



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 296-2024

Regina Police Service

May 27, 2025

Summary:

The Applicant received records from the Regina Police Service (RPS) in the context of court proceedings. The Applicant submitted a request for a correction of a record in the possession or control of the RPS. The request for a correction was made pursuant to subsection 31(1)(a) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). Instead of correcting the records as requested by the Applicant, the RPS made an annotation on a Supplementary Occurrence Report pursuant to subsection 31(2)(b) of LA FOIP. The Applicant requested that the Commissioner review the RPS's decision. The Commissioner found that the record at issue contained the Applicant's personal information. She also found that the RPS appropriately responded to the correction request. The Commissioner recommended that the RPS take no further action in this matter.

I BACKGROUND

- [1] The Applicant seeks a review of the decision of the Regina Police Service (RPS) to deny their request for a correction of their personal information pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP).
- [2] The record the Applicant asked to be corrected is entitled, "Information/Denonciation" (Information). It is a statement that was sworn before a Justice of the Peace. The Information alleged that the Applicant committed an offence pursuant to subsection 320.14(1)(a) of the *Criminal Code*, RSC 1985, c C-46 (*Criminal Code*). The Applicant

stated that the charge should have been laid under subsection 320.14(1)(c) of the *Criminal Code*.

- [3] The Information was sworn on December 9, 2023 following an interaction between the Applicant and the RPS that occurred on December 8, 2023. Subsequently charges were laid, and court proceedings were held. The Applicant was provided with copies of the relevant records, including the Information, as part of the disclosure in the court proceedings. According to the RPS, a trial was held on January 22, 2024, and the court proceedings were concluded on that date with a decision that was not favourable to the Applicant.

- [4] The Applicant sent their request for a correction to the RPS by email on August 26, 2024. The email stated:

Upon reviewing the documentation provided, I noticed that the charge has been incorrectly referenced under ****Section 320.14(1)(a)**** of the Criminal Code, which pertains to “Impaired driving by alcohol, drugs, or a combination of both.”

However, the correct charge applicable to my case should be under ****Section 320.14(1)(c)****: “Driving with a blood drug concentration at or above the legal limit within two hours of operating a vehicle.”

This correction is crucial as the current incorrect information has already led to issues with SGI, resulting in the imposition of fees and requirements that are not appropriate for the circumstances of my case.

...

I kindly request that this error be rectified forthwith, and that SGI be provided with the correct information under Section 320.14(1)(c) to prevent further undue consequences.

- [5] On September 17, 2024, following an exchange of correspondence between the Applicant and the RPS, the RPS issued a decision denying the request for a correction. It also stated that a notation was added to the Applicant’s file by way of a Supplementary Occurrence Report (SOR) dated September 17, 2024, acknowledging the Applicant’s request for a correction.

- [6] The RPS's response stated that the notation was added to the file pursuant to subsection 31(2)(b) of LA FOIP. It also stated:

It is important to note that Information cannot be deleted from a file. Police records are intended to be accurate and reflect facts that were known and recorded at the time of incident. Changing these records after the fact could compromise the integrity of the record. There are legal and procedural standards in place that govern the maintenance and alteration of these records. These have to be met in order for consistency and fairness in the criminal justice system.

I have provided a copy of the Supplementary Reports added to your file as well as copy of the above noted sections of the Act.

- [7] On December 27, 2024, the Applicant filed a request for a review with the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [8] Following some attempts at early resolution, on February 21, 2025, the OIPC notified the Applicant and the RPS that the Commissioner would be undertaking a review and invited them to provide a submission.
- [9] On March 31, 2025, the RPS provided the OIPC with a copy of the record at issue.
- [10] The Applicant provided a submission on April 21, 2025. The RPS provided a submission on April 24, 2025. The RPS stated it did not consent to the OIPC sharing the submission with the Applicant.

II RECORD AT ISSUE

- [11] The record at issue is the Information. It includes the Applicant's name and describes the charge laid against them as section "320.14(1)(a) OF THE CRIMINAL CODE."

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

- [12] RPS is a “local authority” as defined by subsection 2(1)(f)(viii.1) of LA FOIP. Therefore, the Commissioner has jurisdiction to conduct this review.

2. Did RPS appropriately respond to the Applicant’s correction request?

- [13] Subsections 31(1) and (2) of LA FOIP provide:

31(1) An individual who is given access to a record that contains personal information with respect to himself or herself is entitled:

(a) to request correction of the personal information contained in the record if the person believes that there is an error or omission in it;

(b) to require that a notation be made that a correction was requested but not made; or

(c) if the request has been disregarded, to be advised of the reason for which it has been disregarded.

(2) Within 30 days after a request pursuant to clause (1)(a) is received, the head shall advise the individual in writing that:

(a) the correction has been made;

(b) a notation pursuant to clause (1)(b) has been made; or

(c) the request has been disregarded, setting out the reason for which the request was disregarded pursuant to section 43.1.

- [14] An applicant’s right to request a correction of personal information is set out in subsection 31(1)(a) of LA FOIP. Pursuant to subsection 31(1)(b) of LA FOIP, where a local authority does not make the requested correction, an applicant has the right to require that a notation be made that a correction was requested but not made. Subsection 31(2) of LA FOIP requires the head to notify the individual seeking a correction of its decision in writing.

- [15] Regarding the right to request a correction, in [Review Report 147-2018, et al](#), at paragraph [80] [which considered the equivalent provision in *The Freedom of Information and Protection of Privacy Act* (FOIP)], the OIPC stated as follows:

[80] As it is applicants alleging errors, applicants must provide some argument to support the request for correction. A request for correction must, at a minimum:

1. Identify the personal information the applicant believes is in error. That personal information must be the personal information of the applicant and not of a third party;
2. The alleged error must be a factual error or omission;
3. The request must include some evidence to support the allegation of error or omission. Mere assertions will not suffice; and
4. The proposed correction must be clearly stated and cannot be a substitution of opinion.

[16] The following analysis considers if these criteria have been met.

[17] Personal information is defined at subsection 23(1) of LA FOIP but is not an exhaustive definition. For information to qualify as “personal information”, two elements must be present:

1. The information must be about an identifiable individual; and
2. The information must be personal in nature.

([Review Report 192-2024](#), at paragraph [99])

[18] As noted above, the record that the Applicant seeks to have corrected is the Information. Although their request for a correction only relates to the *Criminal Code* charge referenced in the Information, the context is important because the Information also includes the Applicant’s name. Because the Information includes the Applicant’s name, the *Criminal Code* charge is about an identifiable individual. The *Criminal Code* charge is also about the Applicant in their personal capacity and the reference to it is personal in nature.

[19] Subsection 23(1)(b) of LA FOIP is relevant here. It states:

23(1) Subject to subsections (1.1) and (2), “personal information” means personal information about an identifiable individual that is recorded in any form, and includes:

...

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

[20] The charge that was laid against the Applicant under the *Criminal Code* qualifies as the Applicant's personal information pursuant to subsection 23(1)(b) of LA FOIP because it is information that relates to their criminal history (see the OIPC's [Investigation Report 322-2017, 120-2018](#) at paragraph [12], which considered the equivalent provision in FOIP, namely subsection 24(1)(b) of FOIP).

[21] There are some exceptions to the definition of personal information in subsection 23(2) of LA FOIP. None of those exceptions apply to the circumstances of this case.

[22] For the reasons set out above, the *Criminal Code* charge qualifies as the Applicant's personal information.

[23] As noted above, the second criteria is that the alleged error must be a factual error or omission. Previous OIPC reports, such as [Review Report 157-2024 at paragraph \[21\]](#), have defined error and omission as follows:

- An "error" is mistaken or wrong information or information that does not reflect the true state of affairs.
- An "omission" is information that is incomplete or missing or that has been overlooked.

[24] Where an applicant seeks a correction of factual information, they must provide proof in support of the request for its correction. So, for example, where an applicant states that their date of birth was incorrectly recorded, they might provide a copy of their birth or baptismal certificate to prove age.

[25] Professional opinions or observations are not normally subject to correction unless an error with respect to the opinion or observation can be independently verified. This approach was applied in previous OIPC reports, such as [Review Report 125-2017](#), at paragraph [27]

(which considered the right to request a correction under *The Health Information Protection Act*).

[26] The terms opinions, professional and observation have been defined in previous OIPC reports such as [Review Report 023-2025](#), at paragraph [29] as follows:

- “Opinions” are views or judgements not necessarily based on fact or knowledge.
- “Professional” means of or relating to or belonging to a profession.
- “Observation” means a comment based on something one has seen, heard, or noticed, and the action or process of closely observing or monitoring.

[27] Section 31 of LA FOIP is not intended to be an avenue of appeal or redress for an individual who is disappointed or disagrees with a decision (see the OIPC’s [Review Report 147-2018, et al](#) at paragraph [81] which dealt with the equivalent provision in FOIP).

[28] In their submission, the Applicant set out the text of subsection 320.14(1)(a) of the *Criminal Code* in full which states:

320.14(1) Everyone commits an offence who

(a) operates a conveyance while the person’s ability to operate it is impaired to any degree by alcohol or a drug or by a combination of alcohol and a drug.

[29] The Applicant then stated that given that no alcohol was involved in the incident and that their impairment was due to a drugs, the more appropriate charge would have been under subsection 320.14(1)(c) of the *Criminal Code*, which states:

320.14(1) Everyone commits an offence who

...

(c) subject to subsection (6), has, within two hours after ceasing to operate a conveyance, a blood drug concentration that is equal to or exceeds the blood drug concentration for the drug that is prescribed by regulation.

[30] The Applicant explained why the correction was important in their submission. They stated:

The misapplication of the charge under subsection (1)(a), which implies alcohol involvement, has had significant and harmful consequences for me. The Saskatchewan Government Insurance (SGI) required that I install an ignition interlock device (“blow box”) in my vehicle. However, this device is designed to detect alcohol—an irrelevant substance in my case—and is ineffective in identifying the presence of drugs. I was unable to afford the cost of the interlock program, and as a result, I was unable to comply with the SGI mandate.

This situation has directly contributed to the loss of my employment. While I take full responsibility for the actions that led to my legal consequences, and I have paid all fines imposed by the court and SGI, I am currently being punished for an offence I did not commit—specifically, alcohol impairment.

- [31] The Applicant disagrees with the RPS’s decision to lay a charge under subsection 320.14(1)(a) of the *Criminal Code*. However, the RPS did lay a charge under that provision which reflected his reasonable and probable grounds at the material time. These facts are accurately recorded in the Information and the Applicant has not provided evidence that would establish that there was an error or omission. Obviously, the ultimate issue of whether the right charge was laid was before a judge with criminal jurisdiction who presided over the trial on January 22, 2024.
- [32] In these circumstances, having reviewed the Applicant’s submission, the RPS’s submission and the Information, the Applicant has not established that the reference to the *Criminal Code* provision or charge in the Information was an error or omission – it is factually correct in that it accurately records the sworn statement of the belief of the RPS officer.
- [33] As the RPS decided it could not correct the record, subsection 31(2)(b) of LA FOIP requires that it make a notation pursuant to subsection 31(1)(b) of LA FOIP. In this case, RPS made a notation regarding the Applicant’s request for an amendment in the SOR dated September 17, 2024. The SOR set out the Applicant’s requested amendment in full and it complies with subsection 31(1)(b) of LA FOIP.
- [34] Therefore, the RPS responded appropriately to the Applicant’s request for a correction. I recommend that the RPS take no further action in this matter.

IV FINDINGS

[35] The Commissioner has jurisdiction to conduct this review.

[36] The record at issue contains the Applicant's personal information.

[37] The RPS responded appropriately to the Applicant's request for a correction of their personal information.

V RECOMMENDATION

[38] I recommend that the RPS take no further action in this matter.

Dated at Regina, in the Province of Saskatchewan, this 27th day of May, 2025.

Grace Hession David
Saskatchewan Information and Privacy
Commissioner