

September 11, 2012



Dear 

Re: Access to Information Request No. 

Thank you for your request for access to information, which was received in this office on August 15, 2012. You requested access to the following records: All records from the past year that deal with success rates in Federal Court refugee related applications. In particular, you requested records related to the following statement “LAO issues about 155 judicial review opinion certificates every month. Approximately 10 to 12 percent of these result in a successful outcome – the right of a refugee to have the Immigration and Refugee Board (IRB) hear his or her case again.”

I have concluded that the information you are seeking is subject to section 90 of the *Legal Aid Services Act* and is not subject to disclosure under the Freedom of Information and Protection of Privacy Act, for that reason. Please refer to the decision of the Information and Privacy Commissioner of Ontario in appeal PO-2994 for further information.

Section 90 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.

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.

Nevertheless, as LAO endeavours to provide transparency, I am prepared to provide some information which may assist you. I am providing a copy of a slide presentation which was made available to members of the Refugee Lawyers Association, dated July 26, 2012. With respect to your issue about the specific statement LAO posted about Federal Court success rates, I am providing some of the statistical information upon which the success rate at the Federal Court was based, with a brief explanation of the calculation. Please note that for reasons of confidentiality, the case ID and certificate numbers have been removed from these records.

I am responsible for the decision to grant you partial 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, 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 information other than personal information is \$25.00.

Yours truly,

Robert W. Ward
President/CEO