

28(1) Personal

June 9, 2017

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Dear 28(1) :

Re: Access to Information Request #2017-038 – Briefing Materials City Manager

This is further to your access to information request received by the City on April 21, 2017, quoted as follows:

“A list of briefing materials prepared for City Manager Chris Holden from February 1, 2017 to the most present date.”

April 27, 2017 the City received the following clarification from you:

“FOI #2017-38:I request copies of all briefing materials (reports, briefing notes, memos and presentations, excluding personal information and documents subject to solicitor-client privilege) prepared for the city manager [Insert the dates I initially requested]”

We have processed your access request and the records relevant to the request are attached. Pursuant to section 8 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIPP), some of the information contained in the attached has been deleted for the following reason(s) s18(1)(b)(c) Third Party Information, s28(1) Personal Information, s21(a)(c) Solicitor-client privilege. I have included a copy of all above-noted sections of the Act.

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.

Please be advised responses to requests are published on the Regina Open Data website at the City's discretion. All information/data is handled in accordance with LAFOIPP. Your identity as the applicant is protected. Published requests will be available on the Open Data website at <http://open.regina.ca/> after a minimum of three to five business days following release to you.

If you have any questions, please contact Cindy Howden at 306-777-7263 or by email at [lafoipp@regina.ca](mailto:lafoipp@regina.ca).

Yours truly,



Jim Nicol  
City Clerk

Jn/ch

Enclosure(s)

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(4) Where an application is made with respect to a record that is exempt from access pursuant to this Act, the head may refuse to confirm or deny that the record exists or ever did exist.

(5) A head who fails to give notice pursuant to subsection (2) is deemed to have given notice, on the last day of the period set out in that subsection, of a decision to refuse to give access to the record.

1990-91, c.L-27.1, s.7.

**Severability**

8 Where a record contains information to which an applicant is refused access, the head shall give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.

1990-91, c.L-27.1, s.8.

**Fee**

9(1) An applicant who is given notice pursuant to clause 7(2)(a) is entitled to obtain access to the record on payment of the prescribed fee.

(2) Where the amount of fees to be paid by an applicant for access to records is greater than a prescribed amount, the head shall give the applicant a reasonable estimate of the amount, and the applicant shall not be required to pay an amount greater than the estimated amount.

(3) Where an estimate is provided pursuant to subsection (2), the time within which the head is required to give written notice to the applicant pursuant to subsection 7(2) is suspended until the applicant notifies the head that the applicant wishes to proceed with the application.

(4) Where an estimate is provided pursuant to subsection (2), the head may require the applicant to pay a deposit of an amount that does not exceed one-half of the estimated amount before a search is commenced for the records for which access is sought.

(5) Where a prescribed circumstance exists, the head may waive payment of all or any part of the prescribed fee.

1990-91, c.L-27.1, s.9.

**Manner of access**

10(1) Where an applicant is entitled to access pursuant to subsection 9(1), the head shall provide the applicant with access to the record in accordance with this section.

(2) A head may give access to a record:

(a) by providing the applicant with a copy of the record; or

(b) where it is not reasonable to reproduce the record, by giving the applicant an opportunity to examine the record.

(3) A head may give access to a record that is a microfilm, film, sound recording, machine-readable record or other record of information stored by electronic means:

(a) by permitting the applicant to examine a transcript of the record;

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(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
- (b) the public interest in disclosure could reasonably be expected to clearly outweigh in importance any:
  - (i) financial loss or gain to;
  - (ii) prejudice to the competitive position of; or
  - (iii) interference with contractual or other negotiations of;
 a third party.

1990-91, c.L-27.1, s.18.

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**Testing procedures, tests and audits**

**19** A head may refuse to give access to a record that contains information relating to:

- (a) testing or auditing procedures or techniques; or
- (b) details of specific tests to be given or audits to be conducted;

if disclosure could reasonably be expected to prejudice the use or results of particular tests or audits.

1990-91, c.L-27.1, s.19.

**Danger to health or safety**

**20** A head may refuse to give access to a record if the disclosure could threaten the safety or the physical or mental health of an individual.

1990-91, c.L-27.1, s.20.

**Solicitor-client privilege**

**21** A head may refuse to give access to a record that:

- (a) contains information that is subject to solicitor-client privilege;
- (b) was prepared by or for legal counsel for the local authority in relation to a matter involving the provision of advice or other services by legal counsel; or
- (c) contains correspondence between legal counsel for the local authority and any other person in relation to a matter involving the provision of advice or other services by legal counsel.

1990-91, c.L-27.1, s.21.

**Confidentiality provisions in other enactments**

**22(1)** Where a provision of:

- (a) any other Act;
- (b) a regulation made pursuant to any other Act; or
- (c) a resolution or bylaw;

that restricts or prohibits access by any person to a record or information in the possession or under the control of a local authority conflicts with this Act or the regulations made pursuant to it, the provisions of this Act and the regulations made pursuant to it shall prevail.

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**Purpose of information**

**24** No local authority shall collect personal information unless the information is collected for a purpose that relates to an existing or proposed program or activity of the local authority.

1990-91, c.L-27.1, s.24.

**Manner of collection**

**25(1)** A local authority shall, where reasonably practicable, collect personal information directly from the individual to whom it relates.

(2) A local authority that collects personal information that is required by subsection (1) to be collected directly from an individual shall, where reasonably practicable, inform the individual of the purpose for which the information is collected.

(3) Subsections (1) and (2) do not apply where compliance with them might result in the collection of inaccurate information or defeat the purpose or prejudice the use for which the information is collected.

1990-91, c.L-27.1, s.25.

**Standard of accuracy**

**26** A local authority shall ensure that personal information being used by the local authority for an administrative purpose is as accurate and complete as is reasonably possible.

1990-91, c.L-27.1, s.26.

**Use of personal information**

**27** No local authority shall use personal information under its control without the consent, given in the prescribed manner, of the individual to whom the information relates, except:

- (a) for the purpose for which the information was obtained or compiled, or for a use that is consistent with that purpose; or
- (b) for a purpose for which the information may be disclosed to the local authority pursuant to subsection 28(2).

1990-91, c.L-27.1, s.27.

**Disclosure of personal information**

**28(1)** No local authority shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 29.

(2) Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:

- (a) for the purpose for which the information was obtained or compiled by the local authority or for a use that is consistent with that purpose;