



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

ORDER PO-1784

Appeal PA-990268-1

Liquor Control Board of Ontario



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NATURE OF THE APPEAL:

The appellant made a request under the Freedom of Information and Protection of Privacy Act to the Liquor Control Board of Ontario (LCBO). The request was for access to “a copy of the 1999 Anderson Consulting Report on a Review of LCBO Warehousing & Distributing Functions”.

The LCBO denied access to the responsive record, a document titled “LCBO A Vision for a World Class Supply Chain”, dated March 1999, in its entirety pursuant to sections 12(1)(e) and 18(1)(f) and (g) of the Act.

The requester (now the appellant) appealed the LCBO's decision.

I initially sent a Notice of Inquiry to the LCBO and received written representations. I then sent the Notice of Inquiry and the non-confidential portions of the LCBO's representations to the appellant. The appellant did not submit representations in response to the Notice.

RECORD AT ISSUE:

In November, 1998, the LCBO engaged Anderson Consulting to conduct a comprehensive review and analysis of the LCBO's supply chain operations and to submit recommendations for improvement to the LCBO.

The record at issue in this appeal was produced by Anderson Consulting in March, 1999, and contains a detailed analysis of the LCBO's supply chain operations, recommendations for improvement and plans for implementing the recommendations.

DISCUSSION:

Cabinet Records

To qualify for an exemption under 12(1)(e), the LCBO must establish that the record itself has been prepared to brief a Minister in relation to matters that are either:

- a) before or proposed to be brought before the Executive Council or its committees;
or
- b) the subject of consultations among ministers relating to government decisions or the formulation of government policy.

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The LCBO submits that a review of the role of the LCBO and its operations is a fundamental promise made by the current government in its Common Sense Revolution, and that the government has on many occasions stated its intention to examine the role of the LCBO in the distribution of beverage alcohol and options for increasing the efficiency and effectiveness of its operations. The LCBO indicates that the Executive Council has been engaged in an ongoing process of deliberations regarding the role of the LCBO in the distribution of beverage alcohol generally.

Under the Liquor Control Act, the LCBO reports to the Minister of Consumer and Commercial Relations (the Minister). The LCBO explains that, to assist the Executive Council in its decision-making, the Minister was directed to have the LCBO conduct a comprehensive study of its supply chain activities encompassing its merchandising, logistics and retailing activities and to submit recommendations concerning the improvement of its operations. As a consequence of the direction from the Executive Council to the Minister, the LCBO indicates it engaged Anderson Consulting to prepare the record, and submitted it to the Minister on September 28, 1999.

The LCBO submits that the record was prepared to, among other things, brief the Minister on an issue which is his responsibility. The LCBO indicates that the record was incorporated into the submissions made to Cabinet, and the members of Executive Council will formulate government decisions or policy based on the information provided in the record.

I have reviewed the record, and it contains detailed analyses, recommendations and plans for reorganizing the LCBO's operations.

Based on the submissions of the LCBO and my review of the record, I am satisfied that the record was prepared to brief the Minister on a matter that is currently before the Executive Council or its committees. Accordingly, I find that the record is exempt from disclosure pursuant to section 12(1)(e) of the Act. Because of this finding, I do not need to consider the application of sections 18(1)(f) and (g) to the record.

ORDER:

I uphold the LCBO's decision to deny access to the record.

Original signed by: _____
Holly Big Canoe
Adjudicator

_____ May 11, 2000