

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-3338

Appeal PA13-4

Ministry of Community Safety and Correctional Services

May 2, 2014

Summary: The appellant requested access to all information about himself, held by the ministry, in any of its divisions and departments including the OPP and OCCPS, for a specified period. The ministry located the responsive records and provided the appellant with an interim access decision granting full and partial access to the records and requesting a \$50 fee to transfer the records on to discs. The appellant requested a fee waiver on the basis of financial hardship under section 57(4)(b) of the *Act* and his request was denied. The ministry issued a final access decision and granted full and partial access to the records, withholding information on the basis of the discretionary exemptions in sections 49(b) (personal privacy) and 49(a) with reference to section 13(1) (advice or recommendation), 14(1)(c), (d), (e), (g), (i), (l), 14(2)(a) (law enforcement), 15(b) (information received in confidence from another level of government) and, 19 (solicitor-client privilege). The ministry also withheld information on the basis of the exclusion in section 65(6) (employment or labour relations) of the *Act*. Finally, the ministry identified information as not responsive to the appellant's request. The adjudicator upholds the ministry's decision on the denial of fee waiver and the application of the exclusion and partially upholds the ministry's decision on the application of the exemptions.

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"), 13(1), 14(1)(c), 14(1)(d), 14(1)(e), 14(1)(g), 14(1)(i), 14(1)(l), 14(2)(a), 15(b), 19, 21(2)(f), 21(3)(b), 49(a), 49(b) and 65(6).

Orders and Investigation Reports Considered: PO-2835, PO-2847 and PO-3075.

OVERVIEW:

[1] The appellant made a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to the Ministry of Community Safety and Correctional Services (the ministry) for access to all information about himself. Specifically, he requested:

...all information about me, or related to me in any format or fashion from [the ministry], which also includes any and all Divisions or Departments or Commissions within, such as the OPP and OCCOPS – Ontario Civilian Commission on Police Services since [specified date]

[2] The appellant clarified the scope of his request to include information from December 1, 2007 to April 5, 2012.

[3] The ministry located responsive records and provided the appellant with an interim decision granting partial access to them and requesting a fee of \$50 for copying the records on to 5 CD ROMs. Some information was withheld under the discretionary exemptions in section 49(b)(personal privacy), and section 49(a) with reference to sections 13(1) (advice or recommendation), 14(1)(c) (law enforcement techniques and procedures), 14(1)(e) (life or physical safety of a law enforcement officer or any other person), 14(2)(a) (law enforcement report), 15(b)(information received in confidence from another level of government) and 19 (solicitor-client privilege). The ministry also identified some records that would not be subject to the *Act* as they were excluded under section 65(6). Lastly, the ministry identified portions of the records that were not responsive to the appellant's request.

[4] The appellant requested a fee waiver on the basis of financial hardship under section 57(4)(b) of the *Act*. The ministry did not grant the fee waiver.

[5] The appellant appealed the ministry's decision to grant partial access to the records, as well as the denial of the fee waiver.

[6] During my inquiry in this appeal, I sought and received representations from the ministry and the appellant. Representations were shared in accordance with section 7 of the IPC's *Code of Procedure and Practice Direction 7*.

[7] Lastly, during the inquiry the ministry issued its final decision on the appellant's request. The ministry granted partial access to some of the records, withholding information on the basis of sections 49(b) and 49(a) with reference to sections 14(1)(c), (d), (e), (g), (i), (l), 14(2)(a), 15(b) and 19. The ministry also claimed that records were excluded in accordance with section 65(6) as they represent labour relations or employment records.

[8] In this order, I uphold the ministry's decision on the application of the exclusion, as well as the denial of the fee waiver. Furthermore, I partially uphold the ministry's decision relating to the application of the exemptions claimed to apply to the records

RECORDS:

[9] The records at issue are described in an index which is attached in the appendix to this order and include: emails, correspondence, police officer notebooks, CPIC reports, TPS reports, briefing notes and faxes. The majority of the records consist of the appellant's correspondence to the ministry.

ISSUES:

- A. Should the \$50 fee be waived?
- B. What records are responsive to the request?
- C. Does section 65(6) exclude certain records from the *Act*?
- D. Do the records contain "personal information" as defined in section 2(1) and, if so, to whom does it relate?
- E. Does the discretionary exemption at section 49(b) apply to the information at issue?
- F. Does the discretionary exemption at section 49(a) in conjunction with sections 13(1), 14(1)(c), 14(1)(d), 14(1)(e), 14(1)(g), 14(1)(i), 14(1)(l), 14(2)(a), 15(b) and 19 apply to the information at issue?
- G. Did the ministry properly exercise its discretion under sections 49(a) and (b)?

DISCUSSION:

A. Should the \$50 fee be waived?

[10] Section 57(4) of the *Act* requires an institution to waive fees, in whole or in part, in certain circumstances. Section 8 of Regulation 460 sets out additional matters for a head to consider in deciding whether to waive a fee. The appellant claims that he should be granted a fee waiver on the basis of section 57(4)(b) which states:

57. (4) A head shall waive the payment of all or any part of an amount required to be paid under subsection (1) if, in the head's opinion, it is fair and equitable to do so after considering,

whether the payment will cause a financial hardship for the person requesting the record;

[11] The fee provisions in the *Act* establish a user-pay principle which is founded on the premise that requesters should be expected to carry at least a portion of the cost of processing a request unless it is fair and equitable that they not do so. The fees referred to in section 57(1) and outlined in section 6 of Regulation 460 are mandatory unless the requester can present a persuasive argument that a fee waiver is justified on the basis that it is fair and equitable to grant it or the *Act* requires the institution to waive the fees.¹

[12] A requester must first ask the institution for a fee waiver, and provide detailed information to support the request, before this office will consider whether a fee waiver should be granted. This office may review the institution's decision to deny a request for a fee waiver, in whole or in part, and may uphold or modify the institution's decision.²

Part 1: basis for fee waiver

Section 57(4)(b): financial hardship

[13] The ministry submits that it will cost \$50 to process the appellant's request which covers the cost of copying the records to 5 CD ROMs. The appellant submits that payment of the fee will cause him financial hardship.

[14] For section 57(4)(b) to apply, the requester must provide some evidence regarding his or her financial situation, including information about income, expenses, assets and liabilities.³

[15] The appellant made a request for a fee waiver to the ministry after receiving the ministry's interim decision on access and fee estimate. The ministry asked the appellant to provide information about his financial situation to support his fee waiver request. In response, the appellant sent an email with attached correspondence describing his financial circumstances and indicating that this office has found in the past that the payment of fees related to the appellant's earlier access request would result in financial hardship. The appellant stated:

¹ Order PO-2726.

² Orders M-914, P-474, P-1393, PO-1953-F.

³ Orders M-914, P-591, P-700, P-1142, P-1365 and P-1393.

...for there is nothing to talk about as for further details – there are absolutely no monies that I have, not a penny, no active bank account, with there no income for over the last 10 years, also there no assets, my financial position exactly as my last Financial Hardship was granted.

[16] On this basis, the ministry found that it was not fully satisfied that payment of the \$50 processing fee would cause the appellant financial hardship. However, the ministry determined that even if the appellant would experience financial hardship, as set out in Order PO-2847, the ministry stated that it would not be fair and equitable to waive the \$50 fee.

[17] In his representations, the appellant reiterates that his financial circumstances remain unchanged since this office found that the appellant was entitled to a fee waiver in Order PO-2847. The appellant states:

[In Order PO-2847 the] IPC was fully satisfied with the fact that there is Financial Hardship and it still remains. Further, IPC has rightfully ruled that [appellant's spouse] who is [not] part of this FOI Request, and is independent private Canadian citizen shall not be dragged into this FOI matter, and her financial matters are most rightfully private and are not part of the FOI Requester's info matters, and surely she is not a party that can be order to pay. Such would be outrageous. IPC's ruling was perfectly correct.

As for financial information, the FOI Requester has even provided the very latest tax return – they show NIL income, and NIL income [has] been that with Revenue Canada for over 13 years, with the FOI Requester, a professional person having lost in income, as an average, approximately \$125,000.00 per year, and in 13 years that amounting to close to \$2 million dollars of lost income.

[18] The appellant finally refers to the fact that his father provides him with a home and money for food.

[19] The ministry submits that Order PO-2835 is relevant to my consideration of whether the appellant has established financial hardship. In that order, Adjudicator Bernard Morrow considered that appellant's evidence of his financial circumstances and stated:

Although self-described as a person with "zero income", the appellant has not provided me with sufficient independent documentary evidence regarding his income, expenses, assets and liabilities. I appreciate the appellant's desire to pursue this matter without his spouse's financial involvement. However, owing to the nature of the appellant's

dependence on his spouse, for financial support, in my view, it is necessary to have a more fulsome picture of the appellant's total family income, including evidence of his spouse's income, expenses and liabilities.

[20] The ministry submits that the circumstances surrounding the current appellant's fee waiver request and the appellant in Order PO-2835 are similar in that both appellants assert that they are supported by other family members while claiming financial hardship for the purposes of their access requests. The ministry states that I should consider whether the appellant has established financial hardship in spite of Adjudicator Jennifer James' finding in Order PO-2847.

[21] Based on my review of the parties' submissions, I find that the appellant has not established that payment of the \$50 fee will cause him financial hardship. In Order PO-2847, Adjudicator James considered whether the payment of \$1380.00 in photocopying charges would result in financial hardship to the appellant given his financial circumstances. In the present appeal, the appellant has not provided sufficient evidence to establish that the payment of a significantly lower fee would cause him financial hardship. The appellant did not provide me with any evidence of his income, assets or liabilities outside of his statements that his financial circumstances have not changed. Furthermore, I find Adjudicator Morrow's reasoning in Order PO-2835 to apply here. The appellant submits that he relies on his father's support to live, but I have no evidence of his father's income, assets, or liabilities which are relevant to whether the appellant is able to pay the \$50 fee.

[22] I find the appellant has not established the basis for the fee waiver, but I will also go on to consider whether it would be fair and equitable in the circumstances to grant a fee waiver.

Part 2: fair and equitable

[23] For a fee waiver to be granted under section 57(4), it must be "fair and equitable" in the circumstances. Relevant factors in deciding whether or not a fee waiver is "fair and equitable" may include:

- the manner in which the institution responded to the request;
- whether the institution worked constructively with the requester to narrow and/or clarify the request;
- whether the institution provided any records to the requester free of charge;

- whether the requester worked constructively with the institution to narrow the scope of the request;
- whether the request involves a large number of records;
- whether the requester has advanced a compromise solution which would reduce costs; and
- whether the waiver of the fee would shift an unreasonable burden of the cost from the appellant to the institution.⁴

[24] The ministry submits that appellant's request involves over 15,000 pages of records and waiving the small reproduction fee for such a large volume of records would shift an unreasonable burden of cost from the appellant to the ministry. The ministry notes that many, many hours have been expended by ministry staff in collecting and reviewing the responsive records to the appellant's request.

[25] The ministry submits that a large portion of the responsive records consists of thousands of pages of unsolicited correspondence sent by the appellant to the ministry. The ministry states that it is neither fair nor equitable to ask it to reproduce copies of this unsolicited correspondence without a payment for the cost of reproduction.

[26] Finally, the ministry submits that it intends to provide the appellant with paper photocopies of over 150 pages of partially redacted records that cannot be released electronically without charging a fee. The ministry states that its action in this regard should weigh against granting a fee waiver.

[27] In the circumstances, I find that even if the appellant had established a basis for the fee waiver, it would not be fair and equitable to grant a fee waiver. Based on my review of the records, I find that ministry's position to be persuasive. The majority of the responsive records are unsolicited correspondence sent by the appellant to the ministry and several records deal with the ministry's attempts to manage the unsolicited information. I note that the ministry attempted to clarify the appellant's request, but there was no attempt on the part of either the ministry or the appellant to narrow the request. That being said, I find that the appellant did not attempt to engage in discussions with the ministry about how his request could be narrowed to reduce the fee, including the removal of all information which he sent to it.

[28] Based on the fact that a large number of the records include unsolicited correspondence sent by the appellant to the ministry, I find that waiver of the fee would unduly shift the cost of responding to the request from the appellant to the ministry.

⁴ Orders M-166, M-408 and PO-1953-F.

[29] Accordingly, I find that a fee waiver should not be granted in the circumstances.

B. What records are responsive to the request?

[30] Section 24 of the *Act* imposes certain obligations on requesters and institutions when submitting and responding to requests for access to records. This section 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;

. . .
- (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).

[31] 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.⁵

[32] To be considered responsive to the request, records must "reasonably relate" to the request.⁶

[33] The ministry submits that the responsive records contain information that is not responsive to the appellant's request including:

- document printing information
- police records management document header and footer
- information concerning law enforcement matters

⁵ Orders P-134 and P-880.

⁶ Orders P-880 and PO-2661.

[34] The ministry submits in Order PO-2254, Senior Adjudicator Sherry Liang held that certain administrative information relating to the printing of responsive reports for the purposes of an access request was not responsive and stated:

The information in these portions of the record reflect when the record was printed and by whom, and was created after the appellant's request. I am satisfied that this information is not covered by the scope of the appellant's request, and I uphold the ministry's decision to withhold this information.

[35] The ministry further submits that the finding in Orders PO-2503, PO-2660, PO-2643 and PO-2747 also support its position that this type of information is not responsive to the appellant's request.

[36] I have reviewed the information identified by the ministry as not responsive to the appellant's request. The appellant's request was for all information about himself held by the ministry. I find that the information identified by the ministry as not responsive does not reasonably relate to the appellant and relates instead to administrative information about the record or information not relating to the appellant or his family. I uphold the ministry's decision regarding the information identified as not responsive to the appellant's request.

C. Does section 65(6) exclude certain records from the *Act*?

[37] The ministry submits that some of the records at issue are excluded from the scope of the Act on the basis that paragraphs 1 and 3 of section 65(6) apply to them. Section 65(6) states, in part:

Subject to subsection (7), this Act does not apply to records collected, prepared, maintained or used by or on behalf of an institution in relation to any of the following:

1. Proceedings or anticipated proceedings before a court, tribunal or other entity relating to labour relations or to the employment of a person by the institution.
3. Meetings, consultations, discussions or communications about labour relations or employment related matters in which the institution has an interest.

[38] If section 65(6) applies to the records, and none of the exceptions found in section 65(7) applies, the records are excluded from the scope of the *Act*.

[39] For the collection, preparation, maintenance or use of a record to be “in relation to” the subjects mentioned in paragraph 1, 2 or 3 of this section, it must be reasonable to conclude that there is “some connection” between them.⁷

[40] The term “employment of a person” refers to the relationship between an employer and an employee. The term “employment-related matters” refers to human resources or staff relations issues arising from the relationship between an employer and employees that do not arise out of a collective bargaining relationship.⁸

[41] If section 65(6) applied at the time the record was collected, prepared, maintained or used, it does not cease to apply at a later date.⁹

[42] Section 65(6) may apply where the institution that received the request is not the same institution that originally “collected, prepared, maintained or used” the records, even where the original institution is an institution under the *Municipal Freedom of Information and Protection of Privacy Act*.¹⁰

[43] The ministry notes that the records for which the exclusion is claimed relate to the appellant’s complaints and allegations of misconduct against police officers pursuant to Part V of the *Police Services Act* (the *PSA*). These records include letters, emails, notes and reports prepared by the Ontario Provincial Police (OPP), the Toronto Police Service and the Ontario Civilian Police Commission (OCPC).¹¹

[44] The ministry submits that proceedings arising from complaints filed under Part V of the *PSA* constitute proceedings before an “other entity” for the purposes of section 65(6)1. The ministry cites Order PO-1979 where former Assistant Commissioner Tom Mitchinson stated:

I agree with the Ministry that proceedings stemming from complaints made under the PSA are properly considered proceedings for the purposes of section 65(6)1...

[45] The ministry also submits that the records relating to the OCPC’s review of the appellant’s complaints are excluded under section 65(6)3 and cite Order PO-2658 where Adjudicator Colin Bhattacharjee found the following:

⁷ Order MO-2589; see also *Ministry of the Attorney General and Toronto Star and Information and Privacy Commissioner*, 2010 ONSC 991 (Div. Ct.).

⁸ Order PO-2157.

⁹ *Ontario (Solicitor General) v. Ontario (Assistant Information and Privacy Commissioner)* (2001), 55 O.R. (3d) 355 (C.A.), leave to appeal refused [2001] S.C.C.A. No. 507.

¹⁰ Orders P-1560 and PO-2106.

¹¹ The OCPC is formerly the Ontario Civilian Commission on Police Services and is an agency of the ministry.

I have carefully examined the records at issue in the appeal before me, which document the PSB's investigation of the complaints filed against the two OPP officers and OCCP's review of the two decisions issued by the PSB Bureau Commander. In my view, these records are "employment-related," because of the potential for disciplinary action against the two officers. I find, therefore, that the meetings discussions, consultations and communications that took place were about "employment-related matters".

[46] Adjudicator Bhattacharjee also went on to find that the ministry's interest in the "employment-related matter" was more than a "mere curiosity or concern" and stated:

As the employer of OPP officers, the ministry clearly has more than a trifling interest in the PSB Bureau Commander's decisions with respect to the complaints filed against the two OPP officers and the outcome of the subsequent reviews conducted by OCCPS.

[47] The ministry also submits that the exclusion in section 65(6)3 applies to communications between municipal police services and the OCPC in regard to complaints filed under Part V of the *PSA* against police officers whose conduct was the subject of an OCPC review. The ministry submits that the records at issue were collected and used by the OCPC in relation to reviews conducted by OCPC of decisions made by the OPP and the Toronto Police Service under Part V of the *PSA*. The ministry states:

...a number of the records at issue were collected, prepared, maintained or used by the OPP or the Toronto Police Service in relation to meetings, consultations, discussions and communications in connection with *PSA* complaints filed by the appellant that were investigated and ultimately the subject of an OCPC review.

[48] Lastly, the ministry cites Order PO-3075¹² where Adjudicator Bhattacharjee found that records in relation to complaints filed by the appellant against OPP officers that were investigated by PSB and subsequently the subject of an OCPC review were excluded in accordance with section 65(6)3.

[49] The appellant did not make representations on this issue.

[50] I find that the records for which the exclusion has been claimed were either collected and prepared by the ministry for the purposes of anticipated proceedings before an entity or were collected and prepared in relation to meetings and discussions. I further find that the both the anticipated proceedings and the meetings and

¹² This order related to an appeal by the same appellant with the same institution as the present appeal.

discussions related to employment or employment-related matters in which the ministry has an interest.

[51] As was the case in Order PO-3075, the appellant's complaints involve OPP officers from the Bancroft detachment. As the ministry is the employer of the OPP officers, it has an interest in the results of the OCPC or PSB review. Furthermore, the potential for disciplinary action against the individual officers means that the records relate to employment-related matters.

[52] I find the exclusion in paragraphs 1 and 3 of section 65(6) applies to the records at issue and none of the exceptions in section 65(7) are relevant. Accordingly, the *Act* does not apply to these records and I uphold the ministry's decision.

D. Do the records contain "personal information", and if so, to whom does it relate?

[53] 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;

[54] 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.¹³

[55] 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.

[56] 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.¹⁴

[57] 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.¹⁵

¹³ Order 11.

¹⁴ Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

¹⁵ Orders P-1409, R-980015, PO-2225 and MO-2344.

[58] The ministry submits that the records contain recorded information about the appellant, his family, and other individuals (victims, witnesses) within the meaning of the definition of "personal information" in section 2(1) of the *Act*, and thus, the information qualifies as their personal information.

[59] The ministry further submits that some of the records contain recorded information about individual Crown counsel which qualifies as their personal information within the meaning of that term as defined in section 2(1). The ministry states that the Crown counsel was the victims of offences committed by the appellant and thus information about the Crown counsel does not constitute their professional information.

[60] Furthermore, the ministry submits that some of the records contain recorded information about Toronto Police Service police officers and OPP officers which qualifies as their personal information within the meaning of the definition of that term in section 2(1). The ministry states that the officers were the subject of the appellant's complaints and relates to the officers in their personal and not professional capacity.

[61] The ministry cites Orders PO-2524 and PO-2633 and the findings of this office that information gathered in the course of Special Investigation Unit investigations regarding police officers who were the subject of investigations or witnesses in relation to investigations constituted the officer's personal, rather than professional information. Furthermore, the ministry submits that Adjudicator Bhattacharjee found in Order PO-3075 that records relating to OPP officers who were the subject of a PSB investigation and subsequent OCCPS review relates to the officers in their personal and not professional capacity.

[62] Finally, the ministry submits that this office has a long line of cases, most recently referred to in Order PO-2778 by Adjudicator Steve Faughnan that information in records containing a complaint of an individual's conduct and an examination of that conduct is that individual's personal information within the meaning of section 2(1) of the *Act*.

[63] I find that the information relating to the Toronto Police Officers and the OPP officers relate to them in their personal and not professional capacity. I find that the appellant's allegations of misconduct and the subsequent PSB investigations and the OCPC's reviews all contain information about the officers in their personal capacity and not professional capacity. Accordingly, I find this information to be the personal information of these officers. I note that some of this information relating to the officers has already been excluded from the *Act* under sections 65(6)1 and 3.

[64] I find the information relating to the Crown counsel also relates to them in their personal and not professional capacity. For the same reasons as outlined above, I find this information constitutes their personal information within the meaning of section 2(1) of the *Act*.

[65] Lastly, I find the records contain information which constitutes the personal information of the appellant, his family, witnesses and other individuals. In particular, the records contain the following types of information which are included in the definition of personal information in section 2(1):

- information relating to the age, marital and family status of an individual (paragraph (a));
- information relating to the education, criminal and employment history of an individual (paragraph (b));
- the address, telephone numbers of an individual (paragraph (d));
- the personal opinions and views of an individual (paragraph (e));
- the views or opinions of another individual about the individual (paragraph (g));
- individual's name where it appears with other personal information relating to the individual (paragraph (h));

[66] As I have found that the records contain the personal information of the appellant, as well as other individuals, I will now consider the application of sections 49(a) and (b) to the withheld information.

E. Does the discretionary personal privacy exemption at section 49(b) apply to the records at issue?

[67] Section 47(1) of the *Act* gives individuals a general right of access to their own personal information held by an institution. Under section 49(b), where a record contains the personal information of both the appellant and another individual, and disclosure would constitute an "unjustified invasion" of the other individual's privacy, the ministry may refuse to disclose that information to the appellant.

[68] If the information falls within the scope of section 49(b), that does not end the matter. Despite this finding, the ministry may exercise its discretion to disclose the information to the appellant. This involves a weighing of the appellant's right to access to his own personal information against the other individual's right to protection of their privacy.

[69] Sections 21(1) to (4) provide guidance in determining whether the unjustified invasion of personal privacy threshold under section 49(b). Paragraphs (a) through (e) of section 21(1) are not relevant to the information at issue in the appeal. Furthermore I find that paragraphs (a) to (d) of section 21(4) do not apply. Thus, I will consider

whether the factors in section 21(2) and the presumptions in section 21(3) are relevant to my determination.

Section 21(3) presumptions

[70] If any of the paragraphs (a) to (h) of section 21(3) apply, disclosure of the information is presumed to be an unjustified invasion of personal privacy under 21 or section 49(b). Once a presumed unjustified invasion of personal privacy under section 21(3) is established for records which are claimed to be exempt under section 21(1), it can only be overcome if section 21(4) or the “public interest override” at section 23 applies.¹⁶

[71] The ministry submits that the presumptions in sections 21(3)(b) and (d) apply to some of the personal information at issue. These state:

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

(b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

(d) relates to employment or educational history;

[72] The ministry submits that the personal information at issue is highly sensitive personal information that was compiled and is identifiable as part of police investigations into possible violations of law. The violations of law include alleged offences under the *Criminal Code*. The ministry also cites prior orders of this office in support of its position that the application of the presumption in section 21(3)(b) is not dependent upon whether charges were actually laid in relation to a given incident.¹⁷

[73] Based on my review of the records, and in particular the police occurrence reports, witness statements and police officers’ notes, I find that the personal information in these records was compiled and is identifiable as part of an investigation into a possible violation of law. I find that disclosure of this information is presumed to be an unjustified invasion of the personal privacy of individuals other than the appellant. Accordingly, I find that the presumption in section 21(3)(b) is relevant to my determination of the application of section 49(b).

¹⁶ *John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767.

¹⁷ Orders P-223, P-237 and P-1225.

[74] In relation to section 21(3)(d), the ministry states that the responsive records contain references to the employment history of OPP officers and disclosure of this information would presume to be an unjustified invasion of their personal privacy. I agree. The personal information for which this presumption is claimed relates to the interactions between the OPP officers, whose personal information is at issue, and the appellant. I find that disclosure of the employment history of the OPP officers is presumed to be an unjustified invasion of their personal privacy and as such section 21(3)(d) is relevant to my determination of the application of section 49(b).

[75] As I have found that the presumptions in sections 21(3)(b) and (d) are relevant, I find that disclosure of this personal information would be a presumed unjustified invasion of another individual's personal privacy under section 49(b). Once a presumed unjustified invasion of personal privacy under section 21(3) is established it can only be overcome if section 21(4) or the "public interest override" at section 23 applies.¹⁸

[76] I have considered the application of the exceptions in section 21(4) and I find that the withheld personal information does not fall within the ambit of this section. In addition, the appellant did not raise the application of the public interest override at section 23. Consequently, I find that disclosing the personal information in these records to the appellant would constitute an unjustified invasion of other individual's personal privacy and the information qualifies for exemption under section 49(b), subject to my finding on the ministry's exercise of discretion.

Section 21(2): factors

[77] If no section 21(3) presumption applies to the personal information in a particular record, section 21(2) lists various factors that may be relevant in determining whether disclosure of personal information would constitute an unjustified invasion of personal privacy under section 49(b).¹⁹

[78] The ministry has also claimed the application of the factor relating to non-disclosure in section 21(2)(f) which states:

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,

the personal information is highly sensitive;

¹⁸ *John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767.

¹⁹ Order P-239.

[79] The ministry submits that section 21(2)(f) is a factor favouring non-disclosure of statements provided by witnesses, victims and other individuals in relation to law enforcement investigations involving the appellant. The ministry further submits that section 21(2)(f) is a factor in relation to complaints made by the appellant in relation to a number of individuals.

[80] To be considered highly sensitive, there must be a reasonable expectation of significant personal distress if the information is disclosed.²⁰

[81] There are several records for which the ministry claimed the application of the exemption in section 49(b) in conjunction with the factor in section 21(2)(f). Many of these records originated with the appellant and contain his complaints against certain named individuals. I find that it is reasonable to expect that disclosure of this information would cause significant personal distress to those individuals whose personal information is at issue.

[82] Other records for which the factor in section 21(2)(f) is claimed relate to ministry generated records containing the names of individuals and other personal information relating to them. The ministry partially disclosed these records and only withheld the names of these individuals. Based on my review of the individuals' names that were withheld, I am unable to find that disclosure of their names would cause significant personal distress to those individuals. These individuals are family members who the appellant has listed as witnesses in his complaints. However, I am also unable to find that any of the factors supporting disclosure in section 21(2) apply to this information.

[83] Accordingly, I find that the factor in section 21(2)(f) is relevant with respect to this information. In the absence of any factors favouring disclosure of the personal information of these individuals to the appellant, I find that disclosure would constitute an unjustified invasion of their personal privacy. Consequently, this information qualifies for exemption under section 49(b) of the *Act*.

Absurd result

[84] Where the requester originally supplied the information, or the requester is otherwise aware of it, the information may be found not exempt under section 49(b), because to find otherwise would be absurd and inconsistent with the purpose of the exemption.²¹

²⁰ Orders PO-2518, PO-2617, MO-2262 and MO-2344.

²¹ Orders M-444 and MO-1323.

[85] The absurd result principle has been applied where, for example:

- the requester sought access to his or her own witness statement²²
- the requester was present when the information was provided to the institution²³
- the information is clearly within the requester's knowledge²⁴

[86] If disclosure is inconsistent with the purpose of the exemption, the absurd result principle may not apply, even if the information was supplied by the requester or is within the requester's knowledge.²⁵

[87] The ministry submits that the absurd result principle does not apply in the particular and sensitive circumstances of the appellant's requests. The ministry states that the personal information of the individuals in the record is interconnected with the personal information of the appellant in such a way that release of the exempted information would be inconsistent with the privacy exemption that has been applied.

[88] The appellant did not make representations on this issue.

[89] In the present appeal, there are a number of records which I have found exempt under section 49(b), but were also sent to the ministry by the appellant. Specifically these records contain the appellant's complaints against a number of individuals. I find that this personal information is clearly within the appellant's knowledge as he wrote and submitted this correspondence himself. The records further refer to the fact that they were submitted by the appellant. I find that the absurd result principle applies to this personal information as it would be inconsistent with the purpose of the section 49(b) exemption to apply it to withhold this information from the appellant.

[90] I accept the ministry's submission that for some of the information that may be known to the appellant, this personal information of other individuals is so intertwined with that of the appellant's that disclosure would be inconsistent with the privacy exemption in section 49(b) and I find the absurd result principle does not apply to this information. In particular, I find this applies to the statements made by officers or other individuals.

[91] I have identified the information to be disclosed in the index which is included in the appendix to this order.

²² Orders M-444 and M-451.

²³ Orders M-444 and P-1414.

²⁴ Orders MO-1196, PO-1679 and MO-1755.

²⁵ Orders M-757, MO-1323 and MO-1378.

F. Does the discretionary exemption at section 49(a) in conjunction with sections 13(1), 14(1)(c), 14(1)(d), 14(1)(e), 14(1)(g), 14(1)(i), 14(1)(l), 14(2)(a), 15(b) and 19 apply to the information at issue?

[92] Section 47(1) 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 and it 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.

[93] 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 [Order M-352].

[94] 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.

[95] In this case, the institution relies on section 49(a) in conjunction with section 13, 14, 15 and 19.

Section 13: Advice or recommendation

[96] The ministry submits that section 13(1) applies to the following records: 3026 – 3055, 5742 – 5751, 8242, 11744 – 11748, 12192 – 12211. Section 13(1) states:

A head may refuse to disclose a record where the disclosure would reveal advice or recommendations of a public servant, any other person employed in the service of an institution or a consultant retained by an institution.

[97] The purpose of section 13 is to ensure that persons employed in the public service are able to freely and frankly advise and make recommendations within the deliberative process of government decision-making and policy-making. The exemption also seeks to preserve the decision maker or policy maker's ability to take actions and make decisions without unfair pressure.²⁶

²⁶ Orders 24, P-1398, upheld on judicial review in *Ontario (Minister of Finance) v. Ontario (Information and Privacy Commissioner)* (1999), 118 O.A.C. 108 (C.A.).

[98] Previous orders have established that advice or recommendations for the purpose of section 13(1) must contain more than mere information.²⁷

[99] “Advice” and “recommendations” have a similar meaning. In order to qualify as “advice or recommendations”, the information in the record must reveal a course of action that will ultimately be accepted or rejected by its recipient.²⁸

[100] Advice or recommendations may be revealed in two ways:

- the information itself consists of advice or recommendations
- the information, if disclosed, would permit the drawing of accurate inferences as to the nature of the actual advice or recommendations²⁹

[101] It is implicit in the various meanings of “advice” or “recommendations” considered in *Ministry of Transportation* and *Ministry of Northern Development and Mines* (cited above) that section 13(1) seeks to protect a decision-making process. If the document actually suggests the preferred course of action it may be accurately described as a recommendation. However, advice is also protected, and advice may be no more than material that permits the drawing of inferences with respect to a suggested course of action but does not recommend a specific course of action.³⁰

[102] There is no requirement under section 13(1) that the Ministry be able to demonstrate that the document went to the ultimate decision maker. What section 13(1) protects is the deliberative process.³¹

[103] Examples of the types of information that have been found *not* to qualify as advice or recommendations include

- factual or background information
- analytical information
- evaluative information

²⁷ See Order PO-2681.

²⁸ Orders PO-2028, PO-2084, upheld on judicial review in *Ontario (Ministry of Northern Development and Mines) v. Ontario (Assistant Information and Privacy Commissioner)*, [2004] O.J. No. 163 (Div. Ct.), aff’d [2005] O.J. No. 4048 (C.A.), leave to appeal refused [2005] S.C.C.A. No. 564; see also Order PO-1993, upheld on judicial review in *Ontario (Ministry of Transportation) v. Ontario (Information and Privacy Commissioner)*, [2005] O.J. No. 4047 (C.A.), leave to appeal refused [2005] S.C.C.A. No. 563.

²⁹ Orders PO-2028, PO-2084, upheld on judicial review in *Ontario (Ministry of Northern Development and Mines) v. Ontario (Assistant Information and Privacy Commissioner)*, (cited above); see also *Ontario (Ministry of Transportation) v. Ontario (Information and Privacy Commissioner)*, (cited above).

³⁰ *Ontario (Finance) v. Ontario (Information and Privacy Commissioner)*, 2012 ONCA 125 (C.A.).

³¹ *Ontario (Finance) v. Ontario (Information and Privacy Commissioner)*, (cited above).

- notifications or cautions
- views
- a supervisor's direction to staff on how to conduct an investigation³²

[104] The ministry submits that section 13(1) was applied the following records as disclosure of the information would reveal advice or recommendations of public servants in relation to matters involving the appellant. Further, the ministry submits that neither of the exceptions in sections 13(2) or (3) apply to the information.

[105] Pages 3026 – 3055 consists of the ministry's draft representations to this office respecting an appeal involving the appellant and the various emailed comments and responses regarding the suggested position in the representations. I find the information withheld contains a course of action that would ultimately be accepted or rejected by the individuals reviewing the draft document.

[106] Pages 5742 – 5751 consists of an OPP investigator report with a recommendation. I find that the disclosure of the report and the recommendation would reveal a suggested course of action that was to be ultimately accepted or rejected by a decision maker.

[107] Page 8242 consists of a briefing note and a recommendation. I find that disclosure of either the briefing note or the recommendation would reveal a suggested course of action that was to be ultimately accepted or rejected by a decision maker.

[108] Pages 11744 – 11748 and 12192 – 12211 are both draft synopsis which contain a synopsis and a recommendation. I find that disclosure of the synopsis would reveal a suggested course of action that was to be ultimately accepted or rejected by a decision maker.

[109] I find that the exceptions in sections 13(2) and (3) do not apply and thus the exemption in section 13(1) applies. Accordingly, these records are exempt under section 49(a), subject to my finding on the ministry's exercise of discretion.

Section 14: Law Enforcement

[110] The ministry claims that several records are exempt under section 49(a) as several sections of section 14 apply to the records including, 14(1)(c), (d), (e), (g), (i), (l) and 14(2)(a) of the *Act*. These sections state:

³² Order P-434; Order PO-1993, upheld on judicial review in *Ontario (Ministry of Transportation) v. Ontario (Information and Privacy Commissioner)*, (cited above); Order PO-2115; Order P-363, upheld on judicial review in *Ontario (Human Rights Commission) v. Ontario (Information and Privacy Commissioner)* (March 25, 1994), Toronto Doc. 721/92 (Ont. Div. Ct.); Order PO-2028, upheld on judicial review in *Ontario (Ministry of Northern Development and Mines) v. Ontario (Assistant Information and Privacy Commissioner)*, (cited above).

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

- (c) reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;
- (d) disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;
- (e) endanger the life or physical safety of a law enforcement officer or any other person;
- (g) interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons;
- (i) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure
- (l) facilitate the commission of an unlawful act or hamper the control of crime.

(2) A head may refuse to disclose a record,

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

[111] Generally, the law enforcement exemption must be approached in a sensitive manner, recognizing the difficulty of predicting future events in a law enforcement context.³³

[112] Except in the case of section 14(1)(e), where section 14 uses the words "could reasonably be expected to", the institution must provide "detailed and convincing"

³³ *Ontario (Attorney General) v. Fineberg* (1994), 19 O.R. (3d) 197 (Div. Ct.).

evidence to establish a "reasonable expectation of harm". Evidence amounting to speculation of possible harm is not sufficient.³⁴

[113] It is not sufficient for an institution to take the position that the harms under section 14 are self-evident from the record or that a continuing law enforcement matter constitutes a *per se* fulfilment of the requirements of the exemption.³⁵

[114] The appellant did not submit representations on the application of the law enforcement exemptions.

Section 14(1)(c): investigative techniques and procedures

[115] The ministry submits that the records contain copious amounts of information in relation to confidential investigative techniques and procedures employed by police services, including the OPP, in relation to the investigation of incidents involving the appellant. The ministry refers to the following examples: pages 14 – 17, 5504 – 5505, 5742 – 5751, 5777 – 5803, 5807 – 5814, 8236 – 8237, 12066 – 12075, and 15676 – 15690.

[116] In order to meet the "investigative technique or procedure" test, the institution must show that disclosure of the technique or procedure to the public could reasonably be expected to hinder or compromise its effective utilization. The exemption normally will not apply where the technique or procedure is generally known to the public.³⁶

[117] The techniques or procedures must be "investigative". The exemption will not apply to "enforcement" techniques or procedures.³⁷

[118] The ministry submits that disclosure of the records would reveal detailed information about procedures followed by police in relation to individuals and evidence that could be exploited by criminals to evade a future prosecution. Revealing information about confidential police resources would compromise the ability of the police to effectively use these investigative tools.

[119] Lastly, the ministry cites the finding in Order PO-2380 where Adjudicator Donald Hale found that section 14(1)(c) applied to a number of records that described the procedures and techniques used by the Ministry of Natural Resources to obtain and execute a search warrant in a specific high profile case. The ministry also cites Order PO-3075, referenced above, where Adjudicator Bhattacharjee upheld the application of

³⁴ Order PO-2037, upheld on judicial review in *Ontario (Attorney General) v. Ontario (Information and Privacy Commissioner)*, [2003] O.J. No. 2182 (Div. Ct.), *Ontario (Workers' Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)* (1998), 41 O.R. (3d) 464 (C.A.).

³⁵ Order PO-2040; *Ontario (Attorney General) v. Fineberg*.

³⁶ Orders P-170, P-1487, MO-2347-I and PO-2751.

³⁷ Orders PO-2034, P-1340.

section 14(1)(c) to information that is similar to the information at issue in the current appeal.

[120] The appellant submits that the ministry has claimed the application of this section extensively and he cannot envision how investigative techniques, which are not generally known, would apply to the circumstances of his various occurrences. The appellant submits that his case against the ministry was simple and he is an individual of upstanding character whose life would not require extraordinary investigative measures by the police or OPP.

[121] Based on my review of the records, I find that disclosure of the information would reveal investigative techniques and procedures used by the OPP and the police in their investigations of occurrences involving the appellant and other individuals. I further find that disclosure of these techniques and procedures could reasonably be expected to hinder or compromise the use of these techniques or procedures. I accept the ministry's submissions that these techniques and procedures are not generally known to the public. Accordingly, I find that section 14(1)(c) applies to parts of the withheld records and thus these portions of the record are exempt under section 49(a), subject to my finding on the ministry's exercise of discretion.

Section 14(1)(d): confidential source

[122] The ministry submits that the release of the requested records would disclose the identity of confidential sources of law enforcement information and disclose information supplied by the confidential sources. The ministry submits that the records contain detailed information that was provided by identifiable confidential sources during the context of various investigations into possible violations of law. The ministry states:

The free exchange of relevant information between law enforcement officers and other parties is a necessary and vital component of law enforcement investigations. Examples of such information include pages 9436 to 9459.

The confidential sources of the highly sensitive information at issue would reasonably have expected that the information provided would be kept as confidential. Should the information be divulged, these confidential sources might be reluctant to assist with future law enforcement investigations.

[123] The ministry cites Orders MO-2238, MO-2043 and MO-2350 in support of its position that the identity and contact information of a confidential informant in respect to a law enforcement matter was exempt from disclosure in accordance with section 8(1)(d) of municipal *Act* the municipal equivalent to section 14(1)(d). Further, the

ministry again cites Order PO-3075 where Adjudicator Bhattacharjee upheld the application of section 14(1)(d) for similar information

[124] The institution must establish a reasonable expectation that the identity of the source or the information given by the source would remain confidential in the circumstances.³⁸

[125] I have reviewed the information where the ministry has claimed the application of section 14(1)(d). I find that disclosure of this information could reasonably be expected to disclose the identity of a confidential source of the information relating to a law enforcement matter or disclose information furnished only by the confidential source. I find that section 14(1)(d) does apply and thus this information is exempt under section 49(a), subject to my finding on the ministry's exercise of discretion.

Section 14(1)(e): life or physical safety

[126] The ministry claims that section 14(1)(e) applies to several of the records at issue and thus section 49(a) applies to exempt them. Because of the way I have applied the other law enforcement exemptions claimed by the ministry, I only have to consider the application of section 14(1)(e) to records: 912, 2033, 3336, 5349, 8241, 12091 – 12092, 13757, 14089, 14181, 14566, 15576.

[127] The ministry submits that disclosure of the information contained in these pages could reasonably be expected to endanger the life and physical safety of individuals.

[128] The ministry submits that it is evident from the circumstances described in records that section 14(1)(e) applies. The ministry further notes in its representations that the appellant has been charged by the Toronto Police Service with mischief, threatening death, criminal harassment and harassing telephone calls. The ministry notes that several Crown counsel were the victims in relation to these alleged offences. The ministry also submitted confidential representations in support of the application of the exemption.

[129] In the case of section 14(1)(e), the ministry must provide evidence to establish a reasonable basis for believing that endangerment will result from disclosure. In other words, the institution must demonstrate that the reasons for resisting disclosure are not frivolous or exaggerated.³⁹

³⁸ Order MO-1416.

³⁹ *Ontario (Information and Privacy Commissioner, Inquiry Officer) v. Ontario (Minister of Labour, Office of the Worker Advisor)* (1999), 46 O.R. (3d) 395 (C.A.).

[130] In this case, the pages I have referred to above contain only the appellant's correspondence sent by him to the ministry. I concede that these pages contain references to particular individuals and the appellant's language is threatening. However, I find that ministry has not established that disclosure of the appellant's own statements back to him will result in the harm anticipated in section 14(1)(e). Furthermore, given the age of these records, I also find that the ministry has not established a reasonable basis for believing that endangerment will result from disclosure. Accordingly, these records are not exempt under section 49(a) and I will go on to consider whether section 14(1)(l) applies to them, below.

Section 14(1)(g): law enforcement intelligence information

[131] The ministry submits that release of the withheld information would interfere with the gathering of and reveal law enforcement intelligence information and states:

Intelligence information is gathered for the purposes relating to the maintenance of law and order and for ensuring the safety of communities and individuals. The gathering of intelligence information helps police agencies to take a pro-active approach in regard to targets and criminal activities of interest. Such information is treated as highly confidential and is disclosed within the law enforcement community on an absolute need to know basis only. The value of such information would be seriously compromised should it be disclosed.

A number of the records at issue reflect the OPP intelligence information gathering function. Examples of such information include pages 5554, 5675, 5682 – 5684, 5687 – 5691, 5692 to 5703, 5726 – 5741, 5875, 9461 – 9476, 11229, 12107 – 12110, 12125 – 12128 and 15676 – 15690.

[132] The ministry also cites Adjudicator Bhattacharjee's finding on the application of section 14(1)(g) in Order PO-3075 to similarly withheld information.

[133] The term "intelligence information" means:

Information gathered by a law enforcement agency in a covert manner with respect to ongoing efforts devoted to the detection and prosecution of crime or the prevention of possible violations of law. It is distinct from information compiled and identifiable as part of the investigation of a specific occurrence.⁴⁰

⁴⁰ Orders M-202, MO-1261, MO-1583, PO-2751; see also Order PO-2455, confirmed in *Ontario (Ministry of Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, [2007] O.J. No. 4233 (Div. Ct.).

[134] I find that many of the records identified by the ministry contain information which was gathered by law enforcement for intelligence purposes. I further find that this information is distinct from information that would have been compiled and is identifiable as part of an investigation into a specific occurrence. Accordingly, I find that section 14(1)(g) applies and thus this information is exempt under section 49(a).

Section 14(1)(i): security of a building, vehicle, system or procedure

[135] The ministry submits that disclosure of parts of the records may reasonably be expected to endanger the security and integrity of the Canadian Police Information Centre (CPIC) system and other law enforcement systems including the Toronto Police Service Manix Database such that section 14(1)(i) applies to it. In particular, the ministry submits that the following pages of records contain CPIC and other law enforcement system information: 5805, 5815, 5817, 5819, 5820 to 5821, 5777 to 5803, 11954, 11956 and 11968.

[136] The ministry explains that CPIC is a computerized system that provides the law enforcement community with information tools to assist in combatting crime by providing information on crimes and criminals. CPIC is operated by the RCMP under the stewardship of National Police Services, on behalf of the Canadian law enforcement community. The ministry states that unauthorized access to the CPIC system has the potential to compromise investigations and other law enforcement activities and the privacy and safety of individuals.

[137] The ministry further submits the following in support of its position that disclosure of the following information will lead to the harm in section 14(1)(i):

...release of CPIC access/transmission codes, as well as CPIC query format information, has the potential to compromise the integrity and ongoing security of the CPIC system and facilitate unauthorized access to the CPIC system. A similar concern exists in relation to access/transmission codes relating to other police information systems.

[138] The ministry cites the finding of Adjudicator Diane Smith in Order PO-2582 where Adjudicator Smith upheld the ministry's submission that disclosure of CPIC access and transmission codes may reasonably be expected to endanger the "integrity of the CPIC system".

[139] Lastly, the ministry cites the finding of Adjudicator Bhattacharjee in Order PO-3075 where he upheld the application of section 14(1)(i) to similar information and states:

I have reviewed the information that the ministry has withheld under section 49(a), in conjunction with section 14(1)(i). Each of the CPIC records containing the appellant and his wife's personal information also contains access/transmission codes and query information. I agree with Adjudicator Smith's findings in Order PO-2582 and am satisfied that disclosing this information could reasonably be expected to endanger the security of the system established for the protection of information in the CPIC database, for which protection is reasonably required. In my view, this finding would also apply to the codes in records extracted from other law enforcement databases, such as the TPS's MANIX database.

[140] I have reviewed the records for which the ministry has claimed that section 14(1)(i) applies. I find that these records are the results of CPIC and MANIX searches for information about the appellant. I find that these records contain access and transmission codes whose disclosure could reasonably be expected to endanger the security of a system for which protection is reasonably required. The records at issue in the present appeal are very similar to the records that were at issue in the appellant's prior appeal which is the subject of Order PO-3075. Lastly, I too agree with Adjudicator Smith's finding in Order PO-2582 and find that section 14(1)(i) applies to the information at issue and as such is exempt under section 49(a), subject to my finding on the ministry's exercise of discretion.

Section 14(1)(l): commission of an unlawful act or control of crime

[141] The ministry submits that section 14(1)(l) applies to some of the information at issue as disclosure could reasonably be expected to facilitate the commission of an unlawful act or hamper the control of crime.

[142] The ministry submits that it applied section 14(1)(l) to exempt from disclosure various types of operational police codes including "ten codes, location codes, zone codes and similar information. The ministry states:

Release of such information would hamper the ability of the OPP to safely and effectively respond to future incidents involving the appellant and/or other individuals. This information is contained on a large number of records including pages: 1, 8, 14, 7115, 7127, 9482, 5864, 15676, 15680, 15685.

With particular reference to police "ten" codes referenced in the records at issue, these operational police codes are used by OPP officers in their radio communications with each other and their detachments and Provincial Communication Centres. The Ministry submits that release of "ten" codes would compromise the effectiveness of police communications and jeopardize the safety and security of OPP officers.

With respect to other operational police codes that have been withheld, these codes reveal identifiable zones from which police officers are dispatched for patrol and other law enforcement activities. Although a detachment may cover a large geographic region, the exempt information reveals a specific, identifiable zone and service location. This information is used to dispatch officers to calls for service and could be used to track the activities of police officers carrying out law enforcement activities in the community.

The ministry submits that the public disclosure of these operational police codes would leave police officers more vulnerable and compromise their ability to provide effective policing services.

[143] The ministry cites Orders M-393, M-757, PO-1877, PO-2209, PO-2339, PO-2394, PO-2409 and PO-2660 in support of its position.

[144] The ministry also applied section 14(1)(l) to withhold cautions and similar law enforcement information communicated to ensure the safety of individuals. Examples of this information are found at pages 9, 15, 2288 – 2289, 5726 to 5741, 5777 to 5803, 5806, 5818, 5816, 7115, 8226 – 8235, 8236 and 11951.

[145] Finally, the ministry submits that the disclosure of CPIC access/transmission codes and similar information could reasonably be expected to leave the CPIC computer system and similar police information systems more vulnerable to security breaches. The ministry postulates that security breaches could lead to data corruption, compromise data integrity and finally result in unauthorized/illegal disclosures of confidential law enforcement and police information. The ministry submits that this may also lead to criminal activities such as identity theft. The ministry cites Orders P-1214 and Order PO-3075 in support of its claim of section 14(1)(l).

[146] Based on my review of the records for which section 14(1)(l) has been claimed, I find that disclosure of the information contained therein, including various police and OPP codes such as ten codes, location codes and, CPIC access/transmission codes could reasonably be expected to facilitate the commission of an unlawful act or hamper the control of crime. Accordingly, I find that section 14(1)(l) applies to this information and it is exempt under section 49(a), subject to my finding on the ministry's exercise of discretion.

[147] However, I find section 14(1)(l) does not apply to the following pages of records: 912, 2033, 3336, 5349, 8241, 12091 – 12092, 13757, 14089, 14181, 14566 and 15576. These records do not contain police codes, location or CPIC access/transmission codes and are inherently different from the information I have found exempt above. Instead, these records are correspondence sent to the ministry by the appellant containing his threats and complaints against various individuals. I find that disclosure of this

information could not reasonably be expected to facilitate the commission of an unlawful act or hamper the control of crime. Accordingly, these pages are not exempt under section 49(a).

Section 14(2)(a): law enforcement report

[148] The ministry has claimed that a number of records are exempt from disclosure under section 49(a), in conjunction with section 14(2)(a). While I have found the majority of these records exempt under section 49(a) with reference to sections 14(1)(c), (g), or (l), I find that pages 5742 to 5751, 5807 – 5814, 8226 – 8235, and 12066 to 12075 of the records are also exempt under section 49(a) with reference to section 14(2)(a). This section states:

A head may refuse to disclose a record,

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

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

1. the record must be a report; and
2. the report must have been prepared in the course of law enforcement, inspections or investigations; and
3. the report must have been prepared by an agency which has the function of enforcing and regulating compliance with a law.⁴¹

[150] The word "report" means "a formal statement or account of the results of the collation and consideration of information". Generally, results would not include mere observations or recordings of fact.⁴²

[151] The title of a document is not determinative of whether it is a report, although it may be relevant to the issue.⁴³

[152] Section 14(2)(a) exempts "a report prepared in the course of law enforcement *by an agency which has the function of enforcing and regulating compliance with a law*" (emphasis added), rather than simply exempting a "law enforcement report." This

⁴¹ Orders 200 and P-324.

⁴² Orders P-200, MO-1238, MO-1337-I.

⁴³ Orders MO-1238, MO-1337-I.

wording is not seen elsewhere in the *Act* and supports a strict reading of the exemption.⁴⁴

[153] In support of its position that the records set out above are law enforcement reports within the meaning of section 14(2)(a), the ministry cites Order PO-2508-I where former Senior Adjudicator John Higgins considered the application of section 14(2)(a) to OPP records that were withheld by the Liquor Control Board of Ontario. In finding section 14(2)(a) applied to the records, the Senior Adjudicator stated:

Having reviewed the record and the representations of the parties, I am satisfied that both the letter and the summary report constitute a formal statement or account of the results of the collation and consideration of information, and therefore, even if viewed as separate records, both qualify as "reports". It is also apparent that they were prepared in the course of a law enforcement investigation conducted by the OPP in relation to the *Criminal Code*. In addition, it is abundantly clear that the OPP has the function of enforcing and regulating compliance with the *Criminal Code*. Therefore, I am satisfied that all three parts of the test under section 14(2)(a) have been met and I find the entire record is exempt from disclosure.

[154] The ministry submits that pages 5742 – 5751, 5807 – 5814, 8226 – 8235 and 12066 – 12075 constitute formal written accounts of specific law enforcement investigations undertaken by police services in relation to the appellant. The ministry notes that the relevant police services are policing agencies that have the function of enforcing the laws of Canada and the province of Ontario.

[155] I find that the records cited above are law enforcement reports for the purposes of section 14(2)(a) and are exempt under section 49(a). The reports were prepared by either OPP officers or police officers from police service boards and relate to investigations of occurrences involving the appellant and other individuals. I find the reports contain more than a collation of facts and, in particular, describe in detail suggested courses of action and investigation. Accordingly, these records are exempt under section 49(a), subject to my finding of the ministry's exercise of discretion.

[156] Pages 12091 – 12092 of the records consists of the Criminal Code Charge History for the appellant and his wife. I find that these pages of the record do not constitute a law enforcement report for the purposes of section 14(2)(a). These pages are simply a list of charges against the appellant and his wife without any collation and consideration of the information contained therein. I find that section 14(2)(a) does not apply to these pages and I will consider whether section 15(b) applies to them in my discussion below.

⁴⁴ Order PO-2751.

Section 15(b): information received from another government

[157] The ministry claims that a number of records are exempt from disclosure under section 49(a) in conjunction with section 15(b) which reads:

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

reveal information received in confidence from another government or its agencies by an institution; and shall not disclose any such record without the prior approval of the Executive Council.

[158] Due to the way I have applied the other exemptions, I find that I must only consider the application of section 15(b) to pages 12091 – 12092 of the records.

[159] Section 15 recognizes that the Ontario government will create and receive records in the course of its relations with other governments. The purpose of section 15(b) is to allow the Ontario government to receive information in confidence, thereby building the trust required to conduct affairs of mutual concern.⁴⁵

[160] For this exemption to apply, the institution must demonstrate that disclosure of the record “could reasonably be expected to” lead to the specified result. To meet this test, the institution must provide “detailed and convincing” evidence to establish a “reasonable expectation of harm”. Evidence amounting to speculation of possible harm is not sufficient.⁴⁶

[161] If disclosure of a record would permit the drawing of accurate inferences with respect to information received from another government, it may be said to “reveal” the information received.⁴⁷

[162] The ministry submits that disclosure of the record exempted pursuant to section 15(b) would reveal law enforcement information provided in confidence to the ministry. Release of this information, the ministry argues, would jeopardize the conduct of relations between the OPP and the Royal Canadian Mounted Police (RCMP) and the OPP and the Toronto Police Service (TPS). The ministry states:

⁴⁵ Order P-1398, upheld on judicial review in *Ontario (Minister of Finance) v. Ontario (Information and Privacy Commissioner)* (1999), 118 O.A.C. 108 (C.A.); see also Orders PO-1927-I, PO-2569, PO-2647, and PO-2666.

⁴⁶ *Ontario (Workers' Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)* (1998), 41 O.R. (3d) 464 (C.A.); see also Order PO-2439.

⁴⁷ Order P-1552.

The OPP has an ongoing relationship with these other law enforcement agencies. If the exempt confidential law enforcement information was disclosed to the appellant, these other law enforcement agencies may be unwilling to disclose similar information in the future to the ministry.

The Ministry did not seek approval from the Executive Council to disclose the records exempted pursuant to section 15 and it submits with respect that it is not obliged to do so. FIPPA provides that it is within the head of the institution's discretion as to whether the record gets disclosed, but if the decision is made that records under this section ought to be disclosed, then approval is required from Executive Council.

[163] Pages 12091 – 12092 consist of the Criminal Code Charge History for the appellant and his wife. It is unclear to me whether this document was received by the OPP from the RCMP, the TPS or another police service board, and the ministry's representations do not address this issue. Furthermore, it is evident from the content of these pages of the record that the charges against the appellant and his wife are not confidential information to them and they would be aware of the contents of these pages. Accordingly, as the ministry has not established that OPP received this information from another government or its agencies in confidence, I find that section 15(b) does not apply and this information is not exempt under section 49(a). As no other exemptions have been claimed for this record, I will order that it be disclosed to the appellant.

Section 19: Solicitor-client privilege

[164] The ministry claims that section 19 applies to several of the records at issue and thereby are exempt under section 49(a). Section 19 of the *Act* states as follows:

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.

[165] 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.

Branch 1: common law privilege

[166] 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.⁴⁸

Solicitor-client communication privilege

[167] 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.⁴⁹

[168] The rationale for this privilege is to ensure that a client may confide in his or her lawyer on a legal matter without reservation.⁵⁰

[169] 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.⁵¹

[170] The privilege may also apply to the legal advisor’s working papers directly related to seeking, formulating or giving legal advice.⁵²

[171] 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.⁵³

⁴⁸ Order PO-2538-R; *Blank v. Canada (Minister of Justice)* (2006), 270 D.L.R. (4th) 257 (S.C.C.) (also reported at [2006] S.C.J. No. 39).

⁴⁹ *Descôteaux v. Mierzwinski* (1982), 141 D.L.R. (3d) 590 (S.C.C.).

⁵⁰ Orders PO-2441, MO-2166 and MO-1925.

⁵¹ *Balabel v. Air India*, [1988] 2 W.L.R. 1036 at 1046 (Eng. C.A.).

⁵² *Susan Hosiery Ltd. v. Minister of National Revenue*, [1969] 2 Ex. C.R. 27.

⁵³ *General Accident Assurance Co. v. Chrusz* (1999), 45 O.R. (3d) 321 (C.A.).

Litigation privilege

[172] Litigation privilege protects records created for the dominant purpose of litigation, actual or reasonably contemplated.⁵⁴

[173] In *Solicitor-Client Privilege in Canadian Law*⁵⁵ by Ronald D. Manes and Michael P. Silver, 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

[174] Branch 2 is a statutory exemption that is available in the context of Crown counsel 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

[175] 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.”

⁵⁴ 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).

⁵⁵ Butterworth’s: Toronto, 1993.

Statutory litigation privilege

[176] 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."

[177] 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 2.⁵⁶ 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."⁵⁷

[178] 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.⁵⁸

[179] Termination of litigation does not affect the application of statutory litigation privilege under branch 2.⁵⁹

[180] Branch 2 includes records prepared for use in the mediation or settlement of actual or contemplated litigation.⁶⁰

[181] The ministry submits that section 19, Branch 1 and 2, apply to records held by the OPP Risk Management Unit and states:

The Risk Management Unit's responsibilities include liaising with legal counsel at the Ministry of the Attorney General who have carriage of civil litigation involving the OPP. Risk Management Unit staff are directed by Crown counsel in relation to ongoing civil litigation. The records at issue reflect confidential communications between Crown counsel and the client OPP. In 2006 a civil action was filed by the appellant and his family against two named OPP officers and HMQ. This litigation is ongoing. The records held by the Risk Management Unit contain extensive information that was prepared by or for Crown counsel for use in giving legal advice or in contemplation of or for use in litigation involving the appellant. Examples of such information include pages 5512 to 5514, 5647, 8221 to 8223, 11744 to 11748 and 11935.

⁵⁶ Order PO-2733.

⁵⁷ 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.

⁵⁸ *Ontario (Ministry of Correctional Services) v. Goodis* (2008), 290 D.L.R. (4th) 102, [2008] O.J. No. 289; and Order PO-2733.

⁵⁹ *Ontario (Attorney General) v. Ontario (Information and Privacy Commission, Inquiry Officer)*, (cited above).

⁶⁰ *Liquor Control Board of Ontario v. Magnotta Winery Corporation*, 2010 ONCA 681.

[182] The ministry also submits that section 19, Branch 1 or 2, also applies to the following records:

- Records containing information relating to settlement or proposed settlement by alternative dispute resolution of civil actions initiated by the appellant. Examples include pages 11209 to 11212 and 12850 to 12858.
- Records that reflect provision of confidential legal advice from Crown counsel to the OPP and other ministry employees in relation to matters concerning the appellant. Examples include pages 2796 to 2797, 5522 to 5554, 5556 to 5559, 5634 to 5658, 11245 to 11246, 11252 to 11256, 11932 to 11936, 12000 and 12829 to 12840.
- Records that reflect confidential communications between Crown counsel and ministry staff in relation to matters concerning the appellant. Examples include pages 3026 to 3071.

[183] Lastly, the ministry cites Order PO-3075 where Adjudicator Bhattacharjee upheld the application of section 19 to similarly withheld information in the appellant's prior requests and finding:

I have reviewed the records at issue and considered the ministry's representations. I am satisfied that these records fall within branches 1 and 2 of section 19 for the following reasons. A number of records relate to the appellant's civil lawsuit against the OPP and the Ontario government. Lawyers for Crown Law Office Civil (CLOC) represent the OPP and many of the records at issue either contain legal advice or are part of a "continuum of communications" between these solicitors and the OPP's representatives. I find that these records are exempt under the solicitor-client communications privilege component of branch 1 of section 19. The records also include documents that were prepared for use in the mediation or settlement of actual or contemplated litigation with the appellant. As stipulated in the *Magnotta* case [*Liquor Control Board of Ontario v. Magnotta Winery Corporation*, 2010 ONCA 681], these records qualify for exemption under branch 2 of section 19.

[184] The appellant submits that I should scrutinize all of the information for which the ministry has claimed section 19 as the ministry has not met its burden of proof with respect to these records.

[185] Based on my review of the records for which section 49(a) in conjunction with section 19 have been claimed, I find that both Branch 1 and 2 of section 19 apply to the withheld information, with the exception of the records discussed below. The records at issue include confidential emails between ministry staff, including the OPP's

Risk Management Unit, and Crown counsel where legal advice is being sought and given. I further find that the records contain confidential emails between ministry staff and Crown counsel relating to the appellant's civil actions, as well as relating to other incidents involving the appellant. I find that these emails constitute part of the "continuum of communications" between solicitor (Crown counsel) and client (ministry staff). Lastly, I find that the records at issue also contain information relating to settlement regarding the appellant's civil action and, as such, also qualify for exemption under section 19.

[186] As I have found that section 19 applies to the withheld records, I find that this information is exempt from disclosure under section 49(a), subject to my finding on the ministry's exercise of discretion.

[187] Record 3537 and its duplicate at page 13758 is a letter from Crown counsel to the appellant and his wife. I find that section 19 does not apply to this record as this record is not a confidential communication between a solicitor and his client nor is it litigation privileged. Accordingly, section 49(a) does not exempt this record from disclosure. As no further exemptions were claimed for this record, I will order it disclosed to the appellant.

G. Did the ministry properly exercise its discretion under sections 49(a) and (b)?

[188] 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.

[189] 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.

[190] In either case this office may send the matter back to the institution for an exercise of discretion based on proper considerations.⁶¹ This office may not, however, substitute its own discretion for that of the institution.⁶²

⁶¹ Order MO-1573.

⁶² Section 54(2).

[191] The ministry submits that it considered a number of factors in deciding to apply sections 49(a) and (b) including:

- The appellant's right to access his own personal information.
- The appellant's relationship with other individual's whose personal information is also contained in the records.
- The responsive records document a number of law enforcement matters in relation to the appellant.
- The ministry's historic practice when responding to personal information requests for law enforcement records to release as much information as possible while maintaining a cautious regard for the ministry's public safety responsibilities.
- Whether release of the records would discourage members of the public from reporting potential violations of law to the police and undermine the ability of the OPP to provide policing services.
- The purpose of the section 19 exemption and the solicitor-client privileged information and records whose disclosure could prejudice the ministry's legal and other interests.

[192] The appellant submits that the records contain his personal information and that he is entitled to it. Furthermore, the appellant submits that the ministry has not met its burden of proof to deny each or any records. Finally, the appellant submits that he is seeking the information in the interests of justice and accountability.

[193] After reviewing the records and the parties' representations, I find that the ministry has properly exercised its discretion in applying sections 49(a) and (b). I find the ministry properly considered the fact that the appellant was seeking his own personal information and applied the discretionary exemptions in order to disclose as much of this information to the appellant as possible. I further find that the instances where section 49(a) and (b) were properly claimed, the ministry took into consideration the purposes of the exemptions and the interests and rights sought to be protected by the exemptions. I find the ministry did not consider any irrelevant considerations and I uphold its exercise of discretion.

ORDER:

1. I order the ministry to disclose the information I have identified on the index of records in the appendix to this order by providing the appellant with a copy of this information by **June 3, 2014**.

2. I uphold the ministry's decision to withhold the remaining records and parts of records from the appellant.
3. In order to verify compliance with the provisions of this order, I reserve the right to require the ministry to provide me with a copy of the records that it sends to the appellant.

Original Signed by: _____
Stephanie Haly
Adjudicator

_____ May 2, 2014 _____

INDEX OF RECORDS

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8 – 13 (withheld in full)	OPP report and accompanying notebook entries	49(a), 14(1)(c), (e), (l), 14(2)(a), 49(b), 21(2)(f), 21(3)(b), NR	Uphold - 49(a), 14(1)(l), 49(b), 21(3)(b), NR
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3026 – 3071 (withheld in full)	Emails and attachments relating to appeal before IPC	49(a), 13(1), 19	Uphold
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5349 (withheld in full)	Correspondence	49(b), 21(2)(f), 49(a), 14(1)(e), 14(1)(l)	Disclose
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5626 – 5627	Emails	49(a), 14(1)(c), 14(1)(l)	Uphold – 49(a),

(withheld in full)			14(1)(c)
5628 – 5630 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(l), 15(b), 19	49(a), 19
5631 – 5632 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19	Uphold – 49(a), 14(1)(c), 19
5633 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19	Uphold – 49(a), 14(1)(c), 19
5634 – 5636 (withheld in full)	Emails	49(a), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)
5637 – 5638 (withheld in full)	Emails	49(a), 19	Uphold – 49(a), 19
5639 – 5640 (withheld in full)	Emails	49(a), 19, NR	Uphold – 49(a), 19, NR
5641 – 5646 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19	Uphold – 49(a), 14(1)(l), 19
5647 – 5655 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold - 49(a), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)
5656 – 5681 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold - 49(a), 14(1)(c), 14(1)(g), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)
5682 – 5684 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)
5685 – 5686 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)
5687 – 5703 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(g), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)
5704 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)
5705 – 5706 (withheld in full)	Emails	49(a), 19	Uphold
5707 – 5715	Emails	49(a), 14(1)(c),	Uphold – 49(a),

(withheld in full)		14(1)(e), 14(1)(l), 19	14(1)(c), 14(1)(l)
5716 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold - 49(a), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)
5717 – 5721 (withheld in full)	Emails	49(a), 14(1)(g), 14(1)(l), 19	Uphold - 49(a), 14(1)(l)
5722 – 5723 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 19
5724 – 5725 (withheld in full)	Emails	49(a), 14(1)(l), 15(b), 19	Uphold – 49(a), 19
5726 – 5741 (withheld in full)	Report	49(a), 14(1)(c), 14(1)(g), 14(1)(l), 14(2)(a), 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(g), 14(2)(a), 49(b), 21(2)(f), 21(3)(b)
5742 – 5751 (withheld in full)	Report	49(a), 13(1)(l), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b), 21(3)(d)	Uphold – 49(a), 14(2)(a), 49(b), 21(2)(f), 21(3)(b), 21(3)(d)
5752 – 5753 (withheld in full)	Email	49(a), 13(1)(l), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b), 21(3)(d)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b), 21(3)(d)
5754 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
5755 – 5764 (partial access)	MTO Driver Record	NR	Uphold
5777 – 5803 (withheld in full)	Police Information System	49(a), 14(1)(c), 14(1)(l), 14(2)(a), 15(b), 49(b), 21(2)(f), 21(3)(b), NR	Uphold - 49(a), 14(1)(l), 49(b), 21(3)(b), NR
5804 (withheld in full)	Synopsis	49(a), 13(1)(l), 14(1)(c), 14(1)(l), 19	Uphold - 49(a), 13(1)
5805 – 5806 (partial access)	CPIC report	49(a), 14(1)(i), 14(1)(l), 15(b)	Uphold - 49(a), 14(1)(l)
5807 – 5814 (withheld in full)	Correspondence / Report	49(a), 14(1)(c), 14(1)(l), 14(2)(a), 19, 15(b), 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(2)(a)
5815 (partial access)	CPIC report	49(a), 14(1)(i), 14(1)(l), 15(b), NR	Uphold – 49(a), 14(1)(i), NR

5816 (partial access)	Report	49(a), 14(1)(i), NR	Uphold - 49(a), 14(1)(i), NR
5817 (partial access)	CPIC report	49(a), 14(1)(i), 14(1)(l), 15(b), NR	Uphold – 49(a), 14(1)(i), NR
5818 (partial access)	Report	49(a), 14(1)(l)	Uphold – 49(a), 14(1)(l)
5819 (partial access)	CPIC report	49(a), 14(1)(i), 14(1)(l), 15(b), NR	Uphold - 49(a), 14(1)(i), NR
5820 – 5825 (partial access)	Toronto Police Service Report	49(a), 14(1)(i)	Uphold - 49(a), 14(1)(i)
5826 – 5876 (withheld in full)	OPP Officer's notebook entries	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), 19, 15(b), 49(b), 21(2)(f), 21(3)(b), 21(3)(d), NR	Uphold – 49(a), 14(1)(c), 14(1)(g), 14(1)(l), 49(b), 21(2)(f), 21(3)(b), 21(3)(d), NR
5907, 5921, 5939, 5973, 5986, 5999 (partial access)	Ministry correspondence routing slips	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
6000 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
6015, 6019 (partial access)	Ministry correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
6092, 6116 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
6431 – 6436 (withheld in full)	Fax cover sheet and attached correspondence	49(b), 21(2)(f)	Uphold
6619, 6621 (partial access)	Correspondence	49(b), 21(2)(f)	Uphold
6626, 6657, 6695, 6715, 6725 (partial access)	Ministry correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
6726 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
6728, 6739, 6752, 6758 (partial access)	Ministry correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold - 49(a), 14(1)(c)
6924 (withheld in	Correspondence	49(b), 21(2)(f)	Uphold

full)			
6925, 6950, 6969, 7010 (partial access)	Ministry correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
7011, 7019 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
7025 (partial access)	Ministry correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), NR	Uphold – 49(a), 14(1)(c)
7043, 7075 (partial access)	Ministry correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
7080 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
7103 (partial access)	Ministry correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
7115 (partial access)	Report	49(a), 14(1)(c), 14(1)(l), NR	Uphold
7116 (partial access)	Report	49(a), 14(1)(c), 14(1)(l), 14(2)(a), 15(b), 19, NR	Uphold – 49(a), 14(1)(c), NR
7117 (partial access)	Report	49(a), 14(1)(c), 14(1)(l), 14(2)(a), NR	Uphold – 49(a), 14(1)(c), NR
7119 (partial access)	Notes	49(a), 14(1)(c), 14(1)(l), NR	Uphold – 49(a), 14(1)(c), NR
7120 (withheld in full)	Notes	49(a), 14(1)(c), 14(1)(l), 15(b), 19, NR	Uphold – 49(a), 14(1)(c), NR
7121 (withheld in full)	Notes	49(a), 13(1), 19	Uphold – 49(a), 19
7122 (partial access)	Notes	49(a), 13(1), 19	Uphold – 49(a), 19
7123 (partial access)	Notes	49(a), 14(1)(l), 19, NR	Uphold – 49(a), 19, NR
7124 (withheld in full)	Notes	49(a), 13(1), 19, 49(b), 21(2)(f), 21(3)(b), NR	Uphold – 49(a), 19, NR
7125 – 7126 (partial access)	Notes	NR	Uphold
7127 (partial access)	Report	49(a), 14(1)(l), NR	Uphold
7128 (partial access)	Notes	NR	Uphold

7129 (partial access)	Notes	49(a), 14(1)(l), NR	Uphold
7372 – 7374 (withheld in full)	Fax cover sheet and attached correspondence	49(a), 19	Uphold
7398, 7407, 7411, 7415, 7434 (partial access)	Ministry correspondence routing slips	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold- 49(a), 14(1)(c)
7435 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
7502, 7507 (partial access)	Ministry correspondence routing slips	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
7657 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
7949 – 7950 (withheld in full)	Correspondence	49(b), 21(2)(f)	Disclose
8161, 8193 (partial access)	Ministry correspondence routing slips	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
8216 (withheld in full)	Email	49(a), 14(1)(l)	Uphold
8217 (withheld in full)	Email	49(a), 19	Uphold
8221 – 8223 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 19, 49(b), 21(2)(f), 21(3)(b)
8226-8235 (withheld in full)	Report	49(a), 13(1), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), 14(2)(a), 19, 49(b), 21(2)(f), 21(3)(b), 21(3)(d)	Uphold - 49(a), 14(2)(a), 49(b), 21(2)(f), 21(3)(b), 21(3)(d)
8236 – 8237 (withheld in full)	Emails	49(a), 13(1), 14(1)(c), 14(1)(e), 14(1)(l), 14(2)(a), 49(b), 21(2)(f), 21(3)(b), 21(3)(d)	Uphold – 49(a), 13(1), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
8238 (withheld in full)	Email	49(a), 19	Uphold
8240 (withheld in full)	Fax Cover sheet	49(b), 21(2)(f)	Uphold
8241 (withheld in full)	Correspondence	49(a), 14(1)(e), 14(1)(l),	Disclose

full)		49(b), 21(2)(f)	
8242 (withheld in full)	Briefing notes	49(a), 13(1), 14(1)(c), 14(1)(l), 19	Uphold – 49(a), 13(1)
8299 – 8300 (withheld in full)	Correspondence	49(b), 21(2)(f)	Disclose
8705, 8713 (partial access)	Correspondence	49(a), 14(1)(c), 14(1)(e), 14(1)(l)	Uphold – 49(a), 14(1)(c)
8733 (partial access)	Correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
8805 – 8808 (withheld in full)	Fax cover sheet and attached correspondence	49(a), 19	Uphold
8809, 8822, 8836, 8855, 8893, 8902, 8906, 8925 (partial access)	Correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
8926, 9025 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
9110 (partial access)	Fax Sheet	NR	Uphold
9231, 9244, 9262, 9295, 9296 (partial access)	Correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
9355 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
9436 – 9459 (withheld in full)	Interview transcripts	49(a), 14(1)(d), 49(b), 21(2)(f), 21(3)(b), 21(3)(d)	Uphold
9460 (withheld in full)	OPP Statement	65(6)	Uphold
9461 – 9476 (withheld in full)	Report	49(a), 14(1)(c), 14(1)(g), 14(1)(l), 14(2)(a), 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)
9478 – 9480 (withheld in full)	OPP Officer's Statement	49(a), 14(1)(l), 49(b), 21(2)(f), 21(3)(b), 21(3)(d)	Uphold
9481 – 9484 (withheld in full)	OPP Officer's Notebook Entries	49(a), 14(1)(c), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)	Uphold

9480 – 9481 (withheld in full)	Statement and OPP Officer's Notebook entries	49(a), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)	Uphold
9482 - 9484 (withheld in full)	OPP Officer's Notebook entries	49(a), 14(1)(l), 49(b), 21(2)(f), 21(3)(b), NR	Uphold
9485 – 9488 (withheld in full)	OPP Officer's statement	49(a), 14(1)(e), 14(1)(l), 49(b), 21(2)(f), 21(3)(b), 21(3)(d)	Uphold – 49(a), 14(1)(l), 49(b), 2(2)(f), 21(3)(b), 21(3)(d)
9489 – 9534 (withheld in full)	OPP Officer Notebook entries	49(a), 14(1)(c), 14(1)(d), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b), 21(3)(d), NR	Uphold – 49(a), 14(1)(c), 14(1)(d), 49(b), 21(2)(f), 21(3)(b), 21(3)(d), NR
9616 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
9628 (partial access)	Correspondence routing slip	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
9708 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
9841 (partial access)	Correspondence	49(b), 21(2)(f)	Disclose
9860 (partial access)	Fax Sheet	NR	Uphold
9936, 9998, 10212, 10300 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
10304 – 10305 (withheld in full)	Email with attached correspondence	65(6)	Uphold
10308 – 10311 (withheld in full)	OCPC Public Complaint Review Panel Decision	65(6)	Uphold
10323 – 10324 (withheld in full)	Email with attached correspondence	65(6)	Uphold
10344 (withheld in full)	Email	65(6)	Uphold
10345 – 10350 (withheld in full)	OCPC Case Summary	65(6)	Uphold

10378 (withheld in full)	Correspondence	65(6)	Uphold
10379 – 10439 (withheld in full)	Toronto Police Service Statements, Officers' Notebook entries, Report	65(6)	Uphold
10535, 10536, 10538 (withheld in full)	Fax, correspondence	65(6)	Uphold
10558 (partial access)	Correspondence	49(b), 21(2)(f)	Disclose
10584, 10586 (withheld in full)	Fax, correspondence	65(6)	Uphold
10595 (withheld in full)	Email	65(6)	Uphold
10596 (withheld in full)	Correspondence	65(6)	Uphold
10598 (withheld in full)	Correspondence	65(6)	Uphold
10600 – 10602 (withheld in full)	Fax	65(6)	Uphold
10607 – 10611 (withheld in full)	OCPC Case Summary	65(6)	Uphold
10619 – 10620 (withheld in full)	Correspondence	65(6)	Uphold
10627 – 10665 (withheld in full)	Toronto Police Service Statements, Officers' Notebook entries	65(6)	Uphold
10666 (withheld in full)	Email	65(6)	Uphold
10667 – 10668 (withheld in full)	Fax	65(6)	Uphold
10670, 10673 (withheld in full)	Fax	65(6)	Uphold
10677 – 10679, 10684 (withheld in full)	Fax	65(6)	Uphold
10687, 10690 (withheld in full)	Fax	65(6)	Uphold
10691 (withheld in full)	Correspondence	65(6)	Uphold

in full)			
10693 – 10697 (withheld in full)	OCPC Case summary	65(6)	Uphold
10700 (partial access)	Correspondence	49(b), 21(2)(f)	Uphold
10706 – 10707 (withheld in full)	Correspondence	65(6)	Uphold
10734 – 10767 (withheld in full)	Toronto Police Service Statements and report	65(6)	Uphold
10777 – 10778 (withheld in full)	Correspondence	65(6)	Uphold
10795 – 10797 (withheld in full)	Fax	65(6)	Uphold
10799 (withheld in full)	Correspondence	65(6)	Uphold
10800 (withheld in full)	Email	65(6)	Uphold
10801 (withheld in full)	Correspondence	65(6)	Uphold
10803 – 10805 (withheld in full)	OCPC Public Complaints review panel case summary	65(6)	Uphold
10818 (withheld in full)	Toronto Police Service Report	65(6)	Uphold
11009 (partial access)	Correspondence	49(b), 21(2)(f)	Uphold
11013 – 11014 (withheld in full)	Correspondence	65(6)	Uphold
11068 (withheld in full)	Correspondence	49(b), 21(2)(f)	Disclose
11101 (partial access)	Correspondence	49(b), 21(2)(f)	Uphold
11161, 11169 (withheld in full)	Fax	65(6)	Uphold
11172 (withheld in full)	Fax	65(6)	Uphold
11200 11202, 11203 (withheld in full)	Correspondence and fax	65(6)	Uphold
11209 – 11217 (withheld in full)	Emails	49(a), 19	Uphold

11218 – 11219 (withheld in full)	Emails	65(6)	Uphold
11220 – 11225 (withheld in full)	Emails	49(a), 19	Uphold
11226 – 11227 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 19, 49(b), 21(2)(f), 21(3)(b)
11228 (withheld in full)	Email	49(a), 13(1), 19	Uphold – 49(a), 19
11229 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(g), 14(1)(l), 19	Uphold – 49(a), 14(1)(c)
11230 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l)	Uphold- 49(a), 14(1)(c)
11231 – 11234 (withheld in full)	Email	49(a), 13(1), 19	Uphold – 49(a), 13(1)
11235 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(l), 19	Uphold – 49(a), 14(1)(c), 19
11236 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
11237 – 11246 (withheld in full)	Email	49(a), 19	Uphold
11247 – 11248 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
11249 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(g), 14(1)(l)	Uphold – 49(a), 14(1)(c)
11250 – 11251 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(g), 14(1)(l), 19	Uphold – 49(a), 14(1)(c)
11252 – 11253 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 19, 49(b), 21(2)(f), 21(3)(b)
11254 – 11256 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 19, 49(b), 21(2)(f), 21(3)(b)
11257 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(l), 19	Uphold – 49(a), 14(1)(c), 19

11258 – 11266 (withheld in full)	Fax, correspondence	49(a), 19	Uphold
11278 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(l), 19	Uphold - 49(a), 14(1)(c), 19
11279 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 19, 49(b), 21(2)(f), 21(3)(b)
11280 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(l), 19	Uphold – 49(a), 14(1)(c), 19
11321 – 11322 (withheld in full)	Email	49(a), 19	Uphold
11362 (withheld in full)	Fax	49(a), 19	Uphold
11411 (withheld in full)	Legal referral	49(a), 19	Uphold
11598, 11608, 11655 (withheld in full)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
11717 (partial access)	Correspondence	49(b), 21(2)(f)	Disclose
11744 – 11748 (withheld in full)	Synopsis	49(a), 13(1), 14(1)(c), 14(1)(l), 15(b), 19, 49(b), 21(2)(f)	Uphold – 49(a), 13(1), 14(1)(c), 49(b), 21(2)(f)
11932 – 11936 (withheld in full)	Emails, correspondence	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
11937 (withheld in full)	Email	49(a), 19	Uphold
11938 (withheld in full)	Correspondence	49(a), 14(1)(c), 14(1)(l), 19, 49(b), 21(2)(f)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f)
11939 – 11942 (withheld in full)	Correspondence	49(a), 14(1)(l), 19	Uphold – 49(a), 19
11943 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f)
11944 – 11950 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
11951 (withheld in full)	Handwritten notes	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19,	Uphold – 49(a), 14(1)(c), 19,

		49(b), 21(2)(f), 21(3)(b)	49(b), 21(2)(f), 21(3)(b)
11952 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f)	Uphold – 49(a), 14(1)(c), 19, 49(b), 21(2)(f)
11953 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 19, 49(b), 21(2)(f), 21(3)(b)
11954 - 11965 (partial access)	CPIC Record	49(a), 14(1)(i), 14(1)(l), 15(b), NR	Uphold - 49(a), 14(1)(i), 14(1)(l), NR
11966 – 11967 (withheld in full)	Report	49(a), 14(1)(c), 14(1)(l), 14(2)(a), 15(b), 49(b), 21(2)(f), 21(3)(b)	Uphold - 49(a), 14(1)(l), 49(b), 21(2)(f), 21(3)(b)
11968 (partial access)	CPIC record	49(a), 14(1)(i), 14(1)(l), 15(b), NR	Uphold - 49(a), 14(1)(i), NR
11969 – 11973 (partial access)	Toronto Police Service Report	49(a), 14(1)(l)	Uphold - 49(a), 14(1)(l)
11974 (withheld in full)	Email	49(a), 14(1)(l), 19	Uphold – 49(a), 19
11975 – 11976 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19	Uphold – 49(a), 14(1)(c), 19
11977 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(l), 15(b), 19	Uphold – 49(a), 19
11978 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19	Uphold – 49(a), 19
11979 – 11982 (withheld in full)	Email	49(a), 14(1)(l), 19	Uphold – 49(a), 19
11995 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l)	Uphold – 49(a), 14(1)(c)
11996 – 11999 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold - 49(a), 14(1)(c), 19, 49(b), 21(2)(f), 21(3)(b)
12000 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 19, 49(b), 21(2)(f), 21(3)(b)
12001 (withheld in full)	Email	49(a), 14(1)(l), 15(b), 19	Uphold – 49(a), 14(1)(l), 19
12002 – 12009	Email	49(a), 14(1)(c),	Uphold – 49(a),

(withheld in full)		14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	19, 49(b), 21(2)(f), 21(3)(b)
12010 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19	Uphold – 49(a), 19
12011 – 12015 (withheld in full)	Email	49(a), 14(1)(l), 19	Uphold – 49(a), 19
12016 – 12018 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f)	Uphold – 49(a), 19
12019 – 12025 (withheld in full)	Fax and email	49(a), 19	Uphold
12026 – 12027 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
12028 – 12030 (withheld in full)	Fax	49(a), 19, 49(b), 21(2)(f)	Uphold
12031 – 12032 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(l), 19	Uphold – 49(a), 19
12035 – 12036 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(l), 19	Uphold – 49(a), 14(1)(c)
12037 – 12040 (withheld in full)	Email, handwritten note, courier slip	49(a), 19	Uphold
12041 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
12042 – 12043 (withheld in full)	Correspondence	49(a), 14(1)(l), 19, 49(b), 21(2)(f)	Uphold – 49(b), 21(2)(f)
12044 (withheld in full)	Email	49(a), 19	Uphold
12045 (withheld in full)	Telephone message	49(a), 14(1)(c), 14(1)(l), 19, 49(b), 21(2)(f)	Uphold – 49(b), 21(2)(f)
12046 – 12047 (withheld in full)	Handwritten notes	49(a), 19	Uphold
12054 (withheld in full)	Email	49(a), 19	Uphold
12055 – 12056 (withheld in full)	Email	49(a), 19, 49(b), 21(2)(f)	Uphold
12057 – 12058 (withheld in full)	Email	49(a), 14(1)(l), 19, 49(b), 21(2)(f)	Uphold – 49(a), 19, 49(b), 21(2)(f)
12059 (withheld in full)	Fax cover sheet	49(a), 19	Uphold
12060 (withheld in full)	Correspondence	49(a), 19, 49(b), 21(2)(f)	Uphold

in full)			
12061 – 12065 (withheld in full)	Correspondence, email	49(a), 19	Uphold
12066 - 12075 (withheld in full)	Report	49(a), 13(1), 14(1)(c), 14(1)(d), 14(1)(e), 14(1)(g), 14(1)(l), 14(2)(a), 19, 49(b), 21(2)(f), 21(3)(b), 21(3)(d)	Uphold – 49(a), 14(2)(a), 49(b), 21(2)(f), 21(3)(b), 21(3)(d)
12076 (withheld in full)	Email	49(a), 19	Uphold
12077 – 12090 (withheld in full)	Emails and attachments, correspondence	49(a), 19	Uphold
12091 – 12092 (withheld in full)	Report	49(a), 14(1)(l), 14(2)(a), 15(b), 49(b), 21(2)(f), 21(3)(b)	Disclose
12093 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f)
12094 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 19, 49(b), 21(2)(f), 21(3)(b)
12095 – 12101 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
12102 – 12103 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(l), 19	Uphold – 49(a), 14(1)(c), 19
12104 (withheld in full)	Email	49(a), 14(1)(c), 14(1)(g), 14(1)(l), 19	Uphold – 49(a), 14(1)(c)
12105 – 12128 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
12129 – 12131 (withheld in full)	Emails	49(a), 14(1)(c), 14(1)(e), 14(1)(l), 15(b), 19, 49(b), 21(2)(f), 21(3)(b)	49(a), 14(1)(c), 49(b), 21(2)(f), 21(3)(b)
12132 (withheld in full)	Fax	49(a), 19	Uphold
12169 – 12170 (withheld in full)	Fax	49(a), 19	Uphold

12192 – 12211 (withheld in full)	Synopsis	49(a), 13(1), 14(1)(c), 14(1)(l), 15(b), 19, 49(b), 21(2)(f)	Uphold – 49(a), 13(1)
12606 (partial access)	Correspondence routing slip	49(b), 21(2)(f)	Uphold
12785 (partial access)	Fax Cover sheet	49(b), 21(2)(f)	Uphold
12792, 12808 (partial access)	Correspondence routing slip	49(b), 21(2)(f)	Uphold
12819 – 12826 (withheld in full)	OPP Officer's Notebook entries	49(a), 19, NR	Uphold
12827 – 12828 (withheld in full)	Emails	49(a), 14(1)(l), 14(1)(e), 49(b), 21(2)(f)	Uphold – 49(a), 14(1)(l), 49(b), 21(2)(f)
12829 – 12841 (withheld in full)	Email and legal document	49(a), 13(1), 19	Uphold – 49(a), 19
12848 (withheld in full)	Email	49(a), 19	Uphold
12849 – 12858 (withheld in full)	Emails	49(a), 19	Uphold
12865 – 12866 (withheld in full)	Emails	49(a), 19	Uphold
12867 – 12894 (withheld in full)	Emails and attachments relating to appeal before IPC	49(a), 13(1), 19	Uphold
12895 – 12896 (withheld in full)	Emails	49(a), 19	Uphold
13009 (withheld in full)	Correspondence	49(a), 19	Uphold
13258 (partial access)	Fax cover sheet	49(b), 21(2)(f)	Uphold
13757 (withheld in full)	Correspondence	49(b), 21(2)(f)	Disclose
13758 (withheld in full)	Correspondence	49(a), 19	Disclose
13759 – 13760 (withheld in full)	Routing slip and briefing note	49(a), 19	Uphold
13924 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
13983 (partial access)	Correspondence	49(a), 19	Uphold

13984 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
14089 (withheld in full)	Correspondence	49(a), 14(1)(e), 14(1)(l), 49(b), 21(2)(f)	Disclose
14095 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
14180 (withheld in full)	Fax	49(b), 21(2)(f)	Uphold
14181 (withheld in full)	Correspondence	49(a), 14(1)(e), 14(1)(l), 49(b), 21(2)(f)	Disclose
14212 (withheld in full)	Fax	49(b), 21(2)(f)	Uphold
14213 (withheld in full)	Correspondence	49(b), 21(2)(f)	Disclose
14299, 14303 – 14305 (withheld in full)	Correspondence	49(b), 21(2)(f)	Disclose
14435, 14448 (partial access)	Correspondence routing slip	49(b), 21(2)(f)	Uphold
14566 (withheld in full)	Correspondence	49(a), 14(1)(e), 14(1)(l), 49(b), 21(2)(f)	Disclose
14579 (partial access)	Correspondence routing slip	49(b), 21(2)(f)	Uphold
14943, 15102 (partial access)	Correspondence routing slip	49(b), 21(2)(f)	Uphold
15330 (withheld in full)	Fax	65(6)	Uphold
15367 (partial access)	Ministry correspondence routing slip	49(b), 21(2)(f)	Uphold
15576 (withheld in full)	Correspondence	49(a), 14(1)(e), 14(1)(l), 49(b), 21(2)(f)	Disclose
15676 – 15690 (withheld in full)	Reports	49(a), 14(1)(c), 14(1)(e), 14(1)(g), 14(1)(l), 14(2)(a), 15(b), 49(b), 21(2)(f), 21(3)(b)	Uphold – 49(a), 14(1)(g), 49(b), 21(2)(f), 21(3)(b)