

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF ██████████ IN RELATION TO INFORMATION
REQUESTED FROM THE RESORT VILLAGE OF BIG SHELL**

[1] ██████████ (the “Applicant”) of Saskatoon, Saskatchewan, filed an Access to Information Request Form with the Resort Village of Big Shell (the “Respondent”) dated July 27, 2001. After some considerable delay the Applicant received a written response from the Respondent simply advising him that the information that had been requested would not be provided by the Respondent.

[2] On November 7, 2001, the Applicant filed with me a Request for Review. The Request for Review outlined the details of request in the following words:

“Please refer to the attached letter. It took a full two months to receive a refusal letter with no reason given. I requested a reason on October 1, 2001 and to date – Nov. 5, 2001 – I have not received a reply. Letter to the Village lawyer was mailed October 9, 2001.”

[3] By letter dated November 26, 2001, I informed the Respondent of my intention to conduct the Review and requested that the Respondent forward to me for my examination copies of the documentation that had been requested by the Applicant.

[4] The documentation was ultimately received by me on February 7, 2002.

[5] By letter dated January 11, 2002 counsel acting on behalf of the Respondent informed me that the Respondent relied upon Section 23 (1) (e) and Section 28 (1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (the “Act”) as the basis for declining to provide the requested information to the Applicant.

[6] The information requested by the Applicant is contained in a computer printout that is comprised of several pages. The printout lists the names, addresses, and telephone numbers of the owners of the various lots located at the Resort Village of Big Shell. In addition to the lot description there is a block description together with a plan number for each of the individual properties.

[7] Section 28 (1) of the *Act* provides as follows:

“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.”

[8] Personal information is defined by the *Act* in Part 4 thereof. Section 23 (1) (e) reads as follows:
“(e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;”

[9] Those portions of the printout that reveal the home or business address, home or business telephone number of the property owners constitutes personal information as defined by the above referred to Section of the *Act* and should not be revealed. However the names of the property owners, and the lot, block and plan number of the property which they own maybe revealed pursuant to the provisions of the *Act*, in my view. The names of the individuals and the legal description of property they own are not items of personal information excluded from disclosure under the *Act*.

[10] Furthermore, personal information may be disclosed where the information is publicly available. Section 28 (2) (p) of the *Act* provides as follows:

“(2) Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed. ...
(p) where the information is publicly available;”

[11] A search of the title of properties located at the Respondent’s resort would reveal the lot, block and plan number together with the name or names of the registered owners of the properties in question. The information is therefore publicly available, in my view.

[12] Section 8 of the Act deals with severability in the following words:

“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.”

[13] In my view, the “home or business address, home or business telephone number,” can be easily deleted from the records produced by the Respondent and the remaining information provided to the Applicant.

[14] I therefore recommend the Respondent provide the Applicant with the listing of the names of the property owners and the descriptions of the lots, blocks, and plan numbers of the properties of which they are the owners.

[15] Dated at Regina, in the Province of Saskatchewan, this 14 day of February, 2002.

GERALD L. GERRAND, Q.C.
Commissioner of Information
and Privacy for Saskatchewan