



Information and Privacy
Commissioner/Ontario

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

ORDER 143

Appeal 890213

Workers' Compensation Board



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January 25, 1990

VIA PRIORITY POST

Dr. Robert G. Elgie
Chairman
Workers' Compensation Board
2 Bloor Street East
20th Floor
Toronto, Ontario
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Dear Dr. Elgie:

Re: Interim Order
Appeal Number 890213
[Appellant]

This letter constitutes my Interim Order in the appeal of a decision by the Workers' Compensation Board (the "institution"), regarding the appellant's request for records under the Freedom of Information and Protection of Privacy Act, 1987 (the "Act").

On February 10, 1989, the institution received a request from the appellant for access to the following information:

Copies of all background papers, draft statutory language, draft language for regulations, Workers' Compensation Board procedures and policies, exchanged between the Ministry of Labour and the Workers' Compensation Board on the subject of Bill 162, or generated for internal use by either the Ministry of Labour or the Workers' Compensation Board.

On June 5, 1989, the Freedom of Information and Privacy Co_ordinator for the institution wrote to the appellant denying

[IPC Order 143/January 25, 1990]

access to the requested records citing subsections 12(1), 13(1), 18(1)(g), 67(2) and 67(3) of the Act.

On January 1, 1990, the Freedom of Information and Protection of Privacy Amendment Act, 1989 (the "Act") came into force. The amending "Act" changes the law with respect to the application of statutory confidentiality provisions. As a general rule, the Freedom of Information and Protection of Privacy Act, 1987, now overrides most confidentiality provisions. This is true unless

a confidentiality provision is specifically noted in the amending "Act" or another piece of legislation specifically provides that a confidentiality provision overrides the Freedom of Information and Protection of Privacy Act, 1987.

A number of appeals in which institutions have relied on a confidentiality provision still remain to be decided by me, of which this appeal is one. While it would be possible for me to simply decide whether the provision at issue in this appeal is a confidentiality provision and whether it operated in a way that prevailed over the Act at the time the head's decision was made, I have decided not to go through such an exercise. Therefore, my interim Order in this appeal is that the appeal will not continue with respect to the application of the confidentiality provision, but rather, the appeal will be dealt with as though the decision on disclosure had been confined to the application of subsections 12(1), 13(1) and 18(1)(g) of the Act.

On the basis of the foregoing, I have instructed the Appeals Officer to continue with his investigation and attempt to mediate this appeal.

Yours truly,

Sidney B. Linden
Commissioner

cc: Ms Luisa Giacometti, FOI Co_ordinator
Workers' Compensation Board

Appellant