



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

Phone/Téléphone:

416-979-1446

Toll-free/Sans frais:

1-800-668-8258

Fax/Télécopieur:

November 20, 2002

[REDACTED]

Dear [REDACTED]

Re: Access to Information Request [REDACTED]

Thank you for your letter of November 11, 2002, requesting information regarding the fees paid by Legal Aid to [REDACTED]

I am unable to provide access to the requested information because of the provisions of the *Legal Aid Services Act* and the *Freedom of Information and Protection of Privacy Act*. I have concluded that The *Legal Aid Services Act* prohibits any disclosure in the circumstances of this request. Section 90 of the *Legal Aid Services 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.

You requested information which would require us to provide information which was received by employees of the Corporation through the provision of legal accounts submitted by the named solicitor. Such information falls within s. 90 as the material requested is received by a legal aid employee in the course of his or her duties. It does not appear that it would be part of our duties to allow the release of this material.

375 University Avenue, Suite 404,
Toronto, ON M5G 2G1
Bureau 404, 375, avenue University,
Toronto, ON M5G 2G1

Please be aware that it is the position of Legal Aid Ontario that s. 90 of the *Legal Aid Services Act*, by legislation, prevails 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*.

In addition, the provisions of the *Freedom of Information and Protection of Privacy Act* appear to prohibit the disclosure of this information. The definition of personal information includes “information relating to financial transactions in which the individual has been involved”. The total fees paid by Legal Aid in any given year appears to fall within this definition. Section 21 of the Act prohibits the release of personal information except with the consent of the person to whom the information relates, except in certain circumstances. Section 21(3)(f) provides that disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information describes an individual’s finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness. The information which you are requesting appears to fall within this category and release would, therefore, be presumed to be an invasion of personal privacy.

I am responsible for the decision to deny you access to the records. You may ask for a review of this decision within 30 days of receiving this letter by writing to: The Information and Privacy Commission/Ontario, 80 Bloor Street West, Suite 1700, Toronto Ontario M5S 2V1, Telephone 1-800-387-0073.

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 our institution.

In addition, you must send an appeal fee to the Commissioner’s office. That appeal fee for information other than personal information is \$25.00.

I regret that I am unable to provide the requested information.

Yours truly,

Ruth Lawson
General Counsel