



REVIEW REPORT 060-2023

Saskatchewan Government Insurance

August 28, 2023

Summary: Saskatchewan Government Insurance (SGI) received an access to information request from the Applicant. SGI responded to the Applicant denying access to the record in part pursuant to subsections 18(1) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP). The Applicant was not satisfied with SGI's response and requested a review from the Commissioner. SGI later informed the Applicant and the Commissioner that it was no longer relying on subsection 18(1) of FOIP, instead it was denying access in part pursuant to subsection 29(1) of FOIP. The Commissioner found that SGI properly applied subsection 29(1) of FOIP to some portions of information, but not to others; he recommended that SGI continue to withhold or release information accordingly.

I BACKGROUND

[1] On February 23, 2023, Saskatchewan Government Insurance (SGI) received the following access to information request from the Applicant:

When did you first contract or hire Dr. [name redacted] to do reviews for SGI injury clients involved in auto accidents and [name of Applicant] [injury claim date 1] and [injury claim date 2] and the last date Dr. [name redacted] was privately hired or contracted by SGI and copies of method of payment paid for [name of Applicant] and a photocopy of how [they were] paid. Injury claims [injury claim number 1 and injury claim date 1]; [injury claim number 2 and injury claim date 2].

[2] On February 27, 2023, SGI responded to the Applicant denying access to the record in part, pursuant to subsections 18(1) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

[3] On March 6, 2023, my office received a request for review from the Applicant of SGI's decision.

[4] On April 5, 2023, my office provided notification to the Applicant and SGI of my office's intention to undertake a review.

[5] In correspondence dated May 2, 2023, SGI wrote to the Applicant and copied my office, informing the Applicant that it was no longer relying on subsection 18(1) of FOIP.

[6] On June 6, 2023, SGI provided its submission to my office. The Applicant did not provide a submission.

II RECORDS AT ISSUE

[7] The record at issue is two pages containing details of SGI's billing summary for the doctor for February, 2021. SGI withheld what it has referred to as "claim numbers" and "details of claims" on these pages for the following dates: February 2, 9, 15 to 18 and 23, 2021 pursuant to subsection 29(1) of FOIP.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[8] SGI qualifies as a "government institution" pursuant to subsection 2(1)(d)(ii) of FOIP and subsection 3(a) and Part I of the Appendix of *The Freedom of Information and Protection of Privacy Regulations*. Therefore, I have jurisdiction to conduct this review.

2. Did SGI properly apply subsection 29(1) of FOIP?

[9] Subsection 29(1) of FOIP provides:

- 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.
- [10] Section 29 of FOIP prohibits the disclosure of personal information unless the individual about whom the information pertains to, consents to its disclosure or if the disclosure without consent is authorized by one of the enumerated subsections of 29(2) or section 30 of FOIP (*Guide to FOIP*, Chapter 6, “Protection of Privacy”, updated January 18, 2023 (*Guide to FOIP*, Ch. 6), p. 183).
- [11] Section 29 of FOIP only applies to personal information as defined by subsection 24(1) of FOIP (*Guide to FOIP*, Ch. 6, p. 183).
- [12] To qualify as personal information, the information must: 1) be about an identifiable individual; and 2) be personal in nature. Information is about an “identifiable individual” if the individual can be identified from the information (e.g., their name is provided) or if the information, when combined with information otherwise available, could reasonably allow the individual to be identified. To be “personal in nature” means the information provides something identifiable about the individual (*Guide to FOIP*, Chapter 6, Protection of Privacy, Updated January 18, 2023 (*Guide to FOIP*, Ch. 6), pp. 32-33).
- [13] In its submission to my office, SGI explained that the data element in this record was a “claim number”, or an identifying number assigned by SGI, as defined by subsection 24(1)(d) of FOIP. The “claim number” in this matter, is a number that SGI associates with an individual’s claim.
- [14] An identifying number or symbol, by itself, is a piece of personal information because it uniquely identifies an individual. Examples include an individual’s social insurance number, driver’s license number, passport number and client numbers assigned by a government institution or bank (*Guide to FOIP*, Ch. 6, pp. 45-46).

[15] As I previously noted, the record contains, “SGI’s billing for [name of doctor withheld] for February 2021.” The withheld portions contain a claim number plus a description of the claim or type, which appears to be associated with the reason for the appointment. The withheld information does not pertain to the Applicant; rather, it is information about other individuals.

[16] In my office’s [Review Report F-2013-007](#), also regarding SGI, it was stated as follows at paragraphs [111] to [112] regarding matters pertaining to the accident or health claims of individuals other than the applicant in that matter:

[111] SGI severed the claim numbers, names, details of claims, invoice amounts and dates on the following redactions...

[112] Section 24(1)(d) of FOIP provides that “any identifying number, symbol or other particular assigned to an individual, other than the individual’s health services number”, qualifies as personal information.

[17] Regarding the claim numbers, in this matter, I am dealing with a similar type of information, and so will follow the same approach. The claim numbers, then, would be personal information as defined by subsection 24(1)(d) of FOIP, which provide as follows:

24(1) Subject to subsections (1.1) and (2), “personal information” means personal information about an identifiable individual that is recorded in any form, and includes:

...

(d) any identifying number, symbol or other particular assigned to the individual, other than the individual’s health services number as defined in *The Health Information Protection Act*;

...

[18] I find SGI properly applied subsection 29(1) of FOIP to the claim numbers on the record for the dates February 2, 9, 15 to 18 and 23, 2021 and recommend SGI continue withholding this information pursuant to subsection 29(1) of FOIP.

[19] Regarding the description of each claim for the dates February 2, 9, 15 to 18 and 23, 2021, I previously noted that the descriptions appear to be the reasons associated with the code. Such information would relate to or describe that an individual had a medical treatment or

service, which would cause me to turn to consider if *The Health Information Protection Act* (HIPA) applies. In so doing, I note that SGI is a trustee pursuant to subsection 2(1)(t)(i) of HIPA. Information is only personal health information, though, if it relates to an identifiable individual. If SGI redacts the claim number pursuant to subsection 29(1) of FOIP, then there is no identifiable individual, and so personal health information would not be involved.

[20] Based on this, I find SGI did not properly apply subsection 29(1) to the description of each claim for the dates February 2, 9, 15 to 18 and 23, 2021, and recommend it release this information to the Applicant within 30 days of the issuance of this Report.

IV FINDINGS

[21] I find that I have jurisdiction to conduct this review.

[22] I find that SGI properly applied subsection 29(1) of FOIP to each claim number for the dates February 2, 9, 15 to 18 and 23, 2021, but not to the claim descriptions for each date.

V RECOMMENDATION

[23] I recommend that SGI continue to withhold the claim numbers for the dates February 2, 9, 15 to 18 and 23, 2021, pursuant to subsection 29(1) of FOIP, and release the rest of the information to the Applicant within 30 days of the issuance of this Report.

Dated at Regina, in the Province of Saskatchewan, this 28th day of August, 2023.

Ronald J. Kruzeniski, K.C.
Saskatchewan Information and Privacy
Commissioner