

## APPEALING ACCESS TO INFORMATION DECISIONS IN

# Saskatchewan

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### RESOURCES

***The Freedom of Information and Protection of Privacy Act***

<http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/F22-01.pdf>

***Local Authority Freedom of Information and Protection of Privacy Act***

<http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/L27-1.pdf>

***Government guides: Accessing Privacy – Requesting Information***

<http://www.saskjustice.gov.sk.ca/FOI/requestinfo.shtml>

***Government guides: How to make an Access Request***

<http://www.oipc.sk.ca/Web%20Site%20Documents/Public%20steps%20to%20access%20handout.pdf>

***Office of the Information and Privacy Commissioner of Saskatchewan***

<http://www.oipc.sk.ca/>

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***Disclaimer:***

*We have attempted to ensure that the information provided in this Manual is reasonably accurate and complete as of December 2005. However, we cannot guarantee complete accuracy or comprehensiveness; you should consult the relevant legislation and authorities if you seek fully accurate, complete, and up-to-date information.*

*Moreover, this Manual provides information of a general nature and does not constitute legal advice. Should you need legal advice, seek a lawyer.*

*Please report any errors or omissions in this Manual to [cippic@uottawa.ca](mailto:cippic@uottawa.ca)*

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## **WHAT CAN I DO IF MY REQUEST FOR ACCESS IS DENIED?**

If you are not satisfied with a government institution or local authority's response to your access request, you have the right to request a review of its decision by the Office of the Information and Privacy Commissioner (OIPC).

## **WHAT ELSE CAN I HAVE REVIEWED?**

In addition to complaining about the access decision, you can request a review by the OIPC:

- if you do not receive a response to your original request for access within 30 days, or if you find a time extension to be unreasonable;
- if your request to waive fees has been refused;
- if you think the fee estimate is unreasonable; or
- a request to correct personal information has been refused.

Furthermore, as a third party, you may request a review if, contrary to your stated wishes, a government institution decides to disclose information about you.

## **HOW DO I SUBMIT A REQUEST FOR REVIEW?**

Generally, the OIPC must receive your request within one year of the date the institution denied or should have responded to your access request.

You must use a form to make your request. This can be found at:  
<http://www.qp.gov.sk.ca/documents/Forms/F22-01R1-B.pdf>

## **HOW MUCH WILL IT COST TO REQUEST A REVIEW?**

There is no fee for requesting a review in Saskatchewan.

## **WHO WILL BE INVOLVED IN THE REVIEW PROCESS?**

You, as the one who made the original access request and requested the review, are entitled to be involved. You are the appellant. The government institution or local authority that refused your access request will also be involved. Finally, a third party whose interests are affected by an access request may be involved. For example, a business whose commercial information is being requested, or an individual whose personal information is being requested may be parties to the appeal.

## **WHAT ARE THE STEPS IN THE REVIEW PROCESS?**

There are up to two steps in the appeal process: intake and investigation. In addition, the

OIPC will usually attempt mediation before issuing a formal report.

### **1. Intake**

Upon receiving your request, the OIPC must determine whether there are reasonable grounds to review your access request. If not, it may refuse to conduct the review. If there are reasonable grounds, the OIPC will proceed with an investigation.

### **2. Investigation**

The OIPC will investigate your complaint, and this is done in private. As part of this process, you will be asked to make representations.

Representations are your opportunity to present your position. They are arguments or evidence that you present to the adjudicator to persuade him or her to resolve the appeal in your favour. In preparing your representations:

- assume that the OIPC knows nothing about your situation;
- be as specific as possible and limit yourself to relevant facts and arguments;
- research past orders that are similar to your situation and consider the tests outlined in the orders. Cite relevant past orders in your representations;
- consider other case law or relevant legislation. Your local library may be able to help you find this material;
- note that each party's representations may be shared with the other parties to the appeal, unless there is an overriding confidentiality concern.

Following the investigation, the OIPC will make a recommendation to the government institution or local authority. The institution may accept or reject this recommendation.

## **WHAT ARE THE POWERS OF THE COMMISSIONER DURING A REVIEW?**

The Commissioner is authorized to conduct examinations under oath, to compel the production of documents and to inspect premises.

## **HOW LONG WILL THE REVIEW TAKE?**

The length of the review process depends on a number of factors, including the nature and amount of requested information, the types of exemptions claimed by the government institution, and your willingness (and that of the government organization) to work towards settling the issues.

## **CAN I APPEAL TO A COURT IF I STILL CANNOT GET ACCESS?**

If you (or an affected third party) are unhappy with a decision of the OIPC, you may, within 30 days, ask to have the decision reviewed by the Saskatchewan Court of Queen's Bench.

The OIPC will not be a party to such an appeal.