

January 18, 2013


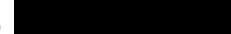


Dear 

Re: Access to Information Request No. 

Thank you for your request for access to information, which was received in this office on January 14, 2013. On January 14, 2013, you also sought a fee waiver, which has been granted. Although you have indicated that you e-mailed the same access to information request to this office on December 19, 2012, that request was not accompanied by the fee, nor was a waiver sought on that day.

You requested:

1. A copy of the brief that has been provided to  by LAO's General Counsel, 
2. The names of the individuals who have received a copy of the aforementioned brief.

With respect to the first item in your request, I have concluded that this information is subject to section 90 of the *Legal Aid Services Act* (LASA) and is not subject to disclosure under the *Freedom of Information and Protection of Privacy Act* (FIPPA), for that reason.

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.

The Information and Privacy Commissioner has stated in Order PO-2994 that section 90(1) of LASA is intentionally broad and is meant to capture all types and forms of information and materials, including records that originated with or were exchanged within LAO.

Further, exemptions may be claimed pursuant to FIPPA were section 90 not to apply in this case.

It is the position of the Corporation that information furnished to or received by the General Counsel Office is not information that we would disclose. It is the policy and practice of General Counsel Office to keep confidential its litigation files.

With respect to the second item in your request, our records show that no other individual external to Legal Aid Ontario received a copy of the brief.

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. The appeal fee for personal information is \$10.00.

Yours truly,

Robert W. Ward
President/CEO