



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 241-2024

Saskatchewan Government Insurance

July 14, 2025

Summary:

The Applicant submitted an access to information request to Saskatchewan Government Insurance (SGI) under *The Freedom of Information and Protection of Privacy Act* (FOIP). SGI responded that it was withholding records, in full or in part, pursuant to sections 15(1)(c), (e), 17(1)(a), (b)(i) and 18(1)(f) of FOIP. The Applicant requested a review of the exemptions applied by SGI and of its search efforts by the Office of the Saskatchewan Information and Privacy Commissioner. The Commissioner made several findings, including that SGI: (1) properly applied section 18(1)(f) of FOIP to the reserve amount; (2) SGI properly applied section 17(1)(b)(i) of FOIP to all but three pages in the 38 page tranche of documents; and (3) The Commissioner found that SGI had conducted a reasonable search for records.

There was a recommendation that SGI release three records that had been withheld and that were not properly covered by the exemptions in sections 15(1)(c), (e), 17(1)(a), (b)(i) of FOIP. In this case, there was no recommendation that the SGI head reconsider its discretion because of the financial and investigative nature of the documents that had been properly withheld pursuant to sections 17(1)(b)(i) and 18(1)(f) of FOIP. These documents obviously formed the basis of the corporate consultative process and to suggest reconsideration of discretion would be superfluous.

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I BACKGROUND

[1] On May 8, 2024, the Applicant submitted an access to information request to an adjuster in Saskatchewan Government Insurance (SGI) Claims Operations. The Applicant sought the following records for the time period of January 10 to May 10, 2024:

1. Full investigation report on the theft of my vehicle from the special investigation unit.
2. [Minister formerly responsible for SGI]'s¹ office inquiry on employee of SGI on harassment/Discrimination paperwork and results

[2] In the email accompanying their request, the Applicant added:

As I requested there was not enough room on form to describe fully this is what I am looking for.

1. Electronic copies of the results of the investigation from [SGI employee] on the Special Investigations Unit SGI whom SGI conducted, so I can forward them on.
2. Also I was told by the ministers office that they were putting in an investigation request to HR on Harassment/discrimination complaint against another SGI employee. I would like the results and outcome to that as well.
3. Any and all documentation with my name on it and file information sent electronically and or I will pick up and review from Jan 10th to May 10th of 2024. Please Allow as much time as needed to review on my end. The sooner I get this info the sooner we can get this cleared up. I want to make sure this misunderstanding is not attached to my name and or follow me around for the rest of my life.

[3] Between May 8th and August 26th, 2024, SGI corresponded with the Applicant both by email and letter on several occasions in an effort to obtain clarification and to understand the full scope of the access request. SGI determined that **Part 1** of the access request was with respect to all information connected to the Applicant's claim, including all findings

¹ The words in square brackets are OIPC's amendments to preserve the identity of third party individuals who are not substantively connected to this matter.

and reports from the Special Investigations Unit (SIU) investigation that had been carried out after the Applicant reported the theft of their vehicle. SIU carried out an investigation of the theft and then gave an opinion. At that point the file was closed. The Applicant wished all findings and reports from SIU in relation to the investigation of this matter. On August 26, 2024, the Applicant received 318 pages of material in relation to this request and two responsive audio recordings. Of the 318 pages of disclosure, 38 pages were withheld, some in full, and some in part. It is these 38 pages that form the basis for the OIPC review with respect to **Part 1**.

- [4] **Part 2** of the Applicant's access request was based on nothing more than the Applicant's representation, unsupported by documentation or any other evidence, that an employee connected to the SIU investigation was being investigated within SGI for harassment/discrimination. **Part 2** of the Applicant's access request was to receive records in relation to this.

- [5] On October 3, 2024, the Applicant emailed this office and communicated dissatisfaction with SGI's response to both parts of the access request. By October 10th, 2024, the Applicant provided the necessary information for OIPC to proceed with a review. OIPC contacted SGI on October 25, 2024, and requested further information with the hopes of effecting an early resolution of the matter.

- [6] The Applicant had not provided essential clarification to SGI with respect to **Part 2** of the access request, so SGI had ceased its search for documents. Later in dealings with this office, the request resurfaced. SGI's renewed search efforts with respect to **Part 2** of the access request resulted in 30 pages of emails that were provided to the Applicant in full.

- [7] On November 14, 2024, OIPC advised both SGI and the Applicant that it would be undertaking a review of SGI's search efforts and the application of exemptions.

- [8] On December 16, 2024, SGI provided OIPC with a copy of the 38 pages of redacted records and its index of records (Index) with respect to **Part 1**.

- [9] On January 13, 2025, SGI provided OIPC with its submission. SGI advised that it did not consent to the sharing of the Index or the written submission with the Applicant. The Applicant did not provide a submission.
- [10] OIPC communicated with the Applicant on April 7, 2025, to see if the matter could be resolved once again. The Applicant maintained dissatisfaction with the SGI search in **Part 2** and continued to express concerns with respect to the application of exemptions in **Part 1**.
- [11] On April 8, 2025, OIPC advised the Applicant that a review would proceed with respect to two areas: (1) **Part 1**: SGI's application of exemptions to withhold records in full or in part in relation to the 38 pages; and (2) **Part 2**: with respect to SGI's search efforts.

II RECORDS AT ISSUE

- [12] With respect to **Part 1** of the access request there are 38 pages in issue. SGI withheld 31 pages in full and seven pages in part.
- [13] With respect to **Part 2** of the access request, and as noted above in paragraph [6] of this report, SGI has submitted to this office that there are no records of this nature beyond the 30 pages of emails that the Applicant received in April of 2025.

III DISCUSSION OF THE ISSUES

1. Does OIPC have jurisdiction?

- [14] SGI is a "government institution" as defined by section 2(1)(d)(ii) of *The Freedom of Information and Protection of Privacy Act* (FOIP). SGI is also specifically listed as a prescribed government institution pursuant to section 2(1)(d)(ii) of FOIP in section 3, Part I of the Appendix to *The Freedom of Information and Protection of Privacy Regulations* (FOIP Regulations). Therefore, OIPC has jurisdiction to undertake this review.

2. Part 1: Did SGI properly apply exemptions?

[15] SGI claimed a number of exemptions with respect to the 38 pages that were withheld from the original 318 pages of its disclosure to the Applicant. For easy reference, we have provided a table that summarizes the nature of those documents below:

Group #	Page Numbers	Description	Status	FOIP Exemption(s) Applied
1	P0003 (1 page)	“O/S” reserve column	Withheld in part	18(1)(f)
2	P0038, P0139, P0146 to P0149, P0292 to P0315 and P0317 (31 pages)	Records relating to the SIU investigation: <ul style="list-style-type: none">• Investigation forms• Investigation notes• SIU Investigation memo• Investigative supporting documents	Withheld in full	15(1)(c), 15(1)(e), 17(1)(a), 17(1)(b)(i)
3	P0140 to P0142, P0144, P0145 and P0150 (6 pages)	Records relating to the SIU investigation <ul style="list-style-type: none">• Investigation notes	Withheld in part	15(1)(c), 15(1)(e), 17(1)(a), 17(1)(b)(i)

(a) Does section 18(1)(f) of FOIP apply?

[16] SGI applied section 18(1)(f) of FOIP to withhold the “O/S reserve” column on page P0003, from Group 1. Section 18(1)(f) of FOIP provides:

18(1) A head may refuse to give access to a record that could reasonably be expected to disclose:

...

(f) information, the disclosure of which could reasonably be expected to prejudice the economic interest of the Government of Saskatchewan or a government institution;

[17] “Could” is used in section 15(1)(e) of FOIP versus “could reasonably be expected to” which is the statutory language of 18(1)(f) of FOIP. The threshold for “could” is somewhat lower than a reasonable expectation. There does not need to be a likelihood of the effect, only the objective possibility, or a possibility on the facts, that something may happen.²

[18] FOIP does not define the terms “prejudice” or “economic interests”. OIPC has defined these terms and provided the following examples of harm to economic interests:³

- “Prejudice” in this context refers to detriment to economic interests.
- “Economic interests” refer to both the broad interests of a government institution and, for the government as a whole, in managing the production, distribution and consumption of goods and services. This also covers financial matters such as the management of assets and liabilities by a government institution and the government institution’s ability to protect its own or the government’s interests in financial transactions.

Examples of harm to economic interests can include:

- Information in budget preparation documents which could result in segments of the private sector taking actions affecting the government’s ability to meet economic goals.
- Background material to be used in establishing land costs which if released would affect revenue from the sale of the land.

[19] SGI provided submissions with respect to the redaction of the “reserve amount” and why it was redacted in this matter. In essence, SGI noted that the reserve claim quote was useful in negotiations connected to the settlement of a claim. It is important to note that SGI submitted the release of this amount could undermine negotiations not only with respect to

² [*Saskatchewan Government Insurance v Giesbrecht*, 2025 SKCA 10](#) at paras [62] to [80]. In this ruling the Court of Appeal is considering the word “could” within the context of section 38(1)(f) of the *Health Information Protection Act*, SS 1999, c. H-0.021, as amended, but the substance of the meaning is relevant to this analysis.

³ See OIPC [Review Report 105-2024](#) at paragraph [53].

a live claim but also with respect to future negotiations involving a similar asset since the amounts are set but can be periodically reviewed.

[20] In past reports, OIPC has found that the release of reserve amount information could indeed prejudice the economic interests of SGI and that section 18(1)(f) of FOIP is properly applied to any reserve amount.⁴

[21] There is a finding that SGI has properly applied section 18(1)(f) of FOIP to the “O/S reserve” column amounts on page P0003.

(b) Does section 17(1)(b)(i) of FOIP apply?

[22] SGI applied section 17(1)(b)(i) of FOIP to the documents in Group 2 and Group 3 listed above in paragraph [15]. Section 17(1)(b)(i) of FOIP provides:

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;

[23] SGI submitted the following for its reliance on section 17(1)(b) of FOIP:

P0038 is a request for advice with a summary of the claim file. The expertise of SIU is being sought. P0139-P0149 and P0317 are sections of progress notes created by SIU so that their analysis and process of giving advice could be better tracked. They are work in progress documents. P0292-P0315 are the summary of SIU’s work provided to the adjuster as SIU’s advice and recommendation.

[24] OIPC uses the following two-part test to determine if section 17(1)(b)(i) of FOIP applies:⁵

⁴ See OIPC [Review Report 182-2024](#) at paragraph [29]; OIPC [Review Report 098-2015](#) at paragraphs [31] and [32].

1. Does the record contain consultations or deliberations?
2. Do the consultations or deliberations involve officers or employees of a government institution, a member of the Executive Council, or the staff of a member of the Executive Council?

[25] OIPC has used the following definitions when considering this exemption:⁶

- “Consultation” means the action of consulting or taking counsel together: deliberation, conference; a conference in which the parties consult and deliberate. A consultation can occur when the views of one or more officers or employees of a government institution are sought as to the appropriateness of a particular proposal or suggested action. It can include consultations about prospective future actions and outcomes in response to a developing situation. It can also include past courses of action. For example, where an employer is considering what to do with an employee in the future, what has been done in the past can be summarized and would qualify as part of the consultation or deliberation.
- “Deliberation” means the action of deliberating (to deliberate: to weigh in mind; to consider carefully with a view to a decision; to think over); careful consideration with a view to a decision; A deliberation can occur when there is a discussion or consideration of the reasons for or against an action. It can refer to discussions conducted with a view towards making a decision.
- “Involving” means including.
- “Officers or employees of a government institution”: “Employee of a government institution” means an individual employed by a government institution and includes an individual retained under a contract to perform services for the government institution.

[26] The Saskatchewan King’s Bench has recently interpreted the meaning of “consultations and deliberations” in the context of section 17(1)(b)’s mirror provision in LA FOIP.⁷ In

⁵ See OIPC [Review Report 263-2024](#) at paragraph [34].

⁶ *Ibid*, at paragraph [35].

⁷ Section 16(1)(b) of *The Local Authority Freedom of Information and Protection of Privacy Act*, SS 1990-1991, c.L-27.1, as amended, (LA FOIP).

that ruling, Gerecke J. concluded that an earlier decision from this office adopted too narrow an interpretation of these terms. He recommended a broader approach such that a consultation may include the information gathering process that is then submitted for a deliberation and/or consultation. He wrote:⁸

[67] I accept that the concept of deliberation might suggest an intent to decide. Consultation appears to be a broader term, and need not have that objective, though the definition advanced by the Commissioner suggests that such an objective might be necessary. Consultation might reasonably occur at such an early stage of decision-making that it equates to information gathering to better inform proposal-development. If the Legislature intended to exclude discussions with persons that might not lead to decisions, it would have been a simple matter to include that notion in s.16. It did not do so.

[Emphasis added]

[27] This office has established that this provision is not meant to protect the bare recitation of facts, without anything further.⁹ However, and in keeping with the inclusion of information gathering, facts and background material in a record that informs later consultations or deliberations are sufficiently connected such that they cannot reasonably be severed from the record as separate or distinct.¹⁰

(i) *Application of s.17(1)(b)(i) to SIU Investigation Forms in Group 2*

[28] We will first consider three pages in Group 2 that may be described as form, or template, documents. They are pages P0038, P0293, and P0299.

⁸ [Tarasoff v Saskatoon \(City\)](#), 2025 SKKB 41 at paragraph [67]. See also [Leo v. Global Transportation Hub Authority](#), 2019 SKQB 150 at paragraph [40].

⁹ See OIPC [Review Report 313-2023](#) at paragraph [43].

¹⁰ See OIPC [Review Report F-2013-007](#) at paragraphs [55] to [58] and OIPC [Review Report 202-2020](#) at paragraph [41].

- [29] The first consideration will involve a portion of the duplicate pages P0038 and P0293. These pages appear to be a standard template that is to be completed by the adjuster and submitted to an SIU investigator. On that page there are six tables of information. We speak only of table four on each of these duplicate pages. The information in table four qualifies as information that was gathered as part of the consultative process. The first part of the test is met for table four of pages P0038/P0293. The name of the SGI adjuster appears in the document in table six. This individual is an employee of SGI, so the consultation involves an employee of SGI, which meets the second part of the test.
- [30] There is a finding that SGI properly applied section 17(1)(b)(i) of FOIP to table four on pages P0038/P0293 of the SIU Investigation Forms in Group 2.
- [31] However, the remaining portions of these pages contain general factual information about the Applicant's auto claim that was supplied by the Applicant. These passages do not qualify as consultations or deliberations. SGI has improperly applied section 17(1)(b)(i) of FOIP to these portions.
- [32] Page P0299 was withheld from the Applicant in full. Page P0299 appears to be a standard template that was completed upon the completion of the SIU investigation and the settlement of the claim. It appears that SGI used this form to record general details about the closure of the SGI claim. It does not contain information that would qualify as or reveal the substance of any consultations or deliberations. Page P0299 is, in essence, the final decision with respect to the claim of which the Applicant would be well aware.
- [33] There is a finding that SGI improperly applied section 17(1)(b)(i) of FOIP to the remaining portions of pages P0038/ P0293 and to page P0299 of the SIU Investigation Forms in Group 2.

(ii) *Application of s.17(1)(b)(i) to SIU Investigation Notes in Group 2 and Group 3*

- [34] SGI withheld pages P0139 and P0146 to P0149 in Group 2 from the Applicant in full. Pages P0140 to P0142, P0144, P0145 and P0150 in Group 3 were withheld in part. These documents may be described as investigation notes.
- [35] The top half of page P0139 is a screenshot of the same material that was properly withheld on pages P0038/P0293 as discussed above. Consistent with the finding at paragraph [29], this information would meet both parts of the test for consultation/deliberation. There is a finding that SGI properly applied section 17(1)(b)(i) of FOIP to the top half of page P0139.
- [36] The remaining documents that are to be considered in this segment of the analysis include: the redacted material on: page P0139, pages P0140 to P0142, and pages P0144 to P0150. Only one page contained improper redactions in this group of records. That was the bottom half of page P0139. The bottom half of page P0139 is nothing more than a screenshot of a template form that contains the customer and vehicle information with respect to the factual details of the claim submitted by the Applicant. Every other document in this tranche of documents had redactions properly applied because it is abundantly clear that these were detailed steps taken by the SIU investigator in their information-gathering capacity. The results of these steps of the investigation are clearly noted and a deliberation of this information obviously formed the basis of the opinion given, therefore the first part of the test is met. The SIU investigator is an employee of SGI, so the deliberation involved an employee of SGI which meets the second part of the test.
- [37] There is a finding that SGI properly applied the exemption in section 17(1)(b)(i) of FOIP to pages P140 to P142 and to pages P0144 to P0150.
- [38] There is a finding that SGI has improperly applied section 17(1)(b)(i) of FOIP to the bottom half of page P0139.

(iii) Application of s.17(1)(b)(i) to SIU Investigation Memo in Group 2

[39] SGI withheld pages P0294 to P0296 from Group 2 in full. These pages constitute the SIU investigation memo which was drafted by an SIU investigator for the consideration and deliberation of the SGI adjuster. The memo is a summary of the steps taken in the SIU investigation of the Applicant's claim and closes with an expert opinion. From a review of the memo, it would appear that this document fits neatly into the definition of consultation/deliberation as noted in paragraph [26] above. This memo summarizes an information gathering process that was being submitted for a final decision on the part of the adjuster. The cover page of this document, page P0294, clearly outlines that this opinion is to be a privileged document according to SGI's Corporate Privacy Policy.

[40] In turning to the second part of the test, this memo was prepared by an SIU investigator as part of their professional duties for SGI and it was submitted to an SGI adjuster. This is clearly a consultation and deliberation on the part of the employees of SGI. There is a finding that section 17(1)(b)(i) has been properly applied in the case of pages P0294 to P0296 from Group 2.

[41] For whatever reason, the substantive conclusions of pages P0295 and P0296 of the SIU investigation memo were reproduced and released in full to the Applicant at the bottom of page P0150.

(iv) Application of s.17(1)(b)(i) to SIU Investigation Supporting Documentation in Group 2

[42] The documents considered in this segment of the analysis include: P0292, P0297, P0298, P0300 to P0315 and P0317. These pages were withheld in full. These documents include copies of documents considered by the SIU investigator, as well as copies of communications wherein SGI requested information from a third party. These pages comprise an aspect of the SIU investigation.

[43] Page P0302, is a screenshot of a note in the SIU investigation file. The contents of the note are copied word-for-word from the properly withheld part of pages P0038/P0293.

Consistent with the finding at paragraph [30], this information would meet both parts of the test as a consultation/deliberation involving employees of a government institution. There is a finding that SGI properly applied section 17(1)(b)(i) of FOIP to page P0302.

[44] Based on a review of the remaining pages in this tranche of documents, it would appear that the records contain information that the SIU investigator requested from third parties for the purposes of comparison and analysis as part of a consultative process. The documents include information that SIU used to come to the final determination:

- Pages P0292 and P0298 are duplicate copies of a request for information by SGI to a third party. Page P0297 is a transmittal document to a third party that includes the request found on pages P0292 and P0298, and information regarding the transmittal.
- Page P0300 is a list of questions with handwritten responses to some of the questions. Page P0301 references specific sections of relevant Saskatchewan legislation.
- Pages P0303 and P0304 reproduce communications from a third party releasing requested documents pertinent to the SIU investigation.
- Pages P0305 to P0315 are copies of the documents the third party released for the SIU investigation.
- Page P0317 is a copy of a request for documents.

[45] There is a finding that SGI properly applied the exemption in section 17(1)(b)(i) of FOIP to the following records: P0292; P0297; P0298; P0300; P0301; P0303 to P0315 and P0317.

(c) Does section 17(1)(a) of FOIP apply?

[46] Section 17(1)(a) of FOIP provides:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

(a) advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council;

[47] OIPC uses the following two-part test to determine if section 17(1)(a) of FOIP applies:¹¹

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?
2. Were the advice proposals, recommendations, analyses and/or policy options developed by or for a government institution?

[48] In past reports, OIPC has used the following definitions when considering the exemption in section 17(1)(a) of FOIP and its application:¹²

- “Advice” is guidance offered by one person to another. It can include the analysis of a situation or issue that may require action and the presentation of options for future action, but not the presentation of facts. Advice encompasses material that permits the drawing of inferences with respect to a suggested course of action, but which does not itself make a specific recommendation. It can be an implied recommendation. The “pros and cons” of various options also qualify as advice. It should not be given a restricted meaning. Rather, it should be interpreted to include an opinion that involves exercising judgement and skill in weighing the significance of fact. It includes expert opinion on matters of fact on which a government institution must make a decision for future action.
- A “recommendation” is a specific piece of advice about what to do, especially when given officially; it is a suggestion that someone should choose a particular thing or person that one thinks particularly good or meritorious. Recommendations relate to a suggested course of action more explicitly and pointedly than “advice”.
- “Analyses” (or analysis) is the detailed examination of the elements or structure of something; the process of separating something into its constituent elements.

[49] This exemption does not generally apply to records or parts of records that in themselves reveal *only* the following:¹³

¹¹ See OIPC [Review Report 002-2025](#) at paragraph [18].

¹² See OIPC [Review Report 144-2024](#) at paragraph [34].

¹³ *Ibid*, at paragraph [44].

- That advice was sought or given;
- That particular persons were involved in the seeking or giving of advice; or
- That advice was sought or given on a particular topic at a particular time.

[50] This office has considered the application of section 17(1)(a) of FOIP to a “Data Forensics Analysis (DFA) Report.” While portions of that report contained advice and analysis from SaskTel to eHealth regarding a ransomware attack that eHealth had experienced, the portions that laid out the facts of the investigation would not qualify as advice, recommendations and analysis.¹⁴

[51] Because the remaining documents have been described in detail with respect to the discussion involving section 17(1)(b)(i) of FOIP, the following table simply states the finding that section 17(1)(a) of FOIP was not properly applied by SGI as a viable exemption because no advice or recommendation was contained within the withheld portions of these pages:

Page Number	Nature of Document	Nature of Redaction
0038/0293 (tables 1, 2, 3, 5 and 6 on these pages)	SIU Investigation Forms	General details of claim.
P0299	SIU Investigation Form	Form that contains a statement of the completion of the Applicant’s auto claim and provides details of financial settlement.
Bottom half of P0139	SIU Investigation Notes	Customer information and vehicle details.

¹⁴ See OIPC [Review Report 039-2021](#) at paragraph [19].

(d) *Does section 15(1)(e) of FOIP apply?*

[52] Section 15(1)(e) of FOIP provides:

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

...

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

[53] OIPC uses the following two-part test to determine if section 15(1)(e) of FOIP applies to a fact situation:¹⁵

1. Does the information in question constitute “investigative techniques” or “procedures?”
2. Are the investigative techniques and/or procedures currently in use or likely to be used?

[54] OIPC has used the following definitions when considering the application of this exemption:¹⁶

- “Investigative techniques and procedures” mean techniques and procedures used to conduct an investigation or inquiry for the purpose of law enforcement. The techniques or procedures must include specific steps. General information (such as forms and standard policies that do not include specific investigative steps and procedures) would not qualify. Routine, common or customary investigative techniques and procedures would not qualify. Generally known investigative techniques and procedures which the public is already aware of would not qualify.
- “Likely” means probable, a likely outcome; reasonably expected.

¹⁵ See OIPC [Review Report 182-2024](#) at paragraph [78].

¹⁶ *Ibid*, at paragraph [79].

- [55] Template forms and the text that populates portions of a form do not reveal techniques or procedures, they merely prompt the collecting of information that one would normally expect in relation to security incidents.¹⁷
- [56] Pages P0038/P0293 are duplicate pages. All the information on these pages, other than the information in table four, appear to be a standard template form the Adjuster used to request an SIU investigation. The bottom half of page P0139 are screenshots of the Applicant's client information as well as the details of the vehicle that was the subject of the claim. Page P0299 appears to be a template form that records summary of the completed investigation. The first part of the test is not met in that these pages reveal no investigative techniques or procedures.
- [57] The following table simply summarizes the finding that section 15(1)(e) was not properly applied by SGI as a viable exemption because no investigative technique or procedure was contained within the withheld portions of these pages:

Page Number	Nature of Document	Nature of Redaction
P0038/P0293 (tables 1, 2, 3, 5 and 6 on these pages)	SIU Investigation Forms	General details of the claim.
P0299	SIU Investigation Form	Form that contains a statement of the completion of the Applicant's auto claim and provides details of financial settlement.
Bottom half of P0139	SIU Investigation Notes	Customer information and vehicle details.

(e) Does section 15(1)(c) of FOIP apply?

¹⁷ See OIPC [Review Report 095-2023](#) at paragraph [49].

[58] SGI applied section 15(1)(c) of FOIP to the entirety of the documents in Group 2 which were documents that were withheld in full. SGI applied this exemption to the entirety of the documents in Group 3 which were documents that were withheld in part.

[59] Section 15(1)(c) of FOIP provides:

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;

[60] In its submission, SGI simply stated that this exemption allows SGI to “withhold documents that could reveal information about an investigation.”

[61] OIPC uses the following two-part test to determine if section 15(1)(c) of FOIP applies:¹⁸

1. Does the government institution’s activity qualify as a “lawful investigation”?
2. Does one of the following exist?
 - a) Could the release of the information interfere with a lawful investigation?
 - b) Could the release disclose information with respect to a lawful investigation?

(i) *Does the government institution’s activity qualify as a “lawful investigation”?*

[62] FOIP does not define the term “lawful investigation”. In past reports, OIPC has described a “lawful investigation” as an investigation that is authorized or required and permitted by law.¹⁹ The government institution should identify the legislation under which the

¹⁸ *Supra*, footnote 15 at paragraph [65].

¹⁹ *Supra*, footnote 15 at paragraph paragraph [66].

investigation is conducted. The investigation can be concluded, active and ongoing, or be occurring in the future.

[63] From a review, it is clear that SIU investigated the Applicant's claim and the records at issue relate to this investigation. OIPC agrees with SGI that an SIU investigation conducted pursuant to section 76 of *The Police Act, 1990*²⁰ qualifies as a "lawful investigation." Based on this, a "lawful investigation" occurred in this case and so the first part of the test is met.

(ii) *Could release disclose information with respect to a lawful investigation?*

[64] It is clear that we need not analyze whether disclosure would interfere with an ongoing lawful investigation because the investigation was closed by the time of the access request. The concern now turns to whether the release of the remaining records could disclose information *with respect to* a lawful investigation. SGI submitted:

The documents and sections of documents withheld by SGI disclose information with respect to the lawful investigation, and the methods and techniques that are employed for the purpose of carrying out an investigation. These records were created specifically for the investigation and are not regular reporting SGI generally creates. They would not have been compiled in this specific form if not for the investigation although they repeat information from the applicant's claim file.

[65] OIPC has used the following definitions when considering the application of this exemption:

- "With respect to" is defined as words of the widest possible scope; the phrase is probably the widest of any expression intended to convey some connection between two related subject matters.²¹
- As noted earlier in paragraph [17] of this report, the word "could" implies a threshold that is somewhat lower than a reasonable expectation. The requirement for *could* is simply that the release of the information could

²⁰ *The Police Act, 1990*, S.S. 1990-91, chapter P-15.01, as amended.

²¹ *Supra*, footnote 15 at paragraph [71].

have the specified result. There would still have to be a basis for asserting the outcome could occur. If the concern is fanciful or exceedingly remote, the exemption should not be invoked.

[66] OIPC has considered the types of records meant to be captured by this exemption and concluded that records caught by this exemption should relate to the methods or techniques used in an investigation itself, and not to the disclosure of information or documents that form part of the evidence.²² A caveat must attach to this in the sense that the disclosure of the documents that “form part of the evidence” should not reveal the methods or techniques SGI used in its lawful investigation.

[67] Because the remaining documents have been described in detail with respect to the discussion involving section 17(1)(b)(i) of FOIP, the following table simply states the finding that section 15(1)(c) of FOIP was not properly applied by SGI as a viable exemption to the documents below because the disclosure of these documents would not reveal methods or techniques used in the lawful investigation:

Page Number	Nature of Document	Nature of Redaction
0038/0293 (tables 1, 2, 3, 5 and 6 on these pages)	SIU Investigation Forms	General details of claim.
P0299	SIU Investigation Form	Form that contains a statement of the completion of the Applicant’s auto claim and provides details of financial settlement.
Bottom half of P0139	SIU Investigation Notes	Customer information and vehicle details.

²² See OIPC [Review Report 101-2024](#) at paragraphs [35] to [37].

[68] There are acknowledged steps the head of a public body may wish to take in the exercise of its discretion.²³ All the sections that SGI claimed as appropriate exemptions in this matter were discretionary because they were drafted using the term “may” which implies discretion. OIPC is always happy to recognize the exercise of a head’s discretion – either way. In this case, SGI was silent on the issue of whether the head considered the use of discretion and if not, why. In the review of a discretionary exemption, OIPC may recommend that the head of a public body reconsider its exercise of discretion. The Commissioner cannot substitute their discretion for that of the head of a public body.²⁴ In this case there will *not* be a recommendation that the head re-consider its discretion. This is because the records that were properly withheld from the Applicant in this case involved information that could seriously affect the financial and investigative procedure employed by SGI when dealing with investigations of this sort pursuant to its statutory jurisdiction.

3. Part 2: Did SGI conduct a reasonable search for responsive records?

[69] Section 5 of FOIP provides an applicant with a right to access records in the possession, or under the control, of a government institution. It states:

5 Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a government institution.

[70] A “reasonable search” is one where an experienced employee expends reasonable efforts to locate records that are reasonably related to the request. A reasonable effort is the level of effort expected of any fair, sensible person who is searching where records are likely to be stored. What is reasonable depends on the request and related circumstances.²⁵

²³ See OIPC [Review Report 051-2025](#) at paragraphs [36] to [38].

²⁴ See OIPC [Review Report 315-2023](#) at paragraph [66].

²⁵ See OIPC [Review Report 220-2024](#) at paragraph [18].

[71] The final issue for analysis is with respect to the Applicant's belief that there were further harassment/discrimination records beyond the 30 pages of emails that they was furnished with in April of 2025.²⁶

Harassment/Discrimination Records:

[72] In its submission, SGI submitted the following regarding the existence of harassment/discrimination records:

The Applicant's initial request included a request for information about a human resources complaint made against an unknown employee. SGI could not search its records based on that information and required an employee name, which was never provided. The Applicant withdrew that portion of the request. Therefore, SGI, used its standard search process and checklist to find responsive documents based on the Applicant's request being limited, after clarification under 6(3) of FOIP, to:

Just send me what is on the file number [Applicant's claim number]²⁷ Please

On November 8th 2024, OIPC emailed SGI and provided information on behalf of the Applicant that clarified [their] May 6th FOI request.

[73] SGI provided OIPC with copies of its internal correspondence regarding its additional search for related records. On November 8, 2024, SGI's access and privacy unit emailed its Employee Relations Unit (ERU) to ask for "records related to a harassment/discrimination investigation forwarded by SGI HR". On November 13, 2024, ERU replied that there were no other documents available to be searched or released with respect to this alleged matter and SGI.

²⁶ SGI submitted that it had originally sent the 30 pages of emails to the Applicant by Priority Post on December 16, 2024. This package was returned to SGI on January 8, 2025. In the ongoing negotiations with OIPC, and in an effort to seek a satisfactory resolution of this matter, SGI agreed to send the package once more to the Applicant. The Applicant confirmed receipt of the package on April 7, 2025.

²⁷ The words in square brackets are OIPC's amendments of SGI's response to preserve the identity of the Applicant.

[74] On November 13, 2024, SGI's access and privacy unit asked SGI's Fair Practice Office (FPO) to conduct a search with the appropriate parameters. On November 13, 2024, the Manager of FPO responded that there were no responsive documents retrieved after the search.

[75] In undertaking several additional searches, SGI had asked its HR, ERU and FPO units to search their records using the Applicant's name and relevant details with respect to the Applicant's claim of harassment/discrimination. SGI released, in full, 30 pages of emails. Based on the foregoing, there is a finding that SGI has conducted a reasonable search for records. There will be a recommendation that SGI take no further action regarding search.

IV FINDINGS

[76] OIPC has jurisdiction to conduct this review.

[77] SGI has conducted a reasonable search for records.

[78] SGI has improperly applied the following exemptions to the following documents in this matter for the reasons stated above:

Page Number	Nature of Document	Improper Application of FOIP Exemptions
P0038/P0293 (tables 1, 2, 3, 5 and 6 on these pages)	SIU Investigation Forms (General factual details of claim)	15(1)(c), 15(1)(e), 17(1)(a), 17(1)(b)(i)
P0299	SIU Investigation Form (Form that contains a statement of the completion of the Applicant's auto claim and provides details of financial settlement)	15(1)(c), 15(1)(e), 17(1)(a), 17(1)(b)(i)
Bottom half of P0139	SIU Investigation Notes	15(1)(c), 15(1)(e),

	(Customer information and vehicle details)	17(1)(a), 17(1)(b)(i)
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[79] SGI has properly applied statutory exemptions to the remaining pages of the record it withheld, as addressed in this Review Report.

V RECOMMENDATIONS

[80] I recommend that within 30 days of the issuance of this Report, SGI release to the Applicant the records that are listed in paragraph [78] above and continue to withhold the remaining pages of records.

[81] I recommend that SGI take no further action regarding the search for relevant records.

Dated at Regina, in the Province of Saskatchewan, this 14th day of July, 2025.

Grace Hession David
Saskatchewan Information and Privacy Commissioner