



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

# ORDER P-1327

Appeal P\_9600367

Management Board of Cabinet



80 Bloor Street West,  
Suite 1700,  
Toronto, Ontario  
M5S 2V1

80, rue Bloor ouest  
Bureau 1700  
Toronto (Ontario)  
M5S 2V1

416-326-3333  
1-800-387-0073  
Fax/Télé: 416-325-9195  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

## **NATURE OF THE APPEAL:**

Management Board of Cabinet (the institution) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to a copy of "... the most recent (final recommendations) [of the] Report of the Internal Working Group - IAP Translation Project Implementation". The institution located the responsive record, entitled "OPS Translation Services - Business Case for Alternative Service Delivery - June 1996", and denied access to it, in its entirety, claiming the application of the following exemptions contained in the Act:

- Cabinet records - sections 12(1)(b) and (c)

The requester (now the appellant) appealed the institution's decision. A Notice of Inquiry was provided to the appellant and the institution by this office. Representations were received from Management Board Secretariat (the Secretariat) on behalf of the institution. The appellant did not make any submissions.

## **DISCUSSION:**

### **CABINET RECORDS**

The Secretariat claims that the record is exempt from disclosure under the introductory wording of section 12(1), as well as sections 12(1)(b) and (c). These provisions state that:

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

- (b) a record containing policy options or recommendations submitted, or prepared for submission, to the Executive Council or its committees;
- (c) a record that does not contain policy options or recommendations referred to in clause (b) and that does contain background explanations or analyses of problems submitted, or prepared for submission, to the Executive Council or its committees for their consideration in making decisions, before those decisions are made and implemented;

It has been determined in many previous orders that the use of the word "including" in the introductory wording of section 12(1) means that the disclosure of any record which would reveal the substance of deliberations of an Executive Council or its committees (not just the types of records listed in the various subparagraphs of section 12(1)), qualifies for exemption under section 12(1).

In addition, it is possible that a record which has never been placed before an Executive Council or its committees may qualify for exemption under the introductory wording of section 12(1). This result will occur where an institution establishes that disclosure of the record would reveal the substance of deliberations of an Executive Council or its committees, or that its release would permit the drawing of accurate inferences with respect to the substance of deliberations of an Executive Council or its committees.

The Secretariat submits that on October 8, 1996, Management Board of Cabinet, a committee of the Executive Council, reviewed the options contained in the record and approved the business plan which it recommended. It argues that the record was the document relied upon by the institution in deciding whether to proceed with the recommendations described therein. It submits, therefore, that the disclosure of the record would reveal the substance of the institution's October 8, 1996 deliberations with respect to the delivery of translation services, within the meaning of the introductory wording of section 12(1).

The Secretariat also provided a document entitled "Notification of Management Board Decision" dated December 11, 1996 which describes the scope of the institution's October 8, 1996 decision. Following my review of this document and the record itself, I conclude that the disclosure of the record would reveal the substance of the deliberations of Management Board of Cabinet on the issue of the delivery of translation services within the Ontario Public Service. As such, the record is properly exempt from disclosure under the introductory wording of section 12(1) of the Act.

**ORDER:**

I uphold the decision of Management Board of Cabinet.

Original signed by: \_\_\_\_\_  
Donald Hale  
Inquiry Officer

\_\_\_\_\_  
January 8, 1997