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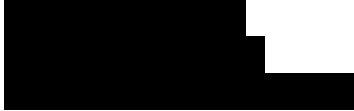
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August 9, 2013



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 July 11, 2013, along with the \$5 fee.

You requested the following records, from the period January 1, 2013 until July 2, 2013:

- Copies of all communications, documents, and meeting minutes:
1. between Legal Aid Ontario and the Ministry of the Attorney General
 2. within Legal Aid Ontario between senior level management and executives
 3. any external legal opinions and/or advice sought by Legal Aid Ontario

pertaining to the Legal Aid Ontario staff lawyers' organizing campaign to achieve voluntary recognition and collective bargaining rights by the Society Energy Professionals.

With respect to the first item on your list, "copies of all communications, documents and meeting minutes between Legal Aid Ontario and the Ministry of the Attorney General", 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. The records that you are seeking constitute information and materials that were furnished to or received by officers and employees of Legal Aid Ontario 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 these records is prohibited under s.90 of LASA.

With respect to the second item on your list, “copies of all communications, documents and meeting minutes within Legal Aid Ontario between senior level management and executives”, I have concluded that this information is also 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. These are records that constitute information and materials that were furnished to or received by officers and employees of Legal Aid Ontario in the course of their duties or in the provision of legal aid services. None of the circumstances that allow the disclosure of information under s.90(2) apply to these records.

In addition, I am claiming solicitor/client privilege for records that were created within General Counsel Office of LAO and provide legal advice to senior level management. Section 19 of FIPPA states that a head may refuse to disclose a record that is subject to solicitor/client privilege. Any legal opinions and advice provided by General Counsel Office will be subject to solicitor/client privilege and do not have to be disclosed pursuant to s.19 of FIPPA. I have reached this conclusion based on the general principles relating to solicitor client privilege (see *Slavutych v. Baker*, [1976] 1 S.C.R. 254).

With respect to the third item on your list, “any external legal opinions and/or advice sought by Legal Aid Ontario”, I would point out that this information is also protected by solicitor/client privilege. Section 19 of FIPPA states that a head may refuse to disclose a record that is subject to solicitor/client privilege. Any legal opinions and advice sought by Legal Aid Ontario from external counsel will

be subject to solicitor/client privilege and does not have to be disclosed pursuant to s.19 of FIPPA.

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 information other than personal information is \$25.

Yours truly,

Michelle Seguin
Acting President/CEO