

January 5, 2018

Office of the Information  
and Privacy Commissioner  
503-1801 Hamilton Street  
REGINA SK S4- 4B4

Attention: Alyx Larocque

via email: [alarocque@oipc.sk.ca](mailto:alarocque@oipc.sk.ca)

Re: IPC Review File 298-2017  
University of Saskatchewan File 2017-015

On August 23, 2017, the University of Saskatchewan received a request for access to the “Audio recording of proceedings, “Symposium: Research Management and the Right to Know,” 2 Dec 2015” [Appendix 1]. A redacted transcript was provided to the applicant on November 14, 2017 [Appendix 2]. The delay in disclosure was due to a suspension of time with respect to the receipt of a deposit on processing fees and one extension of time due to the length of time it took to have the recording transcribed. That is not in issue in the request for review.

On November 22, 2017, the University received notice that the applicant had filed a request for review of its decision to redact portions of the transcript. This is our submission in support of our position that the information in the transcript provided to the applicant was properly redacted.

### **Background**

On December 2, 2015, Dr. Peter Phillips, Distinguished Professor in the Johnson-Shoyama Graduate School of Public Policy, hosted a meeting to discuss “research management and the right to know”. Invited were leaders, researchers, and research and communications professionals from the University of Saskatchewan and the public and private sector. The agenda of the meeting was previously disclosed to the applicant under a different access to information request and is attached hereto as Appendix 3. The discussion was intended to draw out:

- a. strategies for designing more effective research contracts and partnerships
- b. strategies for managing information flow to anticipate FOI interventions
- c. risk communications plans to deal with resulting controversy

Prior to this meeting, a number of researchers across Canada and the United States had been the subject of access to information requests made by the American organization, US Right to Know (“US RTK”), an anti-biotech organization funded by the organic industry. In fact, the Genetic Literacy Project

reports<sup>1</sup> that as of September 2015, the US RTK had made FOI requests to more than a dozen public universities, targeting more than 40 scientists and science advocates. According to the co-director of the US RTK, they were “looking to learn how these faculty members have been appropriated into the PR machine for the chemical-agro industry.” The Genetic Literacy Project states that, “according to mainstream scientists and many social scientists and journalists, the US RTK is using FOIA requests...to harass and intimidate scientists.”

Also prior to the meeting, in October of 2015, the US RTK had obtained information about Dr. Phillips which resulted biased media reports and scrutiny of Dr. Phillips’ relationship with an industry partner.<sup>2</sup> Dr. Phillips and other researchers at the University of Saskatchewan were anticipating targeted FOI requests from the US RTK. Those requests did in fact materialize in 2016 and 2017, which resulted in further scrutiny and media attention.<sup>3,4</sup>

Given this atmosphere, Dr. Phillips thought it prudent to gather professionals and academics in research, communications and the biotech industry to discuss how to better manage their relationships and communicate research with the public. Dr. Phillips called the meeting “a perfect opportunity for the Saskatoon community to think about the problem” – “A meeting of the minds and unpacking of the problem of the new world of networked research...the world where controversies erupt, because of the closeness between the scholarly community and the industrial and public and NGO community.”<sup>5</sup>

## **The Record**

The meeting was held on December 2, 2015 at the Johnson-Shoyama Graduate School of Public Policy at the University of Saskatchewan Campus. The meeting was recorded and premised on the Chatham House rule. Dr. Phillips advises that the meeting was recorded solely as an aid to his memory. The recording was transcribed in order to respond to this access to information request, but otherwise had not been used since the date of the meeting and had remained in Dr. Phillips’ sole possession. A copy of the transcript with redactions marked but not applied is attached as Confidential Appendix A. This shall not be shared with the applicant.

## **Personal Information**

**Section 28(1)** of *The Local Authority Freedom of Information and Protection of Privacy Act* provides that the university shall not “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.”

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<sup>1</sup> <https://geneticliteracyproject.org/glp-facts/us-right-to-know/>

<sup>2</sup> Warick, Jason. “Group questions U of S prof’s Monsanto link.” October 5, 2015. <http://thestarphoenix.com/news/local-news/group-questions-u-of-s-profs-monsanto-link>

<sup>3</sup> Warick, Jason. “U of S professor says there’s nothing unusual about his ties to Monsanto.” May 7, 2017 <http://www.cbc.ca/news/canada/saskatoon/u-of-s-professor-says-there-s-nothing-unusual-about-his-ties-to-monsanto-1.4100399>

<sup>4</sup> Warick, Jason. “U of S defends prof’s Monsanto ties, but some faculty disagree.” May 10, 2017. <http://www.cbc.ca/news/canada/saskatoon/university-of-saskatoon-professor-monsanto-1.4107475>

<sup>5</sup> Transcript, page 1

Personal information is defined in section 23(1) as personal information about an identifiable individual and includes, among other things, information that relates to the employment history of the individual, the personal opinions or views of the individual, and the name of the individual where it appears with other personal information that relates to the individual.

In order to aid the Commissioner's review, the university has prepared a list of names of participants and their affiliation, by participant number. This is attached hereto as Confidential Appendix B. This shall not be shared with the applicant as it contains the protected personal information of non-university employees.

The names, positions and affiliations of non-university employees is protected personal information. Positions and affiliations must be redacted along with names as disclosing positions and affiliations can reasonably be expected to lead to the identification of the individual. As such, this information has been redacted in the introductions and throughout the document. The names and positions of university employees has been disclosed.

### **Advice from Officials**

**Subsection 16(1)(a)** provides:

Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

- (a) advice, proposals, recommendations, analyses or policy options developed by or for the local authority

The OIPC Guide to Exemptions explains that subsection 16(1)(a) is meant to allow for candor during the policy-making process. Advice includes the analysis of a situation or issue that may require action and the presentation of options for future action; recommendations relate to a suggested course of action as well as rationale for that suggested course; and proposals, analyses and policy options are closely related to advice and recommendations and refer to the concise setting out of the advantages and disadvantages of particular courses of action. More particularly, analyses refers to the examination and evaluation of relevant information that forms or will form the basis of advice, recommendations, proposals or policy options as to a course of action.

In order for subsection 16(1)(a) to apply, the OIPC Guide to Exemptions suggests that the advice, recommendations, proposal, analyses and/or policy options must be sought, expected, or be part of the responsibility of the person who prepared (commissioned) the record, be prepared for the purpose of doing something, and involve or be intended for someone who can take or implement the action. Finally, the recommendations, analyses, proposals and policy options must be developed by or for the public body.

This meeting was held to discuss an important issue facing the university, its researchers, the public sector and industry partners and, as indicated in the agenda, was intended to elicit strategies for the university and others with respect to designing more effective contracts and partnerships, managing

information flow and dealing with controversy. The University submits that it is clear on the face of the record that the majority of the discussion is exempt pursuant to subsection 16(1)(a), and that the University was justified in exercising its discretion to withhold this information in order to protect and foster candor and frankness.

**Subsection 16(1)(b)** provides:

Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

(b) consultations or deliberations involving officers or employees of the local authority

The OIPC Guide to Exemptions notes that this provision is meant to permit public bodies to consider options and act without constant public scrutiny. A consultation is defined as seeking the views of one or more officers or employees of a public body as to the appropriateness of a particular proposal or suggested action. A deliberation is a discussion or consideration by officers or employees of a public body of the reasons for and against an action. The opinions solicited must be sought, expected, or be part of the responsibility of the person who prepared (commissioned) the record and be prepared for the purpose of doing something such as taking an action, or making a decision or a choice.

This meeting involved a number of officers and employees of the university, as listed in the agenda and Confidential Appendix B. This meeting was intended to solicit opinions and views from all participants with respect to relationship and communications strategies, and debate the merits thereof with a view to action. Again, the University submits that it is clear on the face of the record, and in conjunction with the agenda, that this meeting was a consultation and deliberation involving officers or employees of the University and that the University was justified in exercising its discretion to withhold this information in order to allow consideration of the issue without constant public scrutiny.

It is acknowledged that subsections 16(1)(a) and 16(1)(b) are not intended to protect bare recitation of facts without anything further, or information that reveals only that advice was sought or given, that particular persons were involved, or the particular topic involved. This is why the agenda, and introductory and closing remarks have been disclosed. It is submitted that it is clear on the face of the record that the remainder of the transcript – those portions that were redacted – is advice, proposals, recommendations, analyses and policy options developed by or for the university, and consultations and deliberations involving officers and employees of the university. Further and in the alternative, such advice, recommendations, analyses, policy options, consultations and deliberations is so intertwined with other information and facts that it cannot sensibly be redacted in any other way.

### Confidentiality

In the introductory comments of the meeting, Dr. Phillips assured all participants that the meeting was being held under the Chatham House rule: “What’s said in the room is never attributed...the idea is to get us to unpack what we know and what we think about a problem space, without having to carry the baggage of that outside of the room.” More formally, the Chatham House rule is defined as “a rule of

principle according to which information disclosed during a meeting may be reported by those present, but the source of that information may not be explicitly or implicitly identified.”<sup>6</sup>

While labelling something “confidential” does not render it exempt from access to information, this expectation of privacy and confidentiality over the discussions supports the university’s submissions that subsections 16(1)(a) and 16(1)(b) should apply; the Chatham House rule was invoked to promote “candor during the policy-making process” and allow participants to “consider options and act without constant public scrutiny.”

### Conclusion

The University submits that it properly applied sections 28 and 16 in redacting portions of the transcript and met the requirement of section 8 to “give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.” In a recent decision of the Court of Queen’s Bench in Saskatchewan<sup>7</sup>, the Court referenced 3430901 Canada Inc. v Canada (Minister of Industry), 2001 FCA 254 (CanLII), [2002] 1 FCR 421 [Telezone] and affirmed at paragraph 38 that advice includes “an expression of opinion on policy matters, but excludes information of a largely factual nature, *unless it is so intertwined with advice that severance is precluded*” (emphasis added). In the present case, the University submits that personal information and section 16 information is intertwined with other information throughout the transcript to such an extent that it is not possible to sever more information in any sensible manner.

Sincerely,



Rayelle Johnston  
Access and Privacy Officer  
Encl.

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<sup>6</sup> Oxford Dictionary, [https://en.oxforddictionaries.com/definition/chatham\\_house\\_rule](https://en.oxforddictionaries.com/definition/chatham_house_rule)

<sup>7</sup> Britto v University of Saskatchewan, 2017 QB 259 (CanLII), <https://www.canlii.org/en/sk/skqb/doc/2017/2017skqb259/2017skqb259.html>

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Appendix 1 - Request

LOCAL AUTHORITY FREEDOM OF INFORMATION  
AND PROTECTION OF PRIVACY



Government of Saskatchewan Freedom of Information

PART III  
Form A  
Access to Information Request Form

Note: Please direct the request to the appropriate local authority for response.

Access to Information Request Form

(Please Print)

Applicant Information

Last Name		First Name	
[Redacted]		[Redacted]	
Address		City or Town	Province
[Redacted]		[Redacted]	[Redacted]
Postal Code	Telephone (Residence)	Telephone (Work)	E-mail
[Redacted]	[Redacted]	[Redacted]	[Redacted]

Details of Requested Information

General Information Request <input checked="" type="checkbox"/>	Personal Information Request <input type="checkbox"/>
Name of Local Authority University of Saskatchewan	
Name of Record (if known) Audio recording of proceedings, Symposium on the Right to Know, 2015.	
Detailed Description of Record: Audio recording of proceedings, "Symposium: Research Management and the Right to Know," 2 Dec 2015.	

I understand that an application fee of \$20 is to be submitted with this request unless, with respect to a request for personal information, the fee is waived under the terms of the Act.

I also understand that there may be a processing fee to process this request and that, prior to receiving access to the records that I have requested, I am required to pay that fee unless it is waived.

Check if requesting waiver of processing fee:

I request that payment of the processing fee related to this request be waived because payment will cause me substantial financial hardship. Details are as follows: (Use reverse of form if additional space is required.)

[Redacted Signature]

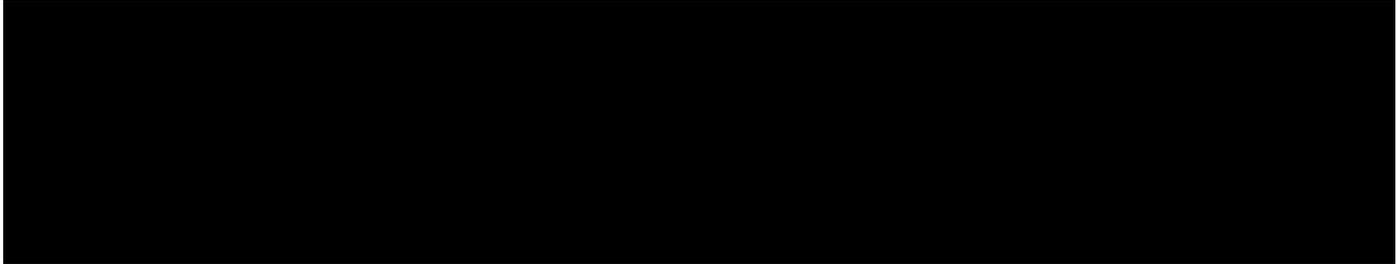
Signature of Applicant

For Office Use Only	
Date Received _____	Application No. _____
Application Fee Received Yes <input type="checkbox"/> No <input type="checkbox"/>	
Expiry Date _____	

White - Local Authority Yellow - Co-ordinator Pink - Applicant

OIPC Review File 298-2017  
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Appendix 2 - Response

November 14, 2017



**Re: Access to Information Request 2017-015**

Further to our correspondence of October 16, 2017, 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 contained in the attached records has been deleted because it contains information about identifiable individuals and contains consultations and deliberations involving employees of the university. Access to this information is denied pursuant to sections 28 and 16 of the Act. For your information, these sections are attached.

If you would like 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 from this office or online at [www.oipc.sk.ca](http://www.oipc.sk.ca).

If you have questions or concerns, please contact the writer at [rayelle.johnston@usask.ca](mailto:rayelle.johnston@usask.ca) or 306-966-8596.

Sincerely,



Rayelle Johnston  
Access and Privacy Officer  
Encl.

LOCAL AUTHORITY FREEDOM OF INFORMATION  
AND PROTECTION OF PRIVACY

c. L-27.1

- (b) discloses agendas or the substance of deliberations of meetings of a local authority if:
  - (i) an Act authorizes holding the meetings in the absence of the public; or
  - (ii) the matters discussed at the meetings are of such a nature that access to the records could be refused pursuant to this Part or Part IV.
- (2) Subject to section 29, a head shall not refuse to give access pursuant to subsection (1) to a record where the record has been in existence for more than 25 years.

1990-91, c.L-27.1, s.15.

**Advice from officials**

**16(1)** Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

- (a) advice, proposals, recommendations, analyses or policy options developed by or for the local authority;
  - (b) consultations or deliberations involving officers or employees of the local authority;
  - (c) 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;
  - (d) plans that relate to the management of personnel or the administration of the local authority and that have not yet been implemented; or
  - (e) information, including the proposed plans, policies or projects of the local authority, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.
- (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;

LOCAL AUTHORITY FREEDOM OF INFORMATION  
AND PROTECTION OF PRIVACY

**c. L-27.1**

- (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;
  - (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

**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.

1990-91, c.L-27.1, s.24.

**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.

1990-91, c.L-27.1, s.25.

**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.

1990-91, c.L-27.1, s.26.

**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).

1990-91, c.L-27.1, s.27.

**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:

- (a) for the purpose for which the information was obtained or compiled by the local authority or for a use that is consistent with that purpose;

**File:** 15115 Communications forum pt 1.mp3

**Duration:** 01:02:06

[Starts at 00:02:40]

P1: My name is Peter Phillips, I guess I'm the provocateur on this meeting. I believe in being opportunistic. Two of my colleagues who are sort of unindicted co-conspirators in how one designs, manages, and communicates around integrated social sciences and natural sciences, happen to be in town today. So I invited them and they generously agreed to join us and I thought this is a perfect opportunity for the Saskatoon community to think about the problem. We're not necessarily looking for solutions today, there may be some that emerge, but what I'd like is a meeting of the minds and unpacking of the problem of the new world of networked research. And the world where controversies erupt, because of the closeness between the scholarly community and the industrial and public and NGO community. And in this room, we'll go around the table in a moment, I deliberately invited three types of people. I invited people who are funding research. And most of you, directly or indirectly, are complicit in the idea that we leverage your money, that we put together pots of money to do things. The second group in this room are people who are part of the management structure. They could be at the university level they could be in a special operating agencies, but your job is to make sure that this integration between science and social science actually happens. And then the third group are people who communicate around this, both the positive messages that come out of those collaborations, but also have to deal with the controversies that emerge when these are characterized in the media, online or elsewhere, as somehow tainted by their fundamental construction. So today we have a mix of people. Most of the invitees are on the list we have a few substitutes we still expect one or two of these people who haven't turned up that might turn up yet. So, if you have to drop in and out don't panic don't worry. We'll try and write something but, probably best thing to say right now there are mic's here. My primary intention is not – well, my commitment is that we're not going to put this en masse as a digital file. This is just a [inaudible, 00:04:59, main] memoir for me. I will write something on Chatham House Rule. There is only one rule of Chatham House, there's no rules it's one rule. What's said in the room is never attributed. So you can say something we might talk about what the message was, but it's not – if it can be attributed back to an individual we don't say it in that way. So the idea is to get us to unpack what we know and what we think about a problem space, without having to carry the baggage of that outside of the room. So we'll try and design something in terms of a policy brief about this problem space. So, I think the first thing to do is have a quick round table.

Peter Phillips, I'm at the Johnson Shoyama Graduate School you'll see some of our buzz around. If you want to know more about us, we're on the web but we can also – any of us who are here can talk about it. [REDACTED], over to you.

P2: Oh. [REDACTED] – unsure of spelling], I work at [REDACTED]. I'm very weary that I have no idea which of the three groups I'm in, or maybe I'm in all three, I don't know. So I do business development, project development, and help research teams get funding in province.

P1: And let's go back one. [REDACTED], who are you?

P3: Oh, sorry.

[Laughter]

P1: It's a trick question.

P3: Yeah exactly. [REDACTED] I'm the executive director with [REDACTED].

P1: And I think it's worth mentioning that [REDACTED] has been in an industrial association but she's also been a senior civil servant so she's spanned multiple perspectives.

P4: I'm [inaudible, 00:06:19, [REDACTED]], I'm a Policy Strategist with [REDACTED] [REDACTED]. And before that I was working with Peter, so I've sort of come from both of those perspectives.

P5: [REDACTED], I'm a communications manager at the [REDACTED] [REDACTED]. So, we do bit of funding we do management, resources and then of course I'm dealing with the communications of all those things.

P6: Hi I'm [REDACTED] I'm the Innovation Manager for [REDACTED] in Saskatchewan. And we are a funder and I guess a convener and pathfinder.

P6: I'm Mike Stevens I'm a Contract Specialist with the Research Services Office at the U of S.

P7: I'm Kevin Rogers I'm the Associate Director at the Research Services and Ethics Office.

P8: [REDACTED], Social Sciences Lead with [REDACTED] but soon to be [REDACTED]

P9: [REDACTED], a founder of the [REDACTED] and a fellow at the [REDACTED]  
[REDACTED], if you can swallow all that, at the [REDACTED]  
[REDACTED]

P10: Michael Robin I'm a Research Communications Specialist with the University of Saskatchewan and my job is to find out what our scientists are doing, translate it into English, push it out to the world where everybody else can get excited about it.

P11: My name is Brittany Safinuk and I'm the Operations Manager at the Industry Liaison Office here at the U of S.

P12: I'm Amit Shukla, I'm the Business Development Specialist with the Industry Liaison Office and the most important part of my job is to create partnerships for researchers with industry so this is very important for us to be getting involved in industry.

P13: Jim Basinger the Associate Vice President of Research at the University.

P14: [REDACTED] Executive Director of Research with [REDACTED].

P15: I'm [REDACTED] I'm the Executive Director of the [REDACTED]

P16: I'm [REDACTED] I'm a Research Assistant at the [REDACTED] which is the [REDACTED]  
[REDACTED] or [REDACTED] or [REDACTED] formerly. And I work with  
[REDACTED] on [REDACTED]

P1: Who has an industrial research chair partly funded by industry, partly funded by the university so it's right at the cutting edge of this.

P17: I'm [REDACTED] I'm Communications Director with [REDACTED]

P18: Hi I'm [inaudible, 00:08:41 – [REDACTED]] Director of the [REDACTED]. I'm focusing on wheat research and management.

P19: And I'm [REDACTED] I'm a Professor and Chairmen of the [REDACTED]  
[REDACTED] at the [REDACTED], in [REDACTED]

P1: Now let me make a couple of quick comments and then I'm going to invite [REDACTED] and [REDACTED] to talk a bit about how this world has played out a little bit in the headlines of national and

international media. First point is that, because this was an opportunistic event we're actually conflicting with a major national agri-food event and so a lot of the people in the commodity groups and in government and industry are in Calgary at the GrowCanada conference. So, a lot of them apologized and so this room would've been bigger but this is almost the perfect size. So, the second point I think I want to make, and it's in the background and I just want to sort of amplify it before we jump into this. This even is initially framed around this triggering set of controversies around the US right to know effort to understand and frame the relationship between a number of academics and I'm one of those. And the debate about the role of bio-tech in society, and how whether that should or shouldn't have been done the way we did it. That's a good framing event but I just wanted to remind people it's not the only place where this question of the engagement between scholars, who are independent and doing discovery research and the practical community is creating controversy. In Canada we had a controversy about a month and a half ago where Enbridge, one of our major pipeline companies had tried to invest in a business school. And no matter how they did it they seemed to annoy everyone. And it all came out in the wash through an FOI request for emails. We just saw on the news last night the discussion about – what was the headline news story last on CBC? It was the NHL and brain concussions, how does it come out? How does it get portrayed? It's all about released information in emails through these conversational channels rather than the formal communications channels we normally use. So, we've opened up a can of worms that isn't just in the space that we're all particularly interested in but it's a general problem I think all academic institutions are going to face in the next while. But it's useful I think to frame it around an actual event and understand sort of that what happened in the very stages it happened. For sake of argument I'd sort of like to – once we've heard a little bit from [REDACTED] and [REDACTED] I'd like to open it up and really discuss it in the context of a round table discussion because you have more ideas than – you have ideas as well that are important to this. In the context that it's about designing, managing, and communicating around these collaborations. That it's not just risk communications once and if and when these things become public, that we can design better ones we can manage them in a more effective way to lead to a better sense of collaboration rather than just a hidden sense of collaboration in the research space. So I don't know which one of you wants to start the conversation.

P9: Maybe be better for me to start because I do it from the journalist point of view and then with the overview of it. [REDACTED]

28(1), 16(1)



28(1), 16(1)

P1: So as it transitions to 28(1) could you maybe unpack the 28(1) and that event 28(1)

P9: Oh yeah I mean there's two things. 28(1), 16(1)

PX: No it was – trying to remember what it's called... 16(1)

P9: 28(1), 16(1)

28(1), 16(1)

P1: 16(1)

P19: 28(1), 16(1)

28(1), 16(1)

[Redacted text block]

P9: Can I just add,

28(1), 16(1)

[Redacted text block]

28(1), 16(1)

P19: And that's really the major point here and the funny part about this is what – just a couple of other quick last points – is that you know what has changed since this for me? 28(1), 16(1)

P1: And maybe I can sort of back that up into the bigger crowd that's here. I think there's two things that are happening that may not be as obvious, because I build networks. That's what my job has been at this university for the last 15 years. I've never done a project where I'm the only investigator I've always had multiple investigators. 16(1)

16(1)

So, let's open it up. I mean I think there's three issues here.

16(1)

. So, what do you think? Some of you are funders, are you concerned? Some of you are negotiating with me right now about money. [Laughs] Which is partly why I invited the diverse people in the room. There's a money man.

[Laughter]

P14: Certainly I would be happy to speak.

P1: Yes, 28(1) runs the 28(1) –

P14: At 28(1), 18(1) the research and funding program and we have 18(1) dollars, which we allocate annually to the research - agriculture research. 28(1), 16(1)

[REDACTED]



28(1), 16(1)

P1: 16(1)

P8: 28(1), 16(1)

P15: And that was where – the comment I wanted to make. 28(1), 16(1)

28(1), 16(1)

P1: So what I'm hearing is 16(1)

P15: 28(1), 16(1)

P14: But then how do you do it? Who does it? 28(1), 16(1)

P1: 16(1) 16(1)

P14: 16(1)

P1: 16(1)

P14: No, no. 28(1), 16(1)

P10: 16(1)

16(1)

[REDACTED]. The other point that I wanted to make too –

P1: Just before you leave that one, can I play it back just to make sure I'm getting it? 16(1)

P10: Oh that needs to be there, definitely.

P1: [REDACTED] 16(1)

P10: [REDACTED] 16(1)

16(1)

P1: 16(1)

P3: 28(1), 16(1)

28(1), 16(1)

P10: 16(1)

[Laughter]

P10: 16(1)

P1: 28(1), 16(1)

P10: 16(1)

[Laughter]

P1: He's looking right at me.

[Laughter]

P10: I'm just addressing you as the chair.

[Laughter]

P10: [REDACTED] 16(1)

[REDACTED]

[REDACTED] [inaudible, 00:53:53] –

P1: It was the top story in the news two days ago.

P10: Exactly.

P1: They didn't use the words.

P10: [REDACTED] 16(1)

[REDACTED]

P9: Could I suggest something else to think about?

P1: Yes, 28(1)

P9: [REDACTED] 28(1), 16(1)

[REDACTED]

28(1), 16(1)

P1: 16(1)

P14: It does. 28(1), 16(1)

P1: Yeah that's right, that's going to 28(1) problem.

P14: Yeah it's going to – 28(1), 16(1)



P3: But can I respond to that? 28(1), 16(1)

[REDACTED]

P1: Let me add a little council to that. There's 130,000 scholars, so –

P19: Well if I could throw something on that. What's the URL that you mentioned?

P3: 16(1)

P19: 28(1), 16(1)

[REDACTED]

**File:** 15115 Communications forum pt 2.mp3

**Duration:** 00:55:38

P3: Yeah, well that's what this is about, that – you know.

P1: Now, I saw – I think it was 28( I saw flinch at that point earlier before you [inaudible, 00:00:10].

[Laughter]

P14: No it must be something else.

P1: [Laughs]

P14: If there was anything –

P1: It's gone. 28(1) then.

P8: 16(1), 28(1)  
[Redacted]

[Laughter]

P8: 16(1), 28(1)  
[Redacted]

16(1), 28(1)

P6: 16(1)

[inaudible,

00:03:12].

P14: Yes, 16(1), 28(1)

[Multiple]: It's very important.

[Inaudible, 00:03:18]

P14: 16(1), 28(1)

P6: 16(1)

16(1)

P1: Let me challenge – because I think I'm hearing differing ways 16(1)

P6: 16(1)

P1: I guess the question is – 16(1)

P6: Well that's only one side of the equation too. 16(1)

16(1)

P1: Okay. [Inaudible, 00:08:03 – P4's name, still can't make it out].

P4: Yeah building off of what you just mentioned, 16(1)

P2: Absolutely. Peter?

P1: 28(1)

P2: So I'm going to be the Debbie downer because I feel like we've –

[Laughter]

P2: I feel like 16(1), 28(1)

16(1), 28(1)

P3: 16(1)

P19: [Inaudible, 00:11:50 – sounds like “And if I can tie into that”] Debbie.

[Laughter]

P19: 16(1), 28(1)

16(1), 28(1)

[inaudible,

00:13:02]

16(1), 28(1)

[Laughter]

P19:

16(1), 28(1)

P1: I think we've gone into this space and I think the point's been made really nicely. I was wondering, could I just shift the conversation slightly?

16(1)

[inaudible, 00:15:32].

16(1)

P5: 16(1), 28(1)

P1: 16(1)

P5: That I couldn't speak to. 16(1), 28(1)

P1: Maybe I'll – before we go to the other groups 16(1)

P2: Yeah.

P1: My recollection – 16(1)

P2: 16(1), 28(1)

16(1), 28(1)

P1: So maybe I'll swing to Jim. [Inaudible, 00:18:51]'s ducked out so I would've got him next but, Jim, in the OVPR space you help us get money. 16(1)

P13: First of all, I can't speak very well 28(1)

[Laughter]

P13: They're picking on me.

P1: [Laughs] Sorry, Jim.

P13: 16(1)

P1: Yeah I think so yeah I think you – [inaudible, 00:21:13] I was sort of going around – 16(1)

16(1)

P12: Right so as part of my job I interact with the leaders of the industry, and then they are coming to interact with the university researchers. 16(1)

P1: So let me try and parse that out about, 16(1)

P12: [Inaudible, 00:24:45 – sounds like “ 28(1) but 28(1) talks next] you want to comment on that?

P1: [Laughs]

P5: Again, it's much like the prior conversation. 16(1), 28(1)

[Redacted]

P1: Yup.

P5: In general 16(1), 28(1)

[Redacted]

P1: I was just trying to think of our six strategic priority areas. 16(1)

[Redacted]

P5: 16(1), 28(1)

P1: 16(1)

[Redacted]

P3: Peter can I –

P1: 28(1)

P3: I was going to say, 16(1), 28(1)

[Redacted]

16(1), 28(1)

But, I think that's what we need to do.

P1: 16(1)

P3: Mhmm.

P2: Can I make a quick point?

P1: Yeah. 28(1)

P2: 16(1), 28(1)

P19: Yeah. 16(1), 28(1)

P2: 16(1), 28(1)

P1: We probably aren't going to go to five I can see sense of flagging in the room and I don't like to extend things to the very end. But there's two people that haven't said anything and they both are sitting in important seats in this community. [redacted] 28(1)

[inaudible, 00:30:40]. [redacted] 16(1), 28(1)  
[redacted]

P18: From my perspective [redacted] 16(1), 28(1)  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

P1: So I'm interested [redacted] 16(1)  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

P18: No we haven't. [redacted] 16(1) [inaudible, 00:32:23] and –

P1: [redacted] 16(1)

P18: [redacted] 16(1), 28(1)  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted] [inaudible,  
00:32:58] –



16(1), 28(1)

[Laughter]

P1: 16(1)

P3: 16(1), 28(1)

[Inaudible overlapping speech, 00:38:14]

P15: 16(1), 28(1)

Multiple Ps: What is it?

P15: 16(1), 28(1)

[Laughter]

P15: [REDACTED] 16(1), 28(1)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

P1: [REDACTED] 28(1)

P15: [REDACTED] 28(1)

[Laughter]

P15: [REDACTED] 28(1)

[Laughter]

P1: Yeah no. [REDACTED] 28(1)

P14: [REDACTED] 16(1), 28(1)  
[REDACTED]  
[REDACTED]

[Inaudible, 00:40:49]



16(1)

[inaudible, 00:44:28].

[Laughter]

P20: 16(1)

P1: So I can give you a bit of an insight. 16(1)

16(1)

[Redacted text block containing approximately 30 lines of obscured content]

. Jim?

P13:

16(1)

[Redacted text block containing approximately 4 lines of obscured content]

16(1)

P1: I actually like that notion

16(1)

. Any final thoughts?

P20: Just this –

P1: Short snappers.

P20:

16(1)

[Laughter]

P20:

16(1)

16(1)

P1: 16(1)

P20: 16(1)

P10: This actually kind of leads into what I wanted to share as one closing thought that I had.

P1: You'll be the last thought.

P10: I get the last one? Okay I better make it quick.

P1: [Laughs] And good.

[Laughter]

P1: No pressure.

P2: Pressure's on.

P10: [Laughs] 16(1)

P1: Now that's an excellent place to stop. Build bridges. And today was part of the first – putting a few girders across the river.

[goodbyes]

OIPC Review File 298-2017  
University of Saskatchewan File 2017-015  
Appendix 3 - Agenda

**Symposium:**

# **Research Management and the Right to Know**

December 2, 2105, 3 p.m.-5 p.m., Prairie Room

Johnson-Shoyama Graduate School of Public Policy, Diefenbaker Centre, Saskatoon

**Invitees:**

[REDACTED]

Jim Basinger, Associate Vice-President Research, USask

[REDACTED]

Johannes Dyring, Executive Director, ILO, USask

[REDACTED]

[REDACTED]

Savannah Gleim, Research Assistant, SAIFood, USask

[REDACTED]

Peter Phillips, Distinguished Professor, JSGS, USask

Martin Phillipson, Associate Professor, Law, USask

[REDACTED]

Kevin Rogers, Associate Director, Research Services, OVPR, USask

Michael Robins, Research Communications Specialist, Advancement and Community Engagement,  
USask

[REDACTED]

Erica Schindel, Communications and Marketing Specialist, JSGS

Amit Shukla, Business Development Specialist, ILO, USask

Brittany Safinuk, Manager, Operations, ILO, USask

Michael Stevens, Contracts Specialist, OVPR, USask

[REDACTED]

Kathryn Warden, Director of Research Profile and Impact, OVPR, USask

[REDACTED]

**Pastor Martin Niemöller (1892–1984) about the cowardice of German intellectuals following the Nazis' rise to power and the subsequent purging of their chosen targets, group after group**

First they came for the Socialists, and I did not speak out—  
Because I was not a Socialist.

Then they came for the Trade Unionists, and I did not speak out—  
Because I was not a Trade Unionist.

Then they came for the Jews, and I did not speak out—  
Because I was not a Jew.

Then they came for me—and there was no one left to speak for me.

## **AGENDA**

1. Quick roundtable introductions (All)
2. Brief presentation on the purpose of the event (Phillips)
3. Brief opening comments on the RTK movement in the US (Entine and Folta)
4. Roundtable discussion drawing out (All)
  - a. strategies for designing more effective research contracts and partnerships
  - b. strategies for managing information flow to anticipate FOI interventions
  - c. risk communications plans to deal with resulting controversy
5. Conclusions (Phillips)

## **BACKGROUND**

Most national and international research funding organizations now require researchers to (a) leverage external research capital, optimally from user communities, and (b) translate and disseminate their research findings to interested users. In both cases, this has paired academic researchers more closely with industry, government and NGO funders and research users.

In 2015 two controversies erupted in North America about the relationships that have emerged in the context of this new research imperative:

1. US Right to Know (USRTK), a not-for-profit corporation founded in 2012 by Gary Ruskin, campaign manager for Prop 13, the California Right to Know statewide ballot initiative calling for labelling of genetically engineered foods, is using FOI rules to investigate relationships. They petitioned public universities, and private universities engaged in

research funded by public programs, to disclose all the correspondence and some work in progress to determine the nature and extent of the academic engagement with private industry. On 5 Sept 2015, a front page story in the NYT <sup>1</sup> alleged 8 public university scientists and scholars had inappropriately engaged with Monsanto. Entine, Folta and Phillips were cited in that article and in follow-up pieces.<sup>2</sup> Many US academics report their emails are being petitioned for their emails and many have signalled they are changing their research communications channels.

2. On 3 November 2015, CBC reported on a relationship between Enbridge and the Haskayne School of Business that they asserted was “too cosy.”<sup>3</sup> This \$2.25M, 10-year relationship deteriorated before the story broke but the aftermath caused significant public controversy for the current and former dean and the president.

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<sup>1</sup> [http://www.nytimes.com/2015/09/06/us/food-industry-enlisted-academics-in-gmo-lobbying-war-emails-show.html?\\_r=1](http://www.nytimes.com/2015/09/06/us/food-industry-enlisted-academics-in-gmo-lobbying-war-emails-show.html?_r=1)

<sup>2</sup> <http://www.thestarphoenix.com/technology/Group+questions+prof+Monsanto+link/11411497/story.html>

<sup>3</sup> <http://www.cbc.ca/news/canada/calgary/university-calgary-enbridge-sponsorship-1.3286369>