BILL

No. 638

An Act to amend *The Freedom of Information and Protection of Privacy Act*

(Assented to)

Preamble

WHEREAS the people of Saskatchewan deserve an open and transparent government;

WHEREAS access to information relating to government is essential to a strong democracy and necessary to hold government accountable;

WHEREAS the public interest should guide access to information relating to government;

WHEREAS Saskatchewan's Freedom of Information framework is in need of an overhaul to bring it into the modern era;

WHEREAS the existing exemption and protection of privacy frameworks are equipped to deal with the challenges of balancing disclosure and privacy in all areas of government;

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 *The Freedom of Information and Protection of Privacy (Accountability and Transparency) Amendment Act*.

S.S. 1990-91, c. F-22.01

2 *The Freedom of Information and Protection of Privacy Act*, S.S. 1990-91, c. F-22.01 is amended in the manner set forth in this Act.

Section 7 amended

3 Section 7 is amended by striking out "on payment of the prescribed fee**" in clause (2)(a).**

Section 9 amended

4 Section 9 is repealed and replaced with the following section:

"9 A government institution may not charge or collect a fee from an applicant upon receiving a request pursuant to this act**".**

Section 10 amended

5 The following subsection is added after subsection (4):

"(5) Within 14 days of providing a response to the applicant, the head shall publish the record on a government website, unless the request is a request for the applicant's personal information**".**

Section 23 amended

6 Subsection 23(3) is repealed.

Part III amended

7 The following Part is added after Part III Exemptions:

"PART III.1 Public Interest Paramount

Information must be disclosed if in the public interest

23.1(1) Whether or not a request for access is made, the head must, without delay, disclose to the public, to an affected group of people or to an applicant, information:

(a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people; or

(b) the disclosure of which is, for any other reason, clearly in the public interest.

(2) Subsection (1) applies despite any other provision of this Act.

(3) Before disclosing information under subsection (1), the head must, if practicable, notify:

(a) any third party to whom the information relates; and

(b) the commissioner.

(4) If it is not practicable to comply with subsection (3), the head must mail a notice of disclosure in the prescribed form:

(a) to the last known address of the third party; and

(b) to the commissioner**".**

Section 49 amended

8 Subsection 49(1) is amended by repealing clauses (a.1) and (a.2).

Section 54 amended

9 The following subsection is added after subsection (3):

"(4) For the purposes of subsections (1) and (2), requests made by the commissioner must be complied with notwithstanding the record, document, paper, information, or thing in question is subject to any privilege available at law, including solicitor-client privilege and the privilege at law, including solicitor and client privilege, shall not be affected by production to the commissioner**".**

New Section 56

10 Section 56 is repealed and substituted by the following:

"Response of head

56(1) Within 10 days after receiving a report of the commissioner pursuant to subsection 55(1), the head shall:

(a) make a decision to follow the recommendation of the commissioner in whole or in part; and

(b) give written notice of the decision to the commissioner and the persons mentioned in subsection 55(2).

(2) Where the head does not give written notice within the time required by subsection (1), the head is considered to have agreed to comply with the recommendation of the commissioner.

(3) The written notice shall include notice of the right:

(a) of an applicant or third party to appeal under section 57.1 to the Court of King's Bench and of the time limit for an appeal; or

(b) of the commissioner to file an order with the Court of King's Bench in one of the circumstances referred to in subsection 56.1**".**

New Section 56.1

11 The following section is added after section 56:

"Filing an order with the Court of King's Bench

56.1(1) The commissioner may prepare and file an order with the King's Bench where:

(a) the head agrees or is considered to have agreed under section 56(2) to comply with a recommendation of the commissioner referred to under 55(1) in whole or in part but fails to do so within 10 business days after receipt of the commissioner's recommendation; or

(b) the head fails to apply under section subsection 56.1 to King's Bench for a declaration.

(2) The order shall be limited to a direction that the head either:

(a) grant the applicant access to the record or part of the record; or

(b) make the requested correction to personal information.

(3) An order shall not be filed with the Court of King's Bench until the later of the time periods referred to in paragraph (1)(a) and section 57.1 has passed.

(4) An order shall not be filed with the Court of King's Bench under this section if the applicant or third party has commenced an appeal in the Court of King's Bench under section 57.1.

(5) Where an order is filed with the Court of King's Bench, it is enforceable against the public body as if it were a judgment or order made by the court.**".**

New Section 57

12 Section 57 is repealed and substituted with the following section:

"Head seeks declaration in Court

57(1) Where the head decides not to comply with a recommendation of the commissioner under subsection 55(1) in whole or in part, the head shall, not later than 10 business days after receipt of that recommendation, apply to the

Court of King's Bench for a declaration that the public body is not required to comply with that recommendation because:

(a) the head is authorized under this Part to refuse access to the record or part of the record, and, where applicable, it has not been clearly demonstrated that the public interest in disclosure of the information outweighs the reason for the exception;

(b) the head is required under this Part to refuse access to the record or part of the record; or

(c) the decision of the head not to make the requested correction to personal information is in accordance with this Act or the regulations.

(2) The head shall, within the time frame referred to in subsection (1), serve a copy of the application for a declaration on the commissioner, the minister responsible for the administration of this Act, and all persons sent a copy of the commissioner's report.

(3) The commissioner, the minister responsible for this Act, or persons sent a copy of the commissioner's report may intervene in an application for a declaration by filing a notice to that effect with the Court of King's Bench.

New Section 57.1

13 The following section is added after section 57:

"Appeal of head's decision after receipt of commissioner's recommendation

57.1 An Applicant or a third party may, not later than 10 business days after receipt of a decision of the head under section 55(1), commence an appeal in the Court of King's Bench of the decision to:

(a) grant or refuse access to the record or part of the record; or

(b) not make the requested correction to personal information**".**

Section 65.1 amended

14 The following subsection is added after subsection (2):

"(3) Each member of the Executive Council must disclose on a government website their ministerial calendar on a quarterly basis**".**

Section 69 amended

15 Section 69 is amended by repealing subsections (h), (f) and (g).

Coming into force

16 This Act comes into force on Assent.

THIRD SESSION

Thirtieth Legislature

SASKATCHEWAN

BILL

No. 638

An Act to amend *The Freedom of Information and Protection of Privacy Act*

Received and read the

First time

Second time

Third time

And Passed

Mr. Jordan McPhail

Printed under the authority of
The Speaker of the Legislative Assembly
of Saskatchewan
2026