



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

Phone/Téléphone:
416-979-1446
Toll-free/Sans frais:
1-800-668-8258
Fax/Télécopieur:

July 3, 2003



Dear [REDACTED]

Re: Freedom of Information Request – Our File No. [REDACTED]

Thank you for your letter of July 2, 2003, which has been forwarded to this office to be dealt with as a request for information under the *Freedom of Information and Protection of Privacy Act*. You have requested a copy of a complaint made against [REDACTED] [REDACTED] for whom you are acting in defence of criminal charges.

I have made the following decision in response to your request for information under the *Freedom of Information and Protection of Privacy Act*.

We have identified correspondence which is responsive to your request, being letters from a third party sent to the Area Director in [REDACTED] concerning [REDACTED] eligibility for legal aid assistance. I am unable to confirm the identity of the complainant, for the reasons set out herein. Unfortunately, I must deny you access to those records, relying on s.14(1)(d) of the *Freedom of Information and Protection of Privacy Act*. That is, I have concluded that the records to which you are seeking access are records to which the institution may deny access under the *Freedom of Information and Protection of Privacy Act* because they would disclose the identity of a confidential source of information in respect of a law enforcement matter.

Section 14(1)(d) of the *Freedom of Information and Protection of Privacy Act* permits an institution to refuse to disclose a record where the disclosure could reasonably be expected to “disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished by a confidential source.”

The investigations conducted by the Investigations and Complaints Department of Legal Aid Ontario are “law enforcement matters” within the meaning of s.2(1) of the *Freedom of Information and Protection of Privacy Act*. “Law enforcement” is defined in s. 2 (1)(b) as “investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings”.

375 University Avenue, Suite 404,
Toronto, ON M5G 2G1
Bureau 404, 375, avenue University,
Toronto, ON M5G 2G1

The Investigations and Complaints Department conducts investigations into the initial and continuing eligibility of legal aid applicants for legal aid services and into the conduct of lawyers performing those services. Section 41 of the *Legal Aid Services Act* requires applicants to provide financial information about their financial eligibility for legal aid. Sub-section 96(2) makes it an offence intentionally to provide false information or to fail to make full disclosure under s. 41. Sub-section 13(2) of the *Legal Aid Services Act* requires lawyers to provide information in support of accounts which they submit for payment. Subsection 96(3) makes it an offence intentionally to provide false information or to fail to make full disclosure under s.31.

It is the policy of the Investigations and Complaints Department not to disclose the identity of members of the public who provide information to them about the continuing financial eligibility of legal aid applicants and about the conduct of lawyers performing legal aid services without the consent of the informant. Routinely to disclose such information could deter members of the public from providing information about the abuse of legal aid funds for fear of reprisal or harassment. Information sent to Area Directors regarding the financial eligibility of legal aid applicants is treated in the same manner as information sent to the Investigations and Complaints Department, because such information is routinely referred to the Investigations and Complaints Department for investigation.

The above are my reasons for denying you access to the records you requested under the *Freedom of Information and Protection of Privacy Act*. I recognize that, should an investigation result in a prosecution or in a hearing under the *Legal Aid Services Act*, other legal principles might come into play which might result in a different decision.

I am responsible for the decision to deny you 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, 80 Bloor Street West, Suite 1700, Toronto Ontario M5S 2V1, 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,

Angela Longo
President/CEO