ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER F2009-025

February 19, 2010

UNIVERSITY OF ALBERTA

Case File Number F4479

Office URL: www.oipc.ab.ca

Summary: The Applicant made a request for access to information under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to the University of Alberta (the Public Body). The Public Body identified records containing information responsive to the access request, but severed some information on the basis that it was non-responsive, and other information on the basis that it would be an unreasonable invasion of a third party's personal information to disclose it.

The Adjudicator determined that the information severed by the Public Body as "nonresponsive" was reasonably related to the Applicant's access request, and was therefore responsive. She ordered the Public Body to respond to the Applicant under section 10(1) again, this time including the information it had originally omitted as non-responsive. She determined that the Public Body had properly withheld the personal information of a third party and confirmed its decision in that regard.

Statutes Cited: AB: *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1, 6, 10, 11, 17, 72

Authorities Cited: AB: Orders 97-020, F2008-028

Cases Cited: *University of Alberta v. Pylypiuk*, 2002 ABQB 22

I. BACKGROUND

[para 1] On November 27, 2007, the Applicant made a request for access under the *Freedom of Information and Protection of Privacy Act* (the Act) to the University of Alberta (the Public Body) for records containing the following information:

> The names of organizations and individuals that the Department of Psychiatry and the Faculty of Research at the University of Alberta have been taking consultancy contracts from between January 1, 2005 and December 31, 2007
>
> The names of the individuals working for the Department of Psychiatry and the Faculty of Research at the University of Alberta who are /were engaged in consultancy work during the time period between January 1, 2005 and December 31, 2007.
>
> How much money did the University of Alberta consultants receive from their consultancy work?

[para 2] On December 7, 2007, the Public Body sought clarification of the Applicant's request. The Applicant wrote to the Public Body on December 17, 2007 to explain that he was seeing the following information:

> I would like to clarify what consultancy contracts I am looking for between the dates January 1, 2005 and December 31, 2007. I am looking for information on any private consultancy contracts faculty members received in the Department of Psychiatry and the Faculty of Research from any tobacco, tobacco-related company, or individual who is employed by a tobacco or tobacco related company.
>
> I define a tobacco, tobacco related company and tobacco employee as follows:
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> Tobacco Companies:
> The term "Tobacco Companies" includes: Any company or other business entity that manufactures tobacco products.
>
> Tobacco-Related Companies:
> The term "Tobacco-Related Companies" means companies that are public holding companies that also own "Tobacco Companies."
>
> Tobacco-Industry Employee:
> The term "Tobacco-Industry Employee" means any individual who receives a salary or acts on the behalf of a tobacco or tobacco-related company.
>
> In short, I want the names of the University of Alberta faculty members that are doing the private consultation work, connected with the names of the tobacco company person and / or company paying for the consultation service.

[para 3] On March 10, 2008, the Public Body responded to the Applicant's access request. It stated:

> I am replying to your request for access to information related to "private consultancy contracts".
>
> We have now completed the process of consultation with affected third parties. I am pleased to inform you that access is being provided to the attached documents.

> Some of the information in the records you requested is excepted from disclosure under the *Freedom of Information and Protection of Privacy Act*. As you will note, some of the information was severed as it was determined to be outside the scope of your request (marked non-responsive). We have also severed information under Section 17 of the Act so that we could disclose to you the remaining information in the records in accordance with Section 6(2) of the Act. The detailed sections supporting the excising of particular information are indicated on the face of the each record.

The Public Body provided copies of a letter dated February 8, 2006 and two emails to the Applicant. The Public Body severed information severed from all three records. The Public Body severed some information under section 17, and other information as "non-responsive".

[para 4] The Applicant requested review by the Commissioner of the Public Body's response on April 17, 2008.

[para 5] The Commissioner authorized mediation. As mediation was unsuccessful, the matter was scheduled for a written inquiry.

[para 6] On September 11, 2008, the Applicant made a request for access to the letter of February 8, 2006. This request states:

> I would like a copy of the letter sent to [the Dean, Faculty of Medicine], University of Alberta, on February 8, 2006.

[para 7] The Public Body responded to this access request on September 24, 2008. It refused to grant access to the requested information for the following reason:

> According to our records, we responded to a similar request from you on April 14, 2008. In our response we stated that
>
> "We provided you with a copy of this document as part of our response to your request, Reference #2008-02. As I indicated in my letter of dated March 10, 2008, you may ask the Information and Privacy Commissioner to review our response to your request. Because we have already dealt with your request for this record, we will not accept your request as stated above."
>
> Our response to Request #2008-02 is now under review by the Information and Privacy Commissioner at your request. The Commissioner's decision on this matter will be binding…
>
> Section 65 of the *Freedom of Information and Protection of Privacy Act* provides that you may make a written request to the Information and Privacy Commissioner to review this matter. You have 60 days from the date of this notice to request a review by writing to the Commissioner…

[para 8] I determined that a consulting faculty member (the third party) was potentially affected by the Applicant's request for review. I therefore provided notice to the third party regarding the inquiry. However, the third party declined to participate.

[para 9] The Public Body provided submissions for the inquiry; however, the Applicant chose not to make any. The Public Body initially provided *in camera*

submissions; however, I decided not to accept them in the manner that they were provided and requested that the Public Body redact information from them that would reveal the contents of the information at issue, which I would accept *in camera*, but to exchange the remainder. The Public Body provided further exchangeable submissions. It also provided the affidavit of the third party, which I accepted *in camera*.

II. RECORDS AT ISSUE

[para 10] A letter dated February 8, 2006 written to the Dean of the Faculty of Medicine, an email dated March 28, 2006 at 5:18 PM, and an email dated March 28, 2007 at 4:14 PM are at issue.

III. ISSUES

Issue A: Did the Public Body properly withhold information as non-responsive to the Applicant's request?

Issue B: Did the Public Body properly apply section 17 of the Act (third party personal information) to the information / records?

IV. DISCUSSION OF ISSUES

Issue A: Did the Public Body properly withhold information as non-responsive to the Applicant's request?

[para 11] As the former Commissioner noted in Order 97-020, determining whether records are responsive is an important component to responding to an access request. He said:

> In Ontario Order P-880, the Office of the Information and Privacy Commissioner of Ontario had the following to say about "responsiveness":
>
> > In my view, the need for an institution to determine which documents are relevant to a request is a fundamental first step in responding to the request. It is an integral part of any decision by a head. The request itself sets out the boundaries of relevancy and circumscribes the records which will ultimately be identified as being responsive to the request. I am of the view that, in the context of freedom of information legislation, "relevancy" must mean "responsiveness". That is, by asking whether information is "relevant" to a request, one is really asking whether it is "responsive" to a request. While it is admittedly difficult to provide a precise definition of "relevancy" or "responsiveness", I believe that the term describes anything that is reasonably related to the request.
>
> "Responsiveness" must mean anything that is reasonably related to an applicant's request for access. In determining "responsiveness", a public body is determining what information or records are relevant to the request. It follows that any information or records that do not reasonably relate to an applicant's request for access will be "non-responsive" to the applicant's request.

[para 12] The former Commissioner determined that sections 6 and 11 of the FOIP Act provide the legislative authority for determining that records or portions of records are non-responsive. He said:

> How do I reconcile section 6(1) of the Act, which speaks only of access to a record, and section 11(1) of the Act, which speaks of access to a record or part of a record?
>
> Section 6(1) and section 11(1) are both contained in that part of the Act dealing with the process of obtaining access. Those sections should be read in such a manner that they do not conflict. Consequently, I intend to read section 6(1) and section 11(1) together as supporting an interpretation that a public body may grant access to part of the record that contains the responsive information, and may remove the non-responsive information from that record.

[para 13] The "non-responsiveness" of information in records is not an exception to the right of access created by section 6 of the FOIP Act. Rather, I understand the Commissioner to mean that there is no duty for a Public Body to grant access to information under section 6 if an applicant has not first made a request for access to that information. A Public Body is not required to provide a response in relation to all information in its custody or under its control to an Applicant; only information that reasonably relates to the access request. Essentially, a Public Body's duties to an applicant in relation to responding to an access request are not engaged until an applicant asks for the information.

[para 14] In determining whether the Public Body's duty to respond to the Applicant was engaged by the information it referred to as "non-responsive" in its response of February 8, 2008, I must consider what the Applicant requested from the Public Body, and whether the information referred to as non-responsive reasonably relates to that request.

[para 15] The Public Body argues the following in relation to its decision to withhold information as "non-responsive".

> Paragraph 1 of the Applicant's request specifically asks for: "The names of organization and individuals that the Department of Psychiatry and the Faculty of Research at the University of Alberta have been taking consultancy contracts from between January 1, 2005 and December 31, 2007.
>
> Upon review of the request, records concerning the "names of organizations or individuals that the Department of Psychiatry and the Faculty or Research at the University of Alberta have been taking consultancy contracts from between January 1, 2005 and December 31, 2007" would be responsive to the request, but there are no such contracts reasonably relating to the Applicant's access request.
>
> Upon review of the records as provided *in camera* under separate cover, the information provided to the Applicant disclosed that the consulting arrangements were with "Legal Firms" or "New York – based legal firms". There were no specific names of these firms or organizations in the original records.
>
> The University removed three phrases where information was non-responsive because it disclosed the identity of the third party engaged by the "legal firms", as requested. The names of the firms' or organizations' clients are non-responsive to the request.

> In responding to paragraph 2 of the Applicant's request that the University provide information as to the "names of organizations or individuals that the Department of Psychiatry and the Faculty of Research at the University of Alberta have been taking consultancy contracts from between January 1, 2005 and December 31, 2007", the University provided the information that was available from the records i.e. unnamed "legal Firms" or "New York – based legal firms".
>
> The University deemed the information as to the organization represented by the "Legal Firms" as non-responsive to the request in that there was no consultancy contract entered into by the Department of Psychiatry or the Faculty of Research at the University or indeed the University itself with organizations or individuals in relation to the subject matter of the Applicant's access request.
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> In responding to paragraph 3 of the Applicant's request that the University provide information as to "how much money did the University of Alberta consultants receive from their consultancy work", the University says that no records were found that responded to or related to this part of the request.
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> On December 17, 2007, the Applicant clarified his request, as follows:
>
> > I would like to clarify what consultancy contracts I am looking for between the dates January 1, 2005 and December 31, 2007. I am looking for information on any private consultancy contracts faculty members received in the Department of Psychiatry and the Faculty of Research from any tobacco, tobacco-related company, or individual who is employed by a tobacco or tobacco related company… In short, I want the names of the University of Alberta faculty members that are doing the private consultation work, connected with the names of the tobacco company person and / or company paying for the consultation service.
>
> The University relies on section 17 of FOIPPA in relation to this clarified request.

[para 16] The Applicant's initial access request indicates that he is seeking answers to questions he has regarding the names of organizations and individuals and the amount of money received by consultants of the University of Alberta in relation to consulting. This access request does not refer to consulting in relation to tobacco, but consulting generally.

[para 17] The Public Body, quite properly, given the breadth and vagueness of the initial request, sought clarification from the Applicant. The Applicant clarified that he was only requesting information regarding private consultancy contracts with faculty members in the Department of Psychiatry and the Faculty of Research from tobacco or tobacco related companies or an individual who is employed by a tobacco or tobacco related company. However the Applicant concluded his clarification by stating that in short, he sought the names of the faculty members engaged in consulting of this kind. This statement can be interpreted in two ways: it could be interpreted as negating the other aspects of the Applicant's access request, such that the only thing requested is names, or it could mean that while the Applicant is requesting the other information referred to in the clarification, his particular interest in the information he is seeking is the names of faculty members engaged in consulting work with tobacco or tobacco related companies. I find that the most reasonable interpretation of the Applicant's clarification, and therefore his access request, is that he is requesting "information on any private

consultancy contracts faculty members received in the Department of Psychiatry and the Faculty of Research from any tobacco, tobacco-related company, or individual who is employed by a tobacco or tobacco related company" and that he was emphasizing his interest in obtaining the names of consultants. Had the Applicant sought only names of consultants, there would be little point in explaining that he was requesting information relating to private consultancy contracts.

[para 18] As noted above, the Public Body made the following argument in relation to its decision to redact information as "non-responsive":

> The University deemed the information as to the organization represented by the "Legal Firms" as non-responsive to the request in that there was no consultancy contract entered into by the Department of Psychiatry or the Faculty of Research at the University or indeed the University itself with organizations or individuals in relation to the subject matter of the Applicant's access request

The Applicant has not requested information "relating to a consultancy contract between the University of Alberta and a tobacco company", but rather, information relating to a consultancy contract between a consultant who is a member of the Department of Psychiatry or the Faculty of Research with a tobacco company. The information referred to by the Public Body in the argument above relates to the terms of a contract entered between a consultant who is a faculty member and the legal representatives of a tobacco company, which I find falls within the parameters of the Applicant's access request. In addition, if the Public Body had truly characterized the Applicant's access request as described in its submissions, it is difficult to understand why it considered any of the information it provided to the Applicant as responsive, as using these criteria, none of it would have been responsive.

[para 19] Despite its arguments, I find that the Public Body interpreted the Applicant's request as including "information on any private consultancy contracts faculty members received in the Department of Psychiatry and the Faculty of Research from any tobacco, tobacco-related company, or individual who is employed by a tobacco or tobacco-related company." That is the only explanation for its decision to identify at least portions of the records as responsive. The action of the Public Body in providing portions of the records that contain general information about a consulting arrangement with legal firms representing a smokeless tobacco company, but with the name of the consultant involved redacted, supports my finding that the Public Body interpreted the Applicant's access request in this way. Had the Public Body interpreted the Applicant's access request more narrowly as a request for names of consultants only, or as a request for information on contracts between the Public Body and tobacco companies, it would not have identified and provided the information it did.

[para 20] In making a finding as to how the Public Body itself interpreted the request, I also take into account its response to the Applicant's subsequent access request of September 11, 2008. The Public Body could not claim that it had already dealt with the Applicant's access request for the particular letter if it had not considered the entire letter to be responsive to the earlier request. Thus I find that the interpretation of the

Applicant's access request that he is asking for information "on any private consultancy contracts faculty members received in the Department of Psychiatry and the Faculty of Research from any tobacco, tobacco-related company, or individual who is employed by a tobacco or tobacco-related company" is both the most reasonable interpretation and the one that the Public Body, despite some inconsistency in this regard, actually gave to it.

[para 21] As noted above, the former Commissioner found in Order 97-020 that information need only be reasonably related to an Applicant's access request to be responsive. In my view, the information severed by the Public Body as "non-responsive" does reasonably relate to a request "for information on private consultancy contracts of faculty members in the Department of Psychiatry and the Faculty of Research with tobacco companies", as it relates to the details of a consulting arrangement between a faculty member and an agent for a smokeless tobacco company, including how it was entered, with whom, what kind of service was being provided, and whether the Department of Psychiatry and the Faculty of Research was aware of this arrangement and its practices in relation to contractual arrangements of this kind.

[para 22] For the reasons above, I find that the information severed as "non-responsive" is reasonably related to the Applicant's access request and is therefore responsive to it. I will therefore order the Public Body to comply with its duty to assist the Applicant by including the information it withheld as non-responsive in a new response to the Applicant. The Public Body is not precluded from considering whether any exceptions to disclosure apply when preparing the new response.

Issue B: Did the Public Body properly apply section 17(1) of the Act (information harmful to the personal privacy of a third party) to the information / records?

[para 23] The Public Body severed the name and other personally identifying information of the third party from the records at issue under section 17(1) of the FOIP Act on the basis that it was personal information.

[para 24] Section 1(1)(n) defines personal information under the Act:

> *1 In this Act,*
>
> *…*
>
> *(n) "personal information" means recorded information about an identifiable individual, including*
>
> *(i) the individual's name, home or business address or home or business telephone number,*
>
> *(ii) the individual's race, national or ethnic origin, colour or religious or political beliefs or associations,*
>
> *(iii) the individual's age, sex, marital status or family status,*
>
> *(iv) an identifying number, symbol or other particular assigned to the individual,*

(v) the individual's fingerprints, other biometric information, blood type, genetic information or inheritable characteristics,
(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, including criminal records where a pardon has been given,
(viii) anyone else's opinions about the individual, and
(ix) the individual's personal views or opinions, except if they are about someone else…

Personal information under the FOIP Act is information about an identifiable individual that is recorded in some form.

[para 25] Section 17 states in part:

17(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…
…
(4) 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…

(5) In determining under subsections (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 the Government of Alberta or a public body to public scrutiny
(b) the disclosure is likely to promote public health and safety or the protection of the environment,
(c) the personal information is relevant to a fair determination of the applicant's rights,
(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,
(e) the third party will be exposed unfairly to financial or other harm,
(f) the personal information has been supplied in confidence,
(g) the personal information is likely to be inaccurate or unreliable,
(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and

(i) the personal information was originally provided by the applicant.

[para 26] Section 17 does not say that a public body is *never* allowed to disclose third party personal information. It is only when the disclosure of personal information would be an unreasonable invasion of a third party's personal privacy that a public body must refuse to disclose the information to an applicant under section 17(1). Section 17(2) (not reproduced) establishes that disclosing certain kinds of personal information is not an unreasonable invasion of personal privacy.

[para 27] When the specific types of personal information set out in section 17(4) are involved, disclosure is presumed to be an unreasonable invasion of a third party's personal privacy. To determine whether disclosure of personal information would be an unreasonable invasion of the personal privacy of a third party, a public body must consider and weigh all relevant circumstances under section 17(5), (unless section 17(3), which is restricted in its application) applies. It is important to note that section 17(5) is not an exhaustive list and that any other relevant circumstances must be considered.

[para 28] In *University of Alberta v. Pylypiuk*, 2002 ABQB 22, the Court commented on the interpretation of what is now section 17. The Court said:

> In interpreting how these sections work together, the Commissioner noted that s. 16(4) lists a set of circumstances where disclosure of a third party's personal information is presumed to be an unreasonable invasion of a third party's personal privacy. Then, according to the Commissioner, the relevant circumstances listed in s. 16(5) and any other relevant factors, are factors that must be weighed either in favour of or against disclosure of personal information once it has been determined that the information comes within s. 16(1) and (4). In my opinion, that is a reasonable and correct interpretation of those provisions in s. 16. Once it is determined that the criteria in s. 16(4) is (sic) met, the presumption is that disclosure will be an unreasonable invasion of personal privacy, subject to the other factors to be considered in s. 16(5). The factors in s. 16(5) must then be weighed against the presumption in s. 16(4).

[para 29] The Public Body withheld the name and personally identifying information of the third party, who is a consultant with a third party organization and an employee of the Public Body, from the records at issue under section 17(1).

[para 30] In Order F2008-028, the Adjudicator reviewed the decisions of this office addressing information about individuals or employees acting in their official capacity, and said:

> In many of the records at issue, the Public Body applied section 17 of the Act to the names, job titles and/or signatures of individuals who sent or received correspondence, or who acted in some other way, in their capacities as politicians, employees of the Public Body, other government officials, or representatives of other bodies, businesses and organizations…
>
> I find that section 17 does not apply to the foregoing names, job titles and signatures. First, in the case of government officials and employees (although not individuals associated with other organizations and businesses), section 17(2)(e) indicates that disclosure of their job titles and positions (i.e., employment responsibilities) is expressly not an unreasonable invasion of their personal privacy (Order F2004-026 at para. 105). Second, many previous orders of this Office have made it clear that, as a general rule, disclosure of the names, job titles and signatures of

individuals acting in what I shall variably call a "representative", "work-related" or "non-personal" capacity is not an unreasonable invasion of their personal privacy. I note the following principles in particular (with my emphases in italics):

Disclosure of the names, job titles and/or signatures of individuals is not an unreasonable invasion of personal privacy where they were acting in *formal* or *representative* capacities (Order 2000-005 at para. 116; Order F2003-004 at paras. 264 and 265; Order F2005-016 at paras. 109 and 110; Order F2006-008 at para. 42; Order F2008-009 at para. 89).

Disclosure of the names, job titles and/or signatures of individuals acting in their *professional* capacities is not an unreasonable invasion of personal privacy (Order 2001- 013 at para. 88; Order F2003-002 at para. 62; Order F2003-004 at paras. 264 and 265).

The fact that individuals were acting in their *official* capacities, or signed or received documents in their capacities as public officials, weighs in favour of a finding that the disclosure of information would not be an unreasonable invasion of personal privacy (Order F2006-008 at para. 46; Order F2007-013 at para. 53; Order F2007-025 at para. 59; Order F2007-029 at paras. 25 to 27).

Where third parties were acting in their *employment* capacities, or their personal information exists as a consequence of their activities as *staff performing their duties* or as a *function of their employment*, this is a relevant circumstance weighing in favour of disclosure (Order F2003-005 at para. 96; Order F2004-015 at para. 96; Order F2007-021 at para. 98; Order F2008-016 at para. 93).

I further note that the foregoing principles have been applied not only to the information of employees of the particular public body that is a party to the inquiry, but also to that of employees of other public bodies (Order F2004-026 at paras. 100 and 120), representatives of organizations and entities that are not public bodies (Order F2008-009 at para. 89; Order F2008-016 at para. 93), individuals acting on behalf of private third party businesses (Order 2000-005 at para. 115; Order F2003-004 at para. 265), individuals performing services by contract (Order F2004-026 at paras. 100 and 120), and individuals acting in a sole or independent capacity, such as lawyers and commissioners for oaths (Order 2001-013 at paras. 87 and 88; Order F2003-002 at para. 61). In my view, therefore, it does not matter who the particular individual is in order to conclude, generally, that section 17 does not apply to personal information that merely reveals that an individual did something in a formal, representative, professional, official, public or employment capacity.

It has also been stated that records of the performance of work responsibilities by an individual is not, generally speaking, personal information about that individual, as there is no personal dimension (Order F2004-026 at para 108; Order F2006-030 at para. 10; Order F2007-021 at para. 97). Absent a personal aspect, there is no reason to treat the records of the acts of individuals conducting the business of government – and by extension other bodies and organizations – as "about them" (Order F2006-030 at para. 12). In other words, although the names of individuals are always their personal information [as it is defined as such in section 1(n)(i) of the Act], the fact that individuals sent or received correspondence – or conducted themselves in some other way in connection with their employment, business, professional or official activities, or as representatives of public bodies, businesses or organizations – is *not* personal information to which section 17 can even apply.

The present inquiry provides a useful distinction. I concluded above that disclosure of the names, job titles and other identifying information of members of the general public – who wrote correspondence or otherwise interacted with the Public Body in their *private* or *personal* capacities – would be an unreasonable invasion of their personal privacy. By contrast, when the records at issue merely reveal that individuals acted in their *work-related* or *non-personal*

> capacities, or did something as *representatives* of a public body, business or organization, section 17 does not apply to their names, job titles or signatures.

[para 31] Applying the principles set out in Order F2008-028, the question becomes whether the name and other personally identifying information of the third party severed from the records at issue is information about the third party acting in a representative capacity or a personal capacity. I will therefore consider whether the information is about the third party acting in a personal capacity or in a representative capacity.

[para 32] I find that the letter of February 8, 2006 and the two emails contain information of the third party acting in a personal capacity. While the third party wrote the letter and the two emails as part of a responsibility to report consulting activities to the Public Body as employer, the letter and two emails provide information about activities outside the scope of employment. Further, the decisions made by the recipients of the letters and emails would affect the third party in a personal capacity. One is able to learn from the letter and the emails that the third party has an external consulting practice in addition to being a faculty member. Further, one is able to learn about the third party's consulting activities outside the employment relationship. In addition, this information appears in the context of the third party's name. I therefore find that section 17(4)(g) applies to the name and other personally identifying information about the third party that the Public Body severed from the records.

[para 33] I find that none of the factors set out in section 17(5) apply or weigh in favor of disclosure of the third party's name or personally identifying information and I note that the Applicant has not made any submissions in that regard. I will therefore confirm the Public Body's decision to sever this information from the records at issue.

V. ORDER

[para 34] I make this Order under section 72 of the Act.

[para 35] I order the Public Body to comply with its duty under section 10(1) of the Act by responding to the Applicant and including in its response the information it previously omitted as non-responsive.

[para 36] I confirm the decision of the Public Body to apply section 17(1) to the personal information of the third party.

[para 37] I further order the Public Body to notify me in writing, within 50 days of being given a copy of this Order, that it has complied with the Order.

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Teresa Cunningham
Adjudicator