

The Local Authority Freedom of Information and Protection of Privacy Regulations

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Chapter L-27.1 Reg 1 (effective July 1, 1993) as amended by Saskatchewan Regulations [51/94](#), [58/97](#), [77/99](#), [33/2001](#), [7/2002](#), [41/2003](#), [53/2004](#), [98/2006](#), [102/2007](#), [120/2008](#) and [25/2016](#); 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 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.

16 Jly 93 cL-27.1 Reg 1 s2.

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;

(c) for a paper print from microfilm, \$0.50 per page;

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- (d) for 16 millimetre microfilm duplication, non-silver, \$32 per 30.5 metre reel;
- (e) for 35 millimetre microfilm duplication, non-silver, \$35 per 30.5 metre reel;
- (f) for microfiche duplication, non-silver, \$0.50 per fiche;
- (g) for a print of a photograph or slide:
 - (i) \$3 per 3 1/2" x 5" black and white print;
 - (ii) \$6 per 3 1/2" x 5" colour print;
 - (iii) \$5 per 4" x 6" black and white print;
 - (iv) \$8 per 4" x 6" colour print;
 - (v) \$7 per 5" x 7" black and white print;
 - (vi) \$10 per 5" x 7" colour print;
 - (vii) \$9 per 8" x 10" black and white print;
 - (viii) \$12 per 8" x 10" colour print;
 - (ix) \$18 per 11" x 14" black and white print;
 - (x) \$21 per 11" x 14" colour print;
- (h) for a print mentioned in clause (g) for which a negative must be made:
 - (i) \$9 per 3 1/2" x 5" black and white print;
 - (ii) \$12 per 3 1/2" x 5" colour print;
 - (iii) \$11 per 4" x 6" black and white print;
 - (iv) \$14 per 4" x 6" colour print;
 - (v) \$13 per 5" x 7" black and white print;
 - (vi) \$16 per 5" x 7" colour print;
 - (vii) \$15 per 8" x 10" black and white print;
 - (viii) \$18 per 8" x 10" colour print;
 - (ix) \$24 per 11" x 14" black and white print;
 - (x) \$27 per 11" x 14" colour print;
- (i) for an audio cassette, \$15 for each hour or portion of an hour;
- (j) for a one-half inch video cassette, \$35 for each hour or portion of an hour;
- (k) for a floppy disk, \$10;
- (l) for a form of record not mentioned in clauses (a) to (k), 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.

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 \$50 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.

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 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 fee set out in subsection 5(1), where the application involves the personal information of the applicant;
- (b) with respect to the fees set out in subsections 5(2) to 5(4):
 - (i) where the actual cost of responding to an application varies from the total of the prescribed fees that are applicable to the application;
 - (ii) where payment of the prescribed fees will cause a substantial financial hardship for the applicant and:
 - (A) in the opinion of the head, giving access to the record is in the public interest; or
 - (B) the application involves the personal information of the applicant.

16 Jly 93 cL-27.1 Reg 1 s8.

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 38 of *The Mental Health Services Act*;
- (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*.

27 Oct 2006 SR 98/2006 s2.

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 Saskatchewan Financial Services Commission with respect to the conduct of an investigation pursuant to any financial services legislation, as defined in *The Saskatchewan Financial Services Commission Act*, or pursuant to any law of Canada that is enforced by the officers and employees of the Saskatchewan Financial Services Commission;
- (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.

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.

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, Her Majesty 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;

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- (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.

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.

Consent

11 Where the Act requires the consent of an individual to be given, the consent is to be in writing unless, in the opinion of the head, it is not reasonably practicable to obtain the written consent of the individual.

16 Jly 93 cL-27.1 Reg 1 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. Associations as defined in *The Mutual Medical and Hospital Benefit Associations Act*
2. Community clinics as defined in section 263 of *The Co-operatives Act, 1996*
3. health care organizations as defined in *The Regional Health Services Act*
4. Regional health authorities as defined in *The Regional Health Services Act*
5. The Health Quality Council
6. The Saskatchewan Assessment Management Agency
7. Saskatchewan Cancer Agency
8. The Saskatchewan Health Research Foundation
9. The St. Louis Alcoholism Rehabilitation Centre

23 May 2003 SR 41/2003 s5; 5 Oct 2007 SR
102/2007 s4.

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Government of
Saskatchewan

Freedom of
Information

PART III

Form A

Access to Information Request Form

Note: Please direct the request to the appropriate local authority for response.

Access to Information
Request Form

(Please Print)

Applicant Information

Last Name		First Name	
Address		City or Town	Province
Postal Code	Telephone (Residence)	Telephone (Work)	Facsimile

Details of Requested Information

General Information Request <input type="checkbox"/>	Personal Information Request <input type="checkbox"/>
Name of Local Authority	
Name of Record (if known)	
Detailed Description of Record:	

I understand that an application fee of \$20 is to be submitted with this request unless, with respect to a request for personal information, the fee is waived under the terms of the Act.

I also understand that there may be a processing fee to process this request and that, prior to receiving access to the records that I have requested, I am required to pay that fee unless it is waived.

Check if requesting waiver of processing fee:

I request that payment of the processing fee 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 No. _____
Application Fee Received	Yes <input type="checkbox"/> No <input type="checkbox"/>
Expiry Date _____	

White - Local Authority Yellow - Co-ordinator Pink - Applicant

Form B

[Subsections 38(1) and (3) of the Act]

Request for ReviewFreedom of
information**Request for Review**

Send this form to: Information and Privacy Commissioner

Application No.: _____ (For Commissioner's Use)

Reason For Request

<input type="checkbox"/>	I have been refused access to all or part of the record
<input type="checkbox"/>	I have been notified that the record does not exist/cannot be found.
<input type="checkbox"/>	I have been notified that the existence of the record shall neither be confirmed nor denied.
<input type="checkbox"/>	I have not received a reply to my application, which I submitted _____ days ago.
<input type="checkbox"/>	I disagree with the need to extend the 30-day response period.
<input type="checkbox"/>	My correction to a personal information record was not accepted as correct/verifiable.
<input type="checkbox"/>	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.

Details of Request

Local Authority	Date of Application	Application Number
Please explain the details of your request, attaching a supporting documentation if possible. Use additional pages if required.		

Applicant Information

Name	Telephone
Address	Postal Code
Signature	Date

White - Commissioner Yellow - Local Authority Pink - Applicant

5 Oct 2007 SR 102/2007 s4.