ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER F2009-043

June 28, 2010

ALBERTA EMPLOYMENT AND IMMIGRATION

Case File Number F4384

Office URL: www.oipc.ab.ca

Summary: Pursuant to the *Freedom of Information and Protection of Privacy Act* ("the Act"), the Applicant made a request to Alberta Employment and Immigration ("the Public Body") for copies of e-mail communications between her Manager and an employee that the Applicant supervised ("the Employee"), during a specified timeframe. The Public Body located responsive records but withheld all of them pursuant to sections 17 and 19(2) of the Act. The Applicant requested a review to determine if the Public Body's search was adequate and also whether it had applied sections 17 and 19(2) of the Act properly.

The Adjudicator found that the Public Body did not provide adequate evidence regarding the scope of its search. The Public Body provided records to this Office that it considered not responsive to the Applicant's request, as background information to support its position at inquiry. However, the Public Body incorrectly considered some of these records to be not responsive, even though they were responsive to the Applicant's request. As well, there appeared to be pages missing from the records that would be responsive to the Applicant's request.

The Adjudicator also found that the Public Body properly severed the content of the e-mails pursuant to section 17 of the Act, as the e-mails contained personal information of the Employee of the Public Body. The Adjudicator found that these e-mails had a human resources element to them and therefore, were the Employee's personal information and the disclosure of the information would be an unreasonable invasion of the Employee's

personal privacy. While these records also contained other information which was not personal information of the Employee, the information was so intertwined with the Employee's personal information that it was not possible to sever the personal information of the Employee so as to provide the remainder within the terms of section 6(2) of the Act.

The Adjudicator also found that the Public Body improperly severed the header of the e-mails where it did not contain personal information. The Adjudicator ordered the Public Body to disclose the information that was not personal information in the header of the e-mails.

Statutes Cited: AB: *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1(n), 6(2), 10(1), 17, 19(2), and 72.

Orders Cited: AB: Orders F2003-005, F2004-026, F2007-029, F2008-028, F2008-031, and F2009-012.

I. BACKGROUND

[para 1] At the time of the request, the Applicant was employed by the Public Body and was the supervisor of another employee ("the Employee"). According to the materials provided, when the Employee decided to leave her position with the Public Body, there was a disagreement between the Applicant and the Employee on the proper procedure to be followed when transferring to another position. As a result, the Employee contacted the Applicant's manager ("the Manager"), who was also an employee of the Public Body, to discuss the matter.

[para 2] On January 3, 2008, the Applicant sent an access request under the Act to the Information and Privacy Office of the Public Body. She requested copies of e-mails between the Manager and the Employee from October 1, 2007 to January 14, 2008. The Applicant requested e-mails specifically from the Manager's computer.

[para 3] The Public Body clarified with the Applicant that her request was for e-mail communications between the Manager and the Employee from October 1, 2007 to January 7, 2008. On February 5, 2008, the Public Body responded to the Applicant's request, withholding all of the records pursuant to sections 17(1), 17(4)(d) and 19(2) of the Act.

[para 4] The Applicant wrote to the Office of the Information and Privacy Commissioner ("this Office") on February 12, 2008, requesting that this Office review the Public Body's response to her request. Mediation was authorized but was not successful in resolving the issues between the Applicant and the Public Body. On October 17, 2008, the Applicant requested an inquiry into this matter.

[para 5] This Office received initial submissions from the Public Body. *In camera*, the Public Body also provided this Office with the unsevered responsive records at issue, as well as records it considered to be non-responsive, which were provided in support of

its arguments regarding its use of section 17 of the Act. Rebuttal submissions were received from the Applicant. I also asked the Public Body to answer questions regarding section 10 of the Act, and received its further submissions in that regard.

II. RECORDS AT ISSUE

[para 6] The Public Body located 6 pages of records that it considered to be responsive to the Applicant's request and 16 pages that it determined were not responsive to the Applicant's request. For the purposes of this inquiry, all 22 pages are at issue.

III. ISSUES

[para 7] According to the Notice of Inquiry sent to the parties July 3, 2009, the issues for this inquiry are as follows:

> **Issue A**
>
> Did the Public Body meet its duty to assist the Applicant, as provided under section 10(1) of the Act?
>
> *In this case the Commissioner/Adjudicator may also consider whether the Public Body conducted an adequate search for responsive records.*
>
> **Issue B**
>
> Does section 17 of the Act apply to the records/information?
>
> **Issue C**
>
> Did the Public Body properly apply section 19 of the Act to the records/information?

[para 8] Additionally, given that there are several records that were withheld on the basis that the Public Body determined that they were not responsive to the Applicant's request, as a preliminary issue, I will decide if the 16 pages of records the Public Body considered to be not responsive were in fact responsive to the Applicant's request.

IV. DISCUSSION OF ISSUES

Preliminary Issue: What records are responsive to the Applicant's request?

[para 9] The Public Body provided records, *in camera*, that it decided were not responsive to the Applicant's request. The Applicant's initial request to the Public Body stated:

> From [the Manager's] computer, I am requesting copies of emails sent by [the Manager] to [the Employee] and for copies of emails sent by [the Employee] to [the Manager] from October 1, 2007 to January 14, 2008.
> Both [the Manager] and [the Employee] are EII government employees.
> I am requesting copies of emails that may be filed in all folders such as the Sent Folder, Deleted Folder, the Recover Deleted Item Folder or any other folder for this period of time.

[para 10] The Applicant did not limit her request to e-mails on any particular subject matter, and the Public Body appears not to have taken steps to ask if she wished to narrow her request or otherwise clarify if she wanted only e-mails relating to a particular topic. This means that all e-mails between the Manager and the Employee between October 1, 2007 and January 14, 2008 (later amended to January 7, 2008), found on the Manager's computer, are responsive to the Applicant's request.

[para 11] Some of the e-mails the Public Body decided were not responsive are clearly not responsive as they are not e-mails between the Manager and the Employee. However, other e-mails which it determined were not responsive are between the Manager and Employee within the specified timeframe. These records are responsive to the Applicant's request and ought to have been dealt with by the Public Body in responding to the Applicant's request.

[para 12] The responsive records or information which I will refer to in the remainder of this Order will be all of the e-mail communications between the Manager and the Employee between October 1, 2007 and January 7, 2008, regardless of whether the Public Body treated the records as not responsive to the Applicant's request.

A: Did the Public Body meet its duty to assist the Applicant, as provided under section 10(1) of the Act?

[para 13] Section 10 of the Act states:

> *10(1) The head of a public body must make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely.*

[para 14] Part of a public body's duty to assist applicants is its duty to perform an adequate search for the records and information requested by an applicant. As the Commissioner stated in Order F2009-012:

> In Order F2007-028, I quoted section 10 of the Act and then stated:
>
> > Consequently, the Public Body has the onus to establish that it has made every reasonable effort to assist the Applicant. Previous orders of my office have established that the duty to assist includes the duty to conduct an adequate search for records.

> It follows that, to successfully respond to the issue as to the adequacy of its search under section 10 of the Act, the Public Body must prove that (1) it made every reasonable effort to identify and locate records responsive to the Access Request, and (2) it informed the Applicant, in a timely fashion, of the steps it took in doing so. As found in Order F2002-016, those criteria must be proven on a balance of probabilities.
>
> (Order F2009-012 at para 12)

[para 15] Further, in Order F2007-029, the Commissioner stated:

> In general, evidence as to the adequacy of a search should cover the following points:
>
> • The specific steps taken by the Public Body to identify and locate records responsive to the Applicant's access request
>
> • The scope of the search conducted – for example: physical sites, program areas, specific databases, off-site storage areas, etc.
>
> • The steps taken to identify and locate all possible repositories of records relevant to the access request: keyword searches, records retention and disposition schedules, etc.
>
> • Who did the search
>
> • Why the Public Body believes no more responsive records exist than what has been found or produced
>
> (Order F2007-029 at para 66)

[para 16] The Applicant's access request was specific. She wanted the Manager's computer searched for e-mails between the Manager and the Employee between specific dates.

[para 17] The Public Body provided evidence that the Manager searched her own computer. This evidence satisfies the first, second and fourth points above. However, initially, the Public Body provided insufficient evidence on the other points above. The Public Body gave evidence on where records were found, but not where it searched. In order to determine if a search was adequate it is essential to know where the Public Body searched, even if the search did not recover any responsive records. The Public Body also did not state the scope of the search (for example what folders where searched and what keywords were used).

[para 18] As well, the Public Body provided evidence that the Manager thought there were no other responsive records but did not state why the Manager (or the Public Body) believed that there were no more responsive records.

[para 19] On May 10, 2010, I posed the following questions to the Public Body:

1. The Statutory Declaration of the Public Body's employee whose computer was searched states from which folders the responsive records were retrieved. Can you provide me with further evidence on the scope of the search (for example: the folders or programs searched and the terms used to search for the records)?

2. The Declarant states in the Statutory Declaration that "These are all the records. There are no other records." Can you provide me with further evidence on the basis for the Declarant's belief that the records retrieved are the only responsive records?

3. There appears to be missing pages in the records provided to me *in camera.* Can you please confirm that I have been provided all of the records recovered?

[para 20] The Public Body provided me with the following submissions regarding the scope of the search:

> We are unable to provide further evidence on the scope of the search of the employee who completed the Statutory Declaration, as the employee no longer works for the Government of Alberta. However, I can advise that I went and met with the employee, advised her of the request in person, and watched her access the records on her computer. I asked her if there were any records that would have been deemed responsive that may have been deleted. [She] advised that she did not delete any such records, and we did review the deleted records folder. There were no such records. I also contacted the Manager of Operations in our IT area and enquired about the length of time such records may be accessible through the Recover Deleted Items process (note that it is not a folder), and he advises that it is a period of 30 days. You will note that the records that have been found existed prior to the end of November of 2008. The applicant did not submit her request until January 7, 2009… .

[para 21] Although the Public Body states that it cannot provide further evidence from the Manager as to the scope of the search, it did provide further evidence in the form of the statement above, written by an individual who was involved in the search and can state what was searched. Ideally, this information would be put into a sworn affidavit or statutory declaration. However, from this additional submission, I find that the Public Body searched the deleted folder on the Manager's computer and explained why there would be no further records in the Recover Deleted Items "folder". However, the Public Body, still did not provide me with the search terms used to search the Manager's computer.

[para 22] Regarding why the Manager believed there were no further records, the Public Body submits:

> The emails that have been found as responsive were not in the deleted items folder. [The Manager] has signed a Statutory Declaration advising that "These are all the records. There are not other records." [The Manager] was the Manager for the Fraud Investigation Unit and as such was very familiar with investigative processes, court processes, and the use of Statutory Declarations and other evidence. She was responsible for an office that is made up of staff who have Special Constable Status. I have no doubt

> in my mind that [the Manager] was honest and up front with me as we reviewed her computer for records. I am prepared to state as much in a Statutory declaration myself, although it would appear that perhaps they do not have much weight given the questioning of [the Manager's].

[para 23] I have carefully reviewed the submission of the FOIP Coordinator regarding section 10 of the Act. He says that he personally advised the Manager of the request, and that he personally watched her access the records on her computer. Possibly, it is implicit in this statement that he communicated to the Manager the search terms that would elicit all e-mails between herself and the Employee (for example, that she used the Employee's name as a search term). He also stated that he asked her if there were any records responsive to the request that may have been deleted, to which she replied that there were not, and that in addition she reviewed the "deleted records" folder to find any such e-mails. Possibly, it is implicit in this statement that the Manager understood that he was asking if there were any other responsive e-mails in addition to those located through the initial search, and that the answer was no.

[para 24] In my view, the FOIP Coordinator can be taken as saying the following:

- That he personally observed the Manager perform the initial search;
- The initial search used what, in his view, were the appropriate search terms to elicit any responsive records;
- The appropriate, initial search did not disclose any responsive records other than those that were provided to this Office;
- Through his communications with the Manager during the initial search, he derived the knowledge that she had not deleted any responsive records;
- A review of the "deleted folder" did not disclose any further responsive Records; and
- That he confirmed with the IT area that records in the "Recovered Deleted Items" process were kept only for 30 days and were, therefore, not available at the time of the Applicant's access request.

[para 25] It would have been preferable if the FOIP Coordinator had indicated, if this were the case, either that the search terms used would necessarily have elicited all responsive records, or indicated the particular search terms that were used. Despite this, I would be prepared to accept the points that are arguably implicit in the statements the FOIP Coordinator did make, and to find that the initial search had elicited all responsive records in the manager's computer, if it were not for two things.

[para 26] The first is that, as I have stated above, I do not agree with the Public Body's determination of which records are responsive to the request. Thus, it is possible that at the time the search was done, all records that are responsive would not have been

identified because the FOIP Coordinator thought they were not responsive. However, this possibility is lessened somewhat by the fact that the Public Body did provide this Office with some of the records that it had located through the search but considered to be not responsive to the Applicant's request.

[para 27] Second, and more importantly, there appear to be some responsive records missing. Regarding the possible missing pages, the Public Body states:

> We compared the records provided in the Inquiry Brief with our office copy of the records and 16 pages of non-responsive records were submitted in camera. Please advise if you did not receive that number of pages in the Brief binder and we will provide you with another copy.

[para 28] Our Office did receive 16 pages of records the Public Body determined to be not responsive to the Applicant's request. As discussed above, these records contain e-mails between the Manager and the Employee, which are responsive. Four of the e-mails are numbered "Page 1 of 2" at the top right hand corner but do not have a corresponding second page. In one instance, it appears as though the second page would contain the body of an e-mail from the Employee to the Manager. As the first page of this record is responsive, it seems likely that the second page is also responsive. However, these records have not been provided to this Office, nor are they on the Public Body's "office copy".

[para 29] Taking into account the fact that some parts of the FOIP Coordinator's statements are at most implicit rather than express assertions that the search necessarily elicited all the responsive records, together with the ambiguity created by the different points of view as to which records are responsive, as well as the failure to explain what appear to be missing pages, I find that the Public Body has not met its duty under section 10 of the Act to conduct an adequate search and/or provide evidence as to the adequacy of the search to the Applicant.

B: Does section 17 of the Act apply to the records/information?

[para 30] The portions of section 17 of the Act relevant to this inquiry state:

> *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.*
>
> *(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if*
>
> …
>
> *(e) the information is about the third party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of a public body or as a member of the staff of a member of the Executive Council,*

…
(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if
…
(d) the personal information relates to employment or educational history,
…
(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
…
(f) the personal information has been supplied in confidence,
…

i. Was the information that was severed or withheld personal information?

[para 31] Personal information is defined by section 1(n) of the Act which states:

(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;*

[para 32] Some of the information, such as the date and, in some cases, the subject line found in the headers of the e-mails was severed by the Public Body even though the date and the subject line did not contain personal information.

[para 33] In Order F2004-026 the Commissioner contemplates whether information generated by an employee performing employment duties is personal information of the employee at all. He refers to Ontario cases on point and states:

> The Ontario cases also acknowledge that even information consisting of records of employment activities can, depending on its nature, have a personal aspect. I agree with the Ontario cases referred to above insofar as they stand for the proposition that a record of what a public body employee has done in their professional or official capacities is not *personal* or *about the person*, unless that information is evaluative or is otherwise of a 'human resources' nature, or there is some other factor which gives it a personal dimension.
>
> (Order F2004-026 at para 111)

[para 34] A footnote found in Order F2004-026 goes on to state:

> [47] An individual's "employment history" is personal information about them by virtue of section 1(n)(vii) and 17(4)(d). However, the information at issue does not, in my view, fall within the ambit of this phrase. In Order F2003-005, the Adjudicator wrote:
>
> > In my view the term 'employment history' describes a complete or partial chronology of a person's working life such as might appear in a resume or personnel file. Particular incidents that occur in a workplace may become the subject of entries in a personnel file, and such entries may properly be viewed as part of 'employment history'. However, the mere fact there is a written reference to or account of a workplace event does not make such a document part of the 'employment history' of those involved. Many

> workplace incidents of which there is some written record will not be important enough to merit an entry in a personnel file.

[para 35] Although the submissions of the Public Body do not describe the duties of the Manager, the records seem to indicate that part of her function as a manager was dealing with conflicts that may have arisen between those employees which she managed as well as responding to employment concerns of those she managed. As such, I do not think that the information generated by the Manager in attempting to resolve the conflict or responding to an inquiry from an employee she managed is the Manager's personal information, unless (which has not been shown here) this information has a personal dimension.

[para 36] However, unlike the information in Order F2004-026, I believe that much of the information in the responsive records in this inquiry is part of the employment history of the Employee. A portion of the records revolved around an incident which appears to have been brought to the attention of Human Resources. The Applicant noted in her submissions, that she was given a copy of one e-mail that she requested by Human Resources. This is a good indication that the information in the e-mail may have been part of the Employee's personnel file.

[para 37] In any event, there is also information relating to the Employee's search for employment, the day she terminated her current position and day that she planned to start her new position. All of this information is employment history, as it is information that would be noted in a personnel file or in her resumé.

[para 38] Even if I am incorrect and this information is not employment history, it does have a "personal element" to it in that it is dealing specifically with the Employee's search for a new job, and a problem she was encountering when leaving her position. This information was not created as a part of her employment duties. It has a "human resource" element in that it revolved around the Employee's own employment and not her employment responsibilities with the Public Body.

[para 39] Given the nature of the information that was severed, I find that the information was about an identifiable individual (the Employee) and is therefore the Employee's personal information.

[para 40] I note that some of the information severed could also be considered an opinion about the Applicant. An opinion about the Applicant is the Applicant's personal information and not the personal information of the third party who gave the opinion. However, the identity of the third party who gave the opinion is that third party's personal information (Order F2008-031 at para 100).

[para 41] Although not all of the information that was severed or withheld was personal information of a third party, and some information that was withheld was the personal information of the Applicant, this information was inextricably intertwined with

personal information of a third party. The significance of this intertwining will be discussed further below.

[para 42] Therefore, if disclosing the third party information would be an unreasonable invasion of a third party's personal privacy, which I will discuss below, it was correct for the Public Body to withhold all of the information in the records, with the exception of the date and subject line of the e-mails, which do not contain personal information.

ii. Would disclosure of the information be an unreasonable invasion of a third party's personal privacy?

[para 43] Personal information as defined in section 1(n) of the Act (cited above) includes an individual's name, business contact information and employment history. On the basis of this definition, there are two third parties whose information is contained in the responsive records – the Manager and the Employee.

[para 44] Dealing first with the information of the Manager, generally, the disclosure of personal information of an employee of a public body acting in their employment capacity is not an unreasonable invasion of the employee's personal privacy. Past orders of this Office have found that the disclosure of names, signatures, business addresses, business phone numbers and other personal information is not an unreasonable invasion of a public body's employee's personal privacy (F2008-028 at para 53). I find that disclosure of the Manager's name and business contact information would not be an unreasonable invasion of her personal privacy.

[para 45] Turning to the personal information of the Employee, section 17(4) of the Act sets out instances where the disclosure of personal information would be considered an unreasonable invasion of a third party's personal privacy. These include when the information relates to employment history, and when the personal information is the third party's name and it appears with other personal information of the third party.

[para 46] Some of the information severed by the Public Body (the content of the e-mail) relates to the Employee's employment history and also includes the Employee's name along with other personal information about her such as family status and employment history, and therefore there is a presumption that disclosure of this information would be an unreasonable invasion of the Employee's personal privacy. However, some of the information severed was simply the date, name, and subject line found in the header of the e-mail, to which section 17(4) of the Act does not apply.

[para 47] Section 17(5) of the Act provides circumstances that a public body must consider when making the determination as to whether the disclosure of information would be an unreasonable invasion of a third party's personal privacy. This includes if the information has been supplied in confidence.

[para 48] The Applicant argues that because she received a copy of an e-mail from the Employee to the Manager from Human Resources, this would indicate that this was not information supplied in confidence. It does not follow from the fact that information was disclosed by someone who is not the person that supplied the information, that the information was not supplied in confidence. Neither is the absence of a direct statement that the information was supplied in confidence conclusive that there was no confidentiality. Confidentiality can be implied from the context. Sensitivity of the information is also a factor to consider when attempting to determine if information has been supplied in confidence (Order F2008-031 at para 121).

[para 49] The Public Body provided records, *in camera*, that support its contention that the Employee supplied information regarding the conflict with the Applicant found in the body of the e-mails to the Manager in confidence. This background information did not include any indication from the Employee that she was supplying this information in confidence. There is only one line in an e-mail, not between the Employee and the Manager, that states generally that information was provided to the Manager by the Employee in confidence. It does not say what information was provided in confidence and so I do not know if this statement is referring to the information in any of the e-mails between the Manager and the Employee.

[para 50] The information provided by the Employee to the Manager regarding the conflict with the Applicant is not overly sensitive information; however, the evidence before me establishes that given the context in which the information was supplied, the Employee provided this information in confidence. Therefore, I accept the Public Body's position that the information provided by the Employee to the Manager regarding the incident with the Applicant was provided in confidence.

[para 51] There was no evidence provided to me that suggests that Employee's personal information provided to the Manager by the Employee regarding issues not involving the conflict between the Employee and the Applicant was provided in confidence. The context in which the information was provided does not indicate that the third party supplying the information was doing so in confidence. There is nothing sensitive about this information either. Therefore, I find that the Employee's personal information provided by the Employee to the Manager regarding issues not involving the conflict between herself and the Applicant, was not provided in confidence.

[para 52] The Public Body also cited section 17(5)(e) of the Act (third party will be exposed unfairly to financial or other harm) as a factor that weighs in favour of not disclosing the Employee's personal information. The Public Body's reasons for believing that this section applied were supplied *in camera*, so I will not discuss them in detail except to say that there was no compelling evidence provided to me on this point, and I was not convinced by the Public Body's argument that this is a factor that applies in this inquiry.

[para 53] No factors that weigh in favour of disclosing any of the Employee's personal information were presented to me, and I find there are none. Therefore I find

that disclosing the personal information of the Employee would be an unreasonable invasion of the Employee's personal privacy.

[para 54] The records also contain personal information of the Applicant, and information that is not personal or personal information of the Manager that is not an unreasonable invasion her personal privacy. However, this information is intertwined with the Employee's personal information such that it cannot be severed in accordance with section 6(2) of the Act which states:

> *6(2) The right of access to a record does not extend to information excepted from disclosure under Division 2 of this Part, but if that information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record.*

[para 55] Therefore, based on the foregoing, I find that the Public Body was correct in not disclosing the content of any of the e-mails between the Employee and the Manager, as disclosure of the Employee's personal information would have been an unreasonable invasion of her personal privacy. However, the Public Body should have disclosed the "From", "Sent", "To", and "Importance" lines in all of the e-mail and the "Subject" line in the e-mail where the subject line does not contain the name of the Employee (which is her personal information).

C: Did the Public Body properly apply section 19 of the Act to the records/information?

[para 56] As I have found that the Public Body properly applied section 17 to most of the information in the e-mails, I do not need to examine the Public Body's use of section 19 of the Act and will not making any findings regarding this section.

V. ORDER

[para 57] I make this Order under section 72 of the Act.

[para 58] I find that the Public Body improperly withheld records from the Applicant that it deemed to be not responsive to the Applicant's request that were responsive to the Applicant's request. However, as I have found that most of this information was properly severed under section 17 of the Act, I order it to disclose only those portions of the additional responsive records which are set out in paragraph 61 below.

[para 59] I order the head of the Public Body to provide an explanation to the Applicant detailing why it believes that there are no other responsive records, taking into account my findings regarding responsive records and the apparently missing pages of responsive records.

[para 60] I confirm that the Public Body properly applied section 17 of the Act to the content of the e-mails.

[para 61] I find the Public Body improperly severed the "From", "Sent", "To" and "Importance" lines from all of the responsive records and improperly severed the "Subject" line from the e-mail where it did not contain personal information of the Employee.

[para 62] 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.

_____
Keri H. Ridley
Adjudicator