



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

INTERIM ORDER P-1262

Appeal P-9600140

Ministry of the Attorney General



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BACKGROUND:

The appellant is a Police Officer employed by the York Regional Police Services Board (the Police). In 1992 and 1993, he was involved in an investigation relating to fraud and stock manipulation which arose following a dispute between the promoters of a publicly-traded company. As a result of the investigation conducted by the appellant, one of the promoters of the company (the primary affected person) was charged with the offence of obstructing justice under the Criminal Code.

During the investigation, the business premises operated by the company was searched pursuant to a search warrant and certain records were removed from its offices. Prior to the primary affected person coming to trial, the Crown Attorney responsible for the prosecution of this individual decided not to proceed with the charge and it was withdrawn in September 1993. The primary affected person then sought to recover the records which had been seized from the company's premises pursuant to the search warrant. He ultimately recovered possession of the seized documents in November 1993.

The appellant, as the investigating officer, was the subject of a series of complaints by the primary affected person. These complaints resulted in two separate investigations of the appellant under the Police Services Act (the PSA) by the Police and a further review by the Office of the Police Complaints Commissioner (the PCC). The appellant was exonerated of any allegations of wrongdoing.

NATURE OF THE APPEAL:

On June 1, 1995, the appellant, through his Police Association, made a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to all of the records relating to the criminal investigation against the primary affected person, the decision to not proceed to trial against this individual and any involvement by the Ministry of the Attorney General (the Ministry) into the allegations of wrongdoing against the appellant. Because the request predates the enactment of Bill 7, this appeal is subject to the law in effect prior to the Bill coming into force. At the same time, the appellant has made another request to the PCC for similar records relating to its investigation of the primary affected person's complaints. This request is now the subject of Appeal Number P-9600158.

In response to the appellant's request, the Ministry located and identified 60 records, granting access in full to five of them, comprising 113 pages. However, 55 documents totalling 461 pages were withheld in their entirety. In its decision letter dated January 31, 1996, the Ministry claimed the application of the following exemptions contained in the Act to deny access to the requested documents:

- advice or recommendations - section 13
- solicitor-client privilege - section 19
- invasion of privacy - sections 21 and 49(b)

The appellant, through his Police Association, appealed the Ministry's decision to deny access to these records. Subsequently, a further 76 documents comprising 1344 pages were located and identified as responsive to the appellant's request. Access to 13 of these records totalling 241

pages was granted in full by the Ministry in a second decision letter dated May 10, 1996. Access to the remaining 63 records containing 1103 pages was denied. There are, accordingly, 118 documents (1564 pages) at issue in this appeal. The Ministry relied on the following exemptions to refuse access to the second group of documents in its entirety:

- advice or recommendations - section 13
- solicitor-client privilege - section 19
- invasion of privacy - section 49(b)

A Notice of Inquiry was provided to the appellant, the Ministry and to three individuals whose interests might be affected by the disclosure of the information contained in the records (the affected persons). Representations were received from the appellant and the Ministry. The Notices of Inquiry sent to two of the affected persons were returned undelivered by Canada Post. No submissions were received from the primary affected person.

PRELIMINARY ISSUE:

The Ministry submits that the appellant is the official with the Police Association who submitted the request and subsequent appeal on behalf of the officer who was the subject of the investigations. It argues that nothing in the consent document filed by the appellant would indicate that the Police Association official is acting on his behalf. I have reviewed both the submissions of the Ministry and the consent document filed with it and find that it is implicit that the official of the Police Association filed both the request and the appeal as agent on behalf of the appellant. I will, accordingly, proceed with my analysis on the basis that the officer to whom the information relates is the appellant and that the Police Association official is simply acting as his agent.

DISCUSSION:

PERSONAL INFORMATION

The records at issue in this appeal may be broadly categorized into three groups. The first group involves those records which relate to the Police investigation of the activities of the primary affected person. The second group consists of records which pertain to the decision of the Crown Attorney not to prosecute the primary affected person and the subsequent reaction of the other participants in the investigation to that decision. The third and largest group of records relates to the complaints made against the appellant by the primary affected person to the Police, the PCC and the Ministry.

Under section 2(1) of the Act, "personal information" is defined, in part, to mean recorded information about an identifiable individual.

Generally, the documents in all three categories of records relate to the affected persons. Although the appellant is mentioned throughout the first two categories of documents, such references to him are in his professional capacity as a police officer, rather than in his personal capacity. The records in the third category, however, contain the personal information of the

appellant as they contain the views and opinions of the primary affected person about the appellant.

Where information involves an examination of an individual's professional performance or an investigation into his or her conduct, these references are considered to be the individual's personal information [Order P-1180]. The views of the primary affected person which are contained in the records are critical of the appellant's conduct and the performance of his duties as a police officer. Accordingly, I find that the information contained in the records which relate to the investigations into the complaints against the appellant may properly be characterized as his personal information.

INVASION OF PRIVACY

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

Where, however, a record only contains the personal information of other individuals, section 21(1) of the Act prohibits the disclosure of this information unless one of the exceptions listed in the section applies. The only exception which might apply in the circumstances of this appeal is section 21(1)(f), which permits disclosure if it "... does not constitute an unjustified invasion of personal 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 Ministry must consider the application of the factors listed in section 21(2), as well as all other considerations which are relevant in the circumstances of the appeal.

The Ministry submits that the documents contain personal information and were compiled as part of one of two investigations into a possible violation of law. The first investigation resulted in charges of obstructing justice being laid by the Police under the Criminal Code against the

primary affected person. The second investigation involved the examination of the conduct of the appellant by the Police and the Ministry and a determination as to whether his actions warranted the initiation of proceedings under the PSA.

The Ministry submits that the presumption contained in section 21(3)(b) applies to these records. 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;

I note that many of the records at issue involve the original Criminal Code investigation of the primary affected person which were created by or copied to the appellant in his capacity as one of the investigating officers.

The appellant submits that the disclosure of the records is desirable for the purpose of subjecting the activities of the Ministry to public scrutiny (section 21(2)(a)) and that the disclosure of the personal information is relevant to a fair determination of his rights (section 21(2)(d)). The remaining considerations from section 21(2) referred to by the appellant in his submissions favour privacy protection, rather than access to the requested information.

I have reviewed the submissions of the parties and the records at issue in this appeal which contain personal information and make the following findings:

1. Records 1b, 1e, 1i, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 35, 39, 40, 41, 44, 47a, the two-page letter dated April 22, 1994 in Record 48 and Record 49 from the January 31, 1996 Ministry decision letter contain only the personal information of the affected persons.

Records 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 45, 46, 47, the attachments to the April 22, 1994 letter in Records 48 and Records 50 and 51 from the January 31, 1996 Ministry decision letter contain the personal information of the appellant and one or more of the affected persons.

All of these documents were compiled by the Police and are identifiable as part of a law enforcement investigation into a possible violation of the PSA following receipt of the complaints from the primary affected person. As such, I find that they fall within the presumption contained in section 21(3)(b).

2. Records 8, 9, 10, 11, 16, 18, 26, 27, 28, 29, 30, 39b, 39c, 39d, 40a, 51, 63, 64 and 65 from the May 10, 1996 Ministry decision letter also contain only the personal information of the affected persons.

Record 66, which consists of a 29-page letter from the primary affected person along with 612 pages of attachments, from the Ministry's May 10, 1996 decision letter contains the personal information of the appellant, as well as that of the affected persons.

Again, all of these documents were compiled by the Police and are identifiable as part of a law enforcement investigation of a possible breach of the Criminal Code by the primary affected person. Similarly, these records fall within the presumption in section 21(3)(b).

3. Even if I were to find that the considerations under section 21(2) raised by the appellant were relevant and compelling, the Divisional Court's decision in the case of John Doe v. Ontario (Information and Privacy Commissioner) (1993) 13 O.R. 767 held that considerations under section 21(2) cannot be used to rebut the presumptions in section 21(3). Accordingly, the considerations raised by the appellant cannot overcome the application of section 21(3)(b). Section 21(4) of the Act does not apply, and the appellant has not argued that section 23 applies.
4. Records 1b, 1e, 1i, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 35, 39, 40, 41, 44, 47a, the two-page letter dated April 22, 1994 contained in Record 48 and Record 49 from the January 31, 1996 Ministry decision letter along with Records 8, 9, 10, 11, 16, 18, 26, 27, 28, 29, 30, 39b, 39c, 39d, 40a, 51, 63, 64 and 65 from the May 10, 1996 Ministry decision letter are, accordingly, exempt from disclosure under section 21.
5. Records 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 45, 46, 47, the attachments to the April 22, 1994 letter in Record 48 and Records 50 and 51 from the January 31, 1996 Ministry decision letter, as well as Record 66 from the Ministry's May 10, 1996 decision letter are exempt from disclosure under section 49(b).
6. Many of the records consist of correspondence which were copied to, addressed to or contain information supplied by the appellant. Regardless of the fact that they may contain the personal information of one or more of the affected persons, in my view, the denial of access to these records would give rise to an absurd result as the appellant is already aware of their contents [Orders M-384, M-444 and P-1091].

For this reason, I find that the disclosure of Record 1f from the January 31, 1996 decision letter and Records 12, 13, 14, 15, 17a, 19, 20, 23d, 24, 25, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 47, 48, 53, 55 and 57a from the May 10, 1996 decision letter would not result in an unjustified invasion of the personal privacy of any of the affected persons. These documents should, accordingly, be disclosed to the appellant. The Ministry has also claimed the application of the solicitor-client exemption to Record 14 and I will address this issue below, in my discussion of section 19.

7. The Ministry's representations are premised on its understanding that the appellant is the Police Association official, and not the officer involved in the investigations. As the Ministry did not consider that the records might contain the personal information of the appellant, it did not make any representations on the exercise of its discretion to disclose the records under section 49(b) of the Act.

I will, accordingly, order the Ministry to provide me with written representations addressing the application of section 49(b) to Records 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 45, 46, 47, the attachments to the April 22, 1994 letter in Record 48 and Records 50 and 51 from the January 31, 1996 decision letter, as well as Record 66 from the Ministry's May 10, 1996 decision letter.

SOLICITOR-CLIENT PRIVILEGE

The Ministry claims that Records 1a, 17, 33, 36, 37, 38, 42, 43 and the first page of Record 48 which are referred to in the Ministry's January 31, 1996 decision letter, as well as Records 14, 17b, 21, 22, 23a, 23c, 39a, 39e, 40b, 49, 50, 54, 56, 57b, 59, 60 and 62 from the Ministry's May 10, 1996 decision letter qualify for exemption under section 19 of the Act. It should be noted that none of these records contain the personal information of the appellant and that section 49(a) does not, therefore, apply to them.

Section 19 consists of two branches, which provide the Ministry 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 Ministry submits that these records are exempt under Branch 2 of the section 19 exemption. A record qualifies for exemption under Branch 2 if:

1. the record was prepared by or for Crown counsel; and
2. the record was prepared:
 - (a) for use in giving legal advice; or
 - (b) in contemplation of litigation; or
 - (c) for use in litigation.

Record 1a from the January 31, 1996 decision letter and Records 17b, 39a, 54 and 60 from the May 10, 1996 group of records are memoranda between the Assistant Crown Attorney assigned to the prosecution of the primary affected person and the local Crown Attorney reporting on the progress made and various difficulties encountered in the matter. I find that each of these documents were prepared by Crown counsel in contemplation of litigation (the prosecution of the primary affected person) and that the litigation to which the records refer was well under way as of the date of their creation. These records are, accordingly, exempt from disclosure under Branch 2 of the section 19 exemption.

Records 17 and 33 from the January 31, 1996 group of records, along with Records 56, 57b and 62 from the May 10, 1996 group of records represent notes taken by the Assistant Crown Attorney assigned to the prosecution of the primary affected person. I find that these records were prepared by Crown counsel for his personal use in the conduct of the prosecution of the primary affected person. These records qualify, therefore, under Branch 2 of the section 19 exemption.

Records 36, 37, 38, 42, 43 and the first page of Record 48 in the January 31, 1996 record group along with Records 21, 39e, 40b, and 59 from the May 10, 1996 record group are memoranda, routing slips and other internal documents which passed between various Crown counsel and other Ministry staff in the course of the preparation for the trial of the primary affected person. I find that these records also qualify for exemption under Branch 2 of section 19 as they are records prepared by or for Crown counsel in contemplation of litigation.

Records 22, 23a and 23c are correspondence between the Assistant Crown Attorney responsible for the prosecution of the primary affected person and counsel in the Ministry's Crown Law Office (Civil Law) regarding a civil proceeding involving the affected persons. Again, I find that these records qualify for exemption under Branch 2 of the section 19 exemption as they were prepared by or for Crown counsel for use in litigation.

Record 14 is a memorandum from the Assistant Crown Attorney to the appellant. I find that it qualifies for exemption under Branch 2 of the section 19 exemption as it was prepared by Crown counsel for use in giving legal advice.

The final two documents for which the Ministry has applied section 19 are Records 49 and 50. These are letters exchanged between counsel for the primary affected person and the Assistant Crown Attorney responsible for his prosecution. These records also qualify for exemption under Branch 2 of section 19 as they were prepared by or for Crown counsel for use in litigation, specifically, the prosecution of the primary affected person.

In summary, I find that all of the records to which the Ministry has applied section 19 are properly exempt from disclosure under this provision. Because of the manner in which I have disposed of these records under section 19, it is unnecessary for me to address the application of section 13(1) to them.

ORDER:

1. I order the Ministry to disclose to the appellant copies of Record 1f from the January 31, 1996 Ministry decision letter and Records 12, 13, 14, 15, 17a, 19, 20, 23d, 24, 25, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 47, 48, 53, 55 and 57a from the May 10, 1996 Ministry decision letter by providing him with a copy of the records by **October 24, 1996** but not before **October 21, 1996**.
2. I uphold the Ministry's decision to deny access to the remaining records.

3. In order to verify compliance with the terms of this interim order, I reserve the right to require the Ministry to provide me with a copy of the records which are disclosed to the appellant pursuant to Provision 1.
4. I order the Ministry to provide me with written representations addressing the application of section 49(b) of the Act to Records 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 45, 46, 47, the attachments to the April 22, 1994 letter in Record 48 and Records 50 and 51 from the January 31, 1996 Ministry decision letter, as well as Record 66 from the Ministry's May 10, 1996 decision letter by **October 21, 1996**. I remain seized of the issue of the application of this exemption to these records.
5. These should be forwarded to my attention c/o Information and Privacy Commissioner/ Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario M5S 2V1.

Original signed by: _____

Donald Hale
Inquiry Office

September 19, 1996

APPENDIX "A"

INDEX OF RECORDS IN RELATION TO JANUARY 31, 1996 DECISION				
RECORD NUMBER(S)	NUMBER OF PAGE(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS OR OTHER SECTION(S) CLAIMED	DECISION ON RECORD
1a	10	Three internal memoranda, dated August 25, 1993 (four pages), August 6, 1993 (four pages) and October 27, 1992 (two pages)	13(1), 19	Exempt
1b	8	Letter dated August 23, 1993 and FAX cover sheet (three pages), internal memorandum dated April 6, 1993 (one page), letter from the Ministry dated April 6, 1993 (one page), draft letter from the Ministry dated April 6, 1993 (two pages) and letter dated March 5, 1993 (one page)	21	Exempt
1c	2	Disclosed		
1d	2	Disclosed		
1e	68	List of witnesses and Crown synopsis	21	Exempt
1f	6	Information, not dated	21	Disclose
1g	37	Disclosed		
1h	18	Disclosed		
1i	59	Response to Crown Synopsis	21	Exempt
2	1	FAX cover sheet (identical to part of Record 1b)	21	Exempt
3	2	Letter dated August 23, 1993 (identical to part of Record 1b)	21	Exempt
4	1	FAX cover sheet dated August 25, 1993	21	Exempt
5	1	Letter dated August 25, 1993 with handwritten notes	21	Exempt
6	1	Internal memorandum dated August 25, 1993	13(1), 19, 21	Exempt
7	1	FAX cover sheet dated September 14, 1993	21	Exempt
8	2	Letter dated September 14, 1993	21	Exempt
9	1	Internal administrative form dated September 21, 1993	13(1), 19, 21	Exempt
10	1	Internal memorandum dated September 28, 1993	13(1), 19, 21	Exempt
11	1	Internal FAX cover page dated September 27, 1993	13(1), 19, 21	Exempt

INDEX OF RECORDS IN RELATION TO JANUARY 31, 1996 DECISION

RECORD NUMBER(S)	NUMBER OF PAGE(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS OR OTHER SECTION(S) CLAIMED	DECISION ON RECORD
12	1	Internal memorandum dated September 28, 1993 with handwritten notes	13(1), 19, 21	Exempt
13	1	Internal memorandum dated September 28, 1993 (identical to Record 10) with handwritten notes	13(1), 19, 21	Exempt
14	5	Letter dated October 4, 1993 with FAX cover sheet	21	Exempt
15	1	FAX cover sheet dated October 5, 1993 with handwritten notes	13(1), 19, 21	Exempt
16	5	FAX cover sheet (identical to Record 15) with handwritten notes and letter dated October 4, 1993 (identical to part of Record 14)	21	Exempt
17	1	Handwritten notes, not dated	13(1), 19, 21	Exempt
18	1	Letter from the Ministry dated October 7, 1993	21	Exempt
19	2	Draft letter from the Ministry, not dated	21	Exempt
20	54	Disclosed		
21	122	Letter dated November 22, 1993 (2 pages) with attachments	21, 49(b)	Exempt
22	3	Ministry "Correspondence Routing Slip" dated December 8, 1993 with two-page letter, dated December 3, 1993 attached	21, 49(b)	Exempt
23	2	Letter dated December 3, 1993 (identical to letter in Record 22)	21, 49(b)	Exempt
24	2	Letter dated December 3, 1993	21, 49(b)	Exempt
25	2	Letter dated December 3, 1993	21, 49(b)	Exempt
26	2	Letter dated December 3, 1993	21, 49(b)	Exempt
27	2	Letter dated December 3, 1993	21, 49(b)	Exempt
28	2	Letter dated December 3, 1993	21, 49(b)	Exempt
29	3	Letter dated December 3, 1993	21, 49(b)	Exempt
30	3	Letter dated December 7, 1993	21, 49(b)	Exempt
31	3	Letter dated December 8, 1993	21, 49(b)	Exempt
32	6	Letter dated December 14, 1993 with attachments	21, 49(b)	Exempt
33	1	Internal memorandum dated December 17, 1993	13(1), 19, 21	Exempt

INDEX OF RECORDS IN RELATION TO JANUARY 31, 1996 DECISION

RECORD NUMBER(S)	NUMBER OF PAGE(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS OR OTHER SECTION(S) CLAIMED	DECISION ON RECORD
34	16	Letter dated December 22, 1993 with attachments	21, 49(b)	Exempt
35	2	Memorandum dated January 4, 1994	21	Exempt
36	1	Internal memorandum dated January 4, 1994	13(1), 19, 21	Exempt
37	6	One-page internal memorandum dated January 5, 1994 with attachments and FAX cover sheet	13(1), 19, 21	Exempt
38	1	Internal memorandum dated January 11, 1994	13(1), 19, 21	Exempt
39	1	Letter from the Ministry dated February 18, 1994	21	Exempt
40	2	Letter dated February 15, 1994 with handwritten notes	21, 49(b)	Exempt
41	7	Two-page letter dated February 24, 1994 with attachments	13(1), 19, 21	Exempt
42	1	Ministry "Correspondence Routing Slip" dated March 8, 1994	13(1), 19, 21	Exempt
43	1	Internal memorandum dated March 23, 1994	13(1), 19, 21	Exempt
44	2	Letter from the Ministry dated March 18, 1994	21	Exempt
45	6	Letter dated March 28, 1994	21, 49(b)	Exempt
46	39	Letter dated April 1, 1994	21, 49(b)	Exempt
47	23	Four-page letter dated April 19, 1994 with attachments	21, 49(b)	Exempt
47a	2	Letter from the Ministry dated April 6, 1994	21, 49(b)	Exempt
48	8	Ministry "Correspondence Routing Slip" dated May 9, 1994 with two-page letter, dated April 22, 1994 and attachments attached	13(1), 19, 21	Exempt
49	3	FAX cover sheet dated May 27, 1994 and one- page letter and copy from the Ministry dated May 24, 1994	21	Exempt
50	4	Letter dated May 31, 1994	21, 49(b)	Exempt
51	3	Two-page letter dated June 3, 1994 with attachment	21, 49(b)	Exempt

APPENDIX "B"

INDEX OF RECORDS IN RELATION TO MAY 10, 1996 DECISION				
RECORD NUMBER(S)	NUMBER OF PAGE(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS OR OTHER SECTION(S) CLAIMED	DECISION ON RECORD
1	50	Disclosed		
2	23	Disclosed		
3	41	Disclosed		
4	8	Disclosed		
5	37	Disclosed		
6	18	Disclosed		
7	5	Disclosed		
8	32	Seized documents	21	Exempt
9	3	Letter dated June 5, 1992 and telephone messages	21	Exempt
10	4	Letter dated June 10, 1992, in duplicate, FAX cover sheet and telephone messages	21	Exempt
11	63	Letter dated October 16, 1992 with a 35-page attachment and a 27-page attachment	21	Exempt
12	1	Letter from the Ministry dated September 13, 1993	21	Disclose
13	27	Letter dated August 19, 1992 with draft statement	21	Disclose
14	2	Memorandum dated May 15, 1992 and handwritten copy	19, 21	Disclose
15	1	Handwritten memorandum dated May 25, 1992	21	Disclose
16	2	Letter from the Ministry dated June 3, 1992	21	Exempt
17A	1	Memorandum dated June 15, 1992	21	Disclose
17B	8	Memorandum dated June 16, 1992, in duplicate	13, 19	Exempt
18	2	Internal memorandum dated June 26, 1992	21	Exempt
19	1	Handwritten memorandum dated August 27, 1992	21	Disclose
20	3	Letter dated April 8, 1992 and FAX cover sheet	21	Disclose

INDEX OF RECORDS IN RELATION TO MAY 10, 1996 DECISION

RECORD NUMBER(S)	NUMBER OF PAGE(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS OR OTHER SECTION(S) CLAIMED	DECISION ON RECORD
21	2	Handwritten internal memorandum dated May 21, 1992	13, 19	Exempt
22	4	Internal memorandum dated May 29, 1992 and FAX cover sheet	13, 19	Exempt
23A	1	FAX cover sheet with handwritten note dated May 29, 1992	13, 19	Exempt
23B	3	Disclosed		
23C	1	FAX cover sheet dated May 27, 1992	13, 19	Exempt
23D	2	FAX cover sheet and letter dated May 26, 1992	21	Disclose
24	19	Two-page letter dated June 2, 1992 and attachments	21	Disclose
25	3	“Inter-Office Correspondence” dated November 6, 1992	21	Disclose
26	4	“Confidential Instructions for Crown Counsel”	21	Exempt
27	26	Crown Synopsis	21	Exempt
28	38	Occurrence Synopsis	21	Exempt
29	16	Testimony summary	21	Exempt
30	2	“List of Anticipated Witnesses”	21	Exempt
31	26	“Anticipated Evidence” of a witness	21	Disclose
32	2	Memorandum dated December 18, 1991	21	Disclose
33	8	Five-page letter and FAX cover sheet dated April 10, 1992 and attachment	21	Disclose
34	2	Memorandum dated May 7, 1992	21	Disclose
35	4	FAX cover sheet dated May 24, 1992 with handwritten notes attached	21	Disclose
36	6	FAX cover sheet and two-page letter dated May 29, 1992 with attachments	21	Disclose
37	12	FAX cover sheet and two-page letter dated June 2, 1992 with attachment	21	Disclose
38	52	Disclosed		
39A	2	Internal memorandum dated October 27, 1992	13, 19	Exempt
39B	1	Letter dated March 5, 1993	21	Exempt

INDEX OF RECORDS IN RELATION TO MAY 10, 1996 DECISION				
RECORD NUMBER(S)	NUMBER OF PAGE(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS OR OTHER SECTION(S) CLAIMED	DECISION ON RECORD
39C	2	Letter from the Ministry dated April 6, 1993	21	Exempt
39D	1	Letter from the Ministry dated April 6, 1993	21	Exempt
39E	1	Internal memorandum dated April 6, 1993	13, 19	Exempt
40A	2	FAX cover sheet and letter dated March 5, 1993	21	Exempt
40B	1	Handwritten note	13, 19	Exempt
41	4	FAX cover sheet dated May 24, 1992 and typewritten notes	21	Disclose
42	28	Typewritten notes	21	Disclose
43	2	Typewritten notes	21	Disclose
44	22	Typewritten and handwritten notes	21	Disclose
45	6	Typewritten notes	21	Disclose
46	1	Disclosed		
47	5	FAX cover sheet and letter dated June 1, 1992 with attachment	21	Disclose
48	12	FAX cover sheet and letter dated June 2, 1992 with attachment	21	Disclose
49	2	Letter from the Ministry dated June 15, 1992	19	Exempt
50	2	FAX cover sheet and letter dated June 22, 1992 with attachment	19	Exempt
51	3	FAX cover page and letter from the Ministry dated June 23, 1992	21	Exempt
52	1	Disclosed		
53	3	Letter dated October 8, 1992 with enclosure	21	Disclose
54	2	Internal memorandum dated October 27, 1992	13, 19	Exempt
55	3	"Inter-Office Correspondence" dated November 6, 1992 with handwritten note	21	Disclose
56	3	Memorandum dated November 9, 1992	13, 19	Exempt
57A	2 (Page 2 is double-sided)	"Inter-Office Correspondence" dated November 10, 1992 and handwritten note	21	Disclose
57B	3	Memorandum dated November 9, 1992	13, 19	Exempt
58	1	Disclosed		

INDEX OF RECORDS IN RELATION TO MAY 10, 1996 DECISION				
RECORD NUMBER(S)	NUMBER OF PAGE(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS OR OTHER SECTION(S) CLAIMED	DECISION ON RECORD
59	1	Memorandum dated March 1, 1993	13, 19	Exempt
60	4	Internal memorandum dated August 6, 1993	13, 19	Exempt
61	1	Disclosed		
62	1	Handwritten notes	13, 19	Exempt
63	14	Telephone messages covering the dates of March 6, 1992 - June 11, 1993	21	Exempt
64	1	Letter dated February 10, 1994	21	Exempt
65	1	Enclosure with letter on page 64	21	Exempt
66	641	29-page letter dated December 1, 1993 and attached "Schedules"	21, 49(b)	Exempt