



January 3, 2020

Cynthia Khoo
Citizen Lab
315 Bloor Street West
Toronto, ON M5S 0A7

Dear Ms. Khoo:

Re: Your Access to Information Request
Our File No.: 2018-0254

Thank you for your Access to Information Request, received on November 21, 2018. We apologize for the delay in responding to your request, and thank you for your patience in the matter. Your request was for access to the following:

1. All records (including but not limited to) draft and final versions of policies, guidelines, meeting agendas, meeting minutes or notes, briefing notes, technical specifications, training documents, bulletins, memoranda, executive summaries, slide decks, handouts, handwritten notes, preparatory notes, notes from phone calls, faxes, reports, diagrams, studies, surveys, contracts, budgets, financial documents, and all internal and external correspondence, including e-mails produced between January 1, 2013 and November 1, 2018, that contain discussion of or reference to the use of:

- a. Algorithms, algorithmic decision-making, algorithmic analytics, algorithmic analysis, or automated analysis;
- b. Algorithmic risk assessment or algorithmic risk analysis;
- c. Predictive analytics, predictive analysis, predictive modeling, predictive intelligence;
- d. Machine learning, deep learning, neural networks, artificial intelligence, "big data" or data-driven intelligence;
- e. Social media monitoring, social media analytics; and/or
- f. Facial recognition

For the purposes of collecting, managing, analyzing, or assessing data and information related to monitoring, investigating, or responding to criminal activity, suspected criminal activity, and/or predicted criminal activity.

2. All records (including but not limited to) draft and final versions of policies, guidelines, meeting agendas, meeting minutes or notes, briefing notes, technical specifications, training documents, bulletins, memoranda, executive summaries, slide decks, handouts, handwritten notes, preparatory notes, notes from phone calls, faxes, reports, diagrams, studies, surveys, contracts, budgets, financial documents, and all internal and external correspondence, including e-mails produced between January 1, 2013 and November 1, 2018, that contain discussion of or reference to the use of:

- a. Algorithms, algorithmic decision-making, algorithmic analytics, algorithmic analysis, or automated analysis;
- b. Algorithmic risk assessment or algorithmic risk analysis;
- c. Predictive analytics, predictive analysis, predictive modeling, predictive intelligence;
- d. Machine learning, deep learning, neural networks, artificial intelligence, "big data" or data-driven intelligence;
- e. Social media monitoring, social media analytics; and/or
- f. Facial recognition

For the purposes of making determinations about an offender or suspected offender, accused, defendant, prisoner, or convicted individual, including but not limited to for purposes of correctional services, remand, bail, sentencing, inmate security classification, risk assessment, or parole.

3. All records (including but not limited to) draft and final versions of policies, guidelines, meeting agendas, meeting minutes or notes, briefing notes, technical specifications, training documents, bulletins, memoranda, executive summaries, slide decks, handouts, handwritten notes, preparatory notes, notes from phone calls, faxes, reports, diagrams, studies, surveys, contracts, budgets, financial documents, and all internal and external correspondence, including e-mails produced between January 1, 2013 and November 1, 2018, that contain discussion of or reference to any of the following:

- a. Proactive patrol management
- b. Predictive policing
- c. Proactive policing
- d. Intelligence-led policing
- e. Algorithmic policing
- f. Big data policing
- g. Predicting criminal "hot spots"
- h. Policing algorithms
- i. Evidence-based policing
- j. Proactive patrol management

--

If possible, please send any meaningful portion of responses to any of the above items as soon as they are complete, rather than waiting until all of the information for the entire request has been compiled.

If a full response will take more than thirty days to complete, please send, as an initial interim disclosure, a list of the documents that will be disclosed in response to the request. I would also greatly appreciate acknowledgement of your having received this request, if the response will take more time.

Please feel free to contact me if any clarification is needed or if it would help to fulfill or expedite the response to this request. I would be pleased to discuss further and assist. Thank you!

On November 27, 2018, you agreed to the following restructuring of request 2018-0254:

1. Strike out all of item #2, as that mostly refers to other parts of the criminal justice system outside of policing (e.g. bail, sentencing, corrections).
2. For "social media" (in 1e), we don't mean in the sense of the SPS's own social media accounts for communications purposes, or in the sense of general media monitoring, but specifically monitoring social media during and about / coming from e.g. protests or other major events for security or police investigation purposes.
3. For 1f, facial recognition, we would still like the records on that even if it comes from another unit.
4. For item #3, those terms represent the different ways that we have seen predictive policing initiatives referenced or called by various sources. If SPS uses only, e.g. "predictive policing" and "hot spots", that is where most of the focus could be for main records that are most likely to stick to SPS's terms. Where there would be more flexibility and a chance of people having used different terms like the ones listed (e.g. meeting notes, phone call notes, slide decks, studies, reports), I think we would still want to search for them if possible.
5. With respect to the types of records, we would ideally still like to search everything, but would prioritize policy documents, briefing notes, training documents, memoranda, slide decks, email discussions, reports, surveys and studies or other research done related to the described topics in the request.
6. For things that you suggested may have to be withheld, such as social media monitoring under the investigation exception, or technical specifications due to proprietary concerns, we understand, and would still appreciate anyway a formal statement confirming if that turns out to be the case.

7. I also clarified that we're looking for current research and records to do with predictive analytics as applied to a) violent offenders; b) repeat offenders; and c) offenders with mental illnesses.

Please find attached records responsive to your request. 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 responsive to your request has been withheld because release would disclose information provided to the SPS implicitly in confidence from another local authority or the Government of Canada, would reveal security arrangements of particular buildings and systems, reveal information with respect to a lawful investigation or a law enforcement matter, and would reveal information which could reasonably be expected to interfere with contractual or other negotiations of the local authority. Access to this information is denied pursuant to the following:

#	Request	Withheld/Released	Section
1	Strike out all of item #2, as that mostly refers to other parts of the criminal justice system outside of policing (e.g. bail, sentencing, corrections).	Struck	-
2	For "social media" (in 1e), we don't mean in the sense of the SPS's own social media accounts for communications purposes, or in the sense of general media monitoring, but specifically monitoring social media during and about / coming from e.g. protests or other major events for security or police investigation purposes.	Withheld	14(1)(c), 14(1)(e)
3	For 1f, facial recognition, we would still like the records on that even if it comes from another unit.	Withheld	14(1)(k), 17(1)(d)
4	For item #3, those terms represent the different ways that we have seen predictive policing initiatives referenced or called by various sources. If SPS uses only, e.g. "predictive policing" and "hot spots", that is where most of the focus could be for main records that are most likely to stick to SPS's terms. Where there would be more flexibility and a chance of people having used different terms like the ones listed (e.g. meeting notes, phone call notes, slide decks, studies, reports), I think we would still want to search for them if possible.	Partial Release	13(1)(a), 13(2), 14(1)(k), 14(1)(m), 17(1)(d)
5	With respect to the types of records, we would ideally still like to search everything, but would prioritize policy documents, briefing notes, training documents, memoranda, slide decks, email discussions, reports, surveys and studies or other research done related to the described topics in the request.	Partial Release	13(1)(a), 13(2), 14(1)(k), 14(1)(m), 17(1)(d)
6	For things that you suggested may have to be withheld, such as social media monitoring under the investigation	Withheld	14(1)(c), 14(1)(e)

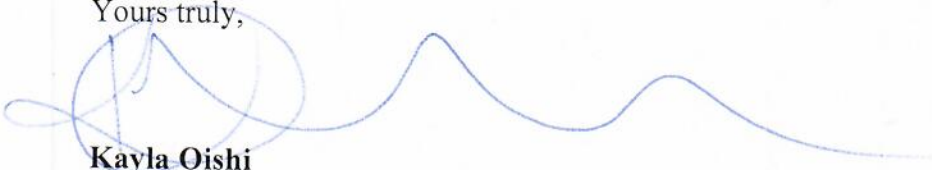
	exception, or technical specifications due to proprietary concerns, we understand, and would still appreciate anyway a formal statement confirming if that turns out to be the case.		
7	I also clarified that we're looking for current research and records to do with predictive analytics as applied to a) violent offenders; b) repeat offenders; and c) offenders with mental illnesses.	Withheld This information does not exist as predictive analytics is only focused on missing persons at this time.	7(2)(e)

Copies of these exemptions have been enclosed for your convenience.

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 forwarded to #503 – 1801 Hamilton Street, Regina, Saskatchewan, S4P 4B4. This form is available at the same location which you applied for access or by contacting the Office of the Information and Privacy Commissioner at (306) 787-8350 or at webmaster@oipc.sk.ca.

If you have any questions please contact the writer at (306) 975-8259 or kayla.oishi@police.saskatoon.sk.ca.

Yours truly,



Kayla Oishi
Access and Privacy Officer
Legal Services Division

Enclosures

LOCAL AUTHORITY FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY

Extension of time

12(1) The head of a local authority may extend the period set out in section 7 or 11 for a reasonable period not exceeding 30 days:

(a) where:

(i) the application is for access to a large number of records or necessitates a search through a large number of records; or

(ii) 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;

(b) where consultations that are necessary to comply with the application cannot reasonably be completed within the original period; or

(c) where a third party notice is required to be given pursuant to subsection 33(1).

(2) A head who extends a period pursuant to subsection (1) shall give notice of the extension to the applicant within 30 days after the application is made.

(3) Within the period of extension, the head shall give written notice to the applicant in accordance with section 7.

1990-91, c.L-27.1, s.12.

PART III
Exemptions

Records from other governments

13(1) A head shall refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from:

(a) the Government of Canada or its agencies, Crown corporations or other institutions;

(b) the Government of Saskatchewan or a government institution;

(c) the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions;

(d) the government of a foreign jurisdiction or its institutions; or

(e) an international organization of states or its institutions;

unless the government or institution from which the information was obtained consents to the disclosure or makes the information public.

(2) A head may refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from another local authority or a similar body in another province or territory of Canada.

1990-91, c.L-27.1, s.13.

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;
 - (k.1) endanger the life or physical safety of a law enforcement officer or any other person;
 - (k.2) reveal any information relating to or used in the exercise of prosecutorial discretion;
 - (k.3) reveal a record that has been seized by a law enforcement officer in accordance with an Act or Act of Parliament.

- (2) This section does not apply to a record that:
- (a) has been in existence for more than 25 years;
 - (b) is an official record that contains a statement of the reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function;
 - (c) is the result of product or environmental testing carried out by or for a local authority, unless the testing was conducted:
 - (i) as a service to a person, a group of persons or an organization other than the local authority, and for a fee; or
 - (ii) as preliminary or experimental tests for the purpose of:
 - (A) developing methods of testing; or
 - (B) testing products for possible purchase;
 - (d) is a statistical survey;
 - (e) is the result of background research of a scientific or technical nature undertaken in connection with the formulation of a policy proposal; or
 - (f) is:
 - (i) an instruction or guide-line issued to the officers or employees of a local authority; or
 - (ii) a substantive rule or statement of policy that has been adopted by a local authority for the purpose of interpreting an Act, regulation, resolution or bylaw or administering a program or activity of the local authority.
- (3) A head may refuse to give access to any report, statement, memorandum, recommendation, document, information, data or record, within the meaning of section 10 of *The Evidence Act*, that, pursuant to that section, is not admissible as evidence in any legal proceeding.

1990-91, c.L-27.1, s.16; 2006, c.19, s.10.

Economic and other interests

17(1) Subject to subsection (3), a head may refuse to give access to a record that could reasonably be expected to disclose:

- (a) trade secrets;
- (b) financial, commercial, scientific, technical or other information:
 - (i) in which the local authority has a proprietary interest or a right of use; and
 - (ii) that has monetary value or is reasonably likely to have monetary value;
- (c) scientific or technical information obtained through research by an employee of the local authority, the disclosure of which could reasonably be expected to deprive the employee of priority of publication;

LOCAL AUTHORITY FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY

- (d) information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of the local authority;
 - (e) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the local authority, or considerations that relate to those negotiations;
 - (f) information, the disclosure of which could reasonably be expected to prejudice the economic interest of the local authority; or
 - (g) information, the disclosure of which could reasonably be expected to result in an undue benefit or loss to a person.
- (2) A head shall not refuse, pursuant to subsection (1), to give access to a record that contains the results of product or environmental testing carried out by or for the local authority, unless the testing was conducted:
- (a) as a service to a person, a group of persons or an organization other than the local authority, and for a fee; or
 - (b) as preliminary or experimental tests for the purpose of:
 - (i) developing methods of testing; or
 - (ii) testing products for possible purchase.
- (3) The head of the University of Saskatchewan, the University of Regina or a facility designated as a hospital or a health centre pursuant to *The Provincial Health Authority Act* may refuse to disclose details of the academic research being conducted by an employee of the university, hospital or health centre, as the case may be, in the course of the employee's employment.
- (4) Notwithstanding subsection (3), where possible, the head of the University of Saskatchewan, the University of Regina or a facility designated as a hospital or a health centre pursuant to *The Provincial Health Authority Act* shall disclose:
- (a) the title of; and
 - (b) the amount of funding being received with respect to;
- the academic research mentioned in subsection (3).

1990-91, c.L-27.1, s.17; 2002, c.R-8.2, s.105;
2017, c.P-30.3, s.11-1.

Third party information

18(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

- (a) trade secrets of a third party;
- (b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to the local authority by a third party;