

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-3170

Appeal PA10-88

Ministry of Community Safety and Correctional Services

February 28, 2013

Summary: The appellant made a multi-part request to the ministry for records relating to OPP investigations regarding his involvement with a municipality. The ministry granted partial access to the responsive records withholding information on the basis of the discretionary exemptions at sections 49(a) and (b) and the mandatory personal privacy exemption in section 21(1). The ministry's decision is partially upheld.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, ss. 49(a), 14(1)(l), 14(2)(a), 15(a), 19, 21(1), 21(2)(f), 21(3)(b), 21(3)(d) and (f).

Orders Considered: PO-3065, PO-2456, PO-2474.

OVERVIEW:

[1] The appellant made a request to the Ministry of Community Safety and Correctional Services (the ministry) under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for information relating to investigations that the appellant had initiated in relation to the Municipality of Meaford and its employees, officers and politicians. Specifically, the appellant requested access to:

1. Copies of taped conversations or the detailed transcripts between myself and the Chatsworth and Special Services Unit of the OPP [Ontario Provincial Police]

regarding the matters of 2008 and 2009 as referenced by [named individual] in his said letter.

2. Copies of taped conversations between myself and [named detective] including conversation whereby my name was included in interviews.
3. Copies of documents collected by the OPP that contain or include my name as part of any investigation.
4. Copies of reports produced by [named commander, named detective, named sergeant and named detective sergeant] in regard to the alleged fraud as reported by myself.
5. Copies of reports produced by [named detective] of the Special Investigations Unit that contain references to myself and matters pertaining to any and all investigations related to myself.
6. Any and all report, correspondence and taped conversation related to and including me with other officers of the OPP and any other police force.

[2] The ministry issued an access decision granting partial access to the responsive records. For the portions that it withheld, the ministry claimed sections 14(1)(a), (b), (l) (law enforcement), 14(2)(a) (law enforcement report), 15(b) (relations with other governments), 19 (solicitor-client privilege), 21(1) (personal privacy), 49(a) and 49(b) of the *Act*. The ministry also claimed that portions of the records were not responsive to the request.

[3] During mediation, the appellant specified that he wished to receive the names of any affected parties who complained about him. The ministry also issued two supplemental decision letters. In the first supplemental decision letter, the ministry advised that the investigation into the allegations against the Municipality of Meaford and the Municipality of Magnetawan were concluded and that, as a result, it was no longer relying on sections 14(1)(a) and (b) to deny access to records or portions of the records. The ministry granted partial access to those records for which sections 14(1)(a) and (b) were originally applied. For the portions of those records that it continued to withhold, it claimed the exemptions found at section 13(1) (advice or recommendation), 14(1)(l), 14(2)(a), 15(a), 17(1)(d) (third party information), 17(2) (tax return information), 19, 21(1), 22(a) (information published or available), 49(a), 49(b) and the exclusion in section 65(6) (labour relations) of the *Act*.

[4] In its second supplemental decision, the ministry addressed the additional responsive records it had identified and advised that it was granting partial access to them claiming that the withheld portions are exempt pursuant to sections 14(1)(l),

21(1), 49(a) and (b) of the *Act*. The ministry also advised that some portions of the additional records were not responsive to the request.

[5] Subsequently, the ministry sent the appellant an index of records describing in detail the responsive records and identifying the corresponding exemptions.

[6] The adjudicator assigned to this appeal sought representations from the ministry, initially. Prior to submitting its representations, the ministry issued two more supplemental decision letters. In the first, dated October 6, 2011, the ministry advised that it was prepared to disclose additional records to the appellant, in whole or in part. The ministry also advised that it is no longer relying on section 14(2)(a) of the *Act* for some of the records remaining at issue and that it was no longer relying on section 22(a) at all.

[7] In the second supplemental decision letter dated November 10, 2011, the ministry advised that it was disclosing a number of additional records, in their entirety. With respect to two records, the ministry advised that although section 65(6) applies to the records, it was exercising its discretion to release that information. The ministry also advised that it was no longer claiming the exemptions in sections 13(1) and 17(1) for any of the records.

[8] The ministry provided representations which were shared in accordance with Section 7 of the *Code of Procedure* and Practice Direction 7. The adjudicator also sought representations from the appellant, but no representations were received. The file was then assigned to me to complete the order.

[9] In this order, I uphold the ministry's decision, in part.

RECORDS:

[10] The records at issue are contained in the index which is found in the appendix to this order.

ISSUES:

- A. What records are responsive to the request?
- B. Does the record contain "personal information" and to whom does it relate?
- C. Does the discretionary exemption in section 49(a) apply to the records?
- D. Do the discretionary exemptions at sections 14(1)(l) and 14(2)(a) apply to the records at issue?
- E. Does the discretionary exemption at section 15(a) apply to the records at issue?
- F. Does the discretionary exemption at section 19 apply to the records at issue?
- G. Does the mandatory exemption at section 21(1) or the discretionary exemption at section 49(b) apply to the records?

H. Was the ministry's exercise of discretion proper in the circumstances?

DISCUSSION:

A. What records are responsive to the request?

[11] The ministry submits that portions of the records are not responsive to the appellant's request. 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).

[12] 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 [Orders P-134 and P-880].

[13] To be considered responsive to the request, records must "reasonably relate" to the request [Orders P-880 and PO-2661].

[14] The ministry submits that the appellant's request was sufficiently detailed to identify the responsive records and that it chose to respond literally to the request. The ministry submits that it did not need to clarify the request with the appellant and that the number of responsive records is evidence of its detailed nature. The ministry states:

The records include all manner of OPP investigation records, including occurrence summaries and other reports filed by OPP officers as part of their investigations; witness statements and other written communications between members of the OPP and witnesses, complainants or suspects; records that were provided to the OPP as part of their investigations; and communications between the OPP and a Crown Attorney.

[15] Based on my review of the records, I uphold the ministry's claim that the information identified is not responsive to the appellant's request. Accordingly, I find that the information relating to the date the records were printed as well as the print code identifying who printed the records, does not reasonably relate to the appellant's request and is properly identified as not responsive. I also find the ten code information that relates to the officer's activities or other investigations does not reasonably relate to the appellant's request and is not responsive. I find that the ten code information relating to investigations where the appellant is either named or involved reasonably relates to his request and is responsive. Lastly, I find that the information relating to other individuals which relates to the appellant or investigations of which he is a part reasonably relates to the appellant's request and is responsive.

B. Does the record contain personal information and to whom does it relate?

[16] Under the *Act*, different exemptions may apply depending on whether a record at issue contains or does not contain the personal information of the requester (Orders PO-2113 and PO-2331). Where records contain the requester's own personal information, either alone or together with the personal information of other individuals, access to the records is addressed under Part III of the *Act* and the exemptions at section 49 may apply. Where the records contain the personal information belonging to individuals other than the appellant, access to the records is addressed under Part II of the *Act* and the exemptions found at sections 12 to 22 may apply. In order to determine which sections of the *Act* apply, it is necessary to decide whether the record contains "personal information" as defined in section 2(1) of the *Act* and, if so, to whom it relates.

[17] To satisfy the requirements of the definition in section 2(1) of the *Act*, the information must be "recorded information about an identifiable individual," and it must be reasonable to expect that an individual may be identified if the information is disclosed.

[18] 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.¹

[19] 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.²

¹ Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

² Orders P-1409, R-980015, PO-2225 and MO-2344.

[20] The ministry submits that the records at issue contain the personal information of individuals who interacted with the OPP as part of their investigations, or personal information that the OPP acquired as part of its investigation. The ministry submits that the personal information includes: names, addresses, opinions provided by individuals, or were made about the individual by someone else.

[21] The ministry further submits that the records contain information about individuals who were acting in a professional or business capacity, but should still be considered their personal information. The ministry states:

...[the information] constitutes their personal information because it relates to their interactions with the OPP, and in this regard:

- (a) The records were not created as part of these individuals' normal employment or occupational duties. It was not typical for these individuals to interact with the OPP in the manner reflected in the records.
- (b) These individuals provided the police with statements consisting of opinions or views that were of a highly personal nature, generally in response to questions asked by OPP investigators. They are candid opinions, provided in order to assist the OPP with their investigation, and with an expectation that this information would be kept confidential.

[22] Finally, the ministry submits that it is reasonable to expect that the individuals in the record would be identifiable by the information, if it is disclosed, because the OPP investigation examined the activities of municipal governments in small communities. The ministry submits that it is likely the appellant knows all or most of the individuals named in the records.

[23] The ministry did not address whether the records contain the appellant's personal information although it did claim the application of section 49(a) and (b) to the records.

[24] Based on my review of the records, I find that most of the records contain recorded information about the appellant and other identifiable individuals and qualifies as their personal information within the meaning of that term as defined in section 2(1) of the *Act*. The appellant has been granted access to much of the information related to himself and the information that remains relates solely to the other individuals or is so intertwined with his own personal information that it cannot be severed. Accordingly, I will proceed to consider the appellant's access to this information under Part III of the *Act*.

[25] I also find that some of the responsive records contain recorded information about other identifiable individuals only. I will consider the appellant's access to this information under Part II of the *Act*.

[26] On the issue of whether the information in the records relates to the individuals in their personal or professional or official capacity, I find that the information in the records relates to the individuals in their personal capacity. The information about the various individuals identified therein relates to the OPP's investigation into a possible crime in which they may have been involved in some way. I find that the information about the appellant and the other individuals is their personal information for the purposes of section 2(1) of the *Act*.

C. Does the discretionary exemption in section 49(a) in conjunction with sections 14(1)(l), 14(2)(a), 15(a) or 19 apply to the records at issue?

[27] 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. Section 49(a) reads:

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.

[28] 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].

[29] 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.

[30] In this case, the institution relies on section 49(a) in conjunction with sections 14(1)(l), 14(2)(a), 15 and 19 of the *Act*.

[31] I will first consider whether the law enforcement exemptions in sections 14(1)(l) and 14(2)(a) apply to the records.

D. Do the discretionary exemptions at sections 14(1)(l) and/or 14(2)(a) apply to the records at issue?

[32] Sections 14(1)(l) and 14(2)(a) state:

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

(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;

[33] The term "law enforcement" is used in section 14(2)(a), and is defined in section 2(1) as follows:

"law enforcement" means,

- (a) policing,
- (b) investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings, or
- (c) the conduct of proceedings referred to in clause (b)

[34] The term "law enforcement" has been found to apply in the following circumstances:

- a municipality's investigation into a possible violation of a municipal by-law that could lead to court proceedings [Orders M-16, MO-1245].
- a police investigation into a possible violation of the *Criminal Code* [Orders M-202, PO-2085].
- a children's aid society investigation under the *Child and Family Services Act* which could lead to court proceedings [Order MO-1416].

[35] Generally, the law enforcement exemption must be approached in a sensitive manner, recognizing the difficulty of predicting future events in a law enforcement context.³

[36] Where section 14(1)(l) uses the words "could reasonably be expected to", 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.⁴

[37] 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.⁵

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

[38] The ministry claims the application of section 14(1)(l) for portions of the records that contain police codes. In particular, the ministry submits that section 14(1)(l) applies to the following records:

1, 3, 5, 9, 10, 14, 16, 18, 19, 23, 27, 28, 34, 142, 143 – 8, 535, 1636, 1650, 1653, 1658, 1659, 1660, 1662, 1663, 1664, 1666, 1667, 1668, 1670, 1671, 1673, 1674, 1675, 1676, 1680, 1681, 1686, 1690, 1691, 1692, 1693, 1694, 1695, 1697, 1698, 1699, 2513, 2514, 2516

[39] The ministry submits that a long line of orders from this office, most recently canvassed in Order PO-2700, affirms that police codes qualify for exemption under section 14(1)(l) as there is a reasonable expectation of harm that would result from their release. The ministry submits the reasons captured in Order PO-2571 apply to the codes at issue in the current appeal:

The ministry submits that the release of these operational police codes would leave OPP officers more vulnerable and compromise their ability to provide effective policing services. As noted previously release of records in response to a request [under the *Act*] is generally viewed as release to the world at large. For example, if individuals engaged in illegal activities were monitoring OPP radio communications and had access to the meanings of the various police codes it would be easier for them to carry out criminal activities and would jeopardize the safety of OPP officers. Intimate knowledge of the whereabouts of a given officer and of the

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

⁴ 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.).

⁵ Order PO-2040; *Ontario (Attorney General) v. Fineberg*.

activities that he/she is involved with at any given time would be a powerful aid to individuals involved with criminal activities.

[40] For the reasons set out above and my review of the withheld codes, I find the records contain police codes relating to an investigation or particular officer. I find that disclosure of this code information in the records could reasonably be expected to facilitate the commission of an unlawful act or hamper the control of crime and as such, I find that section 14(1)(l) applies to this information. Accordingly, subject to my finding on the ministry's exercise of discretion, I find this information to be exempt under section 49(a).

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

[41] 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.⁶

[42] 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.⁷

[43] The title of a document is not determinative of whether it is a report, although it may be relevant to the issue.⁸

[44] 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 wording is not seen elsewhere in the *Act* and supports a strict reading of the exemption [Order PO-2751].

[45] An overly broad interpretation of the word "report" could create an absurdity. If "report" means "a statement made by a person" or "something that gives information",

⁶ Orders 200 and P-324.

⁷ Orders P-200, MO-1238, MO-1337-I.

⁸ Orders MO-1238, MO-1337-I.

all information prepared by a law enforcement agency would be exempt, rendering sections 14(1) and 14(2)(b) through (d) superfluous [Order MO-1238].

[46] The ministry claims that section 14(2)(a) applies to pages 236 to 243 and from 1641 to 1646 described as the "supplementary occurrence reports" pages 686 to 718 described as the "investigation updates". In support of its claim, the ministry submits that these records clearly meet parts 2 and 3 of the test as the reports were authored by members of the OPP as part of their statutory law enforcement duties to investigate crimes. The ministry further submits that it is settled IPC jurisprudence that the OPP is a law enforcement agency.

[47] Lastly, the ministry submits that this office has strictly construed the definition of "report" for the purposes of section 14(2)(a). The ministry submits that the records at issue should be considered reports for the following reasons:

Appearance: These reports look like reports or formal written accounts, in that there is a formality to the writing style, which can be contrasted, for example, with officers notes which are also responsive records, and for which this exemption has not been claimed. The reports have headings and sub-headings to denote the separation of subject matter, which is what one would expect to find in a report.

Substance: The reports contain analyses of significant police investigations. In other words, these are not routinely prepared reports, or reports that were prepared due to routine police investigations, but due to investigations remarkable for their size and scope.

[48] I have reviewed the records for which the ministry has claimed the application of section 14(2)(a). I find the supplementary occurrence reports on pages 236 to 243 and 1641 to 1646 constitute law enforcement reports for the purposes of section 14(2)(a). These pages of the records constitute the results of the officer's investigation and include his findings and conclusions drawn about the investigation. In particular, I find that these two reports contain a formal statement of the officer's investigations and his conclusions based on the investigations. I find these pages constitute a law enforcement report for the purposes of section 14(2)(a) and thus qualify for exemption under section 49(a) subject to my finding on the ministry's exercise of discretion.

[49] I further find that the investigation updates at pages 686 to 718 of the records also qualify as law enforcement reports for the purposes of section 14(2)(a). The updates contain the officer's recordings of the investigation and interviews and then contain conclusions as to the direction of the investigation. I find the updates qualify as law enforcement reports for the purposes of section 14(2)(a) and thus are exempt from disclosure under section 49(a), subject to my finding on the ministry's exercise of discretion.

E. Does the discretionary exemption at section 15(a) apply to the records at issue?

[50] The ministry claims that section 15(a) applies to exempt pages 1927 – 1928, 1931 – 1932 and 1946 to 1955 and provided representations regarding these pages of records. The ministry also claimed that the following records were exempt under section 15(a), but did not provide specific representations regarding pages: 527 – 534, 754, 832 – 839, 990 – 995, and 2147 – 2148.

[51] Section 15(a) of the *Act* states:

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

prejudice the conduct of intergovernmental relations by the Government of Ontario or an institution;

and shall not disclose any such record without the prior approval of the Executive Council.

[52] Section 15 recognizes that the Ontario government will create and receive records in the course of its relations with other governments. Section 15(a) recognizes the value of intergovernmental contacts, and its purpose is to protect these working relationships.⁹ Similarly, the purpose of sections 15(b) and (c) is to allow the Ontario government to receive information in confidence, thereby building the trust required to conduct affairs of mutual concern.¹⁰

[53] A municipality is not a “government” for the purpose of section 15.¹¹

[54] 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.¹²

⁹ Orders PO-2247, PO-2369-F, PO-2715 and PO-2734.

¹⁰ 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.

¹¹ Orders P-69, PO-2715 and PO-2751.

¹² *Ontario (Workers' Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)* (1998), 41 O.R. (3d) 464 (C.A.); see also Order PO-2439.

[55] 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 [Order P-1552].

[56] The ministry submits that section 15(a) applies despite the fact that this office has consistently found that neither municipal governments nor police services are “government” for the purpose of section 15. The ministry’s argument that the municipal government is a “government” for the purposes of section 15 is predicated on the following:

- The Williams Commission Report which formed the basis of the finding in Order PO-1915-F, the leading decision of this office, is over 30 years old.
- The Divisional Court’s decision in *Liquor Control Board of Ontario v. Magnotta Winery Corporation*¹³ questioned the continued relevance of the Williams Commission Report as an aid to statutory interpretation.
- In Order PO-1915-F states that “clear statutory direction” would be needed to deviate from the finding that municipalities are not a level of government for the purposes of section 15. The ministry submits that this clear statutory direction has now been provided in the form of section 2 of the *Municipal Act, 2001*, and revisions to it introduced by the *Municipal Statute Law Amendment Act, 2006*.

[57] Regarding section 2 of the *Municipal Act, 2001*, the ministry submits:

If the Ontario government now recognizes municipalities as being another level of government, and has provided express statutory direction to that effect in the form of what we view as being a legislative statement of purpose in section 2 of the *Municipal Act, 2001*, then we submit that there is no lawful basis to treat municipalities differently for the purpose of section 15 of [the *Act*] than other governments.

[58] The ministry also submits that it meets the three part test for the application of section 15(a) as follows:

- Disclosure of the records could reasonably be expected to prejudice relations between the OPP and municipal councils, especially the two councils whose minutes are at issue.
- The municipal councils expect that records clearly identified as being from closed sessions would be protected.

¹³ *Liquor Control Board of Ontario v. Magnotta Winery Corporation* (2009), 3 O.R. (3d) 59 (Div. Ct.) at paragraph 62. The decision was upheld by the Court of Appeal for Ontario at 2010 ONCA 681.

- Municipal councils would refuse to share these records if the records cannot be protected under provincial privacy legislation.
- OPP cannot discharge its duties unless a trust relationship exists between itself and its municipal partners.

[59] The ministry's argument that municipalities should be considered "government" for the purposes of section 15(a) was dealt with by Adjudicator Cathy Hamilton in Order PO-3065. In that order, the adjudicator considered the identical argument but examined whether municipal police forces could be characterized as "government" for section 15(b). In rejecting the ministry's argument, Adjudicator Hamilton relied on the finding in Order PO-2456 where Adjudicator John Swaigen found the following:

When the Legislature passed the *Municipal Freedom of Information and Protection of Privacy Act* in 1991, it included a parallel provision to section 15 of the *Act*. Section 9 of the *Municipal Freedom of Information and Protection of Privacy Act* provides:

- (1) A head shall refuse to disclose a record if the disclosure could reasonably be expected to reveal information the institution has received in confidence from,
 - (a) the Government of Canada;
 - (b) the Government of Ontario or the government of a province or territory in Canada;
 - (c) *the government of a foreign country or state;*
 - (d) *an agency of a government referred to in clause (a), (b) or (c); or*
 - (e) an international organization of states or a body of such an organization.
- (2) A head shall disclose a record to which subsection (1) applies if the government, agency or organization from which the information was received consents to the disclosure.

Under the *Municipal Freedom of Information and Protection of Privacy Act*, it is clear that a municipality cannot claim the “relations with governments” exemption for information it receives from another municipality or municipal board. That is, section 9 does not apply to information received from another municipality.

It would be inconsistent with the overall scheme of the two freedom of information statutes if a provincial institution could claim the “relations with other governments” exemption for information received from a municipality when a municipality cannot.

Therefore, the Legislature implicitly reaffirmed its intention that information received from municipalities is not covered by this statutory regime when it passed the *Municipal Freedom of Information and Protection of Privacy Act*, incorporating section 9.

Accordingly, I find that the municipal police service that provided these records to the Ministry is not an agency of another government for the purposes of section 15 of the *Act*. Therefore, I find that the exemption claimed under section 49(a) in conjunction with section 15(b) does not apply to these records. [Emphasis added.]

[60] Adjudicator Hamilton applied this reasoning to find that section 15(b) did not apply to records received from a municipal police force and were not exempt under section 49(a). In doing so she stated:

I adopt the approach in Orders PO-2474 and PO-2456, which reflects the interpretation of section 15(b) by this office dating back to Order 69. This interpretation is also consistent with the legislative history of the *Act*, cited in Order 69, which refers to a statement by then Attorney General Ian Scott in the Legislature, that the purpose of the exemption was “to protect intergovernmental relations between the provinces or with the feds or with international organizations.”¹⁴

[61] I also adopt the reasoning in Orders PO-3065, PO-2474 and PO-2456. The municipal councils whose closed meetings minutes are at issue could not expect that their records would be kept confidential if they had been given to another municipality as the *Municipal Freedom of Information and Protection of Privacy Act* does not identify a municipality as a level of government protected under the section 9(1) exemption. As Adjudicator Swaigen identified in Order PO-2456, this is evidence of clear legislative intent to not recognize municipalities as governments for the purposes of section 15.

¹⁴ Hansard, March 23, 1987, after second reading of the bill.

[62] Accordingly, I do not accept the ministry's arguments that the records at issue which the OPP received from a municipality should be protected by the section 15(a) exemption as the municipality is not a "government". As section 15(a) does not apply to the records, they are not exempt under section 49(a). I will, however, consider whether they are exempt under section 49(b) which was also claimed by the ministry to apply to these same records.

F. Does the discretionary section 19 exemption apply to the records at issue?

[63] The ministry submits that section 19 applies for records of communications between members of the OPP and a Crown Attorney found on pages 131 – 4, 695, 702, 710, 715, 718, 719, 724 and 1110 – 1112 and made representations regarding these pages of the record. It appears from the index of the records that section 19 was also claimed for pages 597 to 603 which is a legal opinion and 2132 to 2142 which consists of billing information for a law firm to the municipality. The ministry did not provide representations on the application of the exemption to these pages.

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.

[64] 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

[65] 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.¹⁵

Solicitor-client communication privilege

[66] 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.¹⁶

[67] The rationale for this privilege is to ensure that a client may confide in his or her lawyer on a legal matter without reservation.¹⁷

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

[69] The privilege may also apply to the legal advisor’s working papers directly related to seeking, formulating or giving legal advice.¹⁸

[70] 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.¹⁹

[71] The ministry submits that the above-referenced records are subject to the solicitor-client communications privilege as they refer to discussions or actual communications between the Crown Attorney and an identified member of the OPP. Further, the ministry submits that the records fit squarely within the protected “continuum of communications” between solicitor and client, given that the records either request or contain legal advice provided by the Crown Attorney to the OPP regarding its investigation. The ministry notes that it is typical during a large investigation for the OPP to confer with the local Crown Attorney. Finally, the ministry notes that these communications were confidential and that the contents of these records have not been disclosed and privilege has not been waived.

¹⁵ 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).

¹⁶ *Descôteaux v. Mierzwinski* (1982), 141 D.L.R. (3d) 590 (S.C.C.).

¹⁷ Orders PO-2441, MO-2166 and MO-1925.

¹⁸ *Susan Hosiery Ltd. v. Minister of National Revenue*, [1969] 2 Ex. C.R. 27.

¹⁹ *General Accident Assurance Co. v. Chrusz* (1999), 45 O.R. (3d) 321 (C.A.).

[72] I have reviewed the records for which section 19 has been claimed. I find that there is a solicitor-client relationship between the OPP and the Crown Attorneys in the circumstances surrounding the creation of these records. With respect to each specific record I find the following:

- Pages 131 to 134 consist of a letter to a Crown Attorney from an OPP detective sergeant. I find that it is a direct confidential communication between the OPP and the Crown Attorney for the purposes of seeking legal advice. I find Branch 1 of the solicitor-client communication privilege aspect of the section 19 exemption applies.
- The withheld information on pages 695, 702, 710, 715 and 718 is duplicated information which refers to the advice given by the Crown Attorney to the OPP. I find that disclosure of this information would disclose the legal advice sought and provided between the solicitor and client. Accordingly, I find that Branch 1 of the section 19 exemption also applies to this information.
- The withheld information on page 719 contains the same information withheld on pages 695, 702, 710, 715 and 718 and refers to the advice given by the Crown Attorney to the OPP. I find that disclosure of this information would disclose the legal advice sought and provided between the solicitor and client. Accordingly, I find that Branch 1 of the section 19 exemption applies to this information as well.
- Page 724 is the actual email between the Crown Attorney to the OPP detective sergeant providing the legal advice sought. I find that this is a direct confidential communication between the solicitor and client and as such is protected under Branch 1 of section 19.
- Pages 1110 to 1112 are a duplicate of pages 131 to 134. For the same reasons, I find this information is protected under Branch 1 of section 19.

[73] As I have found that section 19 applies to these pages of record, I find that they are exempt under section 49(a) subject to my finding on the ministry's exercise of discretion.

[74] Pages 597 to 603 consist of emailed correspondence regarding the appellant from a lawyer and a legal opinion. As stated above, the ministry did not provide representations regarding these pages. The emailed correspondence regarding the appellant is from a lawyer addressed to two individuals who are not employees of the ministry. As I do not have representations regarding the identity of the two individuals, I am unable to find that page 597 is a confidential communication for the purposes of soliciting or providing legal advice such that section 19 applies. In regard to the legal opinion which comprises pages 598 to 603, this memo was sent to the appellant in his

then capacity as Chief Administrative Officer for the municipality. Any privilege that existed in the document belonged solely to the municipality. When the records were given to the OPP, the solicitor-client communication privilege that existed in this document was essentially waived. I am unable to find that pages 598 to 603 are subject to solicitor-client privilege for the purposes of section 19. Accordingly, section 49(a) does not apply to the records and they should be disclosed as no other exemptions have been claimed and no mandatory exemptions apply.

[75] The ministry also claimed section 19 for pages 2132 to 2142 of the records. These pages consist of the statement of accounts and invoices received from the municipality's law firm. As stated above, any privilege that may have existed in these records belonged to the municipality. When these records were given to the OPP, the municipality's privilege in them was effectively waived. I find that section 19 does not apply to the records and thus these pages are not exempt under section 49(a). I will consider whether the information is exempt under section 49(b), below.

G. Does the mandatory exemption at section 21(1) or the discretionary exemption at section 49(b) apply to the records?

[76] As stated above, I have found that the records remaining at issue contain pages relating solely to the personal information of other individuals and pages where the personal information of the appellant and other individuals is comingled. Accordingly, I will consider whether the mandatory personal privacy exemption in section 21(1) applies to those records containing the personal information of other individuals solely. I will consider whether the discretionary personal privacy exemption in section 49(b) applies to those records that contain the mixed personal information of the appellant and others.

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

[78] Under section 49(b), where a record contains personal information of both the requester and another individual, and disclosure of the information would constitute an "unjustified invasion" of the other individual's personal privacy, the institution may refuse to disclose that information to the requester.

[79] If the information falls within the scope of section 49(b), that does not end the matter. Despite this finding, the institution may exercise its discretion to disclose the information to the requester. This involves a weighing of the requester's right of access to his or her own personal information against the other individual's right to protection of their privacy. See below for a more detailed discussion of the exercise of discretion issue.

[80] Under section 21, where a record contains personal information only of an individual other than the requester, the institution must refuse to disclose that information unless disclosure would not constitute an "unjustified invasion of personal privacy".

[81] In both these situations, sections 21(1) to (4) provide guidance in determining whether the unjustified invasion of personal privacy threshold is met. If the information fits within any of paragraphs (a) to (e) of section 21(1), disclosure is not an unjustified invasion of personal privacy and the information is not exempt under sections 21 or 49(b). In this case, it appears that only section 21(1)(f) is relevant which states:

A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

if the disclosure does not constitute an unjustified invasion of personal privacy.

[82] The factors and presumptions in sections 21(2), (3) and (4) help in determining whether disclosure would or would not be an unjustified invasion of privacy under section 21(1)(f).

[83] If any of paragraphs (a) to (h) of section 21(3) apply, disclosure of the information is presumed to be an unjustified invasion of personal privacy under section 21. Once established, a presumed unjustified invasion of personal privacy under section 21(3) can only be overcome if section 21(4) or the "public interest override" at section 23 applies [*John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767]. Section 21(4) does not apply in the circumstances and the appellant has not claimed the application of section 23. The Ministry submits that the presumptions at section 21(3)(b), (d) and (f) apply in the circumstances of the current appeal, which 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;
- (f) describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;

[84] Once a presumed unjustified invasion of personal privacy is established under section 21(3), it cannot be rebutted by one or more factors or circumstances under section 21(2) [*John Doe*, cited above]. If no section 21(3) presumption applies, 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 [Order P-239].

[85] The list of factors under section 21(2) is not exhaustive. The institution must also consider any circumstances that are relevant, even if they are not listed under section 21(2) [Order P-99].

[86] The Ministry submits that the factor at section 21(2)(f) weighing against the disclosure of the information at issue applies, 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;

[87] The ministry submits that the personal information in the record was compiled and is identifiable as part of an investigation into a possible violation of law such that disclosure of this personal information is presumed to constitute an unjustified invasion of the personal privacy of the individuals to whom the information relates. Accordingly, the ministry submits that the presumption in section 21(3)(b) applies to all of the records at issue and thus the information is either exempt under section 21(1) or section 49(b).

[88] In particular, the ministry submits that the presumption in section 21(3)(b) applies to:

- OPP generated records, including Occurrence Summaries and Reports, Investigation Updates, Case Manager's assignment forms, officers notes and emails between officers (pages 3, 4, 6 – 7, 13, 14, 18 – 21, 23, 24 – 28, 29, 33 – 35, 36 – 37, 39 – 40, 41 – 43, 235, 535, 536, 668 – 685, 688 – 719, 1613, 1636, 1638 – 41, 1648 – 1717, 2391 – 2460, 2511 – 88 and 2612 – 19).
- OPP records of communications between investigators and witnesses, suspects or complainants, including emails, handwritten notes and witness statements and transcripts (pages 31, 55, 57, 60, 68, 79, 103, 104, 127, 270, 539, 553 – 67, 546 – 9, 641 – 658, 661 – 4, 719 – 720, 732, 741 – 2, 745 – 6, 1109 – 1112, 1114 – 1635, 1732 – 4, 1740 – 1, 1749 – 55, 1956, 2462 – 4 and 2466 – 2485)

- Evidentiary records that were provided, or collected by the OPP for the purpose of their investigations (pages 125, 139 – 140, 191, 244, 271 – 8, 659 – 60, 825 – 830, 1720 – 5, 1731, 1736 – 9, 1927 – 8, 2026 – 7, 2076, 2078, 2083, 2087 and 2091- 2, 2132 - 2142

[89] The ministry submits that the personal information was compiled as part of an investigation into a possible violation of the *Criminal Code*.

[90] In support of the application of the factor in section 21(2)(f), the ministry submits that the personal information in the records is highly sensitive as the personal information relates to the individuals contacts with the OPP as complainants, witnesses or suspects.²⁰

[91] Based on my review of the records, I find that the personal information remaining at issue was compiled and is identifiable as part of an investigation into a possible violation of the *Criminal Code*. Accordingly, I conclude that the presumption in section 21(3)(b) applies to the information. Thus, disclosure of the personal information in the record is presumed to be an unjustified invasion of the personal privacy of the appellant and other individuals.

[92] I also find that the record contains the employment history of individuals other than the appellant as they contain personal information about their employment with the municipality. I find that the presumption in section 21(3)(d) applies to this personal information and disclosure of this personal information is also presumed to constitute an unjustified invasion of these individual's personal privacy. Furthermore, the records contain information relating to an individual's financial history, income and other activities such that the presumption in section 21(3)(f) also applies.

[93] I also find that the factor weighing against disclosure in section 21(2)(f) applies in the circumstances in this appeal. The OPP spoke to a number of individuals in its investigations about the actions of the appellant and others. I find that disclosure of some of this information could reasonably be expected to result in significant personal distress to the individual involved. I also find that none of the factors weighing in favour of disclosure are a consideration in this appeal, particularly in the absence of representations from the appellant.

[94] Accordingly, having considered the presumption in sections 21(3)(b), (d), (f) and weighed the factor in section 21(2)(f), I find that disclosure of the personal information would be an invasion of the personal privacy to other individuals and thus is exempt under section 49(b) and 21(1).

²⁰ The ministry cites P-1618 for its argument that disclosure of this type of personal information would cause the individuals involved significant personal distress.

[95] Where the appellant's personal information remaining at issue is inextricably intertwined with the personal information of other individuals such that severance is not possible, this information is exempt subject to my finding on the ministry's exercise of discretion under section 49(b). Where the personal information relates to other individuals only, I find this information is exempt under section 21(1) and should not be disclosed. My specific findings on these two exemptions are set out in the attached index of records.

[96] While the appellant did not raise the issue of the application of the absurd result principle, I decided to consider it briefly because some of the records contain the appellant's personal information. 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 [Orders M-444, M-451, M-613, MO-1323, PO-2498 and PO-2622].

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

- the requester sought access to his or her own witness statement [Orders M-444 and M-451]
- the requester was present when the information was provided to the institution [Orders M-444, P-1414 and MO-2266]
- the information is clearly within the requester's knowledge [Orders MO-1196, PO-1676, PO-1679, MO-1755 and MO-2257-I]

[98] 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 [Orders M-757, MO-1323, MO-1378, PO-2622, PO-2627 and PO-2642].

[99] The ministry submits that the absurd result principle does not apply to the personal information in this appeal as the appellant has been provided with access to records solely relating to him and, in particular, records that he provided to the OPP.

[100] Based on my review of the records remaining at issue, I find that most of the appellant's personal information and records which he submitted have been disclosed to him. However, I find that pages 560 to 578 of the records include information that the appellant provided to the OPP during its investigation. While there is personal information relating to another individual highlighted on these records, it is unclear to me whether the appellant's personal information has been disclosed to him. If this information has not been disclosed to the appellant then I find that section 49(b) does

not apply as it would be inconsistent with the purpose of the exemption to withhold this information from the appellant.

[101] Pages 1927 to 1928 of the records consists of the in camera minutes of a municipal meeting. I found this information did not qualify for exemption under section 49(a) as section 15(a) did not apply. I also find that the absurd result principle applies to the personal information in these pages of the records as the appellant was present at the meeting and is listed in attendance. Withholding the personal information in these records would be inconsistent with the purpose of the section 49(b) exemption and these pages of the record should be disclosed to the appellant.

[102] Pages 2612 to 2619 of the records consist of the scribe's notes from an interview with the appellant. While most of the information on these pages has been provided to the appellant, the ministry severed information relating to individuals who the appellant spoke about and identified by name. I find that withholding this information from the appellant when he himself provided this information would be inconsistent with the purpose of the section 49(b) exemption and should be disclosed to him.

[103] The remaining personal information at issue is information which would not be clearly in the appellant's knowledge; nor was the appellant present when this information was given to the police. Accordingly, I find that the absurd result principle does not apply to it.

H. Was the ministry's exercise of discretion proper in the circumstances?

[104] The exemptions at sections 49(a) and (b) 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.

[105] 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.

[106] In either case this office may send the matter back to the institution for an exercise of discretion based on proper considerations [Order MO-1573]. This office may not, however, substitute its own discretion for that of the institution [section 54(2)].

[107] In support of its exercise of discretion, the ministry submits that it took into consideration the following factors:

- The sensitivity of the records, especially as they relate to law enforcement investigations;
- The historic practice of the OPP not releasing law enforcement records containing the personal information of third parties such as witnesses, complainants or suspects;
- Concerns that releasing law enforcement records would discourage members of the public from cooperating with law enforcement officials.

[108] The ministry also considered the fact that the appellant is entitled to records about himself.

[109] I have reviewed the records remaining at issue and I find the ministry's exercise of discretion to be proper in the circumstances. The ministry properly considered the appellant's right to his own personal information and balanced that right against the privacy rights of the other individuals. The ministry also considered the interests sought to be protected by the law enforcement exemption and its historical practice in applying that exemption. As stated above, most of the appellant's personal information has already been disclosed to him. The remaining information at issue is the personal information of other individuals or information where severance of the appellant's information is not possible. Accordingly, I uphold the ministry's exercise of discretion as proper.

ORDER:

1. I order the ministry to disclose the pages of record identified in the attached index to the appellant by providing him with a copy of the records by **April 3, 2013**. I have enclosed a highlighted copy of the records ordered partially disclosed with the ministry's copy of the records identifying the information not to be disclosed. To be clear, the highlighted information is not to be disclosed.
2. I uphold the ministry's decision with respect to the remaining records.
3. In order to verify compliance with Order provision 1, I reserve the right to require the ministry to provide me with a copy of the records provided to the appellant.

Original Signed By: _____

Stephanie Haly
Adjudicator

February 28, 2013

APPENDIX

INDEX OF RECORDS

Pages	Document Description	Exemptions Claimed	Finding
1 – 2 (partial access)	Police Report	49(a), 14(1)(l), NR	Upheld
3 – 4 (partial access)	Police Report	49(a), 14(1)(l), 49(b), NR	Upheld
5 – 8 (partial access)	Police Report	49(a), 14(1)(l), 49(b), NR	Upheld
9 – 11 (partial access)	Police Report	49(a), 14(1)(l), NR	Upheld
12 – 13 (partial access)	Police Report	49(a), 14(1)(l), 49(b), NR	Upheld
14 – 15 (partial access)	Police Report	49(a), 14(1)(l), NR	Upheld
16 – 17 (partial access)	Police Report	49(a), 14(1)(l), NR	Upheld
18 – 22 (partial access)	Police Reports	49(a), 14(1)(l), 49(b), NR	Upheld
23 – 25 (partial access)	Police Report	49(a), 14(1)(l), 49(b), NR	Upheld
26 – 27 (partial access)	Police Reports	49(a), 14(1)(l), 49(b), NR	Upheld
28 – 31, 34 - 43 (withheld)	Police Reports	49(a), 14(1)(l), 49(b), NR	Upheld
45 – 52 (withheld)	BDO 2007 Financial Report	49(a), 17(1), 13	Disclose
55, 57, 60, 68, 79, 84 – 85, 98, 100, 103 – 107, 110 - 126 (partial access or withheld)	Integrity Commissioner's reports	49(b)	Upheld
127 – 130, 139 - 140	Correspondence records MTO	49(b)	Upheld

(withheld)				
131 – 134 (withheld)	Correspondence, records	MTO	49(a), 19	Upheld
135, 139 – 140 (withheld)	Correspondence records	MTO	49(b)	Upheld
142 – 148 (partial access)	Police Summary Reports		49(a), 14(1)(l), 49(b)	Upheld
161 – 167 (withheld)	Correspondence		49(b)	Upheld
184 – 190 (withheld)	Municipal by-law 53-2007		49(a), 22(a)	Disclose
191 – 210 (partial release)	Records provided by requester		49(b)	Disclose ²¹
235 (withheld)	Police reports		49(a), 14(1)(l)	Upheld
236 – 243 (withheld)	Police report		49(a), 14(2)(a)	Upheld
244	Police report		49(a), 14(1)(l), 21(1)	Upheld
270 – 278 (withheld)	Municipal records		49(b)	Upheld
362 (withheld)	2008 Variance report and petition		49(b)	Upheld
496 – 501 (withheld)	Correspondence		49(a), 13(1), 17(1)	Disclose
527 – 534 (withheld)	2007 Financial audit		49(a), 15(a)	Disclose
535 and 536 (withheld)	Police reports		49(a), 14(1)(l), 21(1), NR	Upheld
539 to 541, 546 - 559 (withheld)	Correspondence/Statements		49(b)	Upheld
560 to 578 (withheld)	Witness synopsis and records provided by requester		49(b)	Disclose (in part)
597 to 603 (withheld)	Legal opinion		49(a), 19, 49(b)	Disclose
641 to 664 (withheld)	Witness Statements		49(b)	Upheld
668 to 670	Case manager's assignment		21(1), 49(b)	Upheld

²¹ I could not find a reference that this information had already been disclosed to the appellant.

(withheld)			
671 (partial access)	Case manager's assignment	21(1), 49(b)	Upheld
672 to 674 (withheld)	Case manager's assignment	21(1)	Upheld
675 (partial access)	Case manager's assignment	49(b)	Upheld
676 to 679 (withheld)	Case manager's assignment	21(1), 49(b)	Upheld
680 and 681 (partial access)	Case manager's assignment	21(1), 49(b)	Upheld
682 to 684 (withheld)	Case manager's assignment	21(1), 49(b)	Upheld
685 (partial access)	Case manager's assignment registrar	49(b)	Upheld
686 to 718 (partial access)	Police investigative update report	49(a), 14(1)(l), 14(2)(a), 19, 49(b), NR	Upheld
719 to 723 (partial access)	Emails	49(b), NR	Upheld
724 (withheld)	Email	49(a), 19, 49(b)	Upheld
731 to 732 (withheld)	Emails	21(1), 49(b)	Upheld
742 and 743 (withheld)	Emails	49(b)	Upheld
745 and 746 (withheld)	Email	49(b)	Upheld
754 (partial access)	Correspondence	49(a), 15(a)	Disclose
825 (withheld)	Correspondence	49(b)	Upheld
829 to 831 (withheld)	Correspondence	49(b)	Upheld
832 to 839 (withheld)	Correspondence	49(a), 15(a)	Disclose
990 - 995 (withheld)	2006 Meaford Financial statement	49(a), 15(a)	Disclose
1109, 1113 (withheld)	Correspondence	49(b)	Upheld
1110 to 1112	Correspondence	49(a), 19, 49(b)	Upheld

(withheld)			
1114 to 1635 (withheld)	Statements	49(b)	Upheld
1636 (partial access)	Police report	49(a), 14(1)(l), 49(b), NR	Upheld
1637 to 1640 (withheld)	Police reports	49(a), 14(2)(a), 49(b), NR	Upheld
1641 (partial access)	Police report	49(a), 14(2)(a), 49(b), NR	Upheld
1642 (withheld)	Police report	49(a), 14(2)(a), 49(b), NR	Upheld
1643 to 1645 (partial access)	Police reports	49(a), 14(2)(a), 49(b), NR	Upheld
1646 (withheld)	Police report	49(a), 14(2)(a), 49(b)	Upheld
1647 to 1650 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1651 to 1659 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1660 and 1661 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1662 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1663 and 1664 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1665 to 1668 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1670 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1671 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1672 to 1683 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1685 and 1686 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1687 and 1688 (partial access)	Officer's notes	49(b), NR	Upheld
1689	Officer's notes	49(a), 14(1)(l), 49(b),	Upheld

(withheld)		NR	
1690 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1691 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1692 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1693 to 1696 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1697 to 1700 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1701 to 1706 (withheld)	Officer's notes	49(b), NR	Upheld
1707 to 1710 (partial access)	Officer's notes	49(b), NR	Upheld
1711 and 1712 (withheld)	Officer's notes	49(b), NR	Upheld
1713 and 1714 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
1715 to 1717 (withheld)	Officer's notes	49(b), NR	Upheld
1720 to 1725 (withheld)	Emails	49(b)	Upheld
1731 to 1737 (withheld)	Correspondence	49(b)	Upheld
1738 and 1739 (partial access)	Email	49(b)	Upheld
1740 to 1755 (withheld)	Correspondence/emails	49(b)	Upheld
1927 and 1928 (withheld)	In Camera material	49(a), 15(a), 49(b)	Disclose
1931 and 1932 (withheld)	Closed council meeting	49(a), 15(a),	Disclose
1947 to 1955 (withheld)	Special council meeting	49(a), 15(a), 49(b)	Disclose in part ²²

²² Withhold personal information on page 1948 as identified on highlighted copy of the record.

1956 (withheld)	Correspondence	49(b)	Upheld
2026, 2028, 2078, 2083, 2087, 2091 – 2092, (partial access or withheld)	Payroll register and remuneration and legal correspondence	49(b)	Upheld
2132 – 2142 (withheld)	Supplier transaction and legal correspondence	49(a), 19, 49(b)	Disclose in part ²³
2147 and 2148 (withheld)	Correspondence	49(a), 15(a)	Disclose
2391 to 2394 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2395 to 2400 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2401 to 2409 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2410 to 2414 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2415 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2416 (withheld)	Officer's notes	49(b), NR	Upheld
2417 and 2418 (partial access)	Officer's notes	49(b), NR	Upheld
2419 to 2428 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2429 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2430 and 2431 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2432 and 2433 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2434 (withheld)	Officer's notes	49(b), NR	Upheld

²³ Withhold personal information on pages as indicated on highlighted copy of the record.

2435 and 2436 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2437 (withheld)	Officer's notes	49(b), NR	Upheld
2438 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2439 and 2440 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2441 and 2442 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2443 to 2445 (withheld)	Officer's notes	49(b), NR	Upheld
2446 and 2447 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2448 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2449 and 2450 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2451 and 2452 (withheld)	Officer's notes	49(b), NR	Upheld
2453 to 2460 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2461 to 2485 (withheld)	Email	49(b), NR	Upheld
2512 (withheld)	Officer's notes	49(b), NR	Upheld
2513 to 2516 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2517 (withheld)	Officer's notes	49(b), NR	Upheld
2519 and 2520 (withheld)	Officer's notes	49(b), NR	Upheld
2521 to 2523 (partial access)	Officer's notes	49(b), NR	Upheld

2524 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2525 to 2530 (partial access)	Officer's notes	49(b), NR	Upheld
2531 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2532 (partial access)	Officer's notes	49(b), NR	Upheld
2533 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2534 (partial access)	Officer's notes	49(b), NR	Upheld
2535 and 2536 (withheld)	Officer's notes	49(b), NR	Upheld
2537 to 2547 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2548 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2550 and 2551 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2552 to 2556 (partial access)	Officer's notes	49(b), NR	Upheld
2557 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2558 and 2559 (partial access)	Officer's notes	49(b), NR	Upheld
2560 and 2561 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2562 to 2564 (partial access)	Officer's notes	49(b), NR	Upheld
2565 to 2570 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2571 (partial access)	Officer's notes	49(b), NR	Upheld
2572 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld

2573 (partial access)	Officer's notes	49(b), NR	Upheld
2574 (withheld)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2575 (partial access)	Officer's notes	49(b), NR	Upheld
2576 (withheld)	Officer's notes	49(b), NR	Upheld
2577 and 2578 (partial access)	Officer's notes	49(b), NR	Upheld
2579 (withheld)	Officer's notes	49(b)	Upheld
2580 (partial access)	Officer's notes	49(a), 14(1)(l), 49(b), NR	Upheld
2581 to 2584 (withheld)	Officer's notes	49(b)	Upheld
2585 to 2588 (partial access)	Officer's notes	49(b)	Upheld
2612 to 2619 (partial access)	Scribe notes	49(b)	Disclose