear to me that the relevant provisions of the Act are:

- "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;
  - (b) be injurious to the enforcement of:
    - (i) an Act or a regulation;
    - ...
    - (iii) a resolution or bylaw;"

*The Public Health Act* (sections 15 and 17) makes the Town responsible for the enforcement of orders, rules and regulations made by the Minister under *The Public Health Act* and requires it to do such other acts, matters and things as may be necessary for enforcement of those orders and regulations.

Referring to the regulations one finds, under the heading "Nuisances" the following:

"5(1) Where an animal dies or is accidentally killed, or is killed following an accident the owner or person in possession thereof shall within 12 hours thereafter cause the carcass to be removed and buried or disposed of to the satisfaction of the medical officer or sanitary officer."

Section 82 of *The Public Health Act* provides that a breach of the regulations or the Act is a summary offence and provides a penalty.

It follows that the matters in question are, in my view, law enforcement matters, and that the exemptions contained in one or more of the provisions of Section 14(1) of the Act must be considered. The argument advanced by the Town is that unless people are willing and feel free to notify the Town of possible breaches of the law, including provisions relating to public health, the enforcement of such provisions will be prejudiced and accordingly Section 14(1)(a) is applicable, and that requiring the Town to disclose the names of informants would be injurious to the enforcement of such regulations within the meaning of Section 14(1)(b) of the Act. These provisions are extremely broad in their scope, and provide an extensive discretion to the Town as to whether it should or should not disclose such information.

It is the position of the Town that disclosure of the names of informants would subject them to at least recriminations and hostility, and possibly worse, and would significantly discourage citizens from reporting apparent breaches of law. The Town's position is that it wants its citizens to feel free to report such matters without fears or concerns, and on this basis names of informants should be kept confidential.

In the result, I am not prepared to recommend that this information be disclosed and I accept the decision of the Town as a proper exercise of its discretion under the circumstances.

Dated at Regina, Saskatchewan this 15th day of March, 1996.

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**Derril G. McLeod, Q.C.,  
Commissioner of Information and  
Privacy for Saskatchewan**