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

ORDER PO-1944

Appeal PA-010085-2

Ministry of the Solicitor General

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NATURE OF THE APPEAL:

The Ministry of the Solicitor General (the Ministry) received a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) from a member of the media for:

> dates, destinations and billings for security, for the Ontario Provincial Police [OPP] detail attached to the Premier, for each trip to the United States from Jan 1, 2000 to Jan 22, 2001, inclusive.
>
> Air costs, hotels and associated expenses for the security detail for each trip to the United States should be listed separately and purpose of trip noted.

The Ministry identified a number of responsive records, consisting of expense claims submitted by various OPP officers providing security services for the Premier during the timeframe specified in the request, and denied access to all of these records in their entirety, on the basis of the following exemption claims contained in the *Act*:

- section 14(1)(e) - endanger life or safety of law enforcement officer or other person
- section 14(1)(l) - facilitate commission of unlawful *Act*, and
- section 20 - danger to safety or health of an individual.

The Ministry also advised the requester that the purpose of the various trips was to "provide security".

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

During the mediation stage of this appeal, a number of things occurred:

- The Ministry identified that certain portions of the records dealt with trips or expenses that fell outside the timeframe or the destinations identified in the request. The appellant confirmed that those portions fall outside the scope of his request and are not at issue in this appeal.

- The appellant put forward the position that his request for "billings" included the salary-related costs paid by the Premier's Office to the Ministry for the OPP security services. The Ministry did not accept this position. The Ministry also advised the Mediator, who informed the appellant, that the Premier's Office is not billed for the services of the OPP security detail because OPP Officers are salaried employees paid by the OPP. The appellant did not accept this explanation, and maintained his position that the relevant portions of the OPP Officer's salaries should be included in the total cost of "billings for security". As a result, whether the salary-related costs of OPP officers providing security to the Premier on the various trips falls within the scope of the appellant's request remained an unresolved issue at the completion of mediation.

- The appellant also took the position that by referring to the "purpose of the trip" in his request, he meant whether the trips were taken by the Premier for

> government business or for pleasure. Again, the Ministry disagreed, and maintained that it correctly interpreted the request to mean the purpose of the trips from the perspective of the OPP officers, which was to provide security services. Accordingly, the proper interpretation of this phrase was another unresolved aspect of the scope of the appellant's request at the completion of mediation.

The appeal then proceeded to the Adjudication Stage. I prepared a Notice of Inquiry, which included the two unresolved scope-related issues raised by the appellant in mediation. I sent the Notice initially to the Ministry, and received representations in response. The Ministry also submitted a revised set of records which more clearly identify the responsive portions, as well as two other records: (1) a one-page typewritten summary report listing the various trips taken by the Premier over the time period of the request, broken down by month; year; state travelled to; total amount of expense claims submitted by OPP officers, including both responsive and non-responsive trips; and total amount of expense claims for only the responsive trips (the summary report); and (2) a one-page document containing handwritten notes itemizing the various expense figures used to calculate the figures contained in the summary report (the itemized breakdown). These two other records consist of information contained on the actual expense claims originally identified by the Ministry as responsive to the appellant's request.

I then sent the Notice, along with the non-confidential portions of the Ministry's representations, to the appellant, and received representations from him.

RECORDS:

The records at issue consist of various individual Statement of Expense forms submitted by OPP officers who accompanied the Premier on his trips to the United States for the period from January 1, 2000 to January 22, 2001, as well as the summary report (excluding the portion relating to non-responsive trips) and the itemized breakdown.

PRELIMINARY ISSUES

Delay

In his representations, the appellant submits that I should not consider the Ministry's representations in this appeal because they were filed late. The appellant refers to section 7.09 of this Office's *Code of Procedure*, which reads:

> If any party does not submit representations by the date specified in the Notice of Inquiry, or such other date as may be determined by the IPC in response to a request for a time extension, the inquiry may proceed and an order may be issued in the absence of such representations.

In this appeal, the Ministry asked for and was given a one-week extension for submitting its representations. The Ministry later asked for an additional six-day extension and, after

considering the written reasons provided by the Ministry to support this second request, I decided to grant a further two-day, rather than six-day, extension. I provided the Ministry and the appellant with written notification of this second extension, including my reasons for granting the additional two days. The Ministry's representations were then due on Friday, June 22, 2001, but were not actually received until the next business day, Monday, June 25. The cover letter accompanying these representations is dated Thursday, June 21, and they were forwarded from the Ministry's North Bay office.

The appellant submits that the representations should not be considered by me, both because they were submitted after the extended due date, and because the Ministry provided no reasons for the delay. He asks me to consider this delay in the context of previous delays he experienced in dealing with the Ministry in the context of processing his request.

Section 7.09 of the *Code of Procedure* provides me with discretion to determine whether or not to proceed with an inquiry in the absence of the representations from one of the parties. In exercising discretion, I must consider the specific facts and circumstances of the case and reach a conclusion on that basis. In the present appeal, I considered and approved a request for a one-week time extension by the Ministry (and also a similar one-week extension by the appellant at a later stage of the inquiry process) in order to provide adequate time for the preparation and submission of representations. When presented with the Ministry's second extension request, I approved an additional two days, considerably less time than requested. The Ministry's representations, although dated one day before the due date, were not actually received until one business day after they were due. Because the representations included information and an affidavit considered by the Ministry to be sensitive and confidential, the Ministry sent the representations from North Bay to Toronto by courier, resulting in a slight delay. Considering all of the relevant circumstances, including the fact that the representations were received by this Office on the first business day following the revised due date, that they were sent from outside of Toronto, that they were prepared and dated prior to their due date, as well as the nature of the issues raised in this appeal (i.e. personal health and safety), I have decided that it is appropriate to consider the Ministry's representations in the context of this inquiry. In my view, accepting representations received one business day after the revised due date (clearly a very short period of time by any reasonable measure) would not compromise the integrity of the inquiry process itself, nor would a minimal delay of this nature prejudice the appellant's right to expect that his appeal would receive the prompt attention of this Office.

Ability to raise issues relating to the scope of the request:

The Ministry disputes the appellant's ability to raise issues relating to the scope of the request during mediation. In the Ministry's view, they should be the subject of a new request and should not be considered in this appeal.

In that regard, the Ministry refers to section 24 of the *Act* , which states, in part:

> (1) A person seeking access to a record shall,

> (a) make a request in writing to the institution that the person believes has custody or control of the record;
>
> (b) provide sufficient detail to enable an experienced employee of the institution, upon a reasonable effort, to identify the record; and
>
> …
>
> (2) If the request does not sufficiently describe the record sought, the institution shall inform the applicant of the defect and shall offer assistance in reformulating the request so as to comply with subsection (1).
>
> …

In the Ministry's view, the appellant's request met the requirements of section 24(1), and the scope of the request was clear from the outset. The Ministry submits:

> The request submitted by the appellant, did provide sufficient detail to enable an experienced employee of the Ministry, upon a reasonable effort, to identify and gather all the responsive records. It is the position of the Ministry that there was no defect in the record description or information sought by the appellant.
>
> …
>
> Mediation is a process, which allows the parties to discuss the issues related to the appeal and should not provide a forum for a party to expand the request beyond its clear reasonable original intent.
>
> The Ministry submits it has interpreted this request in a proper and fair manner. To allow any further interpretation, after the fact, by using the Mediation process would allow requesters to seek records not intended by the original request. Should the requester seek access to further information, it should be the subject of an additional request.

I do not accept the Ministry's position. As the Ministry acknowledges, mediation provides a forum for the discussion of issues related to the appeal, which in my view includes any issues regarding the scope of a request. In the present appeal, the appellant raised two scope-related issues during mediation and, despite efforts by the Mediator to resolve these issues to the satisfaction of the parties, both issues remained outstanding at the completion of the Mediation Stage. In my view, mediation is clearly the appropriate forum for clarifying issues regarding the scope of a request, and the Mediator in this appeal correctly included both unresolved aspects of the scope issue in her Report of Mediation.

After the appeal had been transferred to the Adjudication Stage, it was my responsibility to identify what issues should form the subject matter of my inquiry. In issuing my Notice of

Inquiry, I decided to include both of the unresolved scope-related issues identified during mediation because, in my view, there was nothing inappropriate in the appellant having raised them during mediation, they both have a direct bearing on the outcome of the appeal, and they are both valid issues for adjudication in the circumstances.

SCOPE OF THE REQUEST

"Billings"

The appellant takes the position that the word "billings" used in his request was not intended to refer only to amounts actually submitted by the various OPP officers for reimbursement of out-of-pocket travel expenses. Considered in the context of other language used in the request, and in its ordinary meaning and usage, the appellant maintains that the word "billing" means all costs of expenses associated with the Premier's security detail. The appellant points to his use of the term "associated expenses" in the second paragraph of his request, and submits that salary costs would clearly fall within the parameters of this term.

The appellant also submits that his request was, at a minimum, ambiguous, and that the Ministry had an obligation under section 24(2) of the *Act* to seek clarification of its scope before proceeding to identify responsive records.

The Ministry disagrees, and submits:

> It is the position of the Ministry that the appellant, late in Mediation, expanded the request beyond its original meaning and stated that in addition to the listed "billed" expenses, which included, air costs, hotels, and associated expenses, the appellant was now seeking access to the salaries of the security detail as a "billed" expense. The security detail is made up [of] salaried OPP officer(s) and the expense records do not compute salary costs as a "billed" item nor is it inserted or form part of the record.

The Ministry also submits that it was not obliged by section 24(2) of the *Act* to seek clarification from the appellant because the request was sufficiently clear on its face.

Based on the representations submitted by the parties, and the actual wording of the appellant's request, I am satisfied that the Ministry has properly interpreted the scope of the request, and that the decision not to seek clarification under section 24(2) of the *Act* was reasonable in the circumstances.

In situations where a request does not sufficiently describe the records sought, it is incumbent on an institution to inform the requester of the defect and offer assistance in reformulating the request, by identifying the responsive records containing the information the requester is seeking (Order MO-1154). However, in the circumstance of this appeal, I am satisfied that the Ministry adequately understood the request on the basis of the description provided by the appellant, and was not obliged to offer him assistance in reformulating it. The request stated that it covered the

"dates, destinations and billings" for each trip taken within the timeframe identified by the appellant, and went on to specify that "air costs, hotels, and associated expenses" should be included and listed separately. The Ministry identified expense claim forms as responsive records, which I find to be reasonable, since this type of record is normally used for the purpose of accounting for travel expenses, and identifies "dates and destinations" as well as "air costs, hotels and associated expenses". Records reflecting charge-back arrangements for OPP salary costs, if they exist, would be quite different in nature, and not reasonably related to expense claim forms. It is also significant that, as explained by the Ministry, Cabinet Office is not charged for security services provided by the OPP to the Premier, and certainly not in a way that breaks these costs down of a per-trip basis, as requested by the appellant.

I am satisfied that the Ministry properly interpreted the request for "billings".

"Purpose of the trips"

The appellant takes the position that by using the phrase "purpose of the trip" he was seeking information that would confirm whether the trips were taken by the Premier for government business or for pleasure. The appellant states that because his request specifically identified information concerning the "security detail", it was clear that he understood the purpose of the trip from the OPP's perspective, and to restrictively interpret the request in this manner was both unreasonable and incorrect. He submits:

> The [appellant's] interest was not in respect to the OPP security detail generally, but the security detail attached to the Premier. In this context, it should have been obvious that the [appellant] was seeking information relating to the Premier's purpose for taking the trip.

The Ministry disagrees. In a letter provided after the close of mediation, the Ministry submits:

> With regard to the "purpose of the trips", the [appellant], in the first paragraph of the request, seeks access to the dates, destinations and billings for OPP security for each trip taken to the United States from January 1, 2000 to January 22, 2001. The second paragraph is clearly a continuation of the first by requesting the air costs, hotels and associated costs for the security detail for each trip. The Ministry did respond to the [appellant] in a decision letter on this point, by indicating that the OPP purpose for the trips was "security". The Ministry is satisfied that the request speaks specifically to the OPP purpose with respect to the trips.

In the circumstances, I am satisfied that the Ministry's response to the request is reasonable. The wording of the appellant's request focuses on expense information relating to the security detail attached to the Premier. All of the types of information identified by the appellant in his request relate specifically to the security detail, and if the appellant wanted records confirming the "Premier's purpose of the trip", in my view, he should have made this clear in his request. I also note that records relating to the purpose for the various trips, from the Premier's perspective,

should any exist, would in all likelihood be in the custody of a different institution, specifically Cabinet Office, rather than the Ministry of the Solicitor General. The appellant can submit a request of that nature to Cabinet Office should he choose to do so. As I have already determined, there is nothing inappropriate in the appellant having raised this scope-related issue during mediation, and I accept that the Ministry's interpretation of this aspect of his request may indeed have only been evident to him at that point. However, I nonetheless find that the perspective applied by the Ministry in responding to the request and its interpretation that the "purpose of the trip" was to provide security services to the Premier was a reasonable one in the circumstances.

SECTION 14(1)(e): ENDANGERMENT TO LIFE OR PHYSICAL SAFETY

Section 14(1)(e) of the *Act* reads:

> A head may refuse to disclose a record where the disclosure could reasonably be expected to,
>
> > endanger the life or physical safety of a law enforcement officer or any other person;

In Order PO-1747, Senior Adjudicator Goodis reviewed the requirements for a record to qualify for exemption under section 14(1)(e). He stated as follows:

> The words "could reasonably be expected to" appear in the preamble of section 14(1), as well as in several other exemptions under the 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 [between sections 14(1)(e)/20 and other harms-based exemption claims], 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.

In support of its view that the records qualify for exemption under section 14(1)(e) of the *Act*, the Ministry submits:

> The Ministry has applied section 14(1)(e) to all of the responsive records. It is the view of the Ministry that release of the requested information can reasonably be expected to endanger the life or physical safety of other individuals.
>
> ….
>
> The records at issue are the Statements of Expenses forms submitted by each member of the security detail for the premier. These records document all the "billed" expenses incurred on each trip and are itemized and submitted by the individual officer(s). The expenses listed on the responsive records consist of the air costs, hotels as well as associated costs such as meals, gratuities, parking, tolls, service charges and laundry. The records clearly contain sensitive information as they would not only identify the size and composition of the security detail during the trips (which is extremely confidential) but would also allow a person to identify the exact routines employed by the detail.
>
> The requester is seeking access to the records in a specific configuration. This configuration is to list the expenses separately by officer as well as on a per trip basis. The appellant is also seeking access to records, which cover an extended period of time. The Ministry, in responding to the configuration requested by the appellant, would clearly expose the unit to harm.

The Ministry goes on to identify that the disclosure of the records would provide a detailed description of the size of the security detail or the routines followed by it. As well, the Ministry states:

> There are person(s) who, if provided with the opportunity, would pursue their concerns by attempting to aggressively gain access or cause injury to the Premier

> or the security detail or persons in close proximity. The release of any record or information contained in the record, supplemented with information already in the public domain and not known by the Ministry could reasonably endanger the life or physical safety not only of the members of the detail but also put at risk those person(s) who are under its care. This information would allow those persons to undertake a strategy in their efforts to attempt to gain access to the Premier.

The Ministry refers to a recent "trashing" of an MPP's constituency office as an example of individuals or groups who resort to criminal activity to express their anger at government officials.

The Ministry also makes the point that, given the appellant's role as member of the media, disclosure of the records:

> … must be viewed as disclosure to the public generally in a broad manner and will have the effect of escalating those who may elect to engage in activities which include threats or harassment.

The Ministry refers to my order P-1499 in this regard.

As part of its representations the Ministry also includes an affidavit sworn by the officer in charge of the Investigation Support Bureau of the OPP. This affidavit supports the Ministry's position by identifying the harms and risks associated with providing the requested information to the appellant. The officer maintains that disclosing this information, which would identify the number of officers assigned to the security detail and the routines employed, would create a risk to identified individuals. A portion of his affidavit, which was not shared with the appellant for confidentiality reasons, elaborates on these risks and provides examples to support the Ministry's position.

The appellant disputes the position taken by the Ministry. He submits that the Ministry has not adequately explained how and why the alleged harm would result from disclosure of the information contained in the records, thereby failing to discharge its burden of establishing the requirements of any of the exemption claims. The appellant also made submissions, which can be summarized as follows:

- The Ministry has not shown how disclosing the costs for salary, hotel and airfare would reveal the size and composition of the security detail or the exact routines followed by the OPP officers.

- The appellant maintains that he is not requesting the records in a specific configuration, nor that the expenses be listed separately by individual OPP officer. Rather, what he seeks is categories of expenses listed separately for each trip. In the appellant's view, information provided in this format would not permit someone to determine the size or composition of the security detail.

- Even if disclosure of the records would identify the size, composition or "exact routine" of the security detail (which the appellant disputes), he submits that this would not give rise to the reasonable probability of harm claimed by the Ministry. The appellant submits that the size, composition and routine would vary depending on the purpose of the trips, the city visited, the political climate, and the intelligence as to security risks associated with each trip. The appellant refers to Order M-333, where a similar issue was raised with respect to the requests for lunch expense claims provided by an employee of a municipal institution who had been the subject of threats in the past. In that Order, former Adjudicator Anita Fineberg dismissed the institution's concern that disclosing the records would show a "pattern of activity", because the locales of the lunches were sufficiently unpredictable, and did not disclose a pattern.

- The appellant points out that his request deals with past trips, and that disclosure of this historical data would not cause any risks for future trips.

- The appellant also states that the Ministry has provided no evidence to support its claim that the Premier's safety has been threatened on trips to the United States.

- The appellant rejects the relevance of the recent incident where a MPP's constituency office was vandalized; identifying that this was done while the member was not in the office. He also points out that the member's assistant was quoted as saying that nobody was hurt or threatened during the vandalism.

- The appellant also submits that "[W]hile demonstrations against the current government have at times been loud and boisterous, they have largely been conducted with full respect for the law. Any risk to the Premier is remote and speculative."

- In the appellant's view, the current appeal is distinguishable from Order P-1499 on the basis of the cogency of evidence provided to me in this previous case that supported my finding that the requirements of section 14(1)(e) had been established.

Turning first to the question of whether disclosure of the records would reveal the routines followed by the security detail and the Premier while travelling in the United States, I do not accept the Ministry's position on this aspect of the exemption claim. Although the expense claim forms contain specific information concerning out-of-pocket expenses incurred by various OPP officers while on travel status - flights to and from cities/states, hotel charges, toll fees, gratuities, etc. - they do not contain the type of specific information necessary to reveal any routines or travel patterns. For example, no specific hotel or restaurant is identified on any of the records, and in many cases only the state visited and not even the city, is listed on the claim form. The information contained on the summary report and the itemized breakdown is even less specific. Similar to the situation faced by former Adjudicator Fineberg in Order M-333, I find that the information contained on the various records at issue in this appeal would not reveal a pattern of activity on the part of the OPP security detail or the Premier sufficient to bring the records within the scope of section 14(1)(e) of the *Act* .

As far as the size of the security detail is concerned, in my view, different considerations apply depending on the type of record. Because the expense claim forms were submitted individually by different OPP officers, I find that disclosing them would necessarily reveal the number of OPP officers accompanying the Premier on a particular trip. Even if the information provided on the forms is not identical in each case, there is sufficient similarity in content and format to enable accurate inferences to be drawn regarding the size of the security detail on each trip. Because each of these records was submitted individually by a specific OPP officer, I also find that it is not possible to sever them in a way which would avoid revealing the size of the security detail on each trip. As far as the itemized breakdown is concerned, because of the way it is structured, I find that disclosing it would also reveal the number of OPP officers assigned to the security detail for each of the Premier's trips.

Further, based on the evidence and representations provided by the Ministry, including the specific incidents identified in the affidavit submitted by the officer in charge of the OPP's Investigations Support Bureau, I find that disclosing the size of the security detail could reasonably be expected to endanger the life or physical safety of the Premier and the officers assigned to his security detail. The evidence provided by the Ministry is both detailed and convincing. Applying the standard established by the Court of Appeal in *Ontario (Ministry of Labour)*, I find that the reasons for applying the section 14(1)(e) exemption claim to records that would reveal the size of the Premier's security detail, cannot accurately be described as a frivolous or exaggerated expectation of endangerment to safety. On the contrary, the Ministry has persuaded me that there is a reasonable basis for believing that the Premier's safety could be endangered by disclosing records that would reveal the size of his security detail, as well as the safety of the officers themselves. My conclusion in this regard certainly does not imply that the appellant himself would be the source of any such harm. However, as has been established in many past orders, disclosure of records to a particular requester is tantamount to disclosing the information contained in the records to the public generally, and this is the basis for my finding that the section 14(1)(e) exemption applies to the various expense claim forms and the itemized breakdown.

However, I find that different considerations are relevant with respect to the responsive portions of the summary report. This record does not list expenses by individual OPP officer, nor can the size of the security detail supporting the Premier be ascertained through the disclosure of the summarized expense information listed in this record. In my view, substantiating the section 14(1)(e) exemption claim in the circumstances of this appeal is dependent on the existence of information that would establish the size of the Premier's security detail. Because the summary report does not meet this threshold requirement, I find that the risks of harm through disclosure of the responsive portions of this record are not reasonable and, therefore, it does not qualify for exemption under section 14(1)(e) of the *Act*.

SECTION 14(1)(l): FACILITATE THE COMMISSION OF UNLAWFUL ACT
SECTION 20: DANGER TO SAFETY OR HEALTH OF AN INDIVIDUAL

Section 14(1)(l) of the *Act* reads:

> A head may refuse to disclose a record if the disclosure could reasonably be expected to,
>
> > facilitate the commission of an unlawful act or hamper the control of crime.

Section 20 reads:

> A head may refuse to disclose a record where the disclosure could reasonably be expected to seriously threaten the safety or health of an individual.

The Ministry submissions on section 20 are the same as those provided for section 14(1)(e). As far as section 14(1)(l) is concerned, the Ministry takes the position that disclosure of the records would reveal confidential information about the deployment of resources to the Premier's security detail.

Because I have determined that the expense claim forms and the itemized breakdown qualify for exemption under section 14(1)(e) it is not necessary for me to consider them here.

As far as the responsive portions of the summary report are concerned, for the same reasons outlined in my discussion of section 14(1)(e), I find that neither of these other exemption claims applies. With one exception, the summary report identifies the trips by state name only and, as I have already determined, the record contains no information that would reveal the size of the security detail for a particular trip. Accordingly, I find that disclosing the information contained in the responsive portions of the summary report would not reveal routines or patterns of travel by the Premier, nor would disclosing information that does not establish the size of the security detail result in a reasonable expectation of the harms identified in sections 14(1)(l) or 20, applying the standards established by the Court of Appeal in *Ontario (Workers' Compensation Board*) for section 14(1)(l) and *Ontario (Ministry of Labour)* for section 20.

Accordingly, I find that the responsive portions of the summary report do not qualify for any exemptions claimed by the Ministry, and should be disclosed to the appellant.

PUBLIC INTEREST

In his representations, the appellant raises the possible application of the public interest override in section 23 of the *Act*. Section 23 does not apply to records that qualify for exemption under section 14. I have determined that all records not disclosable to the appellant qualify for exemption under section 14(1)(e). Therefore, section 23 has no application in the circumstances of this appeal.

ORDER:

1. I order the Ministry to disclose the responsive portions of the summary report to the appellant by September 27, 2001. I have attached a highlighted version of this record to the copy of this order sent to the Ministry's Freedom of Information and Protection of Privacy Co-ordinator, which identifies the portions that should **not** be disclosed.

2. I uphold the Ministry's decision to deny access to all expense claim forms and to the itemized breakdown.

3. I order the Ministry to provide me with a copy of the record disclosed to the appellant under Provision 1 of this order, only upon my request.

Original signed by: September 6, 2001
Tom Mitchinson
Assistant Commissioner