

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 dated February 5, 2003 with Saskatchewan Government Insurance (the “Respondent”). The Applicant requested a full and complete copy of his file relating to a motor vehicle accident of March 7, 1997.

[2] The Respondent replied to the Applicant’s request by letter dated April 8, 2003, which reads as follows:

“Your request of February 5, 2003, under *The Freedom of Information and Protection of Privacy Act* (“the Act) has been referred to my attention. I am the Access and Privacy Officer for SGI under the Act. You have asked for a full and complete copy of your file relating to your motor vehicle accident of March 7, 1997 [REDACTED].

I have reviewed the file and can advise that your request for access has been partially granted. Enclosed are the documents to which you have been granted access.

25 documents are being withheld because they would disclose consultations and deliberations involving officers or employees of SGI. These records are exempt from disclosure by way of subsection 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 any SGI Claims Centre in Saskatoon. Your Request For Review should be directed to:

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

Further correspondence on this request should be directed to me at SGI Legal Department, 14th Floor, 2260 – 11th Avenue, Regina, Saskatchewan, S4P 0J9, telephone: (306) 775-6301

Yours truly,



Access and Privacy Officer
Freedom of Information
SGI

[3] On May 14, 2003, I received a Request for Review from the Applicant dated May 8, 2003. As a result of which I wrote to the Respondent on May 15, 2003, the following letter:

“ I have received a Request For Review from the above named and enclose herewith the yellow copy of same.

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

Yours truly,

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

[4] The Respondent replied with letter dated July 10, 2003, which read as follows:

“Thank you for your letters of May 15 and July 8, 2003.

Enclosed is a copy of my letter to [REDACTED] of April 8, 2003, in which I indicated that SGI would not disclose 25 documents because they would disclose consultations and deliberations of SGI employees contrary to subsection 17(1)(b)(i) of the Act. Some documents were disclosed to [REDACTED]. I enclose copies of the documents which were not disclosed to [REDACTED]. SGI’s reasons for refusal of disclosure have not changed.

I look forward to receiving your recommendation.

Yours truly,

[REDACTED]
Access and Privacy Officer
Freedom of Information

SGI

[5] Enclosed in the Respondent's letter of July 10, 2003 were copies of the 25 documents to which access by the Respondent 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;

...”

[6] I have now reviewed the records to which access has been denied, and they consist of 25 documents, which are described in Appendix A, attached hereto.

[7] Each of the 25 documents in question, are notes, letters, internal memoranda or faxes respecting certain aspects of the Applicant's injury claim or it's 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.

[8] I believe that each of the 25 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.

[9] I would therefore recommend that the Respondent continue to deny access to the Applicant to the 25 documents in question.

[10] Dated at Regina, in the Province of Saskatchewan, this 16th day of July, 2003.



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

APPENDIX A

- 1) Four pages of injury claim summary sheets, created May 13 and November 2, 1997 by [REDACTED] and [REDACTED] both adjusters employed by the respondent.
- 2) Injury reserve setup dated 11/08/97, prepared by adjuster [REDACTED]
- 3) Internal memorandum entitled Injury Note created June 3, 1999 by adjuster [REDACTED] relating to her discussion with an employee from the Respondent's claims unit.
- 4) Internal memorandum created April 24, 2000 by adjuster [REDACTED] to adjuster [REDACTED] relating to additional medical information received.
- 5) Internal memorandum created by [REDACTED] on June 21, 2000 relating to discussions with the Respondent's employee [REDACTED] respecting the claim file.
- 6) Internal memorandum entitled Injury Note created August 14, 2000 by [REDACTED] relating to conversation with respondents employee [REDACTED]
- 7) Internal memorandum dated March 7, 1997 reviewing history of claim and discussions with respondent's employees regarding various aspects of claim including income replacement.
- 8) Internal memorandum dated June 8, 1999 from [REDACTED] employee of the respondent, to adjuster [REDACTED] outlining discussions re: income replacement and expenses.
- 9) File memorandum dated 12/12/02 from [REDACTED] to [REDACTED] both employees of the Respondent, regarding revised income replacement benefits.
- 10) File memorandum date 12/03/01 from [REDACTED] employee of the respondent, to [REDACTED] adjuster. Attached table of income replacement and death benefit summary.
- 11) File memorandum entitled "Summary for Appeal/Review" dated December 19, 2001 providing claim history.
- 12) File memorandum entitled File Review created by [REDACTED] employee of the Respondent to adjuster [REDACTED]
- 13) Letter dated February 22, 2002 from [REDACTED] SGI adjuster to [REDACTED] Injury Appeals Representative containing discussions re: Respondent's position on appeal.
- 14) File memorandum entitled File Review created August 16, 2001 by [REDACTED] SGI employee to adjuster [REDACTED] regarding income replacement benefits.

- 15) File memorandum entitled File Review created October 17, 2001 by [REDACTED] SGI employee to adjuster [REDACTED] regarding discussions of income replacement benefit.
- 16) Application for review dated October 26, 2001 with summary of appeal review attached dated 02/01/02. Handwritten note attached containing summary of appeal.
- 17) Facsimile transmission dated 30/01/02 from [REDACTED] to [REDACTED] regarding appeal issues.
- 18) Repeat of document 16.
- 19) Copy of document 17, and copy of letter attached from Applicant to [REDACTED] dated January 16, 2002 and response from [REDACTED] to the Applicant dated January 25, 2002.
- 20) Repeat of document 19.
- 21) Two page memorandum to file dated January 31, 2002 created by adjuster [REDACTED] outlining history of claim and discussions regarding Respondent's position on future employment.
- 22) Memorandum from [REDACTED] to [REDACTED] dated 22/02/02 outlining discussions regarding review of Applicant's future employment.
- 23) Two page document dated January 8, 2003 entitled "Instructions to PIR/File" planning a review of Applicant's medical history and history of applicant's claim. Respondent's position respecting same.
- 24) File memorandum entitled Injury Note created March 12, 2002 by [REDACTED] to [REDACTED] both employees of the Respondent implying discussions with the Respondent's employees respecting the Respondent's position regarding the claim.
- 25) Document entitled File Summary dated March 19, 2002 outlining history of claim.