



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## REVIEW REPORT 192-2025

### Town of Rosetown

May 8, 2026

#### Summary:

The Applicant submitted a seven-part access to information request to the Town of Rosetown (Town). The Town responded to most of the access request pursuant to section 7(2)(f) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)* (confirmation or denial of the existence of the record is refused). For the rest of the access request, the Town responded pursuant to section 7(2)(b) of *LA FOIP* (the record requested is published) and provided a link to a webpage where the requested records could be accessed.

The Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner. The Commissioner found that section 21(a) of *LA FOIP* (solicitor-client privilege) would apply to the vast majority of the records sought by the Applicant, if records exist. The Commissioner found that the Town properly invoked sections 7(2)(f) and 7(4) of *LA FOIP*. The Commissioner also found that the March 20, 2025, section 7 decision letter issued by the Town, did not meet the requirements set out in section 7(3) of *LA FOIP* (notification of right of review within one year). Finally, the Commissioner found that the Town did not meet its duty to assist set out in section 5.1 of *LA FOIP* (duty of local authority to assist completely) when it failed to provide the direct links to the publicly available resources.

The Commissioner recommended that the Town:

(1) amend its procedures going forward so that (a) when it issues written notices pursuant to section 7 of *LA FOIP*, it meets the requirement set out at sections 5.1 and 7(3) of *LA FOIP* and (b) when it issues written notices pursuant to section 7(2)(b) of *LA FOIP*, it provides links to specific publicly available resources.

## I BACKGROUND

[1] On February 20, 2025, the Town of Rosetown (Town) received the following seven-part access to information request from the Applicant:

1. With respect to the proceedings QBG [Docket Number] (Court of Queen's Bench, Judicial Centre or Regina) and/or CACV [Docket Number] (Court of Appeal for Saskatchewan), and each lawyer or law firm retained to represent the Town of Rosetown ("Town") in connection with either of those proceedings:

- a. All contracts between the Town and the said lawyer or law firm
- b. All accounts paid, by or on behalf of the Town directly or indirectly, that were issued by the said lawyer or law firm
- c. All cheques or other forms of payment made by the Town to the said lawyer or law firm
- d. All purchase orders, requisitions for payment, or similar, in connection with the forgoing
- e. All resolutions, minutes, or similar of the Town authorizing any of the forgoing

2. All contracts between the Town and the law firm of MLT Aikins, previously known as MLT, or any of the lawyers associated with that law firm, in relation to any matter whatsoever

3. All accounts paid, by or on behalf of the Town directly or indirectly, that were issued by the law firm of MLT Aikins, previously known as MLT, or any of the lawyers associated with that law firm, in relation to any matter whatsoever

4. All cheques or other forms of payment made by the Town to the law firm of MLT Aikins, previously known as MLT, or any of the lawyers associated with that law firm, in relation to any matter whatsoever

5. All purchase orders, requisitions for payment, or similar, made by the Town in relation to the law firm of MLT Aikins, previously known as MLT, or any of the lawyers associated with that law firm, in relation to any matter whatsoever

6. All resolutions, minutes, or similar of the Town authorizing any of the forgoing

7. With respect to each payment made, by or on behalf of the Town directly or indirectly, to the law firm of MLT Aikins, previously known as MLT, or any of the lawyers associated with that law firm, in relation to any matter whatsoever, the:

- a. File number of the law firm/lawyer
- b. Invoice number of the law firm/lawyer
- c. File number of the Town
- d. Amount of the payment
- e. Date of the payment
- f. Name of the person(s) that approved the payment
- g. Name of the cheque signer(s)

- [2] On the same day, the Applicant paid the \$20 application fee, and the Town issued a receipt to the Applicant acknowledging payment.
- [3] In a letter dated March 20, 2025, the Town responded that it was refusing to confirm or deny the existence of records related to items 1a, b, c, d, 2, 3, 4, 5 and 7 of the access request pursuant to section 7(2)(f) of *The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.<sup>1</sup>
- [4] In the same letter, the Town also directed the Applicant to a webpage on the Town's website for items 1e and 6: <https://www.rosetown.ca/AgendaCentre>.<sup>2</sup>
- [5] On August 12, 2025, the Applicant requested a review by the Office of the Saskatchewan Information and Privacy Commissioner (OIPC).
- [6] During the intake stage of the OIPC review process, this office was able to obtain some clarification from the Town to the extent that:
- if records did exist in response to items 1a, b, c, d, 2, 3, 4, 5 and 7, then the Town would rely on subsections 21(a), (b) and (c) of *LA FOIP* to refuse access; and

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<sup>1</sup> [\*The Local Authority Freedom of Information and Protection of Privacy Act\*](#), SS 1990-91, c. L-27.1, as amended.

<sup>2</sup> At the time of writing this Report, this webpage is no longer active but was active at the material time.

- the Town conceded that the council meeting minutes available at <https://www.rosetown.ca/AgendaCentre> contained public reference to the law firm MLT Aikins:
  - December 20, 2021
  - April 18, 2022
  - February 22, 2022
  - Recreation Meeting February 7, 2022
  - January 17, 2022
  - January 16, 2023
  - February 21, 2023

[7] On December 31, 2025, the Applicant maintained dissatisfaction with the response from the Town to their access request.

[8] On January 2, 2026, OIPC notified both the Town and the Applicant that OIPC would be undertaking a review.

[9] On March 5, 2026, the Town provided its submission to OIPC.

[10] On March 31, 2026, the Applicant provided a submission to OIPC.

## II RECORDS AT ISSUE

[11] At issue is the response from the Town to the Applicant's access request, which is two-fold.

[12] First, the Town informed the Applicant it was refusing to confirm or deny the existence of records responsive to items 1a, b, c, d, 2, 3, 4, 5 and 7 of the Applicant's access request pursuant to section 7(2)(f) of *LA FOIP*.<sup>3</sup>

[13] Second, the Town referred the Applicant to a webpage on the Town's website in response to item 1e and 6 of the Applicant's access request pursuant to section 7(2)(b) of *LA FOIP* but this referral did not satisfy the Applicant's request.

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<sup>3</sup> Section 7(2)(f) of *LA FOIP* invokes the application of section 7(4) of *LA FOIP*. Both sections will be discussed in detail in the next section of this Report.

[14] The focus of this review is on the adequacy of the Town's response to the Applicant's access request. As such, there are no records at issue.

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

#### **1. Jurisdiction**

[15] The Town qualifies as a "local authority" as defined by section 2(1)(f)(i) of *LA FOIP*. Therefore, OIPC has jurisdiction to undertake a review of this matter pursuant to PART VI of *LA FOIP*.

#### **2. Sections 7(2)(f) and 7(4) of *LA FOIP***

[16] Sections 7(2)(f) and (4) of *LA FOIP* provide:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:

...

(f) stating that confirmation or denial of the existence of the record is refused pursuant to subsection (4);

...

(4) If an application is made with respect to a record that is exempt from access pursuant to section 14, 20 or 21 or subsection 28(1), the head may refuse to confirm or deny that the record exists or ever did exist.

[17] When a Town invokes section 7(4) of *LA FOIP*, there is a denial of an Applicant's right to know whether a record, or records, exist. Section 7(4) of *LA FOIP* provides local authorities with a significant discretionary power that should be exercised only in the rarest of cases. The provision is meant to protect highly sensitive records when to confirm or deny the mere existence of a record would impose a significant risk to the party in

possession and control of the record. Nonetheless, this section cannot serve as a shield to protect a local authority from possible embarrassment or negative public scrutiny.<sup>4</sup>

[18] To correctly invoke sections 7(2)(f) and 7(4) of *LA FOIP*, a local authority must:<sup>5</sup>

1. Demonstrate that records, if they existed, would qualify for the exemption provided in section 7(4) of *LA FOIP*.
2. Explain how disclosing the existence of records, if they existed, could reasonably disclose exempted information.

***1. Demonstrate that records, if they existed, would qualify for the particular exemption provided for at section 7(4) of LA FOIP.***

[19] The Town submitted that the records, if they existed, qualified for exemption pursuant to sections 21(a) and (b) of *LA FOIP*. We found it helpful to focus on section 21(a):

**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;

[20] OIPC uses the following three-part test to determine if records contain solicitor-client privileged information that would be exempt pursuant to section 21(a) of *LA FOIP*:<sup>6</sup>

1. Is the record a communication between 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?

[21] The following are relevant definitions:<sup>7</sup>

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<sup>4</sup> OIPC [Review Report 248-2024](#) at paragraph [13].

<sup>5</sup> *Ibid*, at paragraph [14].

<sup>6</sup> OIPC [Review Report 192-2024](#) at paragraph [54].

<sup>7</sup> OIPC [Review Report 206-2024](#) at paragraph [21]; see also OIPC [Review Report 192-2024](#) at paragraph [56].

- “Solicitor” means a lawyer who is duly admitted as a member of a provincial law society and whose right to practice is not suspended by that law society. “Lawyer” means a member of the law society and includes a law student registered in the Society’s pre-call training program.
- “Client” is a person who consults with a legal counsel and on whose behalf the legal counsel renders or agrees to render legal services; or, having consulted the legal counsel, reasonably concludes that the lawyer has agreed to render legal services on their behalf.
- “Communication” is the process of bringing an idea to another’s perception; the message or ideas so expressed or exchanged; the interchange of messages or ideas by speech, writing, gestures or conduct.
- “Legal advice” is a legal opinion about a legal issue, and a recommended course of action, based on legal considerations, regarding a matter with legal implications.

[22] The Applicant sought contracts between the Town and a lawyer or law firm with respect to the request in item 1a. In *Legal Services Society v. The Information and Privacy Commissioner of British Columbia*<sup>8</sup>, the British Columbia Supreme Court overturned a decision of the Commissioner to award access to that province’s law society legal aid invoices. The Court defined “legal retainer” and the privilege that attaches thereto:

15. A legal retainer is defined in Halsbury’s Laws of England, 4th ed., 1995, p. 83 as follows:

99. **Meaning of Retainer** The act of authorising or employing a solicitor to act on behalf of a client constitutes the solicitor's retainer by that client. Thus, the giving of a retainer is equivalent to the making of a contract for the solicitor's employment, and the rights and liabilities of the parties under that contract will depend partly on any terms which they have expressly agreed, partly on the terms which the law will infer or imply in the particular circumstances with regard to matters of which nothing has been expressly agreed, and partly on such statutory provisions as are applicable to the particular contract.

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<sup>8</sup> *Legal Services Society v The Information and Privacy Commissioner of British Columbia*, 1996 CanLII 1780 (BC SC), affirmed by *Legal Services Society v. Information and Privacy Commissioner*, 2003 BCCA 278 (CanLII).

16. The nature and the terms of a legal aid retainer appear to me to be unquestionably a communication between lawyer, client, and the Society as agent that occurs for the purpose of obtaining legal advice where, generally, there exists an expectation of confidence. Either directly or through the Society, the client instructs the lawyer to undertake the defence on the basis that he will be paid for his services in accordance with the legal aid tariff and the lawyer, in turn, accepts the arrangement. It is a communication that occurs within the framework of the solicitor-client relationship and is accordingly privileged.

[Emphasis added]

[23] OIPC accepts that the contents of a legal retainer/legal invoice are privileged and would be protected by solicitor-client privilege pursuant to the provision contained within section 21(a) of *LA FOIP*.

[24] Items 1b, c, d, 2, 3, 4, 5 and 7 of the access request solicit: (1) accounts/invoices issued by lawyers or law firms; and (2) payments made by the Town to lawyers or law firms. The Supreme Court of Canada has determined that there is a presumption of privilege for lawyers' bills of account as a whole.<sup>9</sup>

[33] In law, when authorization is sought for a search of a lawyer's office, the fact consisting of the amount of the fees must be regarded, in itself, as information that is, as a general rule, protected by solicitor-client privilege. While that presumption does not create a new category of privileged information, it will provide necessary guidance concerning the methods by which effect is given to solicitor-client privilege, which, it will be recalled, is a class privilege. Because of the difficulties inherent in determining the extent to which the information contained in lawyers' bills of account is neutral information, and the importance of the constitutional values that disclosing it would endanger, recognizing a presumption that such information falls *prima facie* within the privileged category will better ensure that the objectives of this time-honoured privilege are achieved. That presumption is also more consistent with the aim of keeping impairments of solicitor-client privilege to a minimum, which this Court forcefully stated even more recently in *McClure, supra*, at paras. 4-5.

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<sup>9</sup> [Maranda v Richer, 2003 SCC 67 \(CanLII\), \[2003\] 3 SCR 193](#) at paragraph [33].

[25] In 2014, the Office of the Information and Privacy Commissioner of British Columbia (BC OIPC) determined that invoices issued by a law firm to a public body and proof of payment by the public body were subject to solicitor-client privilege.<sup>10</sup>

[26] OIPC accepts that accounts, invoices and payments made by the Town to its lawyers and/or law firms are privileged and would be protected as solicitor-client privilege under section 21(a) of *LA FOIP*. Since the presumption of privilege has not been rebutted by evidence that disclosure of the amount of fees paid will not directly or indirectly reveal any communication of privilege, section 21(a) of *LA FOIP* would apply to the vast majority of the records sought by the Applicant, if any records exist.<sup>11</sup>

***2. Explain how disclosing the existence of records, if they existed, could reasonably disclose exempted information.***

[27] In its submission, the Town asserted that the confirmation of the existence of the records sought would reasonably tend to disclose the following interests of the Town that, they allege, are covered by solicitor/client privilege:

- (a) Confirm that legal advice was sought on a specific issue;
- (b) Reveal when advice was sought and the timeline of the work;
- (c) Disclose the scope or focus of counsel's advice by inference from retainer/payment patterns; and
- (d) Expose litigation strategy, risk assessment, or the Town's posture in ongoing or related proceedings.

[28] The Applicant submitted that:

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<sup>10</sup> BC OIPC [Order F14-16](#) at paragraphs [16] to [17].

<sup>11</sup> [Ontario \(Ministry of the Attorney General\) v Ontario \(Assistant Information and Privacy Commissioner\)](#), 2005 CanLII 6045 (ONCA) at paragraph [12].

- In the past, the Town had identified the meeting minutes from seven meetings between December 2021 and February 2023, which confirmed that MLT Aikins was engaged by the Town.<sup>12</sup>
- The Town identified court proceedings in which the Town was a party. The Applicant asserted that the legal counsel retained by the Town in connection with the litigation was publicly known.

[29] The Supreme Court of British Columbia ruled in 1996:<sup>13</sup>

[27] The terms of a solicitor/client relationship are privileged, although the existence of the relationship in itself is not. The privilege includes but is not limited to financial arrangements between the solicitor and the client: see *Solicitor-Client Privilege in Canadian Law* (Vancouver: Butterworth's, 1993) R.D. Manes and M.P. Silver, p.82.

[Emphasis added]

[30] It is evident from reviewing the Town meeting minutes that there is a relationship between the Town and MLT Aikins. The existence of the legal relationship between these two parties is not protected by section 21(a) of *LA FOIP*. What the Town seeks to protect is the substance of the legal advice sought/given and related legal strategy contained within records, if any records exist. This can be properly effected by citing section 7(2)(d) of *LA FOIP* and the reason for the refusal in section 21(a) of *LA FOIP*:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:

...

(d) stating that access is refused, setting out the reason for the refusal and identifying the specific provision of this Act on which the refusal is based;

[31] The approach explained above may have been a much easier and more logical method for the Town in this instance. It is not for this office to critique the mechanics of the applications of exemptions applied by the Town, especially since there is no legislation or

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<sup>12</sup> For example, the January 16, 2023, Town council meeting minutes recorded that MLT Aikins LLP of Regina, Saskatchewan was appointed as the Town's solicitor.

<sup>13</sup> [\*Corp. of the District of North Vancouver v British Columbia \(Information and Privacy Commissioner\)\*, 1996 CanLII 521 \(BC SC\) at paragraph \[27\].](#)

caselaw that forbids the route that was adopted by the Town. We note that this matter made its way to the Saskatchewan Court of Appeal in early 2025. It is entirely possible that the confirmation of the *mere existence of documents* in this case may very well have disclosed some aspect of privilege that the Town elaborated upon in paragraph [27] of this Report. In most cases, police services resort to a combination of sections 7(2)(f) and 7(4) of *LA FOIP* in order not to alert a suspect of an on-going criminal investigation. However, in this case those sections do serve to protect the privilege that the Town has every right to guard with vigilance in this case. The Town properly invoked the combination of sections 7(2)(f) and 7(4) of *LA FOIP*.

**3. The Town section 7 decision letter did not meet the requirements of section 7(3) of *LA FOIP***

[32] The Applicant took issue with the March 20, 2025, section 7 decision letter issued by the Town. During the intake stage of the OIPC review process, the Applicant sent an email dated December 31, 2025, explaining the concern:

It is appreciated that in relation to LA FOIP subsections 7(2)(f) and 7(4) the Town has subsequently confined its objection to LA FOIP s.21, and only on the basis of alleged solicitor and client privilege. However, the Town has not provided a clear response as to which of the 7 specific and numbered requests as contained in the written request for access to information it is asserting that objection.

[33] In the Town letter dated March 20, 2025, the Town said it was refusing to confirm the existence of records pursuant to section 7(2)(f) of *LA FOIP*. It proceeded to quote items 1a, b, c, d, 2, 3, 4, 5 and 7. It is obvious that the Town was refusing to confirm or deny the existence of records responsive to *all* listed items. The Applicant's concern is mislaid.

[34] One notable omission is the fact that the Town failed to notify the Applicant of the right to request a review by OIPC pursuant to section 7(3) of *LA FOIP*:

7(3) A notice given pursuant to subsection (2) is to state that the applicant may request a review by the commissioner within one year after the notice is given.

[35] The Town section 7 letter failed in the respect that it did not meet the requirement set out in section 7(3) of *LA FOIP*. The Town should amend its procedures so that in the future when it issues written notices pursuant to section 7 of *LA FOIP*, it meets the requirement set out at section 7(3) of *LA FOIP*.

**4. The Town response to the Applicant's access request and section 5.1 of *LA FOIP***

[36] The Applicant submitted on December 31, 2025, that the Town did not meet the duty to assist in responding to the Applicant's access request openly, accurately and completely. Section 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.

[37] To respond "openly" to an access request, local authorities must be transparent and provide explanations of the processes, actions and decision taken to respond to an access request. To respond "accurately" means that the local authority must provide the applicant with sufficient and correct information about the access process and how decisions are made. To respond "completely" means a response that include every item or element, without omissions or deficiencies and is not lacking in any element or particular.<sup>14</sup>

[38] The Applicant elaborated further:

The Town's conduct in this matter fell short of this standard in multiple respects:

- (a) The Town did not proactively seek clarification from the Applicant about any aspect of the request, even though the request was detailed and comprehensive. A local authority meeting its duty to assist should at minimum have offered the Applicant an opportunity to clarify or narrow the request.
- (b) The Town provided no guidance as to which specific minutes or resolutions were responsive to the request, notwithstanding the Town's knowledge of its own records. This information was provided only after

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<sup>14</sup> OIPC [Review Report 258-2022](#) at paragraphs [48] to [50].

nine months, and only after the OIPC intervened and specifically requested it.

- (c) The Town did not indicate whether any portion of the requested records could be disclosed in whole or in part. A blanket “neither confirm nor deny” response, applied uniformly to all seven numbered requests, does not reflect a thoughtful and good-faith effort to assist the Applicant in obtaining access to whatever information may be available.
- (d) The Town declined to respond to the Applicant’s separate written demand under s. 117 of *The Municipalities Act*, treating its *LA FOIP* response as a complete answer to that demand as well. This conflation is inconsistent with the distinct nature and scope of the two access regimes.

[39] The Town did not provide submissions on this issue.

***(a) The need to clarify or narrow the request***

[40] Section 6(3) of *LA FOIP* requires a local authority to invite the applicant to supply additional details that might lead to the identification of the record(s) when an applicant does not provide enough detail as to the nature or scope of the record(s) sought.<sup>15</sup> *LA FOIP* does not require that a local authority seek additional details for every single access request. In this case, and as noted by the Applicant, the access request is detailed and comprehensive. There could be no question with respect to the records sought by the Applicant. There was no need for the Town to have sought clarification as to what records the Applicant sought pursuant to section 6(3) of *LA FOIP*.

***(b) The need to provide guidance to specific minutes or resolutions responsive to the access request.***

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<sup>15</sup> Section 6(3) of *LA FOIP* provides:

6(3) Where the head is unable to identify the record requested, the head shall advise the applicant, and shall invite the applicant to supply additional details that might lead to identification of the record.

[41] Section 7(2)(b) of *LA FOIP* provides that if the record sought is published, then the local authority may refer to the Applicant to the publication.<sup>16</sup> The Town provided the Applicant a link to a webpage on the Town’s website: <https://www.rosetown.ca/AgendaCenter>.

[42] In past reports, OIPC recommended to public bodies that they provide links to specific publicly available resources rather than a link to a general webpage.<sup>17</sup> In this case, the Town provided a link to a general webpage to the Applicant and not directly to the specific publicly available resources that were responsive to the access request. As such, the Town did not meet its duty to assist in this regard.

[43] The Town should amend its procedures so that it provides a direct link to specific publicly available resources when responding to access requests pursuant to section 7(2)(b) of *LA FOIP*.

***(c) The Town provided a “blanket” response to the Applicant’s access request***

[44] Section 8 of *LA FOIP* requires local authorities to conduct a line-by-line review of records, if they exist, so that they sever only the portions of the records that qualify for exemption and release the remainder of the record. This office has approved the approach taken by the Town in this matter. Further, the entirety of the Applicant’s access request involved information that would otherwise be subject to solicitor-client privilege as discussed above. There can be no line-by-line review of documents that are properly exempted due to privilege.

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<sup>16</sup> Section 7(2)(b) of *LA FOIP* provides:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:

(b) if the record requested is published, referring the applicant to the publication;

<sup>17</sup> OIPC [Review Report 239-2020](#) at paragraph [72]; OIPC [Review Report 265-2024](#) at paragraph [12].

*(d) The Town declined to respond to the Applicant's separate demand for information pursuant to section 117 of The Municipalities Act*

[45] This office is the body that administers and provides oversight with respect to *LA FOIP* in this province. The issue of whether the Town met the requirements of *The Municipalities Act* is beyond the jurisdiction of this review.<sup>18</sup>

[46] As mentioned earlier, the Town should ensure that its written decisions pursuant to section 7 of *LA FOIP* meet the requirement set out at section 7(3) of *LA FOIP*. Doing so will ensure its written decisions are “complete”, as required by section 5.1 of *LA FOIP*.

#### **IV FINDINGS**

[47] OIPC has jurisdiction to undertake a review of this matter pursuant to PART VI of *LA FOIP*.

[48] Section 21(a) of *LA FOIP* would apply to the records sought by the Applicant, if any records exist.

[49] The Town properly invoked subsections 7(2)(f) and 7(4) of *LA FOIP*.

[50] The March 20, 2025, section 7 decision letter issued by the Town did not meet the requirement set out in section 7(3) of *LA FOIP*.

[51] The Town did not meet its duty to assist set out in section 5.1 of *LA FOIP* because the Town failed to provide a direct link to the meeting minutes which were publicly available at that time.

#### **V RECOMMENDATION**

[52] I recommend that the Town amend its procedures going forward so that:

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<sup>18</sup> [\*The Municipalities Act\*](#), SS 2005, c. M-36.1, as amended.

- when it issues written notices pursuant to section 7 of *LA FOIP*, it meets the requirement set out at section 7(3) of *LA FOIP*. Doing so will ensure its written decisions are “complete”, as required by section 5.1 of *LA FOIP*.
- when it issues written notices pursuant to section 7(2)(b) of *LA FOIP*, it provides links to specific publicly available resources.

Dated at Regina, in the Province of Saskatchewan, this 8<sup>th</sup> day of May, 2026.

Grace Hession David  
Saskatchewan Information and Privacy Commissioner