



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 057-2025

Village of Hawarden

June 20, 2025

Summary:

The Applicant made an access to information request to the Village of Hawarden (Village). Dissatisfied with a delay in receiving a response, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner. The Commissioner found the Village's failure to respond within 60 days to the Applicant was not in compliance with section 7 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). The Commissioner recommended that, within 60 days of the issuance of this Report, the Village review and provide OIPC with a copy of its policies and procedures with respect to access to information requests from members of the public. Further, the Commissioner recommended that the Village be mindful of its obligation to respond to access to information requests within the legislated timeframe in compliance with section 7.

I BACKGROUND

[1] On January 10, 2025, the Village of Hawarden (Village) received the following access to information request from the Applicant:

February 2024 Minutes and Financials (Income & Balance Statements and Payables) Regular Council Meeting

Monthly Financials (Income & Balance Statements and Payables) For the months as follows: February 2024, March 2024, April 2024, May 2024, June 2024, July 2024, August 2024, September 2024, October 2024, November 2024,

Zoning Bylaw

- [2] By March 14, 2025, the Applicant had not received a response from the Village, so they submitted a request for review to the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [3] On March 18, 2025, OIPC emailed the Village requesting a copy of its section 7 decision letter for the Applicant and a status update. The OIPC asked for this material by March 24, 2025.
- [4] On March 25, 2025, the Village emailed OIPC to assert that it had responded to the Applicant via email on January 28, 2025. The Village conveyed the following:

[Their]¹ request is a three a part answer which I provided via email:

1. [They] requested financials that are already posted on our website - the previous admin labelled the header wrong. It looks like they are not available but they are and [they were] directed quickly to their location.
2. [They are] requesting the Zoning Bylaw created before my time. A bylaw passed by council indicates that the document exists however it is not here. I have checked the entire office. I have called all previous council from when it was approved including previous staff. I have called the planning district we are a part of (this was a group project). I have called the planner who facilitated. I have not been able to track down this document. Council may have to put this on the agenda to redo but that is a shame because it will be expensive and a long process. The resident is aware of this (she attends most meetings and is privy to the conversation). I am going to get caught up on mandatory tasks and attempt one more time to locate it and if nothing I will redo.
3. Financials for 2024. I was hired to sort out this Municipality. Council has been reviewing working copies but has not passed official final copies. Council does not want to distribute documents that might not be 100%. We have purchased Munisoft software. We have begun entering previous years to be audited. Once this is done and confirmed I will add 2024, council will review and I will post online. I am not refusing or missing deadlines I simply do not have the documents she is requesting. *I can send the official correspondence sent to [the Applicant] in Jan.* however, my assistant has the access to files and I am waiting for her to send them.

[Emphasis added]

¹ The words in editorial brackets are OIPC's amendments of the Village's response, to protect the identity of the Applicant.

- [5] On March 26, 2025, OIPC emailed the Village to ask for a copy of the “official correspondence” that was sent by the Village to the Applicant. OIPC provided a deadline of March 27, 2025. On the same day, the Village re-stated in an email, “As soon as my assistant responds, I will forward correspondence accordingly.”
- [6] By April 7, 2025, the Village had failed to convey the “official correspondence” it sent to the Applicant. On the same day, OIPC emailed the Village to inquire whether the Village would be sending a section 7 decision letter to the Applicant. The Village did not respond to this message.
- [7] The following table outlines the dates of the following interactions between OIPC and the Village with respect to the issue of section 7 of LA FOIP.

Date - 2025	Communication	Date	Response
April 11	OIPC (email): Requested that the Village send a section 7 letter to Applicant by April 14.	April 11	Village (email): Affirmed that correspondence sent to OIPC.
April 22	OIPC (email): Nothing received. Notification of matter moving to review if materials not sent.	April 22	Village: No response.
April 23	OIPC (email): Notification that matter had now gone to formal review. ²	April 23	Village (email): Request for particulars.
April 25	OIPC (email): Provided a section 7 decision letter template.	April 28	Village (email): Indicated that the section 7 decision

² As part of the notification of formal review, the April 23, 2025 email from OIPC to the Village requested a submission as to whether the legislative timelines were met and if any extensions had been requested and if these extensions met the requirements of sections 7 and 12 of LA FOIP; a copy of the section 7 decision letter; a copy of the responsive record; and an explanation of whether any exemptions were applied and an explanation of their application. In an effort to assist the Village and to speed up the process, OIPC asked if it could speak with the Village by telephone, but the Village expressed a preference to primarily communicate by email.

			obligation would be complied with by April 29.
May 01	Village (email): Provided a draft section 7 decision to OIPC only and asked for a review and assistance.	May 01	OIPC (email): Notified Village that matter was under review and urged that Village comply with its section 7 obligations forthwith.
May 08	OIPC (telephone): Asked for compliance and requested section 7 decision and materials by registered mail to OIPC office.	May 08	Village (telephone): Confirmed compliance would occur by noon that day.
May 22	OIPC (telephone): Notified Village of non-compliance. Requested compliance.	May 22	Village (telephone): Confirmed compliance would occur that day.
May 27	OIPC (telephone): Notified Village of non-compliance. Requested compliance verbally and by email.		Village (telephone): Village indicated that it was unclear what was required of them and that Mayor was fully briefed and aware of situation.
May 28	Village (email): To OIPC and Applicant: <ul style="list-style-type: none"> • A section 7 decision letter; • Responsive records Village (email): To OIPC the following: <ul style="list-style-type: none"> • A written submission 		

[8] On June 2, 2025, OIPC spoke with the Applicant and learned that they wished to proceed with a review of the matter. In addition, the Applicant indicated that they were not satisfied with Village's claim, in its section 7 decision letter, that some records did not yet exist. OIPC advised that, while the Applicant was entitled to raise this issue, they needed to submit a separate request for review of the adequacy of the Village's search for records.

- [9] Subsequently, on June 4, 2025, OIPC informed the Village that the scope of this review would be further narrowed only to the issues of content and timing with respect to section 7.

II RECORDS AT ISSUE

- [10] There are no records at issue in this matter.

III DISCUSSION OF THE ISSUES

1. Does OIPC have jurisdiction?

- [11] The Village qualifies as a “local authority” pursuant to section 2(1)(f)(i) of LA FOIP. Therefore, OIPC has jurisdiction to undertake this review.

2. Did the Village comply with its obligation pursuant to section 7 of LA FOIP?

- [12] 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.

- [13] As noted above, the Applicant utilized this right by making an access to information request to the Village on January 10, 2025.

- [14] Section 7 of LA FOIP instructs a local authority when it receives an access to information request. Sections 7(1)(a) and 7(2) of LA FOIP provide:

7(1) Where an application is made pursuant to this Act for access to a record, the head of the local authority to which the application is made shall:

- (a) consider the application and give written notice to the applicant of the head’s decision with respect to the application in accordance with section (2); or

...

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

...

[15] Section 7(2) of LA FOIP requires a local authority to respond to an applicant within 30 days of receiving an access to information request, unless the response deadline is extended pursuant to section 12 of LA FOIP. Section 12 of LA FOIP allows for local authorities to extend the 30-day time period for a reasonable period not exceeding an additional 30 days in limited circumstances. In this review, the Village did not apply for or utilize the section 12 extension provisions of LA FOIP. Therefore, OIPC's core analysis will focus on whether the Village provided its section 7 decision to the Applicant within the initial 30 days, as required by section 7(2) of LA FOIP.

[16] Section 2-28 of [*The Legislation Act*](#) informs local authorities with respect to the proper calculation of the 30-day period. LA FOIP expresses the time in a number of days, that is interpreted as 30 calendar days, not business days. The exceptions in the 30-day calculation are as follows:

- The first day the access request is received is excluded in the calculation of time.
- If the due date falls on a holiday, the time is extended to the next day that is not a holiday.
- If the due date falls on a weekend, the time is extended to the next day when the office is open such that weekends are excluded from the calculation.

[17] An application of the above guidelines reveals that the Village's deadline to provide a section 7 decision to the Applicant would have been *February 10, 2025*. In fact, the Village provided its section 7 decision to the Applicant on *May 28, 2025*, 107 days after the statutory 30-day deadline.

[18] Further, the one-page section 7 decision letter issued by the Village to the Applicant released two records in full and denied the existence of one. The Village did not apply for,

or utilize, any additional time to consider mandatory and discretionary exemptions, nor did it conduct a line-by-line analysis to sever material from the documents released.

[19] The Village's explanation for the delay was confusing and unhelpful:

The applicant was advised within 30 days of [their] original request in person at the regular meeting of council by the Head (Mayor Blenkinsop), provide with an email summary, and a copy of the minutes from the meeting both by [the Chief Administrative Officer] on behalf of Mayor and Council.

[20] As noted earlier in this Report, section 7(2) of LA FOIP requires the head to provide written notice to the Applicant within 30 days.³ Verbal interaction is not provided for in the legislation. Further, OIPC was never able to obtain confirmation from the Village that written materials had been sent to the Applicant until May 28, 2025.

[21] LA FOIP applies to all local authorities in the province of Saskatchewan no matter how small or large. It is the responsibility of the municipal Head to ensure compliance with the access and privacy laws of this province.⁴ This office seeks to work with municipalities at the earliest opportunity.

[22] The Village impeded the Applicant's right of access to information for three additional months over the 30-day statutory requirement. Information delayed is information denied. A delay such as this seriously undermines one of the main purposes of LA FOIP: to enhance transparency and accountability of local government by providing individuals with access to information. The statute sets out a formal process for the fulfillment of this important obligation and this office aims to provide abundant materials and to assist in the execution of that duty.

[23] There will be a finding that the Village did not comply with its obligations pursuant to section 7 of LA FOIP. Going forward, it will be recommended that the Village be mindful

³ "Head" is defined at section 2(1)(e)(i) of LA FOIP as "in the case of a municipality, the mayor, reeve or chairperson of the local advisory committee, as the case may be;"

⁴ See section 50 of LA FOIP.

of its obligation to respond to access to information requests within the legislated timeframe in compliance with section 7.

[24] Further, it is suggested that the Village, participate in OIPC's free online training module: [*Saskatchewan Urban Municipalities Association Webinar: LA FOIP 101*](#).

[25] Finally, it is recommended that, within 60 days of the issuance of this Report, the Village review and provide this office with a copy of its policy/procedures with respect to section 7 notice response decisions. OIPC offers [model template letters](#) and [additional guidance](#) for responding to access to information requests on its website.

IV FINDINGS

[26] OIPC has jurisdiction to conduct this review.

[27] The Village did not comply with section 7 of LA FOIP.

V RECOMMENDATIONS

[28] Going forward, I recommend that the Village be mindful of its obligation to respond to access to information requests within the legislated timeframe in compliance with section 7 of LA FOIP.

[29] I recommend that, within 60 days of the issuance of this Report, the Village review and provide this office with its policy/procedure with respect to section 7 notice response decisions.

Dated at Regina, in the Province of Saskatchewan, this 20th day of June, 2024.

Grace Hession David
Saskatchewan Information and Privacy Commissioner