

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

[1] On June 12, 2002 [REDACTED] (the "Applicant") wrote to Saskatchewan Government Insurance (the "Respondent") as follows:

"Further to your letter of May 22, 2002, I am enclosing a Consent to Release of my entire file. Although I have been provided with my file to a certain point in time, and am not requesting copies of documents that I have already received, please provide me all documents generated since that point in time, as soon as possible.

Secondly, I understand that my package policy with SGI should also protect me from certain economic losses that I have suffered that are in excess of PIPP benefits. Please review this matter with your supervisor and confirm that SGI is prepared to cover the additional replacement labour costs recommended by my specialist [REDACTED], together with the additional administrative and accounting costs incurred in connection with the replacement labour, under my package policy."

[2] The Respondent replied by letter dated July 12, 2002 as follows:

"July 12, 2002

[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]:

**RE: Our file: [REDACTED]  
Accident: March 12, 2002**

In response to your request please find enclosed a copy of the above noted file. This file copy is released pursuant to Section 168(2) of the Automobile Accident Insurance Act and is complete as at July 12, 2002 with the exception of the following documents:

- documents previously received in our January 3, 2001 file copy release.
- documents withheld from our January 3, 2001 file copy release.

- 14 documents concerning direction from SGI staff which have been withheld.
- 4 documents concerning inquiries made through our corporate Customer Support Unit which have been withheld.

As this request was made pursuant to the Freedom of Information and Protection of Privacy Act all withheld information has been forwarded to Mr. Ken Lerner of out [sic] Litigation Department for consideration pursuant to the provisions of that Act.

You may expect to hear from Mr. Lerner in due course.

Sincerely,

C.G. Soderlund CIP  
Manager  
Saskatoon Injury Claims”

[3] The Respondent forwarded a further reply by letter to the Applicant dated July 29, 2002 which reads in part, as follows:

“Your request under *The Freedom of Information and Protection of Privacy Act* (“FOI Act”) for the contents of your Injury File No. [REDACTED], with the exception of those documents forwarded to you on January 3, 2001, has been referred to my attention.

By letter dated July 12, 2002, Courtney Soderlund, SGI Manager Bodily Injury North, mailed a copy of your injury file documents to you withholding those documents referenced in his letter.

I am the FOI Act access officer for SGI. All documents withheld by Mr. Soderlund have been forwarded to me for a decision on whether the documents have been properly withheld in accordance with the exemptions provided under the FOI Act.

I have now completed my review of the withheld documents and enclose herewith those documents withheld by Mr. Soderlund that in my view you are entitled to access. I have concluded that the remaining documents withheld by Mr. Soderlund all 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.

The exemption is provided for in section 17 (1) (b) (i) of the FOI Act. It is accordingly my decision that those documents are not disclosable to you.”

[4] On October 7, 2002 I received from the Applicant a Request for Review which stated:

“I requested a copy of my complete file from SGI, as I have a number of ongoing and unresolved issues. I was denied access to certain documents without any attempt to identify the nature and dates of these documents, or why I should not be entitled to receive them”

[5] I then wrote to the Respondent requesting that he forward me copies of the requested documents for review together with any representations they wished to make as to the reasons for denying access.

[6] As a result, the Respondent forwarded to me the documents in question with the following letter:

“October 22, 2002

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

Dear Sir:

Re: [REDACTED] [REDACTED]  
Your File Reference: F2 2002/050 RPR  
Application No. [REDACTED]

Thank you for your letter of October 15, 2002 with [REDACTED] Request for Review attached.

I am enclosing copies of documents to which I denied [REDACTED] access. I rely upon the reason set out in my letter of July 29, 2002 for denying [REDACTED] access to the withheld documents.

Please feel free to contact me with any questions concerning the enclosed documents or my reason for denying [REDACTED] access to those documents.

I look forward to receiving your recommendation.

Yours Truly,

K.A. Lerner  
Access Officer  
Freedom of Information  
SGI”

[7] I also enquired of the Applicant if she had any further representations or submissions to make to me as to why she should be granted access and she advised as follows:

“ Thank you for your letter of October 30, 2002. I am not able to make further detailed representation at this time because I have not been provided with details as to the documents that have been withheld from me. In a general way, I am in the midst of anon-going claim with SGI. There are many issues that remain unresolved and if we cannot resolve them, I will have to consider what recourse I may have against SGI. I am very concerned that SGI appears to be relying on information relating to my medical treatment, rehabilitation or my case in general in reaching their decisions about me, but which I have I look forward to your review of this file and determination as to whether the documents in question should be released to me.”

[8] My review of the records to which access has been denied indicates that they consist of the following 17 documents:

1. E-mail dated 12/July/00 - internal discussion re: claimant
2. E-mail dated 17/Oct/00 – File Review discussion at Peer Review meeting with file memo attached
3. E-mail dated 28/Nov/00 – internal discussion re: claim review with file memo attached
4. E-mail dated 28/Mar/01 – internal discussion re: claim file review
5. E-mail dated 2/Apr/01 – internal discussion re: claim file review
6. E-mail dated 6/Apr/01 – internal discussion re: claim file review
7. Memo dated May 3/2001 re: Preparation of Reply for Minister’s signature with Mail Log & Fax Cover Sheet attached
8. E-mail dated 4/May/01 – internal discussion re: file review
9. 4 page letter dated 7/May/01 from [REDACTED] (SGI) to [REDACTED] (SGI) reviewing the Applicant’s claim

10. E-mail dated 28/June/01 – internal discussion re: file review
11. E-mail dated 17/Sept/01 – internal discussion re: file review
12. Handwritten note dated 20/Sept/01 re: claim deliberation with calendar attached re: daily costs
13. E-mail dated 14/March/02 – internal discussion re: file review
14. E-mail dated 7/May/02 – internal discussion re: file review
15. E-mail dated 7/May/02 – internal discussion re: file review
16. E-mail dated 7/May/02 – internal discussion re: file review
17. E-mail dated 3/July/02 – internal discussion re: file review

[9] The Respondent claims that all of these documents are exempt from disclosure pursuant to 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”

[10] In my view each of the documents in question, with the exception of Document 9, are records that could reasonably be expected to disclose consultations or deliberations involving employees of the Respondent. They involve internal consultations and review respecting the Applicant’s claim including various care options, medical status deliberations, replacement labour benefits, rehabilitation duties, treatment options, claims investigations, payment recommendations, work capacity and other deliberations or discussions pertinent to the Applicant’s claim.

As such, these records, in my view, fall clearly within the ambit of Section 17(1)(b)(i).


[11] As indicated in paragraph 8 hereof, document No. 9 is a four page letter reviewing the Applicant’s claim. It provides a background and history of the injuries suffered by the Applicant together with a detailed account of her subsequent treatment and progress. It also includes treatment recommendations as well as a medical rehabilitation plan and benefits paid to the Applicant. The letter also refers to the opinion

of the Respondent's medical consultant together with his further review after receiving additional medical reports.

[12] In my view this letter is more in the nature of a status report from the time of the injury to date. As such, I do not believe it to be the type of record contemplated to be exempt from production by virtue of Section 17(1)(b)(i).

[13] Accordingly, I would recommend that the Respondent continue to deny access to the records in question with the exception of document No. 9 which I would recommend they provide to the Applicant.

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

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