

**ALBERTA**  
**OFFICE OF THE INFORMATION AND  
PRIVACY COMMISSIONER**

**ORDER 2001-001**

**April 27, 2001**

**CHILDREN'S SERVICES**

**Review Number 1789**

Office URL: <http://oipc.ab.ca>

**Summary:** The Applicant asked for a copy of a special case review prepared by Children's Services after the death of a child. Children's Services released part of the review, but withheld or severed information under sections 5(2), 16 and 23(1)(a) of the *Freedom of Information and Protection of Privacy Act*. The Assistant Commissioner partially upheld the application of section 5(2) and section 16 to the records, and ordered the release of other information in the records.

**Statutes Cited:** *Freedom of Information and Protection of Privacy Act*, S.A. 1994 C. F-8.5, as amended, ss. 1(1)(h), 1(1)(n), 5(2), 6(1), 16, 23, 67, 68; Alberta Regulation 200/95, as amended, s. 15(1)(b); *Child Welfare Act* S.A. 1984 c. C-8.1, as amended, ss. 1(1)(d), 3, 4, 5, 91(1), 91(4); *Government Organization Act*, as amended, S.A. 1994 c. G-8.5 s. 8, *Interpretation Act*, R.S.A. 1980 c. I-7, as amended, s. 25(1)(p).

**Authorities Cited: Alberta Orders:** 96-008, 96-019, 97-002, 98-001, 98-004, 99-027, 2000-021

**I. BACKGROUND**

[para. 1.] On September 27, 1999, the Applicant made an access request to Children's Services under the *Freedom of Information and Protection of Privacy Act* (the "Act") for a copy of a special case review prepared after the death of a child who had been involved with Children's Services. The special case review was authorized pursuant to the *Government Organization Act*. Children's Services severed or withheld all of the records.

[para. 2.] On December 29, 1999, the Applicant asked the Commissioner to review that response. Mediation was authorized. During mediation, Children's Services released

some severed records. The Applicant was not satisfied with the extent of the release and asked that the matter go to inquiry.

[para. 3.] A Notice of Inquiry was issued on November 23, 2000. Two of the three affected parties were given notice of the inquiry. The third affected party no longer lived in Alberta and could not be located.

[para. 4.] The Applicant, Children's Services, and one of the affected parties provided written submissions to me. A written inquiry was held and concluded on February 9, 2001.

## **II. RECORDS AT ISSUE**

[para. 5.] This inquiry concerns the remaining severed and withheld information in 19 pages of records. I will refer to each record using the page number located at the lower right hand corner of each page.

## **III. ISSUES**

[para. 6.] The Notice of Inquiry identified two issues:

Does section 16 apply to the records?

Did Children's Services properly apply section 23 to the records?

[para. 7.] At inquiry the Applicant challenged the original application of section 5(2) of the Act to the records. Since section 5(2) limits my jurisdiction, I will consider it in this inquiry. There is now a third issue to deal with in this inquiry:

Does section 5(2) apply to the records, or to information in the records?

[para. 8.] If section 16 applies to the records, section 67(2) of the Act requires the Applicant to bear the burden of proving that disclosure of third party personal information would not be an unreasonable invasion of those third parties' personal privacy. Nevertheless, I will review Children's Services decision under section 16. Section 67(1) of the Act directs that Children's Services has the burden of proof for the other two issues.

## **IV. DISCUSSION**

[para. 9.] I will consider the jurisdictional issue first.

### **ISSUE A. Does section 5(2) apply to the records, or to information in the records?**

**(a.) What information is covered by section 91(4) of the *Child Welfare Act*?**

**(i.) The legislative framework**

[para. 10.] Section 5(2) of the Act (the “paramountcy provision”) reads:

5(2) If a provision of this Act is inconsistent or in conflict with a provision of another enactment, the provision of this Act prevails unless

- (a) another Act, or
- (b) a regulation under this Act

expressly provides that the other Act or regulation, or a provision of it, prevails despite this Act.

[para. 11.] Section 15(1)(b) of Alberta Regulation 200/95, as amended, (the “FOIP Regulation”) is on point. It reads:

15(1) The following provisions prevail despite *the Freedom of Information and Protection of Privacy Act*:

- ...
- (b) *Child Welfare Act*, sections ... 91(4)

[para. 12.] Section 91(4) of the *Child Welfare Act* (the “CWA”) must be read with other provisions of the CWA:

91(1) Except in proceedings under this Act ... the Minister and any person employed or assisting in the administration of this Act shall preserve secrecy with respect to the name and any other identifying information of a person that comes to his attention under this Act and shall not disclose or communicate that information to any other person except as otherwise provided in this section.

(2)... the Minister or any person employed or assisting in the administration of this Act may disclose or communicate any information referred to in subsection (1) to the following:

...

(4) Notwithstanding subsection (2), the name of a person who reports to a director pursuant to section 3 or 4 shall not be disclosed or communicated to any person without the consent in writing of the Minister. [my emphasis]

[para. 13.] Section 3(1) of the CWA states:

3(1) Any person who has reasonable and probable grounds to believe and believes that a child is in need of protective services shall forthwith report the matter to a director.

[para. 14.] Section 91(4) of the CWA creates an informant privilege that protects the “name” of a person reporting child protection concerns to a director under section 3 or 4 of the CWA (only section 3(1) is relevant to this inquiry). Following Order 99-027, I read “name” to include any information that could disclose the identity of a person who reports under section 3.

[para. 15.] Before I rule on whether any of the withheld information falls within section 91(4) of the CWA, I must determine whether any of the information falls within section 3(1) of the CWA.

***(ii.) Who is a “child” under section 3(1) of the CWA?***

[para. 16.] Section 1(1)(d) of the CWA defines a “child” as a person who is under the age of 18 years at the time of the report: see Order 99-027.

***(iii.) When may a child need “protective services”?***

[para. 17.] Section 1(2) of the CWA says that a child is in need of protective services if there are reasonable and probable grounds to believe that the survival, security or development of that child is endangered. The danger may arise because a guardian is unable or unwilling to provide the child with the physical necessities of life, the child has been physically injured, sexually or emotionally abused, or is at risk for being so harmed.

***(iv.) What is a “report”?***

[para. 18.] The CWA does not define a “report” for the purposes of the Act. The Canadian Oxford Dictionary (Oxford University Press: 1998) defines “report” as: “[to] bring back or give an account of ... state as fact or news, narrate or describe or repeat.” The Canadian Law Dictionary (2<sup>nd</sup> Edition) (Carswell: 1995) definition is as broad: “Report: an account of an event. It can be oral or written. Even an act or gesture that conveys information without words could amount to a report.”

[para. 19.] I interpret a “report” made under the CWA to include any communication, however made, from any person to a director concerning the physical, mental or emotional welfare of a person under the age of 18 years.

***(v.) Who can report under section 3(1) of the CWA?***

[para. 20.] Section 3(1) of the CWA refers to “any person.” Person is not a defined term in the CWA. However, section 25(1)(p) of the *Interpretation Act* states that in an enactment a reference to a “person” includes a corporation. Therefore, section 3(1) imposes a general mandatory reporting duty upon all persons, either natural or artificial.

[para. 21.] The scope of the section 3(1) reporting duty must be interpreted by looking to its immediate legislative context. Section 3(1) is found in Part 1 of the CWA, titled “Preliminary Intervention.” The CWA directs that upon receipt of a report under section 3(1) and “any other allegation or evidence that a child may be in need of protective services”, a child welfare director must examine the report and investigate it: section 5(1). If a director refers that child or his family to a community resource, then “the community resource shall report to the director any matter respecting the protection of the child that may require investigation by the director”: section 5(2).

[para. 22.] Section 5(2) creates a duty to report any protection concerns that a community resource has in relation to a child who has been referred to it. This means that the general

reporting duty under section 3, and the corresponding informant privilege under section 91(4), is not the same as the duty found in section 5(2) of the CWA. Section 5(2) creates a specific duty on a community resource to report protection concerns after a report has been made under section 3, the Minister has investigated it, then referred a child or family to the resource.

[para. 23.] The expansive interpretation of section 3 argued by Children's Services would make the reporting duty in section 5(2) redundant, offending the interpretive principle of presumed coherence discussed in Ruth Sullivan Ed., Driedger on the Construction of Statutes (Third Edition) (Butterworths: 1994) at page 176: see Order 2000-021. Therefore, I cannot accept it. In my view, a report made by or on behalf of a community resource to a director relating to a child who has been formally or functionally referred to that community resource is made under section 5(2) of the CWA, not section 3(1) of the CWA.

***(vi.) What information falls within section 3(1) of the CWA, and in turn within section 91(4) of the CWA?***

[para. 24.] After reviewing the records, considering all of the arguments made on this issue by the parties, and applying the analysis set out above, I find that the first two of the reports, found at page 13 of the records, fall within section 3(1) of the CWA. The persons who made these reports could be circumstantially identified by the information they provided. Therefore, I find that Children's Services correctly decided that the information fell within section 91(4). I find that the rest of the reports found at pages 7, 8, 10, 11, and 13 were not made under section 3(1) of the CWA. They do not fall within section 91(4) of the CWA.

**(b.) Is there a conflict in operation between the Act and section 91(4) of the CWA, engaging section 5(2) of the Act?**

[para. 25.] The Applicant's request was made under section 6(1) of the Act. It reads:

6(1) An applicant has a right of access to any record in the custody or control of a public body, including a record containing personal information about the applicant.

[para. 26.] Section 91(4) of the CWA permits the release of the identifying information of an informant only if written ministerial consent to the disclosure is given. This process conflicts with the general right of access to records under section 6(1) of the Act. Since section 15(1)(b) of the FOIP Regulation expressly says that section 91(4) is paramount to the Act, the paramountcy provision is triggered.

[para. 27.] Consequently, I have no jurisdiction over the information in the records to which section 91(4) of the CWA applies. The Applicant cannot get access to the information in the records under the Act.

**(c.) Conclusion under section 5(2) of the Act**

[para. 28.] Section 5(2), the paramountcy provision, applies to the first two passages of information found on page 13. It does not apply to the remaining information at pages 7, 8, 10, 11, and 13 of the records. This latter information is subject to the Act.

[para. 29.] Children’s Services claimed in the alternative that section 16 applies to the information that is not shielded by the paramountcy provision.

### **ISSUE B. Does section 16 apply to the records?**

[para. 30.] Section 16(1) states:

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 information.

[para. 31.] For section 16(1) to apply, two criteria must be met: 1) the information is personal information of a third party, and 2) disclosure would be an unreasonable invasion of that third party’s personal privacy, considering the relevant circumstances.

#### ***(i.) Do the records contain “personal information” of a third party?***

[para 32.] The first issue is whether any of the remaining severed information in the records is “personal information” of a third party under the Act. “Personal information” is defined in a non-exhaustive fashion in section 1(1)(n) of the Act. The relevant provisions read:

1(1) In this Act ...

(n) ‘personal information’ means recorded information about an identifiable individual, including

(i) the individual’s name...

...

(iii) the individual’s age, sex, marital status or family status...

...

(vi) information about the individual’s health and health care history, including information about a physical or mental disability...

(vii) information about the individual’s educational, financial employment or criminal history...

(viii) anyone else’s opinion’s about the individual... [my emphasis]

[para. 33.] “Personal information” also includes any recorded information about an identifiable individual, including facts and events discussed, observations made, and the circumstances in which information is given: see Order 96-010. A corporation or any entity other than a human being cannot have personal information for the purposes of the Act: see Order 96-019. Section 1(1)(r) of the Act defines “third party” as a “person, a group of persons or an organization other than an applicant or a public body.”

[para. 34.] Much of the information in the records is personal information of third parties. However, Children’s Services severed information on pages 3, 7, 9, 11 and 12 that goes to

organizations or to workers who cannot be identified. This latter information is not third party personal information under section 16. I intend to order the release of that information.

[para. 35.] My comments now go to the two categories of third party personal information in the records. One pertains to the clients of the child welfare system, including the deceased child. The other pertains to public body employees who provided services to those clients. I will deal with each of these two categories as is necessary.

***(ii.) Does section 16(2)(b) or (e) apply to information in the records?***

[para. 36.] The Applicant claims that some of the third party personal information in the records could be disclosed under section 16(2)(b) or (e) of the Act:

16(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

...

(b) there are compelling circumstances affecting anyone's health or safety...

...

(e) the information is about the third party's classification...or employment responsibilities...as an officer, employee or member of a public body...

section 16(2)(b)

[para. 37.] Order 97-002 sets out the test under what is now section 16(2)(b): 1) there are compelling circumstances presently affecting a person's health or safety; and 2) there is a causal connection between disclosure and those circumstances.

[para. 38.] After reviewing the evidence and the submissions, and applying the above test, I find that the Applicant's general concerns about the child welfare process do not satisfy the test. Section 16(2)(b) does not apply.

Section 16(2)(e)

[para. 39.] The Applicant argues that some third party personal information in the records is about third party employment responsibilities as an employee of a public body.

[para. 40.] The records contain the personal information of employees who gave their information in the context of their employment with the public body. However, that information is intertwined with personnel evaluations of individuals, or the personal information of the clients. However, there are isolated job titles severed on page 14 of the records that come within section 16(2)(e), which permits the disclosure of job titles: see Order 98-001. I will order that this information be disclosed to the Applicant.

***(iii.) Would disclosure of the personal information be presumed to be an unreasonable invasion of a third party's personal privacy under section 16(4)?***

[para. 41.] The relevant provisions of section 16(4) read:

16(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

(b) the personal information is an identifiable part of a law enforcement record...

...

(d) the personal information relates to employment or educational history,

(f) the personal information consists of personal recommendations or evaluations...or personnel evaluations,

(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 would reveal personal information about the third party,

### Section 16(4)(a)(g)(i) and (ii)

[para. 42.] After examining the records and all of the arguments of the parties, I find that section 16(4)(a), or section 16(4)(g) (i) or (ii), applies to client and employee third party personal information on pages 1 through 13, 16, 17 and 19. I will not examine alternate claims made under section 16(4) for this information.

### Section 16(4)(b)

[para. 43.] Children's Services claimed in essence that child welfare procedures are "law enforcement" records under section 16(4)(b), as a penalty or sanction can be imposed following an investigation authorized under the CWA. Third party personal information derived from police reports is also covered by section 16(4)(b).

[para. 44.] Section 1(1)(h) of the Act defines "law enforcement." The relevant portions read:

1(1)(h) 'law enforcement' means

(i) policing, including criminal intelligence operations,

(ii) a police, security or administrative investigation, including the complaint giving rise to the investigation, that leads or could lead to a penalty or sanction...

(iii) proceedings that lead or could lead to a penalty or sanction being imposed by the body conducting the proceedings, including a penalty or sanction imposed by the body conducting the proceedings or by another body to which the results are referred...[my emphasis]

[para. 45.] I agree that the CWA grants Children's Services investigatory powers and its investigations could lead to a penalty or sanction. Although some child welfare processes, such as investigations, amount to "law enforcement" under the Act, I would not accept the too-broad argument that all child welfare records are necessarily law enforcement records under the Act. After analysing the records, I find that section 16(4)(b) applies to information severed on page 4 (the first and third applications), 6 (the fifth and sixth applications), 7 (the last application), 12 (the first application), and 14 (other than the job titles). Section 16(4)(b) does not apply to the information on pages 1 and 5. I find that section 16(4)(g) applies to the information on page 5 to which section 16(4)(b) does not



apply. I further find that section 16(4)(a) applies to the information on page 1 to which section 16(4)(b) does not apply.

#### Section 16(4)(f)

[para. 46.] Children’s Services claimed that section 16(4)(f) applied to employee personal information in the records collected during the review process. I note that the point of the review process is to “assess the accountability and responsibilities of the Department staff involved in the incident”. The guidelines also empower the reviewers to make recommendations to the Minister.

[para. 47.] In Order 97-002, the Commissioner considered what is now section 16(4)(f) (then section 16(2)(f)). He stated: “in order to fall within section 16(2)(f) ... the recommendations, evaluations or references must be about an identifiable individual ... and must be provided by someone other than that identifiable individual.” [my emphasis] An assessment based upon professional judgment and performed by a person who had the authority to do that evaluation was an “evaluation” for the purposes of that section of the Act.

[para. 48.] After applying the test set out in Order 97-002, I find that section 16(4)(f) applies to all of the information for which it was claimed, other than some general reflections on the public body’s approach to the case that are not personnel evaluations of individually identifiable employees. This information, to which section 16 does not apply, was collected under the heading “Review Team Observation” at pages 3 and 9 of the records. I find that the presumption of unreasonable privacy invasion under section 16(4) (f) of the Act applies to all of the intertwined information mentioned at paragraph 40.

#### Section 16(4)(d)

[para. 49.] Since I have already found that other provisions of section 16(4) apply to the information for which 16(4)(d) was claimed, I need not consider if section 16(4)(d) applies.

#### ***(iv.) What relevant circumstances were considered?***

[para. 50.] The relevant provisions of section 16(5) read:

16(5) In determining under subsection (1) and (4) 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

- (a) the disclosure is desirable for the purpose of subjecting the activities of... a public body to public scrutiny,
- (b) the disclosure is likely to promote public health and safety...
- ...
- (f) the personal information has been supplied in confidence,
- ...

(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant...

[para. 51.] I will consider each of the relevant circumstances as they apply to the two categories of third party personal information.

s. 16(5)(a)

[para. 52.] If section 16(5)(a) applies, it is a relevant circumstance that weighs in favour of disclosure. Children's Services says section 16(5)(a) is not a relevant circumstance. A considerable amount of information has already been disclosed to the public and the Applicant, and the special case review results were largely published in an extensive news release. This satisfies the need for public scrutiny.

[para. 53.] The Applicant argues that the need for public scrutiny is not satisfied. In support of that argument, the Applicant referred to speeches in Hansard made by members of the Legislative Assembly who raised the death of this child.

[para. 54.] In Order 97-002, Commissioner Clark set out criteria for deciding whether section 16(5)(a) is a relevant circumstance: 1) more than one person has decided that public scrutiny of the public body is necessary; and 2) the applicant's concerns are about the actions of more than one person within the public body; and 3) the public body has not previously disclosed a substantial amount of information about the matter.

[para. 55.] I give considerable weight to the substantial amount of information released by Children's Services about this case. I am not persuaded that the speeches the Applicant raised are evidence that the speakers have decided that public scrutiny of Children's Services is required in relation to this specific death. These speeches are more concerned with using this death as an illustration of the consequences of alleged systemic problems with funding and accountability. I accept that the Applicant's concerns are about the actions of more than one person in the public body.

[para. 56.] After considering all of the evidence and the submissions, I find that section 15(5)(a) is not a relevant circumstance in relation to either the client or the employee personal information.

Section 16(5)(f)

[para. 57.] Children's Services claimed this circumstance applied to employee personal information found in records or given in interviews during the case review and weighed against disclosure. It argued these interviews were conducted on a confidential basis. It also argued that section 91(1) of the CWA was a relevant consideration, because it requires that the names and identifying information of the all client third parties are to remain confidential.

[para. 58.] There is no sworn evidence that the employee interviews were done on a confidential basis. There is no internal evidence of confidentiality in the records. Further,

there is nothing in the Guidelines used to prepare the special case review that indicates that employee interviews are conducted confidentially. In fact, those Guidelines expressly acknowledge that special case reviews are subject to the Act.

[para. 59.] A confidentiality provision indicates that the information to which it applies is sensitive, but it does not necessarily mean that the information was originally supplied in confidence: see Order 98-004. There is no evidence that the client third party personal information in the records was originally supplied in confidence. For these reasons, I find that section 16(5)(f) is not a relevant circumstance in relation to either the client or the employee personal information.

#### s. 16(5)(h)

[para. 60.] Children's Services argued that section 16(5)(h) is a relevant circumstance. Disclosure could unfairly damage the reputation of the public body's employees referred to in the records. None of these employees was found to have acted improperly.

[para. 61.] I agree that there is no evidence that any of the employees involved acted improperly. The employees had to provide their personal information to the reviewers. Because of their positions and the confidentiality provision in the CWA, these employees cannot publicly explain their role in the case and defend their exercise of judgment. Their reputation could be unfairly damaged in the larger community simply by association with this case.

[para. 62.] I acknowledge that this analysis may seem artificial to the Applicant, especially where the names of some of those employees has already been disclosed elsewhere, but as I discuss below, disclosure elsewhere is not a decisive circumstance under the Act. It is just one of the circumstances I have to weigh.

[para. 63.] In summary, I accept that section 16(5)(h) is a relevant circumstance that weighs against the disclosure of the personal information of the employees in the records.

#### Other relevant circumstances

[para. 64.] The Applicant also argued that it would not be unreasonable to release personal information that has already been made public. As the Applicant put it: "I submit the veil of confidentiality has been lifted and cannot be replaced."

[para. 65.] I do not agree that once personal information is in the public domain it is inconsistent to sever the same or related personal information under the Act. Disclosure of personal information in the public realm that may or may not be accurate is not a decisive circumstance justifying disclosure. The privacy protections given to a person under the Act are not negated by the public exposure of personal information. There is a difference between having knowledge of information, and having a right to obtain that information under the Act: see Order 96-008.

***(v.) Conclusion under section 16(5)***

[para. 66.] After considering all the relevant circumstances under section 16(5), I find that the relevant circumstances weigh in favour of disclosing the name of the dead child wherever it appears in the records, as well as the child's personal information where it is not intertwined with other third party personal information, on pages 1, 3, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17 and 19. Disclosure of that personal information would not be an unreasonable invasion of personal privacy under the Act. I will append a highlighted copy of the records showing the information that must be disclosed and provide it to Children's Services.

[para. 67.] I find it proper to release the isolated personal information of the child in the records and portions of the review team observations because, unlike in Order 97-002, a young child involved with Children's Services died. I give this relevant circumstance considerable weight. I also considered the publication of the fatality inquiry report to be a relevant circumstance that weighs in favor of disclosing the child's isolated personal information, as well as additional information from the special case review.

[para. 68.] This death is a public tragedy. The news release Children's Services relied upon extensively in this inquiry dealt in generalities, since it was published before the fatality inquiry report. The public body's decision to deal in generalities was an appropriate exercise of discretion at the time. However, I do not find it is quite enough in this case.

[para. 69.] Having said that, I find that the relevant circumstances do not weigh in favour of disclosing the highly sensitive personal information of the clients, or the personal information of the employees.

***(vi.) Did the Applicant meet the burden of proof under section 67(2)?***

[para 70.] Section 67(2) of the Act directs that the Applicant bears the burden of proving that disclosure of third party personal information would not be an unreasonable invasion of privacy under the Act. The Applicant bears this burden for the third party personal information other than that of the deceased.

[para. 71.] After carefully considering the evidence and the submissions, I conclude that the Applicant has not discharged this burden.

***(vii.) Conclusion under section 16***

[para. 72.] I conclude that section 16(1) and (4) applies to all of the information to which it was applied, other than: isolated job titles found on page 14; information on pages 3, 7, 9, 11 and 12 that goes to organizations or to workers who cannot be identified; information under the heading "Review Team Observation" at pages 3 and 9 of the records; the deceased child's personal information, where it is not intertwined with other third party personal information, on pages 1, 3, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17 and 19.

**ISSUE C. Did Children’s Services properly apply section 23 to the records?**

[para. 73.] As I have found that Children’s Services properly severed information on page 19 of the records under sections 16(1) and 16(4)(f), I need not consider whether section 23(1)(a) applies to that information as well.

**VII. ORDER**

[para. 74.] I make the following Order under section 68 of the Act:

1. I find that section 5(2) of the Act applies to the first two passages of information at page 13 of the records. I have no jurisdiction over this information. The Applicant cannot get access to the information under the Act.
2. I find that section 5(2) of the Act does not apply to the remaining passages of information at pages 7, 8, 10, 11, and 13 of the records.
3. I find that section 16(1) of the Act applies to the information as claimed, except for the information referenced at paragraph 4 below.
4. I find that section 16(1) of the Act does not apply to: isolated job titles severed on page 14 of the records; information on pages 3, 7, 9, 11 and 12 that goes to organizations or to workers who cannot be identified; information under the heading “Review Team Observation” at pages 3 and 9 of the records; the deceased child’s personal information, where it is not intertwined with other third party personal information, on pages 1, 3, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17 and 19. I order Children’s Services to release this information to the Applicant within 50 days of receipt of this Order. I further order Children’s Services to provide me with written notice that it has complied with this part of the Order. I will provide Children’s Services with a highlighted copy of the records showing the information that I have ordered disclosed.
5. As I do not need to consider whether section 23 applies, I make no order as to the application of section 23 of the Act.

Frank Work, Q.C.  
Assistant Information and Privacy Commissioner