



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

ORDER P-1241

Appeal P-9600105

Ontario Human Rights Commission



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NATURE OF THE APPEAL:

The Ontario Human Rights Commission (the OHRC) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for copies of all records in its possession concerning a named individual. The requester indicated that she was acting as the agent of the named individual and enclosed a waiver authorizing the release of the requested information to her. The requester advised the OHRC that the request also included access to all documents which showed the cost of the complaint lodged against the named individual. For ease of reference, in this order I will refer to the named individual as the “appellant”.

The OHRC identified numerous records as being responsive to the request. It disclosed all records “that are general in nature”, all documents that had been previously disclosed to the appellant during the processing of the complaint, as well as records containing only the personal information of the appellant. The OHRC denied access to the balance of the records on the basis of the following exemptions in the Act:

- advice and recommendations - section 13(1)
- law enforcement reports - section 14(2)(a)
- solicitor-client privilege - section 19
- invasion of privacy - section 49(b)

The OHRC also advised the appellant that no records existed which related to the cost of the investigation.

The appellant appealed the decision of the OHRC to deny access. He also disputed the OHRC’s claim that no records showing the cost of the investigation existed. During mediation, the appellant agreed not to pursue access to certain records. He also indicated that with respect to those records for which the OHRC had claimed section 49(b), he would be satisfied to receive them without the personal identifiers of any individuals. The OHRC agreed to provide pages 65, 66, 70, 71, 72, 75 and 164-166 to him in this form.

A Notice of Inquiry was sent to the OHRC, the appellant and three individuals whose interests could be affected by the disclosure of the information contained in the records (the affected persons). Because the OHRC had listed section 49(a) as an exemption in its “Index of Records and Exemptions Cited” (although not included in its decision letter) and because the records appeared to contain the personal information of the appellant, the Notice of Inquiry sought representations on the application of section 49(a) of the Act. This section gives the OHRC the discretion to refuse to disclose to an individual his or her personal information where other sections of the Act, including sections 13(1), 14(2)(a) and 19, would apply.

The OHRC and counsel for two of the affected persons submitted representations.

The OHRC attached copies of pages 65, 66, 70, 71, 72, 75 and 164-166 without the personal identifiers relating to other individuals to its submissions.

The records at issue and the exemptions claimed for each are set out in Appendix A to this order.

DISCUSSION:

PERSONAL INFORMATION

Under section 2(1) of the Act, “personal information” is defined, in part, to mean recorded information about an identifiable individual, including any identifying number assigned to the individual and 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.

The appellant was one of three personal respondents in a human rights complaint registered in May, 1991, alleging a violation of the Ontario Human Rights Code (the Code). The case was closed on November 24, 1995.

The OHRC first submits that only those pages that have specific references to the appellant as one of the respondents to the complaint contain his personal information (the group one records). Certain other pages make no specific reference to the appellant but do cite the complaint number (the group two records). It is the position of the OHRC that this group of documents does not contain the personal information of the appellant as the possibility of considering the complaint number as an “identifying number assigned” to the appellant is too remote. Therefore, the OHRC submits that the group two records should be considered as only containing the personal information of individuals other than the appellant.

While I agree that group two consists generally of correspondence between OHRC staff and counsel for the complainants, I am of the view that they can also be considered to contain the personal information of the appellant in that they are concerned with the manner in which the OHRC processed the claim against him. Accordingly, I find that both the group one and group two records contain the personal information of the appellant and other identifiable individuals.

The appellant has indicated that he is not interested in obtaining the names or identities of any individuals who are referred to in the records. Where possible, the OHRC has already removed this information from the records. As indicated, the OHRC has agreed to provide pages 65, 66, 70, 71, 72, 75 and 164-166 to the appellant in such a format. I will order the OHRC to disclose them to the appellant. These pages are no longer at issue in this appeal.

With respect to the majority of the remaining pages, I find that removing the names and identifiers of individuals other than the appellant would not serve to “anonymize” the balance of the information. The information sources could reasonably be identified by the appellant based on the nature of the substantive accusations made against him, the evaluations made of his work and the nature of the comments made to the OHRC. In such circumstances, this information constitutes the personal information of these individuals.

It is possible to anonymize some of the remaining pages. However, as the OHRC has also claimed that discretionary exemptions apply to these pages, I must first consider whether these claims are substantiated prior to considering the removal of the personal identifiers.

Accordingly, I find that all of these pages at issue contain the personal information of the appellant and other identifiable individuals.

Finally, I find that pages 30, 97 and 169-170 contain the personal information of the appellant only.

The OHRC next submits that there are two pages remaining that contain solely the personal information of other individuals - pages 39 and 44.

Pages 39, 44 and, in fact, page 41 contain references to an individual who corresponded with the OHRC in her capacity as the spokesperson and secretary of an organization. Pages 39 and 44 are letters to this individual from the OHRC. Page 41 is the fax cover sheet of a letter sent by this individual to the OHRC.

In my view, correspondence submitted to an institution by a representative of a group or association is not the personal information of the author of the correspondence (Order P-300); nor would the replies to such correspondence. In fact, page 41 is on the letterhead of the organization. On this basis, I find that pages 39, 41 and 44 do not contain the personal information of the organization's representative. These pages do not contain the personal information of any identifiable individuals so their disclosure could not constitute an unjustified invasion of personal privacy. The OHRC has not claimed that any discretionary exemptions apply to them. Accordingly, pages 39, 41 and 44 should be disclosed to the appellant.

All of the records also contain many references to OHRC staff. As these references relate to these individuals in their professional capacity and to information provided as part of their employment responsibilities at the OHRC, it does not constitute their personal information.

DISCRETION TO REFUSE REQUESTER'S OWN INFORMATION

Section 47(1) of the Act gives individuals a general right of access to their own personal information held by a government body. Section 49 provides a number of exceptions to this general right of access.

Under section 49(a) of the Act, the OHRC has the discretion to deny access to an individual's own personal information in instances where certain exemptions would otherwise apply to that information. These include sections 13(1), 14(2)(a) and 19 which the OHRC has applied to exempt certain of the pages at issue. I will first consider whether any of these exemptions would apply to determine if the pages for which they have been claimed are exempt under section 49(a).

SOLICITOR-CLIENT PRIVILEGE

The OHRC has exempted pages 87-88 and 97 from disclosure pursuant to section 19 of the Act which 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.

Section 19 consists of two branches, which provide the OHRC 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).

The OHRC has applied both branches to these records.

Pages 87-88 consist of the notes of a meeting between the investigating staff of the OHRC and counsel. The OHRC explains that the purpose of the meeting was to obtain counsel's legal opinion on various aspects of the complaint, the investigation needs and the evidentiary needs should the matter proceed to a Board of Inquiry.

In my view, these pages would qualify for exemption pursuant to the common law solicitor-client privilege (Branch 1). They contain written notations of the verbal legal advice that had been provided to OHRC staff from their counsel during the course of the meeting held to discuss certain matters involving the complaint. The communications are of a confidential nature and are directly related to the seeking and giving of legal advice.

Page 97 is a fax cover page from a human rights officer to legal counsel. He describes the materials which are being transmitted, those which are not and advises that a party has applied for intervenor status. The OHRC states that the materials were being transmitted to counsel in order that he could prepare the legal opinion which staff had requested and which he subsequently provided. Therefore, it is the OHRC's position that page 97 is subject to solicitor-client privilege as it is a confidential communication between a client, the human rights officer, and counsel directly related to the seeking, formulating and giving of legal advice.

In my view, the information contained in the fax cover page cannot be said to be "directly" related to the seeking, formulating and giving of legal advice. While the attachments might so qualify, I find that the cover page is not exempt under the common law solicitor-client privilege.

As far as Branch 2 is concerned, the OHRC submits that page 97 was prepared for Crown counsel in contemplation of litigation before a Board of Inquiry and/or for use in giving legal advice. As was the case with the Branch 1 claim, I find that, while the attachments to page 97 might qualify for exemption, the fax cover page by itself cannot be said to have been prepared for Crown counsel for use in giving legal advice or in contemplation of litigation.

Therefore, I find that page 97 does not qualify for exemption under section 19 of the Act. As it contains only the personal information of the appellant, it should be disclosed.

ADVICE AND RECOMMENDATIONS

The OHRC claims that section 13(1) applies to pages 15-16, 30-33, 87-88, 139-140, 169-170 and 171. As I have found that pages 87-88 qualify for exemption under section 19, I need not consider them in the discussion which follows.

Section 13(1) of the Act states that:

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 and recommendations for the purpose of section 13(1) must contain more than mere information. To qualify as “advice” or “recommendations”, the information contained in the records must relate to a suggested course of action, which will ultimately be accepted or rejected by its recipient during the deliberative process.

In Order 94, former Commissioner Sydney B. Linden commented on the scope of the exemption under section 13(1) of the Act. He stated that “... this exemption purports to protect the free flow of advice and recommendations within the deliberative process of government decision-making or policy making”.

Pages 15-16 are entitled “Investigation Plan”. They outline the particular issues the OHRC officer deemed necessary to address, the questions of fact that would define and clarify the issues, and the evidence necessary to respond to such questions. The OHRC submits that the officer recommended the plan to the manager for approval. While page 16 does contain a section entitled “approval/guidance” which has spaces for the insertion of the manager’s review, comments, date approved and manager’s signature, this entire section has not been completed. In addition, while page 15 notes the dates on which staff were consulted, there is no indication on the face of the record or in the OHRC’s submissions that these consultations took the form of a review of the materials in the Investigation Plan.

In my view, advice and recommendations must flow from one individual to another and there must be evidence of some type of communication of the information from one person to another in order for the information to qualify as “advice and recommendations”. In the absence of such evidence in this case, I find that pages 15-16 are not exempt under section 13(1).

Page 30 is a memorandum from one OHRC officer to another. Attached to the memorandum is a series of typed draft questions for the complainants with a number of handwritten notes. The memorandum states that the notes represent the suggested revisions of another OHRC employee. The OHRC states that the draft questions were discussed by a number of OHRC staff and ultimately approved by an “action group”. I find that the draft questions and handwritten comments on pages 31-33 satisfy the section 13(1) exemption. However, the page 30 memorandum contains no information which relates to a suggested course of action, which will ultimately be accepted or rejected by its recipient during the deliberative process. As this page only contains the personal information of the appellant, it should be disclosed.

Pages 139-140 are a memorandum from a OHRC manager to two human rights officers. It identifies certain issues and then proposes a series of questions designed to address the issues. In essence, the manager is providing his advice and recommendations as to how the officers could deal with the case plan. There is no indication that they must proceed in the suggested manner. I find that such information falls within the scope of a suggested course of action which may be accepted or rejected by the recipients of the memorandum and section 13(1) applies.

Pages 169-170 are memoranda sent by the Executive Director to various OHRC staff. The OHRC states that these pages "... refer to requests for recommendation from the Executive Director". In one case, the author of the memoranda indicates that she is awaiting a recommendation and in the other states that she has received it but then requests the recipients of the memorandum to provide her with their recommendation. The second memorandum does not contain the recommendations she alludes to. I find that neither of these documents contain advice and recommendations so as to qualify for exemption under section 13(1) of the Act. These pages do not contain the personal information of any other individuals and should be disclosed to the appellant.

Page 171 is a memorandum from OHRC counsel to a Regional Manager. The OHRC has not claimed that this page is subject to the discretionary exemption in section 19 of the Act, solicitor-client privilege. Rather, the OHRC submits that this document is exempt pursuant to section 13(1) as it refers to "... legal counsel's advice to meet ..." Regardless of the identity of the individual making the suggestion, I do not find that this comment represents "advice or recommendations" within the context of the deliberative process of the OHRC.

LAW ENFORCEMENT REPORT

Pages 1-9, 10-12, 15-16, 101 and 103-105 have not been disclosed by the OHRC pursuant to section 14(2)(a) of the Act which states:

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;

Section 2(1) of the Act defines "law enforcement" in the following manner:

"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);

I have reviewed the records, and it is clear that they were generated in the course of the OHRC's investigation of a complaint under the Code which may lead to proceedings before a Board of Inquiry.

It has been found in previous orders that investigations conducted by the OHRC into complaints made under the Code may be properly considered law enforcement matters, and that because these investigations may lead to proceedings before a Board of Inquiry under the Code, they may be characterized as law enforcement proceedings [Orders 89, 178, 200, P-221, P-253, P-258 and P-322]. Accordingly, I find that the records relate to the OHRC's law enforcement mandate with respect to the investigation of complaints under the Code.

In addition, for a record to qualify for exemption under section 14(2)(a) of the Act, the OHRC must satisfy each part of the following three-part test:

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.

In Order 221, Commissioner Tom Wright made the following comments about part one of the 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.

I agree with this approach and will apply it to the records at issue in this appeal.

Pages 1-8 are entitled "Intake Record of Investigation". Page 9 is a "Record of Conciliation/Disclosure/Closing". The OHRC states that this package of documents contains a chronological summary of various intake and investigative activities conducted by the human rights officer. The OHRC submits that these pages constitute a "report" as opposed to "merely recording of facts" as the record "... collates the various case processing activities and when read as a whole is a report of the case processing in terms of both the activities and time spent on the case".

While I accept that pages 1-9 document the activities that took place in processing the complaint, they do not contain a "consideration" of the information so included. The information is more akin to a "log" of the various documents sent and received, interviews conducted and other work

undertaken by OHRC staff. In my view, this recitation of facts does not constitute a “report” for the purposes of the Act and section 14(2)(a) does not apply to pages 1-9.

In contrast, pages 10-12, 101, and 103-105 discuss the background of the complaint, the grounds for the allegation of discrimination and the section of the Code upon which the complaint was based. Pages 101 and 103-105 also contain an analysis of the results of the OHRC's investigation of the appellant's complaint, the status of the case to date and an indication of the areas which require future work and investigation. Pages 10-12 contain similar information as well as a description and analysis of this additional work that occurred up until the file was closed.

On this basis, these pages can accurately be described as formal statements which contain the results of the collation and consideration of information. In addition, these records were prepared in the course of law enforcement by an agency which has the function of enforcing and regulating compliance with the law. For these reasons, I find that pages 10-12, 101, and 103-105 all qualify for exemption under section 14(2)(a) of the Act.

As indicated, pages 15-16 are an “Investigation Plan”. The OHRC submits that they constitute a “report” in that they collate the positions of both parties, identify the issues in the case, the facts or information relevant to each issue and possible sources of evidence.

However, these pages contain no formal statement or account of the results of the collation and consideration of information in that the information has yet to be collected. As the form itself indicates, it sets out the issues “to be answered by the investigation”, the facts “to be proven” to answer each issue and the evidence “to be obtained to prove each fact”. It is an outline of the manner in which the investigation of the complaint is to be conducted. As pages 15-16 do not constitute a “report”, I find they do not qualify for exemption under section 14(2)(a) of the Act.

To summarize my findings to date:

- (1) Pages 31-33 and 139-140 qualify for exemption under section 13(1). I have found that pages 87-88 qualify for exemption under section 19. Section 14(2)(a) would apply to pages 10-12, 101, and 103-105. As all of these pages contain the personal information of the appellant, they are exempt pursuant to section 49(a) of the Act.
- (2) Pages 1-9, 15-16, and 171 do not qualify for exemption under the sections claimed by the OHRC. However, as they contain both the personal information of the appellant and other identifiable individuals, I will consider whether they are exempt under section 49(b).
- (3) The discretionary exemptions claimed by the OHRC do not apply to pages 30, 97, and 169-170. As these contain only the personal information of the appellant, they should be disclosed to him.

INVASION OF PRIVACY

Of the records remaining at issue, the OHRC has applied section 49(b) of the Act to withhold pages 1-9, 17-20, 22, 23-24, 25, 27-29, 34-38, 42-43, 45, 47, 49-55, 56-58, 59, 60, 76, 77, 78-79, 80-85, 100, 107-111, 112-115, 116-132, 133, 134, 135, 136, 138, 144, 145, 146-157, 158-159, 167-168, and 171 from disclosure. I will also consider whether this exemption applies to pages 15-16 as they contain both the personal information of the appellant and other identifiable individuals and are not exempt under the other sections claimed by the OHRC.

As indicated, the appellant is not seeking access to the personal identifiers of other individuals. Accordingly, I have reviewed the above pages to determine if the identifying information can be removed and the balance of the information disclosed to the appellant. I have highlighted in yellow, the identifying information which appears on pages 1-9, 15-16, 17-20, 42-43 and 171.

Pages 1-9 contain references to individuals who may or may not be OHRC staff and thus functioning in their professional as opposed to personal capacity. I have highlighted these names in blue. The OHRC should determine the identity of these individuals and disclose the staff names only.

Under section 49(b) of the Act, where a record contains the personal information of both the appellant and other individuals and the OHRC determines that the disclosure of the information would constitute an unjustified invasion of another individual's personal privacy, the OHRC has the discretion to deny the requester access to that information. In this situation, the requester is not required to prove that disclosure of personal information **would not** constitute an unjustified invasion of the personal privacy of another individual. Since the requester has a right of access to his/her own personal information, the only situation under section 49(b) in which he/she can be denied access to the information is if it can be demonstrated that disclosure of the information **would** constitute an unjustified invasion of another individual's privacy.

Sections 21(2), (3) and (4) of the Act provide guidance in determining whether the disclosure of personal information would constitute an unjustified invasion of personal privacy. Where one of the presumptions found in section 21(3) applies to the personal information found in a record, the only way such a presumption against disclosure can be overcome is where the personal information falls under section 21(4) or where a finding is made that section 23 of the Act applies to the personal information.

If none of the presumptions contained in section 21(3) apply, the OHRC must consider the application of the factors listed in section 21(2) of the Act, as well as all other considerations that are relevant in the circumstances of the case.

The OHRC claims that the personal information at issue falls within the presumption in section 21(3)(b) of the Act. This section states:

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

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;

In this regard, the OHRC submits that the personal information was compiled and is identifiable as part of an investigation into a possible violation of the Code.

I find that the personal information on pages 23-24, 25, 27-29, 34-38, 45, 47, 49-55, 56-58, 59, 60, 76, 77, 78-79, 80-85, 100, 107-111, 112-115, 116-132, 133, 134, 135, 136, 138, 144, 145, 146-157, 158-159, and 167-168 was compiled as part of the OHRC's investigation into the complaints. I adopt and apply the previous orders of this office which have determined that an investigation conducted by the OHRC into allegations of breaches of the Code constitutes an "investigation into a possible violation of law" for the purposes of section 21(3)(b) of the Act (Orders P-449, P-507 and P-510). Accordingly, I find that the personal information contained in pages 23-24, 25, 27-29, 34-38, 45, 47, 49-55, 56-58, 59, 60, 76, 77, 78-79, 80-85, 100, 107-111, 112-115, 116-132, 133, 134, 135, 136, 138, 144, 145, 146-157, 158-159, and 167-168 falls within the presumption.

As I have previously indicated, once a presumption in section 21(3) is found to apply, the only way in which it can be rebutted is if it falls under section 21(4) or where section 23 is found to apply. This result is dictated by the findings of the Divisional Court in John Doe v. Ontario (Information and Privacy Commissioner) (1993) 13 O.R. 767.

I have considered the application of section 21(4) of the Act and find that none of the personal information at issue falls within the ambit of this provision. The appellant has not claimed that section 23 applies in this case. Thus, the personal information contained in these pages is exempt under section 49(b) of the Act.

ADEQUACY OF SEARCH

In cases where a requester provides sufficient details about the records which he is seeking and the OHRC indicates that records do not exist, it is my responsibility to ensure that the OHRC has made a reasonable search to identify any records which are responsive to the request. The Act does not require the OHRC to prove with absolute certainty that records do not exist. However, in my view, in order to properly discharge its obligations under the Act, the OHRC must provide me with sufficient evidence to show that it has made a **reasonable** effort to identify and locate responsive records.

As part of its submissions, the OHRC has included an affidavit from the Freedom of Information and Privacy Co-ordinator (the Co-ordinator) who was responsible for processing the appellant's request. When the Co-ordinator received the request, he identified the specific personal information bank in which the requested information would be located. He indicates that in accordance with OHRC procedure, all information collected during the course of case processing would be contained only in this file.

The Co-ordinator obtained the relevant file from the regional office and reviewed its contents with a particular view to determining if it contained any documents related to the cost of processing the complaint. The Co-ordinator states that based on the OHRC's Procedural Manual

and his experience as a human rights officer, the only time that an investigation file would show any special costs incurred in processing a complaint would be when special services are obtained and paid for. In such cases, the invoices for these expenses would be contained in the investigation file. The Co-ordinator did not find any invoices or indication that such services were obtained and paid for in the investigation file at issue.

Based on the submissions of the Co-ordinator, I am satisfied that the OHRC conducted a reasonable search to locate the records responsive to the request.

ORDER:

1. I uphold the decision of the OHRC to deny access to pages 10-12, 22, 23-24, 25, 27-29, 31-33, 34-38, 45, 47, 49-55, 56-58, 59, 60, 76, 77, 78-79, 80-85, 87-88, 100, 101, 103-105, 107-111, 112-115, 116-132, 133, 134, 135, 136, 138, 139-140, 144, 145, 146-157, 158-159, and 167-168 in their entirety and the yellow highlighted portions of pages 1-9, 15-16, 17-20, 42-43, and 171, copies of which I have sent to the Freedom of Information and Privacy Co-ordinator of the OHRC with a copy of this order.
2. I order the OHRC to disclose pages 30, 39, 41, 44, 97, and 169-170 in their entirety, the non-highlighted portions of pages 1-9, 15-16, 17-20, 42-43, and 171 and the severed versions of pages 65, 66, 70, 71, 72, 75 and 164-166 it provided to this office with its submissions.
3. I order the OHRC to review the names I have highlighted in blue on pages 1-9 and disclose the names of those individuals who are OHRC staff.
4. I order the OHRC to disclose the records described in Provisions 2 and 3 by sending a copy of them to the appellant no later than **September 9, 1996** but not before **September 4, 1996**.
5. In order to verify compliance with this order, I reserve the right to require the OHRC to provide me with a copy of the records disclosed to the appellant pursuant to Provisions 2 and 3.
6. I find that the OHRC conducted a reasonable search to locate records showing the cost of the complaint lodged against the appellant and this aspect of the appeal is dismissed.

Original signed by: _____
Anita Fineberg

August 2, 1996

Inquiry Officer

APPENDIX A

INDEX OF RECORDS AT ISSUE

PAGE NUMBER(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS CLAIMED	DECISION ON RECORD
1 - 9	Record of Investigation (8 pages) and Record of Conciliation/Disclosure/Closing (1 page)	14(2)(a); 49(b)	Disclose in part
10 - 12	Note to File - November 24, 1995 (3 pages)	14(2)(a)	Do not disclose
15 - 16	Investigation Plan (2 pages)	13(1), 14(2)(a)	Disclose in part
17 - 20	Questionnaire for Complainants, with draft questions (4 pages)	49(b); 21(3)(b)	Disclose in part
22	Letter- December 5, 1995	49(b); 21(3)(b)	Do not disclose
23 - 24	Letter - November 27, 1995 (2 pages)	49(b); 21(3)(b)	Do not disclose
25	Letter - October 25, 1995	49(b); 21(3)(b)	Do not disclose
27 - 29	Letter - March 17, 1995, with attachment of draft questions (3 pages)	49(b); 21(3)(b)	Do not disclose
30	Memorandum – March 9, 1995 (1 page)	13(1); 49(b)	Disclose in full
31 - 33	Draft questions (3 pages)	13(1); 49(b)	Do not disclose
34 - 38	Interview notes - March 13, 1995 (5 pages)	49(b); 21(3)(b)	Do not disclose
39	Letter - March 3, 1995	49(b); 21(3)(b)	Disclose in full
41	Fax cover page - January 28, 1995 (1 page)	49(b); 21(3)(b)	Disclose in full
42 - 43	Letter attached to #41 (2 pages)	49(b); 21(3)(b)	Disclose in part
44	Letter - February 7, 1995	49(b); 21(3)(b)	Disclose in full
45	Letter - January 11, 1995 (not including schedule)	49(b)	Do not disclose
47	Letter - February 2, 1995	49(b)	Do not disclose
49 - 55	Letter - January 25, 1995 (7 pages)	49(b)	Do not disclose
56 - 58	Letter - August 9, 1994 (3 pages)	49(b)	Do not disclose
59	Letter - May 11, 1994	49(b)	Do not disclose
60	Letter - August 26, 1991	49(b)	Do not disclose
76	Letter - October 27, 1994	49(b)	Do not disclose
77	Letter - August 12, 1994	49(b)	Do not disclose

PAGE NUMBER(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS CLAIMED	DECISION ON RECORD
78 - 79	Letter - June 19, 1994 (2 pages)	49(b)	Do not disclose
80 - 85	Letter - June 30, 1994, with complaint (6 pages)	49(b)	Do not disclose
87 - 88	Work plan notes (2 pages)	13(1); 19; 49(a)	Do not disclose
97	Fax sheet - May 17, 1994	19; 49(a)	Disclose in full
100	Letter - May 5, 1994	49(b)	Do not disclose
101	Briefing Note - November 18, 1994	14(2)(a)	Do not disclose
103 - 105	Summary of Case to date - February 21, 1992	14(2)(a)	Do not disclose
107 - 111	Interview notes - December 3, 1991 (5 pages)	49(b)	Do not disclose
112 - 115	Interview notes - December 4, 1991 (4 pages)	49(b)	Do not disclose
116 - 132	Notes, handwritten (17 pages)	49(b)	Do not disclose
133	Letter - December 3, 1991	49(b)	Do not disclose
134	Letter - December 3, 1991	49(b)	Do not disclose
135	Letter - November 20, 1991	49(b)	Do not disclose
136	Letter - November 11, 1991	49(b)	Do not disclose
138	Letter - October 22, 1991	49(b)	Do not disclose
139 - 140	Memorandum - October 2, 1991 (2 pages)	13(1)	Do not disclose
144	Letter - October 3, 1991	49(b)	Do not disclose
145	Letter - September 25, 1991	49(b)	Do not disclose
146 - 157	Reply of Respondents (12 pages)	49(b)	Do not disclose
158 - 159	Letter - September 26, 1991 (2 pages)	49(b)	Do not disclose
167 - 168	Letter - August 20, 1991 (2 pages)	49(b)	Do not disclose
169 - 170	Two Memoranda - July 2, 1991 (2 pages)	13(1)	Disclose in full
171	Memorandum - June 28, 1991	13(1)	Disclose in part