

FILE NO. 93/014

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

The Applicant had been denied insurance coverage by Saskatchewan Government Insurance ("SGI") and consequently made an application under *The Freedom of Information and Protection of Privacy Act* ("the Act") for information pursuant to Section 31(1) of the Act which provides:

"Subject to Part III and Subsection (2) an individual whose personal information is contained in a record in the possession or under the control of a government institution has a right to, and:

- (a) on an application made in accordance with Part II; and
- (b) on giving sufficient proof of his or her identity;

shall be given access to the record."

Pursuant to this application the Applicant was provided with access to information recorded in the files of SGI with some deletions which were severed pursuant to Section 8 of the Act which provides for severance or deletion of exempt portions of a record from that which is required to be disclosed by the Act.

At the time of disclosure the Applicant received a letter from SGI which reads in part:

"Most of the information you have requested is accessible and is herein enclosed. However, in accordance with Section 8 of *The Freedom of Information and Protection of Privacy Act* some of the information has been deleted because it would:

1. disclose information with respect to a lawful investigation;
2. disclose the identity of a confidential source of information;
3. disclose information furnished by a confidential source with respect to a lawful investigation; and
4. disclose personal information about another person.

These exemptions are provided for in Sections 15(1)(c), 15(1)(f) and 29(1)."

The above mentioned provisions of the Act are as follows:

"15(1) A head may refuse to give access to a record the release of which could:

(c) Interfere with a lawful investigation or disclose information with respect to a lawful investigation."

(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."

Section 29(1) prohibits disclosure of personal information unless with the consent of the individual to whom the

information relates subject to certain exceptions which are not in issue here.

I have examined the records which were produced by SGI as a result of the request including those portions which were withheld or deleted.

The documents which were produced by SGI and in which certain deletions were made and my comments thereon are as follows:

Internal memorandum of March 22 1983, [REDACTED] --

I can find no basis for the deletion on page two of this document which describes the result of an investigation by a police officer of an alleged break-in and robbery at the home of the Applicant. There is nothing to indicate that this information came from a confidential source as required by Section 15(1)(f). Insofar as subsection 15(1)(c) is concerned, it does not appear to me to encompass a report of the results of an investigation already completed which has been disclosed to, collected and recorded by SGI and is personal information about the Applicant rather than information about the investigation itself. A record must come clearly and squarely within the exception in order to be exempt from disclosure. However the last two sentences in this portion of the document might well have been properly excluded as personal information under Section 24(1)(h) as "...the views or opinions of another

individual with respect to the individual..." were it not for Section 24(2)(c) which provides that personal opinions about an individual given in the course of employment is not personal information.

There is a further deletion on page four of this document which does not in my view qualify for deletion under any of the headings claimed by SGI. The only possible exception would be that this constitutes personal information about another individual and it does not appear to me to be in that category but is merely a factual description of certain events.

Letter dated July 24 1987, [REDACTED] [REDACTED] [REDACTED] -- This letter relates to an internal investigation by SGI of a motor vehicle accident involving the Applicant while he was operating a motor vehicle which apparently was the property of a third party. With respect to this letter it appears to me that the portions which were deleted were properly claimed as exempt from disclosure since in the main they relate to personal information about third parties rather than personal information about the Applicant.

Letter dated July 31 1987, [REDACTED] -- It appears to me that the portions deleted from this letter are in accordance with the provisions of the Act since they relate to a person other than the Applicant.

Letter dated August 5 1987, [REDACTED] -- This letter in the main refers to an investigation of a person other than the Applicant. I am in agreement with SGI that the portions which have been deleted are personal information about another individual within the meaning of the Act and should therefore not be disclosed.

In addition to the documents which were disclosed by SGI they have in their possession a report from Equifax Services Ltd. about the Applicant, the existence of which was not previously disclosed. The procedure with respect to this document should have been to disclose the existence of the document and to claim an exemption on the basis of confidentiality under Section 19(1) of the Act which provides:

"19(1) Subject to Part V and this Section a head shall refuse to give access to a record that contains:

- (b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence implicitly or explicitly to a government institution by a third party."

The provisions of this Section are mandatory and accordingly SGI has a duty not to disclose the document if it comes within the purview of the Section. I have examined the Equifax report and I am satisfied that it contains financial and commercial information about the Applicant; that it was specifically

supplied in confidence to SGI by Equifax; and that accordingly it must not be disclosed.

In the result, I recommend that SGI should make further disclosures with respect to those portions of the documents already disclosed which I have found not to be exempt under the Act.

Dated at Regina, Saskatchewan this _____ day of
October, 1993.

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