

LEGISLATION

The Freedom of Information and Protection of Privacy Act

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.

Law enforcement and investigations

15(1) A head may refuse to give access to a record, the release of which could:

- (a) prejudice, interfere with or adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention;
- (a.1) prejudice, interfere with or adversely affect the detection, investigation or prevention of an act or omission that might constitute a terrorist activity as defined in the *Criminal Code*;
- (b) be injurious to the enforcement of:
 - (i) an Act or a regulation; or
 - (ii) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;
- (c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;
- (d) be injurious to the Government of Saskatchewan or a government institution in the conduct of existing or anticipated legal proceedings;
- (e) reveal investigative techniques or procedures currently in use or likely to be used;
- (f) disclose the identity of a confidential source of information or disclose information furnished by that source with respect to a lawful investigation or a law enforcement matter;
- (g) deprive a person of a fair trial or impartial adjudication;
- (h) facilitate the escape from custody of an individual who is under lawful detention;
- (i) reveal law enforcement intelligence information;
- (j) facilitate the commission of an offence or tend to impede the detection of an offence;
- (k) interfere with a law enforcement matter or disclose information respecting a law enforcement matter;
- (l) reveal technical information relating to weapons or potential weapons; or
- (m) reveal the security arrangements of particular vehicles, buildings or other structures or systems, including computer or communication systems, or methods employed to protect those vehicles, buildings, structures or systems.

(2) Subsection (1) does not apply to a record that:

- (a) provides a general outline of the structure or programs of a law enforcement agency; or
- (b) reports, by means of statistical analysis or otherwise, on the degree of success achieved in a law enforcement program.

Purpose of information

25 No government institution shall collect personal information unless the information is collected for a purpose that relates to an existing or proposed program or activity of the government institution.

Manner of collection

26(1) A government institution shall, where reasonably practicable, collect personal information directly from the individual to whom it relates, except where:

(a) the individual authorizes collection by other methods;

...

(c) the information:

(i) is collected in the course of, or pertains to, law enforcement activities, including the detection, investigation, prevention or prosecution of an offence and the enforcement of:

(A) an Act or a regulation; or

(B) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada; or

(ii) pertains to:

(A) the history, release or supervision of persons in custody, on parole or on probation; or

(B) the security of correctional institutions;

...

(2) A government institution that collects personal information that is required by subsection (1) to be collected directly from an individual shall inform the individual of the purpose for which the information is collected unless the information is exempted by the regulations from the application of this subsection.

(3) Subsections (1) and (2) do not apply where compliance with them might result in the collection of inaccurate information or defeat the purpose or prejudice the use for which the information is collected.

Standard of accuracy

27 A government institution shall ensure that personal information being used by the government institution for an administrative purpose is as accurate and complete as is reasonably possible.

Use of personal information

28 No government institution 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 government institution pursuant to subsection 29(2).

Disclosure of personal information

29(1) No government institution 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 30.

(2) Subject to any other Act or regulation, personal information in the possession or under the control of a government institution may be disclosed:

...

(g) to a prescribed law enforcement agency or a prescribed investigative body:

- (i) on the request of the law enforcement agency or investigative body;
- (ii) for the purpose of enforcing a law of Canada or a province or territory or carrying out a lawful investigation; and
- (iii) if any prescribed requirements are met;

...

(i) for the purpose of complying with:

- (i) an Act or a regulation;
- (ii) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada; or
- (iii) a treaty, agreement or arrangement made pursuant to an Act or an Act of the Parliament of Canada;

...

Burden of proof

61 In any proceeding pursuant to this Act, the burden of establishing that access to the record applied for may or must be refused or granted is on the head concerned.

The Freedom of Information and Protection of Privacy Regulations

Disclosure of personal information to law enforcement agencies

14 For the purposes of clause 29(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 Department of Environment and Resource Management 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;
- (e) the Department of Highways and Transportation 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;
- (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* 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 Department of Justice 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;
- (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.

The Local Authority Freedom of Information and Protection of Privacy Act

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.

Law enforcement and investigations

14(1) A head may refuse to give access to a record, the release of which could:

- (a) prejudice, interfere with or adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention;
- (a.1) prejudice, interfere with or adversely affect the detection, investigation or prevention of an act or omission that might constitute a terrorist activity as defined in the *Criminal Code*;
- (b) be injurious to the enforcement of:
 - (i) an Act or a regulation;
 - (ii) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada; or
 - (iii) a resolution or bylaw;
- (c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;
- (d) be injurious to the local authority in the conduct of existing or anticipated legal proceedings;
- (e) reveal investigative techniques or procedures currently in use or likely to be used;
- (f) disclose the identity of a confidential source of information or disclose information furnished by that source with respect to a lawful investigation or a law enforcement matter;
- (g) deprive a person of a fair trial or impartial adjudication;
- (h) facilitate the escape from custody of an individual who is under lawful detention;
- (i) reveal law enforcement intelligence information;
- (j) facilitate the commission of an offence or tend to impede the detection of an offence;
- (k) interfere with a law enforcement matter or disclose information respecting a law enforcement matter;
- (l) reveal technical information relating to weapons or potential weapons; or
- (m) reveal the security arrangements of particular vehicles, buildings or other structures or systems, including computer or communication systems, or methods employed to protect those vehicles, buildings, structures or systems.

(2) Subsection (1) does not apply to a record that:

- (a) provides a general outline of the structure or programs of a law enforcement agency; or
- (b) reports, by means of statistical analysis or otherwise, on the degree of success achieved in a law enforcement program.

Purpose of information

24 No local authority shall collect personal information unless the information is collected for a purpose that relates to an existing or proposed program or activity of the local authority.

Manner of collection

25(1) A local authority shall, where reasonably practicable, collect personal information directly from the individual to whom it relates.

(2) A local authority that collects personal information that is required by subsection (1) to be collected directly from an individual shall, where reasonably practicable, inform the individual of the purpose for which the information is collected.

(3) Subsections (1) and (2) do not apply where compliance with them might result in the collection of inaccurate information or defeat the purpose or prejudice the use for which the information is collected.

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.

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).

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:

...

(g) to a prescribed law enforcement agency or a prescribed investigative body:

- (i) on the request of the law enforcement agency or investigative body;
- (ii) for the purpose of enforcing a law of Canada or a province or territory or carrying out a lawful investigation; and
- (iii) if any prescribed requirements are met;

...

(i) for the purpose of complying with:

- (i) an Act or a regulation;
- (ii) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada; or
- (iii) a treaty, agreement or arrangement made pursuant to an Act or an Act of the Parliament of Canada;

...

Burden of proof

51 In any proceeding pursuant to this Act, the burden of establishing that access to the record applied for may or must be refused or granted is on the head concerned.

The Local Authority Freedom of Information and Protection of Privacy Regulations

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 Department of Environment and Resource Management, 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 Department of Highways and Transportation, 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*, 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 Department of Justice, 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.