



Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

ORDER P-229

Appeal 890270

Human Resources Secretariat/Management Board of Cabinet



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O R D E R

This appeal was received pursuant to subsection 50(1) of the Freedom of Information and Protection of Privacy Act, 1987, as amended (the "Act"), which gives a person who made a request for access to a record under subsection 24(1) the right to appeal any decision of a head under the Act to the Information and Privacy Commissioner.

The facts of this case and the procedures employed in making this Order are as follows:

1. The requester wrote to the Human Resources Secretariat/Management Board of Cabinet (the "institution") seeking access to:
 1. (a) For each ministry, listed by ministry, a listing of the services received from the non_government sector _ profit and not_for_profit, through contract, for 1988 and 1989.
 - (b) For each ministry, the number of contracts undertaken in 1988 and 1989.
 - (c) For each ministry, median dollar value and the total dollar value of the contracts undertaken in 1988 and 1989.
2. (a) For each ministry, a listing of the reasons that services,

programs, activities and work are contracted.

- (b) For each ministry, how long have services, programs, activities and work been contracted?
 - (c) For each ministry, if the ministry were required to pay wages, benefits and pension contributions comparable to those required by the collective agreement in respect of these contracts (as is the intent of applications under either The Crown Transfers Act or The Crown Employees Collective Bargaining Act) what would be the costs to the ministry's vendors?
 - _ legal
 - _ administrative
 - _ salaries
 - _ benefits
 - _ pension contributions
 - _ other
 - (d) For each ministry, what other implications might ensue under these circumstances?
 - (e) What alternative delivery mechanisms would each ministry consider/undertake?
 - (f) Would each ministry continue to contract for these services, programs, activities and work?
 - (g) What is each ministry's contracting/contracting_out methodology?
3. (a) For each ministry, what are the ministry's future plans for receiving services, programs, activities, and work from the non_government sector _ profit or not_for_profit through contract?

For what type or kind of services, programs, activities and work?

- (b) For each ministry, the approximate number of contracts the ministry plans to undertake in the next three years.
 - (c) For each ministry, what is the approximate dollar value of these contracts?
 - (d) For each ministry, what problems, if any, are foreseen by the ministry?
2. The Acting Deputy Minister for the institution wrote to the requester advising that access to the requested record was refused pursuant to subsection 12(1) and subsections 18(1)(f) and (g) of the Act.
 3. The requester appealed the institution's decision, and notice of the appeal was given to the institution and the appellant.
 4. Upon receipt of the appeal, the Appeals Officer assigned to the case requested a copy of the record at issue and a clarification of the institution's position on disclosure so that mediation efforts might be attempted. Subsequently, the institution forwarded to the Appeals Officer a number of documents which were identified as a sample of the record at issue.
 5. After reviewing the sample, the Appeals Officer indicated to the institution that she still required clarification of the institution's position with regard to the denial of

access to the record and a copy of all pages of the record at issue.

6. On November 24, 1989, as neither a copy of the record nor clarification of the institution's position was received, notice that an inquiry was being conducted to review the decision of the head was sent to the institution and the appellant. In accordance with the usual practice, the Notice of Inquiry was accompanied by a report prepared by the Appeals Officer. This report is intended to assist the parties in making their representations concerning the subject matter of the appeal. The Appeals Officer's Report outlines the facts

of the appeal and sets out questions which paraphrase those sections of the Act which appear to the Appeals Officer, or any of the parties, to be relevant to the appeal. The report also indicates that the parties, in making their representations, need not limit themselves to the questions set out in the report.

7. As the Appeals Officer had not received a copy of the entire record at issue in this matter, the Appeals Officer's Report contained a request for a copy of the record and clarification of the institution's position.
8. Representations were received from the appellant and the institution. The appellant also indicated that she wished to rely on representations made in her letter of appeal.
9. In its representations, the institution indicated that it was no longer relying on subsection 12(1) of the Act. In

addition to relying on subsections 18(1)(f) and (g), the institution stated that it was now also relying on subsections 18(1)(c) and (d) of the Act. The institution further stated that it was prepared to release information to the appellant which responded to sections 1, 2(a) and (b) of the appellant's request. A copy of the record as identified by the institution was enclosed with the representations.

10. After receiving the record, the Appeals Officer asked the institution to complete an index which would identify information which had been released to the appellant, information which had been severed from the record and the subsections of the Act on which the institution was relying to exempt information from disclosure.
11. As the institution had claimed additional exemptions in its representations and did not appear to have forwarded the complete record, the Appeals Officer requested further representations from the institution. Similarly, the appellant was given the opportunity to make further representations, once she had received a copy of the record as identified and severed by the institution.
12. I have considered the representations of both parties in reaching my decision in this appeal.

PURPOSES OF THE ACT/BURDEN OF PROOF:

The purposes of the Act as outlined in subsections 1(a) and (b) are as follows:

- (a) to provide a right of access to information under the control of institutions in accordance with the principles that,
 - (i) information should be available to the public,
 - (ii) necessary exemptions from the right of access should be limited and specific, and
 - (iii) decisions on the disclosure of government information should be reviewed independently of government; and

- (b) to protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information.

Further, section 53 of the Act provides that the burden of proof that a record, or a part thereof, falls within one of the specified exemptions in the Act lies with the head of the institution.

BACKGROUND :

The institution represents the government as employer in labour negotiations with the government's unionized employees. Among the issues that arise in negotiations is the contracting out to the private sector of work formerly or presently performed by public servants or of work that the government intends to undertake (i.e., a new program) which has not yet been performed

by government employees. The appellant is an employee of a union involved in negotiations with the government.

A questionnaire was prepared and sent by the institution to each ministry to determine the scope and potential impact of present and future contracts with the private sector. The appellant's request for information contains questions which are very similar to those asked by the institution in its questionnaire.

The record identified by the institution as responding to the appellant's request consists of 22 memoranda and letters received in response to the questionnaire sent out by the institution and two charts which summarize the information received as of June 30, 1989. The attached Appendix A describes the record. Parts of the record were released by the institution to the appellant at the inquiry stage of the appeal.

ISSUES:

The issues arising in this appeal are as follows:

- A. Whether any information severed from the record identified by the institution as responding to the appellant's request falls within the discretionary exemptions provided by subsections 18(1)(c), (d), (f) or (g) of the Act.
- B. If the answer to Issue A is in the affirmative, whether the head properly exercised her discretion when denying access to the exempted information.
- C. If the answer to Issue A or B is in the affirmative, whether the record could reasonably be severed under subsection 10(2) of the Act, without disclosing the information that falls under the exemption.
- D. If Issues A and B are answered in the affirmative, whether there is a compelling public interest in the disclosure of any of the severed portions of the record which clearly

outweighs the purpose of the exemption, as provided by section 23 of the Act.

- E. Whether the institution has fulfilled its obligations under section 25 of the Act.

DISCUSSION:

Issue A: Whether any information severed from the record identified by the institution as responding to the appellant's request falls within the discretionary exemptions provided by subsections 18(1)(c), (d), (f) or (g) of the Act.

At page 5 of Order 141 (Appeal Number 890214), dated January 23, 1990, former Commissioner Sidney B. Linden stated

Broadly speaking, section 18 is designed to protect certain interests, economic and otherwise, of the Government of Ontario and/or institutions. Subsections 18(1)(b), (c), (d) and (g) all take into consideration the consequences which would result to an institution if a record were released. Subsections 18(1)(a), (e) and (f) are all concerned with the form of the record, rather than the consequences of disclosure.

I will first consider the application of subsection 18(1)(f) to the record.

Subsection 18(1)(f)

Subsection 18(1)(f) of the Act states:

A head may refuse to disclose a record that contains,

- (f) plans relating to the management of personnel or the administration of an institution that have not yet been put into operation or made public;

Subsection 18(1)(f) exempts a specific class or type of record based on its content, namely plans. The plans must relate to the management of personnel or the administration of an institution that have not yet been put into operation or made public.

In order to qualify for exemption under subsection 18(1)(f) of the Act, the institution must establish that a record satisfies each element of a three part test:

1. the record must contain a plan or plans, and
2. the plan or plans must relate to:
 - i) the management of personnel or
 - ii) the administration of an institution, and
3. the plan or plans must not yet have been put into operation or made public.

In its representations, the institution indicated that it was releasing information which responded to sections 1, 2(a) and (b) of the appellant's request. I must assume that the remainder of the information which has not been disclosed to the appellant responds to sections 2(c), (d), (e), (f) and (g); and 3(a), (b), (c) and (d) of the appellant's request.

The Eighth Edition of the Concise Oxford Dictionary defines "plan" as "a formulated and especially detailed method by which a thing is to be done; a design or scheme." In reviewing the appellant's request, it is my view that only sections 2(e) and (f), 3(a) and (b) involve a request for information which might contain a "plan" or "plans".

In reviewing the record, I note that not all of the ministries have responded to the questions in the institution's questionnaire which correspond to sections 2(e) and (f), 3(a) and (b) of the appellant's request. When a response was provided, the ministries have answered the questions in a number of ways: they have estimated what their future plans might be in order to provide some response to the questionnaire; they have no plans to change their current practice or they plan to continue as they have in the past; or they have an established plan.

When a ministry has responded to the question asked of it by the institution by indicating that it is estimating what its future needs may be in order to provide a response to the questionnaire, in my view, that ministry does not have a plan, as defined by the Oxford Dictionary, and the first requirement for exemption under subsection 18(1)(f) has not been met.

When a ministry has responded that it has no plan to change its current practice or it plans to continue as it has in the past,
I

conclude that this determination to continue is a plan and the first requirement for exemption under subsection 18(1)(f) has been met.

Similarly, when it is evident from a review of the record that a ministry has an established plan, the first requirement under subsection 18(1)(f) has been met.

From a review of the parts of the record which do contain plans, it is apparent that the plans relate to the management of personnel or the administration of an institution and therefore the second requirement of the test is satisfied.

I shall now determine if the institution has established that the information satisfies the third requirement of the test.

I have concluded that an institution which has no plan to change its current practice or plans to continue as it has in the past with regard to the management of personnel or the administration of the institution does, in fact, have a plan. However, in my view, it is a plan which has been put into operation and therefore does not meet the third requirement for exemption under subsection 18(1)(f).

When it is evident from a review of the record that a ministry has an established plan regarding management of personnel or the administration of the institution, I must determine whether the plan has been put into operation or made public. In some instances, it is obvious that the plan has been put into operation. In other instances, it is not obvious on the face of the record nor has the institution provided me with any evidence

in its representations which would assist me in determining if the third requirement of the test has been met. I find, therefore, that the

institution has not met the third requirement of subsection 18(1)(f). As the onus is on the institution to meet each part of the test under subsection 18(1)(f) and it has not done so, the exemption does not apply.

Subsection 18(1)(g)

I will now examine whether any of the severed information meets the requirements for exemption under subsection 18(1)(g).

Subsection 18(1)(g) of the Act states:

A head may refuse to disclose a record that contains,

- (g) information including the proposed plans, policies or projects of an institution where the disclosure could reasonably be expected to result in premature disclosure of a pending policy decision or undue financial benefit or loss to a person;

This subsection also exempts classes or types of information "including the proposed plans, policies or projects of an institution." It combines an exemption for types or classes of records with a requirement that certain consequences could reasonably be expected to result from the disclosure of the record.

In order to qualify for exemption under subsection 18(1)(g) of the Act, an institution must establish that a record:

1. contains information including proposed plans, policies or projects; and
2. that disclosure of the information could reasonably be expected to result in:
 - i) premature disclosure of a pending policy decision, or
 - ii) undue financial benefit or loss to a person.

Each element of this two part test must be satisfied.

The content of the record is sufficiently vague that it prevents me from making a determination as to whether the information contained therein is a proposed plan, policy or project solely from a review of the record. Nor do the representations of the institution provide me with sufficient evidence to allow me to make this determination. As the onus is on the institution to meet each part of the test under subsection 18(1)(g) and it has not done so, I am of the view that subsection 18(1)(g) does not apply.

Subsections 18(1)(c) and (d)

Subsections 18(1)(c) and (d) of the Act state:

A head may refuse to disclose a record that contains,

- (c) information where the disclosure could reasonably be expected to

prejudice the economic interests of an institution or the competitive position of an institution;

- (d) information where the disclosure could reasonably be expected to be injurious to the financial interests of the Government of Ontario or the ability of the Government of Ontario to manage the economy of Ontario;

Subsection 18(1)(c) speaks of disclosure of information which could reasonably be expected to prejudice the economic interests or the competitive position of an institution. Subsection 18(1)(d) speaks of information which, if disclosed, could reasonably be expected to be injurious to the financial interests of the Government of Ontario or its ability to manage the economy of Ontario.

At page 15 of Order 48 (Appeal Number 880038) dated April 6, 1989, former Commissioner Linden stated:

In all cases where a claim for exemption is made under [section] ...18 of the Act, an onus rests with the institution...to demonstrate that the harms envisioned by [this section] are present or reasonably foreseeable. In the absence of evidence to support such claims...the burden placed on the institution under section 53 has not been satisfied and the information in question should be released to the appellant.

At page 7 of Order 141 supra former Commissioner Linden commented further on the nature of the evidence required to support a claim under section 18.

... the evidence of consequences required to support a claim under section 17 of the Act must be "detailed and convincing". The standard is no less stringent under section 18 ... subsections 18(1)(c) [and] (d) ... are all concerned with the consequences of the disclosure of records.

At page 11 of Order 188 (Appeal Number 890265), dated July 19, 1990, I discussed the meaning of the term "could reasonably be expected to" in the context of subsection 14(1) of the Act. The term "could reasonably be expected to" also appears in subsections 18(1)(c) and (d) of the Act.

It is my view that [the] section requires that the expectation of one of the enumerated harms coming to pass, should a record be disclosed, not be fanciful, imaginary or contrived, but rather one that is based on reason. An institution relying on the ... exemption, bears the onus of providing sufficient evidence to substantiate the reasonableness of the expected harm(s) by virtue of section 53 of the Act.

In its representations, the institution submitted a theoretical argument in support of its position to deny access under section 18. The argument is based on the relationship between the institution and the appellant, who is an employee of a union which is regularly involved in negotiations with the government.

The overt presence of the union as the requestor of the information sought was a matter that, in my view, I had to take into account in exercising my discretion in the application of section 18 of the Act.

The result ... of providing ... all of the information requested ... will be to make available to bargaining agents with whom the Government must negotiate information that will reveal the strengths and weaknesses of the positions of the Government without a reciprocal right for the Government to have provided to it similar information on the strengths and weaknesses of the union's position on the question of contracting out.

In applying the Act to situations such as this, the Act should be interpreted so as to distort as little as possible the bargaining and negotiations that must take place between the Government as employer and the unions that represent its employees. The context of the Act clearly indicates that it is not to be used to the financial detriment or economic injury of the Government nor for the premature disclosure of its programs or plans. Interpreting the letter of the Act in accordance with its spirit should not be used to suppress information, but I submit that it should equally not be used to extend the Act into areas of labour relations where it does not clearly apply.

I recognize the institution's reluctance to release information to an appellant who it considers a representative of a union with which it regularly carries on negotiations. However, the difficulty with this theoretical argument is that, on its own, it does not provide evidence that disclosure of the information could reasonably be expected to result in the harms contemplated by subsections 18(1)(c) and (d) of the Act.

In addition to the theoretical argument in support of its position, the institution made specific arguments with regard to the application of each subsection claimed. In its representations the institution makes the following statement regarding a possible harm under subsections 18(1)(c) and (d) of the Act:

The exact nature and extent of the prejudice cannot be quantitatively assessed at this time, but it is submitted that it is reasonable to expect that financial prejudice and injury will occur to the government and that there is a real possibility of gain to a group with whom the government will deal, and this prejudice and gain will result from the disclosure of the information sought.

In my view, the fact that the requester is employed by a party who may be opposite in interest to the institution from which the information is sought is not conclusive in establishing a claim for exemption under subsections 18(1)(c) or (d).

The representations in support of the specific subsections claimed do not bridge the evidentiary gap in the institution's theoretical argument. They speak of possible consequences but do not provide evidence or sufficient explanation to support the conclusion that the consequences could reasonably be expected to result from the release of this record. Nor, in my view, is it evident on the face

of the record that the consequences contemplated by subsections 18(1)(c) and (d) could reasonably be expected to result from disclosure of the record at issue in this appeal.

Having reviewed the severances in question and the representations of the institution, I find that the institution has not established its claim for exemption under section 18. I order the record released to the appellant in accordance with Appendix B.

As the answer to Issue A is in the negative, it is unnecessary to address Issues B, C and D.

Further Instructions

I am providing further instructions to the institution regarding its release of the record to the appellant. These instructions are found in Appendix C and in the form of a highlighted copy of certain pages of the record. These instructions are necessary because the institution did not provide this office with a copy of the record until the inquiry stage of the appeal. As a result, several issues which might have been clarified and possibly resolved during mediation will be addressed in this Order.

Appendix C

A large portion of the record which was severed by the institution may not, in my view, be relevant to the appellant's request. This information does not answer any of the questions included in the appellant's request for information although it does respond to a section of the institution's original questionnaire. The appellant may not have asked for this particular information as it was already available to her. If the institution intends to charge any additional fees to the appellant, I order the institution to permit

the appellant to examine the information to determine whether she wishes to receive this information before it is released to her. Appendix C describes the pages of the record which contain information which may not be relevant to the appellant's request.

Highlighted Copy of the Record

A review of the record indicates that some of the responses to the institution's questionnaire may contain personal information. The institution did not claim section 21 to exempt this information and the institution has failed to meet the requirements of subsections 18(1)(c), (d), (f) and (g) which were claimed to exempt the record. Therefore, I have provided the institution with a copy of the pages of the record which might contain personal information, the highlighted portions of which should be severed from the record before it is released to the appellant.

Issue E: Whether the institution has fulfilled its obligations under section 25 of the Act.

The institution has provided information for the following ministries:

Agriculture and Food
Attorney General
Colleges and Universities
Community and Social Services
Correctional Services
Culture and Communications
Citizenship
Education
Financial Institutions
Government Services

Health
Industry, Trade and Commerce
Labour
Natural Resources

Skills Development
Solicitor General
Tourism and Recreation
Transportation
Treasury and Economics

In her representations, the appellant submits that no information was received for the following ministries:

Ministry of the Environment
Ministry of Housing
Ministry of Municipal Affairs
Ministry of Intergovernmental Affairs
Ministry of Northern Development and Mines
Ministry of Revenue
Management Board of Cabinet
Office Responsible for Disabled Persons
Office Responsible for Senior Citizens Affairs.

She also submits that "complete information on services received from the non-government sector was not provided for each ministry". In reviewing the record, it would appear that a response has not been provided to the appellant for each section of her request or for each ministry.

The Appeals Officer asked the institution to make specific representations regarding the information that appeared to be missing from the record. The missing information fell into three categories. For some ministries, no information was provided. For others, some information was provided but the information did not provide a response to each section of the appellant's

request "for each ministry". Thirdly, although some information was provided by the institution regarding a particular ministry, the appellant does not believe that the information is complete. The appellant provided the Appeals Officer with two examples where she believed this to be the case.

With regard to the two examples of allegedly incomplete information given by the appellant, I am satisfied by the representations made by the institution that this information is contained in the record although not in as precise a form as the appellant might wish.

With regard to information which appears to be missing in whole or in part for certain ministries, the institution stated in representations dated March 2, 1990:

With regard to the ministries of Northern Development and Mines, Environment, Housing, Intergovernmental Affairs, and Revenue, the information requested by Human Resources Secretariat was not compiled and submitted by these ministries. [The appellant] requested only that aggregate information which was requested ... in the questionnaire ... we understood [the appellant] to be requesting access to records in the custody and control of the Human Resources Secretariat to the extent that such records existed.

The appellant's request states and her representations confirm that she is seeking information "for each ministry", not just information in the custody or under the control of the institution or only information received in response to the institution's questionnaire.

Subsection 25(1) of the Act states:

Where an institution receives a request for access to a record that the institution does not have in its custody or under its control, the head shall make all necessary inquiries to determine whether another institution has custody or control of the record, and where the head determines that another institution has custody or control of the record, the head shall within fifteen days after the request is received,

- (a) forward the request to the other institution; and
- (b) give written notice to the person who made the request that it has been forwarded to the other institution.

This section requires an institution which does not have the requested information within its custody or control to forward the request within fifteen days to the institution best able to respond to the request.

In the circumstances of this appeal, where a ministry did not provide a response to the sections of the institution's questionnaire which correspond to sections of the appellant's request, the institution does not have the information within its custody or control. In my view, section 25 of the Act requires that, in such situations, the institution "make all necessary inquiries to determine whether another institution has custody or control of the record" and "forward the request to the other institution". As it appears that the institution did not consider its obligations under section 25 when responding to the appellant's request, I am of the view that the institution has not fulfilled its obligations under section 25 of the Act.

I order the institution to forward the appellant's request to the ministries for which no information has been provided to the institution in accordance with Appendix D of this Order within 10 days of the date of this Order, and to give written notice of this to the appellant. I further order the institution to advise me in writing within five (5) days of the date the request is forwarded of the date on which the request was forwarded.

I note in some instances that the individual ministries have not provided an answer to Questions 2(c), (d) and (g) and 3(d) of the original request to the Human Resources Secretariat. In each case, where the institution does not have a record responding to Questions 2(c), (d) and (g) and 3(d) of the original request, I order the institution to forward the request in accordance with Appendix E of this Order to the appropriate ministry within 10 days of the date of this Order, and to give written notice of this to the appellant. I further order the institution to advise me in writing within five (5) days of the date the request is forwarded of the date on which the request was forwarded.

ORDER:

In summary, my order is as follows:

1. I order the institution to disclose the record to the appellant in accordance with Appendix B and my additional instructions within ten (10) days of the date of this Order. I further order the institution to advise me in writing within five (5) days of the date of disclosure of the date on which disclosure was made.

2. I order the institution to permit the appellant to examine the the information which may not be relevant to her request as described in Appendix C, prior to releasing the information, so that she can decide if she wishes to receive it.
3. I order the institution to sever all information in accordance with the highlighted pages of the record prior to releasing the record to the appellant.
4. I order the institution to forward the appellant's request in accordance with Appendix D and to give written notice of this to the appellant within ten (10) days of the date of this Order. I further order the institution to advise me in writing within five (5) days of the date the request is forwarded of the date on which the request was forwarded.
5. I order the institution to forward the appellant's request in accordance with Appendix E and give written notice of this to the appellant within ten (10) days of the date of this Order. I further order the institution to advise me in writing within five (5) days of the date the request is forwarded of the date on which the request was forwarded.
6. All notices to be sent to the Information and Privacy Commissioner/Ontario should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario, M5S 2V1.

Original signed by: _____
Tom A. Wright
Commissioner

_____ May 6, 1991
Date

APPENDIX A
APPEAL 890270

DESCRIPTION OF RECORD:

- Two page memorandum plus attachments from the Ministry of Consumer and Commercial Relations. The institution has released this part of the record (pages 31_43) to the appellant.
- Two page letter from the Ministry of Energy. The institution has released this part of the record (pages 96_97) to the appellant.
- Summary of Ministries' submissions responding to survey of Ministry contracting out activities. The institution has released this part of the record (pages 262_272) to the appellant.
- Eight page memorandum to Sheree L. Davis from Elizabeth L. McClaren with attachments (pages 3_13). The institution has denied access to seven pages in whole or in part (Ministry of Agriculture & Food).
- Four page memorandum to Sheree Davis from J. Video (pages 14_17). The institution has denied access to two pages in whole or in part (Ministry of the Attorney General).
- Three page memorandum to Sheree L. Davis from David Lyon (pages 18_20). The institution has denied access

to three pages in whole or in part (Ministry of Colleges & Universities).

- Ten page letter to Sheree Davis from John Burkus (pages 21_30). The institution has denied access to six pages in whole or in part (Ministry of Community & Social Services).
- Four page letter dated May 11, 1989 to Sheree Davis from Scott Gray (pages 44_47). The institution has denied access to two pages in whole or in part (Ministry of Correctional Services).
- Two page letter dated July 10, 1989 (pages 48_49). The institution has denied access to both pages in whole or in part (Ministry of Correctional Services).
- Five page memorandum to Sheree L. Davis from Lynn McDonald (pages 50_54). The institution has denied access to two pages in whole or in part (Ministry of Culture & Communications, Ministry of Citizenship).
- Two page letter dated June 2, 1989 with attachments (pages 55_76). The institution has denied access to twenty_two pages in whole or in part (Ministry of Education).
- Four page letter dated May 11, 1989 to Sheree L. Davis with attachments (pages 77_95). The institution has denied access to eighteen pages in whole or in part (Ministry of Education).

- One page letter to Sheree L. Davis from L. Fromstein with attachments (pages 98_139). The institution has denied access to forty_one pages in whole or in part (Ministry of Financial Institutions).
- Two page letter with attachments to Sheree L. Davis from Margaret Rodrigues (pages 140_147). The institution has denied access to five pages in whole or in part (Ministry of Government Services).
- Three page memorandum with attachments to Sheree L. Davis from Ron Le Neveu (pages 148_190). The institution has denied access to thirty_eight pages in whole or in part (Ministry of Health).
- Three page response to questionnaire from Ministry of Industry, Trade & Technology. The institution has denied access to three pages in whole or in part (Ministry of Industry, Trade & Commerce).
- Four page interview questionnaire with notation labour (pages 194_197). The institution has denied access to two pages in whole or in part (Ministry of Labour).
- One page memorandum with attachments to Sheree Davis from Bob Armstrong (pages 198_201). The institution has denied access to two pages in whole or in part (Ministry of Natural Resources).
- One page letter to Sheree Davis from J.B. Hansen with attachments (pages 202_213). The institution has denied access to four pages in whole or in part (Ministry of Skills Development).

- One page memorandum to S.L. Davis from L.H. Edwards with attachments (pages 214_219). The institution has denied access to one page in whole or in part (Ministry of the Solicitor General).
- One page memorandum to Sheree Davis from A.S. Young with attachments (pages 220_228). The institution has denied access to ten pages in whole or in part (Ministry of Tourism & Recreation).
- Two memoranda dated April 26, 1989 and May 8, 1989 respectively with attachments (pages 231_236). The institution has denied access to three pages in whole or in part (Ministry of Transportation).
- One page memorandum to Sheree L. Davis from Sharon Cohen with attachments (pages 237_243). The institution has denied access to four pages in whole or in part (Ministry of Treasury & Economics).
- Summary of Ministries' submissions responding to survey of Ministry contracting out activities (pages 244_261). The institution has denied access to seventeen pages in whole or in part.

APPENDIX B

APPEAL 890270

PARTS OF THE RECORD ORDERED RELEASED TO THE APPELLANT:

PLEASE NOTE: APPENDIX B MUST BE READ TOGETHER WITH APPENDIX C AND THE HIGHLIGHTED COPY OF THE

RECORD PROVIDED BY THE COMMISSIONER'S OFFICE.

- Memorandum to Sheree L. Davis from Elizabeth L. McClaren with Appendices (Ministry of Agriculture & Food)

Page 5; Page 6, all but last four lines;
Page 8; Page 9, Paragraphs 1 and 2.

Memorandum to Sheree Davis from J. Video (Ministry of the Attorney General)

Page 16 Paragraphs c, d, e, f, and g ; Page 17, Paragraphs 4 a, b, c, d, and e.

- Memorandum to Sheree L. Davis from David Lyon (Ministry of Colleges & Universities)

Page 18; Page 19; Page 20

- Letter to Sheree Davis from John Burkus (Ministry of Community & Social Services)

Page 24 Paragraphs 1, 2, 4 and 5.

Page 25 Paragraph 1,

Page 26 Last Paragraph

Page 27 Paragraph 1, 2 and 4.

Page 28 Paragraphs 3 and 4

Page 30 Paragraph 1, Paragraph 2 except for last sentence.

- Letter dated May 11, 1989 to Sheree Davis from Scott Gray (Ministry of Correctional Services)

Page 46 Paragraphs 2 and 3.

- Letter dated July 10, 1989 to Sheree Davis from W. Scott Gray (Ministry of Correctional Services)
Page 47 Paragraphs 1, 2, and 3.
Page 48 , Page 49

- Memorandum to Sheree L. Davis from Lynn McDonald (Ministry of Culture & Communications, Ministry of Citizenship)
Page 52, Paragraphs 2 c, d, e, f, g; ;
Paragraph 4.
Page 52A
Page 52B

- Letter dated June 2, 1989 to Sheree Davis from R. A. Beninati (Ministry of Education)
Page 55, Page 56, Pages 57_62.

- Letter dated May 11, 1989 to Sheree L. Davis from Dina Palozzi. (Ministry of Education)
Page 78 Paragraphs c, d, e, and f.
Page 79 Paragraph g; Paragraph 4 a, b, c, d, and e.
Pages 81_94.

- Letter to Sheree L. Davis from L. Fromstein dated July 31, 1990. (Ministry of Financial Institutions)
Page 99
Page 100
Page 101_112
Pages 113_139.

- Letter to Sheree L. Davis from Margaret Rodrigues dated June 5, 1990. (Ministry of Government Services)
Page 140, Page 144, Page 145 Paragraphs (Q. & A.) f and g; ; Page 146 Paragraphs (Q. & A.) 4 a, b, c.; Page 147.

- Memorandum to Sheree L. Davis from Ron Le Neveu dated May 31, 1990 (Ministry of Health)
Pages 155_190

- Response to questionnaire dated May 1, 1989 (Ministry of Industry, Trade & Commerce)
Page 191, Page 192 except Paragraphs 3 a, b, c, and d; Page 193.

- Interview questionnaire undated (Ministry of Labour)
Page 196 with the exception of Paragraphs (Q & A) 3 a, b, c, and d ; Page 197.

- Memorandum Sheree Davis from Bob Armstrong undated. (Ministry of Natural Resources)
Pages 200_201.

- Letter to Sheree Davis from J.B. Hansen dated June 28, 1989. (Ministry of Skills Development)
Page 207, Page 208, Page 209 with the exception of Paragraph 3 a);Page 210.

- Memorandum to Sheree Davis from A.S. Young dated May 9, 1989 (Ministry of Tourism & Recreation)
Page 222 with the exception of Paragraphs 3 a, b, c, and d ; Page 223, Page 224, Page

225, Page 226 with the exception of Paragraphs 3 a, b, c, d; Page 227.

- Memorandum to J. E. Service dated May 8, 1989 (Ministry of Transportation).
Page 231, Page 232.

- Memorandum to Sheree L. Davis from Sharon Cohen dated July 18, 1989 (Ministry of Treasury & Economics).
Page 240, Page 241, Page 242 with the exception of Paragraphs (Q. & A.) 3 a, b, c, and d; Page 243.

- Summary of Ministry's submissions responding to survey of Ministry contracting out activities
Pages 245_253, Page 254, 255, 256, 257, 258, 259, 260 and 261.

APPENDIX C

APPEAL 890270

SEVERANCES MADE BY THE INSTITUTION REGARDING INFORMATION WHICH MAY NOT BE RELEVANT TO THE APPELLANT'S REQUEST:

- Memorandum to Sheree L. Davis from Elizabeth L. McClaren with Appendices (Ministry of Agriculture & Food)
Page 6 the last four lines
Page 7
Page 9, from Question 5 to the bottom of the page
Page 10.

- Memorandum to Sheree Davis from J. Video (Ministry of the Attorney General)
 - Page 16 Paragraph 3 a b and c
 - Page 17 _ The first three paragraphs.

- Memorandum to Sheree L. Davis from David Lyon (Ministry of Colleges & Universities)
 - Page 18; Page 19; Page 20.

- Letter to Sheree Davis from John Burkus (Ministry of Community & Social Services)
 - Page 24 Paragraph 3
 - Page 25 Paragraphs 2, 3, 4, and 5
 - Page 27 Paragraph 3
 - Page 30 the last sentence of Paragraph 2.

- Letter dated May 11, 1989 to Sheree Davis from Scott Gray (Ministry of Correctional Services)
 - Page 46 Paragraph 4.

- Memorandum to Sheree L. Davis from Lynn McDonald (Ministry of Culture & Communications, Ministry of Citizenship)
 - Page 52 Paragraphs 3 a, b, c, and d.

- Letter dated May 11, 1989 to Sheree L. Davis from Dina Palozzi. (Ministry of Education)
 - Page 79 Paragraph 3a and the line following.
 - Page 80.

- Letter to Sheree L. Davis from L. Fromstein dated July 31, 1990. (Ministry of Financial Institutions)

Page 99 the column headed management and the columns dealing with temporary staff.

Page 100 the column headed cost of temporary staff.

- Letter to Sheree L. Davis from Margaret Rodrigues dated June 5, 1990. (Ministry of Government Services)
Page 145 Paragraphs 3 a and b.
Page 146 Paragraph (Q.& A.) 3 c and d.

- Memorandum to Sheree L. Davis from Ron Le Neveu dated May 31, 1990 (Ministry of Health)
Page 148 _ the severed portion
Page 149 _ the severed portion
Page 150 _ the severed portion.

- Response to questionnaire dated May 1, 1989 (Ministry of Industry, Trade & Commerce)
Page 192 Paragraphs 3 a, b, c, and d.

- Interview questionnaire undated (Ministry of Labour)
Page 196 (Q & A) 3 a, b, c, and d.

- Letter to Sheree Davis from J.B. Hansen dated June 28, 1989 (Ministry of Skills Development)
Page 209 Paragraph 3 a).

- Memorandum to S.L. Davis from L.H. Edwards dated July 12, 1990. (Ministry of the Solicitor General)
Page 219.

- Memorandum to Sheree Davis from A.S. Young dated May 9, 1989 (Ministry of Tourism & Recreation)

Page 222 Paragraphs 3 a, b, c

Page 226 Paragraphs 3 a, b, c, d.

- Memorandum to J. E. Service dated May 8, 1989
(Ministry of Transportation)
Page 233.

- Memorandum to Sheree L. Davis from Sharon Cohen dated
July 18, 1989. (Ministry of Treasury & Economics)
Page 242 Paragraphs (Q. & A.) 3 a, b, c, d.

- Summary of Ministry's submissions responding to survey
of Ministry contracting out activities
Page 254, 255, 256, 257, 258, 259, 260 and
261 the fourth column of each page.

APPENDIX D

APPEAL 890270

MINISTRIES TO WHICH THE APPELLANT'S REQUEST IS TO BE
FORWARDED FOR A RESPONSE:

1. Ministry of the Environment

2. Ministry of Housing

3. Ministry of Municipal Affairs

4. Ministry of Intergovernmental Affairs

5. Ministry of Northern Development and Mines

6. Ministry of Revenue
7. Management Board of Cabinet
8. The Office Responsible for Disabled Persons
9. The Office Responsible for Senior Citizens

APPENDIX E
APPEAL 890270

MINISTRIES TO WHICH SECTIONS OF THE APPELLANT'S REQUEST IS
TO BE FORWARDED FOR A RESPONSE:

- Ministry of Consumer and Commercial Relations -
Sections 2 b, c, d, e, f and g; 3 a, b, c, and d.
- Ministry of Colleges & Universities - Section 2 g.
- Ministry of Community & Social Services - Section 2 g.
- Ministry of Culture & Communications - Section 2 g.
- Ministry of Citizenship - Section 2 g.
- Ministry of Financial Institutions - Sections 2 b, c,
d, e, f and g; 3 a, b, c, and d.
- Ministry of Government Services - Section 2 g.
- Ministry of Health - Sections 2 a, b, c, d, e, f and
g; 3 a, b, c, and d.

- Ministry of Industry, Trade & Commerce - Section 2 g.
- Ministry of Labour - Section 2 g.
- Ministry of Natural Resources - Sections 2 a, b, d, e, f and g; 3 a, b, c, and d.
- Ministry of Skills Development - Section 2 g.
- Ministry of the Solicitor General - Sections 1 a, b, and c; 2 a, b, c, d, e, f and g; 3 a, b, c, and d.
- Ministry of Tourism & Recreation - Sections 1 a, b, and c; 2 a, b, c, d, e, f and g; 3 a, b, c, and d.
- Ministry of Transportation - Section 2 g.
- Ministry of Treasury & Economics - Section 2 g.
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