

**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 couriered to Saskatchewan Government Insurance (the "Respondent") on April 2, 2003. The Applicant requested copies of his entire RISK file [REDACTED] including all information, reports, adjusters notes, all unedited audiovisual recordings, all medical reports and consultations, all correspondence between SGI and: CIBC, Canada Pension Plan, Canada Life, Treatment Centres, SGI interoffice memos, all special investigation units, all other information obtained on this file.

[2] The Respondent replied to the Applicant's request by letter dated May 21, 2003 which reads as follows:

"Dear: [REDACTED]

**RE: Our File [REDACTED]
Loss of May 19, 1999**

In response to your request of April 1, 2003, please find enclosed a copy of the above noted file. The file copy is release pursuant to the FOI Act and is complete as at May 21, 2003 with the exception of the following withheld information:

38 documents concerning direction form SGI staff.

We trust this is the information that your require."

[3] On May 8, 2003, I received a Request for Review from the Applicant dated May 7, 2003. As a result of the above letter, I wrote to the Respondent on May 8, 2003, the following letter:

“I have received a Request for Review from the above named and enclose herewith at this time copy of his letter to me of May 7, 2003 together with the yellow copy of the Request for Review and copy of his original Access to Information Request Form.

██████████ contacted me by telephone to advise that he had not received a reply to his request in the thirty-day response period.

Before my proceeding with the review, would you be good enough to respond to ██████████ request with a copy to myself in order that we might ascertain whether or not access is being granted to the documents requested or whether or not a review will be necessary.

If you have any questions in this connection, Kindly do not hesitate to contact the writer.

[4] The Respondent replied by letter dated July 15, 2003 which read as follows:

“Thank you for your letters of May 8 and July8, 2003. Please accept my apologies for the delay in responding to your inquiry.

On April 2, 2003, ██████████ provided his SGI adjuster with an Access to Information Request Form asking for a copy of his file at SGI (██████████). I was not made aware of this request until your letter of May 9, 2003. I contacted the SGI branch manager and was told that ██████████ would be provided with a copy of his file shortly.

Unfortunately, it appears that [REDACTED] did not receive a response until May 21, 2003 from SGI. In a letter of that date, [REDACTED] Supervisor of the Regina Injury Unit, sent [REDACTED] a letter providing him with a copy of his file. [REDACTED] [REDACTED] held back 38 documents which he believed were exempt from disclosure because the involved "direction form SGI staff". A copy of [REDACTED] letter is attached for your reference.

I have reviewed the 38 documents in question copies of which are enclosed for your review. I am of the opinion that 34 of the documents would reveal deliberations or consultations involving SGI officers or employees, and as such do not have to be disclosed pursuant to subsection 17(1)(b)(i) of the Act. A further three documents involve correspondence between the adjuster and SGI legal counsel [REDACTED] these documents should not be disclosed as they contain information that is subject to solicitor-client privilege (section 22 of the Act). The remaining document is not being disclosed as it would disclose information with respect to a lawful investigation (subsection 15(1)(c)).

I look forward to your recommendation in this matter. Again, please accept my apologies for the delay in responding to your inquiry.

Yours truly,

Mitchell Miller
Access, Privacy and Ethics Officer
SGI"

[5] By letter dated July 15, 2003, I wrote to the Applicant as follows:

"Further to our previous correspondence, I would advise that I have now received a response from SGI and enclose herewith a copy of their letter to me of July 15, 2003.

Before proceeding with my review of the documents to which you have been denied access, I would appreciate your advising if you wish to make any submissions as to why you should be granted access to these records.

Yours truly,

Richard P. Rendek, Q.C.
Acting Freedom of Information
and Privacy Commissioner
Province of Saskatchewan”

On July 23, 2003, I received a fax from the Applicant, which is attached hereto as Appendix B. Although I have empathy with the Applicant’s position regarding his claim with the Respondent, I only have jurisdiction to deal with matters of access in accordance with the provisions of *The Freedom of Information and Protection of Privacy Act*. I have no jurisdiction to deal with the merits of the Applicant’s claim with SGI, the outstanding claims for benefits.

[6] Enclosed in the Respondent’s letter of July 15, 2003, were copies of the 38 documents which access by the Respondent has been denied, 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;

...”

[7] I have now reviewed the records to which access has been denied, and they consist of 38 documents which are described in Appendix A, attached hereto.

[8] With the exception of documents 35 and 38, all of the remaining 36 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 including directions given to the appropriate employees in this regard.

[9] As indicated in Appendix A, document number 35 is an interoffice memo from the Respondent's litigation department, to an employee of the Respondent, and as such is exempt from disclosure pursuant to Section 22 of *The Freedom of Information and Protection of Privacy Act*, being that it contains information that is subject to solicitor-client privilege

[10] Document number 38 appears to be a form of expense statement for mileage and travel costs, and in my opinion, is not exempt from disclosure because it does not fall within the ambit of Section 17(1)(b)(i) of The Act.

[11] I believe that each of the remaining 36 documents to which access has been denied can be described as consultations or deliberations involving officers or employees of a government institution, and as such they are governed by Section 17(1)(b)(i) of The Act, and are exempt from disclosure.

[12] I would therefore recommend, with the exception of document number 38, that the Respondent continue to deny access to the Applicant to the remaining 37 documents in question.

[13] Dated at Regina, in the Province of Saskatchewan, this 28th day of July, 2003.

Richard P. Rendek, Q.C.
Acting Information and Privacy
Commissioner for Saskatchewan