

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF ██████████ ██████████ IN RELATION TO INFORMATION
REQUESTED FROM SASKATCHEWAN GOVERNMENT INSURANCE**

[1] ██████████, (“the Applicant”) submitted an Access to Information Request Form to SGI (“the Respondent”) in mid-August, 2001. The Applicant described the requested information as follows:

“Five page, letter 28 point information sent by ██████████ to ██████████
█████████ regarding personal info regarding myself & Meadow Lake staff”

[2] The Respondent declined to provide a copy of the requested information to the Applicant and formally advised the Applicant of its decision by letter dated August 20, 2001. The reasons for the refusal by the Applicant are set forth in paragraph 2 of the aforementioned letter, which paragraph reads as follows:

“This information cannot be released because it relates to the employment history of ██████████. Information of his nature is exempt from access according to subsections 24(1)(b) of *The Freedom of Information and Protection of Privacy Act*. Subsection 29(1) of the Act prohibits disclosure of personal information in the possession or control of a government institution without the written consent of the individual to whom the information relates.”

[3] A Request for Review dated September 25, 2001 was submitted to me. Attached to the Request for Review as Schedule “A” were the written reasons outlined by the Applicant in support of my favouring him with a favourable review of the issue. Those reasons are as follows:

“RE: [REDACTED]

The above named has forwarded a 5 page, 28 point letter of complaint (“Letter of Complaint”) against myself and fellow staff members at the Meadow Lake Saskatchewan Government Insurance Office to our head office.

Mr. K.A. Lerner, Access Offices for SGI, denied my request for disclosure of the correspondence in response to my request for a copy of same under the provisions of the *Freedom of Information and Protection of Privacy Act*, on the basis that the information related to [REDACTED] employment history and accordingly, was exempt from access and prohibited from disclosure respectively under sections 24(1)(b) and 29(1) of the said legislation.

I dispute the Access Offices denial of my request, on the following basis, that is to say:

- a) The Letter of Complaint specifically contains allegations against me;
- b) The public interest clearly outweighs any privacy which could result from the disclosure;
- c) Such disclosure would clearly benefit me.
- d) Any information pertaining to [REDACTED] employment history could be deleted from the allegations against me.”

[4] On October 17, 2001, I wrote the Access Officer for the Respondent, Mr. K.A. Lerner, as follows:

“This will acknowledge receipt of your letter of October 10, 2001, and confirm our telephone discussion of October 16, 2001.

Pursuant to the provisions of Section 51 of *The Freedom of Information and Protection of Privacy Act* (‘the Act’), I advise you of my intention to conduct the Review requested of me by [REDACTED].

I refer you to Section 52 of the *Act* and invite you to give written notice to the third party, pointing out to the third party that she is entitled to make representations to me pursuant to Section 53 of the *Act*, if that is her wish.”

[5] The Access Officer for the Respondent duly advised [REDACTED] (“the Third Party”) of my intention to conduct a review as requested by the Applicant and of her entitlement to make representations to me.

[6] The Third Party did communicate with me by telephone on October 29, 2001, and discussed this matter in some detail with me. Prior to my telephone conversation with the Third Party, the Respondent had forwarded to me a copy of the subject letter, which had been written by the Third Party to one [REDACTED], Vice-President of Human Resources of the Respondent under date of June 12, 2001. In the course of my discussion with the Third Party on October 29, the Third Party advised me that she opposed the release of the subject letter to the Applicant. She informed me that personal matters were outlined in the letter which she did not wish revealed and that in any event she opposed the release of the letter in its entirety.

[7] The Respondent relies on two statutory provisions in support of its refusal to provide a copy of the subject letter to the Applicant. Firstly, Section 24(1)(b) of *The Freedom of Information and Protection of Privacy Act* (“the Act”) is relied upon by the Respondent on the basis that the letter relates to employment history of the Third Party and is therefore exempt from release under the provisions of the Act. Section 24(1)(b) of the Act reads as follows:

“24(1) Subject to subsection (2), ‘personal information’ means personal information about an identifiable individual that is recorded in any form, and includes:

...

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;”

[8] The provisions of Section 24(2) have no relevance to the issue under consideration.

[9] I have read with some care the subject letter written by the Third Party to the Vice-President of Human Resources of the Respondent. In my opinion, the letter is not a document that “relates to the...employment history” of the Third Party. Rather, the letter focuses upon the recollections of the Third Party respecting specific events that occurred during the course of her employment that involved the Applicant. The events that are discussed in the letter clearly occurred in large part during the course of the employment of the Third Party but they are

restricted to relatively brief time periods during that employment during the past two years. For those reasons, I am of the view that the events described in the subject letter do not constitute “personal information” as contemplated by Section 24(1)(b), subject to the exceptions that are remarked upon in the next paragraph of this Report.

[10] However, there are portions of the subject letter that do relate to “personal information” as defined by Section 24(1)(c) of the *Act*, which subsection provides that “personal information” includes:

“24(1)(c) information that relates to health care that has been received by the individual or to the health history of the individual;”

Also, one portion of the letter makes reference to financial matters related to the Third Party, which also is defined as “personal information” under Section 24(1)(j) of the *Act*.

These matters are excluded from disclosure pursuant to the provisions of Section 29(1) of the *Act*.

[11] The *Act* contemplates the severing out of information that is exempt from production from documents which may otherwise be disclosed to an Applicant. Section 8 of the *Act* provides as follows:

“8 Where a record contains information to which an applicant is refused access, the head shall give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.”

[12] As previously observed, certain portions of the subject letter contain personal information that should not be disclosed to the Applicant. Those portions of the letter can be described as follows:

Page 2 – paragraphs 2, 3 and 4

Page 4 – paragraphs 2, 3, 5 and 7

[13] I recommend that the portions described in the preceding paragraph be deleted from the subject letter by some appropriate means and that the balance of the subject letter be released to the Applicant.

[14] Dated at Regina, in the Province of Saskatchewan, this 3rd day of December, 2001.

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