



Information and Privacy
Commissioner/Ontario

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

ORDER PO-1681

Appeal PA-980179-1

Ministry of Consumer and Commercial Relations



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NATURE OF THE APPEAL:

The appellant submitted a request under the Freedom of Information and Protection of Privacy Act (the Act) to the Ministry of Consumer and Commercial Relations (the Ministry) for access to all records in the Ministry's file about a specific birth registration. The appellant stated that he wished full disclosure of "... everything to date and a full disclosure of everything in the future".

The Ministry denied access to any responsive records on the basis of the following sections of the Act:

- law enforcement - sections 14(1) and (2);
- advice or recommendations - section 13;
- solicitor-client privilege - section 19; and
- invasion of privacy - sections 21(1) and 49(b).

The Ministry stated further that the claim for continuing access under section 24(3) was denied as it did not apply to this request.

The Ministry also provided the appellant with a list of records he already had copies of. The appellant was advised that he could request additional copies at a cost of 20 cents per page. Because access was made available to these records, they do not form part of this appeal.

The appellant appealed the denial of access, as well as the Ministry's decision to deny him continuing access to the records.

During the course of this appeal, and within the 35-day time limit for the raising of discretionary exemptions set out in the Confirmation of Appeal, the Ministry issued a subsequent decision letter which clarified that section 49(a) of the Act also applied. With respect to section 14 of the Act, the Ministry clarified that it is relying on subsections 14(1)(a) (law enforcement); 14(1)(f) (right to a fair trial) and 14(2)(a) (law enforcement report).

On November 12, 1998, the Ministry sent the appellant an Index of records and fully disclosed Records ORG 5; ORG 6; ORG 12; ORG 28 and ORG 40. Partial access was provided to Record ORG 39. Other records which the Index notes, as released are those which the appellant has copies of. They are included in the list of records described in the Ministry's original decision letter.

The records at issue in this appeal consist of correspondence, draft correspondence, internal communications, e-mails, notes and relate to a proceeding under section 52 of the Vital Statistics Act. The birth registration which was the subject of this proceeding has recently been cancelled.

I sent a Notice of Inquiry to the appellant, the Ministry and to one individual who was referred to in some of the records and who may have an interest in their disclosure (the affected person). Representations were received from all three parties.

The representations of the appellant and the affected person describe their relationship and the issues which have arisen between them. The appellant explains why he is seeking this requested information and the affected person explains why her personal information should not be disclosed to the appellant. It is very clear from these representations that the relationship between the parties is extremely acrimonious. The parties' representations, in my view, do not address the application of the exemption in sections 19 and 49(a) in any helpful way. However, I find that they are particularly pertinent in my consideration of section 49(b).

In its representations, the Ministry indicates that it is no longer relying on the exemptions in sections 14(1)(a), (f) and 14(2)(a). Accordingly, these exemptions are no longer at issue. The Ministry indicates further that it is prepared to release the following records to the appellant:

- ORG 2; ORG 20; ORG 22; ORG 25; ORG 26; ORG 28; ORG 29; ORG 30; ORG 31; ORG 32 in their entirety; and
- ORG 8 (with the exception of the highlighted sentences on the last page, which reveal privileged solicitor-client communications);
- ORG 27 (the first page, being the fax cover page, only; the balance of the Record is being claimed as exempt pursuant to section 19 of the Act);
- ORG 33 (the first page only; the second page of the record is being claimed as exempt pursuant to section 19 of the Act);
- ORG 35 (with the exception of the last three lines on the page which identify the personal information of the affected person); and
- ORG 36 (with the exception of the highlighted portion which is being claimed as exempt pursuant to section 19 of the Act).

As the Ministry does not indicate whether these records and portions of records have been released to the appellant, I will order the Ministry to disclose them. These records and portions of records are no longer at issue in this appeal. I will address the remaining portions of Records ORG 8, ORG 27, ORG 33, ORG 35 and ORG 36 in the following discussions.

RECORDS:

The records remaining at issue consist of correspondence, draft correspondence, memoranda, e-mail and notes.

DISCUSSION:

PERSONAL INFORMATION/DISCRETION TO DENY ACCESS TO REQUESTER'S OWN INFORMATION

"Personal information" is defined, in part, in section 2(1) of the Act as "... recorded information about an identifiable individual ...". Section 47(1) of the Act gives individuals a general right of access to their own personal information held by a government body, subject to the exceptions listed in section 49. On the other hand, where a record does not contain the appellants' personal information but does contain personal information of another individual or individuals, section 21(1) of the Act prohibits disclosure of this information unless one of the exceptions listed in that section is applicable. In this appeal, the only exception which could apply is section 21(1)(f), which permits disclosure if it "... does not constitute an unjustified invasion of personal privacy".

Accordingly, I have reviewed all of the records at issue to determine whether they contain personal information and if so, to whom the personal information relates. I find that all of the records contain the personal information of the appellant and the affected person as they relate to the matter arising under the Vital Statistics Act. I also find that Record ORG-39 contains the personal information of another individual

The Ministry claims that, with the exception of the remaining portions of Records ORG-35 and ORG-39, section 19 applies to all of the records at issue. The Ministry claims that section 13(1) also applies to Records ORG-9, ORG-21, LSB-27 and LSB-31.

Under section 49(a) of the Act, the Ministry has the discretion to deny access to an individual's own personal information in instances where certain exemptions would otherwise apply to that information. This section states as follows:

A head may refuse to disclose to the individual to whom the information relates personal information,

where section 12, **13**, 14, 15, 16, 17, 18, **19**, 20 or 22 would apply to the disclosure of that personal information; [emphasis added]

Accordingly, for records which contain the appellants' personal information, I will first consider whether section 19 applies in order to determine whether the records are exempt under section 49(a).

SOLICITOR-CLIENT PRIVILEGE

Section 19 of the Act states:

A head may refuse to disclose a record that is subject to solicitor-client privilege or that was prepared by or for Crown counsel for use in giving legal advice or in contemplation of or for use in litigation.

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 an institution 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 Ministry must provide evidence that the record satisfies either of two tests:

1. (a) there is a written or oral communication;
(b) the communication must be of a confidential nature;
(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.

[Order 49]

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 Crown counsel; 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]

Although the wording of the two branches is different, the Commissioner's orders have held that their scope is essentially the same:

In essence, then, the second branch of section 19 was intended to avoid any problems that might otherwise arise in determining, for purposes of solicitor-client privilege, who the "client" is. It provides an exemption for all materials prepared for the purpose of obtaining legal advice whether in contemplation of litigation or not, as well as for all documents prepared in contemplation of or for use in litigation. In my view, Branch 2 of section 19 is not intended to enable government lawyers to assert a privilege which is more expansive or durable than that which is available at common law to other solicitor-client relationships.

[Order P-1342; upheld on judicial review in Ontario (Attorney General) v. Big Canoe, [1997] O.J. No. 4495 (Div. Ct.)]

The Ministry has claimed the application of solicitor-client communication privilege under section 19 for all of the records in the LSB file and the majority of records in the ORG file.

Solicitor-client communication privilege

General principles

At common law, solicitor-client communication privilege protects direct communications of a confidential nature between a solicitor and client, or their agents or employees, made for the purpose of obtaining professional legal advice. The rationale for this privilege is to ensure that a client may confide in his or her lawyer on a legal matter without reservation [Order P-1551]. The privilege has been described by the Supreme Court of Canada as follows:

... all information which a person must provide in order to obtain legal advice and which is given in confidence for that purpose enjoys the privileges attaching to confidentiality. This confidentiality attaches to all communications made within the framework of the solicitor-client relationship ...

[Descôteaux v. Mierzwinski (1982), 141 D.L.R. (3d) 590 at 618, cited in Order P-1409]

The privilege has been found to apply to "a continuum of communications" between a solicitor and client:

... the test is whether the communication or document was made confidentially for the purposes of legal advice. Those purposes have to be construed broadly. Privilege obviously attaches to a document conveying legal advice from solicitor to client and to a specific request from the client for such advice. But it does not follow that all other
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communications between them lack privilege. In most solicitor and client relationships, especially where a transaction involves protracted dealings, advice may be required or appropriate on matters great or small at various stages. There will be a continuum of communications and meetings between the solicitor and client ... Where information is passed by the solicitor or client to the other as part of the continuum aimed at keeping both informed so that advice may be sought and given as required, privilege will attach. A letter from the client containing information may end with such words as "please advise me what I should do." But, even if it does not, there will usually be implied in the relationship an overall expectation that the solicitor will at each stage, whether asked specifically or not, tender appropriate advice. Moreover, legal advice is not confined to telling the client the law; it must include advice as to what should prudently and sensibly be done in the relevant legal context.

[Balabel v. Air India, [1988] 2 W.L.R. 1036 at 1046 (Eng. C.A.), cited in Order P-1409]

Solicitor-client communication privilege has been found to apply to the legal advisor's working papers directly related to seeking, formulating or giving legal advice [Susan Hosiery Ltd. v. Minister of National Revenue, [1969] 2 Ex. C.R. 27, cited in Order M-729].

The Ministry indicates that the Office of the Registrar General (the ORG) is part of the Registration Division of the Ministry and is responsible for the administration of the Vital Statistics Act, the Marriage Act and the Change of Name Act. The Ministry states that the client group in the matter to which the records relate, that is the registration of the birth of a child under the Vital Statistics Act, includes the Deputy Registrar General and staff of the ORG. The Ministry indicates further that the legal counsel involved in this matter are employed at the Ministry's Legal Services Branch (the LSB) and were assigned to the ORG portfolio. In this regard, the Ministry states that the relationship between the LSB and the ORG is a close and on-going one, with legal counsel often, as in this case, involved in a file throughout its processing.

The Ministry has provided a detailed description of each record and an explanation of why it believes that the records fall within the exemption in section 19. In general, the Ministry states that the records represent a "continuum of communications". In this regard, the Ministry indicates that counsel became involved in providing advice relating to the matter pertaining to the appellant in May 1997. The Ministry indicates further that there has been on-going communication between counsel and the client group from that time until the present. In providing this "continuum of communications", counsel were asked to communicate with counsel for the parties, to provide legal opinions, to draft and review letters and to seek legal advice themselves from other counsel in the Ministry and from the Ministry of the Attorney General, Crown Law Office (Civil). The Ministry states that all of the documents at issue relate to the provision of legal advice in this context.

I have reviewed the records at issue and find, for the most part, that they contain either direct communications between legal counsel and the client group relating to the seeking or giving of legal advice,

or they contain drafts of documents prepared by, or reviewed by, legal counsel, and thus reflect the advice received from legal counsel, or they contain notes made by counsel relating to this matter.

In the circumstances, it is clear that legal counsel played a major role in providing legal advice to the client group with respect to the issues relating to the Vital Statistics Act proceeding and to the appellant generally.

I am satisfied that any direct communications between counsel and the client group were made with a view to obtaining legal advice. I am also satisfied that they were made with an intention to keep them confidential.

I find further that, overall, the remaining records relate to the continuum of confidential communication with respect to this matter as the information was passed by the solicitor or client to the other as part of the continuum aimed at keeping both informed. I find that the reasoning in Balabel v. Air India is clearly applicable to the information contained in these records.

Finally, I am satisfied that the notes prepared by counsel formed part of their working papers, and that these notes were treated confidentially. Based on the Susan Hosiery case referred to above, I find that solicitor-client communication privilege applies to these notes (see also Order M-729 and Order M-796), Supercom of California Ltd. v. Sovereign General Insurance Co. (1998), 37 O.R. (3d) 597 (Gen. Div.) and Mutual Life Assurance Co. of Canada v. Canada (Deputy Attorney General), [1988] O.J. No. 1090 (H.C.)] (Order PO-1663).

LOSS OF PRIVILEGE

Waiver

I note that a number of records consist of correspondence which has been sent out from the Ministry to the parties (Records LSB-22 (p.5), LSB-26 (pp.2-6) and LSB-37, with one severance at the bottom. In addition, Record LSB-19 (highlighted portion of page 2) is a duplicate of a page of Record ORG-8 which the Ministry has indicated may be released to the appellant in severed form). In my view, the distribution of these records outside of the client group raises the question of whether the Ministry has waived solicitor-client privilege in them.

Adjudicator Officer Holly Big Canoe discussed the principles of waiver in Order P-1342 [upheld on judicial review in Ontario (Attorney General) v. Big Canoe, [1997] O.J. No. 4495 (Div. Ct.)]:

... [C]ommon law solicitor-client privilege can also be lost through a waiver of the privilege by the client. Waiver of privilege is ordinarily established where it is shown that the possessor of the privilege (1) knows of the existence of the privilege, and (2) voluntarily evinces an intention to waive the privilege [S. & K. Processors Ltd. v. Campbell Avenue Herring Producers Ltd., [1983] 4 W.W.R. 762, 45 B.C.L.R. 218, 35 C.P.C. 146 (S.C.) at 148-149 (C.P.C)]. Generally, disclosure to outsiders of privileged information would constitute waiver of privilege [J. Sopinka et al., The Law of Evidence in Canada at p. 669.

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See also Wellman v. General Crane Industries Ltd. (1986), 20 O.A.C. 384 (C.A.); R. v. Kotapski (1981), 66 C.C.C. (2d) 78 (Que. S. C.).

Strictly speaking, since the client is the “holder” of the privilege, only the client can waive it. However, the client’s waiver of the privilege can be implied from the actions of the client’s solicitor. Legal advisors have the ostensible authority to bind the client to any matter which arises in or is incidental to the litigation, and that ostensible authority extends to waiver of the client’s privilege. [J. Sopinka et. al., The Law of Evidence in Canada at p. 663. See also: Geffen v. Goodman Estate (1991), 81 D.L.R. (4th) 211 (S.C.C.); Derby & Co. Ltd. v. Weldon (No. 8), [1991] 1 W.L.R. 73 at 87 (C.A.)].

Waiver has been found to apply where, for example, the record was disclosed to another outside party (Order P-1342).

The Ministry submits, generally, that it has not waived privilege in any of the documents at issue. I note, however, that the Ministry clarifies that, should I not accept its arguments under section 19, it does not take issue with the disclosure of these records or parts of records.

It is clear on the face of Records LSB-22 (p. 5), LSB-26 (pp. 2-6) and LSB-37, with one severance at the bottom, that they were sent to the parties. I accept that there was a continuum of communications and drafts of the letters which were prepared for the client by counsel and that these documents, as I indicated above, are exempt under solicitor-client communication privilege. However, at the point that the client accepted a draft letter and signed it for the purpose of sending it out to the parties, its character changed. Similar to the findings in Order P-1342, I find that by disclosing these records to the parties, the Ministry has demonstrated a clear intention to forego the privilege. Accordingly, I find that any privilege which may have attached to these records at common law has been waived. With respect to page 2 of Record LSB-19, I find that, in deciding to disclose the identical record in its ORG file, the Ministry has demonstrated a clear and voluntary intention to waive any privilege it might have in this document. I do not accept that the Ministry can turn around and claim that it remains privileged simply because it is located in the LSB file.

Accordingly, I find that Records LSB-22 (p. 5), LSB-26 (pp. 2-6), LSB-37, with one severance at the bottom which the Ministry has highlighted on the copy of this record it has attached to its representations and page 2 of Record LSB-19 as highlighted by the Ministry on the copy of this page which it has attached to its representations do not qualify for exemption under sections 19 or 49(a). I found above that, because the records pertain to the matter involving the appellant and the affected person, they all contain both the appellant’s and the affected person’s personal information. Therefore, I will consider whether section 49(b) applies to these portions of the records.

I find that sections 19 and 49(a) apply to the remaining records at issue in this discussion.

Because of the findings I have made under section 19, it is not necessary for me to consider the application of section 13(1) to Records ORG-9, ORG-21, LSB-27 and LSB-31.

INVASION OF PRIVACY

As previously noted, 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 appellants and other 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 requester access to that information.

The Ministry has denied access to a portion of Records ORG-35 and ORG-39 on the basis that this information relates only to the individuals referred to in the records. As I have found that these records also contain the appellant's personal information, I will consider whether these portions of the records are exempt under section 49(b).

In addition, I found above that Records LSB-22 (p. 5), LSB-26 (pp. 2-6), LSB-37, with one severance at the bottom which the Ministry has highlighted on the copy of this record it has attached to its representations and page 2 of Record LSB-19 as highlighted by the Ministry on the copy of this page which it has attached to its representations do not qualify for exemption under sections 19 and 49(a). I also found, however, that these records contain the affected person's personal information. Therefore, I will consider the application of section 49(b) to these records.

In considering the possible application of section 49(b), 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. Disclosing the types of personal information listed in section 21(3) is presumed to be an unjustified invasion of personal privacy. The Divisional Court has stated that the only way in which a section 21(3) presumption can be overcome is if the personal information at issue falls under section 21(4) of the Act or where a finding is made under section 23 of the Act that there is a compelling public interest in disclosure of the information which clearly outweighs the purpose of the section 21 exemption [John Doe v. Ontario (Information and Privacy Commissioner) (1993) 13 O.R. 767].

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) of the Act, as well as all other considerations that are relevant in the circumstances of the case.

The Ministry does not rely on any of the presumptions in section 21(3) and I find that none apply. The Ministry indicates that the personal information in both records is highly sensitive (section 21(2)(f)) and that it was supplied in confidence (section 21(2)(h)). In addition, the Ministry submits that the personal information in Record ORG-39 is not responsive to the request as it pertains to another ORG customer and is unrelated to the matter pertaining to the appellant.

This argument was not raised earlier by the Ministry, however, in my view, it is not necessary to address it. I am satisfied that the information in Record ORG-39 relates to an individual who has nothing to do with the appellant's situation. Further, I find that disclosure of this person's identity would reveal that this person had dealings with the ORG . Taking into consideration the very acrimonious nature of this matter and the intensity with which the appellant, in particular, has approached the issues and the parties involved, I am of the view that disclosure of this person's identity, simply because it found its way onto a piece of paper which contained counsel's notes regarding the appellant, could reasonably be expected to cause extreme distress to the individual. Therefore, I find the factor in section 21(2)(f) to be relevant and of considerable weight. Given the nature of the ORG's business, I am satisfied that this person's name was provided to the Ministry in confidence (section 21(2)(h)). Similar to my reasons above, I find that this factor, which favours non-disclosure, is of considerable weight.

The severed portion of Record ORG-35 contains a number at which the affected person can be reached. The Ministry indicates that this person has endeavoured to keep this information confidential. Her representations generally confirm the Ministry's submission in this regard. I am satisfied that this information was provided to the Ministry in confidence and that, in the circumstances of this appeal, its disclosure would cause the affected person extreme distress. Therefore, I find that it is also highly sensitive. Given the relationship between these two parties, I find that both factors carry significant weight in favour of privacy protection.

In reviewing the appellant's representations, I find that they do not address the information in these two records. In my view, there are no factors which weigh in favour of disclosure in the circumstances of this appeal. Accordingly, I find that the withheld portions of Records ORG-35 and ORG-39 are exempt under section 49(b).

Records LSB-22 (p. 5), LSB-26 (pp. 2-6) and LSB-37, with one severance at the bottom which the Ministry has highlighted on the copy of this record it has attached to its representations consist of correspondence sent from the Ministry. Some of these letters were sent to the appellant or his counsel and some were sent to the opposing counsel or the affected person, but were copied to the appellant. These letters concern administrative or procedural matters relating to the hearing.

It is clear from these records that the information contained in them is known to both parties. Moreover, there is nothing inherently personal about the information as it concerns administrative matters pertaining to a hearing in which both individuals are involved. In the circumstances, I find that these letters were not sent in confidence, nor could confidentiality reasonably be expected. Moreover, in the context of the hearing, I find that they do not contain or refer to any kind of sensitive or personal matters, nor, in my view, could their disclosure cause the affected person any personal distress. I find, in these circumstances, that there are no factors weighing in favour of privacy protection. Further, I find that the fact that the appellant is clearly aware of and most likely has copies of these documents as part of the normal communications which would take place as part of the hearing process, weighs heavily in favour of disclosure. Therefore, I find that the disclosure of Records LSB-22 (p. 5), LSB-26 (pp. 2-6) and LSB-37, with one severance at the bottom

which the Ministry has highlighted on the copy of this record would not constitute an unjustified invasion of personal privacy and these portions of the records are not exempt under section 49(b).

The remaining portion of Record LSB-19 refers to actions taken by the appellant and the Ministry's response to them. Although these actions were taken in the context of the matter involving both the appellant and the affected person, the information which remains at issue in this document does not directly pertain to the affected person, but rather to the appellant. In this context, I find that its disclosure to the appellant could not cause the affected person any distress and, therefore, section 21(2)(f) is not relevant. There is no evidence before me that any of this information was provided in confidence, and, in fact, none of it was provided by the affected person in any event. Therefore, I find that the factor in section 21(2)(h) is not relevant. In the circumstances, I find the fact that the information remaining at issue relates to the appellant is a circumstance which weighs heavily in favour of disclosure. In the balance, I find that disclosure of the remaining portion of Record LSB-19 would not constitute an unjustified invasion of personal privacy and it is not exempt under section 49(b).

CONTINUING ACCESS

In his representations the appellant states:

I have requested all information from the past, present and future as this case is still ongoing and evolving. It would certainly be a waste of everyone concerns time to reapply over and over again to a new current date.

Section 24(3) of the Act states:

The applicant may indicate in the request that it shall, if granted, continue to have effect for a specified period of up to two years.

The Ministry submits that the records at issue in this appeal, including those to which access has been granted, are not the type of records intended to fall within the scope of section 24(3). In support of its position, the Ministry relies on the following comments made by former Commissioner Sidney B. Linden in Order 164:

I am of the view that subsections 24(3) and (4) are intended by the Legislature to apply to the kind of record which is likely to be produced and/or issued in a series; for example, the results of public opinion polls which are conducted by an institution on a regular basis. These subsections are not intended to provide ongoing access to the kind of record of which only one edition is produced, as in the present case.

The Ministry states that these are not the kind of records which are produced and/or issued in a series. It is clear from a review of the records that they are all unique and, although they deal with an on-going matter, they are not the kind of records which the Ministry would produce on a regular basis as contemplated in

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Order 164. Therefore, I agree with the Ministry that the records responsive to this request are not the kind of records to which section 24(3) applies.

In addition, the wording of section 24(3) is clear that a requester's right to continuing access is conditional on access having been granted in the originating request. Accordingly, where a requester's request for access is not granted, the requester does not have a right under subsection 24(3) to request continuing access (Order 82). In the circumstances of this appeal, the appellant was not granted access to the majority of the requested records. He is, therefore, not entitled to request continuing access to these records in any event.

Therefore, I find that the appellant has no right to continuing access to the requested records.

ORDER:

1. I order the Ministry to provide the appellant with access to the following records or parts of records by sending him a copy of them by **July 8, 1999** but not before **July 5, 1999**:

- ORG 2; ORG 20; ORG 22; ORG 25; ORG 26; ORG 28; ORG 29; ORG 30; ORG 31; ORG 32 in their entirety; and
- ORG 8 (with the exception of the highlighted sentences on the last page, which reveal privileged solicitor-client communications);
- ORG 27 (the first page, being the fax cover page, only; the balance of the record is being claimed as exempt pursuant to section 19 of the Act);
- ORG 33 (the first page only; the second page of the record is being claimed as exempt pursuant to section 19 of the Act);
- ORG 35 (with the exception of the last three lines on the page which identify the personal information of the affected person); and
- ORG 36 (with the exception of the highlighted portion which is being claimed as exempt pursuant to section 19 of the Act);
- LSB 22 (p. 5);
- LSB 26 (pp. 2-6);
- LSB 37 (with one severance at the bottom which the Ministry has highlighted on the copy of this record); and
- LSB 19 (as highlighted by the Ministry).

2. I uphold the Ministry's decision to withhold the remaining records from disclosure.
3. I uphold the Ministry's decision not to grant continuing access to records which would be responsive to this request in the future.
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 1.

Original signed by: _____

_____ June 3, 1999

Laurel Cropley
Adjudicator