

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

[1] On November 7, 2001 Saskatchewan Government Insurance (the “Respondent”) received an application from ██████████ (the “Applicant”) pursuant to the provisions of *The Freedom of Information and Protection of Privacy Act* requesting the Respondent to provide the following:

“Entire and complete file including all adjuster notes & interoffice memos, special investigative files including audiovisual & written notes, any and all correspondence between ██████████ and any medical health professional including any SGI medical health professional & any & all assessments & notes.”

[2] The Respondent replied to the Applicant by letter dated November 20, 2001 which stated, in part, as follows:

“In accordance with The Freedom of Information and Protection of Privacy Act, some of the information has been withheld because it would disclose consultations or deliberations involving officers or employees of SGI. This exemption is provided for in Section 17(1)(b)(i) of the Act.

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 Confirmation  
500 Bank of Canada Building  
Box 1037  
Regina, Saskatchewan S4P 3B2.

SGI has not investigative reports in your regard. That portion of the record cleared for access is enclosed.

Further correspondence on this application should be directed to me at SGI, Legal Department, 15<sup>th</sup> Floor, 2260 – 11<sup>th</sup> Avenue, Regina, Saskatchewan, Telephone (306) 751-1221.”

[3] The Applicant then forwarded to me a Request for Review dated September 25, 2002 which stated under “Reason for Request” the following:

“I have not received a reply to my application, which I submitted 330 days ago. November 5/01.”

[4] Under “Details of Request” the Applicant states “I have requested the remaining of my file that SGI in [REDACTED]. withheld from me. If my request is ignored again, my lawyer will be contacting you.”

[5] I then wrote to the Respondent October 4, 2002 as follows:

“I have received a Request for Review from [REDACTED] and I enclose herewith the yellow copy of same.

The Applicant did not enclose a copy of her initial Access to Information Request Form but I note that her application for review states that she submitted same on November 5, 2001 and that she has not received a reply to same.

As you are aware the request form for access to information should have been responded to within 30 days of the date of receipt of same. I would accordingly ask that you forward a response to the Applicant with a copy to myself indicating whether or not you are prepared to release the requested information and if not, your reasons for so doing.

I will then determine whether or not a review is warranted.

In view of the delay occasioned herein I would appreciate your response being expedited.

This request is made pursuant to the provisions of *The Freedom of Information and Protection of Privacy Act*.”

[6] The Respondent then wrote to the Applicant on October 9, 2002 and forwarded a copy of said letter to myself. The letter reads as follows:

“Richard Rendek, Q.C., Acting Freedom of Information and Privacy Commissioner has asked me to respond to your Request for Review concerning your application of November 5, 2001 under *The Freedom of Information and Protection of Privacy Act* for your injury file material.

The reason given for your request is that you have not received a reply from SGI to your November 5 application. This is not correct. I am enclosing herewith a copy of my letter to you dated November 20, 2001 enclosing a copy of your injury file material with the exception of file documents I considered exempt from disclosure under section 17(1)(b)(i) of the Act. Please note that you have until November 20, 2002 to request a review of my decision by Mr. Rendek.

I am, by copy of this letter to your Personal Injury Representative, [REDACTED], asking that your injury file documents from November 5, 2001 to date be sent to you.”

[7] Upon receipt of the aforementioned letter I wrote to the Applicant on October 15, 2002 as follows:

“Further to my letter to Mr. Lerner of SGI dated October 4, 2002, a copy of which I forwarded to you, I have now received a copy of Mr. Lerner’s letter to you of October 9, 2002 in which he also enclosed a copy of his letter to you of November 20, 2001 wherein he advised you as to the reasons that certain of the documents were exempt from disclosure pursuant to Section 17(1)(b)(i) of the Act as it would disclose consultations or deliberations involving officers or employees of SGI.

If in fact the documents in question are of the nature described by Mr. Lerner then they are in fact exempt from disclosure.

If you wish I will review those documents to ascertain whether or not the documents are as described by Mr. Lerner and I would accordingly appreciate your advising me whether you wish me to proceed further with this matter and review the documents in questions.

I shall await to hear from you.”

[8] The Applicant advised me by letter dated October 27, 2002 that she wished me to proceed with a review and I accordingly wrote to the Respondent by letter dated November 4, 2002 as follows:

“Further to our previous correspondence I have now received a request from [REDACTED] to proceed with my review and I accordingly advise that I will be so doing.

Would you please forward for my review the documents to which you are denying access together with any further representations or submissions that you might have as to your reasons for denying same.”

[9] The Respondent replied by letter dated November 7, 2002 which reads as follows:

“As requested in your letter of November 4, 2002, I am enclosing a copy of the only document I withheld from [REDACTED] along with a copy of my letter of November 20, 2001 to [REDACTED].

The document I withheld is dated May 15, 2001 and while not signed, is from [REDACTED], the Personal Injury Representative on [REDACTED]’ file to Darrel Mack a senior Personal Injury Representative. The document, in my view, is a consultation or direction request involving two SGI employees. It is my opinion that the document falls within the disclosure exemption found in section 17(1)(b)(i) of *The Freedom of Information and Protection of Privacy Act*.

I look forward to receiving your recommendation.”

[10] As can be seen from the Respondent's latest correspondence the only document to which access by the Applicant is being denied is a two page memorandum dated May 15, 2001. The memorandum is not signed but is from [REDACTED], who is employed by the Respondent as a Personal Injury Representative and is addressed to Darrel Mack, who is employed by the Respondent as a Senior Personal Injury Representative.

[11] I have reviewed this document and without disclosing the specific contents of same I can state that it consists of a review and discussion of the Applicant's medical condition and work history. The memorandum also consists of deliberations respecting her employment ability, the potential of part time employment and the nature of such employment. The memorandum also requests direction from the Senior Personal Injury Representative to the manner in which the claim should be handled.

[12] The Respondent's position is that access to this particular document was refused to the Applicant by virtue of the provisions of Section 17(1)(b)(i) of the Act which states 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”

[13] In my view the two page memorandum in question clearly falls within the ambit of the above section and I would accordingly recommend that the Respondent continue to deny the Applicant access to same.

[14] Dated at Regina, in the Province of Saskatchewan, this 15<sup>th</sup> day of November, 2002.

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