



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

# **ORDER P-1371**

**Appeal P\_9600431**

**Ministry of Natural Resources**



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## **BACKGROUND:**

In June 1988, the Policy and Priorities Committee of the provincial Cabinet directed that an inter-ministerial committee be established to propose policy guidelines to direct open space planning activities in the area of the Rouge River in northeast Metropolitan Toronto. The Committee's recommendations were intended to assist the Minister of Government Services (MGS), who was primarily responsible for the planning and management of provincial lands. The recommendations were also intended to provide guidance to the Ministry of Natural Resources (the Ministry) in carrying out its mandate in the Rouge River lands.

In December 1989, the Policy and Priorities Committee of Cabinet decided that a broader, co-ordinated strategy for the area should be developed to address a range of matters. These matters included the Rouge River Valley, the Northeast Metro Transportation corridor, housing developments and a potential landfill site. An inter-ministerial committee was struck to carry out this task.

In March 1990, Cabinet approved a number of matters relating to the strategy developed by the new inter-ministerial committee. It approved a declaration of a provincial intent to establish a park in the area of the Rouge River Valley. It also directed the Ministry to initiate a comprehensive park planning program for all public and private lands in the area of the proposed park. It directed the establishment of an advisory committee with representation from various groups and agencies. The advisory committee was to develop a park management plan and to submit recommendations to the Ministry. On March 26, 1990, the government publicly announced its intention to establish the Rouge Park.

Most of the Rouge Park lands are in public ownership. On August 10, 1995, the Province acquired two parcels of land owned by the appellant within the proposed Rouge Park. The appellant had intended to develop these lands for residential purposes. The Ministry notes that the Land Compensation Board is to determine the value of these lands. The Board hearing is set for June 1997.

## **NATURE OF THE APPEAL:**

The appellant's counsel submitted a request to the Ministry under the Freedom of Information and Protection of Privacy Act (the Act) for access to:

All records, including correspondence, memoranda, notes, studies and reports, including appraisal reports, relating or bearing in any way upon the decision of the honourable David Peterson, then Premier of Ontario on March 26, 1990, and the Honourable Lyn MacLeod, Minister of Natural Resources, announcing the provincial intent to create a public park in the Rouge River Valley.

The Ministry identified numerous records as being responsive to the request and disclosed portions of them to the appellant. The appellant filed an appeal of the Ministry's decision to deny access to the undisclosed information.

A Notice of Inquiry was sent to the Ministry and the appellant. Representations were received from both parties.

The 41 records remaining at issue are described in Appendix A to this order. The Ministry has denied access to these documents pursuant to the following exemptions in the Act:

- Cabinet records - section 12(1)
- advice and recommendations - section 13(1)

## **DISCUSSION:**

### **CABINET RECORDS**

The Ministry claims that Records 13-18, 22-23, 25-36, 39-40, 44-45, 50-51, 55-56 and 87 are exempt pursuant to section 12(1) of the Act. In its submissions, the Ministry refers specifically to the application of the introductory wording of this section, as well as section 12(1)(b).

However, as section 12(1) is a mandatory exemption, I must consider whether any provisions of section 12 are applicable to the records at issue.

Section 12(1) of the Act states, in part:

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

- (a) an agenda, minute or other record of the deliberations or decisions of the Executive Council or its committees;
- (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;
- (d) a record used for or reflecting consultation among ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;
- (e) a record prepared to brief a minister of the Crown in relation to matters that are before or are proposed to be brought before the Executive Council or its committees, or are the subject of

consultations among ministers relating to government decisions or the formulation of government policy;

At the outset, I note that it is the position of the appellant that for any record to be subject to section 12(1), its disclosure must “reveal the substance of deliberations” of the Executive Council or its committees. In this regard, the appellant states that:

... Accordingly, it follows that the Ministry, in claiming the section 12(1) exemption, bears the strict onus of first establishing that the records in question were in fact provided to the cabinet or its committees. Documents such as background papers, memos, letters and briefing notes which cannot be proved to meet this criterion are automatically excluded from the exemption and require no further consideration under this section. [original emphasis]

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 a Ministry 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 (Order P-226).

In this case, Cabinet and/or the Policy and Priorities Committee considered the matters related to the Rouge Valley lands several years ago. In these circumstances, it is possible, subject to the Ministry’s representations on this point, that disclosure of documents that did not go before the Executive Council or one of its committees would reveal the substance of the deliberations of the body that subsequently considered the issue. This result could occur notwithstanding that the briefing note or memorandum, for example, had never itself been provided to Cabinet or one of its committees.

Applying the above analysis, I will now consider whether the section 12 exemption applies to the records for which it has been claimed by the Ministry. For ease of analysis, I have grouped the records together according to document type.

### **Cabinet Submissions and Related Documents - Records 13, 28, 29, 30, 36 and 87**

The Ministry submits that these records are exempt as they are Cabinet submissions, or records which were included as part of Cabinet submissions. The Ministry claims that these documents are exempt under the introductory wording of section 12(1), as well as section 12(1)(b) of the Act.

Records 28, 30, 36 and 87 are clearly identified on their face as Cabinet submissions, while Record 13 is a Cabinet minute incorporated into a memorandum.

Record 29 is a memorandum incorporating a draft communications strategy. It is dated April 5, 1989. I have carefully reviewed the one Cabinet submission which post-dates this document, Record 36, dated February 5, 1990. The draft communications strategy is **not** included as part of

the Cabinet submission. There is thus no evidence before me that Record 29 was included **as part of** a Cabinet submission.

However, there are several references to Cabinet submissions in the background section of Record 29. I will thus consider whether these portions of the record qualify for exemption under section 12(1).

In my view, these portions of the document contain the recommendations proposed in the Cabinet submissions referred to in the communications strategy. These recommendations were included in submissions already presented to Cabinet. I find that the portions of Record 29 which I have highlighted in yellow in the copy of the record sent to the Freedom of Information and Privacy Co-ordinator of the Ministry (the Co-ordinator) with this order, qualify for exemption pursuant to section 12(1)(b).

In my view, Record 13 reflects the decision of the Policy and Priorities Committee on this matter and disclosure would reveal the substance of deliberations of this Cabinet committee which took place on February 14, 1990. Accordingly, it qualifies for exemption under section 12(1)(a) of the Act as the document is a Cabinet minute.

For section 12(1)(b) of the Act to apply, the records must contain policy options or recommendations and they must have been submitted or prepared for submission to the Executive Council or its committees.

The Ministry states that the Cabinet submissions, Records 28, 30, 36 and 87, clearly fall within the ambit of this section in that they are records containing policy options or recommendations that were submitted or prepared for submission to Cabinet. I agree. Each of these documents contains an extensive analysis of the various options available to address the Rouge issues, as well as recommendations for which option to be selected. As indicated they are all entitled "Cabinet Submission" and were previously submitted to Cabinet. Accordingly, I find that Records 28, 30, 36 and 87 all qualify for exemption pursuant to section 12(1)(b).

#### **Briefing Notes - Records 14, 15, 16, 18, 22, 27, 32, 34, 50, 51, 55 and 56**

The Ministry states that these documents comment upon or directly relate to various Cabinet submissions. Thus, the Ministry claims that, although they were not put before Cabinet or its committees, they either reveal the contents of Cabinet submissions or "at least provide sufficient information that one could deduce or infer the contents of such submissions or deliberations of Cabinet or the Priorities and Policy". Therefore, the Ministry claims that these records are exempt pursuant to the introductory language of section 12(1).

Records 14, 15 and 32 are actual briefing notes which refer to the issues, recommendations and proposals as found in the Cabinet submissions or those to be discussed by the Policies and Priorities Committee.

Record 22 is entitled "Notes for Northeast Scarborough/Rouge River Presentation to Policy and Priorities Committee". It is referred to in Record 27 as the notes of the presentation that was part of the submission to the Policy and Priorities Committee. Record 27 includes more detailed

information on this presentation, as well as comments upon prior Cabinet submission recommendations.

Record 34 deals with the institutional arrangements for implementing a Rouge River Open Space Strategy and contains a description and evaluation of various options as found in the Cabinet submissions.

Records 50 and 51 are memoranda to the Assistant Deputy Ministers concerning the Northeast Metro Urban Structure. They contain a draft and a revised draft of a Cabinet submission that resulted in Record 36 in its final version. Record 56 contains an amendment to the proposal agreed upon at the Committee meeting.

Following a careful review of these documents, I am persuaded that their disclosure would reveal the substance of the deliberations of the Policy and Priorities Committee and the full Cabinet in that they would disclose the theme or subject of the discussions of these bodies. On this basis, Records 14, 15 (and its duplicate, pp. 1-6 of Record 18), 22, 27, 32, 34, 50, 51 and 56 qualify for protection under the introductory wording of section 12(1).

Record 16 is a document which identifies the types of reactions which can be anticipated to the announcement of the Rouge Park and some response to those reactions. In my view, only disclosure of a small portion of this document would reveal the substance of deliberations of Cabinet or the Policy and Priorities Committee and would thus qualify for exemption under the preamble to section 12(1). I find that none of the other subsections of section 12(1) apply to this record. I will consider the balance of this record in my discussion of the application of section 13(1).

Record 55 is a memorandum dated October 25, 1988 to the members of the Rouge River Valley Open Space Advisory Committee concerning the Final Draft of the Committee's Report. While the Report was part of the Cabinet submissions which are Records 28 and 30 in this appeal, the information contained in Record 55 is so general that I find that its disclosure would not reveal the substance of the deliberations of the Executive Council which dealt with the Cabinet submissions.

As section 12(1) is a mandatory exemption, I have considered whether Record 55 would qualify under any other subsection of section 12(1). I find that it does not. As the Ministry has not claimed that any other exemptions apply to this document, Record 55 should be disclosed to the appellant in its entirety.

#### **Records 17, 23, 26, 31, 35, 43 and 44**

The Ministry also submits that these records provide comments upon Cabinet submissions or updates and information directly related to Cabinet submissions or records which were presented to the Executive Council or the Policy and Priorities Committee. The Ministry maintains that from these records, it is possible to "infer" the contents of the submissions or other matters that were the subject of deliberations of the Executive Council or the Policy and Priorities Committee. As such, the Ministry claims that the introductory words of section 12(1) apply to exempt these records from disclosure. While the Ministry does not specifically refer to Record

44 in this group, it is of the same nature as the rest of these records. Therefore, I will consider whether it is exempt under section 12(1).

Record 17 is a memorandum containing extracts from the Cabinet Committee on Housing and Community Development's meeting of February 8, 1990. Records 23 and 35 contain detailed comments of the Ministry on the Cabinet submissions, including references to the submissions themselves. Record 31 contains similar information from the perspective of the Ministry of Municipal affairs. While it is not clear which Ministry prepared Record 44, it contains the same type of references to the Cabinet submissions as do Records 23, 31 and 35. I find that disclosure of these documents would reveal the substance of the deliberations of the Executive Council and the Policy and Priorities Committee such that these records are exempt under section 12(1).

Record 26 is a memorandum dated September 19, 1989 entitled "Interim Update on the Rouge River Valley Issue". Portions of this memorandum contain a description of various Cabinet submissions. As such, I find that these parts are exempt under section 12(1)(b) of the Act. I have highlighted these parts on the copy of the record provided to the Co-ordinator of the Ministry with a copy of this order. The balance of the document is a factual chronology of events related to the Rouge River Valley issue. I find that these portions do not qualify for exemption under any part of section 12(1) and should be disclosed to the appellant.

Record 43 is a memorandum dated March 9, 1990 entitled "Rouge River Valley Update". The last four pages of this document are duplicated in Record 44 which I have already found to be exempt under section 12(1). I find that the first part of this record does not satisfy any of the criteria for exemption under section 12(1). I will consider it under section 13(1), which the Ministry also claims applies to this record.

### **Records 20, 33, 39, 40 and 45**

The Ministry states that these records either contain, or discuss the strategies, or draft strategies which were developed by the inter-ministerial committee under the direction of the Policy and Priorities Committee. The Ministry claims that the strategies or draft strategies formed the basis for discussions by the Policy and Priorities Committee and Cabinet. The Ministry states that these records "... have been reviewed at a ministerial level and incorporated into submissions which have been made to Cabinet or its committees". As such, the Ministry submits that they are exempt from disclosure pursuant to the introductory wording of section 12(1).

I note that the Ministry did not initially claim that Record 20 was subject to the exemption in section 12(1). However, as it is a mandatory exemption I must consider its application based on the Ministry's submissions and my review of the record. In addition, apart from the introductory page and a map, Record 20 is a duplicate of Record 44 for which the Ministry has claimed the application of section 12(1).

I accept the Ministry's position with regard to Record 20 (excluding page 1) and Record 40. I find that disclosure of these documents would reveal the substance of the deliberations of the Executive Council or its committees in the sense that these records are substantially contained in the Cabinet submissions at issue in this appeal. I will consider whether page 1 of Record 20 is exempt under section 13(1).

Except for one reference on page 2 to the recommendations contained in a Cabinet submission, the information contained in Record 33 represents a summary of issues from the perspective of the Ministry. I find that disclosure of this portion of the record would not reveal the substance of the deliberations of Cabinet or the Policy and Priorities Committee in that it would not disclose the theme or subject of the discussions of these bodies. Thus, this part of Record 33 is not subject to the exemption in the preamble to section 12(1). I also find that it is not subject to any other exemptions in section 12(1). As the Ministry has not claimed that any other exemptions apply to this record, the balance of the document should be disclosed to the appellant. I have highlighted the portion which should not be disclosed on the copy of the record sent to the Ministry's Co-ordinator.

Records 39 and 45 are duplicates with the exception of the handwritten notations on Record 45. Both are entitled "Development of an Integrated GTA Strategy" and are dated January 9, 1990. These documents are almost identical to Record 36, the Cabinet Submission entitled "Development of a Short Term Integrated GTS Strategy", dated February 5, 1990. Based on my review of the records, I find that Records 39 and 45 are exempt pursuant to the preamble to section 12(1) of the Act in that their disclosure would reveal the substances of deliberations of the Executive Council.

### **Records 25 and 37**

Although the Ministry claimed the application of section 12(1) to Record 25, it has not provided any submissions on it. The Ministry did not claim the application of section 12(1) to Record 37. However, it forms part of the Cabinet submissions which constitute Records 28 and 30. As section 12(1) is a mandatory exemption, I must consider its application to these two documents.

Record 25 represents the print copies of transparency slides which were presented to the Policy and Priorities Committee on December 6, 1989 by the Ministry of Transportation. I have carefully reviewed this record and am satisfied that the disclosure of this document would reveal the substance of deliberations at a committee of Cabinet. Record 25 is, therefore, exempt under section 12(1).

As part of the Cabinet submissions described above, I find that Record 37 contains policy options and recommendations submitted to the Executive Council. Accordingly, I find that it is exempt pursuant to section 12(1)(b) of the Act.

To summarize, I find that Records 13, 14, 15, 17, 22, 23, 25, 27, 28, 30, 31, 32, 34, 35, 36, 37, 39, 40, 44, 45, 50, 51, 56 and 87 in their entirety are exempt from disclosure pursuant to section 12(1) of the Act. Portions of Records 16, 18, 20, 26, 29, 33 and 43 are subject to this exemption. None of Record 55, the first four pages of Record 43 or page 1 of Record 20 qualify for exemption under section 12(1).

### **ADVICE AND RECOMMENDATIONS**

The Ministry claims that Records 9, 12-14, 16-23, 25, 29, 32, 35-37, 39-40, 43-45, 54A and 61-64 should be considered as "advice to government as contemplated by section 13(1) of the Act."



As I have previously found that Records 13, 14, 17, 22, 23, 25, 32, 35, 36, 37, 39-40, 44 and 45 in their entirety and portions of Records 16, 18, 20, 29 and 43 are exempt under section 12(1), I will only consider the application of section 13(1) to the balance of the records for which the Ministry has claimed it.

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 or 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. Information that would permit the drawing of accurate inferences as to the nature of the actual advice and recommendation given also qualifies for exemption under section 13(1) of the Act. In addition, the information must relate to the **giving** of advice as opposed to seeking advice (Orders P-848 and P-872).

In Order 94, former Commissioner Sidney B. Linden commented on the scope of this exemption. He states that it “... purports to protect the free-flow of advice and recommendations within the deliberative process of government decision-making and policy-making”.

The Ministry’s submissions on the application of section 13(1) are very general in nature. In addition to citing the principles outlined above, the Ministry states that the records contain advice and recommendations which set out options outlining alternative courses of action and which recommendation should be selected in the process of establishing the Ministry’s position relating to various issues concerning the Rouge Park and the Greater Toronto Strategy. The Ministry also claims that it is possible, by renewing those records which do not explicitly contain advice, to deduce or infer the advice provided to Ministry staff on which course of action should be adopted.

Record 9 is a table entitled “Cost of Preservation Options”. It sets out four options, as well as the costs and assumptions related to each. No one option is recommended; nor, in my view, is it possible that disclosure of this document would reveal the option ultimately recommended. Accordingly, I find that it is not exempt under section 13(1) of the Act. Record 9 should be disclosed to the appellant.

Record 12 (and its duplicate, pages 1-6 of Record 43), is a memorandum dated March 9, 1990 to the Assistant Deputy Minister from the Senior planner. It sets out a number of developments and issues which the planner identifies as needing to be addressed in the near future. However, with the exception of one section on page 5 of the record, it does not contain, nor would its disclosure reveal, advice or recommendations which could be accepted or rejected by the Assistant Deputy Minister. It is essentially a “status report” on matters the Ministry is dealing with. I have highlighted the portion on page 5 which I find contains advice and recommendations for the purpose of section 13(1). The balance of the record should be disclosed.

Record 16 (and its duplicate, pp. 7-15 of Record 18) is a document entitled "Anticipated Reaction to a Rouge River Valley Announcement". The first part of this document summarizes the response anticipated from various interest groups. The balance outlines potential government responses to the articulated concerns. The document is not addressed to any individual and I have no evidence before me as to whom, if anyone, could have accepted or rejected the proposed government responses. In any event, I find that this portion of the document essentially contains factual information which is not part of the deliberative process.

Accordingly, I find that Record 16 is not exempt pursuant to section 13(1) and should be disclosed in part to the appellant, subject to the portion I have previously identified as being subject to section 12(1).

Record 19 is a Ministry report which analyses the major issues associated with developing an open space area in the Rouge River Valley, identifies optional strategies for some issues and presents recommendations. Much of this document contains advice and recommendations in the context of the Ministry's decision-making process on these matters. In addition, there are other parts of this record, the disclosure of which would allow accurate inferences to be drawn about the actual advice or recommendations given. I find that this record in its entirety is thus subject to the exemption in section 13(1).

Page 1 of Record 20 is the only part of this document remaining at issue. I find that it contains no information which falls within the exemption in section 13(1) of the Act. It should, therefore, be disclosed to the appellant.

Much of the substantive information in Record 21, "Rouge River Valley Issues Requiring an MNR Position" is a duplicate of that contained in Record 19. Based on the analysis applied to Record 19, I find that portions of Record 21 qualify for exemption pursuant to section 13(1) of the Act. I have highlighted these portions on the copy of the record provided to the Ministry's Co-ordinator. The remaining parts should be disclosed to the appellant.

I have reviewed that portion of Record 29 which I did not find qualified for exemption pursuant to section 12(1) of the Act. The outstanding portion of this draft communications strategy consists of background, analyses of media coverage, public attitudes and positioning. There is a section of the record that discusses alternative communications strategies and the pros and cons associated with each. However, no one strategy is recommended. Nor, as was the case in Record 9 is it possible that disclosure of the record would reveal the advice or recommendations put forth. Therefore, that part of Record 29 which I did not find subject to section 12(1) of the Act should be disclosed to the appellant.

Record 54A is a covering memorandum from the Chair of the Rouge River Valley Open Space Advisory Committee to the Deputy Minister of Government Services enclosing a copy of the Committee's report (Record 37). I find that it does not contain any information which is exempt as being part of the free-flow of advice and recommendations within the deliberative process of government decision-making and policy-making. It should be disclosed to the appellant in its entirety.

Record 61 consists of notes of the September 1, 1988 meeting of the Advisory Committee. The notes do not contain any information which could be said to consist advice or recommendations for the purposes of section 13(1) of the Act. Nor would their disclosure reveal any such information. Therefore, Record 61 should be disclosed to the appellant in its entirety.

Records 62-64 are communications from members of the group to the Committee secretary concerning the Committee's draft report. They represent the position of the Ministries of Tourism and Recreation and Transportation to be incorporated into the report which was to assist the Ministry of Government Services and the Ministry responsible for developing policy guidelines to direct open space planning activities in the area. I find that they contain advice and recommendations directed to the Ministry, which could either be accepted or rejected, as part of this planning process. Accordingly, I find that Records 62-64 qualify for exemption pursuant to section 13(1) of the Act.

To summarize, I find that Records 9, 16, 18, Record 20 (page 1), 29, 54A and 61 do not qualify for exemption under section 13(1). Portions of Records 12, 21 and 43 are subject to the exemption, as are Records 19 and 62-64 in their entirety.

The appellant submits that the exceptions found in section 13(2)(g) and (h) of the Act apply to any information which is found to be exempt under section 13(1). Section 13(2)(g) requires that an institution not refuse to make available "a feasibility study or other technical study, including a cost estimate, relating to a government policy or project". Section 13(2)(h) on the other hand prescribes that an institution shall not refuse to disclose a record that is "a report containing the results of field research undertaken before the formulation of a policy proposal".

Sections 13(2)(g) and (h) are unusual in the context of the Act in that they constitute mandatory exceptions to the application of an exemption for discrete types of documents, namely feasibility studies or reports containing the results of field research. Even if the report or study contains advice or recommendations for the purposes of section 13(1), the Ministry must still disclose the **entire** document if the record falls into one of the section 13(2) categories.

The Concise Oxford Dictionary (8th edition) defines the term "feasibility study" as a study of the practicability of a proposed project. In my view, none of the information which I have found falls within the section 13(1) exemption can be characterized as a "study" in that it generally consists of correspondence and memoranda. Furthermore, these documents and, in fact, all the records at issue, relate to the development of policy options and strategies for dealing with the issues related to the Rouge lands. At that time, it could not have been said that a project had been proposed. Thus, the information subject to section 13(1) could not be said to have been studying whether the development was feasible or not.

In Order P-763, Inquiry Officer Mumtaz Jiwan developed the following definition of "field research" for the purposes of section 13(2)(h) of the Act:

Therefore, field research can be said to mean a systematic investigation, conducted away from the laboratory and in the natural environment, of the study of materials and sources for the purpose of establishing facts and reaching new conclusions.

I agree with this approach and will apply it to the information I have found to be subject to section 13(1) of the Act. I find that none of this information relates to any on-site, natural environment study and evaluation and that the exception in section 13(2)(h) does not apply. Thus, Records 19 and 62-64 in their entirety and portions of Records 12, 21 and 43 are subject to the exemption in section 13(1).

### **ORDER:**

1. I uphold the decision of the Ministry to deny access to Records 13, 14, 15, 17, 19, 22, 23, 25, 27, 28, 30, 31, 32, 34, 35, 36, 37, 39, 40, 44, 45, 50, 51, 56, 62-64 and 87 in their entirety; the **highlighted portions** of 12, 16, 18, 21, 26, 29, 33 and 43 and pages 2-22 of Record 20.
2. I order the Ministry to disclose to the appellant page 1 of Record 20, Records 9, 54A, 55 and 61 in their entirety and the **non-highlighted portions of Records** 12, 16, 18, 21, 26, 29, 33 and 43.
3. I order the Ministry to disclose the records described in Provision 2 to the appellant by sending him a copy by **April 16, 1997**.
4. In order to verify compliance with the provisions of this 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 2.

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

Anita Fineberg  
Inquiry Officer

\_\_\_\_\_ March 26, 1997

**APPENDIX A**

**INDEX OF RECORDS AT ISSUE  
Appeal Number P-9600431**

<b>RECORD NUMBER(S)</b>	<b>DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART</b>	<b>EXEMPTIONS OR OTHER SECTION(S) CLAIMED</b>	<b>DECISION ON RECORD</b>
9	Cost Options - summary of briefing (1 page)	13(1)	Disclose in full
12	Rouge Valley Update - Memorandum dated March 9, 1990 from Bruce King to the ADM South (6 pages) [duplicate of pp. 1-6 of Record 43]	13(1)	Disclose in part
13	Cabinet Minute dated March 6, 1990 (5 pages)	12(1), 13(1)	Do not disclose
14	Memorandum dated March 1, 1990 re: Premier's Briefing (12 pages)	12(1), 13(1)	Do not disclose
15	Briefing Note dated February 5, 1990 on Cabinet submission (7 pages) [duplicate of pp. 1-6 of Record 18]	12(1)	Do not disclose
16	Anticipated Reaction to a Rouge River Valley Announcement (9 pages) [duplicate of pp. 7-15 of Record 18]	12(1), 13(1)	Disclose in part
17	Memorandum dated February 13, 1990 re: Cabinet Committee Meeting (8 pages)	12(1), 13(1)	Do not disclose
18	Briefing Note on Cabinet Submission [pp.1-6, duplicate of Record 15; pp. 7-15, duplicate of Record 16]	12(1), 13(1)	Pp.1-6: Do not disclose Pp. 7-15: Disclose in part
19	Ministry of Natural Resources: "Rouge River Valley Open Space Strategy", dated January 1990 (24 pages)	13(1)	Do not disclose
20	"Rouge River Valley Open Space Strategy" - Draft Report dated January 4, 1990 (22 pages)	13(1)	P.1: Disclose in full Pp.2-22: Do not disclose
21	Rouge River Valley Issues Requiring an MNR Position (13 pages)	13(1)	Disclose in part
22	Notes for Presentation to Policy and Priorities Committee (5 pages)	12(1), 13(1)	Do not disclose
23	Comments from the Ministry of Natural Resources on the Rouge River Valley First Draft Cabinet Submission (14 pages)	12(1), 13(1)	Do not disclose

RECORD NUMBER(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS OR OTHER SECTION(S) CLAIMED	DECISION ON RECORD
25	Transportation strategy - Ministry of Transportation - dated December 1989 (46 pages)	12(1), 13(1)	Do not disclose
26	Memorandum dated September 19, 1989 re: The Rouge River Valley Issue (2 pages)	12(1)	Disclose in part
27	"Rouge River Valley Issues Update" dated May 15, 1989 (2 pages)	12(1)	Do not disclose
28	Cabinet Submission entitled "Land Use Issues in Northeast Scarborough" dated May 3, 1989 (119 pages)	12(1)	Do not disclose
29	Draft Communications Strategy dated April 5, 1989 (27 pages)	12(1), 13(1)	Disclose in part
30	Revised Cabinet Submission "Land Use Issues in North East Scarborough" dated March 30, 1989 (122 pages)	12(1)	Do not disclose
31	Memorandum dated March 13, 1989 re: The Rouge Cabinet Submission (3 pages)	12(1)	Do not disclose
32	Supplementary Briefing Notes "Rouge River Valley", dated December 1, 1989 (6 pages)	12(1), 13(1)	Do not disclose
33	"The Rouge River Valley in Metropolitan Toronto: Summary of Issues", dated November 8, 1989 (5 pages)	12(1)	Disclose in part
34	"Institutional Arrangements for Implementing a Rouge River Valley Open Space Strategy" (3 pages)	12(1)	Do not disclose
35	Letter dated February 23, 1989 from Deputy Minister (Natural Resources) to Deputy Minister (Greater Toronto Area) re: Second Draft of Cabinet Submission on the Rouge River Valley (4 pages)	12(1), 13(1)	Do not disclose
36	Cabinet Submission dated February 5, 1990 entitled "Development of a Short Term Integrated GTA strategy" (24 pages)	12(1), 13(1)	Do not disclose
37	Report of the Rouge River Open Space Advisory Committee, dated November 1, 1988 (51 pages)	13(1)	Do not disclose
39	Development of an Integrated GTA Strategy, dated January 31, 1990 (18 pages)	12(1), 13(1)	Do not disclose
40	Rouge River Valley Open Space Strategy, First Draft dated January 4, 1990 (21 pages)	12(1), 13(1)	Do not disclose

RECORD NUMBER(S)	DESCRIPTION OF RECORDS WITHHELD IN WHOLE OR IN PART	EXEMPTIONS OR OTHER SECTION(S) CLAIMED	DECISION ON RECORD
43	Memorandum dated March 9, 1990 re: Rouge Valley Update (10 pages) [pp. 1-6: duplicate of Record 12 but not signed; pp. 7-10: duplicate of Record 44]	13(1)	Pp.1-6: Disclose in part Pp.7-10: Do not disclose
44	Notes re: Draft Cabinet Submission on the North Pickering Land Assembly (4 pages)	12(1), 13(1)	Do not disclose
45	"Development of an Integrated GTA Strategy", dated January 31, 1990 (18 pages) [duplicate of Typed Portion of Record 39 but includes additional handwritten notations]	12(1), 13(1)	Do not disclose
50	Memorandum re: North East Metro Urban Structure, ADM's Committee Meeting, dated January 26, 1990 (8 pages)	12(1)	Do not disclose
51	Memorandum re: North East Metro Urban Structure, ADM's Committee Meeting, dated January 19, 1990 (21 pages)	12(1)	Do not disclose
54A	Memorandum dated November 2, 1988 to Deputy Minister, MGS, from Assistant Deputy Minister re: Report of the Rouge River Valley Open Space Advisory Committee (2 pages)	13(1)	Disclose in full
55	Memorandum dated October 25, 1988, to the members of the Rouge River Valley Open Space Advisory Committee (1 page)	12(1)	Disclose in full
56	Mini memo, undated (3 pages)	12(1)	Do not disclose
61	Notes from the September 1, 1988 meeting of the Rouge River Valley Open Space Advisory Committee (2 pages) [in part]	13(1)	Disclose in full
62	Fax dated September 27, 1988 from Ministry of Tourism and Recreation (2 pages)	13(1)	Do not disclose
63	Fax dated September 27, 1988 from Ministry of Transportation (3 pages)	13(1)	Do not disclose
64	Fax dated October 27, 1988 from Ministry of Transportation (2 pages)	13(1)	Do not disclose
87	Cabinet Submission dated June 6, 1988 entitled "A Long-term Development Strategy for the North Pickering Lands Including the North East Scarborough Lands"	12(1)	Do not disclose