

FILE NO. - 98/012  
[REDACTED]

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

[REDACTED] made an application to SGI for insurance on his home and contents. In his application he disclosed that another insurance company, namely The Co-operators, had "cancelled, refused to give or renew insurance" on his property. The signed application form also provided:

"Consumer and previous insurance reports containing personal, credit, factual or investigative information about the applicant may be sought in connection with this application for insurance or a renewal, extension or variation thereof."

Consequently SGI did make enquiries and conduct an investigation, and in the result advised [REDACTED] that his application for insurance was refused.

[REDACTED] then applied under *The Freedom of Information and Protection of Privacy Act* (the Act) for access to his file, seeking to get all the personal information obtained by SGI which had given rise to their refusal. In reply SGI disclosed certain portions of

its file to [REDACTED] but did not disclose the information which it had obtained as a result of its enquires and investigation which is, of course, the precise information [REDACTED] is anxious to obtain. [REDACTED] then requested a review.

A request for access to records of this kind falls 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."

I have been provided with copies of the record of enquiries and investigations made by SGI. They are evaluative and opinion material relating solely to [REDACTED] suitability for a contract of insurance. I am also satisfied that this information was provided to SGI in confidence. Consequently it appears to me that SGI is entitled to withhold these records.

SGI claimed exemption under Section 15(f) which provides:

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

- (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; ..."

SGI further claimed exemption under Section 19(1)(b) 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; ..."

While these sections may be applicable it is not necessary for me to express any opinion since it appears that SGI is now entitled to rely on the exception contained in Section 31, even though it may not have been raised by them in the first instance.

It should be noted however that if Section 19(1)(b) is applicable then the obligation not to disclose the record is mandatory and that SGI has a duty to the third party not to disclose such information.

It is for this reason that Section 34(1) of the Act requires notice to be given to a third party if it is proposed to release information or give access to a record that may come within Section 19(1), and also requires, when a request for a review is made to the Commissioner, that notice of such request for review be given to the third party.

SGI has, in fact, given notice of this review to the third party and the third party opposes release of the information.

Since I have concluded that SGI is not required to disclose the records in question to [REDACTED] I make no recommendation.

Dated at Regina, Saskatchewan this                      day of November, 1998.

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