

FILE NO. - 014

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

[REDACTED] was employed by Saskatchewan Crop Insurance Corporation (the "Corporation") on a probationary basis as manager of the Corporation's Customer Service Office at Rosetown, Saskatchewan commencing on or about [REDACTED]. This probationary appointment was terminated by the Corporation on [REDACTED].

On July 7, 1994, [REDACTED] applied to the Corporation for access to his "personnel file".

By letter dated August 18, 1994, the Applicant was provided with the documents he had requested with certain exceptions described in the said letter as follows:

"Upon review of that file, I have determined that access will not be allowed to reports contained on the file from and by employees of this Corporation, both past and present, respecting your performance as an employee of the Corporation. I base this refusal on Section 17(1) (b)(i) and 31(2) of the Freedom of Information and Protection of Privacy Act."

On August 18 last, [REDACTED] filed a Request for Review, as a result of which I requested the Corporation to provide me with copies of the documents which had been withheld. As a result, I have been provided with copies of six memoranda, all of which, unless otherwise exempt under the provisions of *The Freedom of Information and Protection of Privacy Act* (the "Act"), would be responsive to the request made by [REDACTED]

This application comes under Section 31 of the Act which provides:

"31(1) 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.

(2) A head may refuse to disclose to an individual personal information that is evaluative or opinion material compiled solely for the purpose of determining the individual's suitability, eligibility or qualifications for employment or for the awarding of government contracts and other benefits, where the information is provided explicitly or implicitly in confidence."

The Corporation claims a discretionary right to refuse disclosure on the basis of subsection 31(2). I have examined all of the memoranda submitted to me, and I have concluded that the claim for exemption under subsection 31(2) is not well founded. The material, in my view, was not compiled for the purpose of determining the suitability, eligibility or qualifications of the Applicant for employment by the Corporation, nor does it appear to be information provided explicitly or implicitly in confidence.

The memoranda in question consist entirely of reports prepared by various officers of the Corporation for the information of other officers of the Corporation with respect to the performance of the Applicant in his position as manager of the Rosetown Customer Service Office. In my view, the said subsection applies to information provided by third parties with respect to the suitability, eligibility or qualifications of a person who is being considered for employment by a government institution, and which more frequently than not is supplied on a confidential basis. Information from within the Corporation can hardly be said to have been provided to the Corporation either in confidence or otherwise.

The Corporation also relies upon the discretionary exemption contained in Section 17(1)(b)(i) which provides:

"17(1) 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:

(i) officers or employees of a government institution;"

To assess the validity of this claim it is necessary to examine each memorandum separately.

Memorandum - [REDACTED] to [REDACTED] Vice President

This memo is simply a report of a meeting between the Applicant and [REDACTED] and [REDACTED] of the South West Region. These were not consultations or deliberations about the Applicant for which confidentiality might be claimed, but is a record of discussions with him which were not confidential, as between the Applicant and the Corporation. This report does not purport to be part of a consultation or deliberation process between [REDACTED] and [REDACTED]. It is of an informational rather than consultative nature, and consequently is not exempt from disclosure.

**Memorandum – [REDACTED]
entitled Report to [REDACTED] on the Rosetown Customer Service Office
prepared by [REDACTED] Manager Human Resources**

It is descriptive of events and conditions in the Rosetown Customer Service Office and the conduct of the Applicant as the manager of that office, and I can see no basis for characterizing this memorandum as a record of consultations or deliberations involving officers of the Corporation. I would, however, agree that the last page of this memorandum comes within the exemption since it contains the opinions of [REDACTED] and employees other than the Applicant. It can, of course, be severed from the rest of the memorandum which in my view is not exempt from disclosure, pursuant to the provisions of Section 8 of the Act.

**Memorandum [REDACTED]
from [REDACTED] to [REDACTED] Vice President**

This memorandum is purely a report of a meeting between [REDACTED] and the Applicant held on [REDACTED] at Davidson at which [REDACTED] was also present, and it does not appear to come within the exemption claimed by the Corporation.

**[REDACTED]
from [REDACTED] to [REDACTED] Vice President**

This memorandum is a report on the background to and a meeting with the Applicant on [REDACTED]. Unlike memoranda which I have previously discussed, this memorandum is discursive in nature and contains observations and recommendations which appear to me to qualify this document for the exemption claimed by the Corporation.

**Memorandum [REDACTED]
prepared by [REDACTED] Human Resources**

This memorandum is a record of a meeting among a number of officers and employees of the Corporation other than the Applicant, and appears to me to be entitled to the exemption claimed by the Corporation.

**Memorandum [REDACTED]
Re: Termination of Probationary Appointment**

This memorandum is a record of a meeting between [REDACTED] and the Applicant, at which time his probationary employment was terminated. I can see no basis for claiming an exemption for this memorandum since it is of a purely informational nature.

Accordingly, subject to the exceptions which I have specifically mentioned, I recommend that these documents be disclosed to the Applicant.

Dated at Regina, Saskatchewan this day of December, 1994.

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

