

Sent via email to

September 28, 2015

Dear :

Re: Access to Information Request #2015-058 – Revenue & Expenses, Etc.

This is further to your revised access to information request received by the City via email on September 11, 2015 interpreted as follows:

1. The annual revenue & expenditure report by line item for the parking program as a whole for 2013 to 2015 assuming that Parking Enforcement financials would be included.
2. The annual revenue & expenditure report by line item for the Corporate Information Governance portion of the revenue and expenditures for the Office of the City Clerk from 2011 to July 2015.
3. The successful proponent's proposal and Schedules to the agreement with The Canadian Corps of Commissionaires (South Saskatchewan) in relation to RFP#2156 from 2013.
4. The number of submissions received for RFP#2156 from 2013 and the evaluation of each.

Records in response to #1, #2 and #4 are attached to the email with this letter. 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): the information includes analyses and consultations involving employees of the City as well as criteria developed for the purpose of contractual or other negotiations by the City, pursuant to sections 16(1)(a), (b) and (c) of LAFOIPP.

The requested information in #3 affects the interest of a third party under section 18(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIPP). We have contacted the third party as required pursuant to section 33 of LAFOIPP.

The third party has 20 days after receiving our notice, which will be approximately October 21, 2015 to make representations as to why access to the record or part of the record should not be given. Once the third party has had an opportunity to respond to our notice, the City of Regina will make a decision regarding your access request for these records and notify you of the decision.

I have attached a copy of the 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 Saskatchewan Information and Privacy Commissioner at 306-787-8350.

If you have any questions, please contact Darlene Loucks at 306-777-7070, or by email at lafoipp@regina.ca

Yours truly,

A handwritten signature in black ink, appearing to read 'Jim Nicol', with a stylized flourish at the end.

Jim Nicol
Chief Legislative Officer & City Clerk

/del

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(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;
- (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

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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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**PART V
Third Party Intervention**

Notice to third party

33(1) Where a head intends to give access to a record that the head has reason to believe may contain:

- (a) information described in subsection 18(1) that affects the interest of a third party; or
- (b) personal information that may be disclosed pursuant to clause 28(2)(n) and that relates to a third party;

and, in the opinion of the head, the third party can reasonably be located, the head shall give written notice to the third party in accordance with subsection (2).

(2) The notice mentioned in subsection (1):

- (a) is to include:
 - (i) a statement that:
 - (A) an application for access to a record described in subsection (1) has been made; and
 - (B) the head intends to give access to the record or to part of it;
 - (ii) a description of the record that the head has reason to believe may contain:
 - (A) information described in subsection 18(1) that affects the interest of the third party; or
 - (B) personal information that may be disclosed pursuant to clause 28(2)(n) and that relates to the third party; and
 - (iii) a statement that the third party may, within 20 days after the notice is given, make representations to the head as to why access to the record or part of the record should not be given; and
- (b) subject to subsection (3), is to be given within 30 days after the application is made.

(3) Section 12 applies, with any necessary modification, to the extension of the period set out in clause (2)(b).

(4) Where, in the opinion of the head, it is not reasonable to provide a notice to a third party pursuant to subsection (1), the head may dispense with the giving of notice.

1990-91, c.L-27.1, s.33.

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Waiver of notice

34(1) A third party to whom a notice is required to be given pursuant to subsection 33(1) may waive the requirement for notice.

(2) A third party who consents to the giving of access to a record containing information described in subsection 33(1) is deemed to have waived the requirement for notice.

1990-91, c.L-27.1, s.34.

Right to make representations

35(1) A third party who is given notice pursuant to subsection 33(1):

(a) is entitled to make representations to the head as to why access to the record or part of the record should not be given; and

(b) within 20 days after the notice is given, shall be given the opportunity to make those representations.

(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.