

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF ██████████ IN RELATION TO INFORMATION
REQUESTED FROM SASKATCHEWAN COMMUNITY RESOURCES AND
EMPLOYMENT**

[1] ██████████ (the “Applicant”) forwarded an Access to Information Request form to the Department of Community Resources and Employment (the “Respondent”) requesting:

“Any and all information contained in one or more files in all forms of media pertaining to ██████████ case ██████████

[2] By a letter dated June 16, 2003, the Respondent replied as follows:

“I am writing in response to your application under *The Freedom of Information and Protection of Privacy Act*, in which you requested access to your entire social assistance file.

We have copied all documents related to your file, which you will find enclosed. Some of the documents required severing as they contained names of other clients and as such are exempt pursuant to subsection 29(1) of *The Freedom of Information and Protection of Privacy Act*. Three documents were withheld as they contained advice prepared by legal counsel, and are exempt pursuant to subsection 22(b) of the Act.

If you wish to request a review of this decision, you may do so within one year of this notice. To request a review, please complete a “Request for Review” form, which is available at the same location where you applied for access. Your request should be sent to the Information and Privacy Commissioner, c/o 208-2208 Scarth Street, Regina, Saskatchewan, S4P 2J6.

As per your request and pursuant to subsection 9(5) of the Act, we are hereby waiving the usual fees associated with responding to your request.

Sincerely,

Phil Walsh
Access Officer, Freedom of Information”

[3] On June 23, 2003, the Applicant filed a Request for Review with my office and attached a lengthy letter outlining his claims against the Respondent. At the end of the letter, he outlined his claims with respect to access to information as follows:

“The following is a list of errors and omissions in the printed material received from Social Services:

- They have not included all the information available. There are blank spots in their ‘chrono’.
- At my yearly review, a worker said that my conversations with them were recorded on tape. I have not received copies of these tapes. I felt a heavy component of coercion, a [sic] to ‘put me in my place’.
- Information has been altered to discredit my honor and integrity.
- Information is based on summations and innuendoes.
- Inaccurate and fabricated information is included to verify the reasons for inactions on matters pertaining to the refusal of child visitation benefits.
- The files that I received were written with very poor grammar, and are difficult to understand. The sentence structure is incomplete. COMMUNICATION can be in note form, providing it is clear, concise [sic], and accurate. The notes are written by someone with a grade three education. The wording of the notes is very poor.
- They flatly deny that certain events took place. Yet, I have undeniable evidence in the form of documents and computer files (the dates of which cannot be changed) that these events did indeed take place. My facsimile machine is computer software which keeps a log of all the faxes I have sent. They cannot deny this. I hold them this, and they hung up.
- These documents are not direct copies of the original; instead they are re-typed. I want a copy of all the original unchanged documents they have in my file.

...

Social Services wants my medical reports! This is contrary to the Saskatchewan Health Information Protection Act, and the Saskatchewan Privacy Act (1978).”

[4] On July 7, 2003, I sent a letter to the Applicant, as follows:

“RE [REDACTED] and Social Services

Our file: 2003/042

We are now in receipt of your letter of June 26, 2003 relative to the above matter.

In your request for review, you state that you have been refused access to all or part of the records to which you have requested access, but your letter or application do not state which records it is you are seeking.

We do not have any authority to deal with the dispute between yourself and Social Services, as my jurisdiction is limited to determining whether or not you should in fact be granted access to certain records or documents.

The normal procedure is for you to file an Access to Information Request Form with the appropriate department, who then has thirty days to respond to your Request.

If you are not satisfied with their response, then you should file with me the Request for Review, so that I might determine whether your Request should be granted.

If you have already filed this Access to Information Request, and received a response, I would ask that you be good enough to forward copies of both these documents to me, and I shall then proceed with my Review.

In the event that you have not filed an Access to Information Request form, I am enclosing herewith a copy of same, and I suggest that you file this with Social Services who then has thirty days to respond. As indicated, if you are not satisfied with their response, you can then file a Request for Review with myself.

If you have any questions with respect to this procedure, please feel free to call me at 787-8350."

[5] On July 10, 2003, the Applicant telephoned me and agreed to forward to me a copy of his Access to Information Request Form and the Respondent's response. Upon receipt of these documents, I forwarded a letter to the Respondent stating the following:

"RE: [REDACTED] and Social Services

Our file: F2003/042

I am in receipt of a Request for Review from the above named applicant, and enclose herewith the yellow copy of same.

I hereby advise 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 copies of the documents to which access has been denied or where the documents were severed, together with your reasons for denying access, or severing the documentation in question.

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

[6] The Respondent responded on August 6, 2003 as follows:

"Re: [REDACTED]
Your File: F2003/042 RPR

As requested in your July 16th letter, we have enclosed copies of the documents which we denied access to and/or partially severed.

We have divided the documents into three categories. Package "A" contains documents which relate to advice prepared by legal counsel and as such were withheld pursuant to subsection 22(b). Package "B" contains records which were partially severed as they contained names of other social assistance clients and were severed pursuant to subsection 29(1). Package "C" contains documents which we considered solely personal information of [REDACTED] [REDACTED] former wife . . . , as well as one document which contains personal information about staff (birth dates, home phone numbers) who were to give evidence in court. These documents were withheld pursuant to subsection 29(1).

I trust this is the information you require."

[7] Package "A" actually includes a fax cover from the Saskatoon Police Service with attached letter from a prosecutor. The Respondent has objected to disclosing these documents on the basis of section 22(b) of *The Freedom of Information and Protection of Privacy Act* which reads as follows:

“22. A head may refuse to give access to a record that:

...

(b) was prepared by or for an agent of the Attorney General for Saskatchewan or legal counsel for a government institution in relation to a matter involving the provision of advice or other services by the agent or legal counsel;”

The letter from the prosecutor related to a criminal prosecution. I find that it is covered by section 22(b) of the Act and should be exempt from disclosure. The fax cover was not prepared by an agent of the Attorney General for Saskatchewan and is thus not exempt under this section. However, the fax cover together with the prosecutor’s letter are clearly exempt under subsections 15(1)(c) and (e) which read:

“15(1) A head may refuse to give access to a record, the release of which could:

...

(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

...

(e) reveal investigative techniques or procedures currently in use or likely to be used;”

Both these documents clearly relate to a lawful, criminal investigation and therefore do not need to be disclosed.

[8] Package “B” contains an internal Social Services memo from which names have been severed. The Respondent has claimed that these names were properly severed because they are personal information exempt from disclosure pursuant to section 29(1) of *The Freedom of Information and Protection of Privacy Act*. This section reads as follows:

“29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 30.”

Section 24(1) of the Act defines “personal information” to include:

- “(a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;
- (b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) information that relates to the health care that has been received by the individual or to the health history of the individual;
- (d) any identifying number, symbol or other particular assigned to the individual;
- (e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;
- (f) the personal opinions or views of the individual except where they are about another individual;
- (g) correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;
- (h) the views or opinions of another individual with respect to the individual;
- (i) information that was obtained on a tax return or gathered for the purpose of collecting a tax;
- (j) information that describes an individual’s finances, assets, liabilities, net worth, bank balance, financial history or activities or credit worthiness; or
- (k) the name of the individual where:
 - (i) it appears with other personal information that relates to the individual; or
 - (ii) the disclosure of the name itself would reveal personal information about the individual.”

[8] The names of individuals in this case would clearly identify that they were recipients of social assistance and thus disclose the financial history of the individuals. These names were therefore properly deleted pursuant to section 29.

[9] Similarly, the Respondent has claimed that all of Package “C” cannot be disclosed because it contains personal information about the Applicant’s ex-wife and the Respondent’s employees. I have reviewed these documents and find that the documents contain personal information as defined by subsections 24(1)(a), (b), (d), (e), (i) and (j). All of these documents

were properly withheld from disclosure pursuant to section 29(1) of *The Freedom of Information and Protection of Privacy Act*.

[10] For the reasons outlined above, it is my view that the Respondent was justified in denying access to all of the documents.

[11] Dated at Regina, in the Province of Saskatchewan, this 27th day of August, 2003.

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