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LEGAL AID ONTARIO  
AIDE JURIDIQUE ONTARIO

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**Phone/Téléphone:**  
416-979-1446  
**Toll-free/Sans frais:**  
1-800-668-8258  
**Fax/Télécopieur:**

May 21, 2002



Dear [REDACTED]

Re: Access to Information Request

Thank you for your request for access to information which our office deemed received on April 25, 2002, when payment of the \$5.00 fee was received. You have requested a list of legal aid cheques payable to [REDACTED] from 1999 to the present date for accounts rendered while [REDACTED] was working for your firm. [REDACTED] employment with you ended on [REDACTED].

I have concluded that The *Legal Aid Services Act* prohibits any disclosure in the circumstances of this request. Section 90 of that *Act* provides as follows:

90.(1) A member of the board of directors, an officer or employee of the Corporation, an area director, a member of an area committee, a lawyer, a service-provider or a member, officer, director or employee of a clinic, student legal aid services society or other entity funded by the Corporation shall not disclose or permit to be disclosed any information or material furnished to or received by him or her in the course of his or her duties or in the provision of legal aid services.

(2) A person referred to in subsection (1) may disclose information or allow it to be disclosed in the performance of his or her duties or in the provision of legal aid services or with the consent of the applicant or if authorized by the Corporation.

It is my view that the release of these documents is prohibited by the confidentiality provisions of Section 90 of the *Legal Aid Services Act, 1998* as this is information which would inferentially disclose other information received by Legal Aid employees as part of our duties and [REDACTED] is the lawyer who acknowledged the certificate.

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375 University Avenue, Suite 404,  
Toronto, ON M5G 2G1  
Bureau 404, 375, avenue University,  
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The disclosure of the requested information would inferentially disclose information about the legal accounts received from [REDACTED] as part of the duties of Legal Aid employees. It does not appear that it would be part of our duties to allow the release of this material as the legal aid retainer is between the client and the lawyer who acknowledges the certificate. The consent of the legal aid client to the release of information would be required.

The Board of Legal Aid Ontario has authorized certain disclosures pursuant to s. 90(2) of the *Legal Aid Services Act*. With respect to third party lawyers, information may be released about the payment of an account may be released to a lawyer agent who provided services at the request of the lawyer who acknowledged the certificate or to a third party to whom the lawyer owes a disbursement. The information you have provided does not suggest that your firm falls within the category of persons to whom disclosure has been authorized by the Corporation.

In considering this request, I have also looked at the provisions of the *Freedom of Information and Protection of Privacy Act*. It appears to me that release would be prohibited by s. 21 of *FIPPA*, as the information requested is the personal information of [REDACTED] in that it relates to [REDACTED] finances.

I regret that I am unable to provide the requested information. I am responsible for the decision to refuse to deny access to the requested records. Please be aware that it is the position of Legal Aid Ontario that the records requested fall within ss.89 and 90 of the *Legal Aid Services Act*, which, by legislation, prevail over the *Freedom of Information and Protection of Privacy Act*: see s.103 of the *Legal Aid Services Act* and s. 67(2) of the *Freedom of Information and Protection of Privacy Act*.

You may ask for a review of this decision within 30 days of receiving this letter by writing to: The Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto Ontario M5S 2V1, Tel.: 1-800-387-0073. Our interpretation of the legislation is that, if the Commissioner were to agree that the matter was properly decided under the *Legal Aid Services Act*, then the Commissioner would not be entitled to review the substantive decision.

If you decide to request a review of this decision, please provide the Commissioner's office with the following: the file number listed at the beginning of this letter, a copy of this decision letter and a copy of the original request for information you sent to us. In addition, you must send an appeal fee to the Commissioner's office, which I understand in the case of general records is \$25.00.

Yours truly,

Ruth Lawson  
General Counsel