



Information and Privacy
Commissioner/Ontario

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

ORDER P-901

Appeal P-9400248

Ontario Hydro



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NATURE OF THE APPEAL:

In 1986, Ontario enacted the Provincial Nuclear Emergency Plan (PNEP) in order to deal with nuclear accidents up to a certain level of severity. In the same year, following the nuclear accident at Chernobyl, the provincial government established a number of committees to consider the safety of Ontario Hydro's CANDU reactors. One such committee was designated as "Provincial Working Group #8" (the Working Group).

The objective of the Working Group, which was made up of government officials and scientists, was to review the technical basis for nuclear emergency planning in Ontario and to make appropriate recommendations to the provincial government. The report of the Working Group was circulated to many individuals and groups before being finalized in 1988. The provincial government considered the recommendations of the Working Group in developing a Cabinet Submission which was presented to the Cabinet Committee for Environmental Planning on September 30, 1993.

The requester in this appeal, which is brought under the Freedom of Information and Protection of Privacy Act (the Act), is a member of a public interest group. He asked Ontario Hydro (Hydro) for access to all documents respecting possible revisions to the PNEP. Among other things, the requester sought information on the requirement to pre-distribute "stable iodine" or potassium iodine to the public in the event of a nuclear emergency, the zone around each nuclear reactor to be covered by the plan and the recommendations of the Working Group on the subject of emergency planning. The requester also wished to receive access to a number of identified documents pertaining to these and related subjects.

Hydro located a total of 24 records that were responsive to the request (four of which had two parts) and agreed to release eight of these documents to the requester in their entirety. The Ministry made the decision, however, not to disclose the remaining 16 records, either in whole or in part, based on the Cabinet records exemption found in section 12(1) the Act. The requester appealed this decision to the Commissioner's office.

During the mediation stage of the appeal, Hydro agreed to release portions of two of the undisclosed records to the appellant. The contents of the 14 records which remain at issue in this appeal are generally described in Appendix "A" which is attached to this order. For ease of reference, I have retained the original numbering scheme adopted by Hydro. The documents in question consist of letters, memoranda, briefing notes, minutes and various analyses of the Cabinet Submission and other reports.

A Notice of Inquiry was provided to the appellant and Hydro. Representations were received from both parties. Since some of the records identified by Hydro made reference to Cabinet documents, I also invited the Ministry of the Solicitor General and Correctional Services (the institution which prepared the Cabinet Submission) to provide the Commissioner's office with its views on the applicability of the Cabinet records exemption. The Ministry chose not to make a separate submission but instead relied on the representations advanced by Hydro.

In his representations, the appellant took the position that, based on section 11 of the Act (obligation to disclose a grave environmental, health or safety hazard), Hydro ought to have released the contents of these documents to the public. In its representations, Hydro claimed for the first time that section 13(1) of the Act (the advice or recommendations exemption) applied to each of the records at issue.

DISCUSSION:

THE RAISING OF ADDITIONAL DISCRETIONARY EXEMPTIONS LATE IN THE APPEALS PROCESS

On April 27, 1994, the Commissioner's office provided Hydro with a Confirmation of Appeal which indicated that, based on a policy adopted by the Commissioner's office, Hydro would have 35 days from the date of the confirmation (until June 2, 1994) to raise any discretionary exemptions not originally claimed in its decision letter. No additional exemptions were put forward during this period.

It was not until August 22, 1994, following the issuance of the Notice of Inquiry, that Hydro indicated for the first time that it wished to rely on section 13(1) of the Act (the advice or recommendations exemption) to deny access to 12 of the records at issue.

Previous orders issued by the Commissioner's office have held that the Commissioner or his delegate has the power to control the manner in which the inquiry process is undertaken. This includes the authority to set time limits for the receipt of representations and to limit the time frame during which an institution can raise new discretionary exemptions not originally cited in its decision letter.

In Order P-658, Inquiry Officer Anita Fineberg explained why the prompt identification of discretionary exemptions is necessary to maintain the integrity of the appeals process. She indicated that, unless the scope of the exemptions being claimed is known at an early stage in the proceedings, it will not be possible to effectively seek a mediated settlement of the appeal under section 51 of the Act.

Inquiry Officer Fineberg also pointed out that, where a new discretionary exemption is raised after the Notice of Inquiry is issued, it will be necessary to re-notify all parties to an appeal to solicit additional representations on the applicability of the new exemption. The result is that the processing of the appeal will be further delayed. Finally, Inquiry Officer Fineberg made the important point that, in many cases, the value of information which is the subject of an access request diminishes with time. In these situations, appellants are particularly prejudiced by delays arising from the late raising of new exemptions.

The objective of the policy enacted by the Commissioner's office is to provide government organizations with a window of opportunity to raise new discretionary exemptions but not at a stage in the appeal where the integrity of the process is compromised or the interests of the appellant prejudiced.

In the present case, the Ministry was advised of this policy yet decided to rely on a new discretionary exemption almost four months after the Confirmation of Appeal was issued. Since the Ministry has failed to advance any arguments to indicate why the 35-day time limit should not apply in the present appeal, I will

not consider the application of the section 13(1) exemption in this appeal.

OBLIGATION TO DISCLOSE A GRAVE ENVIRONMENTAL, HEALTH OR SAFETY HAZARD

In his representations, the appellant takes the position that Hydro is obliged to disclose the 14 records which remain at issue by virtue of section 11 of the Act. This provision states that:

Despite any other provision of this Act, a head shall, as soon as practicable, disclose any record to the public or persons affected if the head has reasonable and probable grounds to believe that it is in the public interest to do so and that the record reveals a grave environmental, health or safety hazard to the public.

In Order P-482, Inquiry Officer Holly Big Canoe addressed the potential application of section 11 to an appeal brought under the Act. She approached the matter in the following fashion:

Section 11 of the Act is a mandatory provision which requires the head to disclose records in certain circumstances. The duties and responsibilities set out in section 11 of the Act belong to the head alone. As a result, the Information and Privacy Commissioner or his delegate do not have the power to make an order pursuant to section 11 of the Act.

I agree with this interpretation and adopt it for the purposes of this appeal. It follows that I do not have the authority to review Hydro's decision not to release the records under section 11 for the purposes of the present appeal.

Where, however, an appellant takes the position that there exists a public interest in the disclosure of a record, it is entirely appropriate for the Commissioner's office to consider whether the document in question might be released under section 23 of the Act (the public interest override provision). I shall return to this issue later in the order.

THE PURPOSES OF THE ACT

In determining whether an appellant should receive access to a record, it is important to take into account the objects of Ontario's freedom of information scheme as set out in sections 1(a)(i) and (ii) of the Act. There, it is stated that the purposes of the legislation are:

to provide a right of access to information under the control of institutions in accordance with the principles that (i) information should be available to the public and (ii) necessary exemptions from the right of access should be limited and specific.

Section 10(2) of the Act, which establishes the principle of severance, is another important provision to consider. This section requires that an institution disclose as much of a record as can reasonably be severed

without releasing the information which properly falls within a statutory exemption.

I will be applying each of these legislative provisions in determining whether Hydro is entitled to withhold the 14 records at issue from disclosure.

CABINET RECORDS

Hydro claims that either the introductory wording of section 12(1) of the Act and/or sections 12(1)(b), (c), (d) or (e) apply to exempt Records 1, 2, 3, 4, 5, 6(b), 7, 8, 9(b), 10, 12, 17(b), 19 and 20(b) from disclosure in their entirety. These provisions collectively state that:

A head shall refuse to disclose a record where the disclosure would reveal the substance of deliberations of the Executive Council or its committees, including,

...

- (b) a record containing policy options or recommendations submitted, or prepared for submission, to the Executive Council or its committees;
- (c) a record that does not contain policy options or recommendations referred to in clause (b) and that does contain background explanations or analyses of problems submitted, or prepared for submission, to the Executive Council or its committees for their consideration in making decisions, before those decisions are made and implemented;
- (d) a record used for or reflecting consultation among ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;
- (e) a record prepared to brief a minister of the Crown in relation to matters that are before or are proposed to be brought before the Executive Council or its committees, or are the subject of consultations among ministers relating to government decisions or the formulation of government policy;

...

It has been determined in a number of previous orders that the use of the term "including" in the introductory wording of section 12(1) means that the disclosure of any record which would reveal the substance of deliberations of the Executive Council or its committees (not just the types of records listed in the various parts of section 12(1)), qualifies for exemption under section 12(1).

Other orders have held that a record which has never been placed before an Executive Council or its committees may nonetheless qualify for exemption under the introductory wording of section 12(1). This result will occur where a government organization establishes that the disclosure of the record would reveal the substance of deliberations of an Executive Council or its committees, or that its release would permit the drawing of accurate inferences with respect to the substance of deliberations of an Executive Council or its committees.

In its representations, Hydro indicates that the records at issue in this appeal relate to a Cabinet Submission prepared by the Solicitor General (now the Minister of the Solicitor General and Correctional Services) for transmittal to the Cabinet Committee for Environmental Planning. The purpose of this submission was to seek approval from Cabinet to change the scope of the PNEP.

Hydro further indicates that the Cabinet Submission was considered by the Cabinet Committee in the Fall of 1993. The contents of the Submission were not endorsed and Hydro indicates that there has been no subsequent change to the status of the document.

The appellant, for his part, submits that Hydro should not be entitled to apply the Cabinet records exemption to internal documents which simply reflect Hydro's comments on proposed changes to a government program. He emphasizes that Hydro is not part of the government and, on this basis, should be treated like any other third party which has provided information to the Ministry.

I will first determine whether the records at issue are exempt from disclosure under the introductory wording of section 12(1). This preamble states that an institution must refuse to release a record where such disclosure would reveal the substance of deliberations of an Executive Council or one of its committees. To assist me in this analysis, I have obtained a copy of the September 30, 1993 Cabinet Submission directly from the Ministry.

Following a careful review of the representations provided by the parties and my assessment of the documents at issue, I find that the disclosure of Records 9(b) and 20(b) in their entirety and all or parts of the pages of the following records would reveal the substance of deliberations of the Executive Council or its Committee for Environmental Planning: page 1 of Record 1; pages 1 to 7, 9 to 14 and 22 of Record 2; pages 1 to 4 of Record 3; pages 1 to 7 of Record 4; pages 1 to 4 of Record 5; pages 1 and 3 to 7 of Record 6(b); pages 1 to 5 and 9 to 12 of Record 7; pages 1 to 5 of Record 8; page 1 of Record 12 and pages 1 and 3 to 5 of Record 19.

The relevant contents of these documents (which I have highlighted in yellow on the copy of the documents to be sent to Hydro's Freedom of Information and Privacy Co-ordinator) would, if released, either directly disclose the theme or subject of Cabinet's discussions or permit the drawing of accurate inferences with respect to the substance of those deliberations.

I will next determine whether sections 12(1)(b), (c), (d) or (e) of the Act apply to exempt Records 1, 2, 3, 4, 5, 6(b), 7, 8, 10, 12, 17(b) and 19 for disclosure.

In its representations, Hydro claims that Records 5, 6(b), 7, 8 and 19 must be withheld under section

12(1)(b) of the Act. For this exemption to apply to a document, the record in question must contain policy options or recommendations and it must have been submitted or prepared for submission to the Executive Council or its committees.

I have carefully reviewed the portions of the records which have not already been exempted from disclosure under the introductory wording of section 12(1). There is no evidence before me to indicate that the relevant parts of these records were either submitted or prepared for submission to the Executive Council or its committees. On this basis, I find that the section 12(1)(b) exemption does not apply to the records in question.

Hydro next claims that Records 1, 2, 4, 5, 6(b), 7, 8, 10, 12, 17(b) and 19 are exempt from disclosure under section 12(1)(c) of the Act. For this provision to apply, the record at issue must contain background explanations or analyses of problems and it must have been submitted or prepared for submission to the Executive Council or its committees for their consideration in making decisions before those decisions are made and implemented. In addition, it is necessary for the document, itself, to have been submitted or prepared for submission in this fashion (Order 188).

I have carefully reviewed the relevant portions of the 11 records for which this exemption has been claimed in conjunction with the representations provided by Hydro. Once again, I have not been supplied with any evidence to indicate that any of these documents were actually submitted or prepared for submission to Executive Council or one of its committees. On this basis, I find that Hydro cannot rely on section 12(1)(c) of the Act to withhold these records from disclosure.

Hydro then submits that section 12(1)(d) of the Act applies to exempt Record 6(b) and 10 from disclosure. For Hydro to successfully rely on this provision, it must demonstrate that the two documents were either used for or reflect consultation among ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy (Order 206).

In its representations, Hydro indicates that the records in question reflect consultation among certain ministry staff for transmittal to their respective ministers. Hydro also states that the contents of the records were used to formulate the Cabinet Submission.

I have carefully reviewed the contents of Records 6(b) and 10 in conjunction with the representations provided by Hydro. I find that neither of these records reflects consultations among ministers of the Crown. In addition, there is no evidence before me that the two documents were actually used for consultation among the ministers in question. On this basis, I find that Hydro cannot rely on section 12(1)(d) to withhold the two records from disclosure.

Finally, Hydro claims that Records 1, 2, 3 and 6(b) are exempt from disclosure under section 12(1)(e) of the Act. For this provision to apply, Hydro must establish that these documents were prepared to brief a minister in relation to matters that are either (a) before or proposed to be brought before the Executive Council or its committees or (b) the subject of consultations among ministers relating to government decisions or the formulation of government policy.

Hydro indicates that each of the four records was prepared to brief a minister on matters relating to the

Cabinet Submission or formed the subject of consultations between the pertinent parties on this subject. With respect to Records 2, 3 and 6(b), there is no evidence before me that these documents were actually prepared for either of the ministerial purposes outlined in section 12(1)(e). Furthermore, while pages 1, 2, 3 and 9 of Record 2 appear to constitute briefing materials, Hydro has not established to my satisfaction that these documents were prepared to brief a minister.

Record 1 presents a different sort of issue. This is a letter authored by a Hydro official which is addressed to the former Solicitor General. Based on the contents of the document, it is clear that this letter was unsolicited. The question is whether a document of this sort could reasonably be said to constitute "briefing materials" for the purposes of section 12(1)(e) of the Act.

In my view, and in the context of the Cabinet records exemption, the term briefing materials should be restricted to documents prepared or assembled by ministry staff for consideration by

their minister or a fellow Cabinet member. The corollary of this statement is that materials provided to a minister by a third party would fall outside the scope of the section 12(1)(e) exemption. I believe that this interpretation reflects the ordinary meaning applied to the term briefing materials within government. This approach is also consistent with the principle that necessary exemptions from the right of access should be limited and specific.

The result is that Hydro cannot rely on section 12(1)(e) of the Act to exempt the four records from disclosure.

In undertaking my analysis of the records at issue, I also wish to point out that Records 10 and 17(b) in their entirety as well as pages 6 to 8 of Record 7 focus on the recommendations of the Working Group and do not refer to the Cabinet Submission. In addition, the subject referred to on pages 15 to 18 of Record 2 is one which Cabinet explicitly excluded from the ambit of its discussions. On this basis, I find that the identified portions of these records do not qualify for exemption under any aspect of the section 12(1) exemption.

In his representations, the appellant has argued that Hydro should not be entitled to rely on any of the section 12(1) exemptions for documents which merely contain its views on possible changes to a government program. I have previously found, however, that the contents of 12 of the records at issue relate in a direct way to the deliberations of the Executive Council or one of its committees. That being the case, the identity of the authors of these documents is not a material consideration in this analysis.

The result is that Hydro is entitled to rely on the Cabinet records exemption to withhold Records 9(b) and 20(b) from disclosure in their entirety as well as the highlighted portions of the 10 additional records which I have identified in this order.

CONSENT TO WAIVE THE CABINET RECORDS EXEMPTION

In his representations, the appellant puts forward three arguments to suggest that Cabinet has implicitly consented to release all of the records at issue. I will deal with these submissions in this section of the order.

The issue of when Cabinet can consent to disclose records which would otherwise be subject to the Cabinet records exemption is addressed in section 12(2)(b) of the Act. This provision stipulates that, despite section 12(1), the head of an institution shall not refuse to disclose a record where the Executive Council for which the record has been prepared consents to the release of the document.

The appellant's first submission in this regard is that, since the Ministry has already released all or parts of the Cabinet Submission to one third party (Hydro), this amounts to public disclosure for the purposes of the Act.

I am unable to accept this proposition. I believe that, in developing the new PNEP, the provincial government had the right to obtain input from third parties on the technical issues to be addressed in the materials prepared for Cabinet. I also find that, in sharing excerpts from its Cabinet Submission and related documents with Hydro, the Ministry had no intention of placing these records in the public domain. On this basis, I cannot conclude that the Ministry's decision to share certain written materials with Hydro has made these documents publicly available.

The appellant next contends that Hydro has previously disclosed a number of the records relating to the PNEP during the course of a constitutional challenge to the Federal Nuclear Liability Act. He indicates that, among these documents, is Record 17(b) (which contains Hydro's comments on the report of the Working Group). Since the appellant has not provided me with a copy of this document, I cannot state with certainty that it is an exact duplicate of Record 17(b). I have, in any event, found that this record does not qualify for exemption under section 12(1) of the Act.

Finally, the appellant claims that the contents of certain other documents have been disclosed to the public unofficially -- ostensibly through information "leaks". He takes the position that this method of release represents yet another reason for not allowing Hydro to rely on the Cabinet records exemption.

For the purposes of this discussion, I will accept the appellant's claim that some of the records at issue have been disclosed to individuals or groups without the consent of Hydro. As a matter of principle, I consider it to be unfair to preclude an institution from relying on a mandatory exemption for records that have been released without its knowledge. On this basis, I am not prepared to support the appellant's argument that Hydro should be barred from claiming the Cabinet records exemption for the documents in question.

I will now return to the analysis of section 12(2)(b) of the Act. Previous orders issued by the Commissioner's office have held that, while the Cabinet consent provision does not impose a requirement on the head of an institution to seek the consent of the Executive Council to release the relevant records in every case, the head must at a minimum turn his or her mind to this issue.

In its representations, Hydro indicates that its head considered whether Cabinet consent should be sought under section 12(2)(b) of the Act to release the records for which the section 12(1) exemption had been claimed. The decision reached was that such consent should not be obtained. I have reviewed the reasons advanced by Hydro to support this decision and I find nothing improper in the manner in which the head of the institution exercised his discretion in the present case.

PUBLIC INTEREST IN DISCLOSURE

In his representations, the appellant submits that the records at issue could verify the proposition that the province's level of emergency preparedness to deal with a large release of radioactive materials from a nuclear reactor accident is inadequate. He also states that the operation of large nuclear generating stations in areas of high population density, with what he labels as outmoded emergency plans, constitutes a serious environmental and public health issue.

When an appellant advances arguments of this nature, the Commissioner or his delegate will ordinarily consider whether section 23 of the Act applies such that the documents in question should be disclosed to the public. Where, however, the Cabinet records exemption has successfully been claimed to withhold a series of records from disclosure (which is the case in the present appeal), section 23 is not available and I have no authority to apply this provision to the records in question.

Having made this determination, I must observe that the subject of emergency preparedness is a matter of considerable importance to the general public. To understand its significance, one need only reflect on the nuclear catastrophe at Chernobyl and the recent earthquake in Kobe, Japan. In my view, the issues surrounding the province's ability to prepare for a nuclear emergency are quintessentially those which should be the subject of informed public debate. In order for such discussions to take place, it is essential that the government's decision making process be open and transparent.

Were it not for the fact that the records at issue are subject to the Cabinet records exemption, I would have had no hesitation in finding that there exists a compelling public interest in the disclosure of these documents which clearly outweighs the purposes of the exemptions found in the Act.

Given the importance of the subject in question, I would encourage Hydro and the Ministry to provide the appellant and the public with updated information on the state of the nuclear preparedness debate and how the government plans to address this subject in the future.

ORDER:

1. I uphold Hydro's decision to rely on section 12(1) of the Act to deny access to Records 9(b) and 20(b) in their entirety and to the those portions of Records 1, 2, 3, 4, 5, 6(b), 7, 8, 12 and 19 which I have **highlighted** in yellow on the copy of these records which I have provided to Hydro's Freedom of Information and Privacy Co-ordinator with a copy of this order.
2. I order Hydro to disclose to the appellant Records 10 and 17(b) in their entirety and all or parts of the pages of the following records which I have **not highlighted**:

page 1 of Record 1; pages 1, 2, 6 to 9 and 15 to 23 of Record 2; pages 1, 2 and 4 of Record 3; pages 1, 6 and 7 of Record 4; pages 1 and 4 of Record 5; pages 1 to 5 and 7 of Record 6(b); pages 2, 3 and 5 to 9 of

Record 7; pages 1 and 2 of Record 8; page 1 of Record 12 and pages 1 and 2 of Record 19.

within thirty-five (35) days after the date of this order but not earlier than the thirtieth (30th) day after the date of this order.

3. In order to verify compliance with this order, I reserve the right to require that Hydro provide me with a copy of the records which are disclosed to the appellant pursuant to Provision 2 of this order.

Original signed by: _____
Irwin Glasberg
Assistant Commissioner

_____ April 10, 1995

APPENDIX "A"
INDEX OF RECORDS AT ISSUE

RECORD NUMBER	DESCRIPTION	EXEMPTION(S) CLAIMED	DECISION ON RECORD
1	Letter dated November 1, 1993 from a Hydro official to the former Solicitor General	12(1)(c) and (e)	Disclosed in part
2	Briefing notes dated October 12, 1993 respecting the issues raised in the Cabinet Submission to which is attached (a) a two-page excerpt from the Cabinet Submission, (b) a summary of the costs associated with implementing the Cabinet Submission, (c) a fax covering sheet dated "October 7" from an official within the Ministry of Environment and Energy (MOEE) to an official within Hydro documenting Hydro's concerns about the Cabinet Submission, (d) a document entitled "Nuclear Preparedness Projects to Be Funded by Ontario Hydro", (e) a document entitled "Ministry of the Solicitor General and Correctional Services Emergency Planning Ontario - Request for Funding Contribution Provincial Operations Centre", (f) a fax covering sheet dated August 26, 1993 from an official of the Ministry to an official from Hydro respecting the costs of a new EPO facility and (g) a document entitled "Summary of the Cons of KI Pre-Distribution"	12(1)(c) and (e)	Disclosed in part
3	Letter dated October 27, 1993 from an official of the MOEE to the Ministry along with an attachment provided by Hydro dated October 26, 1993 on the financial implications associated with implementing the Cabinet Submission	12(1)(e)	Disclosed in part
4	Internal briefing analysis of the Cabinet Submission prepared by a Hydro official dated October 20, 1993	12(1)(c)	Disclosed in part
5	Letter dated March 13, 1992 from a Ministry official to a Hydro official regarding the contents of the Cabinet Submission	12(1)(b) and (c)	Disclosed in part
6(b)	Memorandum from the Deputy Minister of the MOEE to the Deputy Minister of the Ministry dated February 20, 1992 regarding the draft Cabinet Submission to which is attached (a) a memorandum from an official of the MOEE to his Deputy Minister regarding the same subject and (b) the notes of a meeting involving officials from the MOEE and Hydro dated February 13, 1992	12(1),(b), (c), (d) and (e)	Disclosed in part
7	Two briefing notes, dated February 4 and 5, respectively, regarding the proposed Cabinet Submission, a "Dissenting Minute" issued by a Hydro official regarding the recommendations of Working Group #8, a copy of Record 16 which Hydro has previously disclosed to the appellant, a letter dated May 2, 1988 from a Hydro official to the	12(1)(b) and (c)	Disclosed in part

RECORD NUMBER	DESCRIPTION	EXEMPTION(S) CLAIMED	DECISION ON RECORD
	former Solicitor General, an agreement on funding dated October 24, 1991 between Hydro and the Ministry and the results of a Decima poll on nuclear safety dated January 1991		
8	Internal Hydro memorandum dated March 11, 1991 which examines the cost implications of the Cabinet Submission	12(1)(b) and (c)	Disclosed in part
9(b)	A summary of an earlier draft of the Cabinet Submission dated June 18, 1990 which Hydro indicates was prepared by the Ministry	12(1)(b)	Withheld
10	Minutes of a meeting convened on April 20, 1990 to discuss the report of Working Group #8 to which is attached a series of recommendations from that report	12(1)(c) and (d)	Disclosed in full
12	Internal Hydro memorandum dated February 22, 1990 regarding the contents of the Cabinet Submission	12(1)(c)	Disclosed in part
17(b)	Hydro's comments on the report of Working Group #8 dated November 14, 1988 to which is attached an extract from an article	12(1)(c)	Disclosed in full
19	Internal Hydro memorandum dated January 27, 1992 regarding the Cabinet Submission to which are appended extracts from that Submission	12(1)(b) and (c)	Disclosed in part
20(b)	Fax cover sheet dated September 14, 1992 from a Hydro official to an MOEE official containing some draft wording for inclusion in the Cabinet Submission	12(1)(b), (c), (d) and (e)	Withheld