

Information and Privacy Commissioner,  
Ontario, Canada



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

---

## **ORDER PO-3287**

Appeal PA11-166

University of Ottawa

December 19, 2013

**Summary:** The appellant made a request to the university for records relating to herself at the university while she was a medical resident. The university granted partial access to the records denying information on the basis of the discretionary exemptions in section 49(a), with reference to section 19 (solicitor-client privilege), and 49(b) (personal privacy). The university also claimed that some of the information that it identified was not responsive to the appellant's request. Lastly, the university indicated that it had not conducted a search of certain offices as it did not have custody or control of records in these offices. The adjudicator upholds the university's decision to deny access under sections 49(a) and (b). The adjudicator finds that the information withheld as not responsive does not reasonably relate to the appellant's request. Lastly, the order requires the university to ask the two named doctors to search their records for responsive information relating to the appellant and issue a decision.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, ss. 2(1)(definition of "personal information"); 49(a), 19, 49(b), 21(2)(h), 21(3)(d) and (g)

**Orders and Investigation Reports Considered:** Order PO-3009-F, PO-3216

## **OVERVIEW:**

[1] The appellant made a request to the University of Ottawa (the university) under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for access to:

...all records about me in all offices of the university and with all staff of the university that have records about me. The respondent period is from April 1, 2003 to present.

I expect records to be in the offices of Legal [Counsel], the Dean of the Faculty of Medicine [named doctor], the Dean associate [named doctor], the [D]ivision of Cardiac Surgery, [t]he Chief of Cardiac Surgery [named doctor], the Program Director of Cardiac Surgery [named doctor], the office of well-being program for physicians in training [named individual], Financial Services, Human Resources, the VP-Academic, the President, the VP-Governance office, and other offices.

[2] The university located 1,102 records and issued a decision letter to the appellant that granted her partial access to these records. According to the university's index of records, it denied access to most of the remaining records, in full or in part, under the discretionary exemptions in section 49(a), read in conjunction with section 19 (solicitor-client privilege) of the *Act*. It denied access to other records and parts of records under the discretionary exemptions in section 49(b) (personal privacy), 18.1 (information with respect to closed meetings) and the mandatory exemption in section 21(1). The university also claimed that some records were excluded from the scope of the *Act* under section 65(6) (labour relations and employment records). Lastly, the university withheld some records as they were not responsive to the appellant's request.

[3] The university's decision also indicated where it had searched and that it had not conducted a search of the offices of certain individuals identified in the request as it did not have custody or control of their records.

[4] During mediation, the university issued a revised decision and disclosed a number of additional records. I have removed those records from the scope of the appeal and they are not included in the index of records which is attached to this order.

[5] Also during mediation, the appellant raised the issue of additional responsive records so the reasonableness of the university's search was added as an issue in the appeal. The appellant also took issue with the university's position about the custody and control of certain records. The appellant confirmed that she was appealing the university's denial of access on the basis of the exemptions and exclusions and also the disputed information identified as not responsive or not within the university's custody or control.

[6] I sought representations from the university and the appellant. I received representations from the university only. Representations were shared in accordance with section 7 of the *IPC's Code of Procedure and Practice Direction 7*.

[7] In its representations, the university withdrew its reliance on section 18.1 to withhold specific records and instead now claims these records are exempt under section 49(a), in conjunction with section 19. Furthermore, the university only claimed section 18.1 for Record 565 and has now agreed to disclose it, in its entirety. Lastly, the university withdrew its claim that some of the records were excluded under section 65(6) and instead now claims that these records are exempt under sections 49(a) and 19. The university also stated that Record 1099e, which was also withheld on the basis of the exclusion in section 65(6), would be disclosed in its entirety. These revisions are all reflected in the index of records attached to this order.

[8] In this order, I uphold the university's decision to withhold information as not responsive, as well as its decision to apply the exemptions in sections 49(a) and (b). I further order the university to conduct a search for responsive records in the offices of the two specified doctors and to provide the appellant with a decision on any records that may be located.

## **RECORDS:**

[9] The records at issue are set out in the index of records which is in the attached appendix to this order.

## **ISSUES:**

- A. Are some of the records not responsive to the appellant's request?
- B. Are some of the records "in the custody" or "under the control" of the institution under section 10(1)?
- C. Do the records contain "personal information", and if so, to whom does it relate?
- D. Does the mandatory exemption at section 21(1) or the discretionary exemption at section 49(b) apply to the information at issue?
- E. Does the discretionary exemption at section 49(a) in conjunction with the exemption at section 19 apply to the information at issue?

- F. Was the institution's exercise of discretion under section 49(a) and (b) proper in the circumstances?
- G. Was the institution's search for records reasonable?

## **DISCUSSION:**

### **A. Are some of the records not responsive to the appellant's request?**

[10] The university submits that portions of some of the records are not responsive to the appellant's request.

[11] Institutions should adopt a liberal interpretation of a request, in order to best serve the purpose and spirit of the Act. Generally, ambiguity in the request should be resolved in the requester's favour.<sup>1</sup> To be considered responsive to the request, records must "reasonably relate" to the request.<sup>2</sup>

[12] The university submits that portions of Records 627, 682 – 683, 753, 820, 822 – 824 and 1099) are not responsive to the appellant's request. The university submits that these records contain the following types of information which do not reasonably relate to the appellant's request:

- Employment-related information of other individuals.
- Academic information related to other individuals.
- Other individual's personal information.
- Information relating to a meeting convened by the Dean of the Faculty of Medicine related to academic appointment issues.
- Post-graduate Education Committee meeting minutes that do not relate to the appellant.

[13] Based on my review of the withheld portions of these records, I find that the information identified by the university as not responsive does not reasonably relate to the appellant's request. Accordingly, I uphold the university's decision with respect to this information.

---

<sup>1</sup> Orders P-134 and P-880.

<sup>2</sup> Orders P-880 and PO-2661.

**B. Are some of the records “in the custody” or “under the control” of the institution under section 10(1)?**

[14] The appellant disputes the university’s claim that it does not have custody or control of record holdings in the offices of various individuals. Consequently, it must be determined whether these records are in the custody or under the control of the university under section 10(1) of the *Act*, which states:

Every person has a right of access to a record or a part of a record in the custody or under the control of an institution unless . . .

[15] Under section 10(1), the *Act* applies only to records that are in the custody or under the control of an institution.

[16] A record will be subject to the *Act* if it is in the custody OR under the control of an institution; it need not be both.<sup>3</sup>

[17] A finding that a record is in the custody or under the control of an institution does not necessarily mean that a requester will be provided access to it.<sup>4</sup> A record within an institution’s custody or control may be excluded from the application of the *Act* under one of the provisions in section 65, or may be subject to a mandatory or discretionary exemption (found at sections 12 through 22 and section 49).

[18] The courts and this office have applied a broad and liberal approach to the custody or control question.<sup>5</sup>

**Factors relevant to determining “custody or control”**

[19] Based on the above approach, this office has developed a list of factors to consider in determining whether or not a record is in the custody or control of an institution, as follows.<sup>6</sup> The list is not intended to be exhaustive. Some of the listed factors may not apply in a specific case, while other unlisted factors may apply.

- Was the record created by an officer or employee of the institution?<sup>7</sup>
- What use did the creator intend to make of the record?<sup>8</sup>

---

<sup>3</sup> Order P-239, *Ministry of the Attorney General v. Information and Privacy Commissioner*, 2011 ONSC 172 (Div. Ct.).

<sup>4</sup> Order PO-2836.

<sup>5</sup> *Ontario (Criminal Code Review Board) v. Ontario (Information and Privacy Commissioner)*, [1999] O.J. No. 4072 *Canada Post Corp. v. Canada (Minister of Public Works)* (1995), 30 Admin. L.R. (2d) 242 (Fed. C.A.), and Order MO-1251.

<sup>6</sup> Orders 120, MO-1251, PO-2306 and PO-2683.

<sup>7</sup> Order 120.

<sup>8</sup> Orders 120 and P-239.

- Does the institution have a statutory power or duty to carry out the activity that resulted in the creation of the record?<sup>9</sup>
- Is the activity in question a “core”, “central” or “basic” function of the institution?<sup>10</sup>
- Does the content of the record relate to the institution’s mandate and functions?<sup>11</sup>
- Does the institution have physical possession of the record, either because it has been voluntarily provided by the creator or pursuant to a mandatory statutory or employment requirement?<sup>12</sup>
- If the institution does have possession of the record, is it more than “bare possession”?<sup>13</sup>
- If the institution does not have possession of the record, is it being held by an officer or employee of the institution for the purposes of his or her duties as an officer or employee?<sup>14</sup>
- Does the institution have a right to possession of the record?<sup>15</sup>
- Does the institution have the authority to regulate the record’s content, use and disposal?<sup>16</sup>
- Are there any limits on the use to which the institution may put the record, what are those limits, and why do they apply to the record?<sup>17</sup>
- To what extent has the institution relied upon the record?<sup>18</sup>

---

<sup>9</sup> Order P-912, upheld in *Ontario (Criminal Code Review Board) v. Ontario (Information and Privacy Commissioner)*, above.

<sup>10</sup> Order P-912.

<sup>11</sup> *Ministry of the Attorney General v. Information and Privacy Commissioner*, cited above; *City of Ottawa v. Ontario*, 2010 ONSC 6835 (Div. Ct.), leave to appeal refused (March 30, 2011), Doc. M39605 (C.A.); Orders 120 and P-239.

<sup>12</sup> Orders 120 and P-239.

<sup>13</sup> Order P-239; *Ministry of the Attorney General v. Information and Privacy Commissioner*, cited above.

<sup>14</sup> Orders 120 and P-239.

<sup>15</sup> Orders 120 and P-239.

<sup>16</sup> Orders 120 and P-239.

<sup>17</sup> *Ministry of the Attorney General v. Information and Privacy Commissioner*, cited above.

<sup>18</sup> *Ministry of the Attorney General v. Information and Privacy Commissioner*, cited above; Orders 120 and P-239.

- How closely is the record integrated with other records held by the institution?<sup>19</sup>
- What is the customary practice of the institution and institutions similar to the institution in relation to possession or control of records of this nature, in similar circumstances?<sup>20</sup>

[20] The following factors may apply where an individual or organization other than the institution holds the record:

- If the record is not in the physical possession of the institution, who has possession of the record, and why?<sup>21</sup>
- Is the individual, agency or group who or which has physical possession of the record an "institution" for the purposes of the *Act*?
- Who owns the record?<sup>22</sup>
- Who paid for the creation of the record?<sup>23</sup>
- What are the circumstances surrounding the creation, use and retention of the record?<sup>24</sup>
- Are there any provisions in any contracts between the institution and the individual who created the record in relation to the activity that resulted in the creation of the record, which expressly or by implication give the institution the right to possess or otherwise control the record?<sup>25</sup>
- Was there an understanding or agreement between the institution, the individual who created the record or any other party that the record was not to be disclosed to the Institution?<sup>26</sup> If so, what were the precise undertakings of confidentiality given by the individual who created the record, to whom were they given, when, why and in what form?

---

<sup>19</sup> Orders 120 and P-239.

<sup>20</sup> Order MO-1251.

<sup>21</sup> PO-2683.

<sup>22</sup> Order M-315.

<sup>23</sup> Order M-506.

<sup>24</sup> Order PO-2386.

<sup>25</sup> *Greater Vancouver Mental Health Service Society v. British Columbia (Information and Privacy Commissioner)*, [1999] B.C.J. No. 198 (S.C.).

<sup>26</sup> Orders M-165 and MO-2586.

- Is there any other contract, practice, procedure or circumstance that affects the control, retention or disposal of the record by the institution?
- Was the individual who created the record an agent of the institution for the purposes of the activity in question? If so, what was the scope of that agency, and did it carry with it a right of the institution to possess or otherwise control the records? Did the agent have the authority to bind the institution?<sup>27</sup>
- What is the customary practice of the individual who created the record and others in a similar trade, calling or profession in relation to possession or control of records of this nature, in similar circumstances?<sup>28</sup>
- To what extent, if any, should the fact that the individual or organization that created the record has refused to provide the institution with a copy of the record determine the control issue?<sup>29</sup>

[21] In determining whether records are in the “custody or control” of an institution, the above factors must be considered contextually in light of the purpose of the legislation: *City of Ottawa v. Ontario*, above.

[22] The appellant identified a hospital employee and two doctors who are on faculty with the university, who should have responsive records. The university submits that it does not have custody or control of the records generated by these individuals for the following reasons:

- Medical residents hold a dual status as both trainees at the university and employees of teaching hospitals. The medical resident’s employment contract with the hospital is governed by a collective agreement between teaching hospitals and the union representing medical residents.
- Physicians in teaching hospitals have a dual status in that they are physicians with medical privileges carrying out their clinical duties but they also hold an academic appointment with the university in that they carry out academic duties to supervise and evaluate medical residents.
- The two named professors are both physicians and clinical faculty members with the university.

---

<sup>27</sup> *Walmsley v. Ontario (Attorney General)* (1997), 34 O.R. (3d) 611 (C.A.); *David v Ontario (Information and Privacy Commissioner) et al* (2006), 217 O.A.C. 112 (Div. Ct.).

<sup>28</sup> Order MO-1251.

<sup>29</sup> Order MO-1251.



- Both physicians and other employees of the hospital may generate records about medical residents as part of their employment duties. The named employee in the appellant's request is a hospital employee and not an employee of the university.
- Communications about medical residents exchanged by the professors and hospital employees are often created, received or disseminated in the exercise of their professional and clinical duties and hospital responsibilities and not necessarily in solely the exercise of their academic duties.
- The content of communications would contain information about the clinical duties and clinical setting (for example, personal health information of the hospital's patients or other personal information in connection with the hospital's activities) in which case, this kind of information is unrelated to the university's mandate and not accessible to it by custom or practice.

[23] To summarize, the university submits that it does not have custody of the records because it does not have access to the hospital's paper or electronic records. The university does not have control of the responsive records as the professors, besides being part of the clinical faculty, are also physicians at the hospital.

[24] Recently, in Order PO-3257, I found that the university had control over the record holdings of two doctors who held both clinical positions at a teaching hospital and faculty positions with the university. In finding that the university had control over the records of the two doctors, I cited Orders PO-3216 and PO-3009-F issued by Adjudicator Diane Smith. In Order PO-3009-F, Adjudicator Smith discussed whether the following types of records may be in the custody of university professors and also within the control of the university:

1. records or portions of records in the possession of an APUO [Association of Professors of the University of Ottawa] that relate to the personal matters or activities that are wholly unrelated to the university's mandate, are not in the university's custody or control;
2. records relating to teaching or research are likely to be impacted by academic freedom, and would only be in the university's custody and/or control if they would be accessible to it by custom or practice, taking academic freedom into account;
3. administrative records are prima facie in the university's custody and control, but would not be if they are unavailable to the university by custom or practice, taking academic freedom into account.

[25] In Order PO-3216, Adjudicator Smith stated the following in finding that the university had control over records held by university professors, who were also employees of Algonquin College:

The appellant identifies several university staff by name, including professors in her request. Based on the short time frame of the request and its wording, I find the appellant is primarily seeking records relating to herself concerning an issue that was brought before one of the university's committees. The records that the appellant is seeking do not relate to the named professor's own personal matters, nor are these records related to teaching or research that are likely to be impacted by academic freedom.

It appears to me that the records the appellant is seeking are primarily administrative records, which are *prima facie* in the university's custody and control.

[26] I adopt the approach taken by Adjudicator Smith in those appeals.

[27] In the current appeal, the two doctors identified by the appellant hold faculty positions with the university and are doctors at the hospital. Although many of their records may not be in the university's custody or control, some of their records may relate to academic matters in which the university has an interest.

[28] I find the following factors should be given some weight in my consideration of whether the university exercises control of the physician's records, insofar as they are faculty members of the university:

- The physicians identified by the appellant have a faculty appointment with university and carry out academic duties to supervise and evaluate medical residents enrolled in the postgraduate medical training programs.
- Some of the records relating to the appellant could therefore relate to the appellant's academic performance during her residency.
- The university would have the right to request records relating to the appellant's academic performance during his medical residency and regulate its use and disposal.
- The university could rely on those records in its determination of whether the appellant had successfully completed her postgraduate medical training.

[29] The university submits that it is not its custom or practice to access information relating to the physicians' clinical duties or relating to the clinical setting. I find that the university would not have control over records containing this type of information. However, as clinical faculty members, these physicians are also involved in evaluating the appellant's performance as a resident for the purpose of her postgraduate medical training, I find this factor is indicative of the university's control over this type of information.

[30] Accordingly, I find that the physicians' records relating to the appellant's performance in postgraduate medical training at the hospital are within the university's control. I will order the university to request that these physicians conduct a search for and provide it with any records relating to the appellant's academic performance in the university's postgraduate medical training program.

[31] With respect to the record holdings of the named hospital employee, on the other hand, I find the following factors are relevant:

- The named hospital employee is not also a university employee.
- The circumstances surrounding the employee's creation of the record would relate to the appellant's clinical duties and the clinical setting.
- The university would not have the right to regulate the records content, use and disposal.
- The record is in the possession of the hospital who itself is an institution under the *Act*.

[32] I find that these factors and the circumstances in this appeal indicate that the university does not have control over the records of the hospital employee relating to the appellant. Accordingly, I uphold the university's decision relating to the search for responsive records by this employee of the hospital.

**C. Do the records contain "personal information" within the meaning of section 2(1), and if so, to whom does it relate?**

[33] In order to determine which sections of the *Act* may apply, it is necessary to decide whether the record contains "personal information" and, if so, to whom it relates. That term is defined in section 2(1) as follows:

"personal information" means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if 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;

[34] The list of examples of personal information under section 2(1) is not exhaustive. Therefore, information that does not fall under paragraphs (a) to (h) may still qualify as personal information.<sup>30</sup>

---

<sup>30</sup> Order 11.

[35] Sections 2(3) and (4) also relate to the definition of personal information. These sections state:

(3) Personal information does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity.

(4) For greater certainty, subsection (3) applies even if an individual carries out business, professional or official responsibilities from their dwelling and the contact information for the individual relates to that dwelling.

[36] To qualify as personal information, the information must be about the individual in a personal capacity. As a general rule, information associated with an individual in a professional, official or business capacity will not be considered to be "about" the individual.<sup>31</sup>

[37] Even if information relates to an individual in a professional, official or business capacity, it may still qualify as personal information if the information reveals something of a personal nature about the individual.<sup>32</sup>

[38] To qualify as personal information, it must be reasonable to expect that an individual may be identified if the information is disclosed.<sup>33</sup>

[39] The university submits that the records contain the personal information of the appellant and individuals other than the appellant including patients, other medical residents, and university and hospital staff. Specifically, the records contain medical information relating to patients and information about other medical residents, contact information of other individuals and other information relating to hospital or university employees in their personal capacity.

[40] Based on my review of the records, I find that all of the records contain recorded information of the appellant which qualifies as her personal information for the purposes of section 2(1). In particular, I find the records contain information relating to her education and employment history (paragraph (b) of the definition of "personal information").

---

<sup>31</sup> Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

<sup>32</sup> Orders P-1409, R-980015, PO-2225 and MO-2344.

<sup>33</sup> Order PO-1880, upheld on judicial review in *Ontario (Attorney General) v. Pascoe*, [2002] O.J. No. 4300 (C.A.).

[41] I find that the records also contain information which meets the requirements for personal information relating to other individuals, specifically other residents. Again, I find that some of the records contain information relating to the employment and educational history of these individuals (paragraph (b) of the definition of "personal information") and, as such, qualifies as their personal information for the purposes of section 2(1).

[42] Lastly, I find the records contain information relating to university employees that meets the definition of personal information. I find that disclosure of the following information would reveal something of a personal nature of these individuals:

- Information relating to marital or family status (paragraph (a) of the definition of "personal information");
- Information relating to the employment history (paragraph (b) of the definition of "personal information");
- Telephone number of an individual (paragraph (d) of the definition of "personal information");
- Personal opinions or view of an individual (paragraph (e) of the definition of "personal information")

[43] Accordingly, as all of the records at issue relate to the appellant and contain her personal information and some of the records contain the personal information of the appellant and other individuals, I will consider the application of the discretionary exemptions in sections 49(a) and (b).

**D. Does the discretionary exemption at section 49(b) apply to the records at issue?**

[44] Section 47(1) of the *Act* gives individuals a general right of access to their own personal information held by an institution. Section 49 provides a number of exemptions from this right.

[45] Under section 49(b), where a record contains personal information of both the requester and another individual, and disclosure of the information would be an "unjustified invasion" of the other individual's personal privacy, the institution may refuse to disclose that information to the requester. Since the section 49(b) exemption is discretionary, the institution may also decide to disclose the information to the requester.

[46] The university claims that section 49(b) applies to exempt the withheld personal information of other individuals in Records: 39, 68, 71, 74 – 77, 87, 91, 92, 97, 98, 109, 110, 144, 180, 207, 307, 397 – 399, 425 – 430, 432, 497, 504, 506, 579 - 582, 590, 592, 593, 659, 701, 702, 704, 705, 782, 804 – 808, 811, 824, 837, 838, 938 – 943, 957, 981 – 983, 989 – 993, 1022, 1027, 1033, 1038, 1052, 1053, 1055 – 1057, 1059, 1063, 1064, 1066, 1086, 1098 and 1099. I have also identified in the index other records containing the personal information of individuals other than the appellant.

[47] I note that the university, for some of the above referenced records, claimed section 21(1) only. While the records consist of email chains, I find that all of the emails refer to the appellant. The correct approach is to review the entire record, not only the portions remaining at issue, to determine whether it contains the requester's personal information. This record-by-record analysis is significant because it determines what exemptions that the records as a whole (rather than only certain portions of it) must be reviewed under.<sup>34</sup> Accordingly, I have considered whether section 49(b) applies to these records, in conjunction with section 21(1).

[48] Sections 21(1) to (4) provide guidance in determining whether the unjustified invasion of personal privacy threshold under section 49(b) is met:

- if the information fits within any of paragraphs (a) to (e) of section 21(1), disclosure is not an unjustified invasion of personal privacy and the information is not exempt under section 49(b);
- section 21(2) lists "relevant circumstances" or factors that must be considered;
- section 21(3) lists circumstances in which the disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy; and
- section 21(4) lists circumstances in which the disclosure of personal information does not constitute an unjustified invasion of personal privacy, despite section 21(3).

[49] Neither the university nor the appellant submit that paragraphs (a) to (e) of section 21(1) or the circumstances in section 21(4) apply to the withheld personal information in the records at issue. In the circumstances, I find that these sections are not relevant and only the exception in section 21(1)(f) might apply as it permits the head to disclose personal information if disclosure does not constitute an unjustified invasion of personal privacy.

---

<sup>34</sup> Order M-352.

[50] Neither the university nor the appellant addressed the presumptions in section 21(3) or the factors in section 21(2). The appellant has received the portions of the records which contain only her own personal information. Based on my review of the personal information remaining at issue, I find that it relates solely to other individuals and that the presumptions in sections 21(3)(d) and (g), as well as the factor in section 21(2)(h) is relevant to my determination of whether the disclosure of this information would result in an unjustified invasion of personal privacy. These sections state:

(2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,

(h) the personal information has been supplied by the individual to whom the information relates in confidence; and

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

(d) relates to employment or educational history;

(g) consists of personal recommendations or evaluations, character references or personnel evaluations; or

[51] Some of the personal information withheld relates to the employment and educational history of other medical residents enrolled in the medical program at the university and as such, I find that the presumption in section 21(3)(d) applies to it. Furthermore, the presumption in section 21(3)(g) is also relevant as the records contain personal evaluations of other medical residents. I find that the factor favouring non-disclosure in section 21(2)(h) is also relevant. Some of the information withheld under section 49(b) consists of the personal cell phone or home numbers of university employees. There are also comments made by university employees about personal details of their lives that do not relate to either their employment or the appellant. I find that this information was given in the context of emails between colleagues and the employees had an expectation that this information would be kept confidential. As stated above, the appellant did not provide representations, and I have not been referred to any factors in section 21(2) favouring disclosure. Accordingly, I find that disclosure of the personal information relating to other individuals would constitute an unjustified invasion of their personal privacy and as such section 49(b) applies to exempt them from disclosure, subject to my finding on the university's exercise of discretion.



**E. Does the discretionary exemption at section 49(a), in conjunction with the exemption at section 19, apply to the information at issue?**

[52] As stated above, section 47(1) gives individuals a general right of access to their own personal information held by an institution, while section 49 provides a number of exemptions from this right. Section 49(a) states:

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

where section 12, 13, 14, 14.1, 14.2, 15, 16, 17, 18, **19**, 20 or 22 would apply to the disclosure of that personal information.

[53] Section 49(a) of the *Act* recognizes the special nature of requests for one's own personal information and the desire of the legislature to give institutions the power to grant requesters access to their personal information.<sup>35</sup>

[54] Where access is denied under section 49(a), the institution must demonstrate that, in exercising its discretion, it considered whether a record should be released to the requester because the record contains his or her personal information.

[55] In this case, the university relies on section 49(a) in conjunction with section 19 which states:

A head may refuse to disclose a record,

(a) that is subject to solicitor-client privilege;

(b) that was prepared by or for Crown counsel for use in giving legal advice or in contemplation of or for use in litigation; or

(c) that was prepared by or for counsel employed or retained by an educational institution for use in giving legal advice or in contemplation of or for use in litigation.

[56] Section 19 contains two branches as described below. Branch 1 arises from the common law and section 19(a). Branch 2 is a statutory privilege and arises from section 19(b), or in the case of an educational institution, from section 19(c). The institution must establish that at least one branch applies.

---

<sup>35</sup> Order M-352.

## **Branch 1: common law privilege**

[57] Branch 1 of the section 19 exemption encompasses two heads of privilege, as derived from the common law: (i) solicitor-client communication privilege; and (ii) litigation privilege. In order for branch 1 of section 19 to apply, the institution must establish that one or the other, or both, of these heads of privilege apply to the records at issue.<sup>36</sup>

### ***Solicitor-client communication privilege***

[58] Solicitor-client communication privilege protects direct communications of a confidential nature between a solicitor and client, or their agents or employees, made for the purpose of obtaining or giving professional legal advice.<sup>37</sup>

[59] The rationale for this privilege is to ensure that a client may confide in his or her lawyer on a legal matter without reservation.<sup>38</sup>

[60] The privilege applies to “a continuum of communications” between a solicitor and client:

. . . Where information is passed by the solicitor or client to the other as part of the continuum aimed at keeping both informed so that advice may be sought and given as required, privilege will attach.<sup>39</sup>

[61] The privilege may also apply to the legal advisor’s working papers directly related to seeking, formulating or giving legal advice.<sup>40</sup>

[62] Confidentiality is an essential component of the privilege. Therefore, the institution must demonstrate that the communication was made in confidence, either expressly or by implication.<sup>41</sup>

### ***Litigation privilege***

[63] Litigation privilege protects records created for the dominant purpose of litigation, actual or reasonably contemplated.<sup>42</sup>

---

<sup>36</sup> Order PO-2538-R; *Blank v. Canada (Minister of Justice)* (2006), 270 D.L.R. (4<sup>th</sup>) 257 (S.C.C.) (also reported at [2006] S.C.J. No. 39).

<sup>37</sup> *Descôteaux v. Mierzwinski* (1982), 141 D.L.R. (3d) 590 (S.C.C.).

<sup>38</sup> Orders PO-2441, MO-2166 and MO-1925.

<sup>39</sup> *Balabel v. Air India*, [1988] 2 W.L.R. 1036 at 1046 (Eng. C.A.).

<sup>40</sup> *Susan Hosiery Ltd. v. Minister of National Revenue*, [1969] 2 Ex. C.R. 27.

<sup>41</sup> *General Accident Assurance Co. v. Chrusz* (1999), 45 O.R. (3d) 321 (C.A.).

<sup>42</sup> Order MO-1337-I; *General Accident Assurance Co. v. Chrusz* (1999), 45 O.R. (3d) 321 (C.A.); see also *Blank v. Canada (Minister of Justice)* (cited above).

[64] In *Solicitor-Client Privilege in Canadian Law* by Ronald D. Manes and Michael P. Silver, (Butterworth's: Toronto, 1993), pages 93-94, the authors offer some assistance in applying the dominant purpose test, as follows:

The "dominant purpose" test was enunciated [in *Waugh v. British Railways Board*, [1979] 2 All E.R. 1169] as follows:

A document which was produced or brought into existence either with the dominant purpose of its author, or of the person or authority under whose direction, whether particular or general, it was produced or brought into existence, of using it or its contents in order to obtain legal advice or to conduct or aid in the conduct of litigation, at the time of its production in reasonable prospect, should be privileged and excluded from inspection.

It is crucial to note that the "dominant purpose" can exist in the mind of either the author or the person ordering the document's production, but it does not have to be both.

. . . . .

[For this privilege to apply], there must be more than a vague or general apprehension of litigation.

## **Branch 2: statutory privileges**

[65] Branch 2 is a statutory exemption that is available in the context of Crown counsel for an educational institution giving legal advice or conducting litigation. The statutory exemption and common law privileges, although not necessarily identical, exist for similar reasons.

### ***Statutory solicitor-client communication privilege***

[66] Branch 2 applies to a record that was prepared by or for Crown counsel, or counsel for an educational institution, "for use in giving legal advice."

### ***Statutory litigation privilege***

[67] Branch 2 applies to a record that was prepared by or for Crown counsel, or counsel for an educational institution, "in contemplation of or for use in litigation."

[68] Records that form part of the Crown brief, including copies of materials provided to prosecutors by police, and other materials created by or for counsel, are exempt under the statutory litigation privilege aspect of branch 2.<sup>43</sup> However, “branch 2 of section 19 does not exempt records in the possession of the police, created in the course of an investigation, just because copies later become part of the Crown brief.”<sup>44</sup>

[69] Documents not originally created in contemplation of or for use in litigation, which are copied for the Crown brief as the result of counsel’s skill and knowledge, are exempt under branch 2 statutory litigation privilege.<sup>45</sup>

[70] Termination of litigation does not affect the application of statutory litigation privilege under branch 2.<sup>46</sup>

[71] Branch 2 includes records prepared for use in the mediation or settlement of actual or contemplated litigation.<sup>47</sup>

[72] The university submits that both branch 1 and 2 privileges of section 19 apply to the records for which this exemption has been claimed, as the records contain legal advice sought and received from both university and external counsel. The university submits:

The records mentioned in [referenced paragraph] generally relate to advice being sought from and given by counsel for the university in relation to the appellant’s various stages of her academic appeal of her status in the medical residency program and other litigation involving the appellant.

[73] The university identified its internal and external counsel and submits that the records fall into four categories:

1. Records #21, 24 – 26, 54, 123, 126, 128, 131, 138, 145, 281, 283 – 297, 299, 303, 310, 312 – 317, 319, 326, 329, 331 – 336, 339 – 344, 347 – 356, 358, 360 – 368, 392 – 396, 403 – 407, 508, 510, 514, 523 – 525, 527, 545 – 546, 554 – 555, 557 – 562, 573, 574, 577 – 578, 583 – 585, 588, 603, 605, 610, 614, 616 – 620, 631, 652, 800 – 802, 836, 839, 840, 1098f), 1098g), 1098h) consist of emails and other communications

---

<sup>43</sup> Order PO-2733.

<sup>44</sup> Orders PO-2494, PO-2532-R and PO-2498, upheld on judicial review in *Ontario (Attorney General) v. Ontario (Information and Privacy Commissioner)*, [2009] O.J. No. 952.

<sup>45</sup> *Ontario (Ministry of Correctional Services) v. Goodis* (2008), 290 D.L.R. (4th) 102, [2008] O.J. No. 289; and Order PO-2733.

<sup>46</sup> *Ontario (Attorney General) v. Ontario (Information and Privacy Commission, Inquiry Officer)*, (cited above).

<sup>47</sup> *Liquor Control Board of Ontario v. Magnotta Winery Corporation*, 2010 ONCA 681.

between or among counsel for the university. University employees and physicians who hold an academic appointment granted by the university as explained below in [referenced paragraph] and their administrative staff for the purpose of legal advice being sought from and/or given by counsel.

2. Records #45 – 47, 49 – 52, 55 – 58, 61 – 64, 132 – 134, 136 – 138, 140 – 142, 151, 198 – 199, 201, 222, 229 – 230, 240, 251, 254, 895, 907, 908, 912, 917 – 919 consist of drafts and other related records drafted by counsel for the university.
3. Records #28 – 30, 33 – 34, 36, 169 – 170, 173 – 178, 180, 191, 194, 231 – 233, 235 – 236, 239, 241 – 242, 244 – 250, 257, 1003 – 1004, 1010, 1036, 1039, 1040, 1045, 1051, 1054, 1098c), 1098d), 1098i), 1098j) consist of emails or other communications including drafts prepared by university employees and/or physicians who hold an academic appointment granted by the university and their administrative staff, with regard to which legal advice is sought from counsel for the university.
4. Records #10, 18, 20, 23, 55, 120 – 121, 124 – 125, 127, 129 – 130, 135, 139, 144, 155 – 156, 162, 165 – 166, 172, 184 – 188, 190, 192 – 193, 195, 202 – 205, 208 – 211, 213, 216, 220 – 221, 223 – 228, 234, 237 – 238, 252 – 253, 255 – 256, 259 – 272, 273 – 274, 276 – 279, 282, 298, 300 – 302, 318, 320 – 321, 324, 327, 330, 337 – 338, 345, 357, 359, 369, 378 – 380, 397, 398 – 402, 409 – 410, 412 – 422, 425 – 428, 430 – 434, 436, 440 – 441, 448, 454, 456 – 458, 460 – 469, 470 – 473, 474 – 480, 485 – 492, 494 – 496, 500 – 503, 505, 507, 511 – 513, 517 – 520, 531 – 533, 536 – 537, 539, 542, 547 – 550, 563, 568 - 572, 579 – 582, 590, 592 – 593, 596 – 601, 606, 608 – 609, 615, 629 – 630, 632 – 634, 636 – 651, 653 – 658, 661, 663 – 666, 669 – 674, 676 – 680, 684 – 685, 687 – 689, 691 – 698, 701, 705 – 714, 804 – 808, 811, 814 – 815, 821, 825 – 828, 830 – 834, 837 – 838, 841, 849, 852 – 858, 860 – 864, 868 – 876, 879 – 881, 884 – 892, 897 – 906, 910 – 911, 913 – 916, 921 – 924, 931 – 936, 939 – 944, 946 – 947, 950, 954 – 960, 962, 964 – 967, 970, 972 – 977, 981 – 983, 985 – 986, 989 – 998, 1001 – 1002, 1005 – 1006, 1008 – 1009, 1011 – 1029, 1031 – 1033, 1035, 1037 – 1038, 1041 – 1043, 1046 – 1049, 1053, 1055 – 1057, 1059 – 1060, 1062 – 1080, 1084 – 1086, 1094 – 1097, 1098e), 1098m), 1099b), 1099c), 1099d), 1099f) and 1102 consist of emails or other communications that form part of the “continuum of communications” and that were exchanged for the purpose of keeping counsel of for the university, university employees and physicians who hold an academic appointment granted by the university and their administrative staff informed so that advice may be sought and given as required.

[74] The university further submits that litigation privilege applies to all records where section 19 was claimed as the appellant had retained her own counsel at the early stages prior to and during her academic appeal of her status in the medical residency program. The university states:

Once the appellant retained her own legal counsel and from that point forward, when counsel for the university appears on the records listed in [specified paragraph], the dominant purpose is that litigation was reasonably contemplated. In fact, in [specified date], the appellant filed an application against the university with the Ontario Human Rights Tribunal; in early [specified date], the appellant filed an application for judicial review in the Superior Court of Ontario of the university's final decision in connection with her medical resident status; and in [specified date], the appellant is one among other plaintiffs who filed a Statement of Claim pleading broad claims against the university in connection with the university's medical residency programs.

[75] The university notes that many records are marked privileged and confidential as evidence that the senders and recipients intended to keep the communications confidential.

[76] Lastly, the university indicates that it did not take any action which would constitute waiver of its privilege. The records have not been disclosed to outsiders either by counsel, the university, or university staff, nor has the university voluntarily evinced an intention to waive its privilege.

[77] Based on my review of the records for which section 19 has been claimed, I find that the exemption applies. The records for which the university has claimed section 19 predominantly consist of email chains between staff at the university, hospital, and university counsel and/or outside counsel hired by the university. These emails relate to the appellant's status as a resident at the hospital and student in the medical program at the university and the various issues and proceedings that arose during her residency. I find these email exchanges were confidential communications between the client (the university) and the solicitors, for the purpose of obtaining or providing legal advice and as such qualify as Branch 1 and 2 solicitor-client privilege. I further find that the university has not waived this privilege.

[78] I also find that some of the records were created for the dominant purpose of actual and reasonably contemplated litigation including the appellant's OHRT hearing and the appellant's court proceedings related to her status as a resident. I find that these records are exempt as litigation privileged under section 19.

[79] Accordingly, as I have found that section 19 applies, I uphold the university's decision to withhold the records pursuant to section 49(a), subject to my findings on its exercise of discretion.

**F. Was the institution's exercise of discretion under section 49(a) and (b) proper in the circumstances?**

[80] The sections 49(a) and (b) exemptions are discretionary, and permit an institution to disclose information, despite the fact that it could withhold it. An institution must exercise its discretion. On appeal, the Commissioner may determine whether the institution failed to do so.

[81] In addition, the Commissioner may find that the institution erred in exercising its discretion where, for example,

- it does so in bad faith or for an improper purpose
- it takes into account irrelevant considerations
- it fails to take into account relevant considerations.

[82] In either case this office may send the matter back to the institution for an exercise of discretion based on proper considerations.<sup>48</sup> This office may not, however, substitute its own discretion for that of the institution.<sup>49</sup>

[83] The university submits that in exercising its discretion to apply the exemptions it considered:

- the purpose of the *Act*
- whether the appellant was seeking her own personal information
- whether the appellant had a sympathetic or compelling need to receive the information
- whether disclosure would increase public confidence in the operation of the university.

---

<sup>48</sup> Order MO-1573.

<sup>49</sup> Section 54(2).

[84] The university also states:

The university's legal services provide legal advice on a wide variety of issues and of a diverse nature to the [university] on an on-going basis. It also manages the [university's] relationship with external counsel retained on behalf of the university.

In examining the records at issue, all such records represent either a communication of a confidential nature between a solicitor and client for the purpose of providing advice, or the receipt of confidential information by a solicitor in order for the solicitor to formulate advice on an on-going legal matter. In this regard, the exchange of confidential communications between counsel for the university and university employees or physicians who hold academic appointments granted by the university represent a continuum of confidential and privileged communications.

[85] The university notes that, historically, it has never disclosed solicitor-client communications as these communications are privileged. The protection of these communications enhances the integrity of the university's legal services and the privacy of individuals.

[86] The university also notes that the records contain the personal information of other individuals that was provided on a confidential basis which was balanced against the fact that the appellant did not indicate a sympathetic or compelling need for this information.

[87] In the circumstances, I find that the university properly considered the relevant factors and did not take into consideration irrelevant factors. I uphold the university's exercise of discretion to withhold the records under sections 49(a) and (b).

**G. Did the university conduct a reasonable search for records?**

[88] Where a requester claims that additional records exist beyond those identified by the institution, the issue to be decided is whether the institution has conducted a reasonable search for records as required by section 24.<sup>50</sup> If I am satisfied that the search carried out was reasonable in the circumstances, I will uphold the institution's decision. If I am not satisfied, I may order further searches.

[89] The *Act* does not require the institution to prove with absolute certainty that further records do not exist. However, the institution must provide sufficient evidence

---

<sup>50</sup> Orders P-85, P-221 and PO-1954-I.



to show that it has made a reasonable effort to identify and locate responsive records.<sup>51</sup> To be responsive, a record must be "reasonably related" to the request.<sup>52</sup>

[90] A reasonable search is one in which an experienced employee knowledgeable in the subject matter of the request expends a reasonable effort to locate records which are reasonably related to the request.<sup>53</sup>

[91] A further search will be ordered if the institution does not provide sufficient evidence to demonstrate that it has made a reasonable effort to identify and locate all of the responsive records within its custody or control.<sup>54</sup>

[92] Although a requester will rarely be in a position to indicate precisely which records the institution has not identified, the requester still must provide a reasonable basis for concluding that such records exist.<sup>55</sup>

[93] The university was asked to provide a written summary of the steps taken in response to the request and to address whether clarification was sought from the appellant regarding her request.

[94] The university submits that the scope of the appellant's request was clear and there was no need to seek the appellant's clarification. Furthermore, the university's search for responsive records was conducted by the following individuals:

- Coordinator of Academic Affairs and Academic Labour Relations, Human Resources
- Special assistant to the President
- Vice-President, Governance, Office of the President
- Administrative Assistant to Vice-President, Governance, Office of the President
- Dean of Faculty of Medicine
- Acting Vice-President of the Office of the Resources
- Executive Legal Assistant of Legal Services

---

<sup>51</sup> Orders P-624 and PO-2559.

<sup>52</sup> Order PO-2554.

<sup>53</sup> Orders M-909, PO-2469, PO-2592.

<sup>54</sup> Order MO-2185.

<sup>55</sup> Order MO-2246.

- Manager, Postgraduate Medical Education, Faculty of Medicine
- Associate Dean, Postgraduate Medical, Faculty of Medicine

[95] The university also provided an affidavit from the Administrative Assistant for the Access to Information and Privacy Office. She attached to her affidavit the search forms completed by the various individuals listed above. The search forms indicate the subject, locations, records and amount of search time.

[96] As stated above, the appellant did not provide representations and it is not evident to me based on my review of the file whether the appellant had a reasonable basis for her view that additional responsive records should exist. I find the appellant's request to be clear and provided sufficient detail so that clarification by the university was unnecessary. I further find the university's search for records to be reasonable in the circumstances, with the exception of my discussion above on the custody and control of some of the records. Accordingly, I uphold the university's search for responsive records and find it to be reasonable.

**ORDER:**

1. I uphold the university's decision to withhold the records under sections 49(a) and (b).
2. I uphold the university's search for records as reasonable and dismiss the appeal.
3. I order the university to request that the two named physicians search for and provide it with any records relating to the appellant's academic performance in the university's postgraduate medical training program. The university is to conduct this search within the time period specified in section 26 of the *Act*, treating the date of this order as the date of the request and without recourse to a time extension under section 27 of the *Act*.
4. I order the university to provide a decision letter to the appellant regarding the results of this search in accordance with the provisions of the *Act*.
5. I uphold the university's decision that it does not have custody or control over the records relating to the specified hospital employee.

Original Signed by: \_\_\_\_\_  
Stephanie Haly  
Adjudicator

December 19, 2013 \_\_\_\_\_

## APPENDIX

### INDEX OF RECORDS APPEAL PA11-166

Number	Date	Description	Exemption/Exclusion claimed	Finding
10	01/11/2005	Emails	49(a),19(Partial disclosure)	Uphold
18	02/03/2006	Emails	49(a),19(Partial disclosure)	Uphold
20	06/03/2006	Emails	49(a),19(Partial Disclosure)	Uphold
21	06/03/2006	Memorandum to counsel	49(a), 19	Uphold
23	10/03/2006	Email	49(a), 19	Uphold
24	12/03/2006	Email	49(a), 19	Uphold
25	12/03/2006	Emails	49(a), 19	Uphold
26	12/03/2006	Email	49(a), 19	Uphold
27	12/03/2006	Email	49(a), 19	Uphold
28	17/03/2006	Email	49(a), 19	Uphold
29	18/03/2006	Email	49(a), 19	Uphold
30	20/03/2006	Email and attachment	49(a), 19	Uphold
33	22/03/2006	Email and attachment	49(a), 19	Uphold
34	22/03/2006	Email	49(a), 19	Uphold
36	23/03/2006	Email	49(a), 19	Uphold
39	12/02/2007	Email	49(b), 21(1) (Partial disclosure)	Uphold
45	22/11/2007	Email	49(a), 19	Uphold
46	22/11/2007	Email	49(a), 19	Uphold
47	22/11/2007	Email	49(a), 19	Uphold
49	23/11/2007	Email	49(a), 19	Uphold
50	24/11/2007	Email	49(a), 19	Uphold
51	26/11/2007	Email	49(a), 19	Uphold
52	26/11/2007	Email	49(a), 19	Uphold
54	27/11/2007	Email	49(a), 19	Uphold
55	28/11/2007	Email and attachment	49(a), 19	Uphold
56	30/11/2007	Email	49(a), 19	Uphold
57	30/11/2007	Email	49(a), 19	Uphold
58	03/12/2007	Email	49(a), 19	Uphold
59	04/12/2007	Email	49(a), 19	Uphold
61	21/12/2007	Email	49(a), 19	Uphold

62	03/01/2008	Email	49(a), 19	Uphold
63	04/01/2008	Email	49(a), 19	Uphold
64	04/01/2008	Email	49(a), 19	Uphold
68	27/03/2008	Email	49(b), 21(1)	Uphold
71	15/05/2008	Email	49(b), 21(1)(Partial disclosure)	Uphold
74	02/06/2008	Email and attachment	49(b), 21(1)(Partial disclosure)	Uphold
75	02/06/2008	Email	49(b), 21(1)(Partial disclosure)	Uphold
76	03/06/2008	Email	49(b), 21(1)(Partial disclosure)	Uphold
77	04/06/2008	Email	49(b), 21(1)(Partial disclosure)	Uphold
87	28/08/2008	Email	49(b), 21(1)(Partial disclosure)	Uphold
91	01/10/2008	Email	49(b), 21(1)(Partial disclosure)	Uphold
92	01/10/2008	Email	49(b), 21(1)(Partial disclosure)	Uphold
97	09/10/2008	Email	49(b), 21(1)(Partial disclosure)	Uphold
98	14/10/2008	Email	49(b), 21(1)(Partial disclosure)	Uphold
109	24/11/2008	Email	49(b), 21(1)	Uphold
110	05/12/2008	Email	49(b), 21(1)(Partial disclosure)	Uphold
120	04/03/2009	Handwritten note	49(a), 19	Uphold
121	05/03/2009	Email and attachment	49(a), 19	Uphold
122	05/03/2009	Email	49(a), 19	Uphold
123	06/03/2009	Email	49(a), 19	Uphold
124	06/03/2009	Email	49(a), 19	Uphold
125	06/03/2009	Handwritten note	49(a), 19	Uphold
126	09/03/2009	Email and attachment	49(a), 19	Uphold
127	11/03/2009	Fax	49(a), 19	Uphold
128	13/03/2009	Email	49(a), 19	Uphold
129	13/03/2009	Fax	49(a), 19	Uphold
130	13/03/2009	Email	49(a), 19	Uphold
131	16/03/2009	Email	49(a), 19	Uphold
132	23/03/2009	Email and attachment	49(a), 19	Uphold
133	23/03/2009	Email and attachment	49(a), 19	Uphold
134	24/03/2009	Email	49(a), 19	Uphold
135	24/03/2009	Email	49(a), 19	Uphold

136	25/03/2009	Email	49(a), 19	Uphold
137	25/03/2009	Email and attachment	49(a), 19	Uphold
138	30/03/2009	Email	49(a), 19	Uphold
139	01/04/2009	Email	49(a), 19	Uphold
140	01/04/2009	Email and attachment	49(a), 19	Uphold
141	03/04/2009	Email and attachment	49(a), 19	Uphold
142	03/04/2009	Email and attachment	49(a), 19	Uphold
144	06/04/2009	Email	49(b), 21(1)	Uphold
145	06/04/2009	Email	49(a), 19	Uphold
151	07/04/2009	Email	49(a), 19	Uphold
155	08/04/2009	Email	49(a), 19	Uphold
156	08/04/2009	Email	49(a), 19	Uphold
162	09/04/2009	Email and attachment	49(a), 19	Uphold
165	09/04/2009	Fax	49(a), 19	Uphold
166	09/04/2009	Email and attachment	49(a), 19	Uphold
169	14/04/2009	Email and attachment	49(a), 19	Uphold
170	14/04/2009	Email and attachment	49(a), 19	Uphold
171	14/04/2009	Email	49(a), 19	Uphold
172	15/04/2009	Email	49(a), 19	Uphold
173	15/04/2009	Email	49(a), 19	Uphold
174	15/04/2009	Email	49(a), 19	Uphold
175	15/04/2009	Email and attachment	49(a), 19	Uphold
176	15/04/2009	Email and attachment	49(a), 19	Uphold
177	15/04/2009	Email and attachment	49(a), 19	Uphold
178	15/04/2009	Email	49(a), 19	Uphold
180	15/04/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
184	20/04/2009	Email and attachment	49(a), 19	Uphold
185	20/04/2009	Email	49(a), 19	Uphold
186	20/04/2009	Email	49(a), 19	Uphold
187	20/04/2009	Fax	49(a), 19	Uphold
188	20/04/2009	Email	49(a), 19	Uphold
190	23/04/2009	Email	49(a), 19	Uphold
191	23/04/2009	Email	49(a), 19	Uphold
192	23/04/2009	Email	49(a), 19	Uphold
193	27/04/2009	Email and attachment	49(a), 19	Uphold
194	27/04/2009	Email	49(a), 19	Uphold
195	27/04/2009	Fax	49(a), 19	Uphold
198	28/04/2009	Email	49(a), 19	Uphold
199	28/04/2009	Email	49(a), 19	Uphold
201	29/04/2009	Email	49(a), 19	Uphold
202	30/04/2009	Fax	49(a), 19	Uphold
203	30/04/2009	Email	49(a), 19	Uphold

204	30/04/2009	Email	49(a), 19	Uphold
205	30/04/2009	Email	49(a), 19	Uphold
207	01/05/2009	Email and attachment	21(1)(Partial disclosure)	Uphold
208	01/05/2009	Email	49(a), 19	Uphold
209	04/05/2009	Fax	49(a), 19	Uphold
210	05/05/2009	Email and attachment	49(a), 19	Uphold
211	05/05/2009	Email	49(a), 19	Uphold
213	06/05/2009	Email and attachment	49(a), 19	Uphold
216	08/05/2009	Fax	49(a), 19	Uphold
220	19/05/2009	Email and attachment	49(a), 19	Uphold
221	19/05/2009	Email and attachment	49(a), 19	Uphold
222	20/05/2009	Email and attachment	49(a), 19	Uphold
223	21/05/2009	Email	49(a), 19	Uphold
224	21/05/2009	Email	49(a), 19	Uphold
225	22/05/2009	Email	49(a), 19	Uphold
226	25/05/2009	Fax	49(a), 19	Uphold
227	25/05/2009	Email and attachment	49(a), 19	Uphold
228	25/05/2009	Email	49(a), 19	Uphold
229	26/05/2009	Email and attachment	49(a), 19	Uphold
230	26/05/2009	Email and attachment	49(a), 19	Uphold
231	26/05/2009	Email	49(a), 19	Uphold
232	26/05/2009	Email	49(a), 19	Uphold
233	27/05/2009	Email	49(a), 19	Uphold
234	27/05/2009	Email	49(a), 19	Uphold
235	28/05/2009	Email	49(a), 19	Uphold
236	28/05/2009	Email	49(a), 19	Uphold
237	28/05/2009	Email	49(a), 19	Uphold
238	28/05/2009	Email and attachment	49(a), 19	Uphold
239	28/05/2009	Email	49(a), 19	Uphold
240	28/05/2009	Email and attachment	49(a), 19	Uphold
241	28/05/2009	Email	49(a), 19	Uphold
242	28/05/2009	Email	49(a), 19	Uphold
244	29/05/2009	Email	49(a), 19	Uphold
245	29/05/2009	Email	49(a), 19	Uphold
246	29/05/2009	Email	49(a), 19	Uphold
247	29/05/2009	Email	49(a), 19	Uphold
248	29/05/2009	Email	49(a), 19	Uphold
249	29/05/2009	Email	49(a), 19	Uphold
250	29/05/2009	Email and attachment	49(a), 19	Uphold
251	29/05/2009	Email and attachment	49(a), 19	Uphold
252	30/05/2009	Email	49(a), 19	Uphold
253	30/05/2009	Email	49(a), 19	Uphold

254	01/06/2009	Email and attachment	49(a), 19	Uphold
255	02/06/2009	Email and attachment	49(a), 19	Uphold
256	02/06/2009	Email	49(a), 19	Uphold
257	02/06/2009	Email	49(a), 19	Uphold
258	02/06/2009	Email	49(a), 19	Uphold
259	02/06/2009	Email	49(a), 19	Uphold
260	03/06/2009	Email	49(a), 19	Uphold
261	03/06/2009	Email	49(a), 19	Uphold
262	03/06/2009	Email and attachment	49(a), 19	Uphold
263	03/06/2009	Email	49(a), 19	Uphold
264	03/06/2009	Email and attachment	49(a), 19	Uphold
265	03/06/2009	Email	49(a), 19	Uphold
266	04/06/2009	Email	49(a), 19	Uphold
267	04/06/2009	Email	49(a), 19	Uphold
268	04/06/2009	Email	49(a), 19	Uphold
269	04/06/2009	Email	49(a), 19	Uphold
270	08/06/2009	Email	49(a), 19	Uphold
271	08/06/2009	Email and attachment	49(a), 19	Uphold
272	08/06/2009	Email and attachment	49(a), 19	Uphold
273	09/06/2009	Email	49(a), 19	Uphold
274	09/06/2009	Email	49(a), 19	Uphold
275	09/06/2009	Email	49(a), 19	Uphold
276	10/06/2009	Email	49(a), 19	Uphold
277	10/06/2009	Email and attachment	49(a), 19	Uphold
278	10/06/2009	Email	49(a), 19	Uphold
279	11/06/2009	Email and attachment	49(a), 19	Uphold
280	12/06/2009	Email	49(a), 19	Uphold
281	15/06/2009	Email	49(a), 19	Uphold
282	16/06/2009	Email	49(a), 19	Uphold
283	16/06/2009	Email	49(a), 19	Uphold
284	16/06/2009	Email	49(a), 19	Uphold
285	16/06/2009	Email	49(a), 19	Uphold
286	16/06/2009	Email	49(a), 19	Uphold
287	16/06/2009	Email	49(a), 19	Uphold
288	16/06/2009	Email	49(a), 19	Uphold
289	16/06/2009	Email	49(a), 19	Uphold
290	16/06/2009	Email	49(a), 19	Uphold
291	16/06/2009	Email	49(a), 19	Uphold
292	16/06/2009	Email	49(a), 19	Uphold
293	22/06/2009	Email and attachment	49(a), 19	Uphold
294	24/06/2009	Email and attachment	49(a), 19	Uphold
295	24/06/2009	Email and attachment	49(a), 19	Uphold

296	24/06/2009	Email	49(a), 19	Uphold
297	24/06/2009	Email	49(a), 19	Uphold
298	25/06/2009	Email	49(a), 19	Uphold
299	25/06/2009	Email	49(a), 19	Uphold
300	25/06/2009	Email and attachment	49(a), 19	Uphold
301	25/06/2009	Email	49(a), 19	Uphold
302	26/06/2009	Email	49(a), 19	Uphold
303	29/06/2009	Email and attachment	49(a), 19	Uphold
305	29/06/2009	Email and attachment	49(a), 19	Uphold
307	29/06/2009	Email	21(1)(Partial disclosure)	Uphold
310	29/06/2009	Email	49(a), 19	Uphold
312	29/06/2009	Email and attachment	49(a), 19	Uphold
313	30/06/2009	Email and attachment	49(a), 19	Uphold
314	30/06/2009	Email and attachment	49(a), 19	Uphold
315	30/06/2009	Email	49(a), 19	Uphold
316	30/06/2009	Email	49(a), 19	Uphold
317	30/06/2009	Email	49(a), 19	Uphold
318	30/06/2009	Email and attachment	49(a), 19	Uphold
319	30/06/2009	Email	49(a), 19	Uphold
320	30/06/2009	Email	49(a), 19	Uphold
321	30/06/2009	Email	49(a), 19	Uphold
324	02/07/2009	Email	49(a), 19	Uphold
326	05/07/2009	Email	49(a), 19	Uphold
327	06/07/2009	Faxed letter	49(a), 19	Uphold
329	10/07/2009	Email	49(a), 19	Uphold
330	10/07/2009	Faxed letter	49(a), 19	Uphold
331	13/07/2009	Email	49(a), 19	Uphold
332	13/07/2009	Email and attachment	49(a), 19	Uphold
333	13/07/2009	Email	49(a), 19	Uphold
334	13/07/2009	Email	49(a), 19	Uphold
335	13/07/2009	Email and attachment	49(a), 19	Uphold
336	13/07/2009	Email	49(a), 19	Uphold
337	22/07/2009	Email and attachment	49(a), 19	Uphold
338	22/07/2009	Email and attachment	49(a), 19	Uphold
339	22/07/2009	Email and attachment	49(a), 19	Uphold
340	22/07/2009	Email and attachment	49(a), 19	Uphold
341	22/07/2009	Email and attachment	49(a), 19	Uphold
342	22/07/2009	Email	49(a), 19	Uphold
343	22/07/2009	Email	49(a), 19	Uphold
344	22/07/2009	Email	49(a), 19	Uphold
345	24/07/2009	Fax	49(a), 19	Uphold
347	26/07/2009	Email and attachment	49(a), 19	Uphold



348	26/07/2009	Email and attachment	49(a), 19, 49(b)	Uphold
349	27/07/2009	Email	49(a), 19	Uphold
350	27/07/2009	Email	49(a), 19	Uphold
351	27/07/2009	Email	49(a), 19	Uphold
352	27/07/2009	Email	49(a), 19	Uphold
353	27/07/2009	Email	49(a), 19	Uphold
354	27/07/2009	Email	49(a), 19	Uphold
355	27/07/2009	Email	49(a), 19	Uphold
356	28/07/2009	Email	49(a), 19	Uphold
357	29/07/2009	Email	49(a), 19	Uphold
358	29/07/2009	Email	49(a), 19	Uphold
359	04/08/2009	Email and attachment	49(a), 19	Uphold
360	05/08/2009	Email	49(a), 19	Uphold
361	05/08/2009	Email	49(a), 19	Uphold
362	05/08/2009	Email	49(a), 19	Uphold
363	06/08/2009	Email	49(a), 19	Uphold
364	10/08/2009	Email	49(a), 19	Uphold
365	10/08/2009	Email	49(a), 19	Uphold
366	11/08/2009	Email	49(a), 19	Uphold
367	11/08/2009	Email and attachment	49(a), 19	Uphold
368	11/08/2009	Email	49(a), 19	Uphold
369	12/08/2009	Email and attachment	49(a), 19	Uphold
378	26/08/2009	Faxed letter	49(a), 19	Uphold
379	08/09/2009	Email	49(a), 19	Uphold
380	08/09/2009	Email	49(a), 19	Uphold
392	26/10/2009	Email and attachment	49(a), 19	Uphold
393	28/10/2009	Email	49(a), 19	Uphold
394	28/10/2009	Email	49(a), 19	Uphold
395	29/10/2009	Email	49(a), 19	Uphold
396	29/10/2009	Email and attachment	49(a), 19	Uphold
397	29/10/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
398	29/10/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
399	29/10/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
400	29/10/2009	Email	49(a), 19	Uphold
401	30/10/2009	Email	49(a), 19	Uphold
402	30/10/2009	Email	49(a), 19, 49(b)	Uphold
403	02/11/2009	Email	49(a), 19	Uphold
404	02/11/2009	Email	49(a), 19	Uphold
405	02/11/2009	Email	49(a), 19	Uphold
406	02/11/2009	Email	49(a), 19	Uphold
407	02/11/2009	Email	49(a), 19	Uphold
409	03/11/2009	Email and attachment	49(a), 19	Uphold

410	03/11/2009	Email	49(a), 19	Uphold
412	05/11/2009	Email	49(a), 19	Uphold
413	05/11/2009	Email	49(a), 19	Uphold
414	05/11/2009	Email	49(a), 19	Uphold
415	05/11/2009	Email	49(a), 19	Uphold
416	05/11/2009	Faxed letter	49(a), 19	Uphold
417	06/11/2009	Email and attachment	49(a), 19	Uphold
418	06/11/2009	Email	49(a), 19	Uphold
419	06/11/2009	Email	49(a), 19	Uphold
420	09/11/2009	Email and attachment	49(a), 19	Uphold
421	09/11/2009	Email	49(a), 19	Uphold
422	09/11/2009	Email and attachment	49(a), 19	Uphold
425	18/11/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
426	18/11/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
427	18/11/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
428	19/11/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
430	19/11/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
431	20/11/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
432	24/11/2009	Email	49(a), 19, 49(b), 21(1)	Uphold
433	24/11/2009	Email	49(a), 19	Uphold
434	24/11/2009	Email	49(a), 19	Uphold
436	25/11/2009	Email	49(a), 19	Uphold
440	15/11/2009	Email and attachment	49(a), 19	Uphold
441	15/12/2009	Email	49(a), 19, 49(b)	Uphold
442	18/12/2009	Email	49(a), 19	Uphold
443	18/12/2009	Email	49(a), 19	Uphold
448	07/01/2010	Email and attachment	49(a), 19	Uphold
454	13/01/2010	Email	49(a), 19, 49(b)	Uphold
456	13/01/2010	Email	49(a), 19, 49(b)	Uphold
457	13/01/2010	Email	49(a), 19, 49(b)	Uphold
458	13/01/2010	Email	49(a), 19, 49(b)	Uphold
460	14/01/2010	Email	49(a), 19	Uphold
461	14/01/2010	Email	49(a), 19, 49(b)	Uphold
462	14/01/2010	Email	49(a), 19	Uphold
463	14/01/2010	Email	49(a), 19, 49(b)	Uphold
464	14/01/2010	Email	49(a), 19	Uphold
465	14/01/2010	Email	49(a), 19	Uphold
466	14/01/2010	Email	49(a), 19	Uphold
467	14/01/2010	Email	49(a), 19	Uphold
468	14/01/2010	Email	49(a), 19	Uphold
469	14/01/2010	Email	49(a), 19	Uphold
470	14/01/2010	Email	49(a), 19	Uphold

471	14/01/2010	Email	49(a), 19	Uphold
472	14/01/2010	Email	49(a), 19	Uphold
473	14/01/2010	Email	49(a), 19	Uphold
474	14/01/2010	Email	49(a), 19	Uphold
475	14/01/2010	Email	49(a), 19	Uphold
476	14/01/2010	Email	49(a), 19	Uphold
477	14/01/2010	Email	49(a), 19	Uphold
478	14/01/2010	Email	49(a), 19	Uphold
479	14/01/2010	Email	49(a), 19	Uphold
480	14/01/2010	Email	49(a), 19	Uphold
485	18/01/2010	Email	49(a), 19	Uphold
486	18/01/2010	Email	49(a), 19	Uphold
487	18/01/2010	Email	49(a), 19	Uphold
488	20/01/2010	Email	49(a), 19	Uphold
489	20/01/2010	Email	49(a), 19	Uphold
490	20/01/2010	Email	49(a), 19	Uphold
491	22/01/2010	Email	49(a), 19	Uphold
492	22/01/2010	Email	49(a), 19	Uphold
494	29/01/2010	Email	49(a), 19	Uphold
495	05/20/2010	Email	49(a), 19	Uphold
496	05/20/2010	Email	49(a), 19	Uphold
497	08/02/2010	Email	49(b), 21(1)(Partial disclosure)	Uphold
500	17/02/2010	Email	49(a), 19	Uphold
501	08/02/2010	Email	49(a), 19	Uphold
502	19/02/2010	Email	49(a), 19	Uphold
503	19/02/2010	Email	49(a), 19	Uphold
504	19/02/2010	Email	49(b), 21(1)(Partial disclosure)	Uphold
505	19/02/2010	Email and attachment	49(a), 19	Uphold
506	22/02/2010	Email	21(1)(Partial disclosure)	Uphold
507	23/02/2010	Email	49(a), 19	Uphold
508	23/02/2010	Email	49(a), 19, 49(b)	Uphold
509	24/02/2010	Email	49(a), 19	Uphold
510	25/02/2010	Email	49(a), 19	Uphold
511	25/02/2010	Email	49(a), 19, 49(b)	Uphold
512	25/02/2010	Email	49(a), 19, 49(b)	Uphold
513	25/02/2010	Email	49(a), 19, 49(b)	Uphold
514	25/02/2010	Email	49(a), 19	Uphold
515	26/02/2010	Email	49(a), 19	Uphold
517	08/03/2010	Email and attachment	49(a), 19	Uphold
518	09/03/2010	Email and attachment	49(a), 19	Uphold

519	10/03/2010	Email	49(a), 19	Uphold
520	10/03/2010	Email	49(a), 19	Uphold
523	18/03/2010	Email	49(a), 19, 49(b)	Uphold
524	18/03/2010	Email	49(a), 19, 49(b)	Uphold
525	18/03/2010	Email	49(a), 19, 49(b)	Uphold
527	18/03/2010	Email	49(a), 19, 49(b)	Uphold
530	18/03/2010	Email	49(a), 19	Uphold
531	18/03/2010	Email	49(a), 19	Uphold
532	18/03/2010	Email	49(a), 19	Uphold
533	19/03/2010	Email	49(a), 19	Uphold
536	19/03/2010	Email	49(a), 19	Uphold
537	22/03/2010	Email	49(a), 19	Uphold
539	22/03/2010	Email and attachment	49(a), 19	Uphold
542	25/03/2010	Email and attachment	49(a), 19	Uphold
545	26/03/2010	Email	49(a), 19, 49(b)	Uphold
546	26/03/2010	Email	49(a), 19, 49(b)	Uphold
547	26/03/2010	Email and attachment	49(a), 19	Uphold
548	29/03/2010	Email	49(a), 19	Uphold
549	29/03/2010	Email	49(a), 19	Uphold
550	29/03/2010	Email	49(a), 19	Uphold
554	31/03/2010	Email	49(a), 19	Uphold
555	31/03/2010	Email	49(a), 19, 49(b)	Uphold
557	01/04/2010	Email	49(a), 19, 49(b)	Uphold
558	01/04/2010	Email	49(a), 19, 49(b)	Uphold
559	01/04/2010	Email	49(a), 19	Uphold
560	01/04/2010	Email	49(a), 19	Uphold
561	01/04/2010	Email	49(a), 19	Uphold
562	01/04/2010	Email	49(a), 19	Uphold
563	01/04/2010	Email	49(a), 19	Uphold
565	07/04/2010	Handwritten notes	Claim of 18.1 dropped	Disclose
568	13/04/2010	Email	49(a), 19	Uphold
569	13/04/2010	Email	49(a), 19	Uphold
570	13/04/2010	Email	49(a), 19	Uphold
571	13/04/2010	Email	49(a), 19	Uphold
572	15/04/2010	Email	49(a), 19	Uphold
573	15/04/2010	Email and attachment	49(a), 19	Uphold
574	15/04/2010	Email	49(a), 19	Uphold
577	22/04/2010	Email and attachment	49(a), 19	Uphold
578	22/04/2010	Email and attachment	49(a), 19	Uphold
579	22/04/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
580	22/04/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
581	22/04/2010	Email	49(a), 19, 49(b), 21(1)	Uphold

582	22/04/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
583	24/04/2010	Email and attachment	49(a), 19	Uphold
584	26/04/2010	Email	49(a), 19	Uphold
585	26/04/2010	Email and attachment	49(a), 19	Uphold
588	27/04/2010	Email and attachment	49(a), 19	Uphold
590	29/04/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
592	03/05/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
593	03/05/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
596	04/05/2010	Email and attachment	49(a), 19	Uphold
597	04/05/2010	Email	49(a), 19	Uphold
598	04/05/2010	Email	49(a), 19	Uphold
599	04/05/2010	Email	49(a), 19	Uphold
600	04/05/2010	Email and attachment	49(a), 19	Uphold
601	04/05/2010	Email	49(a), 19	Uphold
603	06/05/2010	Email	49(a), 19	Uphold
604	06/05/2010	Email	49(a), 19	Uphold
605	06/05/2010	Email	49(a), 19	Uphold
606	07/05/2010	Email	49(a), 19	Uphold
608	10/05/2010	Email	49(a), 19	Uphold
609	10/05/2010	Email	49(a), 19	Uphold
610	10/05/2010	Email	49(a), 19	Uphold
614	12/05/2010	Email	49(a), 19	Uphold
615	12/05/2010	Email	49(a), 19, 49(b)	Uphold
616	12/05/2010	Email	49(a), 19	Uphold
617	13/05/2010	Email	49(a), 19	Uphold
618	13/05/2010	Email	49(a), 19	Uphold
619	13/05/2010	Email	49(a), 19	Uphold
620	13/05/2010	Email	49(a), 19	Uphold
627	20/05/2010	Email	49(a), 19, NR	Uphold
629	20/05/2010	Email and attachment	49(a), 19	Uphold
630	21/05/2010	Email	49(a), 19	Uphold
631	22/05/2010	Email	49(a), 19	Uphold
632	22/05/2010	Email	49(a), 19	Uphold
633	25/05/2010	Email	49(a), 19	Uphold
634	25/05/2010	Email	49(a), 19	Uphold
636	25/05/2010	Email	49(a), 19	Uphold
637	25/05/2010	Email	49(a), 19	Uphold
638	25/05/2010	Email	49(a), 19	Uphold
639	26/05/2010	Email	49(a), 19	Uphold
640	26/05/2010	Email	49(a), 19	Uphold
641	26/05/2010	Email	49(a), 19	Uphold
642	26/05/2010	Email	49(a), 19	Uphold

643	26/05/2010	Email	49(a), 19	Uphold
644	26/05/2010	Email	49(a), 19	Uphold
645	26/05/2010	Email	49(a), 19	Uphold
646	26/05/2010	Email	49(a), 19	Uphold
647	26/05/2010	Email	49(a), 19	Uphold
648	26/05/2010	Email	49(a), 19	Uphold
649	26/05/2010	Email	49(a), 19	Uphold
650	26/05/2010	Email	49(a), 19	Uphold
651	26/05/2010	Email	49(a), 19	Uphold
652	26/05/2010	Email	49(a), 19	Uphold
653	26/05/2010	Email	49(a), 19	Uphold
654	26/05/2010	Email	49(a), 19	Uphold
655	26/05/2010	Email	49(a), 19	Uphold
656	27/05/2010	Email	49(a), 19	Uphold
658	28/05/2010	Email	49(a), 19	Uphold
659	28/05/2010	Email	49(b), 21(1)(Partial disclosure)	Uphold
661	28/05/2010	Email	49(a), 19	Uphold
663	01/06/2010	Email	49(a), 19	Uphold
664	01/06/2010	Email	49(a), 19	Uphold
665	01/06/2010	Email	49(a), 19	Uphold
666	01/06/2010	Email	49(a), 19	Uphold
669	02/06/2010	Email	49(a), 19	Uphold
670	02/06/2010	Email	49(a), 19	Uphold
671	02/06/2010	Email	49(a), 19	Uphold
672	02/06/2010	Email	49(a), 19	Uphold
673	02/06/2010	Email	49(a), 19	Uphold
674	02/06/2010	Email	49(a), 19	Uphold
676	02/06/2010	Email	49(a), 19	Uphold
677	03/06/2010	Email	49(a), 19	Uphold
678	03/06/2010	Email	49(a), 19	Uphold
679	03/06/2010	Email	49(a), 19	Uphold
680	04/06/2010	Email	49(a), 19	Uphold
682	04/06/2010	Email	NR(Partial disclosure)	Uphold
683	04/06/2010	Email	NR(Partial disclosure)	Uphold
684	04/06/2010	Email	49(a), 19	Uphold
685	04/06/2010	Email	49(a), 19	Uphold
687	04/06/2010	Email	49(a), 19	Uphold
688	05/06/2010	Email	49(a), 19	Uphold
689	05/06/2010	Email	49(a), 19	Uphold
691	07/06/2010	Email	49(a), 19	Uphold
692	08/06/2010	Email	49(a), 19	Uphold

693	08/06/2010	Email	49(a), 19	Uphold
694	08/06/2010	Email	49(a), 19	Uphold
695	08/06/2010	Email	49(a), 19	Uphold
696	08/06/2010	Email	49(a), 19	Uphold
697	09/06/2010	Email	49(a), 19	Uphold
698	09/06/2010	Email	19(Partial disclosure)	Uphold
701	10/06/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
702	10/06/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
703	10/06/2010	Email	49(a), 19	Uphold
704	10/06/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
705	10/06/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
706	10/06/2010	Email	49(a), 19	Uphold
707	10/06/2010	Email	49(a), 19	Uphold
708	10/06/2010	Email	49(a), 19	Uphold
709	10/06/2010	Email	49(a), 19	Uphold
710	10/06/2010	Email	49(a), 19	Uphold
711	10/06/2010	Email	49(a), 19	Uphold
712	10/06/2010	Email and attachment	49(a), 19	Uphold
713	11/06/2010	Email and attachment	49(a), 19	Uphold
714	11/06/2010	Email and attachment	49(a), 19	Uphold
715	11/06/2010	Email	49(a), 19	Uphold
716	11/06/2010	Email	49(a), 19	Uphold
718	14/06/2010	Email	49(a), 19	Uphold
719	14/06/2010	Email	49(a), 19	Uphold
720	14/06/2010	Email	49(a), 19	Uphold
721	14/06/2010	Email and attachment	49(a), 19	Uphold
722	14/06/2010	Email	49(a), 19	Uphold
723	14/06/2010	Email	49(a), 19	Uphold
725	14/06/2010	Email and attachment	49(a), 19	Uphold
726	14/06/2010	Email	49(a), 19	Uphold
727	14/06/2010	Email	49(a), 19	Uphold
728	14/06/2010	Email	49(a), 19	Uphold
729	14/06/2010	Email	49(a), 19	Uphold
730	14/06/2010	Email	49(a), 19	Uphold
731	14/06/2010	Email	49(a), 19	Uphold
732	14/06/2010	Email	49(a), 19	Uphold
733	14/06/2010	Email	49(a), 19	Uphold
734	14/06/2010	Email	49(a), 19	Uphold
735	15/06/2010	Email	49(a), 19	Uphold
736	15/06/2010	Email	49(a), 19	Uphold
741	15/06/2010	Email	49(a), 19	Uphold
744	16/06/2010	Email	49(a), 19	Uphold

745	16/06/2010	Email	49(a), 19	Uphold
746	16/06/2010	Email	49(a), 19	Uphold
753	17/06/2010	Email	NR(Partial disclosure)	Uphold
754	17/06/2010	Email	49(a), 19	Uphold
755	18/06/2010	Email	49(a), 19	Uphold
756	18/06/2010	Email	49(a), 19	Uphold
757	18/06/2010	Email	49(a), 19	Uphold
759	18/06/2010	Email	49(a), 19	Uphold
760	18/06/2010	Email	49(a), 19	Uphold
762	22/06/2010	Email	49(a), 19	Uphold
763	22/06/2010	Email	49(a), 19	Uphold
764	22/06/2010	Email	49(a), 19	Uphold
765	22/06/2010	Email	49(a), 19	Uphold
766	22/06/2010	Email	49(a), 19	Uphold
767	22/06/2010	Email	49(a), 19	Uphold
768	22/06/2010	Email	49(a), 19	Uphold
769	22/06/2010	Email	49(a), 19	Uphold
770	22/06/2010	Email	49(a), 19	Uphold
771	22/06/2010	Email	49(a), 19	Uphold
772	22/06/2010	Email	49(a), 19	Uphold
773	22/06/2010	Email	49(a), 19	Uphold
774	22/06/2010	Email	49(a), 19	Uphold
778	23/06/2010	Letter	49(a), 19	Uphold
779	23/06/2010	Email	49(a), 19	Uphold
780	23/06/2010	Email	49(a), 19	Uphold
782	25/06/2010	Email	49(b), 21(1)(Partial disclosure)	Uphold
783	25/06/2010	Email	49(a), 19	Uphold
784	25/06/2010	Email	49(a), 19	Uphold
785	25/06/2010	Email	49(a), 19, 49(b)	Uphold
786	25/06/2010	Email	49(a), 19	Uphold
788	25/06/2010	Email	49(a), 19	Uphold
790	26/06/2010	Email	49(a), 19	Uphold
791	26/06/2010	Email	49(a), 19	Uphold
792	28/06/2010	Email	49(a), 19	Uphold
795	28/06/2010	Email	49(a), 19	Uphold
796	28/06/2010	Email	49(a), 19	Uphold
799	30/06/2010	Email	49(a), 19	Uphold
800	30/06/2010	Email	49(a), 19	Uphold
801	30/06/2010	Email and attachment	49(a), 19	Uphold
802	30/06/2010	Email	49(a), 19	Uphold
804	02/07/2010	Email	49(a), 19, 49(b), 21(1)	Uphold



805	02/07/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
806	02/07/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
807	02/07/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
808	02/07/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
811	05/07/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
814	06/07/2010	Email and attachment	49(a), 19	Uphold
815	06/07/2010	Email	49(a), 19	Uphold
820	06/07/2010	Email	NR(Partial disclosure)	Uphold
821	06/07/2010	Email	49(a), 19	Uphold
822	07/07/2010	Email	NR(Partial disclosure)	Uphold
823	07/07/2010	Email	NR(Partial disclosure)	Uphold
824	07/07/2010	Email	NR(Partial disclosure), 49(b), 21(1)	Uphold
825	07/07/2010	Email	49(a), 19	Uphold
826	07/07/2010	Email	49(a), 19	Uphold
827	07/07/2010	Email	49(a), 19	Uphold
828	07/07/2010	Email	49(a), 19	Uphold
830	06/07/2010	Email	49(a), 19	Uphold
831	09/07/2010	Email	49(a), 19	Uphold
832	09/07/2010	Email	49(a), 19	Uphold
833	09/07/2010	Email	49(a), 19	Uphold
834	09/07/2010	Email	49(a), 19	Uphold
836	20/07/2010	Email	49(a), 19	Uphold
837	20/07/2010	Email	49(b), 21(1)(Partial disclosure)	Uphold
838	20/07/2010	Email	49(b), 21(1)(Partial disclosure)	Uphold
839	20/07/2010	Email	49(a), 19	Uphold
840	21/07/2010	Email	49(a), 19	Uphold
841	23/07/2010	Email	49(a), 19	Uphold
849	04/08/2010	Email	49(a), 19, 49(b)	Uphold
852	16/08/2010	Email and attachment	49(a), 19	Uphold
853	16/08/2010	Email and attachment	49(a), 19	Uphold
854	16/08/2010	Email and attachment	49(a), 19	Uphold
855	16/08/2010	Email	49(a), 19	Uphold
856	16/08/2010	Email	49(a), 19	Uphold
857	16/08/2010	Email and attachment	49(a), 19	Uphold
858	16/08/2010	Email	49(a), 19	Uphold
860	17/08/2010	Email	49(a), 19	Uphold
861	17/08/2010	Email	49(a), 19	Uphold
862	17/08/2010	Email	49(a), 19	Uphold
863	17/08/2010	Email	49(a), 19	Uphold

864	17/08/2010	Email	49(a), 19	Uphold
868	20/08/2010	Email	49(a), 19	Uphold
869	20/08/2010	Email	49(a), 19	Uphold
870	20/08/2010	Email	49(a), 19	Uphold
871	20/08/2010	Email	49(a), 19	Uphold
872	20/08/2010	Email	49(a), 19	Uphold
873	20/08/2010	Email	49(a), 19	Uphold
874	20/08/2010	Email	49(a), 19	Uphold
875	20/08/2010	Email	49(a), 19	Uphold
876	20/08/2010	Email and handwritten note	49(a), 19	Uphold
879	01/09/2010	Email	49(a), 19	Uphold
880	01/09/2010	Email	49(a), 19, 49(b)	Uphold
881	01/09/2010	Email	49(a), 19, 49(b)	Uphold
884	01/09/2010	Email	49(a), 19	Uphold
885	01/09/2010	Email	49(a), 19	Uphold
886	01/09/2010	Email	49(a), 19	Uphold
887	02/09/2010	Email	49(a), 19	Uphold
889	02/09/2010	Email	49(a), 19	Uphold
890	03/09/2010	Email	49(a), 19	Uphold
891	03/09/2010	Email and attachment	49(a), 19	Uphold
892	03/09/2010	Email	49(a), 19	Uphold
895	03/09/2010	Email and attachment	49(a), 19	Uphold
897	04/09/2010	Email	49(a), 19	Uphold
898	04/09/2010	Email	49(a), 19	Uphold
899	07/09/2010	Email	49(a), 19	Uphold
900	07/09/2010	Email	49(a), 19	Uphold
901	07/09/2010	Email	49(a), 19	Uphold
902	07/09/2010	Email	49(a), 19	Uphold
903	07/09/2010	Email	49(a), 19	Uphold
904	07/09/2010	Email	49(a), 19	Uphold
905	07/09/2010	Email	49(a), 19	Uphold
906	08/09/2010	Email	49(a), 19	Uphold
907	08/09/2010	Email	49(a), 19	Uphold
908	09/09/2010	Email and attachment	49(a), 19	Uphold
909	09/09/2010	Email and attachment	49(a), 19	Uphold
910	13/09/2010	Email	49(a), 19	Uphold
911	13/09/2010	Email	49(a), 19	Uphold
912	13/09/2010	Email and attachment	49(a), 19	Uphold
913	13/09/2010	Email	49(a), 19	Uphold
914	13/09/2010	Email and attachment	49(a), 19	Uphold
915	13/09/2010	Email and attachment	49(a), 19	Uphold

916	13/09/2010	Email	49(a), 19	Uphold
917	14/09/2010	Email and attachment	49(a), 19	Uphold
918	14/09/2010	Email	49(a), 19	Uphold
919	14/09/2010	Email	49(a), 19	Uphold
921	15/09/2010	Email	49(a), 19	Uphold
922	15/09/2010	Email and attachment	49(a), 19	Uphold
923	15/09/2010	Email	49(a), 19	Uphold
924	15/09/2010	Email	49(a), 19	Uphold
931	22/09/2010	Email	49(a), 19	Uphold
932	23/09/2010	Letter	49(a), 19	Uphold
933	23/09/2010	Email and attachment	49(a), 19	Uphold
934	23/09/2010	Email	49(a), 19	Uphold
935	23/09/2010	Email	49(a), 19	Uphold
936	23/09/2010	Email and attachment	49(a), 19	Uphold
938	24/09/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
939	24/09/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
940	24/09/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
941	24/09/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
942	25/09/2010	Email and attachment	49(a), 19, 49(b), 21(1)	Uphold
943	27/09/2010	Email and attachment	49(a), 19, 49(b), 21(1)	Uphold
944	27/09/2010	Email	49(a), 19	Uphold
946	29/09/2010	Email and attachment	49(a), 19	Uphold
947	30/09/2010	Email and attachment	49(a), 19	Uphold
950	04/10/2010	Email and attachment	49(a), 19	Uphold
954	07/10/2010	Email	49(a), 19	Uphold
955	07/10/2010	Email and attachment	49(a), 19	Uphold
956	07/10/2010	Email and attachment	49(a), 19	Uphold
957	07/10/2010	Email and attachment	49(a), 19, 49(b), 21(1)	Uphold
958	07/10/2010	Email	49(a), 19	Uphold
959	08/10/2010	Email and attachment	49(a), 19	Uphold
960	08/10/2010	Email	49(a), 19	Uphold
962	13/10/2010	Email and attachment	49(a), 19	Uphold
964	13/10/2010	Email	49(a), 19	Uphold
965	13/10/2010	Email and attachment	49(a), 19	Uphold
966	13/10/2010	Email	49(a), 19	Uphold
967	13/10/2010	Email	49(a), 19	Uphold
970	14/10/2010	Email and attachment	49(a), 19	Uphold
972	14/10/2010	Email	49(a), 19	Uphold
973	15/10/2010	Email and attachment	49(a), 19	Uphold
974	15/10/2010	Email	49(a), 19	Uphold
975	15/10/2010	Email	49(a), 19	Uphold
976	15/10/2010	Email	49(a), 19	Uphold

977	15/10/2010	Email	49(a), 19	Uphold
981	20/10/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
982	20/10/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
983	20/10/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
985	20/10/2010	Email	49(a), 19	Uphold
986	20/10/2010	Email	49(a), 19	Uphold
989	21/10/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
990	21/10/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
991	21/10/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
992	21/10/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
993	21/10/2010	Email and attachment	49(a), 19, 49(b), 21(1)	Uphold
994	21/10/2010	Email	49(a), 19, 49(b)	Uphold
995	22/10/2010	Email	49(a), 19	Uphold
996	22/10/2010	Email and attachment	49(a), 19	Uphold
997	22/10/2010	Email	49(a), 19	Uphold
998	22/10/2010	Email	49(a), 19	Uphold
1001	27/10/2010	Email	49(a), 19	Uphold
1002	27/10/2010	Email	49(a), 19	Uphold
1003	27/10/2010	Email and attachment	49(a), 19	Uphold
1004	27/10/2010	Email	49(a), 19	Uphold
1005	01/11/2010	Email	49(a), 19, 49(b)	Uphold
1006	01/11/2010	Email and attachment	49(a), 19	Uphold
1008	02/11/2010	Email	49(a), 19	Uphold
1009	02/11/2010	Email and attachment	49(a), 19	Uphold
1010	02/11/2010	Email	49(a), 19	Uphold
1011	02/11/2010	Email	49(a), 19	Uphold
1012	02/11/2010	Email	49(a), 19	Uphold
1013	02/11/2010	Email	49(a), 19	Uphold
1014	04/11/2010	Email and attachment	49(a), 19	Uphold
1015	05/11/2010	Email	49(a), 19	Uphold
1016	05/11/2010	Email	49(a), 19	Uphold
1017	05/11/2010	Email	49(a), 19	Uphold
1018	05/11/2010	Email	49(a), 19	Uphold
1019	05/11/2010	Email	49(a), 19	Uphold
1020	05/11/2010	Email	49(a), 19	Uphold
1021	05/11/2010	Email	49(a), 19	Uphold
1022	07/11/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
1023	08/11/2010	Email	49(a), 19	Uphold
1024	08/11/2010	Email	49(a), 19	Uphold
1025	08/11/2010	Email	49(a), 19	Uphold
1026	08/11/2010	Email	49(a), 19	Uphold
1027	08/11/2010	Email	49(a), 19, 49(b), 21(1)	Uphold

1028	08/11/2010	Email	49(a), 19	Uphold
1029	08/11/2010	Email	49(a), 19	Uphold
1031	08/11/2010	Email	49(a), 19	Uphold
1032	08/11/2010	Email	49(a), 19	Uphold
1033	09/11/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
1035	09/11/2010	Email	49(a), 19	Uphold
1036	09/11/2010	Email and attachment	49(a), 19	Uphold
1038	09/11/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
1039	09/11/2010	Email	49(a), 19	Uphold
1040	09/11/2010	Email and attachment	49(a), 19	Uphold
1041	09/11/2010	Email	49(a), 19	Uphold
1042	09/11/2010	Email	49(a), 19	Uphold
1043	09/11/2010	Email	49(a), 19	Uphold
1045	09/11/2010	Email	49(a), 19	Uphold
1046	10/11/2010	Email	49(a), 19	Uphold
1047	10/11/2010	Email	49(a), 19	Uphold
1048	10/11/2010	Email and attachment	49(a), 19	Uphold
1049	10/11/2010	Email	49(a), 19	Uphold
1051	11/11/2011	Email	49(a), 19	Uphold
1052	11/11/2011	Email	49(b), 21(1)(Partial disclosure)	Uphold
1053	12/11/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
1054	12/11/2010	Email	49(a), 19	Uphold
1055	12/11/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
1056	13/11/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
1057	13/11/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
1059	16/11/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
1060	16/11/2010	Email	49(a), 19	Uphold
1062	17/11/2010	Email	49(a), 19	Uphold
1063	18/11/2010	Email and attachment	49(a), 19, 49(b), 21(1)	Uphold
1064	18/11/2010	Email and attachment	49(a), 19, 49(b), 21(1)	Uphold
1065	18/11/2010	Email	49(a), 19	Uphold
1066	18/11/2010	Email	49(a), 19, 49(b), 21(1)	Uphold
1067	18/11/2010	Email and attachment	49(a), 19	Uphold
1068	18/11/2010	Email	49(a), 19	Uphold
1069	18/11/2010	Email	49(a), 19	Uphold
1070	18/11/2010	Email	49(a), 19	Uphold
1071	18/11/2010	Email	49(a), 19	Uphold
1072	18/11/2010	Email	49(a), 19	Uphold
1073	19/11/2010	Email	49(a), 19	Uphold
1074	20/11/2010	Email	49(a), 19	Uphold
1075	22/11/2010	Email and attachment	49(a), 19	Uphold

1076	22/11/2010	Email and attachment	49(a), 19	Uphold
1077	22/11/2010	Email	49(a), 19	Uphold
1078	23/11/2010	Email and attachment	49(a), 19	Uphold
1079	23/11/2010	Email and attachment	49(a), 19	Uphold
1080	23/11/2010	Email	49(a), 19	Uphold
1084	26/11/2010	Email	49(a), 19	Uphold
1085	29/11/2010	Email	49(a), 19	Uphold
1086	29/11/2010	Email and attachment	49(a), 19, 49(b), 21(1)	Uphold
1094	14/12/2010	Email	49(a), 19	Uphold
1095	14/12/2010	Email	49(a), 19	Uphold
1096	14/12/2010	Email	49(a), 19	Uphold
1097	14/12/2010	Email	49(a), 19	Uphold
1098(a) – (m)		Emails	49(a), 19, 21(1), NR (Partial disclosure)	Uphold
1099(a) – (f) <sup>56</sup>		Meeting minutes, notes, letters	49(a), 19, 21(1), NR (Partial disclosure)	Uphold
1102		University's legal counsel records for Heart Institute relating to the appellant	49(a), 19	Uphold

---

<sup>56</sup> In its representations, the university agreed to disclose Record 1099e in its entirety.