

**ALBERTA**

**INFORMATION AND PRIVACY COMMISSIONER**

**ORDER 99-009**

June 21, 1999

**WORKERS' COMPENSATION BOARD**

Review Number 1454

**I. BACKGROUND**

[para 1.] On March 2, 1998, the Applicant applied to the Workers' Compensation Board (the "Public Body") for access under the *Freedom of Information and Protection of Privacy Act* (the "Act") to all information about the Applicant, as follows:

*I am requesting full and complete disclosure of any and all information held by, generated by and/or known to the Workers' Compensation Board, or anyone acting on the Boards [sic] behalf, or providing information to the Board relating to me, or my claims, in any way by any reference, including, but not exclusive to [Applicant's name], WCB claim # [Applicant's claim number], SIN # [Applicant's SIN number], AHC # [Applicant's Alberta Health Care number]...*

[para 2.] The Public Body severed certain records under the following provisions of the Act: sections 16, 17, 18, 19, and 23. The Public Body also said that certain records were excluded from the application of the Act by sections 4(1)(c), 4(1)(k), and 4(1)(l). Then the Public Body allowed the Applicant to view the records, including records that had been severed, so the Applicant could decide what records were wanted.

[para 3.] On July 16, 1998, the Applicant asked my Office for a review. The issues were:

(i) Whether certain records were excluded from the application of the Act by sections 4(1)(c), 4(1)(k), and 4(1)(l);

(ii) Whether the Public Body correctly applied sections 16, 17, 18, 19, and 23 to sever certain other records; and

(iii) Whether the Public Body responded to the Applicant “openly, accurately and completely”, as provided by section 9(1) of the Act. The latter issue was identified as a result of records the Applicant said were “missing” from the Public Body’s records.

[para 4.] Mediation was authorized but was not successful. The matters were set down for an oral inquiry on March 3, 1999. I received the Public Body’s advance written submission on February 17, 1999. The Applicant decided not to provide an advance written submission.

[para 5.] Prior to the inquiry, I asked the Public Body to clarify which exceptions it was applying to which records, and which exclusions applied to which records. The Public Body subsequently said that it would not be applying sections 18 and 19. The Public Body also changed the application of sections 16, 17, and 23 to some of the records. I allowed the changes because (i) those sections had been identified as issues for the inquiry, (ii) the Public Body made the changes before the inquiry, and (iii) the Public Body had discussed the changes with the Applicant before the date set for the inquiry. As a result of the changes, the Public Body was able to provide more information and records to the Applicant before the inquiry.

[para 6.] At the conclusion of the inquiry, I asked the Public Body to provide me with some further information. I received that information on March 24, 1999. At the same time, the Public Body informed me that it had found other relevant information pertaining to the Applicant’s access request, which had been scheduled for destruction according to the Public Body’s Records Disposition Authority. The Public Body subsequently retrieved that information and provided a copy to me on April 16, 1999.

## **II. RECORDS AT ISSUE**

[para 7.] The records at issue consist of 43 pages that the Public Body said are excluded from the application of the Act or which the Public Body has severed partially or entirely under certain exceptions to the Act. The Public Body has numbered the pages of the records according to the four following areas within the Public Body in which the records were

located: Administrative Services, Appeals Commission, Government Relations, and Office of the Vice-President.

[para 8.] The other records not directly at issue are those that the Applicant says are “missing” from the Public Body’s records.

[para 9.] In this Order, I will refer to each record individually by the area and number set out by the Public Body, and collectively as the “Records”. The records not directly at issue I will refer to as the “records”.

[para 10.] A hyphen between page numbers means that those page numbers comprise one record in which information has been severed on all the pages of that record.

### **III. ISSUES**

[para 11.] There are seven issues in this inquiry:

A. Are certain records excluded from the application of the Act by section 4(1)(c) (record created by or for or in the custody or under the control of an officer of the Legislature and relates to the exercise of that officer’s functions under an Act of Alberta)?

B. Are certain records excluded from the application of the Act by section 4(1)(l) (record created by or for a member of the Executive Council or a Member of the Legislative Assembly and sent to a member of the Executive Council or a Member of the Legislative Assembly)?

C. Are certain records excluded from the application of the Act by section 4(1)(k) (record created by or for the office of a Member of the Legislative Assembly that is in the custody or control of the Legislative Assembly Office)?

D. Did the Public Body correctly apply section 16(2)(g) of the Act (third party’s name appearing with other personal information about the third party, or disclosure of the name would reveal personal information about the third party)?

E. Did the Public Body correctly apply section 17(1)(a) of the Act (disclosure harmful to individual safety)?

F. Did the Public Body correctly apply section 23(1)(a) of the Act (“advice”).

G. Did the Public Body respond to the Applicant openly, accurately and completely, as provided by section 9(1) of the Act?

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

##### **ISSUE A: Are certain records excluded from the application of the Act by section 4(1)(c) (record created by or for or in the custody or under the control of an officer of the Legislature and relates to the exercise of that officer's functions under an Act of Alberta)?**

[para 12.] The Public Body says that the following pages of the Records are excluded from the application of the Act by section 4(1)(c):

Appeals Commission: pages 12, 25, 26

Government Relations: pages 108, 109, 111

Office of the Vice President: pages 17, 18, 19, 20-21, 22

[para 13.] Section 4(1)(c) reads:

*4(1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:*

*(c) a record that is created by or is in the custody or under the control of an officer of the Legislature and relates to the exercise of that officer's functions under an Act of Alberta.*

[para 14.] For a record to be excluded under section 4(1)(c), there must be:

(a) a record

(i) created by, or

(ii) in the custody of, or

(iii) under the control of

(b) an officer of the Legislature

(c) and relates to the exercise of that officer's functions under an Act of Alberta.

[para 15.] In this case, the officer of the Legislature is the Ombudsman. I am satisfied that all the Records listed above relate to the exercise of the Ombudsman's functions under the *Ombudsman Act*, R.S.A. 1980, c. O-7. The only issue is whether the Records were created by or are in the custody or under the control of the Ombudsman.

[para 16.] In Order 97-008, I said that a record needs to meet only one of (i) created by, (ii) in the custody of, or (iii) under the control of, for the first criterion of section 4(1)(c) to be met.

[para 17.] The following Records were created by the Ombudsman:

Appeals Commission: pages 12, 26  
Government Relations: pages 108, 111  
Office of the Vice-President: pages 17, 19

[para 18.] Therefore, those Records meet all the criteria of section 4(1)(c).

[para 19.] The following Records were created by someone other than the Ombudsman, but were sent to the Ombudsman and relate to the exercise of the Ombudsman's function under the *Ombudsman Act*:

Appeals Commission: page 25  
Government Relations: page 109  
Office of the Vice-President: pages 18, 20-21, 22

[para 20.] I have no doubt that the Ombudsman has custody or control of the original of these Records. The Public Body's copies are file copies of the original Records.

[para 21.] In Order 97-008, I said that if the original record is in the custody or under the control of the Ombudsman, section 4(1)(c) also applies to exclude file copies of the original record. As to the rationale for that decision, see Order 97-008.

[para 22.] Therefore, as the original records are in the custody or under the control of the Ombudsman, the file copies of the Records meet all the criteria of section 4(1)(c).

[para 23.] In summary, the following pages of the Records meet all the criteria of section 4(1)(c):

Appeals Commission: pages 12, 25, 26  
Government Relations: pages 108, 109, 111  
Office of the Vice President: pages 17, 18, 19, 20-21, 22

[para 24.] Therefore, those pages of the Records are excluded from the application of the Act by section 4(1)(c). Consequently, I have no jurisdiction over those pages of the Records.

**ISSUE B: Are certain records excluded from the application of the Act by section 4(1)(l) (record created by or for a member of the Executive Council or a Member of the Legislative Assembly and sent to a member of the Executive Council or a Member of the Legislative Assembly)?**

[para 25.] The Public Body says that the following pages of the Records are excluded from the application of the Act by section 4(1)(l):

Government Relations: pages 34, 95, 96-100, 269-270, 273, 274-275, 292-293, 299, 306, 312

[para 26.] Section 4(1)(l) reads:

*4(1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:*

*(l) a record created by or for*

*(i) a member of the Executive Council,*

*(ii) a Member of the Legislative Assembly, or*

*(iii) a chair of a Provincial agency as defined in the Financial Administration Act who is a Member of the Legislative Assembly*

*that has been sent or is to be sent to a member of the Executive Council, a Member of the Legislative Assembly or a chair of a Provincial agency as defined in the Financial Administration Act who is a Member of the Legislative Assembly.*

[para 27.] I have reviewed all the foregoing pages of the Records. I find that those Records meet the requirements of section 4(1)(l) because they were (i) created by a member of the Executive Council or a Member of the

Legislative Assembly and sent to a member of the Executive Council or a Member of the Legislative Assembly, or (ii) created by executive assistants or executive secretaries on behalf of members of the Executive Council, and sent to executive assistants or executive secretaries of members of the Executive Council, or to other employees in the offices of members of the Executive Council. The Records are not for those executive assistants, executive secretaries or other employees, but are to be sent to members of the Executive Council (for a general discussion of (ii), see Order 96-020 and Order 96-021).

[para 28.] Therefore, I find that the following pages of the Records are excluded from the application of the Act by section 4(1)(l):

Government Relations: pages 34, 95, 96-100, 269-270, 273, 274-275, 292-293, 299, 306, 312

[para 29.] Consequently, I have no jurisdiction over those pages of the Records.

**ISSUE C: Are certain records excluded from the application of the Act by section 4(1)(k) (record created by or for the office of a Member of the Legislative Assembly that is in the custody or control of the Legislative Assembly Office)?**

[para 30.] The Public Body says that the following pages of the Records are excluded from the application of the Act by section 4(1)(k):

Government Relations: pages 34, 95, 96-100, 269-270, 273, 274-275, 292-293, 299, 306, 312

[para 31.] I have already found that all the foregoing pages of the Records are excluded from the application of the Act by section 4(1)(l). Therefore, I do not find it necessary to decide whether those same pages of the Records are also excluded from the application of the Act by section 4(1)(k).

**ISSUE D: Did the Public Body correctly apply section 16(2)(g) of the Act (third party's name appearing with other personal information about the third party, or disclosure of the name would reveal personal information about the third party)?**

[para 32.] The Public Body says that section 16(2)(g) of the Act applies to the personal information severed on the following pages of the Records:

Administrative Services: pages 14, 22

Government Relations: pages 166, 178, 179, 213-214, 228, 231

[para 33.] The relevant portions of section 16 read:

*16(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.*

*(2) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if*

*(g) the personal information consists of the third party's name when*

*(i) it appears with other personal information about the third party, or*

*(ii) the disclosure of the name itself would reveal personal information about the third party.*

*(3) In determining under subsection (1) or (2) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether*

*(e) the third party will be exposed unfairly to financial or other harm.*

[para 34.] I have reviewed all the Records to which the Public Body said that section 16(2)(g) applied. All those Records contain the names and other personal information of third parties.

[para 35.] In applying section 16(2)(g), the Public Body said that it considered the following to be relevant circumstances: (i) all the personal information severed in the foregoing Records consists of the personal information of other claimants under the *Workers' Compensation Act* (the one exception, discussed below, is the Record that is Administrative Services, page 14, which contains the personal information of a third party who is not a claimant), (ii) the Applicant was interested only in the Applicant's own personal information as a claimant, and (iii) the Applicant did not ask for and was not interested in the personal



information of other claimants. I agree with the Public Body that those considerations are relevant circumstances weighing in favour of not disclosing the third parties' personal information.

[para 36.] As to the Record that is Administrative Services, page 14, the Public Body severed the name and the opinion of a third party. The Public Body considered it to be a relevant circumstance under section 16(3)(e) (unfair exposure to financial or other harm) that the information also fell within section 17(1)(a) (disclosure harmful to individual safety). Therefore, I have considered harm to individual safety as "harm" for the purposes of section 16(3)(e).

[para 37.] Based on the evidence, I find that the third party would be exposed unfairly to harm if the personal information were disclosed, as provided by section 16(3)(e). Therefore, section 16(3)(e) is a relevant circumstance weighing in favour of not disclosing the third party's personal information.

[para 38.] The Applicant did not argue against the Public Body's application of section 16(2)(g) to the Records.

[para 39.] Therefore, I find that the Public Body correctly applied section 16(2)(g) to the personal information severed on following pages of the Records:

Administrative Services: pages 14, 22

Government Relations: pages 166, 178, 179, 213-214, 228, 231

**ISSUE E: Did the Public Body correctly apply section 17(1)(a) of the Act (disclosure harmful to individual safety)?**

**1. Application of section 17(1)(a)**

[para 40.] The Public Body says that section 17(1)(a) of the Act applies to the information severed on the following pages of the Records:

Administrative Services: pages 6, 10 (first, second, and third paragraphs), 11, 14

Government Relations: pages 63, 66

[para 41.] The Public Body provided two copies of the Records for the inquiry. I note that one copy of the Record that is Government Relations, page 66, does not indicate what information has been severed, although it does indicate that the information has been severed under section 17. The other copy of that Record clearly indicates the information that has been severed, in the same manner as the Public Body has severed

information in the other Records. Therefore, I have accepted that this latter severed copy is the correctly severed version of that Record.

[para 42.] I have already found that the Public Body correctly applied section 16(2)(g) to the information severed on the Record that is Administrative Services, page 14. Therefore, I do not find it necessary to consider whether section 17(1)(a) also applies to the information severed on that same Record.

[para 43.] Section 17(1)(a) reads:

*17(1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to*

*(a) threaten anyone else's safety or mental or physical health.*

[para 44.] In Order 96-004, I said that where “threats” are involved, the Public Body must look at the same type of criteria as the harm test referred to in Order 96-003, in that (i) there must be a causal connection between disclosure and the anticipated harm; (ii) the harm must constitute “damage” or “detriment”, and not mere inconvenience; and (iii) there must be a reasonable expectation that the harm will occur.

[para 45.] Consequently, for section 17(1)(a) to apply, the Public Body must show that there is a threat, that the threat and the disclosure of the information are connected, and that there is a reasonable expectation that the threat will occur if the information is disclosed.

[para 46.] I have carefully reviewed the Public Body’s evidence and the information contained in the Records. I find that there is a threat to someone else’s safety, the threat and disclosure of the information are connected, and that there is a reasonable expectation that the threat will occur if the information is disclosed.

[para 47.] Therefore, I find that the Public Body correctly applied section 17(1)(a) to the information severed on the following pages of the Records:

Administrative Services: pages 6, 10 (first, second, and third paragraphs), 11  
Government Relations: pages 63, 66

## **2. Exercise of discretion under section 17(1)(a)**

[para 48.] Section 17(1)(a) is a discretionary (“may”) provision, in that a public body may nevertheless decide to disclose the information, even if the information falls within the provision.

[para 49.] To exercise its discretion properly, a public body must show that it considered the objects and purposes of the Act, and did not exercise its discretion for an improper or irrelevant purpose. In this case, I am satisfied that the Public Body removed only the information that met the criteria of section 17(1)(a), and left in all the information that the Applicant would need to further the Applicant’s claim.

[para 50.] Therefore, I find that the Public Body exercised its discretion properly under section 17(1)(a) when it refused to disclose the information severed on the following pages of the Records:

Administrative Services: pages 6, 10 (first, second, and third paragraphs), 11  
Government Relations: pages 63, 66

### **ISSUE F: Did the Public Body correctly apply section 23(1)(a) of the Act (“advice”).**

#### **1. Application of section 23(1)(a)**

[para 51.] The Public Body says that section 23(1)(a) of the Act applies to the information severed on the following pages of the Records:

Administrative Services: page 10 (fourth paragraph)  
Government Relations: pages 63, 66

[para 52.] I have already found that the Public Body correctly applied section 17(1)(a) to the information severed on the following pages of the Records:

Government Relations: pages 63, 66

[para 53.] Therefore, I do not find it necessary to consider whether section 23(1)(a) also applies to that same information.

[para 54.] Section 23(1)(a) reads:

*23(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal*

*(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or a member of the Executive Council.*

[para 55.] To correctly apply section 23(1)(a), there must be “advice, proposals, recommendations, analyses or policy options” (“advice”), and the “advice” must be

(a) sought or expected, or part of the responsibility of the person by virtue of that person’s position,

(b) directed toward taking an action, and

(c) made to someone who can take or implement the action.

[para 56.] I have carefully reviewed the information the Public Body severed under section 23(1)(a). I find that the information could reasonably be expected to reveal “advice”, and that the above criteria for “advice” have been met.

[para 57.] Therefore, I find that the Public Body correctly applied section 23(1)(a) to the information severed on the following page of the Records:

Administrative Services: page 10 (fourth paragraph)

## **2. Exercise of discretion under section 23(1)(a)**

[para 58.] Section 23(1)(a) is a discretionary (“may”) provision, in that a public body may nevertheless decide to disclose the information, even if the information falls within the provision.

[para 59.] To exercise its discretion properly, a public body must show that it considered the objects and purposes of the Act, and did not exercise its discretion for an improper or irrelevant purpose. In this case, I am satisfied that the Public Body removed only the information that met the criteria of section 23(1)(a), and left in all the information that the Applicant would need to further the Applicant’s claim.

[para 60.] Therefore, I find that the Public Body exercised its discretion properly under section 23(1)(a) when it refused to disclose the information severed on the following page of the Records:

Administrative Services: page 10 (fourth paragraph)

**ISSUE G: Did the Public Body respond to the Applicant openly, accurately and completely, as provided by section 9(1) of the Act?**

**1. General**

[para 61.] The Applicant complains that certain records were “missing” from the Public Body’s records, as follows:

- (i) documentation relating to a particular meeting between the Applicant and a number of the Public Body’s representatives
- (ii) documentation relating to a decision made by the Public Body’s Appeals Commission to grant the Applicant funding for retraining as opposed to funding for a business
- (iii) a report about the Applicant, written by one of the Public Body’s employees

[para 62.] Since those records are “missing” in the Applicant’s view, the Applicant believes that the Public Body did not respond to the Applicant openly, accurately and completely, as provided by section 9(1) of the Act.

[para 63.] Section 9(1) reads:

*9(1) The head of a public body must make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely.*

[para 64.] The Public Body gave evidence about the extensive search it conducted for the records the Applicant says are missing. However, the Public Body says it could not locate the particular records the Applicant was seeking.

[para 65.] I have reviewed all the records the Public Body provided to me, before and after the inquiry date. I have also considered all the circumstances that the Applicant and the Public Body raised during the inquiry. On balance, I find the following.

***(i) Documentation relating to a particular meeting between the Applicant and a number of the Public Body's representatives***

[para 66.] The Applicant says that one of the Public Body's employees took notes during a particular meeting between the Applicant and a number of the Public Body's representatives. The Public Body has identified that meeting as having occurred on June 9, 1992. I have reviewed the relevant record and confirm that recorded date. The individual who allegedly took the notes is no longer employed by the Public Body.

[para 67.] The Public Body says that it cannot find any handwritten notes for that meeting. In the Public Body's view, if notes had been taken, they would have been used for follow-up purposes. Once the notes had served their purpose, they would have been destroyed.

[para 68.] I accept the Public Body's explanation as plausible. If handwritten notes of the meeting did exist at one time, it is most likely they would have been treated as transitory and destroyed after serving their purpose. Therefore, I find that the handwritten notes do not presently exist.

***(ii) Documentation relating to a decision made by the Public Body's Appeals Commission to grant the Applicant funding for retraining as opposed to funding for a business***

[para 69.] In the Applicant's view, there should be a document as to how the Appeals Commission arrived at its 1990 decision to offer a grant of money for a business, in lieu of vocational rehabilitation. The Applicant notes that the Appeals Commission also decided to add on an additional amount of money from what the Vocational Rehabilitation Department initially offered to the Applicant in 1988, but nothing explains how the Appeals Commission arrived at that decision either. The Applicant wants documents that explain these decisions.

[para 70.] The Public Body said that it was able to find documents surrounding the issue, such as documents setting out the history and chronology of the issue, and factors indicating the Applicant's eligibility, but it could not find one particular document that outlined how the decision was made. Consequently, I have reviewed all the records dating back to 1988.

[para 71.] On May 12, 1988, the Public Body's Vocational Rehabilitation Department and the Applicant discussed the option of the Public Body's providing financial assistance to the Applicant to start a

business, instead of providing further vocational rehabilitation services to the Applicant. The Applicant subsequently submitted a business proposal. On July 11, 1988, the manager of the Public Body's Vocational Rehabilitation Department sent a letter to the Applicant, indicating approval of the Applicant's request for a "rehabilitation grant" of a specified amount to start a business. The letter indicates that the grant represents a completion of the rehabilitation services provided to the Applicant by the Public Body.

[para 72.] It appears that the Applicant did not accept this grant. Instead, on July 31, 1989, the Applicant appealed the level of benefits received through the Vocational Rehabilitation Department, among other matters. An August 16, 1989 Appeals Commission Memorandum summarizes the evidence heard on the appeal, and discusses the submissions made by the Applicant's representative. That Memorandum also sets out (on pages one and two) the grant previously approved by the Vocational Rehabilitation Department, as well as an additional amount requested by the Applicant. Those two amounts equal the amount finally granted to the Applicant in the Appeals Commission's February 28, 1990 decision.

[para 73.] The February 28, 1990 decision states that, on the matter of vocational rehabilitation assistance, the Appeals Commission is prepared to offer the Applicant a grant of a specific amount, equivalent to two years of academic training. The grant is to allow the Applicant to become self-employed and is in lieu of any further services or assistance from the Vocational Rehabilitation Department. The February 28, 1990 decision also says the Appeals Commission took into account new information (medical examinations), as well as a letter from the Applicant's representative, dated February 12, 1990, in coming to its decision.

[para 74.] Therefore, I find that the rationale for the Appeals Commission's decision is stated both in the February 28, 1990 decision itself and in the August 16, 1989 Memorandum. The Public Body says it has provided both those records to the Applicant.

***(iii) Report about the Applicant, written by one of the Public Body's employees***

[para 75.] The Applicant says that one of the Public Body's employees wrote a report about the Applicant, at the request of an official of the Public Body. The Applicant thinks the report was written sometime around the June 9, 1992 meeting which included that official, but the Applicant is unsure about whether the report was written before or after that meeting.

[para 76.] The Public Body believes that the report of which the Applicant speaks is an April 30, 1992 memo written by one of the Public Body's employees before the June 9, 1992 meeting. The evidence of that employee is that the report was in the nature of a briefing document for the meeting. The Applicant says that the April 30, 1992 memo is not the report the Applicant remembers seeing.

[para 77.] I have considered the employee's evidence and the parties' submissions, and have reviewed numerous letters and memos written by that employee during the period of April 30, 1992 to March 11, 1993. I find that the April 30, 1992 memo is the "missing" report about the Applicant. In my view, it is the only record that meets the Applicant's description. The Public Body says it has provided that record to the Applicant.

## **2. Conclusion under section 9(1)**

[para 78.] Given my findings stated above, I find that the Public Body responded to the Applicant openly, accurately and completely, as provided by section 9(1).

## **V. ORDER**

### **ISSUE A: Are certain records excluded from the application of the Act by section 4(1)(c) (record created by or for or in the custody or under the control of an officer of the Legislature and relates to the exercise of that officer's functions under an Act of Alberta)?**

[para 79.] The following pages of the Records are excluded from the application of the Act by section 4(1)(c):

Appeals Commission: pages 12, 25, 26

Government Relations: pages 108, 109, 111

Office of the Vice President: pages 17, 18, 19, 20-21, 22

[para 80.] Consequently, I have no jurisdiction over those pages of the Records.



**ISSUE B: Are certain records excluded from the application of the Act by section 4(1)(l) (record created by or for a member of the Executive Council or a Member of the Legislative Assembly and sent to a member of the Executive Council or a Member of the Legislative Assembly)?**

[para 81.] The following pages of the Records are excluded from the application of the Act by section 4(1)(l):

Government Relations: pages 34, 95, 96-100, 269-270, 273, 274-275, 292-293, 299, 306, 312

[para 82.] Consequently, I have no jurisdiction over those pages of the Records.

**ISSUE C: Are certain records excluded from the application of the Act by section 4(1)(k) (record created by or for the office of a Member of the Legislative Assembly that is in the custody or control of the Legislative Assembly Office)?**

[para 83.] The Public Body says that the following pages of the Records are excluded from the application of the Act by section 4(1)(k):

Government Relations: pages 34, 95, 96-100, 269-270, 273, 274-275, 292-293, 299, 306, 312

[para 84.] As I have found that all those pages of the Records are excluded from the application of the Act by section 4(1)(l), I do not find it necessary to decide whether those same pages of the Records are also excluded from the application of the Act by section 4(1)(k).

**ISSUE D: Did the Public Body correctly apply section 16(2)(g) of the Act (third party's name appearing with other personal information about the third party, or disclosure of the name would reveal personal information about the third party)?**

[para 85.] The Public Body correctly applied section 16(2)(g) to the personal information severed on the following pages of the Records:

Administrative Services: pages 14, 22  
Government Relations: pages 166, 178, 179, 213-214, 228, 231

[para 86.] I uphold the Public Body's decision to refuse to disclose the personal information severed on the foregoing pages of the Records. The Public Body must not disclose that personal information.

**ISSUE E: Did the Public Body correctly apply section 17(1)(a) of the Act (disclosure harmful to individual safety)?**

[para 87.] The Public Body correctly applied section 17(1)(a) to the information severed on the following pages of the Records:

Administrative Services: pages 6, 10 (first, second, and third paragraphs), 11  
Government Relations: pages 63, 66

[para 88.] The Public Body also exercised its discretion properly in withholding the foregoing information.

[para 89.] Therefore, I uphold the Public Body's decision to refuse to disclose the information severed on the foregoing pages of the Records.

**ISSUE F: Did the Public Body correctly apply section 23(1)(a) of the Act ("advice").**

[para 90.] The Public Body correctly applied section 23(1)(a) to the information severed on the following page of the Records:

Administrative Services: page 10 (fourth paragraph)

[para 91.] The Public Body also exercised its discretion properly in withholding the foregoing information.

[para 92.] Therefore, I uphold the Public Body's decision to refuse to disclose the information severed on the foregoing page of the Records.

**ISSUE G: Did the Public Body respond to the Applicant openly, accurately and completely, as provided by section 9(1) of the Act?**

[para 93.] The Public Body responded to the Applicant openly, accurately and completely, as provided by section 9(1) of the Act.

Robert C. Clark  
Information and Privacy Commissioner