



**Information and Privacy
Commissioner/Ontario**

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

ORDER 127

Appeal 880193 and 880194

Ministry of Labour



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December 4, 1989

VIA PRIORITY POST

Appellant

Dear Appellant:

Re: Order 127
Appeal Numbers 880193 and 880194
Ministry of Labour

This letter constitutes my Final Order disposing of all outstanding issues in Appeal Numbers 880193 and 880194.

In my Interim Order 92, dated September 21, 1989, I ordered the Ministry of Labour to take the following action:

1. That the head exercise his discretion with respect to the disclosure of the six draft letters, "response" sections of the Minister's Issue Notes and investigation report.

I have been informed by the Ministry of Labour that the head has reconsidered all of the above records and decided to exercise his discretion in favour of releasing them to you. I understand that you were provided with access to these records on October 11, 1989.

2. That the Ministry of Labour respond by affidavit to my questions with respect to the existence of an analyst's report, the documentation of telephone calls in July and

August, 1986 and the "draft reply to [name of Appellant], November 11, 1986".

I have received an affidavit from the Freedom of Information and Privacy Co-ordinator for the Ministry of Labour, wherein he states that he has reviewed the file and no such record as an "analyst's report" exists. He also states that there are no records which document the telephone calls made by you to Mr. O'Reilly in July and August, 1986.

I have also received an affidavit from Counsel for the Ministry, with respect to the "draft reply to [name of Appellant] dated November 11, 1986". Counsel for the Ministry states that the "draft reply" was mistakenly referred to in an index of requested documents and in the Ministry's representations. According to Counsel for the Ministry, the draft letter never actually existed.

I find, on the basis of the information contained in these two affidavits, that the records at issue in Appeal Numbers 880193 and 880194 do not exist.

3. That the head release to you the three pages of handwritten notes and all of the records which it had agreed to release to you either before or during the course of these appeals.

I have been informed by the institution's Freedom of Information and Privacy Co-ordinator that you have been provided with access to all relevant records.

Accordingly, I find that the head has complied with all of the requirements set out in Interim Order 92.

Yours truly,

Sidney B. Linden
Commissioner

cc: The Honourable Gerry Phillips, Minister of Labour
Mr. Christopher Berzins, FOI Co-ordinator
Ms Lisa Addario, Counsel