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May 7, 2013



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 April 8, 2013, along with the \$5 fee.

You requested the following records:

1. "Applications submitted to [LAO] by the Student Legal Aid Clinic at Osgoode law school (CLASP) from 1989 to the present. I am particularly interested in the information as to the governance structure and the members of the board of directors for that period of time".
2. "The Legal Aid Ontario policy regarding access to justice by student legal clinics who receive funding for the purpose. In particular is there a requirement to abide by the Ontario Human Rights Code when providing services and what are the accountability standards for ensuring any LAO policy of this nature is complied with?"

With respect to the first item in your request, the funding applications for CLASP, we have been able to identify records responsive to your inquiry dating back to 1998/99 and going forward, but we could not locate any records dealing with student legal aid funding applications, whether electronic or paper, prior to 1998 and the formation of Legal Aid Ontario.

I have concluded that the information contained in the funding applications, as well as information as to the governance of CLASP and the members of the Board of Directors, is subject to section 90 of the *Legal Aid Services Act* (LASA) and for that reason is not subject to disclosure under the *Freedom of Information and Protection of Privacy Act* (FIPPA).

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. The IPC ruled, in the context of a request for records concerning a complaint about a legal aid clinic, that records concerning the funding, management and administration of a legal aid clinic were records that fell within the scope of the definition of legal aid services. Disclosure of the records would reveal information or material that was furnished to or received by one or more individuals listed in s.90(1) in the course of his or her duties or in the provision of legal aid services. The records sought in this request are analogous to those records and are not subject to disclosure under s.90(1) of LASA.

LAO has not developed a policy or practice that would authorize disclosure under s.90(2) of the records that you are requesting in the first part of your request.

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

With respect to the second item in your request, we have not been able to identify a specific document that sets out LAO's policy regarding access to justice by student legal clinics who receive funding for the purpose. There is, however, a Memorandum of Understanding (MOU) between Legal Aid Ontario and the Dean of Osgoode Hall Law School with respect to the delivery of legal aid services by Student Legal Aid Services Societies. The MOU was first signed in 2003 and remains in effect until a new or amended agreement is signed by both parties. To date, this MOU is still in effect.

I have concluded that the information contained in the MOU is also subject to s.90 of LASA and is not subject to disclosure under FIPPA. The MOU contains information or material that was furnished to or received by one of the listed persons in s.90(1) in the course of his or her duties or in the provision of legal aid services, and this information may not be disclosed.

Disclosure of the document sought in the second part of your request is not permitted under s.90(2) because LAO has not developed a policy or practice that would allow disclosure of an MOU.

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