

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

In 1998, the Medical Review Unit of the Saskatchewan Government Insurance ("SGI") carried out an investigation as to whether or not [REDACTED] [REDACTED] was medically fit to continue to have a driver's license for the Province of Saskatchewan. The Medical Review Unit ultimately decided that [REDACTED] [REDACTED] license should be suspended for medical reasons.

In a form of Request for Access to Information, which was received by the Department of Justice on December 29, 1998, [REDACTED] requested information in the following words:

"Would like the name of person that turned me in to S.G.I. Medical Review Unit. Letter inclosed. [sic]."

By letter dated January 13, 1999, Mr. K. A. Lerner, Freedom of Information Access Officer for S.G.I., wrote [REDACTED] as follows:

"Your application for access under *The Freedom of Information and Protection of Privacy Act* asks for the following record:

"Would like the name of person that turned me in to SGI Medical Review Unit..."

This is to advise you that the record you have requested cannot be released. The information cannot be released because the name of an individual is personal information where it appears with other personal information that relates to the individual, or the disclosure of the name itself would reveal personal information about the individual. This is provided for in section 24(1)(k)(i) and (ii) of *The Freedom of Information and Protection of Privacy Act*.

I might add that personal information can be released with consent. I have, however, been in touch with the individual and that individual has refused to consent to SGI providing you with the information you are requesting in your application.

If you wish to have this decision reviewed, you may do so within one year of this notice. To request a review you must complete a "Request For Review" form which is available at the same location where you applied for access. Your request for review should be directed to:

Information and Privacy Commissioner
500 Bank of Canada Building
Box 1037
Regina, Saskatchewan
S4P 3B2

Further correspondence on this application should be directed to me at SGI, Legal Department, 14th Floor, 2260 - 11th Avenue, Regina, Saskatchewan S4P 0J9, Telephone No. (306) 751-1221."

██████████ duly filed a Request for Review with the Information and Privacy Commissioner, dated January 21st, 1999. The former Information and Privacy Commissioner made certain inquiries but did not prepare a report prior to his resigning. I have undertaken a review of this matter as the newly appointed Commissioner of Information and Privacy.

On April 25, 2000, I wrote ██████████ as follows:

"April 25, 2000.

██████████
Regina, Saskatchewan
██████████

Dear Sir:

Re: ██████████
Our File: 99/001

The writer was appointed Acting Commissioner of Information and Privacy and I have now had an opportunity of considering the above described file.

I note that the last action taken on your application for review was in January of 1999.

Enclosed is a copy of a letter written to the previous Commissioner by K.A. Lerner, SGI Access Officer, dated January 25, 1999.

I am presently conducting a review of the refusal to provide you with the information requested. Do you have any further representations you wish to make to me regarding your Request for

Review? I will wait a reasonable length of time to hear from you before finalizing the Review.

Yours truly,

G.L. Gerrand
Acting Freedom of Information
and Privacy Commissioner

Province of Saskatchewan
GLG/sg
Encl.”

By letter dated August 16, 2000, [REDACTED] responded to my letter of April 25 as follows:

[REDACTED]
Regina, SK [REDACTED]

August 16, 2000

Gerald L. Gerrand, Q.C.
C/O 700 – 1914 Hamilton Street
Regina, SK S4P 3N6

Dear Sir:

Re: [REDACTED], File No. 99/001

Received your letter of April 25, 2000, over one and a half years later than when I should have received a reply. You seem to take satisfaction that you replied, even though a year and a half late. And I appreciate your reply. I don't know what you mean by waiting a reasonable time to hear from me before you investigate. This time lapse and denial of information should not be a surprise to you, being that you're new on the job, and as that is how the present bureaucrats operate.

There is no doubt in my mind that your reply was prompted by a letter I wrote to the Minister who in return seen to it that [REDACTED], [REDACTED] was taken off the hook, one who I have no use for in any respect, and that goes for almost 24 out of 25 others. There is nothing that will make me believe that [REDACTED] is clear and was not involved. That's the way the bureaucrats operate, and they are handling the public very disgracefully under this administration. That is why this administration is down in the dumps and at its lowest point since 1944. They do not have the capacity to realize or know what they are doing to their [REDACTED].

Now since you are there to be so helpful, please get me the report by [REDACTED] by next week and before August 24th. Please, I am asking you to do this, as I need it. That is the report referred to by K.A. Lerner in his letter of January 25, 1999, of which you sent me a copy and which he wrote to SGI, another one of these good bureaucrats. Plus, I also need [REDACTED] complete file, which I hope was not tampered with, as a copy of that letter is not in the file. That I will get from whoever took over from him, as he is not practicing any more because of [REDACTED], which caused him to give up his practice. Not that I should give you the reasons that I need this information, but I will. This is to prove that I have been seeing [REDACTED] since 1993, whereby I never, ever had a doctor before that. But because of an injury in an accident, he was a block away from the accident and the closest to see. I want to prove, according to my files, other than that injury, I was a perfectly healthy man all my life and for a year and a half after an accident of [REDACTED] and it was the harassment, torture, and abuse by [REDACTED] that started to put stress and strain on myself, which in return is fully responsible for the health problems that I am having. Thank you very much.

Sincerely,

[REDACTED]

Section 29(1) of *The Information and Protection of Privacy Act* provides as follows:

“29(1) No government institution 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 30.”

Section 29(2) is a lengthy listing of the exceptions to the restrictions set forth in Section 29(1). I have concluded that none of the exceptions listed in Section 29(2) relate to the circumstances that are in issue in this Request for Review.

Section 30 deals with the release of personal information of a deceased individual and has no relevance to this Request for Review.

The information requested by [REDACTED] would appear to be “personal information” defined by Section 24(1)(k) of the Act, which provides as follows:

(k) The name of the individual where:

- (i) it appears with other personal information that relates to the individual; or
- (ii) the disclosure of the name itself would reveal personal information about the individual.

I have therefore concluded that the information requested of SGI by [REDACTED] is "personal information" which SGI is prohibited from disclosing pursuant to the provisions of Section 29 of the Act. A consent to the release of the personal information was sought by SGI but the consent was refused.

In the circumstances, I am of the view that SGI was correct in declining to release the information requested and I recommend that the decision of SGI in this regard be observed by the parties.

Dated at Regina, Saskatchewan, this 18th day of August, 2000.

G.L. GERRAND, Q.C.
Commissioner of Information and Privacy
for Saskatchewan