

**REPORT WITH RESPECT TO THE APPLICATION FOR
REVIEW OF ██████████ IN RELATION TO INFORMATION
REQUESTED FROM SASKATCHEWAN GOVERNMENT INSURANCE**

[1] ██████████ (the "Applicant") filed an Access to Information Request Form in May of 2003, which was received by Saskatchewan Government Insurance (the "Respondent"). The application requested access to the Applicant's full and complete file with the Respondent relating to a motor vehicle accident in which the Applicant was involved on July 17, 2002.

[2] The Applicant subsequently requested updates and on July 9, 2003, the Respondent forwarded the following letter to the Applicant:

"Re: Application No. ██████████"

Your request 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 SGI file ██████████. It is my understanding that on May 14, 2003, the Manager of Saskatoon Injury Claims provided you with a copy of your file, except for six documents which he felt contained "notes of direction from SGI staff".

I have reviewed the six documents in questions and can advise that your request for access will not be granted in this instance.

The six documents are being withheld because they would disclose consultations and deliberations involving officers or employees of SGI. These documents do not have to be disclosed 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
1-306-787-8350
1-306-787-8138

Further correspondence on this request should be directed to me at SGI Legal Department, 14th Floor, 2260 – 11th Avenue, Regina, Saskatchewan, S4P OJ9, telephone: (306) 775-6301.

Yours truly,

Mitchell Miller
Access and Privacy Officer
Freedom of Information
SGI”

[3] On September 16, 2003, I received from the Applicant a Request for Review wherein the Applicant requested that she be provided with access to the six documents which were withheld by the Respondent as indicated in their letter of July 9, 2003. I then wrote to the Respondent on September 16, 2003, as follows:

“Dear Mr. Miller:

RE: 

Our File: F2003/54 RPR

Further to my letter of yesterday’s date, I have now received additional material from the applicant which includes her original Access to Information Request Form and your response to her dated July 9, 2003.

The applicant has also filed with me a Request for Review Form and I enclose herewith a copy of same.

I advise you of my intention to conduct a review of this matter and would ask that you forward to me the six documents which access has been withheld together with your reasons for denying applicant access to same.

Yours truly,

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

[4] By letter dated September 18, 2003, the Respondent wrote to me as follows:

“Thank you for your facsimile of September 16, 2003.

I enclose copies of the six documents which were not disclosed to [REDACTED] As noted in my letter to [REDACTED] of July 9, 2003, the documents in question were withheld because they disclose consultations and deliberations of SGI employees contrary to 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.

Yours truly,

Mitchell T. Miller
Access, Privacy and Ethics Officer
SGI”

[5] Enclosed with the Respondent’s letter of September 18, 2003, were copies of the six documents which were not disclosed to the Applicant. I have now reviewed these documents and they consist of the following:

1. Internal Memorandum to File dated September 18, 2002, created by [REDACTED] employed by SGI as an adjuster;
2. E-mails between [REDACTED] and [REDACTED] SGI employee, dated December 26, 2002, reviewing the Applicant's medical situation;
3. Internal Memorandum entitled "Injury Note" dated September 30, 2002, from [REDACTED] to [REDACTED] SGI Medical Facilitator, regarding payments made by the Applicant;
4. E-mails dated October 2, 2002, between [REDACTED] and [REDACTED] respecting medical reports;
5. Claim File Memorandum dated February 17, 2003, to [REDACTED] from [REDACTED] of SGI Saskatoon Injury Unit, with a copy of a "PEER Review" dated February 13, 2003, attached;
6. Internal Memorandum entitled "File Review" dated February 17, 2003, from [REDACTED] to [REDACTED]

[6] The Respondent's denial to access is made pursuant to Section 17(1)(b)(i) of *The Freedom of Information and Protection of Privacy Act* which reads as follows:

"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] My review of the documents in question indicate that they are all internal faxes, memoranda, letters or e-mails between employees of the Respondent respecting the status of the Applicant's claim and they all contain particulars of discussions by employees of the Respondent regarding their review of the Applicant's file, notes regarding her injuries, a background of the claim and updates respecting the status of the Applicant's claim.

[8] I am of the view that all of the documents in question can be categorized as consultations or deliberations involving officers or employees of a government institution and, as such, they clearly fall within the ambit of Section 17(1)(b)(i) and, accordingly, are exempt from disclosure.

[9] In summary, therefore, I would recommend that the Respondent continue to deny access to the Applicant to the records in question.

[10] Dated at Regina, in the Province of Saskatchewan, this 23rd day of September, 2003.

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

