



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

# **ORDER P-477**

**Appeals P-9200756 and P-9300019**

**Ontario Hydro**



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## ORDER

On May 10, 1993, the undersigned was appointed Inquiry Officer and received a delegation of the power and duty to conduct inquiries and make orders under the provincial Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act.

### BACKGROUND:

Ontario Hydro (Hydro) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for all information relating to the requester and his case from the files of four named individuals in the Staff Relations, Human Rights and Research Divisions of Hydro.

Hydro located 368 records in response to the request and released 310 records in full. The remaining 58 records were denied in whole or in part pursuant to sections 13(1), 18(1)(e), 19 and 49(b) of the Act. The requester appealed Hydro's decision.

During mediation, ten additional records were released, in whole or in part, to the appellant.

Subsequently the appellant filed a second request. This request was for all information relating to the appellant and his case from the files of 33 named individuals (including the four named in the first request) in six divisions of Hydro.

Hydro located a further 434 records, most of which were duplicates of the records identified in the first request. Hydro advised the appellant that its decision with respect to the second request covered only those responsive records from sources not previously named, as well as those records added to the files of the initial four sources after the date of the appellant's first request. The appellant was satisfied with this approach.

Thirty-five of the additional records were released to the requester in full. Access to 31 records was denied in whole or in part, pursuant to sections 13(1), 19 and 49(b) of the Act. The appellant appealed the denial of access and Hydro's claim that no further records exist.

Further mediation was not successful and notice that an inquiry was being conducted to review Hydro's decisions in response to both requests was sent to the appellant and the institution. Subsequently, Hydro released a further 17 records, in whole or in part, to the appellant. Hydro also raised section 18(1)(e) as an additional exemption to deny access to some of the records responsive to the second request to which access had previously been denied.

Written representations were received from the institution and the appellant. Because the issues arising in these appeals are based on the same set of circumstances, I will deal with both of the appeals in this order.

## **PRELIMINARY ISSUES:**

In its representations, Hydro indicated that, while it had originally withheld certain portions of the records pursuant to both sections 49(b) and 18(1)(e) of the Act, it was only pursuing the section 18(1)(e) claim to exempt these records. Accordingly, I will consider section 49(b) only for those records for which this was the sole exemption claimed.

Records 23, 32D and 32E, 35, 36A, 36B, 36C and 36E, 38B, 46, 48 and D have been released to the appellant with only the personal information of other individuals withheld. The appellant has stated that he is not seeking access to the personal information of other individuals. Accordingly, these records are not at issue in this appeal.

The records remaining at issue are described in Appendix A attached to this order. They are identified according to the numbering system used by Hydro in its Index of Records submitted with its representations. For ease of reference, where more than one severance has been made to a page, it is described as "Record 1A", "Record 1B" etc. Records 1-48 are responsive to the appellant's first request; records A-CC3 to the second request. Where pages are duplicates of each other, my decision will apply to the duplicates as well. Numbers or letters missing in the sequence represent records that were disclosed to the appellant just prior to Hydro submitting its representations.

## **ISSUES:**

The issues arising in this appeal are as follows:

- A. Whether any of the information contained in the records qualifies as "personal information" as defined in section 2(1) of the Act.
- B. Whether the discretionary exemption provided by section 49(b) of the Act applies to the records.
- C. Whether the discretionary exemption provided by section 13(1) of the Act applies to the records.
- D. Whether the discretionary exemption provided by section 18(1)(e) of the Act applies to the records.
- E. Whether the discretionary exemption provided by section 19 of the Act applies to the records.
- F. Whether the discretionary exemption provided by section 49(a) of the Act applies to the records.
- G. Whether Hydro's search for responsive records was reasonable in the circumstances.

## **SUBMISSIONS/CONCLUSIONS:**

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

Section 2(1) of the Act states in part:

"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,

...

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

...

(g) the views or opinions of another individual about the individual, and

(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.

I have reviewed the records at issue in this appeal and, in my view, they all contain the personal information of the appellant.

Hydro claims that Records 31A and 36D also contain the personal information of persons other than the appellant.

It has been established in a number of previous orders that information provided by an individual in a professional capacity or in the execution of their employment responsibilities is not "personal information" (Orders 113, 139, 157, P-257 and P-326). In the circumstances of this appeal, the individuals identified in these records were acting in their official capacity as employees of Hydro. Accordingly, the information contained in these records does not qualify as their personal information.

As Hydro has not claimed any other exemptions for Records 31A and 31D, they should be disclosed to the appellant.

Hydro has also claimed that Record 40 contains the personal information of the appellant or another individual. In my view, this record contains only the personal information of the appellant. As Hydro has not claimed any other exemptions for this record, it should be disclosed to the appellant as well.

Because the remaining records contain the personal information of the appellant only, it is not necessary for me to address Issue B.

**ISSUE C: Whether the discretionary exemption provided by section 13(1) of the Act applies to the records.**

Hydro has claimed section 13(1) in respect of Records Y, Z and Z1.

Section 13(1) of the Act states:

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.

It has been established in a number of previous orders that advice for the purposes of section 13(1) 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 (Orders 118, P-304, P-348, P-356 and P-402). "Recommendations" should be viewed in the same vein (Orders 161, P-248, P-348, P-356 and P-402).

Record Y is a memo from an individual from the Staff Relations Division of Hydro to the Director of the Research Division. It provides a recommendation on how to proceed with certain matters involving the appellant. Attached to the memo is a draft response to a letter which was provided to the Staff Relations employee for his review. The response incorporates advice that the author of the letter had received from other Hydro employees.

Records Z and Z1 are portions of a confidential memo which describe the advice given by the Director of the Research Division to address certain other issues involving the appellant.

I am satisfied that Records Y, Z and Z1 meet the requirements for exemption set out in section 13(1) of the Act. In my view, disclosure of these records would reveal the advice of Hydro management personnel given in response to several issues involving the appellant.

Section 13(2) of the Act lists certain exceptions to the exemptions in section 13(1). In my opinion, none of these are relevant in the circumstances of this appeal.

**ISSUE D: Whether the discretionary exemption provided by section 18(1)(e) of the Act applies to the records.**

Hydro submits that section 18(1)(e) applies to Records 1-8; 14-14A; 15; 16A, 16B and 16C; 17-18; 20-21; 22-22A; 24, 24A, 24B and 24C; 25-25A; 26-27; 28, 28A and 28B; 30-30A; 32, 32A, 32C, and 32F; 34; 35A, 35B, and 35C; 36, 36F, 36G, 36H, 36I and 36J; 38-38A; 39- 39A; 40A; 41; 43-44; 47; A-B; C, C1, C2, C3, C4, and C5; D1; G; Y; Z2; CC, CC1, CC2 and CC3.

As I have already found that Record Y is exempt under section 13, I will not deal with section 18(1)(e) in the context of this record.

Section 18(1)(e) states:

A head may refuse to disclose a record that contains,

positions, plans, procedures, criteria or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of an institution or the Government of Ontario.

For a record to qualify for exemption under section 18(1)(e), the institution must establish the following criteria:

1. The record contains positions, plans, procedures, criteria or instructions; **and**
2. The record is intended to be applied to negotiations; **and**
3. The negotiations are being carried on currently or will be carried on in the future; **and**
4. The negotiations are being conducted by or on behalf of an institution or the Government of Ontario.

[Order P-398]

Hydro submits that all of the above criteria have been satisfied on the following basis:

1. The records contain Hydro's criteria regarding termination of the appellant and its subsequent position(s) on settlement of the appellant's claim of dismissal without cause;
2. The documentation is to be used by Management Staff Relations in follow-up negotiations with the appellant;
3. The negotiations have been ongoing and are continuing at the Human Rights Commission; and

4. A Management staff relations Officer and a solicitor from the Legal Department are carrying on the negotiations on behalf of Hydro.

Hydro claims that the disclosure of the records at issue would, undermine its ability to negotiate effectively with the appellant.

In his representations, the appellant submits that he should have access to the records as they relate to his claim for compensation.

In my view, disclosure of the following records would reveal the negotiating position of Hydro:

Records 1-8; 14-14A; 16A,16B, and 16C; 17-18; 21; 22-22A; 24, 24A, 24B and 24C; 25-25A; 26; 28; 30-30A; 32-32A; 35A-35C; 36J (only the last line); 38-38A; 39A; 43-44; 47; A-B; C-C5; D1; G; Z2; CC-CC3.

In my opinion, given the representations of Hydro on this matter, the information contained in the remaining records for which Hydro has claimed the section 18(1)(e) exemption does not represent the position which Hydro intends to take in its future negotiations with the appellant.

**ISSUE E: Whether the discretionary exemption provided by section 19 of the Act applies to the record.**

Hydro has claimed section 19 in respect of Records 9-13; 16; 19; 27A-27B; 29; 31; 31B; 32B; 45; A-B; H-Q; S; U and V. As I have already found that Records A and B are exempt under section 18(1)(e), I will not deal with them here.

Section 19 of the Act states:

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 government institution 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 order for a record to be subject to the common law solicitor-client privilege (Branch 1), the institution must provide evidence that the record satisfies either of the following tests:

1. a) There is a written or oral communication; **and**
  - b) The communication must be of a confidential nature; **and**
  - c) The communication must be between a client (or his agent) and a legal advisor; **and**
  - d) The communication must be directly related to seeking, formulating or giving legal advice.

OR

2. the record was created or obtained especially for the lawyer's brief for existing or contemplated litigation.

[Order 49]

A record can be exempt under Branch 2 of section 19 regardless of whether the common law criteria relating to Branch 1 are satisfied. 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]

In its representations, Hydro submits that the records are eligible for exemption under both branches of section 19. Hydro states that the records qualify as written communications between itself as client and legal counsel which are directly related to the seeking, formulating and giving of advice (Branch 1). Hydro goes on to state that the records were prepared by an employee who qualifies as Crown counsel or by an employee reporting on the substance of legal advice received (Branch 2).

In my view, the records for which Hydro is claiming the section 19 exemption fall into three categories:

1. Records which incorporate the legal advice given by counsel;
2. Records prepared by employees of Hydro for counsel who was involved in the termination of the appellant and the ensuing negotiations; and



3. Records prepared by counsel for Hydro.

In my view, the records which fall into category 1 qualify for exemption pursuant to the common law solicitor-client privilege (Branch 1). These records contain written notations of the verbal legal advice that had been provided to Hydro employees from their counsel during various meetings held to discuss certain matters involving the appellant. The communications are of a confidential nature and are directly related to the seeking and giving of legal advice.

The records in categories 2 and 3 satisfy Branch 2 of the test. They have been prepared by or for employees who qualify as "Crown counsel", thereby satisfying the first requirement. It is apparent from their content that they were prepared to either obtain or provide legal advice during the period in which negotiations were being carried on with the appellant and his lawyer for the purpose of resolving the claim of wrongful dismissal. Accordingly, the second requirement of the test is satisfied.

In my view, the exemption provided by section 19 applies to all the records claimed by Hydro.

**ISSUE F: Whether the discretionary exemption provided by section 49(a) of the Act applies to the records.**

Under Issues C, D and E, I found that Records Y, Z and Z1 qualify for exemption under section 13; Records 1-8; 14-14A; 16A,16B, and 16C; 17-18; 21; 22-22A; 24, 24A, 24B and 24C; 25-25A; 26; 28; 30-30A; 32-32A; 35A-35C; 36; 38-38A; 39A; 43-44; 47; A-B; C-C5; D1; G; Z2; CC-CC3 qualify for exemption under section 18(1)(e); and Records 9-13; 16; 19; 27A-27B; 29; 31; 31B; 32B; 45; A-B; H-Q; S; U and V qualify for exemption under section 19.

Because I have also found in my discussion of Issue A that these records contain the personal information of the appellant, it is necessary for me to consider the wording of section 49(a) of the Act. This provision states:

A head may refuse to disclose to the individual to whom the information relates personal information,

where section 12, **13**, 14, 15, 16, 17, **18**, **19**, 20 or 22 would apply to the disclosure of that personal information; (emphasis added).

Section 49(a) provides an exception to the general rule that a requester has a right of access to his or her own personal information in the custody or under the control of a government institution. In this case, the section provides Hydro with the discretion to disclose to the appellant his own personal information where sections 13, 18(1)(e) or 19 apply.

Hydro has provided representations regarding its decision to exercise discretion in favour of denying access to this information in the circumstances of this appeal. I have reviewed these representations and I find nothing improper in Hydro's exercise of discretion.

**ISSUE G: Whether Hydro's search for responsive records was reasonable in the circumstances.**

The appellant has stated in his representations that he believes other records exist about himself and his case. In particular, he refers to a letter he wrote to a named member of Hydro staff on January 28, 1992 (letter A) and another letter to another member of Hydro staff in early May 1992 (letter B). The appellant also believes that there exist documents or notes resulting from a meeting held in September 1991 attended by certain Hydro employees.

In response to this claim, Hydro identified letter A and the documents resulting from the meeting in September 1991 as having already been released in full to the appellant on November 3, 1992. The appellant has agreed that this is not an issue.

Hydro has submitted an affidavit sworn by the Assistant Freedom of Information Co-ordinator outlining the steps taken to locate letter B. The affidavit states that she checked the mail log of the person said to be the recipient of the letter. She confirmed with his office that he does not maintain employee files and would forward any such mail to the Human Resources Office. She reviewed the Human Resources file. Inquiries were made of other employees who were involved in this matter. Letter B was not located.

Having reviewed the representations and the affidavit evidence submitted to me, I am satisfied that Hydro has taken all reasonable steps to locate additional records that would respond to the appellant's request. I find that the search was reasonable in the circumstances of this appeal.

**ORDER:**

1. I uphold Hydro's decision not to disclose Records 1-13; 14-14A; 16, 16A, 16B, and 16C; 17-19; 21; 22-22A; 24, 24A, 24B and 24C; 25-25A; 26; 27A-27B; 28; 29; 30-30A; 31; 31B; 32, 32A and 32B; 35A-35C; 38-38A; 39A; 43-45; 47; A-B; C-C5; D1; G-Q; S; U and V; Y-Z; Z1-Z2; CC-CC3.
2. I order Hydro to disclose to the appellant the following Records: 15; 20; 27; 28A-28B; 31A; 32C; 32F; 34; 36; 36D; 36F-36I; 36J (all except the last line); 39; 40-40A; and 41.
3. In order to verify compliance with the provisions of this order, I order Hydro to provide me with a copy of the records which are disclosed to the appellant pursuant to provision 2, **only** upon my request.

**POSTSCRIPT:**

Many of the records at issue in this appeal consist of the handwritten notes of employees of Hydro. Some of the copies of these records are difficult to read. During mediation of the appeal, and at the request of the Appeals Officer, Hydro agreed to prepare typewritten versions of many of these records. Wherever possible, they were prepared with the assistance of the author of the

notes. Some of these were disclosed to the appellant during mediation. While these typewritten documents do not technically constitute part of the records at issue in this appeal, Hydro's decision to make them available helped all parties concerned to understand these records.

Hydro has prepared typewritten versions of Records 36, 36D, 40, 40A and 41 which I have ordered to be disclosed to the appellant. I believe the appellant would be assisted in his understanding of these records if Hydro provided him with copies of both the typewritten version as well as the original handwritten notes.

Original signed by: \_\_\_\_\_  
Anita Fineberg  
Inquiry Officer

\_\_\_\_\_ June 11, 1993

## APPENDIX A

RECORD	GENERAL DESCRIPTION	HYDRO'S DECISION		ORDER
		PAGE/PARA NUMBER	SECTION(S) APPLIED	
	<b>Appeal P-9200756</b>			
1	One-page handwritten notes	All	18(1)(e)	Exempt 18(1)(e)
2	One-page handwritten notes	All	18(1)(e)	Exempt 18(1)(e)
3	One-page handwritten notes	Last para.	18(1)(e)	Exempt 18(1)(e)
4	Two-page handwritten notes	All	18(1)(e)	Exempt 18(1)(e)
5	One-page typed notes	All	18(1)(e)	Exempt 18(1)(e)
6	One-page typed notes	All	18(1)(e)	Exempt 18(1)(e)
7	Document dated March 13, 1992	Para. 2, last line	18(1)(e)	Exempt 18(1)(e)
7A	As above	Para. 3, middle of 1st sentence	18(1)(e)	Exempt 18(1)(e)
7B	As above	Para. 5, 2nd half	18(1)(e)	Exempt 18(1)(e)
8	Document dated March 24, 1992	Para. 2, last 7 sentences	18(1)(e)	Exempt 18(1)(e)
9	One-page handwritten document dated January 29	All	19	Exempt 19
10	Two-page handwritten notes of discussion with legal counsel	All	19	Exempt 19
11	Two-page handwritten notes of meeting with legal counsel	All	19	Exempt 19
12	One-page handwritten notes dated January 1992, from a meeting with legal counsel	All	19	Exempt 19
13	Three-page handwritten minutes of a meeting with legal counsel on January 2, 1992 (same meeting as item 12.)	All	19	Exempt 19
14	Two-page handwritten document dated October 18, 1991	Bottom half of page 1	18(1)(e)	Exempt 18(1)(e)
14A	As above	Second page	18(1)(e)	Exempt 18(1)(e)
15	Memo dated September 29, 1990	Handwritten comment	18(1)(e)	Disclose

RECORD	GENERAL DESCRIPTION	HYDRO'S DECISION		ORDER
		PAGE/PARA NUMBER	SECTION(S) APPLIED	
16	Six-page handwritten notes pertaining to August 15, 1990 meeting	Top half of page 3	19	Exempt 19
16A	As above	Page 4	18(1)(e)	Exempt 18(1)(e)
16B	As above	Page 5	18(1)(e)	Exempt 18(1)(e)
16C	As above	Page 6	18(1)(e)	Exempt 18(1)(e)
17	One-page handwritten notes dated August 13, 1990	2nd half of page	18(1)(e)	Exempt 18(1)(e)
18	Two-page handwritten notes dated August 10, 1990	2nd half of page 1	18(1)(e)	Exempt 18(1)(e)
19	Document dated August 17, 1990	All	19	Exempt 19
20	One-page E-mail document from Canada Life	Para. 3, 1st line	18(1)(e)	Disclose
21	Memorandum dated March 16, 1992	#18 2nd line page 3	18(1)(e)	Exempt 18(1)(e)
22	Memorandum dated December 20, 1991	Page 1, para. 3, 2nd sentence	18(1)(e)	Exempt 18(1)(e)
22A	As above	Page 2, para. 2	18(1)(e)	Exempt 18(1)(e)
23	Handwritten notes dated November 1991, re: release	last 2 lines	49(b)	Not at issue
24	E-Mail document dated November 21, 1991	1st 2 paras.	18(1)(e)	Exempt 18(1)(e)
24A	As above	Page 1, last 4 lines	18(1)(e)	Exempt 18(1)(e)
24B	As above	Page 2, last para.	18(1)(e)	Exempt 18(1)(e)
24C	As above	Page 3, top 4 lines	18(1)(e)	Exempt 18(1)(e)
25	E-Mail document dated February 17, 1992	Para. 1, 10 lines, middle of para.	18(1)(e)	Exempt 18(1)(e)
25A	As above	Para. 2, all except last line	18(1)(e)	Exempt 18(1)(e)
26	E-Mail document dated September 12, 1991	Para. 2 & 3	18(1)(e)	Exempt 18(1)(e)
27	Two-page handwritten notes from meeting dated September 26, 1991	Para. 5, 1st line	18(1)(e)	Disclose
27A	As above	Para. 6, 3 lines	19	Exempt 19
27B	As above	Last 5 lines	19	Exempt 19

RECORD	GENERAL DESCRIPTION	HYDRO'S DECISION		ORDER
		PAGE/PARA NUMBER	SECTION(S) APPLIED	
28	Three-page handwritten notes dated August 14, 1991	Page 1, para. 3	18(1)(e)	Exempt 18(1)(e)
28A	As above	Page 1, para. 4, last half of sentence	18(1)(e)	Disclose
28B	As above	Page 2, 6th line	18(1)(e)	Disclose
29	Two-page handwritten document dated September 26, 1991	All	19	Exempt 19
30	One-page handwritten document dated November 6, 1991	Para. 3	18(1)(e)	Exempt 18(1)(e)
30A	As above	Para. 5	18(1)(e)	Exempt 18(1)(e)
31	One-page handwritten notes dated October 9th	4th line	19	Exempt 19
31A	As above	7th line	49(b)	Disclose
31B	As above	9th & 10th lines	19	Exempt 19
32	Memo dated March 9, 1992	Para. 2, 1st line	18(1)(e)	Exempt 18(1)(e)
32A	As above	Para. 2, last line	18(1)(e)	Exempt 18(1)(e)
32B	As above	Para. 3, 1st sentence	19	Exempt 19
32C	As above	Rest of para. 3	18(1)(e)	Disclose
32D	As above	Para.4, end of 1st sentence	49(b)	Not at issue
32E	As above	Para. 4, word in 2nd sentence	49(b)	Not at issue
32F	As above	Para. 5	18(1)(e)	Disclose
33	<b>Duplicate of 21</b>			
34	Memorandum dated March 9, 1992	Para. 5, middle of sentence	18(1)(e)	Disclose
35	One-page handwritten document re: Performance Appraisals	4th line	49(b)	Not at issue
35A	As above	5th line	18(1)(e)	Exempt 18(1)(e)
35B	As above	End of 7th line	18(1)(e)	Exempt 18(1)(e)
35C	As above	9th line	18(1)(e)	Exempt 18(1)(e)
36	Eight-page handwritten document dated October 29, 1991	Page 1, para. 2	18(1)(e)	Disclose

RECORD	GENERAL DESCRIPTION	HYDRO'S DECISION		ORDER
		PAGE/PARA NUMBER	SECTION(S) APPLIED	
36A	As above	Page 2, lines 4, 5, 6, 7	49(b)	Not at issue
36B	As above	Page 2, 3rd last para.	49(b)	Not at issue
36C	As above	Page 3, top 3 lines	49(b)	Not at issue
36D	As above	Page 3, line 5	49(b)	Disclose
36E	As above	Page 3, lines 8 to 13	49(b)	Not at issue
36F	As above	Page 3, last 5 lines	18(1)(e)	Disclose
36G	As above	Page 4, lines 5 & 6	18(1)(e)	Disclose
36H	As above	Page 4, lines 8 & 9	18(1)(e)	Disclose
36I	As above	Page 4, 4th line from bottom	18(1)(e)	Disclose
36J	As above	Page 5	18(1)(e)	Disclose all except last line 18(1)(e)
37	<b>Duplicate of 22</b>			
38	Six-page handwritten document dated August 14, 1991	Page 2, 4th line from bottom	18(1)(e)	Exempt 18(1)(e)
38A	As above	Page 3, 4th sentence mid_page	18(1)(e)	Exempt 18(1)(e)
38B	As above	Page 6, last line	49(b)	Not at issue
39	Memorandum dated March 21, 1991	3rd point, end of sentence	18(1)(e)	Disclose
39A	As above	Para. 2	18(1)(e)	Exempt 18(1)(e)
40	Two-page handwritten document dated July 19, 1991	Page 1, 2nd last sentence	49(b)	Disclose
40A	As above	Page 1, Last sentence	18(1)(e)	Disclose
41	One-page handwritten notes re review of information	End of 4th sentence	18(1)(e)	Disclose
42	<b>Duplicate of 4</b>			
43	Inter-office memo date September 17, 1992	All	18(1)(e)	Exempt 18(1)(e)
44	Inter-office memo dated August 10, 1992	All	18(1)(e)	Exempt 18(1)(e)
45	Handwritten document dated October 9, 1991	Lines 2 & 3	19	Exempt 19

RECORD	GENERAL DESCRIPTION	HYDRO'S DECISION		ORDER
		PAGE/PARA NUMBER	SECTION(S) APPLIED	
46	Handwritten note re Sick Leave (no date)	Para 2, 3, 4, 5, 6	49(b)	Not at issue
47	Handwritten document re Human Rights Inquiry (no date)	Para 6, lines 2, 3, 4	18(1)(e)	Exempt 18(1)(e)
48	Thirteen-page document dated March 24-27, 1989, re:Meetings with R.K. Kalia	Page 9, para 5, 2nd last line	49(b)	Not at issue
	<b>Appeal P-9300019</b>			
A	Memo to file dated October 20, 1992	All	18(1)(e), 19	Exempt 18(1)(e)
B	E-mail document dated October 21, 1992	Para. 3	18(1)(e), 19	Exempt 18(1)(e)
C	Confidential memo dated October 16, 1992	Page 1, para. 3	18(1)(e)	Exempt 18(1)(e)
C1	As above	Page 1, para. 4, 2nd last line	18(1)(e)	Exempt 18(1)(e)
C2	As above	Page 2, 1st sentence	18(1)(e)	Exempt 18(1)(e)
C3	As above	Page 2, para. 1, last sentence	18(1)(e)	Exempt 18(1)(e)
C4	As above	Page 2, para. 3, all but 1st two sentences	18(1)(e)	Exempt 18(1)(e)
C5	As above	Page 2, para. 4	18(1)(e)	Exempt 18(1)(e)
D	Four-page E-mail document dated October 13, 1992	Page 1, para. 2, 2nd sentence	49(b)	Not at issue
D1	As above	Page 3, para 2	18(1)(e)	Exempt 18(1)(e)
D2	<b>Duplicate of B</b>			
E	<b>Duplicate of 21</b>			
F	<b>Duplicate of 22</b>			
G	Draft memo dated October 6, 1992	All	18(1)(e)	Exempt 18(1)(e)
H	One-page handwritten notes, re:legal advice	All	19	Exempt 19
I	One-page handwritten notes dated May 6, 1992	All	19	Exempt 19
J	One-page handwritten notes dated March 23, 1992	All	19	Exempt 19
K	Two-page handwritten notes dated March 3, 1992	All	19	Exempt 19



RECORD	GENERAL DESCRIPTION	HYDRO'S DECISION		ORDER
		PAGE/PARA NUMBER	SECTION(S) APPLIED	
L	Two-page handwritten notes dated February 6, 1992, re:Human Rights	All	19	Exempt 19
M	Two-page handwritten notes dated February 13, 1992	All	19	Exempt 19
N	Three-page handwritten notes dated January 2, 1992	All	19	Exempt 19
O	<b>Duplicate of 19</b>			
P	Two-page handwritten notes dated September 1991	All	19	Exempt 19
Q	One-page handwritten notes dated August 16	All	19	Exempt 19
S	One-page handwritten notes dated April 23, 1992	Bottom half of page	19	Exempt 19
U	Three-page handwritten notes dated August 15, 1990	Page 3, bottom half of page	19	Exempt 19
V	Memorandum dated December 20, 1991	Comment at bottom of page 1	19	Exempt 19
V1	<b>Duplicate of 22</b>			
W	<b>Duplicate of B</b>			
X	<b>Duplicate of 22</b>			
Y	Two-page document dated October 6, 1992	All	13(1) 18(1)(e)	Exempt 13(1)
Z	Confidential document dated March 20, 1992	Para. 1	13(1)	Exempt 13(1)
Z1	As above	Para. 2	13(1)	Exempt 13(1)
Z2	As above	Para. 3, half of last sentence	18(1)(e)	Exempt 18(1)(e)
AA	<b>Duplicate of 32</b>			
BB	<b>Duplicate of 21</b>			
CC	Two-page handwritten notes of a conversation	Page 1, 1st 3 lines	18(1)(e)	Exempt 18(1)(e)
CC1	As above	Page 1, line 8	18(1)(e)	Exempt 18(1)(e)
CC2	As above	Page 2, 1st 2 lines	18(1)(e)	Exempt 18(1)(e)
CC3	As above	Page 2, last 6 lines	18(1)(e)	Exempt 18(1)(e)
DD	<b>Duplicate of 32</b>			

RECORD	GENERAL DESCRIPTION	HYDRO'S DECISION		ORDER
		PAGE/PARA NUMBER	SECTION(S) APPLIED	
EE	Duplicate of 34			