

**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 June 9, 2003 with Saskatchewan Government Insurance (the “Respondent”). This application read as follows:

“S.G.I. Saskatchewan Government Insurance Saskatoon Injury Claims.

Name of Record (if known): 3 notes of internal direction/discussion with SGI Personnel which have been withheld.

Detailed Description of Record: The mention of these withheld documents has been made in the letter dated June 4, 2003, signed by [REDACTED], Supervisor Saskatoon Injury Unit.”

[2] The Respondent replied to the Applicant’s request by letter dated June 30, 2003 which read as follows:

“Your Access to Information Request Form 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.

It is my understanding that SGI provided you with copies of your file [REDACTED]- [REDACTED], but withheld certain documents. In your request you ask that those documents be provided to you.

I have reviewed the three documents in question. I am partially disclosing one of the three documents. That document is attached.

I can advise that the other 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 I have provided with this letter. 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,

Mitchell Miller
Access, Privacy and Ethics Officer
SGI

[3] The Applicant then forwarded to me a Request for Review dated July 2, 2003, which stated;

"On June 9, 2003, I requested the SGI Saskatoon Injury Claims office to disclose – the 3 notes of internal direction discussion with SGI personnel, mentioned in

their letter of June 4, 2003 (copy enclosed for ready reference, and the withheld part underlined for your convenience. The withheld portion of the record which is now being requested through the office of the Information and Privacy Commissioner's office for my appeal which is pending to be heard by the automobile injury commission, kindly review the decision of the SGI privacy and ethics officer and direct them to supply the withheld documents at their earliest."

[4] Upon receipt of the Request for Review, I wrote to the Respondent on July 8, 2003 as follows:

" 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 copies of the documents to which access has been denied together with your reasons for denying said access.

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

[5] The Respondent replied by letter dated July 9, 2003, which stated:

"Thank you for you letter of July 8, 2003.

Enclosed are copies of [REDACTED] original Access to Information Request Form, together with a copy of my response of June 30, 2003, in which I partially disclosed one of the three documents sought by [REDACTED]. [REDACTED] is the grandfather and legal guardian of the [REDACTED] who was fatally injured in a motor vehicle accident on February 8, 2003. [REDACTED] filed the a claim with SGI in this matter.

Enclosed in full are copies of the three documents sought by [REDACTED] I partially disclosed one of the documents. The remainder were not disclosed because they involved the consultations or deliberations of officers or employees of SGI (exempt under subsection 17(1)(b)(i) of the Act). SGI's reasons for refusal of disclosure have not changed.

I look forward to receiving your recommendation.

[6] Enclosed in the Respondent's letter of July 9, 2003 were copies of the three documents to which access has been denied to the Applicant, 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;

..."

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

1) Internal file memorandum from [REDACTED] to [REDACTED], both employees of the Respondent, dated 3/13/03. The memorandum raised a concern respecting the payment of funeral benefits, and it was replied to on the same date by [REDACTED], to [REDACTED] with an explanation in this connection.

2) This was a memorandum to file respecting an injury note by the adjuster, [REDACTED], dated April 22, 2003. It consists of two paragraphs, the first paragraph was disclosed to the Applicant, but the second paragraph consists of two lines, indicating a discussion between [REDACTED] and her claims manager.

3) Internal file memorandum from [REDACTED] to [REDACTED] date 4/30/03, responded to on the same date. The memorandum deals with conversations between employees of the respondent respecting possibility of entitlement to claim benefits.

[8] Each of the above three documents in question are internal memoranda, respecting certain aspects of the Applicant's injury claim, or it's current status. They contain particulars of discussions by employees of the Respondent administering this claim, and accordingly, I am of the view that each of these documents can be described as consultations or deliberations involving officers or employees of a government institution, and accordingly, they are exempt from disclosure pursuant to the provisions of section 17(1)(b)(i) of the *Freedom of Information and Protection of Privacy Act*.

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

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

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