

ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER F2005-009

July 25, 2005

ALBERTA SENIORS AND COMMUNITY SUPPORTS

Review Number 2963

Office URL: <http://www.opic.ab.ca>

Summary: The Applicant applied under the *Freedom of Information and Protection of Privacy Act* (the “Act”) to Alberta Community Development, now Alberta Seniors and Community Supports, for access to information regarding complaints under the *Protection of Persons in Care Act* in relation to three nursing home facilities owned by Qualicare Health Services Corporation (“Qualicare.”). Alberta Community Development refused access to all the information in a summary record that was responsive to the Applicant’s access request. The Commissioner found that the record included information that was not responsive to the Applicant’s access request. That information was omitted from the scope of the inquiry. The status of Qualicare as a “third party” or a “public body” was raised as an issue. Qualicare was determined to be a “public body.” The Commissioner found that Alberta Community Development did not properly apply section 20 of the Act (law enforcement) or section 25 (harm to economic and other interests of a public body) to the record and ordered release of the information in the record, except for that information that was not responsive to the Applicant’s access request. The Applicant also argued that the information in the record should be released under section 32 of the Act (public interest). Since the information in the record was to be released, it was not necessary to consider the applicability of section 32.

Statutes Cited: AB: *Criminal Code*, R.S.C. 1985, c. C-46; *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1(g)(ii), 1(h)(ii), 1(j)(ii), 1(p)(vii), 1(r), 16, 17, 20, 20(1)(a), 20(1)(c), 20(1)(d), 25, 25(1), 25(1)(c), 25(1)(c)(i), 25(1)(c)(ii),

32, 72; *Health Facilities Review Committee Act*, R.S.A. 2000, c. H-3; *Nursing Homes Act*, R.S.A. 2000, c. N-7; *Protection of Persons in Care Act*, R.S.A. 2000, c. P-29, ss. 1(a), 1(i), 2(1), 2(5), 7, 8, 8(3); *Regional Health Authorities Act*, R.S.A. 2000, c. R-10.

Orders Cited: AB: 96-003, 96-006, 96-010, 96-019, 97-005, 97-020, 98-019, 98-020, 99-010, 2001-008, F2002-001, F2002-024, F2003-005.

I. BACKGROUND

[para 1] The Applicant applied to Alberta Community Development under the *Freedom of Information and Protection of Privacy Act* (the “Act”), for access to information obtained pursuant to the *Protection of Persons in Care Act* (the “PPIC Act”). The request was narrowed to the following description for information obtained between April 1, 2000, and February 11, 2004:

Any information regarding those registered complaints that are in relation to facilities owned by Qualicare, meaning Jubilee Lodge Nursing Home, Northcott Lodge Nursing Home and Rivercrest Lodge Nursing Home.

[para 2] A two-page summary record was identified as being responsive to the Applicant’s access request. Alberta Community Development refused access to that record on the basis of section 16 (disclosure harmful to business interests of a third party), section 20(1)(a) (disclosure harmful to law enforcement), section 20(1)(c) (disclosure harmful to investigative techniques) and section 25(1)(c) (disclosure harmful to economic and other interests of a public body) of the Act.

[para 3] The Applicant requested a review of the decision of Alberta Community Development under the Act. Mediation did not resolve the issues, which proceeded to a written inquiry.

[para 4] Prior to the inquiry, a question arose as to the legal status of the owner/operator of the nursing homes, Qualicare Health Services Corporation (“Qualicare”). The question was whether Qualicare was a “third party” or a “public body” under the Act. In a letter dated January 5, 2005, Qualicare was identified as an affected party for the inquiry, and the issue of Qualicare’s status was added as an issue to the inquiry.

[para 5] Responsibility for the PPCI Act was transferred from Alberta Community Development to Alberta Seniors and Community Supports after the 2004 Provincial Election. In this Order, “Public Body” refers to either Alberta Community Development or Alberta Seniors and Community Supports, as the context requires.

II. RECORD AT ISSUE

[para 6] The record at issue consists of two pages entitled “Summary of allegations under Protection for Persons in Care concerning facilities under Qualicare Health Services Corporation” (“the Record”), dated February 17, 2004.

III. ISSUES

[para 7] The Notice of Inquiry identified the following four issues:

- Is Qualicare a “public body” as defined by the Act?
- Does section 16 of the Act (business interests) apply to the records/information?
- Did the Public Body properly apply section 20 of the Act (law enforcement) to the records/information?
- Did the Public Body properly apply section 25 of the Act (harm to economic and other interests of a public body) to the records/information?

[para 8] In the Applicant’s submission for the inquiry, the Applicant raised arguments concerning releasing the Record for reasons of public interest under section 32 of the Act.

[para 9] In its submission for the inquiry, the Public Body raised the applicability of section 20(1)(d) (disclosure revealing identity of confidential source of law enforcement information) of the Act to the Record. The Public Body and Qualicare also raised other preliminary issues.

IV. PRELIMINARY ISSUES

[para 10] The Public Body’s submission addressed section 17 (unreasonable invasion of personal privacy). The Public Body did not refer to section 17 to deny access to the Record in its initial refusal letter to the Applicant.

[para 11] The Public Body also stated that the release of the Record would be contrary to the purpose and intent of the PPIC Act, as it was not intended to be punitive and may identify alleged abusers incorrectly or family members. In addition, the Public Body states that the Applicant should have made a request to the Health Facilities Review Committee responsible for inspecting nursing homes.

[para 12] The Public Body and Qualicare in their submissions argued that the Record would be misleading in terms of attributing alleged abuse under the PPCI Act to facilities when the alleged abuse did not involve the facility. They argued this information should be severed under the Act. The resident or client who was the subject of an alleged abuse complaint may be housed at a Qualicare facility or perhaps the report of the abuse may have originated from an individual or service provider in the facility as

required under the mandatory reporting requirements under the PPCI Act. This argument raises an additional issue as to whether all of the information in the Record is responsive to the Applicant's access request.

Responsiveness of information in the Record

[para 13] Order 97-020 established that it is within the Commissioner's jurisdiction to review a public body's decision regarding a determination of what is responsive or not responsive to an access request. Information that is reasonably related to an access request is responsive. Order F2002-001 established that a broad view, rather than a narrow view, is required when determining what is responsive.

[para 14] The Record lists complaint files by year and charts the files under various column headings. One heading is "Alleged Abuser." Under this heading, the "Alleged Abuser" is either a "Service Provider" or "Family." "Service provider" is a defined term in section 1(i) of the PPCI Act meaning a person who provides services to a client and is employed by or provides the services on behalf of an agency.

[para 15] The issue of including files in the Record that list the "Alleged Abuser" as "Family" raises the issue of whether that information is responsive to the Applicant's access request. The Applicant's access request asked for information "regarding those registered complaints that are in relation to facilities owned by Qualicare." [emphasis added] Is it enough that either the complaint was reported by someone at the facility or that the client was lodged at the facility at the time of the complaint to include abuse complaints against "Family" as complaints that are in relation to Qualicare facilities? Both the Public Body and Qualicare argue the inclusion of the "Family" files may be inaccurately attributed to the facility if included. Based on the submissions of Qualicare and the Public Body and my review of the Record, I find that the "Family" files are not responsive to the Applicant's access request.

[para 16] I have therefore not considered in this inquiry any information in the Record concerning files that identify the "Alleged Abuser" as "Family", as that information is not responsive to the Applicant's access request. I have considered only the information in the Record concerning files that identify the "Alleged Abuser" as a "Service Provider".

Section 17

[para 17] The Public Body's submission raised the application of section 17 (unreasonable invasion of a third party's personal privacy). The Public Body in the initial refusal letter provided to the Applicant did not use this section. Since it is a mandatory section, I will address it.

[para 18] The Public Body submits that because the personal information has been eliminated from the Record, clarification of the Record would be required to properly interpret it. This would require release of personal information. Clarification of the

Record may identify persons involved with the complaint or could lead to incorrect speculation.

[para 19] I have reviewed the Record. On the face of the Record, there is no personal information as it is defined in the Act. The Public Body did not provide evidence to support the argument that the information in the Record constitutes personal information or could lead to revealing personal information as it is defined in the Act. The assertion that further requests for information to clarify the Record would result in release of personal information is speculative. Any further requests for information under the Act would be evaluated under the Act at that time and be based on the information requested.

Release of Record contrary to PPIC Act and Applicant should have applied to Health Facilities Review Committee

[para 20] The Public Body argues that release of the Record is contrary to the PPIC Act. However, the Public Body has the Record, and the Public Body is subject to the Act. One of the purposes of the Act is to provide a right of access to records in the custody or under the control of a public body, subject to limited and specific exceptions. Records created under the PPIC Act are not exempt from the application of the Act.

[para 21] Furthermore, if the Public Body had decided that the Health Facilities Review Committee had records that were responsive to the Applicant's access request, it was open to the Public Body to transfer the Applicant's access request. The Applicant's access request was clear in that it sought registered complaints under the PPCI Act and not records or information created pursuant to the *Health Facilities Review Committee Act*. The Public Body at the time of the request was the Ministry responsible for administering the PPCI Act.

V. DISCUSSION OF THE ISSUES

ISSUE A: Is Qualicare a “public body” as defined by the Act?

[para 22] Section 1(p)(vii) of the Act states that a “public body” means a “local public body”. According to section 1(j)(ii), a “local public body” means a “health care body.” Section 1(g)(ii) states that a “health care body” includes “the operator of a nursing home as defined in the *Nursing Homes Act* other than a nursing home that is owned and operated by a regional health authority under the *Regional Health Authorities Act*.”

[para 23] Qualicare states it is the controlling entity of the three long-term care facilities mentioned in the Applicant's request. The three facilities are governed by the *Nursing Homes Act*. The Public Body and Qualicare submit that Qualicare, as an operator of a nursing home as defined in the *Nursing Homes Act*, is a “public body” and not a “third party” as defined by the Act.

[para 24] I accept the submission of Qualicare and the Public Body and find that Qualicare is a “public body” as defined in the Act.

ISSUE B: Does section 16 of the Act (business interests) apply to the records/information?

[para 25] “Third party” is defined in section 1(r) of the Act to mean a person, group of persons or an organization other than an applicant or a public body.

[para 26] Section 16 of the Act concerns “third party” information. Since Qualicare is a public body and not a third party under the Act, section 16 of the Act does not apply to the Record or to the information in the Record.

ISSUE C: Did the Public Body properly apply section 20 of the Act (law enforcement) to the records/information?

[para 27] In the initial refusal letter to the Applicant, the Public Body relied on section 20(1)(a) and section 20(1)(c). Those provisions read:

20(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

(a) harm a law enforcement matter,

...

(c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,...

“Law enforcement”

[para 28] “Law enforcement” is defined in the Act. The relevant part of the definition of “law enforcement” reads:

1 In this Act,

...

(h) “law enforcement” means

...

(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, including a penalty or sanction imposed by the body conducting the investigation or by another body to which the results of the investigation are referred,...

[para 29] Order 96-006 established that “law enforcement” involves activities of a public body that are directed towards an investigation that has the potential to result in a penalty or sanction being imposed pursuant to a statute or regulation.

[para 30] The information contained in the Record was obtained pursuant to complaints made under the PPCI Act. Section 2(1) of the PPCI Act requires that any individual or service provider, as defined by section 1(i), must report abuse to designated bodies or individuals to investigate allegations of abuse as it is defined by section 1(a). Anyone who fails to comply with the mandatory reporting of abuse is guilty of an offence under the PPCI Act, section 2(5). Section 7 sets out the powers of the investigator, including the power to enter the agency investigated and to compel certain records. Section 8 requires the investigator to prepare a report for the appropriate Minister. The investigator may make recommendations to the Minister. Section 8(3) lists the possible recommendations that could include reviewing or altering funding to an agency, taking disciplinary action against an employee or service provider, dismissal of a complaint based on several itemized grounds, or any other recommendations deemed appropriate by the investigator. If the complaint could constitute an offence under the *Criminal Code* of Canada, the Minister or investigator must refer the complaint to a police service. The Minister can approve, reject or order further investigations with respect to the investigator’s final report or may take any other action that that Minister considers appropriate in the circumstances. The Minister’s decision is final and binding.

[para 31] The Public Body did not present any evidence or argument concerning this issue. After reviewing the provisions of the PPCI Act, I accept the arguments of Qualicare that the complaints made and investigations conducted pursuant to the PPCI Act have the potential of resulting in a penalty or sanction being imposed under the PPCI Act. Investigations and complaints under the PPCI Act are administrative investigations. Therefore, the information in the Record concerns “law enforcement”, as defined in section 1(h)(ii) of the Act.

Application of section 20(1)(a) to the Record or to the information in the Record

[para 32] Order 96-003 established that section 20(1)(a) requires that a reasonable expectation of harm to a law enforcement matter must exist. To demonstrate a reasonable expectation of harm, the public body must satisfy the following factors:

- There must be a clear cause and effect relationship between the disclosure and harm alleged;
- The harm that would be caused by the disclosure constitutes “damage” or “detriment” to the matter and not simply hindrance or minimal interference; and
- The likelihood of harm must be genuine and conceivable.

[para 33] In Order F2002-024, section 20(1)(a) was used to sever information concerning an ongoing investigation.

[para 34] The Public Body alluded to protecting active investigations under section 20(1)(a) and emphasized the need to protect the identity of witnesses and complainants. The Public Body also argued the investigative process under the PPCI Act would be harmed if the complaints were made public because facilities may not co-operate with investigations. Harm would also result from the release of the Record due to the unreliable and misleading nature of the summary format.

[para 35] Qualicare asserts that ongoing investigations or complaints referred to police services could be compromised. While Qualicare stated in its argument that “there is genuine and conceivable harm that would result if the Record is released”, no evidence was provided regarding direct harm that would result from the release of the specific information in the Record.

[para 36] The harm alleged by both the Public Body and Qualicare is general in nature and not specific to any of the information contained in the Record. Other than argument and the face of the Record that does include files that are identified as “ongoing” or “referred to police services”, there is no further evidence on how release of the Record or information could compromise those files. The record is over one year old, and there is no evidence that those files are still ongoing or whether the files referred to police are ongoing or if they have resulted in a charge being laid under the *Criminal Code*.

[para 37] In terms of files that are concluded, no evidence was provided to demonstrate how release of the specific information could harm a law enforcement matter. The record contains no identifying information, is summary in nature, and the content of the columns contain brief statements about the nature of allegations and dispositions of files that are based generally on wording taken from the PPCI Act. The Public Body did not provide evidence regarding the anticipated lack of future co-operation.

[para 38] I find that the reasonable expectation of harm test is not satisfied with respect to the Record or information in the Record, with respect to the application of section 20(1)(a). Therefore, I find that the Public Body did not properly apply section 20(1)(a) to the Record or to the information in the Record.

Application of section 20(1)(c) to the Record or to the information in the Record

[para 39] Previous Orders such as Order 99-010, and more recently Order F2003-005, establish that section 20(1)(c) was not intended to protect basic information about well known investigative techniques and procedures.

[para 40] The Public Body submits release of the Record would result in the harm set out in section 20(1)(c) as it would reveal investigative techniques and procedures under the PPCI Act. In order for investigations of this nature to fulfill the purpose and intent of the PPIC Act, the facilities must be willing to co-operate with investigations.

Release of the record would diminish the facilities' commitment or co-operation if the Record that links the facility with specific complaints were made public.

[para 41] The Public Body argues the Record is also unreliable or misleading. The Public Body states, for example, that "it would be inappropriate to relate the volume of investigations in such cases to the performance of a particular facility."

[para 42] Qualicare argues that disclosure of the Record, which is a summary, would result in further inquiries, investigations, and publicity with the result that this could reasonably harm investigative techniques and procedures set out in the PPIC Act.

[para 43] The fact that allegations of abuse will be investigated under the PPCI Act and indeed must be reported is part of the legislation itself. Qualicare's argument that the release of the Record will cause additional inquiries is not persuasive in terms of meeting the criteria of the section. Qualicare did not provide evidence in terms of how the release of the information would specifically harm the effectiveness of investigative techniques and procedures set out in the PPIC Act, which are well known techniques and procedures, such as entry to premises and the power to compel certain documents.

[para 44] Neither the Public Body nor Qualicare provided evidence of how the commitment of the facilities would be diminished if the Record were made public. The Public Body points out that the PPCI Act does not allow the investigator to compel testimony. If the people in the facilities do not co-operate, the investigator would be left with the powers under the legislation. The Public Body is essentially arguing that not identifying facilities involved with a complaint under the PPCI Act is a special investigative technique.

[para 45] I do not believe that protecting the identity of a public body involved in a legislated complaint process is the kind of investigative technique contemplated by the section, if it is a technique at all.

[para 46] I find that the Public Body did not properly apply section 20(1)(c) to the Record or to the information in the Record.

Application of section 20(1)(d) to the Record or to the information in the Record

[para 47] Section 20(1)(d) reads:

20(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonable be expected to

...

(d) reveal the identity of a confidential source of law enforcement information,...

[para 48] The Public Body did not mention section 20(1)(d) in the initial refusal letter to the Applicant. The Public Body raised this discretionary (“may”) exception to disclosure under the Act for the first time in its submission for the inquiry.

[para 49] In Order 96-010, the former Commissioner said that he would not allow the late raising of a discretionary exception if it resulted in delays or worked to the prejudice of a party. In Order 2001-008, he allowed the late raising of a discretionary exception in a public body’s submission, as there was no delay or prejudice to a party, and the public body had the burden of proof. For these same reasons, I am prepared to allow the late raising of section 20(1)(d) in this case.

[para 50] Section 20(1)(d) allows the removal of information that may be reasonably expected to reveal the identity of a confidential source of law enforcement information. The Public Body argues that facilities themselves report abuse under the PPCI Act and release of the Record could reveal the source of the complaint.

[para 51] I find that the identity of the complainant is not evident on the face of the record. The Public Body has not provided any evidence on how the identity could be revealed by the Record. The reporting of abuse is mandatory under the PPCI Act by service providers and by any individual who has reasonable and probable grounds to believe or believes that there is or has been abuse against a client.

[para 52] I find that the Public Body did not properly apply section 20(1)(d) to the Record or to the information in the Record.

ISSUE D: Did the Public Body properly apply section 25 of the Act (economic interest of a public body) to the records/information?

[para 53] Section 25(1)(c) reads:

25(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to harm the economic interest of a public body or the Government of Alberta or the ability of the Government to manage the economy, including the following information:

...

(c) information the disclosure of which could reasonably be expected to

(i) result in financial loss to,

(ii) prejudice the competitive position of, or

(iii) interfere with contractual or other negotiations of,

the Government of Alberta or a public body;...

[para 54] Section 25(1) is a discretionary exception that is comprised of a general rule and several specific subsections that are examples of the general rule. The Public Body or Qualicare must demonstrate that disclosure of the information could reasonably be expected to harm the economic and other interests of a public body. The public body must meet a “harms” test. The test is set out in the above discussion concerning section 20(1)(a).

[para 55] Order 98-020 established that speculative losses do not meet the economic interest harms test with respect to the second part of the test concerning damage.

[para 56] In Order 97-005, the phrase “prejudice the competitive position” found in section 25(1)(c)(ii) means a public body must have a “reasonable expectation that disclosure of the information is capable of being used by an existing or potential competitor to reduce the public body’s or the government’s share of the market.”

[para 57] The Public Body submits that if the Record is released, the ministry would be forced to release this kind of record for all facilities. The ministry would incur financial losses due to changes in the reporting system that would be required to produce a similar record and additional costs associated with clarifying the information to avoid misinterpretation. Page three of the Public Body’s submission appears to indicate that the Record was created for the use of investigators under the PPIC Act:

The facility information contained in the summary record is not collected for any program or legislated purpose, only for the purpose of providing investigators with the location of the reported abuse.

[para 58] Qualicare argues it operates in a competitive marketplace. Reputation is extremely important. In terms of competition, the evidence presented by Qualicare is a list of the 186 long-term care facilities in Alberta.

[para 59] Qualicare also asserts that the Record is inaccurate, incomplete and, due to the summary nature of the information, lacks contextual information. Due to these factors, the information could be misused or misinterpreted. Finally, the release would result in more requests for specifics that could harm the confidential nature of the investigations and perhaps reveal personal information of persons involved. All of these factors would result in harm resulting in financial loss and prejudice to Qualicare in terms of Qualicare losing its market share.

[para 60] The Applicant asserts there should be no undue financial loss, and by implication no harm to competitive position of Qualicare, if the record shows a reasonable amount of complaints expected in the routine running of a nursing home.

[para 61] In terms of financial loss, if the Public Body already produces the Record for investigators, I cannot see how section 25(1)(c)(i) applies. If it produced the Record in response to the request, the Public Body provided no evidence in terms of the cost or trouble it incurred to produce it. The argument that releasing the Record would result in

future requests for information in the same format is speculative and not supported by evidence.

[para 62] Qualicare and the Public Body submit that there are inaccuracies in the Record. For example, they claim the Record does not reflect the actual number of complaints and that several complaints are sometimes placed together into one incident file. Qualicare and the Public Body argue that because the record is incomplete and inaccurate, it could be misinterpreted. Qualicare states the Record contains pejorative and incomplete information.

[para 63] Qualicare provided no evidence in terms of what information in the record is pejorative other than the face of the record that is information concerning complaints and the disposition of those complaints under the PPCI Act. On the face of the record, the wording of the allegations and dispositions come directly from the PPCI Act.

[para 64] Regarding specific errors in the Record, Qualicare did provide one example in argument of an incident that was reported twice. Information provided in a request should be accurate and responsive. Responsibility to provide accurate, responsive information lies with those processing the request.

[para 65] Qualicare also argues release of the Record will result in future requests for specifics to be provided which will cause difficulties in terms of information collected in confidence by the investigator and identify people involved. This argument is speculative and not supported by evidence. Subsequent requests would be evaluated on their own merit and applicable sections of the Act applied. No specific evidence was provided in terms of how revealing the specific information in the Record could reveal people involved. As stated in Order 98-020, “if harm to economic interest were to include every speculative loss, then [what is now section 25(1)] could be used in ways not intended, to withhold a vast array of public bodies’ records.”

[para 66] The PPCI Act is designed to ensure incidents of abuse are reported, investigated and acted upon by the appropriate Minister or police service. All nursing homes as defined by the *Nursing Homes Act* are subject to the PPCI Act in terms of competitive advantage. The Act clearly includes records in the custody and under the control of institutions that are governed by the *Nursing Homes Act*. The Record does identify the facilities; however, Qualicare as owner/operator of the facilities is a public body under the Act. One of the purposes of the Act is accountability and transparency of public bodies; even though Qualicare is a private corporation, it is a public body under the Act.

[para 67] In Order 96-019 and Order 98-019, the nature of the information was also an important consideration when evaluating the reasonable expectation of harm test. The Ministry responsible for the PPCI Act releases an annual public report that breaks down complaints received under the PPCI Act by region, not facility.

[para 68] The Record contains information regarding complaints that involve a service provider under the PPCI Act with a brief description of the allegation and disposition. There is no personal information on the face of the record. The wording of the allegations and dispositions are based on the provisions of the PPCI Act. The Applicant's request required the identification of Qualicare facilities in relation to those complaints that were in relation to those facilities.

[para 69] Neither the Public Body nor Qualicare provided sufficient evidence or persuasive argument to directly link the release of the specific information provided in the Record to the harms alleged. As a result, I do not believe the Public Body or Qualicare has sufficiently satisfied the reasonable expectation of harm test as it is contemplated in section 25 to withhold information in the Record.

[para 70] The Public Body did not apply any further exceptions to the Record or to the information in the Record. Therefore, I intend to order the Public Body to give the Applicant access to the Record, except for the information I have found is non-responsive to the Applicant's access request. The Public Body is to remove that non-responsive information from the Record before giving the Applicant access to the Record.

ISSUE E: Does section 32 of the Act require the Public Body to disclose information in the public interest?

[para 71] Since I have found that section 20 and 25 of the Act were not appropriately applied to the Record or to the information in the Record, I will be ordering disclosure of the Record. Therefore, it is not necessary for me to consider whether section 32 applies and whether disclosure should be ordered under section 32.

VI. ORDER

[para 72] I make the following Order under section 72 of the Act.

[para 73] I find that Qualicare is a "public body" as defined in the Act.

[para 74] I find that section 16 of the Act does not apply to the Record or to the information in the Record.

[para 75] I find that the Public Body did not properly apply section 20 or section 25 of the Act to the Record or to the information in the Record.

[para 76] I order Alberta Seniors and Community Supports to give the Applicant access to the Record, except for the information I have found is non-responsive to the Applicant's access request, namely, the complaints that involve "Family" as the "Alleged Abuser" in the Record. Alberta Seniors and Community Supports is to remove that non-responsive information from the Record before giving the Applicant access to the

Record. Along with this Order, I have provided Alberta Seniors and Community Supports with a copy of the Record, which highlights the information that is not to be disclosed to the Applicant.

[para 77] I further order Alberta Seniors and Community Supports to notify me in writing, within 50 days of being given a copy of this Order, that it has complied with this Order.

Frank Work, Q.C.
Information and Privacy Commissioner