

RM of Edenwold No. 158

Access to Information Policy



Approval Date: November 23rd, 2021

Takes Effect: November 23rd, 2021



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1. Purpose

The purpose of this policy is to:

- Recognize the right of access by the public to information in the possession, or under the control of, the Rural Municipality of Edenwold No. 158 (“the RM”)
- Recognize the RM’s responsibility to protect the privacy of individuals by controlling how the municipality collects, makes use of, and discloses personal information
- Fulfill RM obligations under both the spirit and requirements of *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIP) and *The Local Authority Freedom of Information and Protection of Privacy Regulations* (LAFOIP Regs.)

2. Authority

Section 23.1 of *The Local Authority Freedom of Information and Protection of Privacy Act* provides local authorities with the ability to establish policies and procedures to maintain administrative, technical, and physical safeguards to protect the integrity, accuracy, and confidentiality of the personal information in its possession or under its control.

3. Scope

This policy shall apply to all employees of the RM and all contractors and consultants hired by the RM. It shall also apply to persons applying for access to information.

4. Roles and Responsibilities

The Head (being the Reeve of the RM) is responsible for:

- Maintaining municipal information, including personal information of residents, employees, contractors, and consultants;
- Providing guidance concerning this policy and ensuring this policy is followed;
- Advising the applicant on their application;
- Considering all applications and providing written notice of their final decision to the applicant;
- Providing applicants with an estimate of fees to conduct the access to information search;
- Providing the applicant with all relevant (and non-exempt) information as requested in the application; and
- Working with the Information and Privacy Commissioner during a review.

Employees (being employees, contractors, and consultants of the RM) are responsible for:

- Forwarding all access requests to the Head;
- Assisting with the access to information search; and
- Complying with this policy and all related provincial procedures, acts, and guidelines.

The Applicant (being an individual who requests access to a record under LAFOIP) is responsible for:

- Providing as much detail as to the nature of their search; and
- Responding to all questions posed by the Head.

5. Policies and Conditions

5.1. Preface

LAFOIP and *The Municipalities Act* determine the RM's obligations to provide access to information in the RM's possession or under its control. Accordingly, every employee, contractor, and consultant with access to RM information due to their employment or relationship with the RM is responsible for managing that information according to this policy. Further, to the extent that an elected official is engaged in carrying out the mandate or functions of the RM, LAFOIP and this policy shall also apply.

The RM is committed to supporting transparency, accountability, accessibility, and participation, and as such, is committed to proactively providing information.

5.2. Administration

The Administrator (being the Administrator of the RM appointed pursuant to Section 110 of *The Municipalities Act*) shall be appointed as the Head and shall be accountable for all decisions, duties, and obligations pursuant to LAFOIP.

Whenever possible, appropriate routine requests will be encouraged. However, where a formal application is received, the RM shall follow the processes outlined in LAFOIP and this policy.

5.3. Access to Information

Pursuant to LAFOIP, an individual has the right to request access to any information in the possession of, or under the control of, the RM.

The RM shall provide as much information as possible to the applicant while ensuring personal, confidential, and third-party information is protected in accordance with LAFOIP.

Personal information includes, but is not limited to, information about an identifiable individual of a personal nature, including information about an individual's race, religion, family status, age, birth date, place of origin, employment or criminal history, financial information, health services number, driver's licence number, social security number, home address, email address, telephone number, mental or physical conditions, and personal views or opinions except where they are about another individual.

Third-party information includes information that is controlled or managed by an entity other than the RM.

5.4. Application and Fees

All persons requesting access to records not normally or regularly provided by the RM must complete an "Access to Information Request Form." This form is included in the RM's *Form Policy*. The "Access to Information Request Form" is subject to the LAFOIP Regs. and shall be accompanied by an application fee of twenty (\$20.00) dollars. If the applicant believes the application fee will cause substantial hardship, they may request the Head waive the fee.

The Head will ensure that each application pertains to only one subject matter. Additional charges may also be levied beyond the initial \$20.00 application fee, as per LAFOIP, where the gathering of requested information exceeds one hour to complete. If the Head expects the cumulative fee to exceed \$50.00, the Head shall provide this estimate to the applicant for approval before commencing the access to information search.

As per LAFOIP section 9(1), the following additional fees may apply where access to information is provided:

- a) \$0.25 per page for copying or computer printout
- b) the cost of the storage device for electronic copies
- c) \$15.00 for each half-hour, or portion thereof, of excess time spent locating the requested information and performing redactions (as necessary)

All fees are collectable before any information is provided.

Any person is entitled to inspect and obtain copies of adopted bylaws and minutes during regular office hours. If copies are requested, the above fees are applicable and payable in advance of records being provided. These fees are payable even if the "Access to Information Request Form" is not used.

5.5. Routine Requests

Routine requests are handled by the employee responsible for the information, in consultation with the Head, as necessary.

Routine requests are requests for information that are general in nature. Routine requests can be easily accessed in a minimal amount of time and can typically be handled by the department responsible for the information. Routine information includes, but is not limited to, job postings, election results, bylaws, policy manuals, budgets, annual reports, and information bulletins.

5.6. Formal Requests

An applicant who wishes to make a formal request under LAFOIP is required to complete the "Access to Information Request Form." The applicant shall send the request to the Head. If an employee receives a formal access request, they shall forward it to the Head.

The Head shall handle formal requests confidentially and immediately. The name of the applicant should be kept private.

Following application acceptance and date stamping, the Head shall process the access to information request in a complete, accurate, and timely response pursuant to LAFOIP. The Head shall respond in writing to the applicant within 30 days of application acceptance. Employees may assist the Head, as necessary, in obtaining information outlined in the access to information request.

5.7. Duty to Assist

The RM shall aid an applicant by responding to all requests for access openly, accurately and completely. The RM shall explain any term, code or abbreviation used in the information and shall refer an application to a person or entity who can supply an explanation if the RM is unable to do so.

5.8. Exemptions

LAFOIP provides for the protection of certain information. There are mandatory and discretionary provisions under LAFOIP authorising the Head to refuse to provide access to information contained in a record, and the authorisation to refuse to confirm or deny the existence of a record in response to an access to information request.

When determining whether to apply discretionary exemptions, the Head will exercise good faith in balancing the RM's legitimate business or legal concerns with the principles of open government.

Mandatory Exemptions:

- records from other governments obtained and kept in confidence – LAFOIP 13(2)
- certain third-party information – LAFOIP 18

Discretionary Exemptions:

- information received in confidence from another local authority – LAFOIP 13(2)
- information regarding law enforcement and ongoing investigations – LAFOIP 14
- documents of a local authority including draft resolutions, bylaws, and in-camera meetings – LAFOIP 15
- information that is advice from officials – LAFOIP 16
- information regarding economic and other interests – LAFOIP 17
- information regarding testing procedures, tests, and audits – LAFOIP 19
- information that may result in danger to the health or safety of an individual – LAFOIP 20
- information covered under solicitor-client privilege – LAFOIP 21

5.9. Reviews

An applicant who is not satisfied with how the RM has processed an access to information request may apply to the Saskatchewan Information and Privacy Commissioner (IPC) for review.

The RM will cooperate with the IPC during the review and will work with the IPC, the applicant, and any third parties to come to an acceptable review result, whenever possible.

Following review, the Head will determine whether to comply or not comply with any recommendations made by the IPC. The Head will make this decision with regard to the

requirements of LAFOIP, the public interest, the mandate of the RM, and the principles of open government.

If the applicant or third party is not satisfied with the Head's decision to comply or not comply with the IPC recommendations, they may appeal the decision to the Court of Queen's Bench.

6. Privacy Practices

Personal information, including, but not limited to, home and business phone numbers, civic addresses, mailing addresses, birthdates, social insurance numbers, family member names and information, pension plan information, and health card numbers, shall be redacted before being disclosed through the access to information process.

Employee classification, salary, discretionary benefits, and job responsibilities are not classified as personal information and shall not be redacted.

The RM has the authority to collect personal information pursuant to specific legal obligations. The RM shall inform the individual of the purpose of collecting information and will only collect necessary information. RM employees and the Head must take reasonable steps to ensure collected information is accurate and complete. Collected information in the RM's possession and/or control shall only be used for the purpose for which it was collected.

The Head may only disclose personal information subject to LAFOIP 28. Property owners and legal land descriptions are freely available through Information Services Corporation (ISC) and are thus considered public information. However, civic and/or mailing addresses are considered personal information and shall only be disclosed according to LAFOIP.

Individuals have the right to access records containing their personal information, with limited exceptions, subject to LAFOIP 30. Individuals have the right to request the correction of their personal information if the information is incorrect. If the change request is reasonable, the Head shall make the correction. If the request is not reasonable, the Head shall note an objection to the change on the file.

Personal information shall be safeguarded and kept in locked file cabinets, the vault, or other secure areas. This information will be restricted to the Head and RM employees. Employment records shall be maintained pursuant to the RM's record retention bylaw.

7. Privacy Breach

The RM shall make every effort to mitigate breaches of privacy; however, should a breach occur, the following steps will be taken immediately:

1. Contain the Breach

As soon as the RM learns of a privacy breach, it should contain and recover any personal information involved. Retrieving this information will require determining how broad the privacy breach is and what type of records are involved. If paper records are involved, efforts should be made to physically recover the paper records. If electronic records are involved, efforts should be made to: physically recover any devices that contain information, including USB keys, CDs, and DVDs; recall emails and request recipients destroy the email containing personal information; and immediately take down personal information if it was posted online.

2. Notify Affected Individuals

LAFOIP 29(1) requires that local authorities take all reasonable steps to notify an individual of unauthorised use or disclosure of that individual's personal information by the local authority if it is reasonable in the circumstances to believe that the incident creates a real risk of harm to the individual.

3. Identify

The RM should make attempts to answer the following questions: Who are the affected individuals? How many individuals are affected? What are the risks that the affected individuals will be exposed because of the privacy breach?

The RM should also immediately make a voluntary disclosure to the Information and Privacy Commissioner's office.

4. Investigate the Privacy Breach

The RM should investigate the privacy breach to identify the root cause of the breach. Identifying the root cause of the privacy breach will prevent similar breaches in the future and can be done by answering the following questions: What happened? When did the privacy breach occur? When and how did the RM learn of the breach? What efforts has the RM made to contain the privacy breach? Has the breach been contained completely (why or why not)? Where did the privacy breach occur? Who was involved/which employees were involved or witnessed the privacy breach? What type of personal information was made public? Who has been affected by this privacy breach?

5. Prevent Similar Privacy Breaches

The RM should do its best to safeguard personal information. The Head should review all administrative, physical, and technical safeguards following a privacy breach to determine their adequacy in protecting information. These safeguards should also be reviewed regularly to ensure they meet best practice standards.

8. Additional Documents

- 8.1 Clarification Required to Identify Records Being Requested
- 8.2 Notification under LAFOIP Section 33 Notice to Third-Party
- 8.3 Extension of Response Time
- 8.4 Estimate of Costs
- 8.5 Records Fully Disclosed
- 8.6 Records Partially Denied
- 8.7 Records Fully Denied

8.1 Clarification Required to Identify Records Being Requested

Note to Drafter: The purpose of this letter is to seek additional details from the applicant to identify the records they are requesting. When clarification is required to process an access request, reference the clarified details when responding to the applicant in future correspondence (for example, an estimate of costs or application outcome letter). Please modify this letter as needed to suit the circumstances of the request.

[Date]

[Applicant's Name and Address]

Dear [Applicant's Name]:

RE: Your Access to Information Request

Thank you for your access to information request received by the RM on [date], requesting access to [information applicant is requesting].

Your access request has not provided the RM with enough details to identify the records you wish to access. For your request to be processed, my office requires additional details to identify the requested records. Therefore, please provide my office with [a list of necessary information to help identify the records].

Once you provide our office with the details to clarify the request, we will process your access request. This notification has been provided pursuant to 6(3) of *The Local Authority Freedom of Information and Protection of Privacy Act*, which I have enclosed a copy of for your reference. [NOTE: Enclose a copy of subsection 6(3) of LAFOIP.]

If you have any questions, please contact [name of the Administrator] at [phone number].

Yours truly,

[Name of the Administrator]

Administrator
RM of Edenwold No. 158
100 Hutchence Road, Emerald Park SK
S4L 1C6 Canada
Phone: 306-771-2522
Email: info@edenwold-sk.ca

8.2 Notification under LAFOIP Section 33 Notice to Third-Party

Note to Drafter: The purpose of this letter is to notify an individual that someone has made an access to information request for records that contain their personal information and which you intend to give access to pursuant to LAFOIP 28(2)(n). This letter also provides an opportunity for the individual to make representations of whether access to the records should be denied.

For greater certainty in calculating the length of time a third-party has to respond, consider sending the notice to the third-party by registered mail or other methods (such as hand delivery) where receipt may be predictable and documented. Please modify this letter as needed to suit the circumstances of the request.

[Date]

[Applicant's Name and Address]

Dear [Applicant's Name]:

RE: Third-Party Notification – Access to Information Request

Our office has received an access to information request under *The Local Authority Freedom of Information and Protection of Privacy Act*. We have identified the attached records as being responsive to that request [NOTE: Attach a copy of the record(s) or other clear identification of it. If it is just part of the record, note the portion of the record in question]. There is information in these records that contain your personal information.

We intend to give access to these records [or the part of the record(s) noted] to the applicant pursuant to clause 28(2)(n) of the Act; however, section 33 of the Act requires that you be first given notice and have the opportunity to make representations as to why access should be denied. The basis on which we intend to provide access to these records pursuant to clause 28(2)(n) is [set out basis as described in clause 28(2)(n) and also fully set out the reasons why that applies].

If you object to the release of this information, you must provide to me in writing within 20 days of this notice your representations of why the RM should not provide access on the basis set out above.

Allowing time for delivery of this notice, the 20 days will expire on approximately [approximate expiry date for representations – 20 days from the date the third party would be expected to receive the letter]. If you choose to make representations, you will be notified when the RM makes its final decision.

For your information, I have enclosed copies of sections 28(2)(n) and 33 to 36 of the Act which relates to this process. [NOTE: Enclose copies of sections 28(2)(n) and 33 to 36 of LAFOIP.] If we

do not receive your objection and representations by [expiry date], we will proceed with releasing the records to the applicant.

If you have any questions, please contact [name of the Administrator] at [phone number].

Yours truly,

[Name of the Administrator]

Administrator
RM of Edenwold No. 158
100 Hutchence Road, Emerald Park SK
S4L 1C6 Canada
Phone: 306-771-2522
Email: info@edenwold-sk.ca

8.3 Extension of Response Time

Note to Drafter: The purpose of this letter is to notify an applicant of a time extension taken to process a request. Please modify this letter as needed to suit the circumstances of the request.

[Date]

[Applicant's Name and Address]

Dear [Applicant's Name]:

RE: Your Access to Information Request

Thank you for your access to information request received in this office on [date], requesting access to [information requested by applicant].

This letter is to inform you that the 30-day response period has been extended an additional [number of days you are extending response time up to a maximum of 30 days], pursuant to [choose appropriate option below]:

Option A - subclause 12(1)(a)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act* as your "...application is for access to a large number of records or necessitates a search through a large number of records and completing the work within the original period would unreasonably interfere with the operations of the local authority."

Option B - subclause 12(1)(a)(ii) of *The Local Authority Freedom of Information and Protection of Privacy Act* as "...there is a large number of requests and completing the work within the original period would unreasonably interfere with the operations of the local authority."

Option C - clause 12(1)(b) of *The Local Authority Freedom of Information and Protection of Privacy Act* as "...consultations that are necessary to comply with the application cannot reasonably be completed within the original period."

Option D - clause 12(1)(c) of *The Local Authority Freedom of Information and Protection of Privacy Act* as "...third party notice is required to be given pursuant to subsection 33(1)."

If you would like to exercise your right to request a review of this decision, you may do so by completing a "Request for Review" form and forwarding it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. This form is available by contacting the Office of the Information and Privacy Commissioner at (306) 787-8350. Your completed form can be sent to #503 – 1801 Hamilton Street, Regina, Saskatchewan, S4P 4B4.

In addition, if you do not receive a response to your application by the end of the new extension deadline, you may file a request for review with the Office of the Information and Privacy Commissioner using the same procedure outlined above.

If you have any questions, please contact [name of the Administrator] at [phone number].

Yours truly,

[Name of the Administrator]

Administrator
RM of Edenwold No. 158
100 Hutchence Road, Emerald Park SK
S4L 1C6 Canada
Phone: 306-771-2522
Email: info@edenwold-sk.ca

8.4 Estimate of Costs

Note to Drafter: The purpose of this letter is to provide an applicant with an estimate of costs necessary to process their access request. The RM must provide this notice if the total cost exceeds \$50. Although not a requirement of LAFOIP, it can also be provided when costs are less than \$50. Please modify this letter as needed to suit the circumstances of the request.

[Date]

[Applicant's Name and Address]

Dear [Applicant's Name]:

RE: Your Access to Information Request

Thank you for your access to information request received in this office on [date], requesting access to [information requested by applicant].

You have requested access to records that [explain why fees will be necessary to process the request]. Therefore, to process your access request, the following fees will be required:

	Type of Fee	Calculation of Fees	Total Amount of Fees
1	Time needed to search for records	[# of hours] x \$30.00/hour	[\$total amount in dollars]
2	Time required to prepare records for disclosure	[# of hours] x \$30.00/hour	[\$total amount in dollars]
3	Photocopies of Records	[# of pages] x \$0.25/page	[\$total amount in dollars]
4	[Other fees required per section 5 of the Regulations]	[copies] x [amount of fees per unit]	[\$total amount in dollars]
5	LESS:	1-hour free	(\$20.00)
Total amount of fees required to process the access request			[\$total of above rows in dollars] [NOTE: Subtract \$20.00 if the total of rows 1 and 2 exceeds \$20.00.]

The above fees have been calculated pursuant to section 5 of *The Local Authority Freedom of Information and Protection of Privacy Regulations*, a copy of which has been enclosed for your information. [NOTE: Enclose a copy of section 5 of the Regulations.]

To proceed, please provide written consent to the RM of the above-estimated costs. We will continue to process your access request once this is received.

As an alternative, we would be happy to work with you to modify the request if that would help reduce or eliminate the fees.

[NOTE: If you know the Administrator will not provide full access to the records, please provide the applicant with as much information as you can about the exemptions that may be applied. This will ensure the applicant is aware that paying the fees will not necessarily result in the applicant receiving all the records requested. When doing so, make the applicant aware that this is an interim notice of the exemptions. The actual exemptions (if any) to be applied in a final notification letter may differ based on a review of the actual records.]

[NOTE: If the applicant has requested a fee waiver and you have not addressed it in previous correspondence, you should do so with this cost estimate. If the Head is prepared to consider the waiver request, you should use this letter to request any additional information necessary to allow the Head to decide. You should also offer to work with the applicant to reduce the cost estimate (if the applicant is willing to change the request) if that is possible.]

If you would like to exercise your right to request a review of this decision, you may do so by completing a "Request for Review" form and forwarding it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. This form is available by contacting the Office of the Information and Privacy Commissioner at (306) 787-8350. Your completed form can be sent to #503 – 1801 Hamilton Street, Regina, Saskatchewan, S4P 4B4.

If you have any questions, please contact [name of the Administrator] at [phone number].

Yours truly,

[Name of the Administrator]

Administrator
RM of Edenwold No. 158
100 Hutchence Road, Emerald Park SK
S4L 1C6 Canada
Phone: 306-771-2522
Email: info@edenwold-sk.ca

8.5 Records Fully Disclosed

Note to Drafter: The purpose of this letter is to advise an applicant that their access request has been fully granted. Please modify this letter as needed to suit the circumstances of the request.

[Date]

[Applicant's Name and Address]

Dear [Applicant's Name]:

RE: Your Access to Information Request

Thank you for your access to information request received in this office on [date], requesting access to [information requested by applicant].

This letter is to inform you that your access request has been fully granted. Enclosed is a copy [or copies] of the record[s] you requested.

OR

Enclosed is a list of disclosed relevant records. Please contact [Name of Administrator] at [phone number] to arrange a time and place to review the records.

If you have any questions, please contact [name of the Administrator] at [phone number].

Yours truly,

[Name of the Administrator]

Administrator
RM of Edenwold No. 158
100 Hutchence Road, Emerald Park SK
S4L 1C6 Canada
Phone: 306-771-2522
Email: info@edenwold-sk.ca

8.6 Records Partially Denied

Note to Drafter: The purpose of this letter is to advise an applicant that their access request has been partially denied. Please modify this letter as needed to suit the circumstances of the request.

[Date]

[Applicant's Name and Address]

Dear [Applicant's Name]:

RE: Your Access to Information Request

Thank you for your access to information request received in this office on [date], requesting access to [information requested by applicant].

[NOTE: One or both of the following two paragraphs will be used depending on the circumstances surrounding the records. The "Severing Paragraph" will be used if some of the information is exempt from disclosure and was removed before the records were released. The "Withholding Records Paragraph" will be used if certain documents requested by the applicant are being withheld in full, while other documents are being released.]

Severing Paragraph: Please find attached records responsive to your request. *[NOTE: Attach copies of the responsive records.]* Please note that pursuant to section 8 of *The Local Authority Freedom of Information and Protection of Privacy Act* (the Act), some of the information contained in the attached records has been redacted because [list reason(s) for refusal – e.g., if released would disclose information about an identifiable individual]. Access to this information is denied pursuant to section [or sections – cite all relevant exemptions upon which you have based your decision not to disclose, including section, subsection, clause, subclause, etc.] of the Act. For your information, I have included a copy of all above-noted sections of the Act. *[NOTE: Enclose a copy of all relevant sections of LAFOIP.]*

Withholding Records Paragraph: Some of the records have been withheld from release in full because [list reason(s) for refusal – e.g., if released would disclose information about an identifiable individual]. Access to this information is denied pursuant to section [or sections – cite all relevant exemptions upon which you have based your decision not to disclose, including section, subsection, clause, subclause, etc.] of the Act. For your information, I have included a copy of all above-noted sections of the Act. *[NOTE: Enclose a copy of all relevant sections of LAFOIP.]*

If you would like to exercise your right to request a review of this decision, you may do so by completing a “Request for Review” form and forwarding it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. This form is available by contacting the Office of the Information and Privacy Commissioner at (306) 787-8350. Your completed form can be sent to #503 – 1801 Hamilton Street, Regina, Saskatchewan, S4P 4B4.

If you have any questions, please contact [name of the Administrator] at [phone number].

Yours truly,

[Name of the Administrator]

Administrator
RM of Edenwold No. 158
100 Hutchence Road, Emerald Park SK
S4L 1C6 Canada
Phone: 306-771-2522
Email: info@edenwold-sk.ca

8.7 Records Fully Denied

Note to Drafter: The purpose of this letter is to advise an applicant that their access request has been fully denied. Please modify this letter as needed to suit the circumstances of the request.

[Date]

[Applicant's Name and Address]

Dear [Applicant's Name]:

RE: Your Access to Information Request

Thank you for your access to information request received in this office on [date], requesting access to [quote information requested by applicant].

Access to the records you have requested is denied pursuant to section [or sections – cite all relevant exemptions upon which you have based your decision not to disclose, including section, subsection, clause, subclause, etc.] of *The Local Authority Freedom of Information and Protection of Privacy Act* (the Act). The reason [or reasons] for refusing these records is [provide the applicant with reasons for refusal]. For your information, I have included a copy of all above-noted sections of the Act. *[NOTE: Enclose a copy of the relevant sections of LAFOIP.]*

If you would like to exercise your right to request a review of this decision, you may do so by completing a "Request for Review" form and forwarding it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. Your completed form can be sent to #503 – 1801 Hamilton Street, Regina, Saskatchewan, S4P 4B4. This form is available by contacting the Office of the Information and Privacy Commissioner at (306) 787-8350.

If you have any questions, please contact [name of the Administrator] at [phone number].

Yours truly,

[Name of the Administrator]

Administrator
RM of Edenwold No. 158
100 Hutchence Road, Emerald Park SK
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