

August 2, 2012



Dear [REDACTED]

Re: Access to Information Request No. [REDACTED]

Thank you for your request for access to information, which was received in this office on July 24, 2012. You requested:

1. A copy of the LAO Area Committee's original decision with respect to this matter (referring to case number [REDACTED])
2. The names of the LAO Area Committee members involved in making the aforementioned unsigned decision dated [REDACTED]
3. The occupations of the LAO area Committee members involved in making the aforementioned unsigned decision dated [REDACTED]

You also sought a fee waiver, which has been granted, considering your submissions.

At this time, I am enclosing information responsive to your request, with severances.

With respect to part 1 of the request, I enclose a copy of computer records from the appeal case created for your Area Committee appeal (case number [REDACTED]). These records contain the original notes of the Area Committee decision and indicate the refusal code chosen by the Area Committee. These records contain four pages. I also enclose a copy of the Notice of Decision on Appeal to Area Committee, dated [REDACTED], which contains the refusal wording generated from the chosen refusal code. This is a one page record.

With respect to part 2 of your request, I enclose records responsive to the request, namely four computer pages regarding the Area Committee meeting with the page indicating that your case was heard at that Area Committee meeting and also the page which contains the names of the Area Committee members who considered your case. I have, however, severed this latter page to remove reference to the names and identifying numbers of the Area Committee members. The severance of this information is made pursuant to s. 20 of the *Freedom of Information and Protection of Privacy Act*. Under that section, the institution has a discretion to refuse a request for access

where the disclosure of the records could reasonably be expected to seriously threaten the safety or health of an individual.

I have concluded that it is appropriate to exercise my discretion so as to deny access in this case, considering the following factors:

- The purposes of FIPPA, including the principles that
 - Information should be available to the public
 - Individuals should have a right of access to their own personal information
 - Exemptions from the right of access should be specific and limited
 - The privacy of individuals should be protected
- The wording of the exemption and the interests it seeks to protect
- Whether the requester is seeking his own personal information
- Whether the requester has a sympathetic or compelling need to receive the information
- Whether the requester is an individual or an organization
- The relationship between the requester and any affected person
- Whether the disclosure will increase public confidence in the operation of the institution
- The age of the information
- The historic practice of the institution with respect to similar information

In this case, I have taken into account the above factors in the context of this request. The record in issue is your personal information, as it relates to the decision in your case and forms part of your legal aid file. You have not stated a specific need for this information and as your legal aid application in which this record was received is at an end, there is no apparent live issue which this record relates to. It is the historic practice of this institution to deny requests where there is a reasonable basis to fear for health or safety on the part of Area Committee members, in order to ensure continued willingness of the members to act as service-providers under the Legal Aid Services Act and to ensure LAO's obligations to provide appropriate protections for its service providers. To do otherwise would not increase public confidence in the institution. Taking into account the interests the exemption seeks to protect, it appears to me to be a reasonable exercise of discretion to deny access in the circumstances of this request.

With respect to part 3 of the request, I can advise that our records indicate that all of the members are lawyers.

I trust this information is of assistance to you. I am responsible for this decision. 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, 2 Bloor Street West, Suite 1400, Toronto Ontario M4W 1A8, 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 personal information is \$10.00.

Yours truly,

Robert W. Ward
President/CEO