



**Information and Privacy
Commissioner/Ontario**

**Commissaire à l'information
et à la protection de la vie privée/Ontario**

ORDER M-1106

Appeal M-9800024

Regional Municipality of Waterloo



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NATURE OF THE APPEAL:

The Regional Municipality of Waterloo (the Region) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The request was for access to records relating to a construction firm owned by the requester which had performed a large project for the Region in 1996 and 1997. The Region located a large number of records responsive to the request and granted access to the majority of them, upon receipt of the requested fee. The Region and the requester agreed to limit the scope of the request to exclude records which were already in the possession of the construction firm, any records relating to two insurance claims, the contract document under which the work was performed and the transcript of a meeting held between the Region and the requester in July 1996.

The Region denied access to the remaining responsive records, or parts thereof, based on the following exemptions contained in the Act:

- closed meeting - section 6(1)(b)
- advice or recommendations - section 7(1)
- third party information - section 10(1)(b)
- solicitor-client privilege - section 12

The requester, now the appellant, appealed the Region's decision to deny access under the exemptions claimed and also indicated that he believed that additional records responsive to his request should exist.

This office provided a Notice of Inquiry to the appellant, the Region and to 18 other individuals or companies whose rights may be affected by the disclosure of the information contained in the records (the affected parties). Written submissions were received from the Region and two of the affected parties. Two other affected parties verbally consented to the disclosure of their information to the appellant. Their information is contained in the severed portion of Record R-1(a), a letter dated September 13, 1996 from the managing consultant on the project to the Region.

Following the receipt by this office of the parties' representations, the Region advised that it had located a number of additional records responsive to the request. These records were located in the files relating to the project which were maintained by employees of the Region's Engineering and Legal Divisions. The Region has applied sections 6(1)(b), 7(1) and 12 to exempt these records from disclosure. Because they are responsive to the request, I will address the application of the exemptions claimed to these records, as well as those originally identified.

The Region also advised this office that it was no longer relying on the section 12 exemption for Record E-2. As no other exemptions were claimed for this record and no mandatory exemptions apply, it should be disclosed to the appellant.

RECORDS:

The numbering system for the records which was provided to me by the Region is confusing and contradictory. In the Index which I have prepared and attached to this order as an Appendix, I have renumbered the records to clarify exactly which remain at issue, in whole or in part, and the exemptions claimed for each. I have continued with the identification used by the Region for Record Categories B, C and E and will use the prefix "R" to identify the records relating to reference checks undertaken by the Region. Records located during the Inquiry process (the new records) in files maintained by the Engineering Department are identified by the prefix "N" and the records located in the files of the Region's Legal Department are designated with an "L". Some of the records are copies of each other and reference to these duplicates are indicated in the appended Index.

DISCUSSION:

REASONABLENESS OF SEARCH

By letter dated February 11, 1998 and addressed to the Region, the appellant described in detail the basis for his contention that additional records responsive to the request should exist. Specifically, the appellant makes reference to records which may have been maintained by other staff at the Region during the course of the construction project.

Where a requester provides sufficient details about the records he or she is seeking, it is my responsibility to ensure that the Region has made a reasonable search to identify any records which are responsive to the request. The Act does not require the Region to prove with absolute certainty that the requested records do not exist. However, in order to properly discharge their obligations under the Act, the Region must provide me with sufficient evidence to show that they have made a **reasonable** effort to identify and locate records responsive to the appellant's request.

A reasonable search would be one in which an experienced employee expending reasonable effort conducts a search to identify any records that are reasonably related to the request (Order M-909).

The Region was asked to provide a written summary of all steps taken in response to the appellant's request. The Region reports that the Senior Project Manager involved in the project undertaken by the appellant's firm was contacted by the Freedom of Information and Privacy Protection Co-ordinator (the Co-ordinator) to assist in locating the responsive records in the Region's Design and Construction Division, the Water Services Division, the insurance claim files and the Region's solicitor's files. Following the receipt of the Notice of Inquiry, the Region conducted additional searches of the records maintained by the individuals named in the appellant's February 11 letter. Additional records were located in the files of the Supervisor of Environmental Engineering and the Legal Department (the N and L records).

The Region also provided affidavits from its Co-ordinator and the Senior Project Manager describing in detail the nature and extent of the searches which they undertook and the contacts made with other staff of the Region in order to locate responsive records relating to the appellant's involvement with the construction project and the administration of the contract generally.

The appellant has not provided any submissions with respect to the issue of the reasonableness of the Region's search beyond the information contained in his February 11 letter.

Based on the information provided to me by the Region, I am satisfied that the searches which it has undertaken for records responsive to the request, as narrowed by the appellant, were reasonable. Accordingly, I dismiss this part of the appeal.

CLOSED MEETING

The Region has claimed the application of the closed meeting exemption contained in section 6(1)(b) of the Act for Records B-3, B-4, B-5, B-6, B-7, B-8, N-8, L-4, L-11(a) and (b). In order to qualify for exemption under section 6(1)(b), the Region must establish that:

1. a meeting of a council, board, commission or other body or a committee of one of them took place; **and**
2. that a statute authorizes the holding of this meeting in the absence of the public; **and**
3. that disclosure of the record at issue would reveal the actual substance of the deliberations of this meeting.

[Order M-64]

The first and second parts of the test for exemption under section 6(1)(b) require the Region to establish that a meeting was held and that it was held in camera [Order M-102].

The Region was requested to provide a copy of the statutory provision which authorized it to hold a meeting in the absence of the public under section 6(1)(b) of the Municipal Freedom of Information and Protection of Privacy Act. As the meeting in question took place after January 1, 1995, on April 16, 1997, the Region was also requested to provide a copy of the resolution closing the meeting to the public.

The Region submits that a closed meeting of its Engineering Committee of Council was held on April 16, 1997 under the authority of section 55(5)(e) of the Local Government Disclosure of Interest Act, 1994 which permits municipal councils, or their committees, to conduct closed meetings to discuss matters relating to potential litigation. The Region also provided me with a copy of its procedural By-law 76-92 which provides the authority for the Region to discuss matters relating to potential litigation *in camera*. A copy of the minutes of the April 16, 1997 meeting of the Region's Engineering Committee included a motion passed by the Committee authorizing the Committee to close the meeting to the public when it was discussing two of the agenda items, including that involving potential litigation arising from the appellant's construction project.

Based on my review of the information provided by the Region, I am satisfied that a meeting of the Engineering Committee was held in the absence of the public on April 16, 1997 and that the requisite statute and procedural By-law authorizing a closed meeting existed. In addition, I am satisfied that a resolution of the Committee closing the meeting was in fact passed. Accordingly, I find that the first two requirements of section 6(1)(b) have been met.

The Region also indicates that the disclosure of the information contained in each of these records would reveal the actual substance of the deliberations of the Engineering Committee's April 16, 1997 meeting.

I have reviewed each of the records to which the Region has applied the exemption in section 6(1)(b) and I find that the disclosure of Records B-3, B-4, the severed portions of Records B-5, B-6, B-7, B-8, N-8, L-4, L-11(a) and (b) would reveal the actual substance of the Engineering Committee's deliberations at its closed meeting held on April 16, 1997. Accordingly, as all three parts of the section 6(1)(b) test have been satisfied, I find that these records are exempt from disclosure.

SOLICITOR-CLIENT PRIVILEGE

The Region has claimed the application of the solicitor-client privilege exemption contained in section 12 to Records C-1, C-2, C-3, C-5, E-1, E-3, E-4, E-5, E-6, E-7, E-8, N-3, N-4, N-5, N-6, L-(1)(a), (b) and (c), L-2, L-3 and L-5 to L-17.

This section consists of two branches, which provide a head 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 counsel employed or retained by the Region for use in giving legal advice or in contemplation of or for use in litigation (Branch 2).

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

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

OR

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

[Orders 49, M-2 and M-19]

Two criteria must be satisfied in order for a record to qualify for exemption under Branch 2:

1. the record must have been prepared by or for counsel employed or retained by the Region; and
2. the record must have been prepared for use in giving legal advice, or in contemplation of litigation, or for use in litigation.

[Order 210]

The Region submits that Records C-1 (which is the same as Record E-3), C-2 (which is the same as Record E-4), C-3 (which is the same as Record E-5), C-5 (which is the same as Record E-9), E-1, E-6 (which is the same as Record L-2), E-7, E-8 and N-3 to N-6 are exempt from disclosure under Branch 1 of section 12 as they are notes of meetings which contain legal advice received from counsel to the Region.

It also argues that the records which I have designated with the Prefix "L" are exempt under either Branch 1 or 2 of the section 12 exemption.

I have carefully reviewed each of these records and make the following findings:

1. Record C-2 (and Record E-4) are notes taken of a meeting held on July 18, 1997 with the Senior Project Manager, the Director of the Region's Design and Construction Division and the Region's Solicitor. In my view, the disclosure of this record would reveal a confidential communication between a solicitor and his client which is directly related to the giving of legal advice. Accordingly, I find that Records C-2 and E-4 are exempt under Branch 1 of section 12.
2. Record C-5 (and Record E-9) an e-mail dated August 14, 1997 which contains a confidential communication between a solicitor and client respecting the giving of legal advice. This record qualifies for exemption under Branch 1 of section 12.
3. Records C-1 (and E-3) and C-3 (and E-5) are notes taken by the Senior Project Manager on July 16 and October 8, 1997, respectively. The Region submits that these records contain legal advice provided by its counsel to the Senior Project Manager relating to the legal position of the Region with respect to the appellant's construction project. I find that the information contained in these records was provided by the Region's counsel in confidence for the purpose of seeking, formulating or giving of legal advice. Each of these records is, accordingly, exempt from disclosure under Branch 1 of section 12.

4. Record E-1 is an extract from the minutes of a meeting between the Region's Design and Construction Division and Operational Program staff held in July 1996. The excerpt describes the position taken by the Region's Legal Department with respect to a legal issue. I find that the disclosure of the severed information in this record would reveal a confidential communication between a solicitor and client which relates directly to the giving of legal advice. As such, it is also exempt from disclosure under Branch 1 of section 12.
5. Records E-6 (which is the same as Record L-2), E-7 and E-8 are written memoranda from the Region's solicitor to the Senior Project Manager. I find that each of these records is a confidential written communication between a solicitor and client which is directly related to the giving of legal advice. These records are, therefore, exempt under Branch 1 of the section 12 exemption.
6. The Region submits that Records N-3 to N-6, which consist of notes taken by the Region's Supervisor of Environmental Engineering at a meeting held on July 17, 1996, are exempt under Branch 1 of section 12 as they contain legal advice provided by its Director of Legal Services who was present at the meeting. In my view, these records reflect confidential communications which occurred between the Region's staff and its Director of Legal Services with respect to the legal issues surrounding the appellant's project. As such, I find that they qualify for exemption under Branch 1 of the section 12 exemption.
7. Records L-1(a), (b) and (c), L-3, L-8, L-9 and L-16(a) and (b) are confidential written communications between a solicitor and client which are directly related to the giving or seeking of legal advice. I find, therefore, that they are properly exempt from disclosure under Branch 1 of section 12.
8. Records L-5, L-6, L-7, L-10, L-12, L-13, L-14 to L-16 and L-17 are notes made by the Region's solicitors which were prepared for use in giving legal advice to other staff with respect to the legal issues which arose during the course of the administration of the appellant's construction project. These records qualify for exemption under Branch 2 of the section 12 exemption.

ADVICE OR RECOMMENDATIONS

The Region submits that Records C-4, N-1, N-2 and N-7 are exempt from disclosure under the section 7(1) exemption.

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.

Record C-4 is a five page report to the Region dated May 7, 1997 which was prepared by its on-site managing consultant in response to a request by the appellant's company for a time extension on the basis of
[IPC Order M-1106/June 2,1998]

inclement weather. I have reviewed the record and find that some of it consists of factual information describing the appellant's progress on the project. In addition, the information contained therein also relates inextricably to a recommended course of action suggested by the consulting firm to address the request for a time extension which was made by the appellant's company. In my view, the disclosure of this information would reveal recommendations made by the consultant to assist the Region in the course of its deliberative process of decision-making on this issue and that it qualifies, therefore, for exemption under section 7(1).

I find that those portions of the record which contain advice or recommendations within the meaning of section 7(1) are intertwined to such a degree with the factual information as to make severance impossible. Accordingly, I find that Record C-4, in its entirety, is properly exempt under section 7(1) of the Act.

Records N-1, N-2 and N-7 are notes taken by the Supervisor of Environmental Engineering following his discussions with other Regional staff about various matters relating to the construction project. I find that each of these documents contain a recommended course of action to be taken by the Region with respect to various issues raised by the appellant's firm in the course of the project. Accordingly, I find that this information qualifies for exemption under section 7(1).

I have reviewed the exceptions to the section 7(1) exemption contained in section 7(2) and find that none of them apply to the records which I have found to be exempt under the exemption.

THIRD PARTY INFORMATION

The Region claims that all of the records which contain information relating to the reference checks which it undertook, designated with the prefix "R" in the Appendix, are exempt under section 10(1)(b) of the Act. This section states:

A head shall refuse to disclose a record which reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to,

result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied;

For a record to qualify for exemption under section 10(1)(b), the Region and/or the affected party who is resisting disclosure must satisfy each part of the following three-part test:

1. the record must reveal information that is a trade secret or scientific, technical, commercial, financial or labour relations information; **and**
2. the information must have been supplied to the institution in confidence, either implicitly or explicitly; **and**

3. the prospect of disclosure of the record must give rise to a reasonable expectation that the harm specified in section 10(1)(b) will occur.

As I indicated above, several of the affected parties consented to the disclosure of the information contained in the records which relates to them. A portion of the undisclosed sentence in Record R-1(a) falls within this category and, as no other mandatory exemptions apply to it, this excerpt should be disclosed to the appellant. I have forwarded a highlighted copy of Record R-1(a) with a copy of this order to the Region's Co-ordinator. The highlighted portion should **not** be disclosed.

The Region submits that it applied the mandatory exemption in section 10(1)(b) to records which consist of business references or the identities of the referees compiled by its managing consultant. The Region argues that the collection of business references on contractors who are bidding for construction projects is vital to the public interest because the decision-making process must ensure that the best bid is chosen when the expenditure of public funds totals several million dollars. It goes on to add that reference collection is similarly important for municipal decision makers if evaluation of the tenders indicates that "a bid other than the lowest bid should not be accepted."

Specifically, the Region states that the information contained in these records was supplied voluntarily with an expectation of implicit confidence by the affected parties and their identity and the information which they conveyed constitutes the commercial and/or technical information of the affected parties. The Region submits that the disclosure of this information will jeopardize the future supply of open and honest references as it becomes clear to potential referees that any comments supplied may be released to the subject of the references. It urges that this may result in the refusal of third parties to supply references in the future or will result in the supply of incomplete, inaccurate or ineffective references.

The Region also argues that the public interest will be harmed if the future selection of contractors for publicly funded construction projects is impaired by inadequate reference collection.

In support of its position, the Region relies on a decision of Inquiry Officer Laurel Cropley in Order M-892 where she found that:

... disclosure of this information [business reference information] could reasonably be expected to result in similar information no longer being supplied to the Town or its agents. I also find that it is in the public interest that an institution be able to fully assess the merits of the tenders submitted to it for projects that will be funded by taxpayers. This includes the ability of the Town (or its agents) to contact and receive information in confidence from references regarding past work performed by the bidders.

One of the affected parties objected to the disclosure of the reference information which it supplied to the Region. This party confirms that the comments which were made to the Region's consultants were made with an expectation of confidentiality. It submits that it is common practice in the construction industry to solicit opinions and references from other consultants and that such requests always include an

understanding of privacy. The affected party further submits that by making the responses public, the consultation process would be undermined.

The appellant did not make any submissions on this issue.

Part One of the Section 10(1) Test

I have reviewed the reference records designated as Records R-1 to R-15 and find that Records R-1, R-2, R-6, R-7, R-8, R-10, R-11, R-13 and R-15 contain information pertaining to the referees should as their previous work, the dollar value of that work and other, technical information about the nature of those contracts. I find that this information may properly be characterized as either commercial or technical information, within the meaning of section 10(1).

Records R-3, R-4, R-5, R-9 and R-12 do not contain any information which meets the definitions contained in the exemption. All three parts of the section 10(1) test must be satisfied in order for the records to qualify for exemption under this section. As no other exemptions have been claimed for the information contained in these records, they should be disclosed to the appellant.

Part Two of the Section 10(1) Test

Following my review of the information contained in Records R-1, R-2, R-6, R-7, R-8, R-10, R-11, R-13 and R-15, I find that each of them contain information which was supplied to the Region, through its managing consultant, with an implicit expectation of confidentiality. I find that, based on the submissions of the Region and one of the affected parties, the practices of the construction industry with respect to the supply of references would lead a party who was approached to provide comments about a contractor to believe that such comments would be treated in a confidential fashion by the recipient.

Accordingly, I find that part two of the section 10(1) test has been met with respect to these records.

Part Three of the Section 10(1) Test

I adopt the findings of Inquiry Officer Cropley from Order M-892, which is quoted above. In my view, it is reasonable that the harm contemplated by section 10(1)(b) could be expected to occur should the information in Records R-1, R-2, R-6, R-7, R-8, R-10, R-11, R-13 and R-15 be disclosed. I find that the construction industry's practices regarding the confidentiality of reference information would be seriously impaired should information of the type present in these records be disclosed to the subject of the reference checks. The information imparted to the consultant is frank and to the point, and was clearly provided with an expectation that it would not be disclosed to the appellant.

In my view, the disclosure of information of this sort could reasonably be expected to result in a reluctance on the part of referees to make candid and complete comments to institutions and that this source of information could potentially evaporate.

Similarly, I agree with the comments of Inquiry Officer Cropley in Order M-892 regarding the importance of the availability of complete reference information when the expenditure of public funds on projects of this sort is contemplated. I agree that it is in the public interest that such information continue to be supplied to institutions without fear of disclosure and possible recrimination.

In conclusion, I find that Records R-1, R-2, R-6, R-7, R-8, R-10, R-11, R-13 and R-15 qualify for exemption under section 10(1)(b) and should not be disclosed to the appellant. The highlighted portion of Record R-1(a) and Records R-3, R-4, R-5, R-9 and R-12 are not exempt under this section and, are therefore, ordered disclosed.

ORDER:

1. I order the Region to disclose Record E-2, those portions of Record R-1(a) which are not highlighted and Records R-3, R-4, R-5, R-9 and R-12 to the appellant by providing him with a copy by **July 7, 1998** but not before **July 2, 1998**.
2. I uphold the Region's decision to deny access to the remaining records.
3. I reserve the right to require the Region to provide me with a copy of the records ordered disclosed in Provision 1.

Original signed by: _____

Donald Hale

Adjudicator

(formerly Inquiry Officer)

_____ June 2, 1998

APPENDIX

INDEX OF RECORDS AT ISSUE

RECORD NUMBER	DESCRIPTION OF RECORD	EXEMPTION(S) CLAIMED	DISPOSITION
B-3	Minutes of April 16, 1997 Engineering Committee meeting	6(1)(b)	Exempt under section 6(1)(b)
B-4 (4 pages)	Caucus Report to April 16, 1997 Engineering Committee meeting	6(1)(b)	Exempt under section 6(1)(b)
B-5	Severed portion of Page 19 of Minutes of meeting between D & C and Operational Program Staff dated March 1997	6(1)(b)	Exempt under section 6(1)(b)
B-6	Severed portion of Page 16 of Minutes of meeting between D & C and Operational Program Staff dated May 1997	6(1)(b)	Exempt under section 6(1)(b)
B-7	Severed portion of Project Manger's Notes dated March 20, 1997	6(1)(b)	Exempt under section 6(1)(b)
B-8	Severed portion of Project Manager's Notes dated April 17, 1997	6(1)(b)	Exempt under section 6(1)(b)
C-1 and E-3	Severed portion of Project Manager's Notes dated July 16, 1997	7(1), 12	Exempt under Branch 1 of section 12
C-2 and E-4	Severed portion of Project Manager's Notes dated July 18, 1997	7(1), 12	Exempt under Branch 1 of section 12
C-3 and E-5	Severed portion of Project Manager's Notes October 8, 1997	7(1), 12	Exempt under Branch 1 of section 12
C-4 (5 pages)	Report to Region dated May 21, 1997	7(1)	Exempt under section 7(1)
C-5 and E-9	E-mail dated August 14, 1997	7(1), 12	Exempt under Branch 1 of section 12
E-1	Severed portion of Page 19 of Minutes of meetings between D & C and Operational Program Staff dated July 1996	12	Exempt under Branch 1 of section 12
E-2	Minutes of meeting dated June 1997	the Region has withdrawn its reliance on section 12	Disclose
E-6, L-2	Memo dated June 9, 1997	12	Exempt under Branch 1 of section 12
E-7 (4 pages)	Memo dated July 9, 1997	12	Exempt under Branch 1 of section 12
E-8	Same as E-6 with additional notations	12	Exempt under Branch 1 of section 12

RECORD NUMBER	DESCRIPTION OF RECORD	EXEMPTION(S) CLAIMED	DISPOSITION
R-1(a)	Undisclosed sentence from letter dated September 13, 1996	10(1)	Disclose portion which is not high lighted, highlighted portion exempt under section 10(1)(b)
R-1	Reference notes dated March 12, 1996	10(1)	Exempt under section 10(1)(b)
R-2	Reference notes dated March 12, 1996	10(1)	Exempt under section 10(1)(b)
R-3	Reference notes dated March 12, 1996	10(1)	Disclose
R-4	Reference notes dated March 12, 1996	10(1)	Disclose
R-5	Reference notes dated March 12, 1996	10(1)	Disclose
R-6	Reference notes dated March 7, 1996	10(1)	Exempt under section 10(1)(b)
R-7	Reference notes dated March 7, 1996	10(1)	Exempt under section 10(1)(b)
R-8	Reference notes dated March 7, 1996	10(1)	Exempt under section 10(1)(b)
R-9, R-10, R-11, R-12, R-13	Undated Reference notes	10(1)	R-10, R-11 and R-13 exempt under section 10(1)(b), disclose R-9 and R-12
R-14	Reference notes dated March 6, 1996	10(1)	Exempt under section 10(1)(b)
R-15 - 5 pages	Reference notes dated March 5, 1996	10(1)	Exempt under section 10(1)(b)
N-1	Supervisor of Environmental Engineering's notes dated May 23, 1997	7(1)	Exempt under section 7(1)
N-2	Supervisor of Environmental Engineering's notes dated December 11, 1997	7(1)	Exempt under section 7(1)
N-3 to N-6	Notes on Project Meeting Agenda for July 17, 1996	7(1), 12	Exempt under Branch 1 of section 12
N-7	Notes on Project Meeting Agenda for October 8, 1997	7(1)	Exempt under section 7(1)
N-8	Notes on Project Meeting Agenda for March 20, 1997	6(1)(b)	Exempt under section 6(1)(b)
L-1(a), (b) and (c)	E-mails dated November 28 and October 22, 1997	12	Exempt under Branch 1 of section 12
L-3	Memo dated June 5, 1997	12	Exempt under Branch 1 of section 12
L-4, L-11(a) and L-11(b)	Drafts of Caucus Report for meeting on April 16, 1997 (Drafts of B-4)	6(1)(b)	Exempt under section 6(1)(b)
L-5	Notes dated March 27, 1997	12	Exempt under Branch 2 of section 12
L-6	Notes made on letter dated July 18, 1996	12	Exempt under Branch 2 of section 12
L-7	Undated Notes	12	Exempt under Branch 2 of section 12

RECORD NUMBER	DESCRIPTION OF RECORD	EXEMPTION(S) CLAIMED	DISPOSITION
L-8	Memorandum dated July 9, 1996	12	Exempt under Branch 1 of section 12
L-9	Telephone message dated June 7	12	Exempt under Branch 1 of section 12
L-10 (5 pages)	Notes dated May 30, 1996	12	Exempt under Branch 2 of section 12
L-12	Notes on Undated Meeting Agenda	12	Exempt under Branch 2 of section 12
L-13	Notes on Undated Meeting Agenda	12	Exempt under Branch 2 of section 12
L-14 to L-16	Notes by solicitor on July 17, 1996 Meeting Agenda	7(1), 12	Exempt under Branch 2 of section 12
L-16(a) and (b)	E-mails dated December 1, 1997	12	Exempt under Branch 1 of section 12
L-17 (5 pages)	Notes dated June 24, 1997	12	Exempt under Branch 2 of section 12