

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-4564

Appeal PA20-00814

Ministry of the Attorney General

October 30, 2024

Summary: An individual asked the ministry for information about eligibility criteria and appointments to Professional Engineers Ontario committees under the *Freedom of Information and Protection of Privacy Act* (the *Act*). The ministry located records and provided some of them to the individual. The ministry said that it was withholding other information because the *Act* either permitted or required it to do so. The individual appealed and in this decision, the adjudicator upholds some parts of the ministry's decision. She orders the ministry to withhold other people's personal information and agrees with the ministry that some of the information is not responsive to the *Act*. However, she finds that other information is responsive to the request and orders the ministry to issue an access decision. She does not uphold the ministry's decision to apply sections 13(1) or 17(1) of the *Act* and orders the ministry to disclose that information.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, sections 2(1) (definition of "personal information"), 13(1), 17(1), 21(1) and 23.

OVERVIEW:

[1] The Ministry of the Attorney General (the ministry) received a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for access to records related to specific sections of the *Professional Engineers Act* (the *PEA*) concerning the appointment of individuals to various Professional Engineers Ontario (PEO) committees established under the *PEA*. The requester also sought access to information about eligibility criteria for appointment to the committees, lists of applicants and approved

individuals, as well as communications between PEO and the ministry's policy office relating to approvals of appointed individuals and the remuneration process. The original request is reproduced at Appendix A to this decision.

[2] The ministry identified 515 pages of records as potentially responsive to the request. It granted the requester partial access to some of the records, or portions of records, but withheld others. It relied on the mandatory exemptions at sections 12(1)(e) (cabinet records), 17(1) (third party information), and 21(1) (personal privacy), as well as the discretionary exemption at sections 13(1) (advice or recommendations), 19 (solicitor-client privilege) and the exclusion for labour relations or employment related information at section 65(6)(3) of the *Act* to deny access to the information it withheld. The ministry also withheld various records, or portions of records, that it ultimately determined were not responsive to the request or that duplicated others.

[3] The requester, now the appellant, appealed the ministry's decision to the Office of the Information and Privacy Commissioner of Ontario (the IPC) and the matter was assigned to an IPC mediator. The appellant advised the mediator that he was not pursuing the records the ministry withheld pursuant to sections 12(1) or 19 of the *Act*.¹ However, he continued to pursue access to the information the ministry said was subject to the exclusion and other exemptions, and the remaining information that the ministry identified as non-responsive, as well as any duplicate records. The appellant also advised that he believed there was a public interest in the disclosure of the records. As a result, the mediator added section 23 (the public interest override) as an issue to the appeal.

[4] Mediation did not resolve the appeal and it was moved to the adjudication stage of the appeals process. An adjudicator commenced a written inquiry pursuant to the *Act*. The adjudicator sent the ministry a Notice of Inquiry setting out the facts and issues in the appeal. The ministry provided responding representations. The adjudicator shared the non-confidential portions of the ministry's representations with the appellant, in accordance with *Practice Direction Number 7* of the IPC's *Code of Procedure*. The appellant provided a response, and the matter was then transferred to me to continue the inquiry.

[5] After reviewing the evidence, including the records at issue, I identified some discrepancies between the ministry's representations and the redactions in the records at issue that were necessary to resolve prior to continuing the inquiry. At my request, the ministry provided an updated copy of the records at issue that clearly indicated the information it withheld pursuant to each section of the *Act* at issue.²

[6] I then decided to seek representations from PEO, as a party with a potential

¹ I also note the appellant's appeal letter dated December 14, 2020 is clear that he was appealing only sections 13(1), 17(1), 21(1) and 65(6).

² The copy of records I reviewed and refer to Appendix B is the copy provided to the IPC by the ministry on November 28, 2023. I note that the ministry also provided a copy of the severed records it disclosed to the appellant.

interest in the information at issue, on the issues of whether section 17(1) or 21(1) applied to the withheld information. A representative for PEO confirmed that it did not wish to make any representations.

[7] In this decision, I uphold some aspects of the ministry's decision, but not others. I find that the majority of the information the ministry identified as not responsive does not reasonably relate to the appellant's request. However, I find that some of the withheld information is responsive and I order the ministry to issue an access decision to the appellant for that specific information.

[8] I find that there is personal information in the records that is subject to the mandatory exemption for personal information at section 21(1) of the *Act*. I dismiss the appellant's claim that the public interest override at section 23 of the *Act* applies to the information subject to the section 21(1) exemption and I order the ministry to withhold that information from the appellant.

[9] I do not uphold the ministry's decision that sections 13(1) or 17(1) apply, and I order it to disclose the information it said was subject to those sections to the appellant, with the exception of the information that I concluded was subject to the section 21(1) exemption.

[10] Finally, I decline to consider whether the labour relations exclusion at section 65(6) applies, since the information that the ministry claimed the exclusion applies to is either not at issue, has already been disclosed to the appellant by the ministry, or would be subject to the mandatory exemption for personal privacy at section 21(1) of the *Act*, if the *Act* applied.³

RECORDS:

[11] The records at issue in this appeal include emails, correspondence, and briefing materials, as described in the index at Appendix B to this decision.

ISSUES:

- A. Does section 65(6) exclude some of the information in the records from the *Act*?
- B. What records are responsive to the request?
- C. Do the records contain "personal information" as defined in section 2(1) and, if so, to whom does it relate?

³ The ministry also withheld some of the information it says is excluded pursuant to section 12 or section 19 and the appellant withdrew his appeal of those claims.

- D. Does the mandatory exemption at section 21(1) apply to the information at issue?
- E. Does the discretionary exemption at section 13(1) apply to the information at issue?
- F. Does the mandatory exemption at section 17(1) apply to the information at issue?
- G. Is there a compelling public interest in disclosure of the records that clearly outweighs the purpose of the section 13(1), 17(1) and 21(1) exemptions?

DISCUSSION:

Preliminary issue

[12] The appellant's representations do not address the issues set out in the Notice of Inquiry he was provided. Instead, he raises concerns with various procedural issues that he says occurred during the appeal process.

[13] First, the appellant asserts that the ministry is attempting to circumvent "bias allegations" by submitting unsigned representations to the IPC. He argues that the ministry's representations must be signed by a lawyer or licensed paralegal and that he should know their identity prior to responding. The appellant submits that the IPC is perpetuating a breach of the *Law Society Act* by proceeding with the inquiry in these circumstances.

[14] The appellant also asserts that the IPC's "practice and policy are flawed and irregular," and do not comply with the *Act*. He says that the written inquiry process is a breach of natural justice, and the rules of procedural fairness. Specifically, he says that "he has never witnessed an adjudicator making written comments and asking for an appellant to comment."

[15] I have considered the issues raised by the appellant and I am satisfied that the inquiry process has been conducted in a procedurally fair manner. The IPC has no specific requirement about who may submit representations on behalf of a party to an appeal. Parties may choose to use legal counsel to submit representations, or they may not. It is also not strictly necessary that a party's representations be signed by the individual who wrote them. The IPC does not, in the usual course, seek to obtain that information. In most cases, it is sufficient that a party has provided the representations to the IPC in support of their position on the appeal.

[16] I note the appellant's assertion that the ministry is attempting to avoid a bias allegation by withholding the identity of the author of its representations. However, without specific details regarding the alleged bias, I am unable to assess this claim.

[17] Finally, IPC inquiries are conducted in writing in accordance with the *Act* and with

the IPC's *Code of Procedure*.⁴ The appellant did not indicate why he believes a written inquiry is not appropriate in the circumstances of this matter. Based on all the evidence before me, I see no basis for a conclusion that a written inquiry is not appropriate.

[18] As I noted above, the appellant's representations do not address the issues set out in the Notice of Inquiry and considered below. As a result, I will not address them again in this decision.

Issue A: Does section 65(6) exclude some of the information in the records from the *Act*?

[19] The ministry submits that some discrete portions of records 22, 33, 34, 38, and 52 to 56 are excluded from the operation of the *Act* by the labour relations exclusion at section 65(6). The ministry has already disclosed the majority of these records and says that section 65(6) applies only to various individual paragraphs or sentences in the records. The ministry says the portions it identified contain information about appointees, including their employment and regulatory history, as well as other specific details collected and considered as part of the PEO recruitment process.

[20] The application of section 65(6) of the *Act* is a complex issue and the ministry's decision to apply the exclusion to only small portions of records is atypical. By applying the exclusion to a portion of a record and then either disclosing the remaining portion, or applying a different exemption from the *Act*, the ministry appears to concede that the exclusion does not apply to the entire record. The IPC has consistently taken the position that the application of section 65(6) is record-specific and fact-specific.⁵ As such, when determining whether the exclusion applies, I must examine the record as a whole rather than looking at individual pages, paragraphs, sentences or words. This "whole record" method of analysis has also been described as the "record by record approach."⁶ In response to the ministry's claim that the exclusion applies only to part of the record, I agree with and adopt the reasoning in Order PO-3642 that the record must be examined as a whole.⁷

[21] In any event, in the circumstances of this appeal, I find that it is not necessary to decide whether section 65(6) applies to records 22, 33, 34, 38, and 52 to 56.⁸ This is because later in this decision I conclude that the majority of the information the ministry says section 65(6) applies to would be exempt under section 21(1) of the *Act* if the *Act* did apply. The remaining information that the ministry claimed section 65(6) applied to

⁴ The *Code of Procedure* is available on the IPC's website at: <https://www.ipc.on.ca/en/resources-and-decisions/code-procedure-appeals-under-freedom-information-and-protection-privacy-act-and-municipal-freedom>

⁵ Order PO-4378 at para. 16.

⁶ Paragraphs 17 to 23 of Order PO-3642, as well as Order MO-3927, M-352, MO-3798-I, MO-3927, MO-3947, MO-4071, PO-3642 and PO-3893-I.

⁷ See also, MO-3927

⁸ This approach was also taken in Order PO-2420, where a similar issue arose.

that is not captured by the section 21(1) exemption is either not at issue because the ministry has also applied either section 12 or 19 of the *Act*, or has already been disclosed in other records the ministry already provided to the appellant. As a result, I decline to consider whether section 65(6) applies.⁹

Issue B: What records are responsive to the request?

[22] The ministry submits that some of the records identified in Appendix B are not responsive to the request.¹⁰ To be considered responsive to the request, records must “reasonably relate” to the request. As outlined in the Notice of Inquiries provided to the parties at the beginning of this process, institutions should interpret requests liberally, to best serve the purpose and spirit of the *Act*. Generally, if there is ambiguity in the request, this should be resolved in the requester’s favour.

The ministry’s representations

[23] The ministry says that some of the records, or portions of the records, that “turned up in its keyword search” are not actually responsive to the request because they do not “reasonably relate to the request.”

[24] The ministry submits that it interpreted the appellant’s request broadly. For example, it says that it considered “AG policy office” to include any office within the ministry. The ministry explains that it took a plain language approach to the interpretation of other specifications of the request.

[25] The ministry argues that some of the records identified in its keyword search are not responsive because they are internal communications that discuss the logistics of receiving, processing, and responding to correspondence. The ministry submits that there is no substantive information that would fall into the categories of the appellant’s request.

[26] The ministry also says that there is significant duplication in the many of the records it submits are not responsive to the appellant’s request.

Findings and analysis

[27] I have reviewed all the records at issue and although I agree with the ministry that many are not responsive to the appellant’s request, I find that some pages of the records at issue are responsive, and I will order the ministry to issue a decision to the appellant for those specific pages. Below are the reasons for my findings, beginning with the records that I find are not responsive to the appellant’s request.

⁹ Again, see Order PO-2420, where a similar approach was taken.

¹⁰ I note that the ministry identified additional records, or portions of records, as not responsive to its request in the copy of records provided to the IPC on November 28, 2023, that it did not include in its representations. Each record, or portion of a record, that the ministry claims is not responsive to the request is set out in Appendix B.

[28] Record 1 contains 251 pages of emails and attachments.¹¹ The ministry identified information on pages 27, 43, 45 to 52, 86, 110 to 143, 166 to 168, 170 to 244, and 245 to 246 as not responsive. I reviewed each of these pages and I agree with the ministry that the information it has severed is not responsive to the appellant's request. The severed information includes communications with, or about, the PEO that are not tied to the appellant's request in any way. It also includes communications, letters and a study/review about potential policy changes, and meetings and correspondence about those changes, or other unrelated topics. In each case, I confirm that I have reviewed the information and agree with the ministry that it is not responsive to the request.

[29] Next, I accept the ministry's representations regarding the portions of records 3 to 12 and 14 to 17 that it says are not responsive to the appellant's request. These records, along with record 2, consist of emails that discuss logging correspondence and internal ministry administrative issues. To be clear, these records contain duplicative email chains with compounding responses. I can discern from the records themselves that the ministry has disclosed the portion of the email chain that is responsive in record 13. It then identified the remaining records as not responsive or duplicative. I agree with this characterization. The severed portions (excluding the duplicated responsive portion that is disclosed in record 13) consist of administrative emails about internal processing and task tracking that cannot be said to relate to the appellant's request. I confirm that no new or different information could be gleaned from the duplicated portions and as such, I will not consider them further.¹² I also confirm that the portions of record 13 that the ministry has identified as not responsive are indeed, not responsive to the appellant's request.

[30] I also find that records (or the severed pages or portions of records, as set out in Appendix B) 18 to 20, and 22, 23, 25 and 26 are not responsive to the appellant's request.¹³ The withheld information in these pages, or portions of pages, consist of administrative emails about processing tasks or correspondence, or other correspondence about matters unrelated to the appellant's request.

[31] The majority of the information in record 24 is not responsive for the same reasons as those described immediately above. However, I find that page 3 of record 24 is responsive to the appellant's request as it contains a letter about an individual's appointment. This information fits within the parameters of the appellant's request and as a result, I will order the ministry to issue a decision to the appellant regarding page 3

¹¹ Most of the pages in record 1 are not at issue because the ministry has applied either section 12 or 19 of the *Act*. As noted at the beginning of this decision, the appellant withdrew his appeal into sections 12 and 19 during the mediation stage of the appeal.

¹² I note that it is not necessary for the ministry to issue a disclosure decision or disclose any of the information in this decision that I determine is a duplicate of other records. These types of records will be listed as duplicates in Appendix B and the ministry need not do anything further with respect to these records.

¹³ The specific pages, or portions of pages, identified as not responsive by the ministry are set out in Appendix B.

of record 24.

[32] Next, I find that record 27 contains 56 pages of email chains. There is significant duplication and most of the pages the ministry has identified as not responsive contain administrative communications between ministry employees that are not responsive to the appellant's request. However, I find that pages 2, 3, 10 to 12, 14 to 19, and 50 to 53 are responsive to the appellant's request as they contain communications between the ministry and the PEO that relate to the subject matter requested by the appellant. I will order that the ministry issue a decision on these pages of record 27.¹⁴

[33] Records 30, 33 (page 1), 37, 41 to 45, 47 to 49, and a portion of page 1 of record 50, relate to an amendment to a regulation and/or contain administrative discussions unrelated to the appellant's request. I find that this information is not responsive to the appellant's request.

[34] My findings regarding the responsiveness of the records are set out in Appendix B to this decision. To summarize, I agree with the ministry that most of the records, or portions of records, it identified as not responsive do not relate to the appellant's request. However, page 3 of record 24 and pages 2, 3, 10 to 12, 14 to 19, and 50 to 53 of record 27 are responsive and the ministry must issue an access decision to the appellant on these pages.

Issue C: Do the records contain "personal information" as defined in section 2(1) and, if so, to whom does it relate?

[35] Section 2(1) of the *Act* defines "personal information" as "recorded information about an identifiable individual." Information is "about" the individual when it refers to the individual in a personal capacity, revealing something of a personal nature about the individual. Paragraphs (a) through (h) of the definition of "personal information" in section 2(1) lists examples of personal information, including the following examples that are relevant in this appeal:

"personal information" means recorded information about an identifiable individual, including,

(b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,, ...

¹⁴ The specific pages, or portions of pages, that the ministry must issue an access decision on are set out in Appendix B. I reiterate that the ministry need not issue a decision or disclose any records I identify as duplicates in Appendix B.

(d) the address, telephone number, fingerprints or blood type of the individual, ...

(h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

[36] Generally, information about an individual in a professional capacity is not considered to be "about" the individual.¹⁵ Section 2(3) of the *Act* states that personal information does not include the "name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity." However, information about an individual in a professional capacity may be "personal information" if it reveals something of a personal nature about the individual.¹⁶

The ministry's representations

[37] The ministry says that some of the records at issue contain individual's home addresses and employment information in the context of being considered for a position.¹⁷

[38] The ministry explains that the records contain letters from the Attorney General's office confirming a public appointment. It says that the names in the letters were released because the appointments, once made, are publicly available. However, the ministry says that it redacted the appointee's home addresses, as it deemed this to be personal information within the meaning of section 2(1).

[39] Next, the ministry submits that some of the records are letters from the PEO to the Attorney General recommending various individuals for appointments to PEO committees. The ministry says that it withheld the names of the individuals being considered for appointment because the process leading to the appointment is akin to applying for a job and undergoing a competition, and therefore the names of the individuals meet the definition of personal information pursuant to section 2(1) of the *Act*.

[40] Finally, the ministry says that there is personal information in a briefing note advising the Attorney General on which individuals identified by the PEO meet the requirements for an appointment. It says that it classified this information as personal information because it contains the employment history of the individuals.

¹⁵ Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

¹⁶ Orders P-1409, R-980015, PO-2225 and MO-2344.

¹⁷ I note that the ministry did not refer to all the information it identified as "personal information" in the copy of the records provided to the IPC in its representations. Appendix B identifies all of the information the ministry claims is "personal information."

Findings and analysis

[41] I have reviewed all the records at issue and find that they contain personal information for the purposes of section 2(1) of the *Act*, as described below.

[42] First, I agree with the ministry that the individuals' addresses that appear on page 3 of each of records 19, 20, 25, and 26 are personal information as defined in paragraph (d) of section 2(1) of the *Act*.

[43] Next, I confirm that pages 2 and 3 of record 53, contain descriptions of the employment and educational background of individuals. I agree with the ministry that this information meets the definition of personal information in paragraph (b) of section 2(1) of the *Act*.

[44] I also find that the following pages contain the names and geographical locations of individuals who were either eligible, or ineligible, for appointment, or re-appointment to PEO committees, and/or the names of those who were considered but not appointed or re-appointed:

- record 1, pages 11 and 24,
- record 22, page 5,
- page 2 of each of records 31, 34, and 38, and
- record 50, pages 4 and 5,

[45] I accept the ministry's statement that while an individual's appointment to a PEO committee becomes public once the appointment is completed, the names of individuals being considered, are not public information. In my view, whether or not an individual was being considered, but was not ultimately appointed, or reappointed, is personal information, akin to the type of information contemplated by paragraph (b) of section 2(1) of the *Act*. As a result, I find that the names that appear on the pages noted above are personal information for the purposes of the *Act*. I find that the cities that the individuals reside in is also personal information since this information could be used to assist in identifying the individual who is, or is not, being considered for appointment or re-appointment. Finally, I find that the reasons stated for certain individuals not being renewed as committee members on page 3 of record 52 is also information that could be used in conjunction with other information to identify these individuals. As a result, I find that it is personal information.

[46] Finally, I find that there is additional personal information in the records not identified by the ministry in its representations. Page 2 of Record 55, and page 1 of record 56 contain information about an individual's disciplinary history from their regulating body. While the ministry did not identify this information as personal information, I find that it is. Whether or not an individual has been subjected to disciplinary action would

reveal something of a personal nature about them, as contemplated by paragraph (h) of section 2(1) of the *Act*.

[47] Having found that the records contain personal information of individuals other than the appellant, I will next address whether this information is exempt from disclosure under the mandatory exemption at section 21(1) of the *Act*.

Issue D: Does the mandatory exemption at section 21(1) apply to the information at issue?

[48] One of the purposes of the *Act* is to protect the privacy of individuals with respect to personal information about themselves held by institutions. The ministry cites the mandatory personal privacy exemption in section 21(1) as a basis for denying the appellant access to some of the information at issue. If any of the information qualifies for the mandatory exemption at section 21(1), the head of an institution must withhold it from disclosure ("A head shall refuse to disclose...").

[49] Section 21(1) creates a general rule that an institution cannot disclose personal information about another individual to a requester, subject to a number of exceptions listed in sections 21(1)(a) to (e). If any one of these five exceptions exist, an institution must disclose the information.

[50] Section 21(1)(f) is more complicated. It requires the institution to disclose another individual's personal information to a requester only if this would not be an "unjustified invasion of personal privacy." Other parts of section 21 must be looked at to decide whether disclosure of the other individual's personal information would be an unjustified invasion of personal privacy. Under section 21(1)(f), if disclosure of the personal information would not be an unjustified invasion of personal privacy, the personal information is not exempt from disclosure.

[51] Sections 21(2), (3) and (4) help in deciding whether disclosure would or would not be an unjustified invasion of personal privacy. Sections 21(3)(a) to (h) should generally be considered first.¹⁸ These sections outline several situations in which disclosing personal information is presumed to be an unjustified invasion of personal privacy.

[52] If one of the presumptions in section 21(3) applies, the personal information cannot be disclosed unless:

- there is a reason under section 21(4) that disclosure of the information would not be an "unjustified invasion of personal privacy" or

¹⁸ If any of the section 21(3) presumptions are found to apply, they cannot be rebutted by the factors in section 21(2) for the purposes of deciding whether the section 21(1) exemption has been established.

- there is a “compelling public interest” under section 23 that means the information should nevertheless be disclosed (the “public interest override”).¹⁹

The ministry’s representations

[53] The ministry submits that the personal privacy exemption at section 21(1) applies to the personal information at issue.²⁰ It denies that any of the exceptions in section 21(1) apply and says that as a result, it cannot release the personal information. The ministry maintains that disclosure of the personal information would constitute an unjustified invasion of privacy.

[54] Specifically, regarding the names of the individuals being considered for appointments to PEO committees, and the information about those individuals employment history, the ministry says that this information is covered under section 21(3)(d) of the *Act*, which provides that disclosure of personal information is presumed to be an unjustified invasion of privacy if it relates to an individual’s employment or educational history. The ministry submits that disclosure is not appropriate because not all the individuals put forward as candidates were ultimately granted an appointment.

Findings and analysis

[55] Below are my reasons for finding that all the personal information in the records is exempt from disclosure under section 21(1) because its disclosure would constitute an unjustified invasion of personal privacy.

[56] To begin, I agree with the ministry that none of the exceptions in section 21(1)(a) to (e) of the *Act* that would allow the ministry to release the personal information apply in this case. I also find that none of the exceptions at section 21(4) apply.

[57] As none of the exceptions apply, I must consider and weigh the factors and presumptions in sections 21(2) and (3) and balance the interests of the parties.²¹

[58] The ministry says that the section 21(3)(d) (employment and educational history) presumption applies to some of the withheld personal information.

[59] Section 21(3)(d) states:

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information, relates to employment or educational history;

[60] Past orders have addressed the application of the presumption against disclosure

¹⁹ *John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 1993 CanLII 3388 (ON SCDC), 13 O.R. (3d) 767 (Div. Ct.).

²⁰ The personal information is the information identified above in Issue C, and also in Appendix B.

²¹ Order MO-2954.

in section 21(3)(d) and have determined that, to qualify as “employment or educational history,” the information must contain some significant part of the history of the person’s employment or education. What is or is not significant must be determined based on the facts of each case.²²

[61] I agree that the section 21(3)(d) presumption applies to the personal information on pages 2 to 3 of record 53. The background information in these pages includes educational qualifications, and specifics about the individual’s past employment, such as the dates and duration of employment, professional affiliations and specialized experience. As such, I find that the section 21(3)(d) presumption applies to the withheld personal information of the affected party in these pages and I uphold the ministry’s claim that section 21(1) applies to exempt this information from disclosure.

[62] The ministry did not claim that any other presumptions in section 21(3) applies to any of the other personal information, and I find that none of them do. However, I also find that none of the factors in 21(2) that would favour disclosure apply. As none of the exceptions, nor the factors favouring disclosure apply to the information I have concluded is personal information, I find that its disclosure would be an unjustified invasion of the personal privacy of the individuals to whom it relates, and it is exempt under section 21(1) of the *Act*.

[63] In sum, I find that the following information is exempt from disclosure under the mandatory personal privacy exemption in section 21(1) of the *Act*:

- the individuals’ addresses that appear on page 3 of each of records 19, 20, 25, and 26,
- the descriptions of three individuals’ qualifications, experience and employment history on pages 2 and 3 of record 53,
- the names of individuals who were eligible, or ineligible, for appointment, or reappointment to PEO committees, the names of the cities they reside in, and the reasons for non-renewal of their term, located on:
 - pages 11 and 24 of record 1,
 - page 5 of record 22,
 - page 2 of each of records 31, 34, and 38, and
 - pages 4 and 5 of record 50,

²² Orders M-609 and MO-1343.

- the information about an individual's disciplinary history from their regulating body on page 2 of Record 55, and 1 of page record 56

[64] This information is also identified in Appendix B to this decision.

[65] The appellant has raised the issue of whether the public interest override at section 23 of the *Act* applies to the information subject to section 21(1) and I consider the potential application of that section below.

Issue E: Does the discretionary exemption at section 13(1) apply to the records?

[66] The ministry says that section 13(1) of the *Act* applies to a portion of record 53. Section 13(1) exempts certain records containing advice or recommendations given to an institution. This exemption aims to preserve an effective and neutral public service by ensuring that people employed or retained by institutions are able to freely and frankly advise and make recommendations within the deliberative process of government decision-making and policy-making. It states:

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

[67] "Advice" and "recommendations" have distinct meanings. "Recommendations" refers to a suggested course of action that will ultimately be accepted or rejected by the person being advised. Recommendations can be express or inferred.

[68] "Advice" has a broader meaning than "recommendations." It includes "policy options," which are the public servant or consultant's identification of alternative possible courses of action. "Advice" includes the views or opinions of a public servant or consultant as to the range of policy options to be considered by the decision maker even if they do not include a specific recommendation on which option to take.

[69] "Advice" involves an evaluative analysis of information. Neither "advice" nor "recommendations" include "objective information" or factual material.

[70] Section 13(1) applies if disclosure would "reveal" advice or recommendations, either because the information itself consists of advice or recommendations or the information, if disclosed, would permit the drawing of accurate inferences as to the nature of the actual advice or recommendations.

The ministry's representations

[71] The ministry submits that record 53 is a briefing note about the approval of recommended PEO committee members prepared for, and provided to, the Attorney General's office. The ministry says that record 53 was intended to provide advice and

recommendations to the Attorney General, and that as a result, section 13(1) applies to the withheld information.²³

Findings and analysis

[72] Record 53 is a seven-page briefing note. The ministry disclosed approximately half of the pages.²⁴ It has identified four sentences on pages two and three that it says are subject to the discretionary exemption at section 13(1) of the *Act* for advice or recommendations. The ministry's representations refer to record 53 generally and it did not explain why it withheld these four sentences specifically.

[73] I disagree with the ministry's characterizations of the information and find that none of the four sentences it withheld contain "advice or recommendations" for the purposes of section 13(1). The sentence the ministry withheld on page two states a fact about the PEO. The three sentences it withheld on the next page describe an action that was taken by the PEO, and follows up with two statements of fact. None of this information contains any suggested courses of action that could be either accepted or rejected in a deliberative process. Furthermore, I find that the disclosure of this information would not permit the accurate inference of any advice or recommendation provided.

[74] None of the information severed by the ministry can properly be characterized as advice or recommendations within the meaning of section 13(1) of the *Act*. Given that the ministry has not applied any other exemptions to this information, I will order it to disclose this information to the appellant.

Issue F: Does the mandatory exemption at section 17(1) apply to the records?

[75] The ministry claims that the mandatory exemption for third party information at section 17(1)(b) applies to some of the record at issue. The purpose of section 17(1) is to protect certain confidential information that businesses or other organizations provide to government institutions, where specific harms can reasonably be expected to result from its disclosure. Section 17(1)(b) states:

A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to,

²³ I note that the ministry made additional representations about section 13(1) with respect to other records, or pages, that are not at issue because the ministry also claimed sections 12 and/or 19 to that information. I have considered the ministry's additional representations but did not include them here as they are not relevant to the information that remains at issue.

²⁴ The ministry also withheld some of the information at issue in record 53 pursuant to section 12 and that information is not at issue in this inquiry. Appendix B sets out the ministry's decision with regard to each page of record 53.

result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied;

[76] For section 17(1) to apply, the party arguing against disclosure must satisfy each part of the following three-part test:

1. the record must reveal information that is a trade secret or scientific, technical, commercial, financial or labour relations information;
2. the information must have been supplied to the institution in confidence, either implicitly or explicitly; and
3. the prospect of disclosure of the record must give rise to a reasonable expectation that one of the harms specified in paragraph (a), (b), (c) and/or (d) of section 17(1) will occur.

[77] The ministry, as the party resisting disclosure, must satisfy the requirements of all parts of the test, the failure to satisfy any part of this test will lead to a finding that the section 17(1) exemption does not apply. Below are my reasons for finding that section 17(1)(b) does not apply because the third part of the test is not established in the circumstances of this appeal.

The ministry's representations

[78] The ministry applied section 17(1) to specific information in records 1, 22, 33, 34, 36, 38, 50, 52, and 53.²⁵ The ministry says that these records contain labour relations information that was supplied to the ministry in confidence and could reasonably be expected to disadvantage its statutory committee appointments process if it were disclosed.

[79] Specifically, the ministry says it withheld correspondence it received from PEO that contains information about PEO's recruitment and selection processes for public appointments to committees. The ministry submits that some of the records it applied section 17(1) to contain the reasons for re-appointment or non-renewal of named committee members.

[80] The ministry says that PEO supplied this information to the ministry in confidence for the sole purpose of seeking statutory approval of public appointments. The ministry submits that the PEO had a reasonable expectation that the information would be kept confidential because none of the appointees had been approved by the Attorney General or publicly confirmed as committee members in any of PEO's public materials. The

²⁵ I note that while the ministry's representations refer only to records 1, 34, 50 and 52, it identified additional information in records 1, 22, 33, 36, 38 and 53 as being subject to section 17(1) in the copy of the severed records it provided to the IPC on November 28, 2023.

ministry also says that PEO's correspondence includes a confidentiality note and it denies that the information is publicly available through any other sources.

[81] The ministry submits that section 17(1)(b) applies to the information it withheld because similar information may no longer be supplied to the ministry if it were disclosed. Specifically, the ministry says that prospective appointees might recognize that their own preferences for re-appointment or non-renewal could also be disclosed without their express consent. As a result, the ministry says that qualified candidates might choose not to apply for committee membership or may decline an appointment.

[82] The ministry submits that it is in the public interest that appointees continue to supply such information so that PEO's statutory committees can operate efficiently and effectively. It says that part of PEO's mandate is to protect the public interest through engineer licensing and regulation and that its adjudicative committees are critical to that objective. The ministry says that exposing committee members' labour preferences to the public could hinder PEO's ability to recruit new appointees and fulfil its public interest mandate.

[83] The ministry says that it consulted with PEO about the disclosure of the information at issue and that although PEO consented to partial disclosure of some records, it did not consent to the disclosure of the information remaining at issue. The ministry says PEO shared its assessment that the information remaining at issue dealt with its labour relations.

[84] As noted above, I sent a Notice of Inquiry to PEO and invited it to make representations about whether section 17(1) applied to any of the information in the records. It declined to participate.

Findings and analysis

[85] For the following reasons, I find that section 17(1) does not apply to any of the information at issue because the ministry has not established that disclosing the information could be reasonably expected to result in similar information no longer being supplied to the ministry, as required by section 17(1)(b).

[86] The ministry's arguments about the application of 17(1)(b) all center on the assertion that if individuals know that their preferences for re-appointment or non-renewal might be disclosed without their express consent, qualified candidates might choose not to apply for committee membership or may decline an appointment.

[87] However, this argument is no longer relevant since I have already concluded above that the names of individuals who were eligible, or ineligible, for appointment or reappointment to PEO committees (and any identifying information about them) are exempt pursuant to the mandatory personal privacy exemption at section 21(1) of the *Act*. As a result, this information is no longer at issue in the records where the ministry has applied section 17(1) of the *Act*.

[88] With regard to the information that remains, I find that it is general procedural information about the process for approval and/or appointment of individuals. Specifically, I find that pages 10,11, 23 and 24 of record 1, pages 4 and 5 of record 22, pages 2 and 3 of records 33, 34, 36, 38, page 3 of record 50, and page 1 of record 52 are each comprised of correspondence from PEO to the Attorney General that request approval of specified individuals (whose names must be withheld pursuant to section 21(1) of the *Act*), describe the criteria candidates must meet, and/or outline the next steps in the process for appointment. I am unable to see how any of this procedural-type information could result in candidates choosing not to apply for committee membership or declining an appointment.

[89] The ministry also maintains that an email from a PEO employee to the ministry indicating that a letter is enclosed on page 1 of record 33 is subject to section 17(1)(b). I see no basis for a finding that disclosing this email could result in the type of harms described in section 17(1)(b) and I find that section does not apply.

[90] Finally, I also find that the portions of pages 1 and 2 of record 50 which contain an email from a PEO employee to the ministry are also not subject to section 17(1)(b). The email discusses the timing of appointments and does not refer to specific appointees. As a result, I am unable to conclude that the types of harms described by the ministry could be reasonably expected to occur if the email were disclosed. I find that section 17(1)(b) does not apply.

[91] In conclusion, I find the ministry has not provided sufficient evidence to satisfy the harms part of the section 17(1) test. As noted above, all three parts of the section 17(1) test must be satisfied to find information exempt under that exemption. In this case, because the third part of the test has not been met, I do not need to consider whether the first two parts of the test (the type of information, and whether it was supplied in confidence) are satisfied. I find the portions of the records the ministry has withheld pursuant to section 17(1) are not exempt from disclosure under that section of the *Act* and I will order the ministry to disclose those portions to the appellant.²⁶

Issue G: Is there a compelling public interest in disclosure of the records that clearly outweighs the purpose of the section 21(1) exemption?

[92] Although the appellant raised the issue of the public interest override during mediation, he made no representations on the issue. Because section 23 of the *Act* deals with the public interest, I will consider whether it applies to the information I have determined is exempt pursuant to section 21(1).

[93] The “public interest override” at section 23 of the *Act* provides for the disclosure

²⁶ I reiterate that the ministry is required to withhold the personal information in the records I have concluded are not subject to section 17(1) pursuant to the mandatory exemption for personal privacy at section 21(1) of the *Act*. For ease of reference, these findings are set out in Appendix B.

of records that would otherwise be exempt under another section of the *Act*. It states:

An exemption from disclosure of a record under sections 13, 15, 15.1, 17, 18, 20, 21 and 21.1 does not apply if a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption.

[94] For section 23 to apply, two requirements must be met:

- there must be a compelling public interest in disclosure of the records; and
- this interest must clearly outweigh the purpose of the exemption.

[95] The *Act* does not state who bears the onus to show that section 23 applies. When section 23 is raised by an appellant, the IPC review the records with a view to determining whether there could be a compelling public interest in disclosure that clearly outweighs the purpose of the exemption.

The ministry's representations

[96] The ministry denies that there is a compelling public interest in information about candidates before they receive Attorney General approval for an appointment. The ministry says that until an appointment is made, the appointee is not a PEO committee member and cannot exercise any statutory committee functions. As a result, the ministry submits that exempting identifying information about the candidates does not impede any meaningful public discussion or criticism about PEO statutory committee appointments.

[97] The ministry argues that the purpose of the personal privacy exemption in section 21(1) of the *Act* is to ensure that the personal privacy of individuals is maintained except where infringements on this interest are justified. The ministry denies that infringing on the privacy interests of PEO appointees is justified, given the minimal public interest in disclosure of their personal information. Additionally, the ministry notes that some of the information subject to section 21(1) is candidates home addresses, which are unrelated to the selection process.

Findings and analysis

[98] In considering whether there is a "public interest" in the disclosure of information that is otherwise exempt from disclosure, the first question to ask is whether there is a relationship between the record and the *Act's* central purpose of shedding light on the operations of government.²⁷ Previous orders have stated that in order to find a compelling public interest in disclosure, the information in the record must serve the purpose of informing or enlightening the citizenry about the activities of their government or its agencies, adding in some way to the information the public has to make effective use of

²⁷ Orders P-984 and PO-2607.

the means of expressing public opinion or to make political choices.²⁸

[99] The word “compelling” has been defined in previous orders as “rousing strong interest or attention.”²⁹

[100] Above, at Issue D, I concluded that the names of individuals eligible, or ineligible, for appointment to PEO Committees and the cities they reside in, the home addresses of candidates and/or appointees, and certain individuals’ employment histories are exempt from disclosure pursuant to section 21(1). The appellant did not explain why he believes that there is a compelling public interest in the information he seeks. Based on my review of the information that is subject to section 21(1), I am unable to conclude that there is. In my view, revealing the names of individuals that are eligible, or ineligible for appointment to a PEO committee, or any of the candidates’ home addresses or employment information would not shed any light on the operations of government.

[101] I agree with the ministry that identifying information about the candidates does not impede any meaningful public discussion and criticism about PEO statutory committee appointments. Once the appointments are made, the names and information about the successful individuals becomes public. Prior to that point, information about potential appointees is subject to section 21(1) of the *Act* and because the appellant has not offered any reason to override that exemption, I find that the public interest override at section 23 of the *Act* does not apply.

ORDER:

1. I uphold the ministry’s decision that certain information identified in Appendix B is not responsive to the appellant’s request.
2. I order the ministry to issue a decision under the *Act* to the appellant with respect to the information identified in Appendix B that I determined is responsive to the appellant’s request. For the purpose of the *Act*’s procedural requirements relating to such a decision, the date of this order is to be treated as the date of the appellant’s request.
3. I order the ministry to withhold the personal information identified in Appendix B from the appellant in accordance with section 21(1) of the *Act*.
4. I do not uphold the ministry’s decision that sections 13(1) or 17(1) of the *Act* apply to any of the information at issue and I order it to disclose that information to the appellant in accordance with Appendix B by **December 4, 2024** but not before **November 29, 2024**.

²⁸ Orders P-984 and PO-2556.

²⁹ Order P-984.

5. I dismiss the appellant's claim that section 23 of the *Act* applies to any of the information subject to section 21(1) of the *Act*.
6. In order to verify compliance with order provision 2, I order the ministry to provide me with a copy of the decision letter referred to in order provision 2 no later than **November 30, 2024**.
7. Further, I reserve the right to require the ministry to provide me with a copy of the records disclosed to the appellant in accordance with order provision 4 above.

Original Signed by: _____
Meganne Cameron
Adjudicator

_____ October 30, 2024

APPENDIX A

The appellant's requested the following information from the ministry:

Re: Approved by Attorney General (AG) and Lieutenant Governor Order in Council (OIC)

All documents and assignment documents from 2010 to date related to and pursuant to the provisions under the Professional Engineers Act

- s.19.1 (1)(i) and (1)(ii), and
- s.23(1)1(i) and 1(ii)
- s.27 (1) 2 (i) and 2 (ii) and s.27 (1) 3(i) and 3(ii),
- s.25 (1)(a) and (b),

including:

- Persons approved by AG and Ministers letters/OIC
- List of applicants
- List of approved persons
- Eligibility criteria for AG approval
- All communications between Professional Engineers Ontario (PEO) and AG policy office regarding/relating to approvals/appointed persons and their remuneration process, amounts and who issues the remuneration available.

APPENDIX B

Page Numbers	Exemption Claimed	Description	Finding
Record 1			
1 to 13	Section 19	Solicitor client privilege	Not at issue
10 to 11	Section 17(1)	Letter with attachment	Section 17 does not apply. Section 21(1) applies to the names and cities of individuals on page 11.
14 to 22	Section 19	Solicitor client privilege	Not at issue
23 to 24	Section 17(1)	Letter with attachment	Section 17 does not apply. Section 21(1) applies to the names and cities of individuals on page 24.
25 to 26	Section 19	Solicitor client privilege	Not at issue
27	Not responsive	A list of meeting items unrelated to appellant's request	Not responsive
27 to 42	Section 12	Cabinet records	Not at issue
43	Not responsive	Email chain between ministry employees about a meeting with a different organization	Not responsive
44	Blank page		Blank page
45 to 52	Not responsive	Email chain between ministry employees about a meeting with a different organization	Not responsive
53 to 72	Section 12	Cabinet records	Not at issue

73 to 85	Section 12	Cabinet records	Not at issue
86	Not responsive	Email about a meeting with a different organization	Not responsive
87 to 90	Section 19	Solicitor client privilege	Not at issue
91 to 109	Section 12	Cabinet records	Not at issue
110 to 143	Not responsive	Emails correspondence and attachments from an unrelated organization	Not responsive
144 to 165	Section 12	Cabinet records	Not at issue
166 to 168	Not responsive	Email correspondence with an unrelated organization	Not responsive
169	Blank page		Blank page
170 to 244	Not responsive	Study/Review into a different issue	Not responsive
245 to 246	Not responsive	Email from a different organization	Not responsive
247	Section 12	Cabinet records	Not at issue
248 to 251	Section 19	Solicitor client privilege	Not at issue
Record 2			
1	Not responsive	Administrative email	Not responsive
Record 3			
1 to 3	Not responsive	Email between ministry employees about internal administrative tasking	Not responsive
Record 4			
1 to 3	Not responsive	Duplicate of record 3	Not responsive
Record 5			

1 to 3	Not responsive	Duplicate of record 3	Not responsive
4 to 5	Disclosed		Not at issue
6 to 7	Section 19	Solicitor client privilege	Not at issue
Record 6			
1 to 5	Not responsive	Duplicate of record 3	Not responsive
Record 7			
Page 1	Not responsive	Ministry correspondence email	Duplicate portions disclosed in record 13 Responsive
2 (last three emails) to 5 (first email)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
5 (last email) to 7	Disclosed		Not at issue
Record 8			
1 – 2 (first email)	Not responsive	Ministry correspondence email	Duplicate portions disclosed in record 13 Responsive
2 (last three emails) to 5 (first email)	Not responsive	Administrative re tracking	Not responsive
5 (last email) to 6	Disclosed		Not at issue
Record 9			
1 (first two emails)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
1 (last two emails) to 2	Not responsive	Ministry correspondence email	Duplicate

			Responsive portions disclosed in record 13
3 To 7 (first two emails)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
5 (last email) to 7	Disclosed		Not at issue
Record 10			
1 (first two emails)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
2	Not responsive	Ministry email correspondence	Duplicate Responsive portions disclosed in record 13
3 to 5	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
5 to 7	Disclosed		Not at issue
Record 11			
1 to 2 (first email)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
2 to 3	Not responsive	Ministry email correspondence	Duplicate Responsive portions disclosed in record 13
4 to 6 (first email)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
6 to 7	Disclosed		Not at issue
Record 12			

1	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
2 to 3 (first email)	Not responsive	Ministry email correspondence	Duplicate Responsive portions disclosed in record 13
4 to 6 (first email)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
6 to 7	Disclosed		Not at issue
Record 13			
1 (first two emails)	Disclosed		Not at issue
1 to 2 (first two emails)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
2 (last two emails)	Disclosed		Not at issue
2 (one sentence)	Section 12	Cabinet records	Not at issue
3 (one sentence)	Section 12	Cabinet records	Not at issue
3 (one line and last email)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
4 to 6 (first two emails)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
6 (last email) to 8	Disclosed		Not at issue
Record 14			

1 to 2	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
3	Not responsive	Ministry email correspondence	Duplicate Responsive portions disclosed in record 13
4 to 7	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
7 to 9	Disclosed		Not at issue
Record 15			
1	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
2 to 3 (first two emails)	Not responsive	Ministry email correspondence	Duplicate Responsive portions disclosed in record 13
3 to 6	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
6 to 7	Disclosed		Not at issue
Record 16			
1 to 2	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
2 to 3	Not responsive	Ministry email correspondence	Duplicate
			Responsive portions disclosed in record 13
4 to 6	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive

6 to 8	Disclosed		Not at issue
Record 17			
1 to 2	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
3	Not responsive	Ministry email correspondence	Duplicate Responsive portions disclosed in record 13
4 to 6	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
6 to 8	Disclosed		Not at issue
Record 18			
1	Not responsive	Letter from Attorney General to an individual	Not responsive
Record 19			
1-3	Not responsive	Emails between ministry employees about internal administrative tasking and a letter from the Attorney General to an individual	Not responsive
4	Section 21(1)	An individual's address	Section 21(1) applies to an individual's address
Record 20			
1-2	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
3	Section 21(1)	An individual's address	Section 21(1) applies to an individual's address
4	Not responsive	Letter from Attorney General to an individual	Not responsive

Record 21			
1 to 2	Disclosed		Not at issue
Record 22			
1	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
2 to 3	Disclosed		Not at issue
4	Section 17(1)	Letter from PEO to ministry	Section 17(1) does not apply
5	Section 21(1) Section 65(6)	Chart	Section 21(1) applies to individual's names and cities
Record 23			
2	Not responsive	Email from an individual to the ministry	Not responsive
Record 24			
Pages 1 to 2, and 4 to 5	Not responsive	Administrative emails between ministry employees and correspondence about PEO council members terms ending	Not responsive
Page 3	Not responsive	Correspondence about appointment to PEO council	Responsive Ministry must issue an access decision
Record 25			
1 to 2	Not responsive	Administrative emails between ministry employees	Not responsive
3	Section 21(1)	Individual's address	Section 21(1) applies to an individual's address
Record 26			

1 to 2	Not responsive	Administrative emails between ministry employees	Not responsive
3 to 4	Not responsive	Letters	Not responsive
5	Section 21(1)	Individual's address	Section 21(1) applies to an individual's address
Record 27			
1	Not responsive	Blank administrative email	Not responsive
2 to 3	Not responsive	Email chain between ministry and PEO about requests for approvals	Responsive Ministry must issue an access decision
4 to 5, 6 to 7, and 8 to 9.	Not responsive	Email chain between ministry and PEO about requests for approvals	Duplicate of pages 2 to 3
10 to 12	Not responsive	Email chain between ministry and PEO about requests for approvals	Responsive Ministry must issue an access decision
13			Blank page
14 to 16	Not responsive	Email chain between ministry and PEO about requests for approvals	Responsive Ministry must issue an access decision
17 to 19	Not responsive	Email chain between ministry and PEO about requests for approvals	Responsive Ministry must issue an access decision
20 to 22	Not responsive	Duplicates of pages 2 to 3 and internal ministry administrative communications	Duplicate of pages 2 to 3 and/or not responsive
23 to 25	Not responsive	Duplicates of pages 2 to 3 and internal ministry administrative communications	Duplicate of pages 2 to 3 and/or not responsive

23 to 25	Not responsive	Duplicates of pages 2 to 3 and internal ministry administrative communications	Duplicate of pages 2 to 3 and/or not responsive
26 to 28	Not responsive	Duplicates of pages 2 to 3 and internal ministry administrative communications	Duplicate of pages 2 to 3 and/or not responsive
29 to 32	Not responsive	Duplicates of pages 2 to 3 and internal ministry administrative communications	Duplicate of pages 2 to 3 and/or not responsive
33 to 36	Not responsive	Duplicates of pages 2 to 3 and internal ministry administrative communications	Duplicate of pages 2 to 3 and/or not responsive
37 to 41	Not responsive	Duplicates of pages 2 to 3 and internal ministry administrative communications	Duplicate of pages 2 to 3 and/or not responsive
42 to 45	Not responsive	Duplicates of pages 2 to 3 and internal ministry administrative communications	Duplicate of pages 2 to 3 and/or not responsive
46 to 49	Not responsive	Duplicates of pages 2 to 3 and internal ministry administrative communications	Duplicate of pages 2 to 3 and/or not responsive
50 to 53	Not responsive	Duplicates of pages 2 to 3 with additional communications about communications with the PEO	Responsive Ministry must issue an access decision
54 to 56	Not responsive	Duplicates of pages 2 to 3 and internal ministry	Duplicate of pages 2 to 3 and/or not responsive

		administrative communications	
Record 28			
1 to 3	Section 12 Section 13	Cabinet records	Not at issue
Record 29			
1 to 2	Section 12 Section 19	Cabinet records Solicitor client privilege	Not at issue
Record 30			
1	Not responsive	Copy of an amendment to a regulation	Not responsive
Record 31			
1	Disclosed		Not at issue
2	Section 21(1)	List of names	Section 21(1) applies to an individual's names
Record 32			
1	Disclosed		Not at issue
Record 33			
1	Not responsive	Email about administrative tracking	Not responsive
1 to 3	Section 17(1)	Email	Section 17(1) does not apply
2	Section 21(1) Section 65(6)	List of names	Section 21(1) applies to an individual's names
Record 34			
1 to 2	Section 17(1)	Letter	Section 17(1) does not apply

2	Section 21(1) Section 65(6)	Chart	Section 21(1) applies to an individual's names and cities
Record 35			
1 to 2	Disclosed		Not at issue
Record 36			
1	Section 17(1)	Letter	Section 17(1) does not apply
Record 37			
1	Not responsive	Chart about amendment to regulation	Not responsive
Record 38			
1 to 2	Section 17(1)	Letter	Section 17(1) does not apply
2	Section 21(1) Section 65(6)	Chart	Section 21(1) applies to an individual's names and cities
2	Section 12 Section 13	Cabinet records	Not at issue
Record 39			
1 to 3	Section 12 Section 13	Cabinet records	Not at issue
Record 40			
1 to 2	Disclosed		Not at issue
Record 41			
1 to 3	Not responsive	Memo related to a regulation change	Not responsive
Record 42			

1 to 3	Not responsive	Memo related to a regulation change	Not responsive
Record 43			
1	Not responsive	Memo related to a regulation change	Not responsive
Record 44			
1 to 4	Not responsive	Approval form related to a regulation change	Not responsive
Record 45			
1 to 4	Not responsive	Approval form related to a regulation change	Not responsive
Record 46			
-	Section 12 Section 13	Cabinet records	Not at issue
Record 47			
1	Not responsive	Copy of a regulation	Not responsive
Record 48			
1 to 3	Not Responsive	Notes about possible regulation change	Not responsive
Record 49			
1 to 4	Not responsive	Notes about possible regulation change	Not responsive
Record 50			
1 (emails 1 and 2)	Not responsive	Emails between ministry employees about internal administrative tasking	Not responsive
1 to 2 (email 3)	Section 17(1)	Emails	Section 17(1) does not apply

3	Section 17(1)	Letter with chart enclosed	Section 17(1) does not apply
4	Section 17(1)	Chart	Section 17(1) does not apply Section 21(1) applies to an individual's names and cities
5	Section 21(1)	Chart	Section 21(1) applies to an individual's names and cities
Record 51			
1 to 2	Disclosed		Not at issue
Record 52			
1	Section 17(1)	Letter with chart enclosed	Section 17(1) does not apply
2 to 3	Section 17(1) Section 21(1) Section 65(6)	Charts	Section 21(1) applies to an individual's names, cities, and "reasons for no-renewal"
Record 53			
1	Disclosed		Not at issue
2 to 3	Section 13	Two portions of a briefing note	Section 13 does not apply
2 to 3	Section 21(1) Section 65(6)	Names of individuals and background information about their employment history	Section 21(1) applies to all information withheld pursuant to that section
3	Section 12	Cabinet records	Not at issue
4 to 7	Disclosed		Not at issue
Record 54			

1 to 2	Sections 12 Section 19, Section 65(6)	Solicitor Client privilege Cabinet records	Not at issue
Record 55			
1 to 2	65(6)	Personal information of an identifiable individual	Section 21(1) applies to all information withheld pursuant to section 65(6)
Record 56			
1	65(6)	Personal information of an identifiable individual	Section 21(1) applies to all information withheld pursuant to section 65(6)