

28(1)

August 30, 2019

CONFIDENTIAL

28(1)

Dear 28(1)

Re: Access to Information Request #2019-051 – Procurement Protest

This letter is to acknowledge receipt of your access to information request and \$20 application fee received by the City on August 28, 2019, quoted as follows:

“I would like to receive a copy of the City of Regina’s procurement protest procedures and any other documentation relevant to protesting a procurement decision for contracts awarded by the City of Regina (please see item 3.3.3, page 10 of the attached ITT).”

We have processed your access request and the document you requested is attached.

If you are satisfied with the information provided, the City would be willing to deem this an informal request and refund your \$20 application fee, pending written confirmation that you wish to withdraw your formal access to information request. Please respond by **September 6, 2019**.

Please be advised that if you do choose to withdraw your request, the provisions regarding the opportunity to make application for review by the Saskatchewan Information and Privacy Commissioner, under subsection 38(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP), no longer apply. A copy of this section of the *Act* is attached for your reference.

Should you decide against receiving a refund of the application fee, subsection 38(1) will apply and you may exercise your right to request a review if you are not satisfied with the City’s handling of your request.

To request a review, complete and forward the Request for Review form 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 Saskatchewan Information and Privacy Commissioner at 306-787-8350.

Responses to requests may be published on the Regina Open Data website at the City's discretion. All information/data is handled in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) and your identity as the applicant is protected. Published requests will be available on the Open Data website at <http://open.regina.ca/> a minimum of three business days following release of the records to the applicant.

If you have any questions or require additional information on the access to information process, please refer to the City of Regina web page <https://www.regina.ca/city-government/administration/office-of-the-city-clerk/index.html#outline-access-to-information-and-protection-of-privacy>.

If you have any questions or require additional information please contact Melissa Clow at 777-7070, or by email at lafoip@regina.ca.

Yours truly,



Jim Nicol
City Clerk

Enclosure(s)

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(2) Representations made by a third party pursuant to clause (1)(b) shall be made in writing unless the head waives that requirement, in which case they may be made orally.

1990-91, c.L-27.1, s.35.

Decision

36(1) After a third party has been given an opportunity to make representations pursuant to clause 35(1)(b), the head shall, within 30 days after the notice is given:

- (a) decide whether or not to give access to the record or part of the record; and
- (b) give written notice of the decision to the third party and the applicant.

(2) A notice given pursuant to clause (1)(b) is to include:

- (a) a statement that the third party and applicant are entitled to request a review pursuant to section 38 within 20 days after the notice is given; and
- (b) in the case of a decision to give access, a statement that the applicant will be given access to the record or to the part of it specified unless, within 20 days after the notice is given, the third party requests a review pursuant to section 38.

(3) Where, pursuant to clause (1)(a), the head decides to give access to the record or a specified part of it, the head shall give the applicant access to the record or the specified part unless, within 20 days after a notice is given pursuant to clause (1)(b), a third party requests a review pursuant to section 38.

(4) A head who fails to give notice pursuant to clause (1)(b) is deemed to have given notice, on the last day of the period set out in subsection (1), of a decision to refuse to give access to the record.

1990-91, c.L-27.1, s.36.

PART VI
Review and Appeal

Interpretation of Part

37 In this Part, "court" means Her Majesty's Court of Queen's Bench for Saskatchewan.

1990-91, c.L-27.1, s.37.

Application for review

38(1) Where:

- (a) an applicant is not satisfied with the decision of a head pursuant to section 7, 12 or 36;
- (a.1) an applicant is not satisfied that a reasonable fee was estimated pursuant to subsection 9(2);

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(a.2) an applicant believes that all or part of the fee estimated should be waived pursuant to subsection 9(5);

(a.3) an applicant believes that an application was transferred to another local authority pursuant to subsection 11(1) and that local authority did not have a greater interest;

(a.4) an individual believes that his or her personal information has not been collected, used or disclosed in accordance with this Act or the regulations;

(b) a head fails to respond to an application for access to a record within the required time; or

(c) an applicant requests a correction of personal information pursuant to clause 31(1)(a) and the correction is not made;

the applicant or an individual may apply in the prescribed form and manner to the commissioner for a review of the matter.

(2) An applicant or an individual may make an application pursuant to subsection (1) within one year after being given written notice of the decision of the head or of the expiration of the time mentioned in clause (1)(b).

(3) A third party may apply in the prescribed form and manner to the commissioner for a review of a decision pursuant to section 36 to give access to a record that affects the interest of the third party.

(4) A third party may make an application pursuant to subsection (3) within 20 days after being given notice of the decision.

1990-91, c.L-27.1, s.38; 2017, c.17, s.14.

Review or refusal to review

39(1) Where the commissioner is satisfied that there are reasonable grounds to review any matter set out in an application pursuant to section 38, the commissioner shall review the matter.

(2) The commissioner may refuse to conduct a review or may discontinue a review if, in the opinion of the commissioner, the application for review:

(a) is frivolous or vexatious;

(a.1) does not affect the applicant or individual personally;

(a.2) has not moved forward as the applicant or individual has failed to respond to the requests of the commissioner;

(a.3) concerns a local authority that has an internal review process that has not been used;

(a.4) concerns a professional who is governed by a professional body that regulates its members pursuant to an Act, and a complaints procedure available through the professional body has not been used;