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September 7, 2012



RE: FOI REQUEST NUMBER [REDACTED]

Dear [REDACTED]

Thank you for your *Freedom of Information (FOI)* request for access to information, which our office received on August 10, 2012. You have requested information regarding "93 cases of suspected fraudulent overbilling since 2007".

Since *Section 90(1)* of the *Legal Aid Services Act* applies to the information you have requested, the information is not subject to disclosure under the *Freedom of Information and Protection of Privacy Act (FIPPA)*. Further, exemptions may be claimed pursuant to *FIPPA*, were *Section 90* not to apply in this case.

However, I am authorized to tell you that, while Legal Aid Ontario investigates overbilling by lawyers and pursues recovery of overbilled amounts, Legal Aid Ontario does not maintain records which distinguish between cases of fraudulent overbilling, versus suspected fraudulent overbilling, versus negligent overbilling, versus inadvertent overbilling. Therefore, there are no records responsive to your request for information about cases of "suspected fraudulent overbilling". I can confirm there were two cases in the period 2007 to present in which Legal Aid Ontario made a referral to police for possible charges to be laid in connection with overbilling. In those cases, a total of \$125,000 was overbilled and \$112,500 was recovered. There were no legal costs associated with recovering those funds.

Legal Aid Ontario takes very seriously its obligation to ensure public funds are managed appropriately. Legal Aid Ontario is also committed to transparency and public access to information within the limits of its governing legislation. In that spirit, Legal Aid Ontario publishes information on its website which is of interest to the public. Information relevant to your request will be available in the future on Legal Aid Ontario's website, at [www.legalaid.on.ca](http://www.legalaid.on.ca). I trust you will find this information helpful.

I am the person 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 other than personal information is \$25.00.

Yours truly,

Robert W. Ward  
President/CEO