

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

[1] [REDACTED] (the "Applicant") wrote to Saskatchewan Government Insurance (the "Respondent") on July 25, 2002 as follows:

"I am requesting my file No. [REDACTED] under the freedom of information act. I require the entire contents of my file, and all information pertaining to it, including, but not limited to the following:

all adjusters notes, all interoffice memos and communications, all correspondence between SGI and SGI consultants, advisors and agents. All correspondence between SGI and my medical advisors, all medical files, all accounting information all special investigative files, all video tapes and audio files, all electronic files and all paper files all files from S.T.A.R. rehab and Bourassa & Assoc. files

If any piece of the information I have requested, will not be supplied, I wish to be notified in writing of the reasons for the denial, and under what section of any act it is being denied to me."

[2] The Respondent replied by letter dated September 16, 2002 which reads in part as follows:

"By letter dated August 29, 2002, Courtney Soderlund, Manager, SGI Saskatoon Injury Claims, sent you a copy of documents from Injury File No. [REDACTED], withholding two documents, both relating to direction from SGI staff. Mr. Soderlund withheld documents relating to activity checks on yourself conducted by SGI's Special Investigative Unit (SIU File).

I am the FOI access officer for SGI. All documents, including those documents relating to the activity checks conducted by SGI's Special Investigative Unit have been forwarded to me for a decision on whether the documents have been properly withheld in accordance with exemptions provided for under the FOI Act.

I have reviewed the two documents from your Injury File No. [REDACTED] withheld by Mr. Soderlund. Both documents relate to consultations or deliberations involving officers or employees of SGI. Documents relating to consultations or deliberations involving officers or employees of a government

institution are exempt from disclosure. This exemption is provided for in section 17(1)(b)(i) of the FOI Act.

I have also reviewed the SIU File. Some of the documents from that file are being withheld because:

1. they relate to consultations or deliberations involving officers or employees of SGI (see above for exemption provided for under section 17(1)(b)(i) of the FOI Act); or
2. they contain personal information about an identifiable individual (other than yourself). Personal information in the possession or under the control of a government institution cannot be disclosed without the written consent of the individual to whom the information relates. This is provided for in section 29(1) of the FOI Act.

Copies of the documents from the SIU file cleared for access are enclosed herewith.

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 any SGI Claims Centre in Saskatoon. Your Request for Review should be directed to:

Richard Rendek, Q.C.
Acting Information and Privacy Commissioner
208 - 2208 Scarth Street
Regina, Saskatchewan
S4P 2J6.

Further correspondence on this application should be directed to me at SGI, Legal Department, 14th Floor, 2260 - 11th Avenue, Regina, Saskatchewan, Telephone (306) 751-1221.

Yours Truly,
K.A. Lerner
Access Officer
Freedom of Information
SGI"

[3] The Applicant then forwarded to me a Request for Review dated October 16, 2002 which stated:

"The documents being withheld are:

1. They relate to consultations or deliberations involving officers or employees of S.G.I. (17(1)(b)(i) of the FOI act) or
2. they contain personal information about an identifiable individual (other than yourself).

I need all documents being withheld for my appeal.”

[4] By letter dated October 22, 2002 the Respondent forwarded to me the documents to which access has been denied and advised me that they had no further submissions to make to me and relied on the reasons for denying access as contained in their letter of September 16th to the Applicant.

[5] I also enquired of the Applicant if she wished to make any further submissions and on November 6, 2002 I received a fax from her which stated:

“In answer to your letter dated October 30, 2002, I feel the documents being withheld from me will make all the difference, regarding the review of my case, and as well, this information is regarding myself and I feel that I am entitled to these documents.

I also feel that in order to amount [sic] a successful appeal I am entitled to all of the information that is available regarding my claim.”

Attached to the fax was a letter from the Respondent to the Applicant outlining the details of her review hearing scheduled for January 22, 2003.

[6] I have now reviewed the records to which access is being denied which consist of the following nine documents:

1. Injury Claim Summary Sheet dated 22-Sep-1999 – minutes of group discussion re: Applicant’s claim
2. Injury Claim Summary Sheet dated 18-Oct-1999 – internal discussions re: claim overview
3. Injury Claim Summary Sheet dated 19-Oct-1999 – internal discussions re: claim update, Voc Rehab and Discharge Recommendations
4. Handwritten surveillance report dated 99-12-06
5. Handwritten surveillance report dated Dec 6, 1999
6. Handwritten surveillance report dated Jan. 10 (no year)

7. E-mail dated 1-5-00 with Activity Report attached
8. E-mail dated Aug 30/01 memo to file re: internal discussions re: claim
9. E-mail dated 2/19/02 – internal discussion re: claim

[7] It is the Respondent's position that these documents are exempt from disclosure pursuant to the provisions of Section 17(1)(b)(i) of *The Freedom of Information and Protection of Privacy Act* which reads as follows:

“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”

[8] The Respondent also contends that certain of the documents are exempt because of Section 29(1) of the Act which states:

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.”

[9] The first three and last three documents are clearly consultations or deliberations involving employees of SGI. They involve internal discussions respecting the claim and advice and recommendations by claims and supervisory staff as well as group discussions by claims personnel. Accordingly, I am of the view that these six documents are governed by the provisions of Section 17(1)(b)(i).

[10] The remaining three documents are surveillance reports to which the Respondent denies access and I am assuming that these are the documents referred to by the Respondent in their reliance on Section 29(1). Clearly, these three remaining documents do not disclose any consultations or deliberations

involving employees of SGI and accordingly they do not come within the exemptions contained in Section 17(1)(b)(i).

[11] My review of these documents indicates that other than certain license plate numbers, these reports did not contain any personal information about an identifiable individual other than the Applicant. Therefore, if the license numbers were deleted, the surveillance reports would not be governed by Section 29(1).

[12] In her fax of November 6th the Applicant asserts that the documents in question will make "all the difference" regarding the review of her case. My perusal of these records does not lead me to the same conclusion but in any event I am bound by the provisions of the Act as to accessibility and the exceptions thereto.

[13] Accordingly, I would recommend that the Respondent delete any licence plate numbers in documents 4, 5 and 6 and then provide access to these three documents to the Applicant.

[14] I would further recommend that the Respondent continue to deny access to the remaining six documents, namely documents 1 to 3 and 7 to 9 inclusive.

[15] Dated at Regina, in the Province of Saskatchewan, this 13th day of November, 2002.

RICHARD P. RENDEK, Q.C.
Acting Commissioner of Information
and Privacy for Saskatchewan

