



SAMPLE SECTION 7 DECISIONS

For Government Institutions

Government institutions must respond to access to information requests pursuant to section 7 of The Freedom of Information and Protection of Privacy Act (FOIP). This resource can be used by government institutions as guidance on how to prepare a response pursuant to section 7 of FOIP.

DISCLAIMER

This document is not intended to provide legal advice and is provided for informational use only.

When a government institution receives a formal access to information request under *The Freedom of Information and Protection of Privacy Act* (FOIP), it must provide a written notice regarding its decision, among other things, to grant or refuse access to a record. This written notice is referred to as the “section 7 decision”.

Before issuing a section 7 decision, a government institution must also fulfill other obligations under FOIP, including meeting its duty to assist, determining if a fee estimate should be issued, and searching for records. Below are links for more information regarding these obligations:

- [Understanding the Duty to Assist: A Guide for Public Bodies and Trustees](#)
- [Steps to Charging Fees](#)
- [Search checklist](#)
- [Applying exemptions \(if any apply\)](#)

Once the government institution is ready to prepare a section 7 decision, it must ensure that its section 7 decision is compliant with subsections 7(2) and 7(3) of FOIP.

Subsection 7(2) of FOIP

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

- (a) stating that access to the record or part of it will be given on payment of the prescribed fee and setting out the place where, or manner in which, access will be available;
- (b) if the record requested is published, referring the applicant to the publication;
- (c) if the record is to be published within 90 days, informing the applicant of that fact and of the approximate date of publication;
- (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;
- (e) stating that access is refused for the reason that the record does not exist;
- (f) stating that confirmation or denial of the existence of the record is refused pursuant to subsection (4); or
- (g) stating that the request has been disregarded pursuant to section 45.1, and setting out the reason for which the request was disregarded.

(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.

This resource provides templates that can be used by government institutions to prepare a written notice to an applicant pursuant to section 7 of FOIP.

SAMPLE LETTER – Granting FULL Access (subsection 7(2)(a) of FOIP)

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: Access to information request [Government institution's file number for access request]

Thank you for your access to information request received by our office on [insert date the access request was received] via [insert how received (e.g., via email, mail, fax, in person)] where you requested:

[Insert quote of access request and time period]

This letter is a notice pursuant to subsection 7(2)(a) of *The Freedom of Information and Protection of Privacy Act*. Specifically, this letter is to advise you that we identified [insert total number responsive records] pages of records responsive to your access request. We are granting you full access to the records.

Option 1 – if no payment of fees is required (since fees are less than \$100)

Please find the records enclosed.

Option 2 – if payment of fees is required.

As we had informed you in our fee estimate letter dated [insert dated of fee estimate letter], your access request has now been processed. Fees totaling [insert amount owed and calculation, if a deposit was received] must be paid before access can be provided.

Please make your cheque or money order payable to [insert instructions on how the Applicant may pay the fee] and send it to [insert name and address of government institution employee who is to receive the payment].

If you believe your access request has not been answered completely or that you require further clarification, please contact [insert name of Access Officer] at [insert telephone number of Access Officer and email address].

You may ask the Information and Privacy Commissioner (IPC) to review any matter concerning this response to your access request within one year of this notice. If you wish to request a review, you may complete a "Request for Review" form and enclose: 1) a copy of this letter; and 2) copy of your original request and send it to:

Office of the Saskatchewan Information and Privacy Commissioner
503 – 1801 Hamilton Street, Regina, Saskatchewan, S4P 4B4

You may also instead submit the form and enclosures electronically to the IPC at intake@oipc.sk.ca. You may obtain a copy of the "Request for Review" form at <https://oipc.sk.ca/how-do-i-get-access-to->

[information/](#). If you require a copy of the “Request for Review” form to be sent to you, please call the IPC at 306-787-8350.

Sincerely,

[Name]

[Title]

SAMPLE LETTER – Granting partial access (subsection 7(2)(a) of FOIP)

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: Access to information request [Government institution's file number for access request]

Thank you for your access to information request received by our office on [insert date the access request was received] via [insert how received (e.g., via email, mail, fax, in person)] where you requested:

[Insert quote of access request and time period]

This letter is a notice pursuant to subsection 7(2)(a) of *The Freedom of Information and Protection of Privacy Act*. Specifically, this letter is to advise you that we identified [insert total number responsive records] pages of records responsive to your access request. We are granting access to [number of pages] in full. We are granting [number of pages] in part, and we denying access to [number of pages] in full. However, we are withholding portions of the records pursuant to [cite the subsections in Part III and/or IV of FOIP and the reasons for refusing access. This can include explaining the nature of the information that was withheld. [For example, "the personal information of third party individuals was withheld pursuant to subsection 29(1) of FOIP"]. We have severed the exempted information from the records so we could disclose to you the remaining information in the records.

Option 1 – if no payment of fees is required (since fees are less than \$100)

Please find the records enclosed.

Option 2 – if payment of fees is required.

As we had informed you in our fee estimate letter dated [insert dated of fee estimate letter], your access request has now been processed. Fees totaling [insert amount owed and calculation, if a deposit was received] must be paid before access can be provided.

Please make your cheque or money order payable to [insert instructions on how the Applicant may pay the fee] and send it to [insert name and address of government institution employee who is to receive the payment].

If you believe your access request has not been answered completely or that you require further clarification, please contact [insert name of Access Officer] at [insert telephone number of Access Officer and email address].

You may ask the Information and Privacy Commissioner (IPC) to review any matter concerning this response to your access request within one year of this notice. If you wish to request a review, you may complete a "Request for Review" form and enclose: 1) a copy of this letter; and 2) copy of your original request and send it to the

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[information/](#). If you require a copy of the “Request for Review” form to be sent to you, please call the IPC at 306-787-8350.

Sincerely,

[Name]

[Title]

SAMPLE LETTER – Denying access to all responsive records (subsection 7(2)(d) of FOIP)

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: Access to information request [Government institution's file number for access request]

Thank you for your access to information request received by our office on [insert date the access request was received] via [insert how received (e.g., via email, mail, fax, in person)] where you requested:

[Insert quote of access request and time period]

This letter is a notice pursuant to subsection 7(2)(d) of *The Freedom of Information and Protection of Privacy Act*. Specifically, this letter to advise you that we identified [insert total number responsive records] pages of records responsive to your access request. Access to all the responsive records is refused under [cite the subsections in Part III and/or IV of FOIP and the reasons for refusing access. This can include explaining the nature of the information that was withheld. [For example, "the personal information of third party individuals was withheld pursuant to subsection 29(1) of FOIP"].

If you believe your access request has not been answered completely or that you require further clarification, please contact [insert name of Access Officer] at [insert telephone number of Access Officer and email address].

You may ask the Information and Privacy Commissioner (IPC) to review any matter concerning this response to your access request within one year of this notice. If you wish to request a review, you may complete a "Request for Review" form and enclose: 1) a copy of this letter; and 2) copy of your original request and send it to:

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Sincerely,

[Name]

[Title]

SAMPLE LETTER – Record does not exist (subsection 7(2)(e) of FOIP)

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: Access to information request [Government institution's file number for access request]

Thank you for your access to information request received by our office on [insert date the access request was received] via [insert how received (e.g., via email, mail, fax, in person)] where you requested:

[Insert quote of access request and time period]

This letter is a notice pursuant to subsection 7(2)(e) of *The Freedom of Information and Protection of Privacy Act*. Specifically, this letter is to inform you that a search by our office was conducted but no records were identified as responsive to your access request. [Outline steps taken to locate records].

If you believe your access request has not been answered completely or that you require further clarification, please contact [insert name of Access Officer] at [insert telephone number of Access Officer and email address].

You may ask the Information and Privacy Commissioner (IPC) to review any matter concerning this response to your access request within one year of this notice. If you wish to request a review, you may complete a "Request for Review" form and enclose: 1) a copy of this letter; and 2) copy of your original request and send it to:

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Sincerely,

[Name]

[Title]

SAMPLE LETTER – Refusing to confirm or deny the existence of a record (subsection 7(2)(f) of FOIP)

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: Access to information request [Government institution's file number for access request]

Thank you for your access to information request received by our office on [insert date the access request was received] via [insert how received (e.g., via email, mail, fax, in person)] where you requested:

[Insert quote of access request and time period]

This letter is a notice pursuant to subsections 7(2)(f) and 7(4) of *The Freedom of Information and Protection of Privacy Act*. Specifically, we are unable to confirm or deny the existence of the record(s) you have requested. However, if such information did exist, it would be withheld from disclosure under sections [cite section numbers set out at subsection 7(4) of FOIP] of *The Freedom of Information and Protection of Privacy Act*.

If you believe your access request has not been answered completely or that you require further clarification, please contact [insert name of Access Officer] at [insert telephone number of Access Officer and email address].

You may ask the Information and Privacy Commissioner (IPC) to review any matter concerning this response to your access request within one year of this notice. If you wish to request a review, you may complete a "Request for Review" form and enclose: 1) a copy of this letter; and 2) copy of your original request and send it to;

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Sincerely,

[Name]

[Title]

SAMPLE LETTER – Referring the Applicant to the publication (subsection 7(2)(b) of FOIP)

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: Access to information request [Government institution's file number for access request]

Thank you for your access to information request received by our office on [insert date the access request was received] via [insert how received (e.g., via email, mail, fax, in person)] where you requested:

[Insert quote of access request and time period]

This letter is a notice pursuant to subsections 7(2)(b) of *The Freedom of Information and Protection of Privacy Act*. Specifically, the record(s) you requested has already been published. You may find the publication at [insert information about where the Applicant may access the record(s)]. If you have any questions, including how to gain access to the record once it is published, please contact [name and contact information of Access Officer].

You may ask the Information and Privacy Commissioner (IPC) to review any matter concerning this response to your access request within one year of this notice. If you wish to request a review, you may complete a "Request for Review" form and enclose: 1) a copy of this letter; and 2) a copy of your original request and send it to:

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Sincerely,

[Name]

[Title]

SAMPLE LETTER – Record is to be published within 90 days (subsection 7(2)(c) of FOIP)

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: Access to information request [Government institution's file number for access request]

Thank you for your access to information request received by our office on [insert date the access request was received] via [insert how received (e.g., via email, mail, fax, in person)] where you requested:

[Insert quote of access request and time period]

This letter is a notice pursuant to subsections 7(2)(c) of *The Freedom of Information and Protection of Privacy Act*. Specifically, the record(s) you requested will be published approximately on [insert approximate publication date – should be within 90 days of access request]. [Insert instruction on how the applicant can gain access to the record once it is published]. If you have any questions, including how to gain access to the record once it is published, please contact [name and contact information of Access Officer].

You may ask the Information and Privacy Commissioner (IPC) to review any matter concerning this response to your access request within one year of this notice. If you wish to request a review, you may complete a "Request for Review" form and enclose: 1) a copy of this letter; and 2) copy of your original request and send it to

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Sincerely,

[Name]

[Title]

SAMPLE LETTER – Stating that the request has been disregarded (subsection 7(2)(g) of FOIP)

[Date]

[Applicant's name and address]

Dear [Applicant's name]:

Re: Access to information request [Government institution's file number for access request]

Thank you for your access to information request received by our office on [insert date the access request was received] via [insert how received (e.g., via email, mail, fax, in person)] where you requested:

[Insert quote of access request and time period]

This letter is a notice pursuant to subsections 7(2)(g) of *The Freedom of Information and Protection of Privacy Act*. Pursuant to Disregard Decision [insert the Commissioner's report number], the Commissioner has granted [name of government institution]'s application to disregard your access to information request. Therefore, your access to information request has been disregarded. As such, your access request is deemed to have not been made pursuant to subsection 45.1(4) of *The Freedom of Information and Protection of Privacy Act*.

Sincerely,

[Name]

[Title]