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July 3, 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 June 10, 2013, along with the \$5 application fee.

You requested copies of the following contracts and reports:

1. RPF#LAO 23042012 with Deloitte on June 29, 2012 – Nishnawbe-Aski Legal Service Corporation (NALSC) Evaluation
2. RPF#LAO 28062012 with Deloitte on July 19, 2012 – LAO Client Service in 2020
3. RPF#LAO 20120917 with RMI Group on October 16, 2012 – Duty Counsel Cost Benefit Analysis
4. No Number Assigned, Bruce Malloch Communications on April 5, 2011, for Communications Support.

I have identified records that are responsive to your request.

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, LAO is committed to transparency in allowing taxpayers to better understand the use that LAO makes of public funds. To that end, the Board of Legal Aid Ontario, pursuant to s.90(2) of LASA, has authorized proactive disclosure of contracts that it enters into with third parties. LAO's external website currently lists the contracts, the name of the vendor the project, the price and the date of the contract. In the interests of transparency, LAO will be posting the contracts themselves on its website, subject to redaction of signatures, pricing information and per diem rates.

Section 22 of the *Freedom of Information and Protection of Privacy Act* (FIPPA) states that a head may refuse to disclose a record where the head believes on reasonable grounds that the record or the information contained in the record will be published by the institution within 90 days after the request is made or within such further time as may be necessary for printing or translating the material for the purpose of printing it. Because LAO's Board has approved the proactive disclosure of contracts that LAO enters into with third parties, it is the intention of LAO to post the contracts themselves, subject to the redactions mentioned above, in order to promote access to this information for the general public. Because these records will be made available on LAO's public website, the request for the disclosure of the contracts is refused pursuant to s.22 of FIPPA.

With respect to the reports, it is the position of LAO that the 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. 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 reports 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