



Information and Privacy  
Commissioner/Ontario

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

## **ORDER PO-1858**

Appeal PA-000156-1 and PA-000157-1

Ontario Human Rights Commission



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## **NATURE OF THE APPEAL:**

The Ontario Human Rights Commission (the OHRC) received two requests under the *Freedom of Information and Protection of Privacy Act* (the *Act*) seeking the disclosure of certain evidence relating to an OHRC decision dated November 23, 1999, which disposed of a complaint filed with the OHRC by the appellant. The OHRC located records responsive to the appellant's requests and denied access to them, claiming the application of the following exemptions contained in the *Act*:

- law enforcement - sections 14(1)(a) and (b)
- invasion of privacy - section 49(b)
- discretion to refuse requester's own information - section 49(a)

The appellant appealed the OHRC's decisions to deny access to the responsive records. During the mediation stage of the appeal, the OHRC agreed to disclose portions of Record 1 from Appeal Number PA-000156-1 and Records 1 and 1(A) from Appeal Number PA-000157-1. The appellant continues to seek access to the undisclosed portions of these records.

The OHRC indicated to the Mediator assigned to this matter that it takes the position that certain portions of Record 1(A) from Appeal Number PA-000156-1 are not responsive to the appellant's request on the basis that this information is identical to that which was found to be exempt from disclosure in Orders PO-1787 and PO-1812 under section 14(1)(e) of the *Act* (as disclosure of the information could endanger life or safety). The OHRC appears to be taking the position that because this information from Record 1(A) was found to be exempt in two earlier decisions of this office, it is now not responsive to the appellant's current request. It also takes the position that because the exemption in section 14(1)(e) was found to apply to similar information in Orders PO-1787 and PO-1812, it remains exempt in this appeal, despite the fact that the institution failed to claim the exemption in its decision letter to the appellant.

I provided a Notice of Inquiry to the OHRC initially, setting out the facts and issues in these appeals. The OHRC provided me with representations which were shared with the appellant, along with a modified version of the initial Notice of Inquiry. The appellant also submitted representations in response to the Notice of Inquiry which I provided to him.

At the inquiry stage of the appeal, the OHRC advised that it is prepared to disclose Record 2 from Appeal Number PA-000157-1, with the exception of the identity of an individual which is contained in the second paragraph of page 2 and in the third paragraph of page 3 of this record. The OHRC indicates in its representations that it is no longer relying on the exemptions in sections 14(1)(a) and (b) for Record 2 in Appeal Number PA-000157-1, though the identity of an individual named therein remains subject to the exemptions claimed under sections 21(1), 49(a) and (b) and 14(1)(e).

## **DISCUSSION:**

## **PRELIMINARY ISSUES:**

1. Is all of the information in Record 1(A) of Appeal Number PA-000156-1 responsive to the appellant's request?

The OHRC submits that Record 1(A) contains not only "evidentiary information" but also information about a respondent to the appellant's complaints which was the subject of the decisions in Orders PO-1787 and PO-1812. Accordingly, the OHRC submits that certain portions of this record are not "evidence", that they do not, therefore, have any "evidentiary value" and are not "reasonably related" to the requests which have given rise to the present appeals. For this reason, the OHRC suggests that these portions of Record 1(A) were not deemed to be responsive to the appellant's requests and they did not render a decision on access to it since this information had already been found to be exempt from disclosure in Orders PO-1787 and PO-1812.

The OHRC also submits that these portions of Record 1(A) remain the subject of a further appeal, designated by this office as PA-990255-2, and that:

such information has to be severed from Record 1(A) in appeal PA-000156-1 in order not to prejudice the rights of the institution and [e]specially the affected third person. The severance made by the institution is a precautionary measure the relevancy of which would only arise in the remote event the IPC does not sustain the Institution's claim of exemption on the rest of the contents of Record 1(A) and orders the release of this particular record.

In Order P-880, former Inquiry Officer Anita Fineberg considered the standard to be applied in deciding whether records are responsive to a request. She stated:

In my view, the need for an institution to determine which documents are relevant to a request is a fundamental first step in responding to the request. It is an integral part of any decision by a head. The request itself sets out the boundaries of relevancy and circumscribes the records which will ultimately be identified as being responsive to the request. I am of the view that, in the context of freedom of information legislation, "relevancy" must mean "responsiveness". That is, by asking whether information is "relevant" to a request, one is really asking whether it is "responsive" to a request. While it is admittedly difficult to provide a precise definition of "relevancy" or "responsiveness", I believe that the term describes anything that is reasonably related to the request.

The appellant's request in Appeal Number PA-000156-1 is clear and unambiguous. The appellant sought access to the evidence relied upon by the OHRC in rendering its decision dated November 23, 1999 dismissing his complaint. It is clear, and the OHRC does not dispute, that the information contained in Record 1(A), a letter written on behalf of one of the respondents to the complaint, was relied upon by the Commission in making its decision. I find that the information contained in Record 1(A) is plainly relevant to and, therefore, responsive to the appellant's request. The fact that portions of the record were found to be exempt from disclosure in several earlier decisions of this office, as well as in a pending appeal, does not render the record, or any part of it, not responsive to the request.

2. Is the OHRC Entitled to Rely on Section 14(1)(e) to Exempt the Information Contained in Record 1(A) of Appeal Number PA-000156-1?

The OHRC submits that it ought to be entitled to rely on the exemption in section 14(1)(e) to exempt certain portions of Record 1(A), despite not having claimed the application of that exemption originally. It argues that in Orders PO-1787 and PO-1812, the Commissioner's office upheld the application of this exemption to identical information contained in the identical record as that designated as Record 1(A) in Appeal Number PA-000156-1. The OHRC points out that to allow the Institution to raise this exemption would protect the affected person whose health or safety is "on the line". In both PO-1787 and PO-1812, former Adjudicator Holly Big Canoe and I found that the OHRC had provided the kind of "detailed and convincing" evidence required to demonstrate that the expectation of harm to the affected person was not a frivolous or exaggerated expectation but, rather, was one which had a reasonable objective basis, as is required following the decisions in *Ontario (Workers Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)*, (1995) 23 O.R. (3d) 31 and in *Ontario (Ministry of Labour) v. Holly Big Canoe* [1999] O.J. No. 4560 (C.A.).

The OHRC relies upon the written submissions which it and the affected person made to Adjudicator Big Canoe and myself in the appeals which gave rise to Orders PO-1787 and PO-1812 respectively in support of its argument that I ought to apply section 14(1)(e) to the specified portions of Record 1(A) which are identical to the subject matter of the appeals in PO-1787 and PO-1812.

The OHRC also points out, quite properly in my view, that the harm being protected in section 14(1)(e) is different from the harms contemplated by other exemptions contained in the *Act* as it relates to the health and safety of an individual. The OHRC suggests that the concerns expressed by the affected person ought to be given "paramount consideration".

The appellant objects to the inclusion of the section 14(1)(e) exemption in this appeal following the expiration of the 35-day period prescribed by the Commissioner's office. He also argues that only an institution, and not an affected person, ought to be able to refer to and raise the possible application of a discretionary exemption in the context of an appeal.

In Order PO-1787, Adjudicator Big Canoe made the following findings with respect to the question of whether the affected person in that appeal ought to be entitled to rely on the discretionary exemption in section 14(1)(e) in a situation where the institution failed to claim it. I note again that Record 1(A) contains the identical information to that which was the subject of Order PO-1787. She found that:

Sections 14(1)(a), (b), (d) and (e) are a discretionary exemptions and are not relied on by the OHRC for the name, title, firm name and address of the lawyer. In Order P-257, Assistant Commissioner Mitchinson was asked to consider whether an affected person ought to be entitled to rely on the application of a discretionary exemption which was not claimed by the institution. At Page 5 of that order, he held:

As a general rule, with respect to all exemptions other than sections 17(1) and 21(1), it is up to the head to determine which exemptions, if any, should apply to any requested record. If the head feels that an exemption should not apply, it would only be in the most unusual of situations that the matter would even come to the attention of the Commissioner's office,

since the record would have been released. If, during the course of an appeal, a head indicated a change in position in favour of release of information not covered by sections 17(1) or 21(1), again, this would almost always be an acceptable course of action, consistent with the purposes of the *Act*. In my view, however, the Information and Privacy Commissioner has an inherent obligation to ensure the integrity of Ontario's access and privacy scheme. In discharging this responsibility, there may be rare occasions when the Commissioner decides it is necessary to consider the application of a particular section of the *Act* not raised by an institution during the course of the appeal. This could occur in a situation where it becomes evident that disclosure of a record would affect the rights of an individual, or where the institution's actions would be clearly inconsistent with the application of a mandatory exemption provided by the *Act*. It is possible that concerns such as these could be brought to the attention of the Commissioner by an affected person during the course of an appeal and, if that is the case, the Commissioner would have the duty to consider them. In my view, however, it is only in this limited context that an affected person can raise the application of an exemption which has not been claimed by the head; the affected person has no right to rely on the exemption, and the Commissioner has no obligation to consider it. [my emphasis]

In Reconsideration Order R-980015 (Reconsideration of Order P-1538), Adjudicator Donald Hale considered the raising of the discretionary exemption at section 20 by an affected person. Section 20 is similar to section 14(1)(e) in that section 20 provides an exemption for records where the disclosure could reasonably be expected to seriously threaten the safety or health of an individual. The affected person who initiated the reconsideration request submitted that the Commissioner's office has an inherent obligation to ensure that all persons potentially affected by an order of disclosure of information are made a party to the inquiry and are given the right to make submissions on disclosure. In considering the circumstances of that appeal Adjudicator Hale stated:

The affected person goes on to submit that:

The exemption under section 20 is one of those relatively rare instances where the person who is in the better position to make full and informed submissions is the affected party and not the head of the institution. Who is likely to have the most information and be better motivated to advance the arguments on danger to safety of an individual than the individual [his/her]self.

In view of the obvious concerns expressed by the affected person and the great care taken in preparing his/her submissions, I feel that it is appropriate to consider them in the present circumstances.

In this appeal, the lawyer has expressed concerns about potential danger to his physical safety. He refers to documentation in the records as evidence of the appellant's aggressive and violent behaviour, and points out that the requested information would enable the appellant to contact him. In my view, the circumstances are similar to those considered by Adjudicator Hale in Reconsideration Order R-980015, and I find it is appropriate to consider the application of section 14(1)(e).

As noted above, the information contained in Record 1(A) is identical to that in the appeal which gave rise to Order PO-1787. Adjudicator Big Canoe was of the view that the circumstances surrounding the appeal, and particularly the appellant, were such that it would be an appropriate case in which to allow an affected person to bring forward a discretionary exemption. I find that the appellant would not be prejudiced in any significant way by allowing the OHRC to claim the application of section 14(1)(e) to this information. He is aware that this exemption has been applied, and upheld, in two previous decisions of this office on the identical information. In the present circumstances, I am of the view that it would be inconsistent of me to hold that an exemption which was found to have been appropriately brought to the Commissioner's office by an affected person could not be brought by the OHRC because of the expiration of the 35-day time period. Accordingly, I will consider the possible application of section 14(1)(e) to those portions of Record 1(A) to which it was applied by the OHRC in my reasons below.

## **DISCUSSION:**

### **PERSONAL INFORMATION:**

Section 2(1) of the *Act* defines the term "personal information", in part, as recorded information about an identifiable individual.

The OHRC submits that the undisclosed portions of Record 1 in Appeal Number PA-000156-1 and Records 1, 1(A) and 2 in Appeal Number PA-000157-1 "indicates the identities of specific individuals which, if disclosed would reveal their involvement in [the] scenario contemplated by the human rights complaint of the requester." It argues that this information meets the criteria contained in the definition of personal information under section 2(1)(h). The OHRC further submits that Records 1(A), 3, 4 and 5 in Appeal Number PA-000156-1 and Records 3 and 4 in Appeal Number PA-000157-1 contain the personal information of the appellant and other identifiable individuals as they contain references to the race, national or ethnic origin of these individuals (section 2(1)(a)), an identifying number assigned to the individual (section 2(1)(c)) and the personal views of the individual (section 2(1)(e)).

The submissions of the appellant do not directly address the question of whether the records contain personal information.

I have reviewed the information contained in the records and find that the undisclosed portions of Record 1 and Records 1(A), 3, 4 and 5 in Appeal Number PA-000156-1 and the undisclosed portions of Records 1, 1(A) and 2, along with Records 3 and 4 in Appeal Number PA-000157-1 contain the personal information of both the appellant and another identifiable individual under the definition of that term in section 2(1)(h). These records also contain the date of birth and ethnic origin (section 2(1)(a)), information relating

to the employment history (section 2(1)(b)), the social insurance number (section 2(1)(c)) and the home address (section 2(1)(d)) of the individuals named therein.

However, I must also determine whether those portions of Record 1(A) in Appeal Number PA-000156-1 to which the OHRC has applied section 14(1)(e) contain personal information as that term is defined in section 2(1). These parts of Record 1(A) contain only information about the identity and business address of counsel to one of the respondents to the OHRC complaint. In Reconsideration Order R-980015, I reviewed the distinction between personal information relating to an identifiable individual and similar information which is provided to an institution by an individual acting in his or her professional or employment capacity. I found that:

The distinction between personal information and other information associated with an identifiable individual has also been considered by the Commissioner in the context of information relating to an individual's professional, employment or official government capacity in both public and private sector settings. The Commissioner's orders have established that, as a general rule, a record containing information generated by or otherwise associated with an individual in the normal course of performing his or her professional or employment responsibilities, whether in a public or a private sector setting, is not the individual's personal information simply because his or her name appears on the document.

At pages 18-19 of that decision, I concluded my discussion with regard to the distinction between professional and personal information as follows:

I find that the information associated with the names of the affected persons which is contained in the records at issue relates to them only in their capacities as officials with the organizations which employ them. Their involvement in the issues addressed in the correspondence with the Ministry is not personal to them but, rather, relates to their employment or association with the organizations whose interests they are representing. This information is not personal in nature but may be more appropriately described as being related to the employment or professional responsibilities of each of the individuals who are identified therein. Essentially, the information is not **about** these individuals and, therefore, does not qualify as their "personal information" within the meaning of the opening words of the definition.

In order for an organization, public or private, to give voice to its views on a subject of interest to it, individuals must be given responsibility for speaking on its behalf. I find that the views which these individuals express take place in the context of their employment responsibilities and are not, accordingly, their personal opinions within the definition of personal information contained in section 2(1)(e) of the *Act*. Nor is the information "about" the individual, for the reasons described above. In my view, the individuals expressing the position of an organization, in the context of a public or private organization, act simply as a conduit between the intended recipient of the communication and the organization which they represent. The voice is that of the organization, expressed through its spokesperson, rather than that of the individual delivering the message.

In my view, the information relating to counsel for the respondent to the complaint which is contained in Record 1(A) in Appeal Number PA-000156-1 does not qualify as “personal information” under the definition of that term in section 2(1). In the circumstances, counsel to the respondent is acting as the voice of the respondent and is not expressing his own views, but rather, those of his client, a corporation. I will address the application of section 14(1)(e) to this information below.

As the records also relate to the occurrence involving the appellant which gave rise to his complaint before the OHRC, and he is identified by name in each record, I find that they also contain his personal information under the definition of that term in section 2(1)(h)).

## **INVASION OF PRIVACY**

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 appellant and other individuals and the institution determines that the disclosure of the information would constitute an unjustified invasion of another individual's personal privacy, the institution has the discretion to deny the requester access to that information.

Sections 21(2) and (3) of the *Act* provide guidance in determining whether disclosure of personal information would result in an unjustified invasion of the personal privacy of the individual to whom the information relates. Section 21(2) provides some criteria for the head to consider in making this determination. Section 21(3) lists the types of information whose disclosure is presumed to constitute an unjustified invasion of personal privacy. Section 21(4) refers to certain types of information whose disclosure does not constitute an unjustified invasion of personal privacy.

The Divisional Court has stated that once a presumption against disclosure has been established, it cannot be rebutted by either one or a combination of the factors set out in section 21(2) [*John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767].

A section 21(3) presumption can be overcome if the personal information at issue falls under section 21(4) of the *Act* or if a finding is made under section 23 of the *Act* that a compelling public interest exists in the disclosure of the record in which the personal information is contained which clearly outweighs the purpose of the section 23 exemption.

The OHRC claims that the presumptions in section 21(3)(b) and (h) apply to the personal information in the records. These sections state:

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,



- (b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.
- (h) indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations.

### **Section 21(3)(b)**

The OHRC states that Records 1, 1(A), 3, 4 and 5 in Appeal Number PA-000156-1 and Records 1, 1(A), 2, 3 and 4 in Appeal Number PA-000157-1 were compiled and are identifiable as part of a law enforcement investigation conducted by it to determine whether a violation of the *Ontario Human Rights Code* (the *Code*) had occurred. As a result, the disclosure of this information would constitute a presumed unjustified invasion of the personal privacy of the individuals named therein.

The records clearly indicate that the OHRC investigated the complaint raised by the appellant for the purpose of determining whether a violation of the *Code* had been committed. In previous decisions of this office, it has been held that investigations undertaken by the OHRC pursuant to the provisions of the *Code* are "law enforcement" investigations for the purposes of section 21(3)(b) of the *Act* (Orders P-1167, P-449, P-507 and P-510). On this basis, I am satisfied that the disclosure of the personal information contained in each of the records would constitute a presumed unjustified invasion of personal privacy as this information was compiled and is identifiable as part of a law enforcement investigation. I further find that neither section 21(4) nor section 23 of the *Act* have any application in the circumstances of this appeal.

In addition, I accept the OHRC's submissions with respect to the manner in which it exercised its discretion under section 49(b) in favour of the non-disclosure of the personal information of individuals other than the appellant. Accordingly, I find that all of the personal information contained in the records is exempt from disclosure under section 49(b).

### **DISCRETION TO REFUSE REQUESTER'S OWN INFORMATION/ENDANGER LIFE OR SAFETY**

As I indicated above, 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.

The OHRC relies on section 49(a) to deny access to a portion of Record 1(A) in Appeal Number PA-000156-1. Under section 49(a), an institution has the discretion to deny access to an individual's own personal information in instances where the exemptions in sections 12, 13, **14**, 15, 16, 17, 18, 19, 20 or 22 would apply to the disclosure of that personal information [my emphasis].

The remaining information from Record 1(A) in Appeal Number PA-000156-1 consists of the name, business address, telephone and FAX number of counsel for one of the respondents to the appellant's OHRC complaint. As noted above, the identical information was addressed in Orders PO-1787 and PO-

1812 in May and August 2000. In Order PO-1787, former Adjudicator Big Canoe addressed the application of the exemption in section 14(1)(e) to this information as follows:

Section 14(1)(e) of the *Act* requires that the expectation of one of the enumerated harms coming to pass, should a record be disclosed, not be fanciful, imaginary or contrived, but rather one that is based on reason. An institution relying on the section 14 exemption bears the onus of providing sufficient evidence to substantiate the reasonableness of the expected harm by virtue of section 53 of the *Act*. (Order P-188)

The words “could reasonably be expected to” appear in the preamble of section 14(1), as well as in several other exemptions under the *Act* dealing with a wide variety of anticipated “harms”. In the case of most of these exemptions, in order to establish that the particular harm in question “could reasonably be expected” to result from disclosure of a record, the party with the burden of proof must provide “detailed and convincing” evidence to establish a “reasonable expectation of probable harm” [see Order P-373, two court decisions on judicial review of that order in *Ontario (Workers’ Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)* (1998), 41 O.R. (3d) 464 at 476 (C.A.), reversing (1995), 23 O.R. (3d) 31 at 40 (Div. Ct.), and *Ontario (Minister of Labour) v. Big Canoe*, [1999] O.J. No. 4560 (C.A.), affirming (June 2, 1998), Toronto Doc. 28/98 (Div. Ct.)].

In *Ontario (Minister of Labour)*, the Court of Appeal for Ontario drew a distinction between the requirements for establishing “health or safety” harms under sections 14(1)(e) and 20, and harms under other exemptions. The court stated (at p. 6):

The expectation of harm must be reasonable, but it need not be probable. Section 14(1)(e) requires a determination of whether there is a reasonable basis for concluding that disclosure could be expected to endanger the life or physical safety of a person. In other words, the party resisting disclosure must demonstrate that the reasons for resisting disclosure is not a frivolous or exaggerated expectation of endangerment to safety . . . Where there is a reasonable basis for believing that a person’s safety will be endangered by disclosing a record, the holder of that record properly invokes [section 14(1)(e)] to refuse disclosure.

In my view, despite this distinction, the party with the burden of proof under section 14(1)(e) still must provide “detailed and convincing evidence” of a reasonable expectation of harm to discharge its burden. This evidence must demonstrate that there is a reasonable basis for believing that endangerment will result from disclosure or, in other words, that the reasons for resisting disclosure are not frivolous or exaggerated. (Order PO-1747)

As indicated above, the lawyer submits that disclosure of the information at issue would enable the appellant to contact him. The OHRC and the lawyer submit that the records show that the appellant has in the past exhibited violent behaviour against those whom he perceives have not treated him fairly. Both the OHRC and the lawyer believe that the

appellant views the lawyer as “the prime culprit” in the matter. The lawyer indicates that if the record was disclosed, he would be exposed to physical danger and may have to undertake security measures to protect himself.

In the circumstances, I am find that the OHRC and the lawyer have demonstrated that the reasons for resisting disclosure is not a frivolous or exaggerated expectation of endangerment to safety. I am satisfied that there is a reasonable basis for believing that disclosure could be expected to endanger the lawyer’s personal safety, and I find that section 14(1)(e) applies.

In Order PO-1812, I again addressed the application of the section 14(1)(e) exemption to the same information relating to the counsel for the respondent. I held that:

In my discussion of “personal information” above, I noted that the information contained in the record at issue in this appeal was similar in character to that which was the subject of the record in Order PO-1787. The disclosure of the record at issue in this appeal would serve to identify the affected person, as was the case in the earlier decision.

The appellant has made extensive representations in support of his claim that he does not pose a threat to anyone. He has provided me with several medical reports and has disclosed his age to further his argument that he is not capable of harming anyone and would not do so regardless.

I have reviewed the evidence tendered by the OHRC and the affected person in Appeal Number PA-990255-1 in support of their contention that the record at issue in that appeal is exempt from disclosure under section 14(1)(e). I adopt the findings of Adjudicator Big Canoe in Order PO-1787 with respect to the reasonableness of the OHRC and the affected person’s concern for his/her safety. I am not persuaded by the evidence tendered by the appellant that I should find differently. Again, I reiterate that Adjudicator Big Canoe, in her decision concerning access to the OHRC’s submissions in Appeal Number PA-990255-1 (which is the record at issue in this appeal), determined that only portions of the OHRC’s representations should be made available to the appellant, due to concerns which she had about the confidentiality of the severed portions. In my view, that decision was reasonable and in keeping with her final decision in Order PO-1787 in which she held that information which would disclose the identity and extent of involvement of the affected person in the OHRC matter was exempt under section 14(1)(e).

I adopt those findings for the purposes of the present appeal and have determined that the record at issue in this appeal also qualifies for exemption under section 14(1)(e). The OHRC has made submissions with respect to its exercise of discretion under section 49(a) in its decision letter and subsequent correspondence filed with this office. I am satisfied that the OHRC exercised its discretion in a proper manner and will not disturb it on appeal. Because the record qualifies for exemption under section 14(1)(e), I find that it is properly exempt under section 49(a).

In my view, the concerns expressed by Adjudicator Big Canoe and my self in Orders PO-1787 and PO-1812 respectively remain at the present time. The appellant's representations and the fact that another appeal respecting the same information is before this office make it very clear that he continues to seek to ascertain the name and address of the respondent's counsel with equal vigour. Based on the appellant's submissions and those of the OHRC and the respondent's counsel, as well as the findings in the earlier decisions, I find that the information contained in Record 1(A) with respect to the identity and whereabouts of counsel for the respondent continues to qualify for exemption under section 14(1)(e). Accordingly, I find that this information is exempt under the discretionary exemption in section 49(a).

**ORDER:**

I uphold the OHRC's decision to deny access to the records.

Original Signed By: \_\_\_\_\_

Donald Hale  
Adjudicator

\_\_\_\_\_  
January 22, 2001