



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

ORDER PO-1889

Appeal PA_990392_2

Alcohol and Gaming Commission



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NATURE OF THE APPEAL:

The Alcohol and Gaming Commission of Ontario (the AGCO), formerly the Ontario Gaming Control Commission (the OGCC), received a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for access to all information created or obtained by the AGCO or the OGCC pertaining to a named charity and a bingo hall for the period January 1993 to August 1999. The requester is an official with the charity responsible for the operation of the bingo hall.

The AGCO responded by providing the requester with a fee estimate. The requester appealed this decision and the Commissioner's office opened Appeal Number PA-990392-1. During the mediation of this appeal, the requester, now the appellant, narrowed the scope of the request to include only those records relating to an investigation undertaken by a named individual which was conducted between October 1997 and 1999. The requester also specified that he was seeking access to "information leading to investigation, investigation findings and subsequent documentation relating to the investigation." Accordingly, the appeal of the AGCO's fee estimate was closed on the basis that the original fee estimate included a large number of records which were outside the scope of the narrowed request.

The AGCO then issued another decision letter respecting access to the records which fall within the ambit of the narrowed request. Access to some of the requested records was granted, in whole or in part, while access to other responsive records was denied, in their entirety. The AGCO applied the following exemptions contained in the *Act* to the records or parts of records which were not disclosed:

- advice or recommendations - section 13(1)
- law enforcement - sections 14(1)(a),(b) and (c) and 14(2)(a)
- third party information - section 17(1)(b)
- invasion of privacy - section 21(1)

The requester, now the appellant, appealed the AGCO's decision to deny him access to the requested information and the current appeal file was opened. During the mediation stage of the appeal, the parties agreed that those records already in the appellant's possession (Records 22, 23, 27-33, 46-50 and 97-100) were no longer at issue.

I decided to seek the representations of the AGCO, initially. The AGCO provided submissions, portions of which were shared with the appellant, along with a Notice of Inquiry. Parts of the AGCO's representations were not shared with the appellant for reasons of confidentiality. The appellant declined the opportunity to make representations in response to the Notice which I provided to him.

The AGCO has not made any representations with respect to the application of section 13(1) to the records. As this is a discretionary exemption and it is not apparent to me on their face that the records contain information which qualifies under section 13(1), I will not address the possible application of this exemption to the records in this order.

The AGCO also indicates that it is now prepared to disclose additional records and parts of records to the appellant. Specifically, it has agreed to disclose Records 12, 37, 38, 41, 42, 43, 44,

45, 70(a) and 96(a) in their entirety and to grant partial access to Records 5, 6, 13, 14, 17, 20, 21 and 51 to 96. In addition, it also decided to amend its fee estimate and provided the appellant with a more detailed breakdown of the calculation used in reaching the fee estimate quoted. The determination of issues relating to the fee estimate are to be resolved in another appeal involving these parties.

The records at issue in this appeal consist of 82 pages of documents, in whole or in part, as described in an Index provided by the AGCO to the appellant on May 12, 2000. The records include various correspondence, AGCO forms, memoranda, investigation reports, notes and statements.

DISCUSSION:

PERSONAL INFORMATION

The AGCO submits that the undisclosed portions of Records 14, 17, 19, 24, 34, 35 and 51 to 96 are exempt from disclosure under the mandatory exemption in section 21(1) of the *Act*. This exemption prohibits the disclosure of information which qualifies as “personal information”, subject to certain exceptions. Section 2(1) of the *Act* defines the term “personal information”, in part, as recorded information about an identifiable individual, including,

- ...
- (d) the address, telephone number, fingerprints or blood type of the individual;
- (e) the personal opinions or views of the individual except where they relate to another individual;
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence
- (g) the views or opinions of another individual about the individual; and
- (h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

I have reviewed the contents of the records, and parts of records remaining at issue in this appeal and make the following findings:

1. Records 4, 15 and 26 contain the personal information of the appellant and other identifiable individuals, including their address, telephone number and place of employment.
2. The undisclosed portions of Records 19, 24 and many of the documents included in the investigation file as Records 51 to 96 contain correspondence sent to the AGCO by private individuals which is implicitly of a confidential nature. As such, I find that these records contain the personal information of the individuals referred to therein.

3. The undisclosed portions of Records 14, 17, 34, 35 and 51 to 96, as well as Records 36 and 40 in their entirety, contain the personal information of other identifiable individuals who were associated in some capacity with charity bingo operations, including their home address and telephone number of these individuals.
4. The undisclosed portions of Records 1, 2, 3, 5, 6, 7, 8, 13, 20 and 21 and Record 25 do not contain the personal information of any identifiable individuals as that term is defined in section 2(1).

DISCRETION TO REFUSE REQUESTER'S OWN PERSONAL INFORMATION - SECTION 49(A)

Under section 49(a) of the *Act*, the AGCO has the discretion to deny access to an individual's own personal information in instances where certain exemptions would otherwise apply to that information. Section 49(a) reads:

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)

Because Records 4, 15 and 26 contain the personal information of the appellant, I will consider the application of section 14(2)(a) to these records as a preliminary step in determining whether they qualify for exemption under section 49(a) of the *Act*.

LAW ENFORCEMENT REPORT

The AGCO has claimed the application of section 14(2)(a) to the undisclosed portions of Records 1, 2, 3, 5, 6, 17 and 51-96 and to Records 4, 15, 25, 26, 36 and 40 in their entirety.

Section 14(2)(a) reads:

A head may refuse to disclose a record,

that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of enforcing and regulating compliance with a law;

In order for a record to qualify for exemption under section 14(2)(a) of the *Act*, the AGCO must satisfy each part of the following three part test:

1. the record must be a report; and
2. the report must have been prepared in the course of law enforcement, inspections or investigations; and

3. the report must have been prepared by an agency which has the function of enforcing and regulating compliance with a law [see Order 200 and Order P_324].

The word “report” is not defined in the *Act*. However, previous orders have found that in order to qualify as a report, a record must consist of a formal statement or account of the results of the collation and consideration of information. Generally speaking, results would not include mere observations or recordings of fact (Order 200).

In order for a record to qualify for exemption under this section, the matter to which the record relates must first satisfy the definition of the term "law enforcement" found in section 2(1) of the *Act*. This section states:

"law enforcement" means,

- (a) policing,
- (b) investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings, and
- (c) the conduct of proceedings referred to in clause (b);

Undisclosed Portions of Records 1, 2 and 3

Records 1, 2 and 3 are correspondence from an accounting firm who had been engaged by the City of Brantford to review the bingo operations of three charitable organizations and to report on any issues of non-compliance with the terms and conditions of such organizations as set out by the AGCO's predecessor, the OGCC, and the Ministry of Consumer and Commercial Relations (as it was then called).

I agree with the submission of the AGCO that Records 1, 2 and 3 clearly qualify as “reports” as that term has been defined by previous orders of the Commissioner's office. Each of these documents consist of a formal statement of the results of the collation and consideration of information obtained in the course of the accounting firm's investigation into the activities of the charities. These records include the firm's conclusions and findings and, as such, qualify as “reports” within the meaning of section 14(2)(a).

The AGCO submits that these records were prepared in the course of an investigation that could have lead to proceedings under the *Criminal Code* or the *CGA*, had they revealed any wrongdoing on the part of the charities or the individuals involved in them.

In its representations, the AGCO also submits that the City of Brantford issued certain gaming licenses to the charities referred to in these records pursuant to the provisions of the *Gaming Control Act* (the *GCA*), 1992 and Order-in-Council 2688/93. It argues that the authority which

issues the license, in this case the City of Brantford, is responsible for monitoring the conduct and management of the lotteries carried out pursuant to the issued license. In the case of Records 1, 2, and 3, the City retained the services of the accounting firm in its capacity as the licensing authority in order to determine whether the licensed lotteries conducted by the charities was in complete compliance with the requirements of the Order-in-Council and the *GCA*.

Based on the submissions of the AGCO, I am satisfied that the records were prepared in the course of a law enforcement investigation and that the City of Brantford, in its capacity as the issuer of the lottery licenses in question to the charities involved, was acting as an agency which has the function of enforcing and regulating a law, in this case, the *GCA*.

I find, accordingly, that the undisclosed portions of Records 1, 2 and 3 are properly exempt under section 14(2)(a).

Undisclosed Portions of Records 5, 6, 17 and 51-96

The AGCO has not made any specific submissions with respect to the application of section 14(2)(a) to these records. I must, therefore, rely on the information contained in the records themselves in order to determine whether they are properly exempt under this section.

Record 5 consists of a memorandum to file dated January 25, 1996 regarding the charity which was the subject of the later investigation by the AGCO. I find that this record does not qualify as a "report" within the meaning of the definition of that term in Order 200. Record 5 contains factual information relating to the tax status of the organization named therein but does not appear on its face to relate to a law enforcement investigation. I am not able to determine who prepared this record or the purpose for its creation. Accordingly, I find that Record 5 does not qualify for exemption under section 14(2)(a).

Record 6 is an e-mail from a manager within the AGCO's predecessor organization to legal counsel dated February 22, 1996. Again, I find that this record does not qualify as a "report" under section 14(2)(a) as it does not represent a formal account or statement of the results of the collation of information gathered during the course of a law enforcement investigation. Rather, it contains certain factual information and conveys certain concerns on the part of the manager only. As such, I find that Record 6 does not qualify for exemption under section 14(2)(a).

Record 17 is a demand form completed by the OGCC's investigator pursuant to section 33 of the *GCA* requiring the production of certain records by the Treasurer of a named charity. Again, this record clearly does not qualify for exemption under section 14(2)(a).

Records 51 to 96 represent notes, witness statements and various other documents compiled by the OGCC's investigator in the course of his inquiries with respect to the charities in question. These records also contain factual information and do not represent a formal account or statement of the results of the collation of that information. Again, these records cannot qualify for exemption under this section.

Records 4, 15, 25, 26, 36 and 40

Record 4 is a thirteen-page investigation report prepared by an Investigator with the OGCC to the Director of Investigations dated January 5, 1996. The investigation was prompted by a request by a charity bingo operator for registration as a vendor of "break open tickets". The last page of the document was prepared by another OGCC investigator and raises concerns about certain transactions in which the registrant had recently been involved that were unrelated to the application for registration as a vendor of "break open tickets".

The AGCO takes the position that since this investigation predated the investigation which was the subject of the request, it is not responsive to the appellant's request. I find, however, that the report, particularly the last page which is appended thereto, addresses directly the issues which were the subject of the later investigation referred to in the appellant's request. Accordingly, I find that Record 4 is also responsive to the request.

I find that Record 4 is a formal account of the results of the investigation undertaken into the application by the charity in question. It clearly qualifies as a "report" within the meaning of section 14(2)(a). In Order P-1181, former Adjudicator Mumtaz Jiwan found that investigations conducted under the *GCA* are properly characterized as relating to "law enforcement" as they lead or could potentially lead to proceedings in a court or tribunal, in this case the former Commercial Registration Appeal Board, where a penalty or sanction could be imposed. I further find that the OGCC was, at the time the record was prepared, an agency which has the function of enforcing and regulating compliance with a law, the *GCA*. Accordingly, I find that Record 4 qualifies for exemption under section 14(2)(a). Since Record 4 also contains the personal information of the appellant, I find that it is exempt from disclosure under section 49(a).

Record 15 is a memorandum prepared by an OGCC investigator for the Registrar of the Commission which is dated May 12, 1997. In it, the investigator describes a series of events and states certain conclusions with respect to the course of action to be undertaken during the course of his investigation. I find that Record 15 meets the criteria for a "report" as that term has been defined in Order 200 and subsequent orders and that the report was prepared in the course of a law enforcement investigation by the OGCC. I have also found above in my discussion of Record 4 that the OGCC is an agency which has the function of enforcing and regulating compliance with a law, the *GCA*. Accordingly, I find that Record 15 also qualifies for exemption under section 14(2)(a) and that it is exempt from disclosure under section 49(a).

Record 25 is a memorandum dated October 30, 1997 from the OGCC investigator to the Director of Investigations requesting the assistance of the Examination and Forensic Accounting section of the Commission. I find that Record 25 does not represent a formal statement or account of the results of the collation of information and, as such, it does not qualify for exemption under section 14(2)(a).

Records 26, 36 and 40 are memoranda dated November 17, 1997, February 6, 1998 and August 27, 1998 respectively. I find that each of these documents contain a formal statement of the results of the collection and collation of information relating to the subject matter of the investigation in question. In my view, each of these records qualifies as a report for the purposes of section 14(2)(a) and that they are law enforcement reports as that term is defined in section 2(1). The reports were also prepared by investigators with the OGCC, which I found above to be an agency with the function of enforcing and regulating compliance with a law, the

GCA. Accordingly, each of these records qualifies for exemption under section 14(2)(a). As Record 26 also contains the personal information of the appellant, it is properly exempt under section 49(a).

Section 14(4) of the *Act* provides a mandatory exception to the exemption in section 14(2)(a). This section states:

Despite clause 2(a), a head shall disclose a record that is a report prepared in the course of routine inspections by an agency where that agency is authorized to enforce and regulate compliance with a particular statute of Ontario.

Based on my review of the records which I have found to be exempt under section 14(2)(a), whether created at the request of the City of Brantford or the OGCC, these reports were not prepared in the course of “routine inspections”. Rather, it is clear from the reports themselves that the investigations which gave rise to their creation were instigated by the City and the OGCC and did not occur in the course of their routine regulation of the affairs of the charities and bingo hall. I am, accordingly, satisfied that these records are not subject to the exception in section 14(4).

LAW ENFORCEMENT

The AGCO submits that Record 25, which I found above did not qualify for exemption under section 14(2)(a), is properly exempt under section 14(1)(c). This section reads:

A head may refuse to disclose a record where the disclosure could reasonably be expected to,

3. reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;

In Order PO-1747, Senior Adjudicator David Goodis stated the following with respect to the words “could reasonably be expected to” in the law enforcement exemption:

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.)].

As noted above, Record 25 is a memorandum dated October 30, 1997 from the OGCC investigator to the Director of Investigations requesting the assistance of the Examination and Forensic Accounting section of the Commission. The AGCO has not made any representations with respect to the application of section 14(1)(c) to Record 25.

Based on my review of Record 25, I find that its disclosure could not reasonably be expected to reveal investigative techniques or procedures. The fact that investigators often rely on the assistance of forensic accountants is well-known, particularly in situations where financial records require careful examination. In my view, the exemption in section 14(1)(c) has no application to Record 25, particularly in the absence of any representations from the AGCO on this point. I find that I have not been provided with the kind of “detailed and convincing” evidence required to uphold this exemption claim.

THIRD PARTY INFORMATION

The AGCO has applied the mandatory exemption in section 17(1) of the *Act* to the undisclosed portions of Records 1, 2, 3, 7 and 8 and to Record 36, in its entirety. Because I have found that the undisclosed portions of Records 1, 2 and 3 and Record 36 are exempt under section 14(2)(a), I will only address the application of this exemption to the undisclosed portions of Records 7 and 8, which are identical.

The AGCO submits that because Records 7 and 8 pre-date the commencement of the investigation which is the subject of this request, these records are not responsive to the appellant’s request. I disagree. I find that the subject matter of Records 7 and 8 is directly related to the issues addressed in the investigation and that the appellant did not narrow the scope of his request to exclude such information. I will, accordingly, address the application of the section 17(1) exemption to the information contained in these records.

For a record to qualify for exemption under sections 17(1)(a), (b) or (c), the institution and/or the affected party 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 one of the harms specified in (a), (b) or (c) of subsection 17(1) will occur.

[Orders 36, P-373, M-29 and M-37]

The Court of Appeal for Ontario, in upholding Assistant Commissioner Tom Mitchinson’s Order P-373 stated:

With respect to Part 1 of the test for exemption, the Commissioner adopted a meaning of the terms which is consistent with his previous orders, previous court decisions and dictionary meaning. His interpretation cannot be said to be unreasonable. With respect to Part 2, the records themselves do not reveal any information supplied by the employers on the various forms provided to the WCB. The records had been generated by the WCB based on data supplied by the employers. The Commissioner acted reasonably and in accordance with the language of the statute in determining that disclosure of the records would not reveal information supplied in confidence to the WCB by the employers. Lastly, as to Part 3, the use of the words “**detailed and convincing**” do not modify the interpretation of the exemption or change the standard of proof. These words simply describe the quality and cogency of the evidence required to satisfy the onus of establishing reasonable expectation of harm. Similar expressions have been used by the Supreme Court of Canada to describe the quality of evidence required to satisfy the burden of proof in civil cases. If the evidence lacks detail and is unconvincing, it fails to satisfy the onus and the information would have to be disclosed. It was the Commissioner’s function to weigh the material. Again it cannot be said that the Commissioner acted unreasonably. Nor was it unreasonable for him to conclude that the submissions amounted, at most, to speculation of possible harm. [emphasis added]

[Ontario (Workers’ Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner) (1998), 41 O.R. (3d) 464 at 476 (C.A.)]

Part 1: Type of Information

The AGCO does not specifically address the application of the section 17(1) exemption to the information contained in the undisclosed portions of Records 7 and 8 as it took the position that these records fall outside the scope of the appellant’s narrowed request. As section 17(1) is a mandatory exemption, I am obliged to determine whether this information qualifies regardless. In my view, the information is properly characterized as “financial information” as that term has been defined in many previous orders.

The term refers to information relating to money and its use or distribution and must contain or refer to specific data. Examples include cost accounting method, pricing practices, profit and loss data, overhead and operating costs.

[Orders P-47, P-87, P-113, P-228, P-295 and P-394]

Records 7 and 8 refer to specific expenditures by charities which are described as “affiliates” of the charity associated with the appellant. Accordingly, I find that the first part of the section 17(1) test has been satisfied.

Part II: Supplied in Confidence

Again, the AGCO’s submissions do not specifically address this issue with respect to the undisclosed information in Records 7 and 8. The records themselves, however, indicate that the information referred to came to the OGCC’s attention as a result of the audits which they

conducted of the record-holdings of the charities under investigation, which are “affiliated” with the charity represented by the appellant.

I find that the information which was not disclosed in Records 7 and 8 was obtained by the OGCC from the affiliated charities during the audit process. In Order P-952, former Adjudicator Anita Fineberg found that records which had been provided to the Ministry of Consumer and Commercial Relations pursuant to the provisions of a search warrant could not be said to have been “supplied” to it. In addition, she also held that records which were obtained by the Ministry through inspections required by a statute, in that case the *Collection Agencies Act*, were also not “supplied” to the Ministry for the purposes of section 17(1).

In the present circumstances, the information which is reflected in Records 7 and 8 was obtained by the AGCO as a result of the audit of the charities which it conducted pursuant to its investigation mandate set out in the *GCA*. I find that information discerned by the AGCO in the course of its inspection of the financial records of the charities under investigation cannot be said to have been “supplied” to the AGCO for the purposes of section 17(1). Instead, this information came to the attention of the AGCO only as a result of its initiation of an audit of the charities’ records.

Accordingly, I find that the second part of the test for exemption under section 17(1) has not been satisfied. I note that the AGCO has also failed to provide me with any information as to the harms which may result from the disclosure of this information. It is not apparent from the records themselves that disclosure of the records will give rise to a reasonable expectation that one of the harms specified in (a), (b) or (c) of section 17(1) will occur. I find, therefore, that section 17(1) has no application to the undisclosed portions of Records 7 and 8. As no other exemptions have been claimed for this information, I will order that they be disclosed to the appellant.

INVASION OF PRIVACY

The AGCO submits that the undisclosed portions of Records 14, 17, 19, 24, 34, 35 and 51 to 96 are exempt from disclosure under the mandatory exemption in section 21(1) of the *Act*. I have found above in my discussion of “personal information” that Records 14, 17, 19, 24, 34, 35 and 51 to 96 contain the personal information of identifiable individuals other than the appellant.

Where a requester seeks personal information of another individual, section 21(1) of the *Act* prohibits an institution from releasing this information unless one of the exceptions in paragraphs (a) through (f) of section 21(1) applies. In the present appeal, I find that the only exception which has any application is section 21(1)(f), which reads:

A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

- (f) if the disclosure does not constitute an unjustified invasion of personal privacy.

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 institution to consider in making this determination. Section 21(3) lists the types of information the disclosure of which is presumed to constitute an unjustified invasion of personal privacy. Section 21(4) refers to certain types of information the disclosure of which 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 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 21 exemption.

[See Order PO-1764]

If none of the presumptions in section 21(3) applies, the institution must consider the application of the factors listed in section 21(2), as well as all other considerations that are relevant in the circumstances of the case.

The AGCO submits that the personal information which has not been disclosed in Records 14, 17, 19, 24, 34, 35 and 51 to 96 was compiled as part of an investigation into a possible violation of law and thereby falls within the presumption in section 21(3)(b) which reads:

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;

The appellant has not provided me with any submissions with respect to the application of the presumption in section 21(3)(b) to these records or any of the considerations listed in section 21(2) which may favour the disclosure of personal information.

I find that the undisclosed information contained in Records 14, 17, 19, 24, 34, 35 and 51 to 96 was compiled and is identifiable as part of the OGCC's investigation into a possible violation of law, either the *GCA* or the *Criminal Code* and as such, the presumption in section 21(3)(b) applies. I also find that none of the information contained in these records falls within the exceptions listed in section 14(4) of the *Act* and that the appellant has not raised the possible application of section 23.

I find, therefore, that Records 14, 17, 19, 24, 34, 35 and 51 to 96 qualify for exemption under section 21(1).

ORDER:

1. I order the AGCO to disclose Records 5, 6, 7, 8, 13, 20 and 21 to the appellant by providing him with copies by no later than **May 02, 2001** but not before **April 26, 2001**.
2. I uphold the AGCO's decision to deny access to the remaining records.
3. In order to verify compliance with Provision 1, I reserve the right to require the AGCO to provide me with a copy of the records which it provided to the appellant.

Original Signed By: _____ March 29, 2001
Donald Hale
Adjudicator