

REPORT WITH RESPECT TO THE APPLICATION FOR REVIEW OF [REDACTED]

**[REDACTED] IN RELATION TO INFORMATION REQUESTED FROM SASKATCHEWAN
GOVERNMENT INSURANCE**

[1] [REDACTED] (the "Applicant") filed an Access to Information Request Form, which was received by Saskatchewan Government Insurance (the "Respondent") on July 5, 2002 whereby the Applicant requested the following:

"All Adjuster Notes, All interoffice memos, All correspondence between SGI and SGI medical consultants. All Correspondence between SGI and any other medical personnel. All investigative reports including audio and video. The ENTIRE file."

[2] The Respondent replied to the Applicant's request by letter dated July 31, 2002 which read as follows:

"Your application under *The Freedom of Information and Protection of Privacy Act* (The "Act") received in this office on July 5, 2002 asks for the following information from your injury file [REDACTED]:

"All adjuster notes, All inter office memos, All correspondence between SGI and SGI medical consultants, All correspondence between SGI and any other medical personnel, All investigative reports including audio and video. The ENTIRE file"

All disclosable documents from your injury file [REDACTED] up to and including November 8, 2000 were enclosed in my letter dated November 22, 2000. My letter was in response to your application under the Act for your injury file documents received in this office on November 8, 2000.

I am enclosing copies of documents from your injury file [REDACTED] for the period from November 9, 2000 to date. In accordance with section 8 of the Act, some of the information has been withheld because it would disclose consultations and 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:

G.L. Gerrand Q.C.
Information and Privacy Commissioner
700 – 1914 Hamilton Street
Regina, Saskatchewan
S4P 3N6

Further correspondence on this application should be directed to me at the SGI Legal Department, 14th Floor, 2260 – 11th Avenue, Regina, Saskatchewan, S4P 0J9, telephone (306) 752-1221.

Yours Truly,

K.A. Lerner
Access Officer
Freedom of Information
SGI

[3] On February 7, 2003 I received a Request for Review from the Applicant dated Feb 5/03 which stated:

“This case is before the courts and I believe [REDACTED] should have full disclosure. This included the brown envelope “not to be disclosed.” I’m referring to the letter dated November 22, 2000 attached hereto.”

[4] The letter attached to the Request for Review read as follows:

“November 22, 2000

[REDACTED]

Saskatoon Central Claims

RE: [REDACTED]

The FOI Application has been completed and the requested material has been sent out to [REDACTED] I have attached a copy of my letter to [REDACTED] and the material **not to be disclosed** is in a brown envelope and should be placed inside file No. [REDACTED]

K.A. Lerner
Assistant Vice President”

[5] Following receipt of the above I wrote to the Respondent on February 7, 2003 as follows:

I have received a Request for Review from the above named and enclose herewith yellow copy of the same together with copy of letter dated November 22, 2002 which was attached to the application form.

There was no covering letter with this application form and so I have no further information or material other than that contained in the attached enclosures.

I hereby notify you of my intention to conduct a review with respect to this matter and I ask if you would be good enough to forward to me the records and information that you are refusing to disclose together with your reasons for such refusal.

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

If you have any questions in this connection kindly do not hesitate to contact me.

[6] The Respondent replied by letter dated March 31, 2003 which stated:

Thank you for your letter of February 7, 2003, with a copy of [REDACTED] Request for Review, and Ken Lerner's letter of November 22, 2000.

Enclosed are copies of the records that Ken Lerner, then SGI's Access Officer, refused to disclose to [REDACTED]. As noted in Mr. Lerner's letter of July 31, 2002, to Mr. Miller, SGI refused to disclose these documents because they involved deliberations and consultations involving officers or employees of SGI. These were exempted from disclosure pursuant to section 17(1)(b)(i) of the Act. SGI's opinion on this has remained the same.

I look forward to receiving your recommendation.

[7] I forwarded a copy of the Respondent's letter to the Applicant and inquired if he wished to make any representations respecting access to which the Applicant replied by letter dated May 5, 2003 as follows:

“I want the 19 Documents that have been denied to me. The Documents might help facilitate my claim. If not, I should have the opportunity to review and respond to any allegations made by SGI and associates of SGI concerning myself.

The people should have access to ALL information concerning themselves. Is this possible with the influence SGI has on Sask Legislation?

If the Law has any purpose in our society it is to protect the powerless from the tyranny of the powerfull. To enforce the concept, that ALL people regardless of whether they're rich or poor homeless or sheltered have a equal right to Justice.”

[8] Although I have some empathy for the Applicant's commentary I am bound by the provisions of the *Freedom of Information and Protection of Privacy Act* regarding access to records of government institution.

[9] Enclosed in the Respondent's letter of March 31, 2002 were copies of the documents to which access by the Applicant has been denied, the denial being made pursuant to section 17(1)(b)(i) of the *Freedom of Information and Protection of Privacy Act* which states:

“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] I have now reviewed the records to which access has been denied and they consist of the following 19 items:

1. Handwritten internal memo dated April 23, 2001 from [REDACTED] to [REDACTED].

2. Internal memo entitled "File Review" dated May 27/01 from [REDACTED] of SGI to [REDACTED], SGI Adjuster.
3. Letter dated June 11, 2001 from [REDACTED] of SGI to [REDACTED], SGI Manager, Rehabilitation.
4. Letter dated June 11, 2001 from [REDACTED] to [REDACTED].
5. Internal memo entitled "Injury Note" dated June 21/01 from [REDACTED] of SGI, to [REDACTED] with update attached.
6. Internal memo dated June 21/01 from [REDACTED] to [REDACTED].
7. Internal memo dated July 3/01 from [REDACTED] to [REDACTED] and [REDACTED].
8. Letter dated July 18/01 from [REDACTED] to [REDACTED] – SGI Injury claims attaching copy of letter of same date from [REDACTED] to [REDACTED].
9. Internal memo dated Aug 8/01 entitled "Injury Note", created by [REDACTED], relating her discussion with Applicant and with [REDACTED].
10. Letter dated Sept 19/01 from [REDACTED] to [REDACTED].
11. Fax dated October 8/01 from [REDACTED] to Calculator Unit – SGI.
12. Letter dated Feb 26/02 from [REDACTED] to [REDACTED] with handwritten notation thereon.
13. Internal memo dated April 15/02 from [REDACTED] to [REDACTED].
14. Internal memo to file by [REDACTED] dated April 17/02.
15. Letter dated April 17/02 from [REDACTED] to [REDACTED].
16. Internal memo dated April 22/02 from [REDACTED] to [REDACTED].
17. Internal memo by [REDACTED] dated April 29/2002 entitled "Injury Note".
18. Internal memo (undated) from [REDACTED] to [REDACTED].
19. Internal memo (undated) from [REDACTED] to [REDACTED].

[11] Each of the 19 documents in question are notes, letters, internal memoranda or faxes respecting certain aspects of the Applicant's injury claim or its current status. They contain particulars of discussions by employees of the Respondent with respect to periodic reviews of the

Applicant's claim file and discussions of the recommended action to be taken with respect to the Applicant's claim.

[12] I believe that each of the 19 documents to which access has been denied can be described as consultations or deliberations involving officers or employees of a government institution and accordingly, they are governed by Section 17(1)(b)(i) of the Act and are exempt from disclosure.

[13] I would therefore recommend that the Respondent continue to deny access to the Applicant to the 19 documents in question.

[14] Dated at Regina, in the Province of Saskatchewan, this 7th day of May, 2003.

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

