



**Information and Privacy  
Commissioner/Ontario**

**Commissaire à l'information  
et à la protection de la vie privée/Ontario**

# **ORDER P-304**

**Appeal 900128 and 900137**

**Ministry of Financial Institutions**



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## O R D E R

This is a final order which disposes of the remaining issues from Interim Order 134 and the issues raised by a subsequent request made to the Ministry of Financial Institutions (the "institution") by the same appellant.

### BACKGROUND:

The scope of one of the requests dealt with in this order was determined by Interim Order 134, wherein the requested records were defined as follows:

the file associated with the legal proceedings against the appellant and Trans-Canada Automobile League Limited;

the file associated with the judicial review proceedings that followed the above-noted proceedings; and

the file associated with the appeal of the above-noted proceedings.

The other request was submitted to the institution under the Freedom of Information and Protection of Privacy Act (the "Act") for access to the files of a number of institution employees and departments from the year 1975 in respect of matters pertaining to insurance.

The institution granted partial access to the records responsive to both requests, claiming exemptions pursuant to sections 12, 13, 14, 15, 17, 19, 21 and 22 of the Act. The appellant appealed the institution's decisions.

Mediation of these appeals was not successful, and the matters proceeded to inquiry. Notice that an inquiry was being conducted to review the decision of the head was sent to the appellant, the institution and one person identified in the record (the "affected party"). Enclosed with each notice was a

report prepared by an Appeals Officer, intended to assist the parties in making their representations concerning the subject matter of the appeal. Representations were received from the institution, the appellant and the affected party.

During the course of the inquiry, the institution disclosed a number of records to the appellant, and clarified its application of exemptions to each of the records which were not disclosed. The institution abandoned its claims under section 22. For ease of reference, I have attached an appendix to this order which indicates the exemptions claimed by the institution and my final determination with respect to each record. Records 14, 15 and 16 were not provided to this office. The institution provided an outline of the steps taken in its search for these records, and I am satisfied that all reasonable efforts to locate Records 14, 15 and 16 were made by the institution.

**ISSUES:**

The issues arising in these appeals are:

- A. Whether the mandatory exemption provided by section 12 of the Act applies.
- B. Whether the discretionary exemption provided by section 13 of the Act applies.
- C. Whether the discretionary exemption provided by section 15(b) of the Act applies.
- D. Whether the discretionary exemption provided by section 19 of the Act applies.
- E. Whether the discretionary exemption provided by section 14(2) (a) of the Act applies.
- F. Whether the discretionary exemption provided by section 14(1) (d) of the Act applies.
- G. Whether the mandatory exemption provided by section 17 of the Act applies.
- H. Whether the information contained in the records qualifies as "personal information" as defined in section 2(1) of the Act.

I. Whether the mandatory exemption provided by section 21 of the Act applies.

**SUBMISSIONS/CONCLUSIONS:**

**ISSUE A: Whether the mandatory exemption provided by section 12 of the Act applies.**

In its representations, the institution claims that section 12(1)(d) of the Act applies to Records N56, N57, and N58. Section 12(1)(d) reads:

A head shall refuse to disclose a record where the disclosure would reveal the substance of deliberations of an Executive Council or its committees, including,

a record used for or reflecting consultation among ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;

The institution submits that Records N56, N57 and N58 reflect consultations that took place between a former Minister of Consumer and Commercial Relations and the former Premier of Ontario respecting government policy on guidelines for group insurance and auto clubs.

In Order 206, Commissioner Tom Wright considered the requirements for exemption under section 12(1)(d):

In my view, section 12(1)(d) is clear in its requirements that the record was actually used for or reflects actual consultation among ministers of the Crown on matters relating to the making of government decisions, or the formulation of government policy.  
[Emphasis added.]

I have reviewed the records, and in my view, the matter does not relate to the making of government decisions or the formulation of government policy. Rather, the matter relates to a government policy that had already been formulated and implemented. Accordingly, I find that section 12(1)(d) does not apply to Records N56, N57 and N58.

The types of documents listed in sections (a) through (f) of section 12(1) are not the only ones eligible for the exemption; any record which falls within the introductory wording of section 12(1) qualifies for exemption. The institution has not submitted that the introductory wording of section 12(1) applies to the records. I have reviewed the records and, in my view, Records N56, N56, N58 do not qualify for exemption under the introductory wording of section 12(1).

**ISSUE B: Whether the discretionary exemption provided by section 13 of the Act applies.**

In its representations, the institution claims that section 13(1) applies to Records 74, 75 and N27. Section 13(1) of the Act reads:

A head may refuse to disclose a record where the disclosure would reveal advice or recommendations of a public servant, any other person employed in the service of an institution or a consultant retained by an institution.

The institution submits that Records 74 and 75 contain the advice of the institution to the Ombudsman respecting the appellant's complaint. Former Commissioner Sidney B. Linden identified the type of information which would qualify as advice in Order 118:

In my view, "advice", for the purposes of subsection 13(1) of the Act, must contain more than mere information. Generally speaking, advice pertains to the submission of a suggested course of action, which

will ultimately be accepted or rejected by its recipient during the deliberative process.

In my view, the information contained in Records 74 and 75 does not include a suggested course of action. It is factual background information and, therefore, Records 74 and 75 do not qualify for exemption under section 13(1). In the context of section 19, the

institution submits that the factual background information included in Records 74 and 75 constitutes legal advice provided by an employee of the institution's legal department to the Deputy Minister. I will address this submission under Issue D.

The institution submits that Record N27 contains the specific recommendations of an investigator to the Director of the Insurance Operations Branch of the institution about a proposal to an automobile club. The investigator's recommendation is found on page two of the record and, in my view, this page qualifies for exemption under section 13(1). Page one of Record N27 consists of observations on a proposal submitted to the institution, and page three is an action request slip. In my view, the information contained in pages one and three of Record N27 does not qualify for exemption under section 13(1).

Section 13(1) of the Act is a discretionary exemption. I have reviewed the head's exercise of discretion in favour of refusing to disclose page two of Record N27. I have found nothing to indicate that the exercise of discretion was improper, and I would not alter it on appeal.

**ISSUE C: Whether the discretionary exemption provided by section 15(b) of the Act applies.**

The institution submits that section 15(b) of the Act applies to Record 107. Section 15(b) reads:

A head may refuse to disclose a record where the disclosure could reasonably be expected to,

reveal information received in confidence from another government or its agencies by an institution;

and shall not disclose any such record without the prior approval of the Executive Council.

For a record to be exempt under section 15(b) of the Act, each part of the following three part test must be satisfied:

1. The records must reveal information received from another government or its agencies; and
2. The information must have been received by an institution; and
3. The information must have been received in confidence.

[Order 210]

Record 107 is a copy of a letter to the Superintendent of Insurance for Newfoundland and Labrador from the Superintendent of Insurance for Manitoba. The record deals with regulatory issues arising from a private business transaction which, the institution claims, were of mutual interest to the Superintendents of Insurance. In my view, the first part of the test for exemption under section 15(b) has been satisfied.

A review of the record indicates that a copy of the letter was sent to the Deputy Superintendent of Insurance for Ontario. Therefore, the information contained in the letter was received by the institution and, in my view, the second part of the test for exemption under section 15(b) is satisfied.

There is no evidence on the face of the record that it was explicitly received in confidence. However, the institution submits that it has treated the information contained in the letter confidentially, as confidentiality was implied due to the nature of the information. In the circumstances of this appeal, I am satisfied that the information was received in confidence and the third part of the test has been met.

I have reviewed the head's exercise of discretion in favour of refusing to disclose Record 107. I have found nothing to indicate that the exercise of discretion was improper, and I would not alter it on appeal.

**ISSUE D: Whether the discretionary exemption provided by section 19 of the Act applies.**

The records and portions of records to which the institution has claimed section 19 of the Act applies are identified in the appendix to this order. Section 19 reads:

A head may refuse to disclose a record that is subject to solicitor-client privilege or that was prepared by or for Crown counsel for use in giving legal advice or in contemplation of or for use in litigation.

This section consists of two branches, which provide a head with the discretion to refuse to disclose:

- (1) a record that is subject to the common law solicitor-client privilege (Branch 1); and
- (2) a record which was prepared by or for Crown counsel for use in giving legal advice or in contemplation of or for use in litigation (Branch 2).

In its representations, the institution submits that the records to which it has applied section 19 of the Act fall within Branch 2 of the section 19 exemption. Two criteria must be satisfied in order for a record to qualify for exemption under Branch 2:

1. the record must have been prepared by or for Crown counsel; and
2. the record must have been prepared for use in giving legal advice, or in contemplation of litigation, or for use in litigation.



[Order 210]

Having examined the records and the representations submitted by both parties, in my view, they all satisfy the criteria for Branch 2 of the section 19 exemption. These documents were all prepared by or for Crown counsel for use in giving legal advice, or at a time when litigation was either contemplated or actually in progress.

Section 19 of the Act is a discretionary exemption. I have reviewed the head's exercise of discretion in favour of refusing to

disclose the records. I have found nothing to indicate that the exercise of discretion was improper, and I would not alter it on appeal.

**ISSUE E: Whether the discretionary exemption provided by section 14(2)(a) of the Act applies.**

In its representations, the institution claims that section 14(2)(a) applies to Records 51, 70, 71, 85, 98, 116, 117, N7, N8, N10, N11, N13, N16, N18-N25, N28-N32, N35, N40-N44, N48, N49, N63 and N68. Section 14(2)(a) reads:

A head may refuse to disclose a record,

that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of enforcing and regulating compliance with a law;

For a record to qualify for exemption under section 14(2)(a), each part of the following three part test must be satisfied:

1. the record must be a report; and

2. the report must have been prepared in the course of law enforcement, inspections or investigations; and
3. the report must have been prepared by an agency which has the function of enforcing and regulating compliance with a law.

[Order 200]

### Part One

In Order 200, Commissioner Wright clarified the type of record which would satisfy the first part of the section 14(2) (a) test:

The word "report" is not defined in the Act. However, it is my view that in order to satisfy the first part of the test i.e. to be a report, a record must consist of a formal statement or account of the results of the collation and consideration of information. Generally speaking, results would not include mere observations or recordings of fact.

In my view, only Records 70, 71, 116, 117, N18-N20, N22-N25, N28-N32 and N68 consist of formal statements or accounts of the results of the collation and consideration of information and qualify as "reports". The remaining records consist of observations or recordings of fact. Accordingly, I find that Records 51, 85, 98, N7, N8, N10, N11, N13, N16, N21, N35, N40, N42-N44, N48, N49, and N63 do not qualify for exemption under section 14(2) (a).

### Part Two

In Order 188, Commissioner Wright stated:

I feel that the use of the words "...report prepared in the course of..." contemplates a report which is

prepared as part of the actual investigation, inspection or law enforcement activity.

In my view, Records 11, 117, N18-N20, N22-N25, N28-N32, N41 and N68 were prepared as part of actual investigations conducted by the institution. Records 70 and 71, on the other hand, were prepared in attempts to respond to a letter written by the appellant. Accordingly, I find that Records 70 and 71 do not qualify for exemption under section 14(2)(a).

### Part Three

Records 116, 117, N18-N20, N22-N25, N28-N32, N41 and N68 were all prepared by employees of the Ministry of Consumer and Commercial

Relations. At the time the matter which resulted in the creation of the records arose, the office of the Superintendent of Insurance was part of the Financial Institutions Division of the Ministry of Consumer and Commercial Relations. Under section 2 of the Insurance Act (prior to its amendment by the Insurance Statute Law Amendment Act, 1990), the Superintendent of Insurance was charged with the responsibility of supervising the business of insurance in Ontario and was obliged to see that the Insurance Act and regulations made under that Act were enforced and obeyed. The function of enforcing and regulating the Insurance Act passed to the institution in 1986, and currently rests with the Ontario Insurance Commission. I am satisfied that at the time Records 116, 117, N18-N20, N22-N25, N28-N32, N41 and N68 were created, they were created by an agency which had the function of enforcing and regulating compliance with a law.

Because all three parts of the test have been satisfied, I find that Records 116, 117, N18-N20, N22-N25, N28-N32, N41 and N68 qualify for exemption under section 14(2)(a).

Section 14(2)(a) of the Act is a discretionary exemption. I have reviewed the head's exercise of discretion in favour of refusing to disclose these records. I have found nothing to indicate that the exercise of discretion was improper, and I would not alter it on appeal.

**ISSUE F: Whether the discretionary exemption provided by section 14(1)(d) of the Act applies.**

only record which contains t

The institution claims that the severed portions of Records 50, 51, N12, N40, N42-N44, N48, N49 and N63 and all of Records N13 and N17 are exempt under section 14(1)(d) of the Act. Section 14(1)(d) reads:

A head may refuse to disclose a record where the disclosure could reasonably be expected to,

disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;

In order for these records to qualify for exemption under this section, the matter which generated the records must satisfy the definition of the term "law enforcement" as found in section 2(1) of the Act:

"law enforcement" means,

- (a) policing,
- (b) investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings, and
- (c) the conduct of proceedings referred to in clause (b);

The institution submits that the records for which an exemption under section 14(1)(d) has been claimed fall within clause (b) of the "law enforcement" definition. It submits that the records were part of investigations or inspections conducted by the institution and could lead to proceedings in a court. The penalties or sanctions which could be imposed by the court are set out in the Insurance Act.

Based on the foregoing, I am satisfied that the institution's investigations or inspections could lead to proceedings in a court of law where penalties could be imposed and, therefore, qualify as "law enforcement" under the Act.

In Order 139, former Commissioner Sidney B. Linden determined that an institution must provide evidence of the circumstances in which the information was provided to the institution by the informant in order to establish confidentiality.

The institution submits that Record 50, a portion of Record N13, Records N17, N42, N43, N49 and N63 are letters which were sent to the institution from various sources who provided information that was used during the prosecution of the appellant's automobile club; Records 51, N12, a portion of Record N13, and Records N42 and N48 are letters sent by the institution to various sources of similar information; and Record 44 and the remaining portion of Record N13

are transcriptions of telephone conversations between one of the institution's investigators and individuals who provided information that was used during the prosecution. In all records with the exception of Record N13, only the name, address and other identifiers of the individual source are severed. Record N13 was withheld in its entirety.

The institution submits that it has consistently held the identities of these individuals in confidence, and that the circumstances in which the information was provided reveal this confidence. The institution further submits that such disclosure could discourage individuals from cooperating with regulatory bodies during the course of investigations. In the circumstances of this appeal, I am satisfied that release of the severed portions of Records 50, 51, N12, N40, N42-N44, N48, N49 and N63 and all of Records N13 and N17 would "disclose the identity of a confidential source", and that they qualify for exemption under section 14(1)(d).

Section 14(1)(d) of the Act is a discretionary exemption. I have reviewed the head's exercise of discretion in favour of refusing to disclose these records. I have found nothing to indicate that the exercise of discretion was improper, and I would not alter it on appeal.

**ISSUE G: Whether the mandatory exemption provided by section 17 of the Act applies.**

In their representations, the institution and the affected party claim that section 17 of the Act applies to Record N17. Because in Issue F I found that this record is exempt under section 14(1)(d) of the Act, it is not necessary for me to consider the application of section 17 to this record.

**ISSUE H: Whether the information contained in the records qualifies as "personal information" as defined in section 2(1) of the Act.**

The institution submits that section 21 applies to Records 83, 85, N7, N10, N11, N15, N35, N38, N39, N46 and N47. In order to qualify for exemption under section 21, a record must contain "personal

information", which is defined in section 2(1) of the Act as follows:

"personal information" means recorded information about an identifiable individual, including,

...

(b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

...

(d) the address, telephone number, fingerprints or blood type of the individual,

(e) the personal opinions or views of the individual except where they relate to another individual,

(f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,

...

(h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

[Emphasis added.]

I have reviewed Records 83, 85, N7, N10, N11, N15, N35, N38, N39, N46 and N47 and, in my view, they all contain personal information of individuals other than the appellant.

Because section 21 is a mandatory exemption, I have also reviewed

the records which I have found are not exempt under sections 12, 13, and 14 and the records in respect of which the institution has not made submissions to determine whether any of them contain personal information. In my view, Records 92, N16, N21, N56-N62, N67, N69 and N70 contain personal information of individuals other than the appellant.

**ISSUE I: Whether the mandatory exemption provided by section 21 of the Act applies.**

Once it has been determined that a record contains personal information, section 21(1) of the Act prohibits the disclosure of this information except in certain circumstances. Specifically, section 21(1)(f) of the Act reads as follows:

A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

if the disclosure does not constitute an unjustified invasion of personal privacy.

Sections 21(2) and (3) of the Act provide guidance in determining whether disclosure of personal information would result in an unjustified invasion of the personal privacy of the individual to whom the information relates. Section 21(2) provides some criteria for the head to consider in making this determination. Section 21(3) lists the types of information the disclosure of which is presumed to constitute an unjustified invasion of personal privacy.

In its representations, the institution relies on sections 21(3) (b) and (d) in support of its decision to deny access to the records. These sections read:

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,

(b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to

the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

(d) relates to employment or educational history;

I have reviewed the records and the representations and, in my view, the requirements for a presumed unjustified invasion of privacy are met in respect of section 21(3) (b) for Records 85, N7, N10, N11, N16, N21, N35, N59, N61, N62, N67, N69, N70 and the severed portions of Records 83, N15, N38, N39, N46, and N47.

In reviewing Records 92 and N60, I find that only portions of the records meet the requirements for a presumed unjustified invasion of personal privacy. Because the institution has not made any submissions in respect of the application of any



exemptions to these records, I order the institution to disclose Record 92 with the name of the complainant severed, and Record N60 with the names, addresses, telephone numbers and statements of witnesses severed.

Once it is determined that the requirements for a presumed unjustified invasion of personal privacy under section 21(3) have been established, I must consider whether any other provisions of the Act come into play to rebut this presumption. Section 21(4) outlines a number of circumstances which, if they exist, could operate to rebut a presumption under section 21(3). In my view, none of the circumstances exist in the circumstances of these appeals.

In reviewing the records, I note that the name and/or address of the author of Record N56 are contained in Records N56, N57 and N58. Record N56 is marked "Confidential" by the author, and section 21(2)(h) of the Act requires a head to consider whether personal information has been supplied in confidence. Accordingly, I find that disclosure of the name and address of the author of Record N56 contained in Records N56, N57 and N58 would constitute an unjustified invasion of personal privacy, and qualifies for exemption under section 21.

In Order 20, dated October 7, 1988, former Commissioner Sidney B. Linden stated that "... a combination of the circumstances set out in subsection 21(2) might be so compelling as to outweigh a presumption under subsection 21(3). However, in my view such a case would be extremely unusual".

The appellant's representations make reference to the substance of section 21(2)(d) of the Act. Section 21(2)(d) reads:

A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,

the personal information is relevant to a fair determination of rights affecting the person who made the request;

The Ministry of Consumer and Commercial Relations conducted an investigation of the appellant's business and laid charges. The business was convicted on all charges and was fined. The

business appealed all convictions and the sentence. On appeal, the convictions were upheld, but the fine was reduced. In my view, the personal information severed from Records 83, 85, 92, N7, N10, N11, N15, N16, N21, N35, N38, N39, N46, N47, N56-N62, N67, N69 and N70 is not sufficiently relevant to the appellant's rights to rebut the presumption contained in sections 21(3)(b).

**ORDER:**

1. I order the head to disclose Records 70, 71, 98, N8 and pages 1 and 3 of Record N27 to the appellant within 20 days of the date of this Order.
2. I order the head to disclose Record 92 with the name severed; Records N56-N58 with the name and address severed; and Record N60 with the names, addresses, telephone numbers and witness statements severed within 20 days of the date of this Order.
3. I order the head not to disclose Records N59, N61, N62, N67, N69 and N70.
4. I uphold the head's decision not to disclose the remainder of the records considered in this Order.
5. The head is ordered to advise me in writing within five days of the date on which disclosure was made. This notice should be forwarded to my attention, c/o Information and Privacy  
  
Commissioner/Ontario, 80 Bloor Street West, Suite 1700,  
Toronto, Ontario, M5S 2V1.
6. In order to verify compliance with the provisions of this Order, I order the head to provide me with a copy of the records which are disclosed to the requester pursuant to provisions 1 and 2 of this Order, upon my request.

Original signed by: \_\_\_\_\_

Tom Mitchinson

Assistant Commissioner

\_\_\_\_\_ May 29, 1992

Appendix A

MFI #	Description	MFI Exemption	IPC Decision
2	Counsel's handwritten notes setting out legal argument on the sale of insurance by motor clubs	19	Upheld
5	Counsel's notes dated May 10, 1985 taken at trial before Judge Morrison.	19	Upheld
6	Counsel's handwritten notes taken at trial	19	Upheld
7	Counsel's handwritten notes re: argument regarding fresh evidence	19	Upheld
8	Counsel's notes at appeal	19	Upheld
10	Counsel's handwritten notes dated 15/Sept/86	19	Upheld
14	Record not located		
15	Record not located		
16	Record not located		
17	Memo dated 3/Apr/84 from Investigator to Legal Counsel re: auto club	19	Upheld
18	Documents showing charges against auto club and relevant exhibits	19	Upheld
20	List of witnesses for Crown brief	19	Upheld
21	Handwritten notes for counsel's opening statement	19	Upheld
22	Counsel's notes on testimony of Investigator	Severed 19	Upheld
23	Counsel's notes from Crown brief on witnesses	14 (1) (d) 14 (2) (a) 19	Upheld
24	Counsel's notes on witness	19	Upheld
25	Counsel's notes on testimony	19	Upheld
26	Counsel's notes on testimony	19	Upheld
27	Counsel's notes on witness	19	Upheld

MFI #	Description	MFI Exemption	IPC Decision
28	Counsel's notes on statement	19	Upheld
29	Counsel's notes on witness	19	Upheld
30	Statement dated 6/Mar/84 and counsel's notes	19	Upheld
31	Counsel's notes on witnesses	19	Upheld
32	Counsel's notes on witness	19	Upheld
33	Counsel's notes on cross-examination of defendant and exhibits from auto club	Severed 19	Upheld
34	Counsel's notes on witness	Severed 19	Upheld
35	Counsel's notes on reply from witness	Severed 19	Upheld
36	Counsel's notes on witness	19	Upheld
37	Counsel's notes on witness	19	Upheld
38	Excerpt from Crown Brief: synopsis of investigation, witness list, witness breaches, appendix lists	19	Upheld
39	Counsel's notes for oral argument dated 2/May/85 at trial	19	Upheld
40	Counsel's notes at trial	14 (1) (d) 14 (2) (a) 19	Upheld
44	Counsel's notes at trial	19	Upheld
45	Counsel's notes dated 29/Aug/84 re: information obtained from counsel	19	Upheld
46	Memo dated 29/Aug/84 from counsel to counsel re: auto clubs	19	Upheld
47	Memo dated 29/Aug/84 from counsel to Crown Law Office Civil re: auto club v. Department of Insurance	19	Upheld
48	Counsel's notes dated 28/Aug/84 re: conversation with Attorney General's counsel re: trial	19	Upheld

49	Memo dated 24/Aug/84 from counsel to Director Crown Law Office Civil re: auto club et al. v. MCCR	19	Upheld
50	Letter of complaint re: insurance plans offered by auto club	Severed 14 (1) (d)	Upheld
51	Letter from counsel to complainant	Severed 14 (1) (d) 14 (2) (a)	Upheld
52	Letter dated 13/May/82 from counsel to investigator re: auto club's authority to provide benefits	19	Upheld
53	Memo dated 6/Feb/84 form counsel to investigator re: violation of <u>Insurance Act</u> by auto club	19	Upheld
70	Memo dated 10/Feb/84 from Investigator to Chief Investigator re: auto club	14 (2) (a)	Disclose
71	Memo dated 21/Feb/84 from Investigator to Chief Investigator re: search of auto club's premises and progress of investigation	14 (2) (a)	Disclose
72	Memo dated 22/Mar/84 from Chief Investigator to counsel re: auto club and Ombudsman's inquiry	19	Upheld
73	Memo dated 28/Mr/84 from counsel to Chief Investigator re: auto club and Ombudsman's inquiry	19	Upheld
74	Letter dated 11/April/84 to Office of the Ombudsman from Deputy Minister	13 14 (1) (c) 14 (1) (g) 14 (2) (a) 19 21	Upheld
75	Duplicate of Record 74	13 14 (1) (c) 14 (1) (g) 14 (2) (a) 19 21	Upheld

77	Memo dated 29/May/84 from counsel to Assistant Co-ordinator, Research & Development re: Auto League expense insurance	19	Upheld
78	Draft information against auto club and handwritten notes	19	Upheld
79	Memo dated 21/Jun/84 from counsel to Deputy Superintendent of Insurance	19	Upheld
82	Memo dated 2/Aug/84 form counsel to Deputy Superintendent of Insurance re: Automobile clubs - legal expense insurance	19	Upheld
83	Acknowledgement of claim	Severed 21	Upheld
85	Memo dated 28/Sept/84 from Registrar, Agents and Adjusters to Investigator re: auto club sales representatives	14 (2) (a) 21	Upheld
89	Memo dated 4/Dec/84 from counsel to Superintendent of Insurance re: auto club prosecutions	19	Upheld
92	Letter dated 4/Apr/84 from auto club to MCCR	No submission	Sever name (21)
93	Memo dated 5/Mar/84 from Assistant Co-ordinator, Research & Development to counsel re: complaint	14 (1) (d) 14 (2) (a) 19	Upheld
94	Memo dated 11/Apr/84 from Assistant Co-ordinator, Research & Development to counsel re: complaint	14 (1) (d) 14 (2) (a) 19	Upheld
95	Memo dated 24/Apr/84 from counsel to investigator re: complaint	14 (1) (d) 14 (2) (a) 19	Upheld
96	Memo dated 24/Apr/84 from counsel re: complaint	14 (1) (d) 14 (2) (a) 19	Upheld
97	Letter dated 1/May 84 from Assistant Co-ordinator, Research & Development to auto club re: complaint	14 (2) (a) 19	Upheld
98	Memo dated 29/Dec/84 from Acting Chief Investigator to counsel re: submissions on behalf of auto club	14 (2) (a)	Disclose

99	Duplicate of Record 82	19	Upheld
100	Memo dated 20/Nov/84 from counsel to Superintendent of Insurance re: automobile clubs - legal expense insurance	19	Upheld
101	Memo dated 13/May/85 from counsel to investigator re: auto clubs - legal expense insurance	19	Upheld
107	Letter dated 25/Oct/83 from Superintendent of Insurance (Manitoba) to Superintendent of Insurance (Newfoundland and Labrador) re: auto club membership	15 (b)	Upheld
113	Counsel's notes dated 15/Nov/85 re: outline for meeting	19	Upheld
116	Draft letter dated 18/Nov/85 re: confirmation of meeting	14 (2) (a)	Upheld
117	Draft letter re: confirmation of meeting	14 (2) (a)	Upheld
119	Memo dated 24/Aug/89 from counsel to file re: auto club	19	Upheld
N7	Memo dated 4/Mar/82 re: terminated auto club representatives	14 (2) (a) 21	Upheld
N8	Memo dated 28/May/82	14 (2) (a)	Disclose
N9	Counsel's memo prepared at trial dated 19/Jan/83	19	Upheld
N10	Applications for Fidelity Bond	14 (2) (a) 21	Upheld
N11	Memo dated 28/Oct/83 re: auto club	14 (2) (a) 21	Upheld
N12	Letter dated 23/Nov/83 from Investigator	Severed 14 (1) (d)	Upheld
N13	Complaint summary concerning auto club	14 (1) (d) 14 (2) (a)	Upheld
N14	Duplicate of Record 100	19	Upheld
N15	Application form for membership and membership renewal form	Severed 21	Upheld
N16	Memo to file dated 1/Mar/85 from Investigator re: insurance sales	14 (2) (a)	Exempt s.21



N17	Letter dated 14/Mar/85 to Investigator re: audited financial statements	14 (1) (d)	Upheld
N18	Memorandum to Deputy Director from Investigator dated 1/Apr/85; and Report	14 (2) (a)	Upheld
N19	Memo dated 4/Apr/85 to Director, Insurance Operations from Deputy Director, Investigations branch	14 (2) (a)	Upheld
N20	Memo dated 15/Apr/85 to investigator	14 (2) (a)	Upheld
N21	Printout of agents statements dated 4/Jul/85	14 (2) (a)	Exempt s.21
N22	Statement dated 15/Feb/82 made by Acting Manager, Examinations, General Insurance	14 (2) (a)	Upheld
N23	Memo dated 12/Sep/85 to Deputy Director of Investigations from Investigator re: interim investigation report	14 (2) (a)	Upheld
N24	Memo dated 15/Nov/85 from investigator to investigation file	14 (2) (a)	Upheld
N25	Handwritten memo	14 (2) (a)	Upheld
N26	Duplicate of Record 113	Severed 19	Upheld
N27	Memo to Director Insurance Operations Branch from Investigator dated 17/Dec/85 re: sale of insurance products through auto clubs	13	Upheld page 2 Disclose pages 1&3
N28	Memo to Acting Superintendent of Insurance from Deputy Director, Investigations dated 14/Mar/86 re: outstanding investigation files	14 (2) (a)	Upheld
N29	Memo to Deputy Director, Investigations from Investigator dated 8/May/86 re: investigation report	14 (2) (a)	Upheld
N30	Memo to Deputy Director, Investigations from Deputy Superintendent of Insurance dated 16/May/86 re: auto club	14 (2) (a)	Upheld

N31	Memo to Acting Superintendent of Insurance from Acting Director of Investigations dated 1/June/86 re: outstanding investigations	14 (2) (a)	Upheld
N32	Memo dated 5/May/87 to Deputy Superintendent of Insurance from Acting Director of Investigations re: auto club	14 (2) (a)	Upheld
N33	Memo to Deputy Superintendent of Insurance from counsel dated 25/Aug/87 re: auto club	19	Upheld
N35	Names and telephone numbers	14 (2) (a) 21	Upheld
N37	Names and addresses of witnesses	19	Upheld
N38	Letter dated 18/May/84 from Insurance company to claimant	Severed 21	Upheld
N39	Letter dated 18/May/84 from Insurance Company to Investigator	Severed 21	Upheld
N40	Letter of complaint dated 2/Feb/83	Severed 14 (1) (d) 14 (2) (a)	Upheld
N41	Memo dated 27/Feb/86 from Investigator to Deputy Director of Investigations	14 (2) (a)	Upheld
N42	Letter dated 3/Dec/80 to Superintendent of Insurance re: business activities of auto club	Severed 14 (1) (d) 14 (2) (a)	Upheld
N43	Memo attached to Record N42	Severed 14 (1) (d) 14 (2) (a)	Upheld
N44	Two memos	Severed 14 (1) (d) 14 (2) (a)	Upheld
N45	Memo from counsel re: <u>contravention of Insurance Act</u>	14 (1) (d) 14 (2) (a) 19	Upheld
N46	Letter dated 19/Feb/74 re: accident	Severed 21	Upheld
N47	Letter dated 25/Feb/74 re: claim described in Record N46	Severed 21	Upheld

N48	Letter dated 1/Oct/74	Severed 14 (1) (d) 14 (2) (a)	Upheld
N49	Letter dated 11/Sep/74 to MCCR	Severed 14 (1) (d) 14 (2) (a)	Upheld
N56	Letter dated 10/Dec/85 to MCCR	12 (1) (d)	Disclose Sever name and address (s.21)
N57	Letter to Premier of Ontario from Minister of Consumer and Commercial Relations dated 26/Feb/86 (one page)	12 (1) (d)	Disclose Sever name (s.21)

N58	Letter from Minister of Consumer and Commercial Relations dated 26/Feb/86 (one page)	12 (1) (d)	Disclose Sever name and address (s.21)
N59	Witness list	No submission	Exempt s.21
N60	Trial information	No submission	Sever (s.21)
N61	Names and statements	No submission	Exempt s.21
N62	Note on telephone conversation	No submission	Exempt s.21
N63	Duplicate of Record N13	14 (1) (d) 14 (2) (a)	Upheld
N64	Duplicate of Record 53	14 (1) (d) 14 (2) (a) 19	Upheld
N65	Duplicate of Record 47	14 (1) (d) 14 (2) (a) 19	Upheld

N66	Duplicate of Record 79	14 (1) (d) 14 (2) (a) 19	Upheld
N67	Motor vehicle Drivers Licence search	No submission	Exempt s.21
N68	Duplicate of Record N29	14 (2) (a)	Upheld
N69	Insurance information of members	No submission	Exempt s.21
N70	Certificates of Insurance	No submission	Exempt s.21
N72	Contained in Record 22	14 (1) (d) 14 (2) (a) 19	Upheld