

Email: 28(1) Personal

July 13, 2016

28(1) Personal

Dear 28(1) :

Re: Access to Information Request #2016-023 – Mosaic Stadium

This is further to your access to information request received by the City on May 2, 2016, quoted as follows:

“All independent certifier reports for the new Mosaic Stadium project.”

We acknowledge that the City has records which are responsive to your request. We have reviewed the records requested and are denying access to them pursuant to the following sections of *The Local Authority Freedom of Information and Protection of Privacy Act (LAFOIPP)*:

- LAFOIP section 16(1)(a) advice, proposals and recommendations and analyses developed for the local authority;
- LAFOIP section 16(1)(c) positions, procedures, criteria or instructions developed for the purpose of contractual or other negotiations on behalf of the local authority and considerations related to those negotiations;
- LAFOIP section 17(1)(b) financial, commercial, scientific, technical information in which the local authority has a proprietary interest and a right of use and that has monetary value;
- LAFOIP section 17(1)(d) information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of the local authority;
- LAFOIP section 17(1)(e) positions plans procedures, criteria or instructions developed for the purpose of contractual negotiations on behalf of the local authority or consideration that relate to those negotiations;
- LAFOIP section 17(1)(f) information, the disclosure of which could reasonably be expected to prejudice the economic interest of the local authority.
- LAFOIP section 18(1)(a) trade secrets;

- LAFOIP section 18(1)(b) financial, commercial, scientific, technical information that is supplied in confidence, implicitly or explicitly to the local authority by a third party.
- LAFOIP section 18(1)(c) information, the disclosure of which could reasonably be expected in financial loss or gain, prejudice the competitive position and interfere with the contractor or other negotiations.

I have included a copy of all above-noted sections of LAFOIPP.

If you wish to exercise your right to request a review of this decision, you may do so by completing a Request for Review form and forwarding it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. A copy of this form can be found at <http://www.qp.gov.sk.ca/documents/Forms/L27-1R1-B.pdf> or you may contact the Office of the Information and Privacy Commissioner at (306) 787-8350.

If you have any questions, please contact Cindy Howden at 306-777-7263 or by email at lafoipp@regina.ca.

Yours truly,



Jim Nicol
Chief Legislative Officer & City Clerk

Jn/ch

Enclosure(s)

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- (b) discloses agendas or the substance of deliberations of meetings of a local authority if:
- (i) an Act authorizes holding the meetings in the absence of the public; or
 - (ii) the matters discussed at the meetings are of such a nature that access to the records could be refused pursuant to this Part or Part IV.
- (2) Subject to section 29, a head shall not refuse to give access pursuant to subsection (1) to a record where the record has been in existence for more than 25 years.

1990-91, c.L-27.1, s.15.

Advice from officials

16(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

- (a) advice, proposals, recommendations, analyses or policy options developed by or for the local authority;
 - (b) consultations or deliberations involving officers or employees of the local authority;
 - (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the local authority, or considerations that relate to those negotiations;
 - (d) plans that relate to the management of personnel or the administration of the local authority and that have not yet been implemented; or
 - (e) information, including the proposed plans, policies or projects of the local authority, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.
- (2) This section does not apply to a record that:
- (a) has been in existence for more than 25 years;
 - (b) is an official record that contains a statement of the reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function;
 - (c) is the result of product or environmental testing carried out by or for a local authority, unless the testing was conducted:
 - (i) as a service to a person, a group of persons or an organization other than the local authority, and for a fee; or
 - (ii) as preliminary or experimental tests for the purpose of:
 - (A) developing methods of testing; or
 - (B) testing products for possible purchase;
 - (d) is a statistical survey;

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(e) is the result of background research of a scientific or technical nature undertaken in connection with the formulation of a policy proposal; or

(f) is:

(i) an instruction or guide-line issued to the officers or employees of a local authority; or

(ii) a substantive rule or statement of policy that has been adopted by a local authority for the purpose of interpreting an Act, regulation, resolution or bylaw or administering a program or activity of the local authority.

(3) A head may refuse to give access to any report, statement, memorandum, recommendation, document, information, data or record, within the meaning of section 10 of *The Evidence Act*, that, pursuant to that section, is not admissible as evidence in any legal proceeding.

1990-91, c.L-27.1, s.16; 2006, c.19, s.10.

Economic and other interests

17(1) Subject to subsection (3), a head may refuse to give access to a record that could reasonably be expected to disclose:

(a) trade secrets;

(b) financial, commercial, scientific, technical or other information:

(i) in which the local authority has a proprietary interest or a right of use; and

(ii) that has monetary value or is reasonably likely to have monetary value;

(c) scientific or technical information obtained through research by an employee of the local authority, the disclosure of which could reasonably be expected to deprive the employee of priority of publication;

(d) information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of the local authority;

(e) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the local authority, or considerations that relate to those negotiations;

(f) information, the disclosure of which could reasonably be expected to prejudice the economic interest of the local authority; or

(g) information, the disclosure of which could reasonably be expected to result in an undue benefit or loss to a person.

(2) A head shall not refuse, pursuant to subsection (1), to give access to a record that contains the results of product or environmental testing carried out by or for the local authority, unless the testing was conducted:

(a) as a service to a person, a group of persons or an organization other than the local authority, and for a fee; or

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- (b) as preliminary or experimental tests for the purpose of:
- (i) developing methods of testing; or
 - (ii) testing products for possible purchase.
- (3) The head of the University of Saskatchewan, the University of Regina or a facility designated as a hospital or a health centre pursuant to *The Regional Health Services Act* may refuse to disclose details of the academic research being conducted by an employee of the university, hospital or health centre, as the case may be, in the course of the employee's employment.
- (4) Notwithstanding subsection (3), where possible, the head of the University of Saskatchewan, the University of Regina or a facility designated as a hospital or a health centre pursuant to *The Regional Health Services Act* shall disclose:
- (a) the title of; and
 - (b) the amount of funding being received with respect to;
- the academic research mentioned in subsection (3).

1990-91, c.L-27.1, s.17; 2002, c.R-8.2, s.105.

Third party information

- 18(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:
- (a) trade secrets of a third party;
 - (b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to the local authority by a third party;
 - (c) information, the disclosure of which could reasonably be expected to:
 - (i) result in financial loss or gain to;
 - (ii) prejudice the competitive position of; or
 - (iii) interfere with the contractual or other negotiations of,
 a third party; or
 - (d) a statement of a financial account relating to a third party with respect to the provision of routine services from a local authority.
- (2) A head may give access to a record that contains information described in subsection (1) with the written consent of the third party to whom the information relates.
- (3) Subject to Part V, a head may give access to a record that contains information described in clauses (1)(b) to (d) if:
- (a) disclosure of that information could reasonably be expected to be in the public interest as it relates to public health, public safety or protection of the environment; and