**Re: Query Re: Access to Information Request Number PCS 01-22G**

Lisa Wildman <atamewildman@hotmail.com>

Sun 2022-07-03 6:33 PM

To: Loda, Khalid PCS <khalid.loda@gov.sk.ca>; mhead@oipc.sk.ca <mhead@oipc.sk.ca>

Cc: MacDougall, Twyla PCS <twyla.macdougall@gov.sk.ca>; Flanagan, Lou PCS <lou.flanagan@gov.sk.ca>

Mr. Loda,

The Ministry is cognizant that **I under a time-sensitive court-order to sell my home into the terms of the controversial Suffern Lake Regional Park cottage owner lease. Existing lease terms give untrained, unelected, and unqualified Park Authority representatives powers that even the Royal Canadian Mounted Police do not have. Right of access into privately owned residences**. Your letter of June 30 addressing my concerns regarding the rationale for redaction in my access to information request PCS 01-22G added an **additional eight-day delay to the already late response leaving me 111 days to sell**.

I truly weary of doing unpaid work for the Ministry, its staff, and bureaucrats. As your reply indicates, my letter of June 22 **rightfully questioned Deputy Minister MacDougall's redaction of records** and noted the **inappropriate FOIP legislation quoted in her cover letter**. Error or obstruction? At this point, I find it difficult to differentiate between actual incompetence and malicious motivation.

As directed in DM MacDougall's letter, I addressed my concerns to you; your reply references are incorrect.  **OIPC Review 266-2020, 213-2021 does NOT relate to Regional Park Authorities but to the Saskatchewan Regional Parks Association**.

The interminable delays orchestrated by PCS include **failure to implement Commissioner Kruzeniski's recommendations**.

On **April 3, 2020**, Review Report 121-2019, 122-2019 advises [31] ***I recommend the Minister responsible for regional parks request the Minister of Justice amend the legislation to include regional parks, as a local authority pursuant to LA FOIP****.*[32] *I recommend the Minister of Justice consider amending the legislation to include regional parks, as a local authority pursuant to LA FOIP*.

Further, on **October 28, 2021**, Commissioner Kruzeniski advises [30] *For these reasons,****I recommend that the Minister of Justice and Attorney General consider amending FOIP to include the SRPA as a government institution***.

It is of great benefit to PCS to delay acting on the OIPC recommendations; there are many skeletons rattling in the regional park closet. The Ministry's obstruction and inefficiency is noted in several reviews.

OIPC Review Report 266-2020, 213-2021: [31] *I also find that it is rather strange that if an applicant requests a document from SRPA, SRPA doesn’t have to provide it, but if the applicant makes an access request to PCS, PCS can request it and provide it to the applicant.****Why would we put citizens of this province through such hoops? Sometimes our laws create awkwardness for citizens and public bodies. We should work hard to eliminate such awkwardness and try to remove red tape****.*

In response to DM MacDougall's December 23, 2020, Application to Disregard Requests per subsection 45.1(1), the Commissioner stated in his decision of January 18, 2021: [58] [...]***The intention to use information obtained from an access request in a manner that is disadvantageous to the government institution does not qualify as bad faith. To the contrary, it is appropriate for requesters to seek information “to publicize what they consider to be inappropriate or problematic decisions or processes undertaken” by government institutions****.****Applicants do not need to justify a request and FOIP does not place limits on what an applicant can do with the information once access has been granted****(SK OIPC Review Report F-2010-002 at [103] and [105]; ON IPC Order MO-1924 at p. 10)*

Your response also indicates that the content of Park Planner Dominique Clincke's email to the Suffern Lake Regional Park Authority is NOT instruction. Why then is it redacted at all? It appears to be **another case of PCS denying access to information** that as the Commissioner notes above is "*disadvantageous to the government institution*".

Please promptly provide Clincke's unredacted correspondence or an appropriately referenced justification of the decision to maintain it as inaccessible.

Lisa Wildman

780.720.6558

atamewildman@hotmail.com

*Lost time is never found again ~*Benjamin Franklin

**From:** Loda, Khalid PCS <khalid.loda@gov.sk.ca>
**Sent:** June 30, 2022 1:45 PM

**To:** 'Lisa Wildman' <atamewildman@hotmail.com>

**Cc:** MacDougall, Twyla PCS <twyla.macdougall@gov.sk.ca>; Flanagan, Lou PCS <lou.flanagan@gov.sk.ca>
**Subject:** RE: Query Re: Access to Information Request Number PCS 01-22G

Hi Lisa,

Thank you for your email of June 22, 2022 outlining your concerns with the ministry’s response dated June 22, 2022.

Your first question is whether clause 17(1)(a), (b) or (c) can be applied to the records because your position is that clause 17(2)(f)(i) does. Clause 17(2)(f)(i) of Freedom of Information and Privacy (FOIP) provides a specific circumstance, which if found to exist, means the exemptions in subsection 17(1) cannot be applied to the responsive records.

The circumstance set out in clause 17(2)(f)(i) of FOIP does not exist in the records in question because the provision requires a government institution be issued an instruction or guideline. Both of these requirements are not met. As per paragraph [32] of [Review Report 266-2020, 213-2021](https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Foipc.sk.ca%2Fassets%2Fla-foip-foip-review-266-2020-213-2021.pdf&data=05%7C01%7C%7C6fa8868798334f0e1eed08da5ad11beb%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637922151424047989%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=g7KRTtyGfZiN%2Bu0XIUspEA5XKibAF9ZkGKc0Z%2B4BOTc%3D&reserved=0); the Suffern Lake Regional Park Authority is not a government institution. Also, the consultation or deliberation found in the responsive records is not an instruction nor a guideline issued.

With respect to your request for clarification, the ministry provided the wrong rationale for why some of the information was denied in its section 7 letter.  Rather than say “some of the information contained in the attached records has been withheld because…if released would disclose evaluative, or opinion material compiled solely for the purpose of determining your suitability, eligibility or qualifications for employment,” the letter should have said “some of the information contained in the attached records has been withheld because it contains the personal information of another individual.” The latter wording aligns with one of the exemptions that has been applied to the responsive records, which is subsection 29(1) of FOIP.

If you have any questions, please contact me at this email address or 306-798-0580.

Sincerely,

Khalid.

**From:** Lisa Wildman <atamewildman@hotmail.com>
**Sent:** Wednesday, June 22, 2022 11:54 AM
**To:** Loda, Khalid PCS <khalid.loda@gov.sk.ca>; webmaster, OIPC <webmaster@oipc.sk.ca>
**Cc:** MacDougall, Twyla PCS <twyla.macdougall@gov.sk.ca>; Flanagan, Lou PCS <lou.flanagan@gov.sk.ca>
**Subject:** Query Re: Access to Information Request Number PCS 01-22G

As per DM MacDougall's direction, I am directing my question to Khalid Loda, Access Coordinator PCS:

Good morning Mr. Loda,

Regarding the materials provided - the intent to obstruct is plain and sadly expected.

The *FOIP Act* legislation [17(1)(a), 17(1)(b) and 17(1)(d)] used as a rationale for the redactions in the responsive materials provided for PCS 01/22-G are subject to 17(2) which reads:

*17 (2) This section does not apply to a record that:*

*(f) is:*

*(i) an instruction or guide-line issued to the officers or employees of a government institution; or*

Park Planner Clincke clearly provided direction to the Suffern Lake Regional Park Authority through correspondence with their employee regarding the development of the cabin owner lease (Binder 2). This appears to qualify as **instruction issued to the officers or employees of a government institution**and as such should be exempt from redaction.

Further, DM MacDougall's reference in her cover letter to employment eligibility is confusing. Please clarify.

Please provide a digital, written response at your earliest convenience.

Lisa Wildman

#56 Suffern Lake Regional Park

atamewildman@hotmail.com

**Re: IPC Request for Review 139-2022 (Ministry of Parks, Culture & Sport PCS 01/22-G)**

Lisa Wildman <atamewildman@hotmail.com>

Tue 2022-06-28 10:48 AM

To: Head, Michelle OIPC <mhead@oipc.sk.ca>

Thank you Michelle,

I submitted a query regarding the use of FOIP Act 17(1)(a, b, and d) to justify redaction of records as I believe because 17(1) is subject to 17 (2)(f)(i),  the records should be made available.

As per direction in DM MacDougall's response I sent my request to Khalid Loda, Access Coordinator PCS, on June 20. To date, I have not received a reply.

Best regards,

Lisa Wildman

**From:** Head, Michelle OIPC <mhead@oipc.sk.ca>
**Sent:** Tuesday, June 28, 2022 10:32:12 AM
**To:** atamewildman@hotmail.com <atamewildman@hotmail.com>
**Subject:** IPC Request for Review 139-2022 (Ministry of Parks, Culture & Sport PCS 01/22-G)

Good morning Lisa,

Thank you for contacting our office on regarding no response being provided by the Ministry of Parks, Culture and Sport (PCS) to your May 18, 2022 access request.

Thank you for providing our office with a copy of the June 22, 2022 response that you have now received.

As a response to your access request has been received, I will be closing our deemed refusal file 139-2022 as of today’s date.

However, if you have concerns with the response provided and would like to request a review, for reasons beyond not receiving a response, me let me know that you would indeed like to request a new review and your reason(s) for the request. If you would like to use the request for review form, you can find it [here](https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Foipc.sk.ca%2Fassets%2FF22-01R1-B.pdf&data=05%7C01%7C%7Cf590831bf526476a8bda08da5923c22a%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637920307369869642%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=QiiwlR5picUZguo9dL6uUJey7li00mRHbWRlC8n%2FyMo%3D&reserved=0).

Please let me know if you have any questions or concerns.

Thank you,

**Michelle Head**

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

**email:**[mhead@oipc.sk.ca](http://oipc-appsvr/dbdproduction/XX/XX/Shared/mhead%40oipc.sk.ca)
**website:** [www.oipc.sk.ca](https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.oipc.sk.ca%2F&data=05%7C01%7C%7Cf590831bf526476a8bda08da5923c22a%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637920307369869642%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=wdMPAeADwi55uJC3kdToQjbAg0UNrj4ttwaOE9%2F82rw%3D&reserved=0)
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