

# **ALBERTA**

## **INFORMATION AND PRIVACY COMMISSIONER**

### **ORDER 98-001**

May 19, 1998

#### **ALBERTA JUSTICE**

Review Number 1304

#### **I. BACKGROUND**

[1.] Alberta Justice (the “Public Body”) obtained a legal opinion (the “Legal Opinion”) concerning the possibility of success on an appeal of a Court of Queen’s Bench decision (the “Court’s decision”) against the Crown in Right of Alberta (the “Crown”). After the Crown settled the matter without appealing, the Public Body received a request for access to the Legal Opinion under the *Freedom of Information and Protection of Privacy Act* (the “Act”). The Minister of Justice and Attorney General decided to waive solicitor-client privilege and disclose the Legal Opinion. After reviewing the Act for mandatory exceptions, and after obtaining a third party’s consent to the release of confidential business information contained in the Legal Opinion, the Public Body disclosed the Legal Opinion in its entirety.

[2.] The individual Applicant, an employee of another public body, claimed that the Legal Opinion contained the Applicant’s personal information, that the Applicant had not consented to the disclosure of that personal information, and that the Public Body disclosed the Applicant’s personal information in breach of the Act.

[3.] Furthermore, the Applicant said that the Applicant’s personal information contained in the report was incorrect. Under section 35 of the Act, the Applicant asked the Public Body to correct the Applicant’s personal information by linking the Legal Opinion with one sentence contained in a certain letter.

The Public Body said that section 35 did not apply, and refused the Applicant's request to correct or link.

[4.] On May 26, 1997, the Applicant requested that I review the Public Body's decision under section 35 of the Act, as well as the disclosure of the Applicant's personal information and the general way in which the Public Body handled its responsibilities under the Act in disclosing the Legal Opinion in its entirety.

[5.] Mediation was authorized, but was not successful. The matter was set down for an oral inquiry on January 15, 1998. I received the Public Body's and the Applicant's written submissions on December 22, 1997.

[6.] As there were other affected parties in this matter, my Office gave notice of the inquiry to those affected parties. However, all the affected parties declined to participate in the inquiry.

## **II. RECORD AT ISSUE**

[7.] The Record at issue is the Legal Opinion. The Legal Opinion is divided into three parts: (i) liability, (ii) damages, and (iii) related claims. The Applicant's issues focus mainly on the first part of the Legal Opinion (liability).

[8.] In this Order, I will continue to refer to the record as a whole as the "Legal Opinion". Where necessary, I will refer specifically to the relevant part or parts of the Legal Opinion.

## **III. ISSUES**

[9.] There are three issues in this inquiry:

A. Did the Public Body properly refuse to correct or link the Applicant's personal information under section 35 of the Act?

B. Did the Public Body disclose the Applicant's personal information in breach of Part 2 of the Act?

C. Did the Public Body handle its responsibilities properly under the Act when it disclosed the Legal Opinion in its entirety?

#### **IV. DISCUSSION OF THE ISSUES**

##### **ISSUE A: Did the Public Body properly refuse to correct or link the Applicant's personal information under section 35 of the Act?**

[10.] Section 35 of the Act reads:

*35(1) An applicant who believes there is an error or omission in the applicant's personal information may request the head of the public body that has the information in its custody or under its control to correct the information.*

*(2) If no correction is made in response to a request under subsection (1), the head of the public body must annotate or link the information with the correction that was requested but not made.*

*(3) On correcting, annotating or linking personal information under this section, the head of the public body must notify any other public body or any third party to whom that information has been disclosed during the one year before the correction was requested that a correction, annotation or linkage has been made.*

*(4) On being notified under subsection (3) of a correction, annotation or linkage of personal information, a public body must make the correction, annotation or linkage on any record of that information in its custody or under its control.*

*(5) Within 30 days after the request under subsection (1) is received, the head of the public body must give written notice to the individual that*

*(a) the correction has been made, or*

*(b) an annotation or linkage has been made pursuant to subsection (2).*

*(6) Section 13 applies to the period set out in subsection (5).*

[11.] To decide whether section 35 applies in this case, I must consider the following matters:

1. Does section 35 apply only where a public body has “collected” personal information?
2. Who decides whether there is personal information for the purposes of section 35?
3. Is the Applicant’s personal information contained in the Legal Opinion?
4. Is there an error or omission in the Applicant’s personal information?

**1. Does section 35 apply only where a public body has “collected” personal information?**

[12.] In brief, the Public Body’s argument is this:

- a. Section 35 is contained in Part 2, Division 1 of the Act.
- b. Part 2, Division 1 of the Act concerns personal information that is “collected” about an individual and held by a public body.
- c. The Legal Opinion was not solicited for the purpose of collecting personal information about an individual.
- d. Consequently, the Legal Opinion is not the type of information to which Part 2, Division 1 of the Act applies.
- e. Since the Legal Opinion is not the type of information to which Part 2, Division 1 of the Act applies, section 35 can have no application. In other words, this is information that cannot be corrected under section 35.

[13.] The Public Body maintains that the context in which section 35 appears in the Act is relevant to the interpretation of section 35. The Public Body contends that section 35 is designed to apply only to personal information that a public body collects, such as personal information for social services benefits or personal information about employees of a public body.

[14.] The Public Body argues that the information in this review was not of that type, because it is not information which was collected about the Applicant. Instead, it was information on the Public Body’s file with respect to an ongoing legal matter.

[15.] Part 2, Division 1 of the Act, in which section 35 is contained, uses the word *collection* when referring to personal information that public bodies obtain. Section 35(1) uses the phrase *in its custody or under its control* when referring to personal information that public bodies correct. Section 2(d) of the Act uses the phrase *held by a public body* when referring to personal information of which there is a right to request correction.

[16.] If I read each of *collection*, *in its custody or under its control*, and *held by a public body*, in its own immediate context, each has a different meaning. In other words, there are three different ways that a public body may come to have personal information: by collection, by custody or control, or by merely holding personal information.

[17.] If I accept the Public Body's argument that the immediate context of section 35 determines how section 35 is to be interpreted, it follows that section 35 applies only to personal information that a public body has "collected", but not to personal information in a public body's custody or under its control, nor to personal information merely held by a public body. Such an interpretation would require a determination of whether a public body "collected" the personal information, each time an applicant requests that a public body correct personal information. I do not believe the Act intended this.

[18.] I believe that *collection*, *in its custody or under its control*, and *held by a public body*, should be read in the context of the Act as a whole and be interpreted to have one meaning. An interpretation that maintains the inherent coherence of the Act and accomplishes the intended purpose is preferred, namely, to allow for the correction of personal information, regardless of how a public body comes to have that personal information (assuming that the public body has the authority to have the personal information in the first place).

[19.] Therefore, I do not agree that section 35 applies only where a public body has "collected" personal information.

## **2. Who decides whether there is personal information for the purposes of section 35?**

[20.] The Public Body and the Applicant disagree about who decides whether there is personal information for the purposes of section 35.

[21.] The Applicant says that an applicant decides whether there is personal information because section 35(1) refers to an applicant's "belief" of what is personal information. The Applicant therefore reasons that the Act does not

grant a public body the power to make the decision as to whether there is personal information for the purposes of section 35.

[22.] The Public Body says that it decides whether there is personal information.

[23.] In Order 97-020, I said that under section 35(1), an applicant must meet the burden of proving that there is personal information about an applicant and that there is an error or omission in the applicant's personal information.

[24.] However, it is open to a public body to disagree with an applicant either on the issue of whether there is personal information about an applicant or on the issue of whether there is an error or omission in the applicant's personal information. A public body may well disagree when an applicant has not met the burden of proof on either issue.

[25.] If, as here, a public body disagrees that there is personal information about an applicant and thereby refuses to correct, I have the authority under section 62(1) to review that decision. Under section 68(3)(d), I may substitute my own decision for that of the public body under section 35(1): see Order 97-020 for this discussion.

[26.] Therefore, if an applicant does not meet the burden of proving that there is personal information about an applicant, a public body may refuse to correct. To that extent, a public body decides whether there is personal information for the purposes of section 35. I oversee the public body's decision.

### **3. Is the Applicant's personal information contained in the Legal Opinion?**

[27.] The Applicant says that the Applicant's personal information consists of the Applicant's title, reporting role, employment responsibilities, conduct, and an implicit opinion about the Applicant. The Applicant has identified that personal information as being contained in the following pages of the Legal Opinion (liability):

- a. the reference to the Applicant as the "Defendant's [discovery] officer" on page 43,
- b. the reference to the Applicant by job title on page 34,
- c. the statement, on page 34, that the judge considered the conduct of four individuals,

d. the statement, on page 36, that management control rested with one or more of the individuals holding the positions identified above, and

e. the implicit opinion about the Applicant contained in pages 29 to 39.

[28.] The Applicant is not mentioned by name in the Legal Opinion.

[29.] “Personal information” is defined in section 1(1)(n) of the Act. The relevant portions of section 1(1)(n) read:

*1(1)(n) “personal information” means recorded information about an identifiable individual, including*

*(vii) information about the individual’s educational, financial, employment or criminal history, including criminal records where a pardon has been given,*

*(viii) anyone else’s opinions about the individual.*

***a. Recorded information about an identifiable individual (section 1(1)(n))***

[30.] The reference to the Applicant as the “Defendant’s [discovery] officer” is recorded information about an identifiable individual, as provided by section 1(1)(n), because the information identifies the Applicant. Therefore, that reference is personal information.

***b. Employment history (section 1(1)(n)(vii))***

[31.] Page 34 of the Legal Opinion (liability) refers to the job title of the Applicant, which the Applicant says is the Applicant’s personal information. I agree that the reference to the job title indicates the Applicant’s employment role and responsibilities.

[32.] The Public Body argues that employment responsibilities are not personal information. In this regard, the Public Body is following a long line of Ontario decisions.

[33.] I decline to follow the Ontario decisions. Section 16(4)(e) is relevant to my decision. That section reads:

*16(4) A disclosure of personal information is not an unreasonable invasion of a third party’s personal privacy if*

*(e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council.*

[34.] It is implicit in section 16(4)(e) that employment responsibilities are personal information. The section says that it is not an unreasonable invasion of a third party's personal privacy to disclose the employment responsibilities of those third parties mentioned in section 16(4)(e) (for example, employees of a public body). It follows that the disclosure of employment responsibilities may be an unreasonable invasion of the personal privacy of third parties who are not mentioned in section 16(4)(e) (for example, individuals who are not employees of a public body). Therefore, I conclude that employment responsibilities are personal information under the Act.

[35.] In my view, the Applicant's job title mentioned on page 34 of the Legal Opinion (liability) meets the criteria for employment history, as provided by section 1(1)(n)(vii), and is the Applicant's personal information. I would also include employment responsibilities in the definition of "employment history" in section 1(1)(n)(vii). The other job titles mentioned on page 34 are the personal information of other identifiable individuals.

[36.] Nevertheless, under section 16(4)(e), disclosure of certain third parties' employment responsibilities (for example, the employment responsibilities of a public body's employees) is not considered to be an unreasonable invasion of those third parties' personal privacy. Therefore, the employment responsibilities of those third parties may be disclosed.

[37.] The Applicant also says that the statement on page 34 of the Legal Opinion (liability), that the judge considered the conduct of four individuals, is the Applicant's personal information.

[38.] In my view, that statement is inextricably linked with the job titles that follow, and cannot be considered outside of that context. It is only those titles that are personal information because they are the employment history of the Applicant and other identifiable individuals.

[39.] Even if I were to consider that statement on its own, out of context, I would find that it is a statement or opinion about what the judge considered (I discuss opinions below). It is not an opinion about the Applicant or any other identifiable individual. The statement itself is also not recorded information



about the Applicant as an identifiable individual (or any other identifiable individual). Therefore, it is not the Applicant's personal information.

[40.] I further find that the statement on page 36 refers to the job titles on page 34, such that the information about the job titles is employment history and therefore personal information, as discussed. However, the statement itself is a legal opinion about where management control may rest. It is not an opinion about the Applicant or any other identifiable individual, as contemplated by section 1(1)(n)(viii), and is not the Applicant's personal information.

***c. Opinions (section 1(1)(n)(viii))***

[41.] The Applicant says there is an implicit opinion about the Applicant contained in pages 29 to 39 of the Legal Opinion (liability). The Applicant says that the implicit opinion is that the Applicant was deceitful. In the Applicant's view, that opinion constitutes the Applicant's personal information.

[42.] I have carefully reviewed those pages, which are a legal opinion about the Court's findings and decision at trial, and about what the Court of Appeal may decide on an appeal of the Court's decision. The legal opinion is that "[I]t would be open to the Court of Appeal to make a finding of deceit on the part of a servant of the Crown..." In my view, this is not an opinion, implicit or explicit, that the Applicant or any other identifiable individual was deceitful. It is not an opinion about any identifiable individual because it is not connected with any identifiable individual, as contemplated by section 1(1)(n)(viii).

**4. Is there an error or omission in the Applicant's personal information?**

[43.] I have found that the Applicant's personal information consists of the reference to the Applicant as the "Defendant's [discovery] officer" on page 43 of the Legal Opinion (liability) and the reference to the Applicant by job title on pages 34 and 36 of the Legal Opinion (liability).

[44.] The Applicant's contention that the Applicant was not referred to by job title in the Court's decision is not an error or omission for the purposes of the Legal Opinion (liability). That title is merely the writer's way of referring to the Applicant in the Legal Opinion (liability).

[45.] The Applicant has not argued, nor do I find, that there is an error or omission in the Applicant's job title or in the reference to the Applicant as the "Defendant's [discovery] officer".

[46.] The Applicant says that there is an error or omission in the statements referred to on pages 34 and 36 of the Legal Opinion (liability), and in the implicit opinion about the Applicant contained in pages 29 to 39 of the Legal

Opinion (liability). However, I have found that that the statements on pages 34 and 36 are not the Applicant's personal information, and that there is no opinion about the Applicant contained in pages 29 to 39. Therefore, I do not find it necessary to consider the issue of error or omission.

[47.] Consequently, there is no personal information for the Public Body to correct under section 35(1). Since there is no personal information to correct, the issue of whether to annotate or link under section 35(2) does not arise.

[48.] I find that he Public Body properly refused to correct or link the Applicant's personal information under section 35 of the Act.

**ISSUE B: Did the Public Body disclose the Applicant's personal information in breach of Part 2 of the Act?**

[49.] I have found that the Legal Opinion (liability) contains the Applicant's personal information, consisting of the Applicant's job title and a reference to the Applicant as the "Defendant's [discovery] officer".

[50.] The Applicant objects to the disclosure of the Applicant's personal information in the Legal Opinion (liability). The Applicant says that the Applicant was not asked to consent to the disclosure of the Applicant's personal information, as provided by section 29 of the Act, when the Legal Opinion was disclosed on an access request (the "access request") under the Act . The Applicant also objects to the general disclosure of the Legal Opinion when the Public Body issued a press release.

[51.] Section 38(1), which is contained in Part 2 of the Act, allows a public body to disclose personal information under certain circumstances. The relevant portions of section 38(1) read:

*38(1) A public body may disclose personal information only*

*(a) in accordance with Part 1,*

*....*

*(z) when the information is available to the public.*

[52.] The reference to Part 1 of the Act in section 38(1)(a) is a reference to the provisions for obtaining access to records under the Act. On an access request, a public body must decide whether the disclosure of personal information would be an unreasonable invasion of a third party's personal privacy (section 16(1)). To make that decision, a public body must consider section 16(3) (relevant circumstances). Section 16(4) is also applicable.

Section 16(4) sets out certain situations in which the disclosure of personal information is not an unreasonable invasion of a third party's personal privacy.

[53.] On the access request, section 16(4)(e) would be applicable. I reproduce that section again for ease of reference:

*16(4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if*

*(e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council.*

[54.] The personal information, consisting of the Applicant's job title, is about the Applicant's employment responsibilities as an employee of a public body. Therefore, under section 16(4)(e), the disclosure of the Applicant's job title is not an unreasonable invasion of the Applicant's personal privacy on the access request.

[55.] Section 38(1)(z) of the Act is also applicable. That section reads:

*38(1) A public body may disclose personal information only*

*(z) when the information is available to the public.*

[56.] In my view, the fact that personal information is available to the public is a relevant circumstance to consider under section 16(3) in determining whether the disclosure of personal information would be an unreasonable invasion of a third party's personal privacy.

[57.] The reference to the Applicant as the "Defendant's [discovery] officer" in the Legal Opinion (liability) is a quotation directly from the Court's decision. The Court's decision containing this particular piece of the Applicant's personal information is a public document that has been widely published in a number of law reports and is available on an on-line computer database. This piece of the Applicant's personal information is already in the public domain in the context of the Court's published decision. Taking this into consideration, and the fact that the Legal Opinion and the Court's decision are inextricably linked, I find that it was not an unreasonable invasion of the Applicant's personal privacy to disclose the reference to the Applicant as the "Defendant's [discovery] officer" on the access request.

[58.] I have found that it would not be an unreasonable invasion of the Applicant's personal privacy to disclose the Applicant's personal information, but not for the same reasons as the Public Body. Nevertheless, having determined that it would not be an unreasonable invasion of the Applicant's personal privacy to disclose the Applicant's personal information on the access request, the Public Body would not have been required to notify the Applicant of that disclosure, as provided by section 29 of the Act.

[59.] Having found that it would not be an unreasonable invasion to disclose the Applicant's personal information under Part 1 of the Act, I therefore find that the Public Body did not disclose the Applicant's personal information in breach of Part 2 of the Act.

**ISSUE C: Did the Public Body handle its responsibilities properly under the Act when it disclosed the Legal Opinion in its entirety?**

[60.] I have already found that the Public Body did not breach Part 1 or Part 2 of the Act when it disclosed the Applicant's personal information.

[61.] However, the Applicant argues that the Public Body did not handle its responsibilities properly under the Act because it did not consider whether other mandatory ("must") or discretionary ("may") exceptions should have been applied to withhold information contained in the Legal Opinion.

[62.] The Applicant says that in addition to section 16 of the Act (personal information), the public body should have applied the exceptions contained in sections 17, 19, 23 and 26(1) and (2) of the Act to refuse to disclose certain information contained in the Legal Opinion. During the inquiry, the Applicant also said that the Public Body should have applied section 21.

[63.] The Public Body's evidence is that it considered sections 15, 16 and 26(1). The Applicant asked me to check Tabs 16 and 17 (which were not provided to the Applicant) of the Public Body's submission to confirm that there is evidence that the third party consented to the release of its confidential business information under section 15, which was contained in the Legal Opinion. I have done so and confirm the existence of that evidence.

[64.] There is no evidence before me that the Public Body considered the other exceptions the Applicant mentioned.

[65.] Sections 17, 19, 23, and 26(1) are all discretionary ("may") exceptions. Even if the Public Body had considered these exceptions and found that they applied to certain information, the Public Body would nevertheless have a choice or discretion to disclose that information.

[66.] I may review the exercise of a public body's discretion not to disclose information. In Order 96-017, I said that a public body exercises its discretion properly if it has considered the access provisions of the Act when making its decision not to disclose.

[67.] However, I could not review a head's decision to *give* [my emphasis] access if a discretionary exception is involved. This decision follows from section 68(2)(b) of the Act, which restricts my authority to issue an order concerning a discretionary decision to *refuse* [my emphasis] access.

[68.] Therefore, in this case, if the Public Body had said that the above discretionary exceptions applied, but the Public Body nevertheless decided to disclose the information, I could not review that decision. Consequently, I could not find that the Public Body was required to consider the discretionary exceptions the Applicant mentioned.

[69.] I will now consider the mandatory ("must") exceptions that the Applicant said the Public Body should have applied (section 16 (personal information), section 21 (Cabinet confidences) and section 26(2) (privileged information of person other than public body)).

[70.] The Applicant says that the Public Body released the personal information, including names, of many individuals, contrary to section 16. Those names and other personal information were contained throughout the Legal Opinion. The Applicant gave me a list of names and page numbers where those names are located.

[71.] The Applicant also says that the name of the judge who conducted the trial appears over 100 times in the Legal Opinion, and that there is an opinion expressed about whether the judge was correct or not in coming to the decision. The Applicant says that the name and opinion about the judge were also disclosed.

[72.] The Public Body said that it considered section 16 before releasing names and personal information. However, it decided that section 16 did not apply because the information related to the employment responsibilities or the professional capacity of public employees of the Crown and would therefore not be personal information. In all other cases, the Public Body said the information was already public from the Court's decision and, therefore, could be disclosed.

[73.] I have reviewed both the Legal Opinion and the Court's decision on which the Legal Opinion is based. In the Court's decision, I found all the names that the Applicant listed from the Legal Opinion. Those names were individuals

who were witnesses at the trial or whose evidence on discovery was read in at the trial. In most cases, the Legal Opinion refers to the names of individuals, along with a summary of those individuals' testimony at the trial. The pages of the Court's decision are referenced after the summary of each individual's evidence.

[74.] The name of the judge who conducted the trial and who rendered the decision on behalf of the Court is also contained in the Court's decision.

[75.] In my view, the issues here are no different than the issues I discussed under Issue B above. Therefore, I find that section 16(4)(e) would have applied to allow the Public Body to disclose the personal information of its employees, and section 38(1)(z) would have applied to allow the Public Body to disclose the personal information of those individuals whose information was already available to the public as a result of the Court's decision. It follows that the Public Body would not have been required to obtain the consent of those individuals under section 29 before disclosing the personal information.

[76.] Furthermore, the disclosure of the name of a judge who conducted a trial is not an unreasonable invasion of the individual's personal privacy when acting on behalf of the Court conducting a trial and rendering a decision. In those circumstances, the judge's name is in the public domain. Moreover, the Legal Opinion contains an opinion about the judge's findings and decision, which is not an opinion about the judge, as contemplated by section 1(1)(n)(viii). Therefore, the name and opinion may be disclosed.

[77.] I turn now to section 21(1) (Cabinet confidences), which is a mandatory ("must") exception.

[78.] The Applicant raised section 21(1) for the first time in the inquiry. Normally, I would not consider the late raising of issues, but because this is a mandatory exception, I will consider it.

[79.] Section 21(1) is designed to protect the deliberations of the Executive Council (the Treasury Board is not relevant here). The purpose of section 21(1) is to prevent public bodies from disclosing the kind of information that would reveal the substance of the Executive Council's deliberations.

[80.] However, other than the Applicant's claim that the Public Body should have applied section 21(1), there is no evidence before me that the Legal Opinion discloses information that would reveal the substance of the Executive Council's deliberations. Consequently, I find that section 21(1) does not apply to the Legal Opinion.

[81.] Section 26(2) is the only other mandatory (“must”) exception that the Applicant said the Public Body should have applied. I understand the Applicant to be saying that the information in the Legal Opinion is subject to the solicitor-client privilege of the individuals identified in the Legal Opinion, including the Applicant.

[82.] I discussed section 26(2) in detail in Order 97-009. I said that for section 26(2) to apply, there must first be a finding that section 26(1)(a) applies. In other words, there must be the kind of information set out in section 26(1)(a). Furthermore, the information must relate to a person other than a public body.

[83.] In this case, for section 26(2) to apply, the Applicant must show that the information meets the criteria for solicitor-client privilege relating to the Applicant or to a person other than the Public Body.

[84.] In Order 96-017, I set out criteria for solicitor-client privilege. However, I do not find it necessary to discuss those criteria because there is no evidence before me that the information meets any of the criteria for solicitor-client privilege relating to the Applicant or to anyone else. Therefore, section 26(2) is not applicable.

[85.] The Applicant also contends that the Public Body was not authorized under the Act to collect the personal information and, further, should have collected the personal information directly from the individuals the information is about.

[86.] In my view, section 33(1)(f) is a complete answer to the Applicant’s contention. Section 33(1)(f) reads:

*38(1) A public body must collect personal information directly from the individual the information is about unless*

*(f) the information is collected for use in the provision of legal services to the Government of Alberta or a public body.*

[87.] Section 33(1)(f) also implies that the authority to collect personal information, as set out under section 32, has been met. I believe that the authority to collect the personal information is contained in section 32(c), which reads:

*32 No personal information may be collected by or for a public body unless*

*(c) that information relates directly to and is necessary for an operating program or activity of the public body.*

[88.] The Public Body's "operating program" or "activity" is that of getting and giving legal advice. The legal advice given in this case would be incomplete, meaningless, or both, without the references to the personal information.

[89.] Therefore, I find that the Public Body had the authority to collect the personal information under section 32(c) of the Act, and was not required to collect the personal information directly from the individual, as provided by section 33(1)(f).

[90.] Finally, I have considered the Applicant's issues concerning sections 34, 36 and 37 of the Act. I find that section 34 and section 36 are not applicable. Section 37(a) is applicable, but does not assist the Applicant. Section 37(c) reads:

*37 A public body may use personal information only*

*(c) for the purpose for which the information was collected or compiled or for a use consistent with that purpose.*

[91.] I have already found that the Public Body properly collected the personal information under section 32(c), and I find that it used that personal information for the purpose for which it was collected.

[92.] Having reached the foregoing conclusions, I find that the Public Body handled its responsibilities properly under the Act when it disclosed the Legal Opinion in its entirety.

## **V. ORDER**

[93.] I make the following Order under section 68 of the Act.



**Issue A**

[94.] The Public Body properly refused to correct or link the Applicant's personal information under section 35 of the Act. Under section 68(3)(d), I confirm the decision not to correct.

**Issue B**

[95.] The Public Body did not disclose the Applicant's personal information in breach of Part 2 of the Act.

**Issue C**

[96.] The Public Body handled its responsibilities properly under the Act when it disclosed the Legal Opinion in its entirety.

Robert C. Clark  
Information and Privacy Commissioner