

February 12, 2007

[REDACTED]

Dear [REDACTED]

Re: Freedom of Information Request – Our File No. [REDACTED]

Thank you for your request for information which was received in our office on January 15, 2007. You requested access to the following information:

- All correspondence from myself to LAO from [REDACTED] to present regarding slow payment, non-payment, or otherwise complaining about LAO's inability or refusal to process my accounts
- Copies of all emails, notes, memos, correspondence, opinion and other documents generated as a result of my meeting with [REDACTED] and [REDACTED]
- Copies of all emails, notes, memos, correspondence, opinions and other documents generated as a result of my delivery of accounts to [REDACTED] during [REDACTED]
- Copies of all emails, notes, memos, correspondence, opinions and other documents generated as a result of LAO's removal of my billing number from it's (sic) computer in [REDACTED]
- Copies of all emails, notes, memos, correspondence and other documents generated as a result of my meetings and communications with investigator [REDACTED]
- Copies of all emails, notes, memos, correspondence, opinions and other documents generated as a result of my communications with former CEO [REDACTED]
- Copies of all emails, notes, memos, correspondence, opinions and other documents generated as a result of my attempted communication with [REDACTED]
- Copies of all emails, notes, memos, correspondence, opinions and other documents generated as a result of my attempted communication with [REDACTED] in [REDACTED] and my letter of demand [REDACTED]
- Copies of all emails, notes, memos correspondence, opinions and other documents generated as a result of my letter to [REDACTED] sent [REDACTED] and received by [REDACTED] on [REDACTED]

I have made the following decision in response to your request for information made under the *Freedom of Information and Protection of Privacy Act*.

A search of records has produced 579 pages which are responsive to your request. Access is granted to the attached records, comprising 561 pages. One page, marked with a tag, namely an email from [REDACTED] to [REDACTED] dated [REDACTED] has been edited to remove the name of another lawyer and information related to a request made by that lawyer.

Unfortunately, I must deny you access to other records, namely 18 pages, relying on s.14(1)(b) and(c) and s.14(2)(a) of the *Freedom of Information and Protection of Privacy Act*. That is, I have concluded that these records to which you are seeking access are records to which the institution may deny access under the *Freedom of Information and Protection of Privacy Act* because they would disclose information protected by those sections of the *Act*.

Section 14(1)(b) of the *Freedom of Information and Protection of Privacy Act* permits an institution to refuse to disclose a record where the disclosure could reasonably be expected to “interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.”

Section 14(1)(c) of the *Freedom of Information and Protection of Privacy Act* permits an institution to refuse to disclose a record where the disclosure could reasonably be expected to “reveal investigative techniques and procedures currently in use or likely to be used in law enforcement”.

The investigations conducted by the Investigations Department or the Complaints Department of Legal Aid Ontario are “law enforcement matters” within the meaning of s.2(1) of the *Freedom of Information and Protection of Privacy Act*. “Law enforcement” is defined in (b) as “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”.

Section 14(2)(a) of the *Freedom of Information and Protection of Privacy Act* provides that a head may refuse to disclose a record “that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of enforcing or regulating compliance with a law”. Legal Aid Ontario has the function of enforcing and regulating compliance with the requirements of legal aid applicants and lawyers performing legal aid services under the *Legal Aid Services Act*.

The Complaints Department and the Investigations Department may conduct investigations into the initial and continuing eligibility of legal aid applicants for legal aid services and into the conduct of lawyers performing those services. Sub-section 31(2) of the *Legal Aid Services Act* requires lawyers to provide information in support of accounts which they submit for payment.

Subsection 96(3) makes it an offence intentionally to provide false information or to fail to make full disclosure under s.31.

It is the policy of the Investigations Department and of the Complaints Department not to disclose the techniques in use to investigate the continuing financial eligibility of legal aid applicants and the conduct of lawyers performing legal aid services. Routinely to disclose such information could result in an inability by the Investigations Department and the Complaints Department to carry out their statutory functions. Nor are the results of such investigations disclosed, for the same reason.

The above are my reasons for denying you access to the 18 pages of records you requested under the *Freedom of Information and Protection of Privacy Act*. I recognize that, should an investigation result in a prosecution or in a hearing under the *Legal Aid Services Act*, other legal principles might come into play which might result in a different decision.

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.

Yours truly,

Robert Ward
President/CEO