



Email: [REDACTED]

June 27, 2023

CONFIDENTIAL

[REDACTED]

Dear [REDACTED]:

Re: Access to Information Request #2023-074 5G Cell Towers

This is further to your access to information request received by the City on May 2, 2023, interpreted as follows:

Date range: December 2019 to present.

This is a request for the locations of both the 5G-equipped large cell towers within city limits, as well as all currently existing 3G/4G towers that have been outfitted with 5G antennae, and all independent or stand-alone 5G small cell installations, including antennae, transmitters, base stations, or other 5G infrastructure. I would like the locations of all 5G infrastructure, that have been brought to Regina since December 2019 and up to present day.

I also require the planned locations for both the 5G-equipped large cell towers within city limits, as well as 3G/4G towers that have been outfitted with 5G antennae, and all independent or stand-alone 5G small cell installations, including antennae, transmitters, base stations, or other 5G infrastructure.

I am also requesting records relating to concurrence. The City of Regina states that it provides concurrence or non-concurrence on the location of cell towers and antenna systems in the city. I require the records showing the concurrence that has been provided by the City of Regina on all cell towers, antennae, transmitters, and base stations, including 5G (fifth generation) wireless technology infrastructure.

We have processed your access request and records relevant to the request are attached. Pursuant to section 8 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP), some of the information contained in the attached has been redacted. The redaction is pursuant to:

- 28(1) Personal Information of another person.
- 18(1)(b) financial, commercial, scientific, technical, or labour relations information supplied in confidence by a third party.
- 21(a) information subject to any privilege available at law, including 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 complete a Request for Review form and forward it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. 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 LA FOIP. 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 to you.

If you have any questions, please contact Jessee Cole at 306-777-7058, or by email at lafoip@regina.ca.

Yours truly,



Jim Nicol
City Clerk

/jc

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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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(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

(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 Provincial Health Authority 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 Provincial Health Authority 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;
2017, c.P-30.5, s.11-1.

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;

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Solicitor-client privilege

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

- (a) contains any information that is subject to any privilege that is available at law, including 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; 2017, c.17, s.9.

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.

(2) Subject to subsection (3), subsection (1) applies notwithstanding any provision in the other Act, regulation, resolution or bylaw that states that the provision is to apply notwithstanding any other Act or law.

(3) Subsection (1) does not apply to:

- (a) *The Health Information Protection Act*;
- (a.01) Part VIII of *The Vital Statistics Act, 2009*;
- (a.1) any prescribed Act or prescribed provisions of an Act; or
- (b) any prescribed regulation or prescribed provisions of a regulation;

and the provisions mentioned in clauses (a), (a.01), (a.1) and (b) shall prevail.

1990-91, c.L-27.1, s.22; 1999, c.H-0.021, s.68;
2009, c.32, s.7.

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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;
- (b) for the purpose of complying with:
 - (i) a subpoena or warrant issued or order made by a court, person or body that has the authority to compel the production of information; or
 - (ii) rules of court that relate to the production of information;
- (c) to the Attorney General for Saskatchewan or to his or her legal counsel for use in providing legal services to the Government of Saskatchewan or a government institution;
- (d) to legal counsel for a local authority for use in providing legal services to the local authority;
- (e) for the purpose of enforcing any legal right that the local authority has against any individual;
- (f) for the purpose of locating an individual in order to collect a debt owing to the local authority by that individual or make a payment owing to that individual by the local authority;