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July 3, 2013

[REDACTED]

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 June 12, 2013, along with the \$5 application fee.

You requested copies of the following records, during the time period from December 1, 2012 until February 1, 2013:

“Copies of all communications, itinerary and expenses related LAO business conducted in Nova Scotia by [REDACTED] – Vice President and [REDACTED] – Senior Counsel, Litigation”.

I have identified records that are responsive to your request, although there was no record of an itinerary for the trip to Nova Scotia.

Section 90 of the *Legal Aid Services Act* 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.

As a publicly funded organization, Legal Aid Ontario is committed to proactive disclosure and transparency in all manners of funding. To that end, LAO's Board of Directors has authorized the disclosure of the expense reports of senior management. Pursuant to that authorization, I am providing copies of the expense reports filed by [REDACTED], which include the expenses for [REDACTED].

With respect to communications, it is the position of LAO that these reports are not subject to disclosure under s.90(1) of LASA. The reports are information and materials that were received by staff of LAO in the course of their duties or in the provision of legal aid services. 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. 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.

Section 90(2) allows the disclosure of information in specific circumstances. I have examined those circumstances and have concluded that none of those exist in this case to release the reports. These records are not ordinarily disclosed as part of the performance of the duties of legal aid personnel, nor has the release of this information been authorized by the Corporation. In my view, none of the exceptions under s.90(2) apply to these records. For these reasons, I have concluded that the release of the communications is prohibited under s.90 of LASA.

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

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

Encl.