

FILE NO. 93/013

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF [REDACTED] WITH RESPECT TO INFORMATION
REQUESTED FROM SASKATCHEWAN GOVERNMENT INSURANCE**

The Applicant was involved in a minor motor vehicle accident at North Battleford, Saskatchewan on [REDACTED] and as a result was apparently involved in an action in Small Claims Court as to the outcome of which she still remains concerned. She applied for access to certain records to Saskatchewan Government Insurance ("SGI") and on May 14, 1993 SGI wrote to her and while they did supply her with some information, advised her that:

"However, in accordance with Section 8 of *The Freedom of Information and Protection of Privacy Act* some of the information you have requested cannot be released because it is personal information about or from another person. These exemptions are provided for in Section 24(1) of the Act."

The Applicant then requested a review which I have conducted. In her request to me she specifically limited her request to three documents namely:

- (a) the statement given to SGI by the other party involved in the accident;

- (b) the statement given to SGI by a witness to the accident, [REDACTED]; and

(c) the statement obtained from another witness, [REDACTED]

[REDACTED]

Upon review, I have been advised by SGI that they do not have a statement from [REDACTED] [REDACTED], but they did supply for my consideration copies of the statements given by the other party to the accident and by [REDACTED]. Insofar as [REDACTED] [REDACTED] is concerned, since SGI does not have a statement from him, the short answer to the request is that the record does not exist.

With regard to the statement of the other party to the accident, and the statement of [REDACTED] [REDACTED], these statements are about the accident and in my view are not personal information within the meaning of Section 24 of the Act. In its letter to the applicant, SGI states that the information is "personal information about or **from another person**" but the fact that information may have been obtained from another person does not make the information personal information. Under Section 24(1) personal information means "personal information about an identifiable individual..." The statements in question are descriptive of the accident and the manner in which the vehicles involved were operated by the respective parties. In my view, this is not personal information about the individuals, but merely describes an automobile accident in which they were involved.

Section 24 of the Act simply says that "personal information means personal information about an identifiable individual..." subject to the inclusions in subsection (4(1)(a) to (k) and to the inclusions in subsection (2). It is therefore necessary to determine in every case unless a specific inclusion or exclusion applies whether the information should be considered "personal information" within the meaning of the Act.

Any consideration of personal information must be related to a right to privacy. Generally speaking, it is information about an individual which is not known or available to others and which has been kept private. In this respect it resembles (but should not be confused with) confidential information which, when disclosed, loses its quality of confidentiality. Consequently, in most cases information that originates in public or which has not been kept private, even though it may relate to or be about an individual, would not be properly characterized as "personal information".

Since no other exemption is claimed for these statements, I recommend that they be provided to the applicant.

Dated at Regina, Saskatchewan this 6th day of August, 1993.

**Derril G. McLeod, Q.C.,
Commissioner of Information and
Privacy for Saskatchewan**