The Local Authority Freedom of Information and Protection of Privacy Regulations

being

Chapter L-27.1 Reg 1 (effective July 1, 1993) as amended by Saskatchewan Regulations 51/1994, 58/1997, 77/1999, 33/2001, 7/2002, 41/2003, 53/2004, 98/2006, 102/2007, 120/2008, 25/2016, 125/2017, 6/2019 and 119/2020, and by the *Statutes of Saskatchewan*, 2014, c.S-32.21.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER L-27.1 REG 1

The Local Authority Freedom of Information and Protection of Privacy Act

Title

1 These regulations may be cited as *The Local Authority Freedom of Information and Protection of Privacy Regulations*.

Interpretation

2(1) In these regulations:

(a) **"Act"** means *The Local Authority Freedom of Information and Protection of Privacy Act*;

(b) **"employment reference"** means personal information that is evaluative or opinion material compiled solely for the purpose of describing an individual's suitability, eligibility or qualifications for employment.

(2) For the purposes of subclause 2(f)(iv) of the Act, **"committee of a council"** includes a board as defined in *The Police Act, 1990*.

16 Jly 93 cL-27.1 Reg 1 s2; 15 Dec 2017 SR 125/2017 s3.

Local Authorities prescribed

3(1) For the purposes of subclause 2(f)(v) of the Act, the bodies set out in Part I of the Appendix are prescribed as local authorities.

(2) For the purposes of subclause 2(f)(xvii) of the Act, the bodies set out in Part II of the Appendix are prescribed as local authorities.

16 Jly 93 cL-27.1 Reg 1 s3; 11 Jly 97 SR 58/97 s3.

Applications

4 For the purposes of clause 6(1)(a) of the Act, Form A of Part III of the Appendix is the form prescribed for applications for access to records.

16 Jly 93 cL-27.1 Reg 1 s4.

Fees

5(1) An application fee of $20 is payable at the time an application for access to a record is made.

(2) Where access to a record or part of a record is given by providing the applicant with a copy of the record, the following fees are payable at the time when access is given:

(a) for a photocopy, $0.25 per page;

(b) for a computer printout, $0.25 per page;

(b.1) for electronic copies, the actual cost of the portable storage device provided to the applicant;

(c) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(d) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(e) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(f) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(g) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(h) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(i) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(j) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(k) **Repealed.** 15 Dec 2017 SR 125/2017 s4.

(l) for a form of record not mentioned in clauses (a) to (b.1), the actual cost of copying the record.

(3) Where time in excess of one hour is spent in searching for a record requested by an applicant or in preparing it for disclosure, a fee of $15 for each half-hour or portion of a half-hour of that excess time is payable at the time when access is given.

(4) Where a search and retrieval of electronic data is required to give access to a record requested by an applicant, a fee equal to the actual cost of the search and retrieval, including machinery and operator costs, is payable at the time when access is given.

16 Jly 93 cL-27.1 Reg 1 s5; 15 Dec 2017 SR 125/2017 s4.

Estimate

6(1) For the purposes of subsection 9(2) of the Act, the amount of fees beyond which an estimate must be given by the head is $100 in excess of the fee set out in subsection 5(1).

(2) Where the amount of an estimate exceeds the actual amount of fees determined pursuant to this Act, the actual amount of fees is the amount payable by the applicant.

16 Jly 93 cL-27.1 Reg 1 s6; 15 Dec 2017 SR 125/2017 s5.

Fees where access refused

7(1) No fees are payable pursuant to subsections 5(2) to 5(4) where access to a record is refused.

(2) Where a deposit has been paid pursuant to subsection 9(4) of the Act and access to the record requested is refused, the amount of the deposit in excess of the fee set out in sub-section 5(1) is to be refunded to the applicant.

16 Jly 93 cL-27.1 Reg 1 s7.

Waiver of fees

8(1) For the purposes of subsection 9(5) of the Act, the following circumstances are prescribed as circumstances in which a head may waive payment of fees:

(a) with respect to the fees set out in subsection 5(1), if the application involves the personal information of the applicant;

(b) with respect to the fees set out in subsections 5(2) to 5(4), if payment of the prescribed fees will cause a substantial financial hardship for the applicant and, in the opinion of the head, giving access to the record is in the public interest;

(c) if the prescribed cost or actual cost for the service is $100 or less.

(2) For the purposes of clause (1)(b) substantial financial hardship includes circumstances in which the applicant:

(a) is receiving assistance pursuant to *The Saskatchewan Assistance Act*, as an individual or as part of a family unit;

(b) is receiving assistance pursuant to *The Training Allowance Regulations*;

(c) is receiving legal assistance or representation from any of the following organizations, including any of the same organizations operating from time to time under another name:

(i) The Saskatchewan Legal Aid Commission;

(ii) Pro Bono Law Saskatchewan;

(iii) Community Legal Assistance Services for Saskatoon Inner City Inc. (CLASSIC).

15 Dec 2017 SR 125/2017 s6.

Confidentiality provisions in other enactments

8.1 For the purposes of clause 22(3)(a.1) of the Act, the following are prescribed as provisions to which subsection 22(1) of the Act does not apply:

(a) subsections 171(5) and (6) and sections 201 and 202 of *The Cities Act*;

(b) section 30.5 of *The Mental Health Services Regulations*

(c) subsections 201(5) and (6) and sections 231 and 232 of *The Municipalities Act*;

(d) subsections 196(5) and (6) and sections 205.2 and 205.22 of *The Northern Municipalities Act;*

(e) subsections 39(5) and (6) and subsection 56(9.2) of *The Police Act, 1990*;

(f) Part IV of *The Police Act, 1990* as it relates to a complaint concerning the actions of a member.

27 Oct 2006 SR 98/2006 s2; 15 Dec 2017 SR 125/2017 s7.

Agreement between local authority and information management service provider

8.2 For the purposes of clause 23.2(2)(c) of the Act, a written agreement that is entered into between a local authority and an information management service provider must include:

(a) a description of the specific service the information management service provider will deliver;

(b) provisions setting out the obligations of the information management service provider respecting the security and safeguarding of personal information; and

(c) provisions for the destruction of the personal information, if applicable.

15 Dec 2017 SR 125/2017 s8.

Disclosure of personal information to law enforcement agencies

9 For the purposes of clause 28(2)(g) of the Act, the following law enforcement agencies and investigative bodies are prescribed as law enforcement agencies or investigative bodies to which personal information may be disclosed:

(a) the Royal Canadian Mounted Police;

(b) a police service or regional police service within the meaning of *The Police Act, 1990*;

(c) the Canadian Security Intelligence Service;

(d) the Ministry of Environment, with respect to the conduct of investigations pursuant to the Acts and regulations that it administers and any laws of Canada that are enforced by its officers and employees;

(e) the Ministry of Highways and Infrastructure, with respect to the conduct of investigations pursuant to the Acts and regulations that it administers and any laws of Canada that are enforced by its officers and employees;

(f) the Liquor and Gaming Authority, with respect to the conduct of investigations pursuant to the Acts and regulations that it administers and any laws of Canada that are enforced by its officers or employees;

(g) the Canadian National (CN) Police, with respect to the conduct of investigations pursuant to the Acts and regulations that it administers and any laws of Canada that are enforced by its officers or employees;

(h) the Canadian Pacific (CP) Police, with respect to the conduct of investigations pursuant to the Acts and regulations that it administers and any laws of Canada that are enforced by its officers or employees;

(i) the Canadian Parks Service, with respect to the conduct of investigations pursuant to the Acts and regulations that it administers and any laws of Canada that are enforced by its officers or employees;

(j) the chief coroner or a coroner appointed pursuant to *The Coroners Act*, *1999* with respect to the conduct of an inquiry or inquest pursuant to that Act or the regulations made pursuant to that Act;

(k) the Consumer Protection Branch of the Ministry of Justice and Attorney General, with respect to the conduct of investigations pursuant to the Acts and regulations that it administers and any laws of Canada that are enforced by its officers and employees;

(l) the Financial and Consumer Affairs Authority of Saskatchewan with respect to the conduct of an investigation pursuant to any financial services legislation or consumer protection legislation, as those terms are defined in *The Financial and Consumer Affairs Authority of Saskatchewan Act*, or pursuant to any law of Canada that is enforced by the officers and employees of the Financial and Consumer Affairs Authority of Saskatchewan;

(m) the Director of Community Operations and the inspectors appointed pursuant to *The Safer Communities and Neighbourhoods Act* with respect to the conduct of an investigation pursuant to that Act;

(n) the public guardian and trustee as defined in *The Public Guardian and Trustee Act* with respect to the conduct of an investigation pursuant to that Act;

(o) the inspector, sheriffs, deputy sheriffs and sheriff's bailiffs appointed pursuant to *The Court Officials Act, 2012*;

(p) Investigative Services of the Ministry of Government Services with respect to the conduct of investigations pursuant to clause 4(2)(h) of *The Public Works and Services Act*;

(q) the Canada Border Services Agency established pursuant to the *Canada Border Services Agency Act* with respect to the conduct of investigations pursuant to the *Customs Act* (Canada) and the *Immigration and Refugee Protection Act* (Canada);

(r) the military police with respect to the conduct of investigations pursuant to the Acts and regulations that it administers and any laws of Canada that are enforced by its officers and employees;

(s) investigators of the Special Investigations Unit of Saskatchewan Government Insurance with respect to the conduct of investigations pursuant to their appointment as special constables pursuant to section 76 of *The Police Act, 1990*;

(t) the public complaints commission established pursuant to section 16 of *The Police Act, 1990*;

(u) the Saskatchewan Police Commission;

(v) the director appointed pursuant to *The Seizure of Criminal Property Act, 2009* for the purposes of bringing an application pursuant to that Act;

(w) a board as defined in *The Police Act, 1990*;

(x) the Investigative Services Branch of the Ministry of Corrections and Policing with respect to the conduct of investigations carried out pursuant to section 104 or 105 of *The Correctional Services Act, 2012*;

(y) the director pursuant to *The Witness Protection Act* for the purpose of an investigation pursuant to section 4 of that Act;

(z) investigators in the Security Intelligence Unit of the Ministry of Corrections and Policing with respect to the conduct of investigations pursuant to their appointment as special constables pursuant to section 76 of *The Police Act, 1990* or the conduct of inspections and investigations pursuant to section 104 of *The Correctional Services Act, 2012*;

(aa) an animal protection agency designated pursuant to section 8 of *The Animal Protection Act, 2018* with respect to the conduct of investigations pursuant to that Act and the regulations made pursuant to that Act and any laws that are enforced by the officers and employees of animal protection agencies

16 Jly 93 cL-27.1 Reg 1 s9; 11 Jly 97 SR 58/97 s4; 23 May 2003 SR 41/2003 s3; 9 Jly 2004 SR 53/2004 s2; 5 Oct 2007 SR 102/2007 s3; 19 Dec 2008 SR 120/2008 s3; 15 Dec 2017 SR 125/2017 s9; 1 Feb 2019 SR 6/2019 s3.

Other disclosure of personal information

10 For the purposes of clause 28(2)(s) of the Act, personal information may be disclosed:

(a) to another local authority or a government institution for the purposes of:

(i) determining the eligibility of an individual to participate in a program of, or receive a product of service from, a local authority, the Government of Saskatchewan or a government institution, in the course of processing an application made by or on behalf of the individual to whom the information relates;

(ii) verifying the eligibility of an individual who is or was participating in a program of, or receiving a product or service from, a local authority, the Government of Saskatchewan or a government institution;

(iii) verifying the accuracy of personal information held by the other local authority or government institution;

(iv) collecting a debt or assisting in the collection of a debt owing to a local authority, the Crown in right of Saskatchewan or a government institution;

(b) to an individual or body providing consulting or other services to a local authority if the individual or body agrees not to make a subsequent disclosure of the information in a form that could reasonably be expected to identify the individual to whom it relates;

(c) where disclosure may reasonably be expected to assist in the provision of services for the benefit of the individual to whom the information relates;

(d) to a professional association or professional regulatory body for the purpose of carrying out the lawful activities of the association or body;

(e) for the purpose of providing an employment reference with respect to a person who is or was employed by a local authority;

(f) for the purpose of commencing or conducting a proceeding or possible proceeding before a court or tribunal;

(g) to any person where the information pertains to:

(i) the performance of any function or duty or the carrying out of any responsibility by an officer or employee of a local authority; or

(ii) the terms or circumstances under which a person ceased to be an employee of a local authority, including the terms of any settlement or award resulting from the termination of employment;

(h) with respect to health care information, in compassionate circumstances, unless the person to whom the information relates requests that the information not be disclosed;

(i) to another local authority or a third party in order to obtain information from that local authority or third party to respond to an inquiry from the individual to whom the information relates, to the extent necessary to respond to that inquiry;

(j) to another local authority or a government institution to enable that local authority or government institution to respond to an inquiry from the individual to whom the information relates, to the extent necessary to respond to that inquiry; or

(k) by forwarding to another local authority or government institution a correspondence received from an individual to enable that government institution or local authority to reply directly to the individual where a direct reply is considered more appropriate; or

(l) in the case of names, dates of birth, telephone numbers and addresses of individuals under the age of seven years, by a regional health authority to a board of education or the conseil scolaire, as defined in *The Education Act, 1995*, for the planning or administrative purposes of that board of education or the conseil scolaire;

(m) in the case of the academic ranks or departmental designations of members of the faculty of the Saskatchewan Polytechnic, by the Saskatchewan Polytechnic to any person;

(n) to the investigation observer appointed pursuant to section 91.1 of *The Police Act, 1990*.

16 Jly 93 cL-27.1 Reg 1 s10; 11 Jly 97 SR 58/97 s5; 8 Feb 2002 SR 7/2002 s2; 19 Dec 2008 SR120/2008 s4; 2014, c.S-32.21, s.34; 15 Dec 2017 SR 125/2017 s10; 4 Dec 2020 SR 119/2020 s9.

Disclosure re common or integrated service

10.1(1) For the purposes of clause 28(2)(s) of the Act, personal information may be disclosed in accordance with an information sharing agreement entered into pursuant to *The Freedom of Information and Protection of Privacy Regulations* or *The Health Information Protection Regulations* to a party involved in delivering a common or integrated service as defined in those regulations for the purposes of assessing, planning or delivering the common or integrated service.

(2) Notwithstanding section 11, consent to the use and disclosure of personal information for the purposes of receiving a common or integrated service mentioned in subsection (1) is not required to be in writing if:

(a) the individual providing consent is informed of the anticipated uses and disclosures of the individual's personal information; and

(b) either:

(i) the person who obtains the consent records the following information and signs the record:

(A) the date that consent was obtained;

(B) the manner by which consent was obtained, whether the consent was obtained in person, by way of telephone or otherwise;

(C) the anticipated uses and disclosures of personal information with respect to which the individual provided consent;

(D) any restrictions on the consent that the individual provided; or

(ii) consent to the disclosure was obtained pursuant to any other Act or regulation that does not require the consent to be in writing.

4 Mar 2016 SR 25/2016 s2.

Disclosure of name

10.2 For the purposes of clause 28(2)(s) of the Act, a police service or regional police service as defined in *The Police Act, 1990* may disclose to the public the name of a deceased person if the person's death is being investigated as a homicide by the police service or regional police service.

1 Feb 2019 SR 6/2019 s4.

Consent

11(1) If consent is required by the Act for the collection, use or disclosure of personal information, the consent:

(a) must relate to the purpose for which the information is required;

(b) must be informed;

(c) must be given voluntarily; and

(d) must not be obtained through misrepresentation, fraud or coercion.

(2) A consent to the collection, use or disclosure of personal information is informed if the individual who gives the consent is provided with the information that a reasonable person in the same circumstances would require in order to make a decision about the collection, use or disclosure of personal information.

(3) A consent may be given that is effective for a limited period.

(4) A consent may be express or implied unless otherwise provided.

(5) An express consent need not be in writing.

(6) A local authority, other than the local authority that obtained the consent, may act in accordance with an express consent in writing or a record of an express consent having been given without verifying that the consent meets the requirements of subsection (1) unless the local authority that intends to act has reason to believe that the consent does not meet those requirements.

15 Dec 2017 SR 125/2017 s11.

Application for review

12 For the purposes of subsections 38(1) and (3) of the Act, Form B of Part III of the Appendix is the form prescribed for applications for review by the commissioner.

16 Jly 93 cL-27.1 Reg 1 s12.

Appendix

PART I
Boards, Commissions and Other Bodies Prescribed as Local Authorities

[*Subclause 2(f)(v) of the Act*]

1. A board, commission or other body established pursuant to *The Cities Act*
2. A board, commission or other body established pursuant to *The Municipalities Act*
3. A board, association, commission or other organization appointed pursuant to *The Northern Municipalities Act*.

5 Oct 2007 SR 102/2007 s4.

PART II

Boards, Commissions and Other Bodies Prescribed as Local Authorities

[*Subclause 2(f)(xvii) of the Act*]

1. **Repealed.** 15 Dec 2017 SR 125/2017 s12.
2. Community clinics as defined in section 263 of *The Co-operatives Act, 1996*
3. health care organizations as defined in *The Provincial Health Authority Act*
4. **Repealed.** 1 Feb 2019 SR 6/2019 s5.

5. Health Quality Council
6. Saskatchewan Assessment Management Agency
7. Saskatchewan Cancer Agency
8. The Saskatchewan Health Research Foundation
9. Saskatchewan Impaired Driver Treatment Centre

23 May 2003 SR 41/2003 s5; 5 Oct 2007 SR 102/2007 s4; 15 Dec 2017 SR 125/2017 s12; 1 Feb 2019 SR 6/2019 s5.

PART III

Form A

[*Clause 6(1)(a) of the Act*]

Government of Saskatchewan Freedom of Information

Access to Information Request Form

LOCAL AUTHORITY FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
Form A
[*Clause 6(1)(a)*]

Personal information and personal health information on this form is collected under *The Local Authority Freedom of Information and Protection of Privacy Act* and *The Health Information Protection Act* and will be used or disclosed only as necessary to respond to your request.

INFORMATION ABOUT YOU

Last Name | First Name

Name of Company or Organization (if applicable - optional)

Address | City | Province | Postal Code

Day Phone Number | Alternate Number | Fax Number | Email

INFORMATION ABOUT THE RECORDS YOU ARE REQUESTING

Are you requesting:

☐ your own personal information.

☐ personal information about someone other than yourself (*attach proof that you have authority to receive the information requested*).

☐ general information.

To which local authority are you making your request? *Enter the name of the local authority that you believe has the records you are requesting.*

What records do you wish to access? *Please provide a detailed description of the records you wish to access. This information will help locate the records.*

What is the time period for the records you are requesting (if applicable)?

There is an application fee of $20 payable to the local authority. The person managing your request may contact you to seek clarification or to discuss aspects of the request, including the application of additional fees if necessary. You may request a waiver of the application fee or additional fees, but may be required to provide evidence of substantial financial hardship (see section 8 of the regulations).

Please keep a copy of this request for your records.

☐ Check if requesting waiver of processing fees:

I request that payment of the fees related to this request be waived because payment will cause me substantial financial hardship. Details are as follows: (Use reverse of form if additional space is required.)

Signature of Applicant

FOR OFFICE USE ONLY

Date Received	Application Number	30-Day Response Date

5 Dec 2017 SR 125/2017 s13; 1 Feb 2019 SR 6/2019 s6.

Form B

[*Subsection 38(1) and (3) of Act*]

Government of Saskatchewan Freedom of Information

Request For Review Form

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
Form B
[*Subsections 38(1) and (3) of Act*]

INFORMATION ABOUT YOU

Last Name | First Name

Name of Company or Organization (if applicable - optional)

Address | City | Province | Postal Code

Day Phone Number | Alternate Number | Fax Number | Email

INFORMATION ABOUT THE RECORDS YOU REQUESTED

Did you request:

☐ your own personal information.

☐ personal information about someone other than yourself (*attach proof that you have authority to receive the information requested – see instructions*).

☐ general information.

To which local government authoritydid you make your request?

What records did you wish to access? *Please provide a detailed description of the records you wished to access.*

REASON FOR REQUEST

☐ I have been refused access to all or part of the record.

☐ I have been notified that the record does not exist/cannot be found.

☐ I have been notified that the existence of the record shall neither be confirmed nor denied.

☐ I have not received a reply to my application, which I submitted _____ days ago.

☐ I disagree with the need to extend the 30-day response period.

☐ My correction to a personal information record was not accepted as correct/verifiable.

☐ I am a third party, and I wish to request a review of a decision to give access to a record that affects my interests.

☐ I disagree with my request being transferred.

☐ I disagree with the manner of providing access.

☐ I disagree with the fees estimated.

☐ I disagree with the decision not to grant my fee waiver.

☐ I disagree with the collection of my personal information.

☐ I disagree with the use of my personal information.

☐ I disagree with the disclosure of my personal information.

FOR OFFICE USE ONLY

Date Received	Application Number – OIPC Number

15 Dec 2017 SR 125/2017 s13.

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