

# ALBERTA

## OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

### ORDER F2021-38

October 7, 2021

#### EDMONTON CATHOLIC SEPARATE SCHOOL DIVISION

Case File Numbers 002492 and 002493

**Office URL:** [www.oipc.ab.ca](http://www.oipc.ab.ca)

**Summary:** The Applicant made an access request to Edmonton Catholic Schools (the Public Body) for “all records... related to all retreats and/or meetings attended by [principals and teachers] that took place outside of Edmonton. To clarify, this request includes – but is not limited to – all costs associated with any meetings and/or retreats in such places as Jasper Park Lodge or Kananaskis.” The time frame for the request is January 1, 2010 to the date of the request (September 21, 2015).

The Public Body initially responded to the Applicant by providing a summary of costs it had created for the purpose of responding to the access request. In Order F2019-22, the Adjudicator directed the Public Body to respond to the access request by searching for responsive records, rather than by creating records, as required by the FOIP Act.

The Public Body responded to the Applicant’s access request. It provided records of expenses submitted by teachers and principals for all conferences and meetings attended during the relevant time. The Applicant requested a review of the Public Body’s response on the basis that most of the records he received were not responsive, while he had not been provided with records that he expected to receive.

The Adjudicator determined that only records containing information relating to meetings or retreats that took place in such places as Kananaskis or the Jasper Park Lodge were responsive to the access request. The records the Public Body produced that did not relate to meetings and retreats in Alberta were not responsive. The Adjudicator found that the

Public Body had not searched for all records responsive to the access request and directed it to conduct a new search.

**Statutes Cited:** **AB:** *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1, 10, 11, 16, 17, 25, 30, 31, 72

**Authorities Cited:** **AB:** Orders F2005-011, F2019-22

**Cases Cited:** *Merck Frosst Canada Ltd. v. Canada (Health)*, 2012 SCC 3 (CanLII), [2012] 1 SCR 23

## **I. BACKGROUND**

[para 1] The Applicant made an access request to the Public Body for “all records... related to all retreats and/or meetings attended by [principals and teachers] that took place outside of Edmonton. To clarify, this request includes – but is not limited to – all costs associated with any meetings and/or retreats in such places as Jasper Park Lodge or Kananaskis.” The time frame for the request is January 1, 2010 to the date of the request (September 21, 2015).

[para 2] The Public Body responded to the Applicant by providing a summary it had created for the purpose of responding to the access request.

[para 3] The Applicant requested a review of the Public Body’s response. Specifically, he stated that the Public Body had not met its duty to assist, on the basis that it had provided him with only a summary of information relating to the kinds of records he had requested, rather than the records themselves. The Applicant also stated that the Public Body had failed to meet the timelines set out in the FOIP Act, and had extended the time to respond to his request without authority under the Act. Following a review by this Office, the Applicant requested an inquiry.

[para 4] The Commissioner delegated her authority to conduct an inquiry to me. In Order F2019-22, I found that manually creating a summary of the information to respond to the access request was not a response contemplated by the FOIP Act. I directed the Public Body to comply with its duty under section 11 of the FOIP Act by responding to the access request. I retained jurisdiction to review the Public Body’s response to Order F2019-22 if the Applicant requested a review of it.

[para 5] On September 25, 2019, October 30, 2019 and November 27, 2019, the Public Body responded to the access requests and disclosed 3,833 pages of records with severing under sections 16 (disclosure harmful to business interests of a third party), 17 (disclosure harmful to personal privacy) and 25 (disclosure harmful to economic or other interests of a public body) of the FOIP Act. The Public Body did not confine its response to information regarding conferences or retreats taking place in Kananaskis or the Jasper Park Lodge, but also provided records of all travel and training undertaken by its principals and teachers outside Edmonton that it located in its search during the relevant timeframe.

[para 6] The Applicant requested review of the Public Body's decisions to sever information from the records. He also complained that many of the records he received were not responsive to his original requests and also that he had not received responsive records he had expected to be produced, such as emails.

## **II. ISSUES**

**Issue A: Is the information in the records responsive to the Applicant's access request?**

**Issue B: Does section 16 of the Act (disclosure harmful to business interests of a third party) apply to the information in the records?**

**Issue C: Does section 17 of the Act (disclosure harmful to personal privacy) apply to the information in the records?**

**Issue D: Did the Public Body properly apply section 25(1) of the Act (disclosure harmful to economic and other interests of a public body) to the information in the records?**

## **III. DISCUSSION OF ISSUES**

**Issue A: Is the information in the records responsive to the Applicant's access request?**

[para 7] The Applicant argues:

There are more than 800 pages in the first package and a cursory examination reveals that hundreds of pages are not responsive to my original requests.

For example, the first several hundred pages are mostly receipts related to travel by ECSD human resources executive [...], who I gather from the records is the staffing manager responsible for recruiting teachers. There are also records related to other human resources staff attending what appear to be recruitment conferences, and specific universities across Canada.

My original requests specifically referenced teachers and principals attending retreats or conferences outside Edmonton. Travel for teacher recruitment was never mentioned.

[para 8] The Applicant argues that the Public Body provided hundreds of nonresponsive records. He points to the fact that the Public Body included the travel expense records of a human resources executive in the response package.

[para 9] The Public Body argues:

A number of Administrators with the Division hold the designation of Principal. They were included in the emails to Principals and were asked to respond to the requests to search for records if they had attended retreats and/or meetings outside of Edmonton.

[para 10] The Public Body also argues:

The Applicant did not indicate the types, or subject matter, of the meetings and/or retreats he was specifically interested in. He asked for "all retreats and/or meetings". He has been provided with records related to all retreats and/or meetings attended by teachers and/or principals outside of Edmonton for the requested time period.

[para 11] The Public Body takes the position that the Applicant refused to clarify an unclear access request and cannot now take issue with the fact that it provided records the Applicant did not want:

The Division attempted to obtain clarification from the Applicant as to the types of records in which he was interested. The Division's clarification letter specifically referenced that his request could include materials related to conferences. The Applicant refused to provide any clarification with respect to his request and so, the Division had to use its best efforts to determine what types of records the Applicant was interested in. The Division determined that it was best to interpret the Applicant's request broadly, rather than risking providing an insufficient response.

All of the records provided are responsive to the Applicant's general request for "all records...related to all retreats and/or meetings... that took place outside of Edmonton." The Applicant made a very general request which he refused to clarify, and he cannot now claim that he was provided with records he did not want.

[para 12] The Public Body bases its position that the Applicant refused to clarify his access request on the basis of his response to a letter sent by its counsel, after Order F2019-22 was issued. The letter from the Public Body's counsel states:

Records responsive to the scope that you provide... may include receipts, conference materials, emails, other correspondence and a wide range of additional records. To ensure that we provide you with the types of records you are seeking, could you please specify if your interest is limited to financial records (i.e. receipts and invoices), or if you would like to include any, or all, additional types of records? If you are requesting additional types of record, can you also clarify if the search for these additional records may be limited to senior staff involved in the planning and organization of larger District organized events, or if you would like all teacher and principals who may have participated in such events included in the search?

As noted in the District's inquiry submissions, the District's centralized reporting software does not distinguish between retreats and/or meetings that occur within or outside of Edmonton. To identify responsive records, the District will need to identify those individuals who attended retreats and/or meetings that occurred outside of Edmonton and then cross reference physical receipts located at sites across the District with entries in our financial reporting system. Alternatively, the District can provide District budget actuals for conference and professional development related expenses broken down by school. Please note, however, that these will not specify where the expense was incurred. While the search for records will include the complete invoices for the two types of events you specify in your request, can you please confirm whether the above noted type of District level reporting will suffice for the remainder of expenses?

Based on your knowledge of the District's financial reporting structure as explained in the District's inquiry submissions, is there any additional information you can provide that will assist in focusing the search for records?

[para 13] The Applicant provided the following response to this letter:

Your client seeks clarification without making reference to what I interpret as clear direction from the adjudicator in paragraph 25 of her order:

"It is also unclear from the Public Body's submission why it did not consider contacting the schools, where it acknowledges responsive records are likely to be located, and delegating at least some aspects of the search conducted to school employees responsible for organizing and maintaining the records."

Wouldn't it make sense to first contact the schools to determine if there is an easier, more pragmatic way to fulfil my request?

I remind you the adjudicator also found in paragraph 24 that:

"In this case, the Applicant's access request was neither unclear nor incomprehensible, and the Public Body was able to give it reasonable meaning."

It seems to me that your request for clarification seeks to again assert the issues that were rejected by the Adjudicator.

I don't think it makes sense for me to expend any more of my time to provide clarification until you follow the advice of the adjudicator and contact the schools to see whether there might be a simpler and faster way to respond to my request.

For example, your client has said that in order to process my request, it would need to send a request for records to all 2,977 teachers and principals. It is inconceivable that either the district and/or the individual schools do not keep track of the employees who have gone on these retreats.

[para 14] The Applicant responded to the Public Body's letter and asked it to comply with Order F2019-22. In that Order, I found that the Public Body had failed to respond to the Applicant's access request and directed it to do so. In making this finding, I found that the Applicant's access request was clear enough for the Public Body to understand, given that it had adopted a reasonable interpretation in its submissions. As noted in Order F2019-22, the Public Body submitted the following affidavit evidence in that inquiry:

The Applicant's initial requests were for "all records" related to retreats and meetings attended by teachers or principals outside of Edmonton. This would include emails, agendas, outlook appointments, planning materials, notes and other records generated by those in attendance, course and conference handouts or packages video and audio recordings of the sessions, other presentation materials and any additional correspondence before, during or after the event.

[para 15] Order F2019-22 states in the summary:

The Applicant, a journalist, made an access request under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to Edmonton Catholic School District No. 7 (the Public Body). He requested records created between January 1, 2010 and the date of the access request related to

[...] all retreats and / or meetings attended by principals that took place outside of Edmonton.

He made a similar request for records regarding retreats and or meetings attended by teachers. The Applicant explained that the requests included all costs associated with any meetings and / or retreats in such places as Jasper Park Lodge or Kananaskis. [My emphasis]

While the Applicant indicated that he wanted information relating to retreats and meetings outside Edmonton, he clarified that his request was for records relating to retreats and meetings in such places as Jasper Park Lodge or Kananaskis.

[para 16] From the evidence before me, I find that the Applicant did not retract the requirement that meetings or retreats be held in such places as the Jasper Park Lodge or Kananaskis in order to be responsive to the request. I acknowledge that the Applicant initially asked for records outside Edmonton; however, he then clarified that he was referring to “such places” as the Jasper Park Lodge and Kananaskis. The “Jasper Park Lodge” is extremely specific as it refers to a particular hotel in Jasper, Alberta. “Kananaskis” refers to a specific region of Alberta that borders Canmore and Banff National Park. While “such as” often refers to examples of a category, in this case, based on the other evidence before me, the particular locations referred to seem to be the very locations with which the Applicant was concerned. Given what the Public Body has said about where retreats and meetings have routinely been held, including in the summary it provided in its first response, I believe it makes sense to interpret the Applicant’s request as referring to these particular locations rather than treating the specified locations as just two examples of a larger group. That being said, it would not be unreasonable for the Public Body to include records from retreats held at places like Banff or Lake Louise in its response, on the basis that these are scenic, mountainous destinations in national parks within Alberta that have some points of similarity with the Jasper Park Hotel or Kananaskis. I note that some of the records the Public Body located are for retreats or meetings taking place in Banff.

[para 17] While the terms “meetings” and “retreats” can certainly be interpreted as including conferences, or accreditation or recruitment-related activities, the requirement that the activity take place in locations such as Jasper Park Lodge or Kananaskis excludes records of out of province travel from the scope of the access request.

[para 18] In addition, the Applicant did not limit his requests to only records of costs of meetings and retreats in such places as Kananaskis or Jasper Park Lodge, although he indicated that records containing information about costs were to be included in a response to the request.

*What kinds of records are responsive to a request for records related to meetings or retreats in such places as Kananaskis or Jasper Park Lodge?*

[para 19] The Public Body did produce some records that were responsive to the access requests. The responsive records are those documenting meal and accommodation expenses for attendance at conferences in Kananaskis and Jasper Park Lodge. Those records documenting travel for conferences in Banff may also be responsive, as discussed above. The Public Body also provided some records containing information regarding the topics of presentations. However, in many cases the information regarding topics are those of teachers attending courses or other training sessions in places other than Kananaskis and the Jasper Park Lodge. The Public Body does not appear to have

provided any records containing information as to how or why the conferences were organized or attended, what the Public Body's objectives were in organizing them, or in sending attendees in cases where it did not organize them, or how attendance at the conferences was determined or approved.

[para 20] I note that in the record that is the subject of Order F2019-22, the Public Body stated:

Further details that may be of interest are that the Jasper Leadership Academy includes several sessions, some with guest speakers, and some with in-district specialists. Each session begins with a spiritual reflection. The Academy always ends with a Mass led by the Archbishop or one of the priests attending the Academy. The costs associated with holding the Academy at other venues have been analyzed over the years and the costs were similar or greater to those incurred at Jasper Park Lodge. Provided for your review in Appendix "B" is a summary of the Jasper Leadership Themes and Objectives.

[para 21] The foregoing discussion suggests that the Jasper Leadership Academy is an annual event and that the Public Body has conducted a cost study regarding it, at least with regard to accommodation costs. In addition, the foregoing excerpt contains a summary of conference themes and objectives, which suggests that the Public Body may have records containing the information used to create the summary. Cost-benefit analyses and any records containing the source material for the summary of themes and objectives in the excerpt above, regarding the Jasper Leadership Academy would be responsive to the access request, as they relate to a meeting or retreat taking place at the Jasper Park Lodge. The Public Body's summary is evidence that there are potentially responsive records that have not been produced in its custody and control. Any records used by the Public Body to create the excerpt, above, would be responsive. Again, the Applicant requested records *relating to* meetings and retreats taking place in Kananaskis and the Jasper Park Lodge between January 1, 2010 to September 21, 2015, and did not limit the request to records of costs.

[para 22] In the record the Public Body created in order to respond to the access request, it also stated:

Kananaskis

The other significant conference attended this year is the Catholic Education "Blue Prints" conference in Kananaskis, Alberta, which is a provincial conference hosted by the Alberta Catholic School Trustees of Alberta for Catholic school trustees and administrators across the province. This conference costs \$865 per person which includes costs of registration, hotel and meals. Travel costs are considered minimal as attendees will car pool. In 2015 there were 19 attendees composed of new Principals and their mentors. This number for 2015 is unusually high as there were a considerable number of new Principals attending who the District felt would benefit from the conference. This totals \$16,435. In previous years the number of attendees is unknown as schools would make their own arrangements. In any one year, however we estimate it would be between 4 to 8 teachers/Principals attending.

We can provide the following information in regards to our financial structure and the volumes of financial information we process annually. Table 1 provides examples of the financial

operations of District and the second table lists some of the codes that we use in the District to track school operating expenses:

In the foregoing excerpt, the Public Body indicated that principals and teachers made their own arrangements to attend a conference in Kananaskis for years other than 2015. It provided its conference costs for 2015, which suggests that it has records in its custody or control containing these amounts. It also indicated that the costs were unusually high due to the number of new principals attending, and estimated that four – eight principals attended in some years. The Public Body also refers to principals “benefitting” from the conference, which suggests that there may be criteria for attendance. In Order F2019-22, I directed the Public Body to respond to the Applicant’s access request by searching for and producing responsive records, rather than creating a record to address the request. This means searching for records that contain information relating to the “Blue Prints Retreats”, including searching for any responsive records created by principals and teachers that may be in its custody or control, in addition to searching for any recorded information used to create the excerpt, above. However, while the Public Body did provide records regarding travel and accommodation expenses of teachers and principals, there is no indication that it searched for information as to its policies regarding attendance or records relating to the retreat created at the departmental level. As a result, I find that it has not yet established that it has produced all responsive records it may have in its custody or control, relating to the Blue Prints Retreats.

[para 23] The Applicant complains that the records are disorganized. A public body need not organize records in a particular way unless an applicant expressly asks for records to be organized in that way and the public body has agreed and charged any applicable fees for doing so. However, in this case, the disorder in the records appears to be primarily the result of records relating to travel to places outside Alberta being included in the Public Body’s response to the access request.

**Issue B: Does section 16 of the Act (disclosure harmful to business interests of a third party) apply to the information in the records?**

[para 24] The Public Body explains its application of section 16:

The information which was redacted pursuant to s.16 consists of conference materials (or the notes about the conference materials taken by participants at conferences). As the Division is unable to speak on behalf of the third parties, if the Applicant is interested in obtaining access to the contents of those records, the Division is prepared to send third party notices to the applicable third parties.

[para 25] Section 16 of the FOIP Act requires a public body to withhold particular kinds of information supplied to it in confidence by third parties. This provision states, in part:

*16(1) The head of a public body must refuse to disclose to an applicant information*

*(a) that would reveal*



- (i) *trade secrets of a third party, or*
- (ii) *commercial, financial, labour relations, scientific or technical information of a third party,*
- (b) *that is supplied, explicitly or implicitly, in confidence, and*
- (c) *the disclosure of which could reasonably be expected to*
  - (i) *harm significantly the competitive position or interfere significantly with the negotiating position of the third party,*
  - (ii) *result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,*
  - (iii) *result in undue financial loss or gain to any person or organization, or*
  - (iv) *reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.*

[para 26] In Order F2005-011, former Commissioner Work adopted the following approach to section 16 analysis:

Order F2004-013 held that to qualify for the exception in section 16(1), a record must satisfy the following three-part test:

Part 1: Would disclosure of the information reveal trade secrets of a third party or commercial, financial, labour relations, scientific or technical information of a third party?

Part 2: Was the information supplied, explicitly or implicitly, in confidence?

Part 3: Could disclosure of the information reasonably be expected to bring about one of the outcomes set out in section 16(1)(c)?

All branches of the foregoing test must be met in order for section 16 to apply. That this is so is evidenced by the Legislature's use of the word "and" in section 16(1)(b), *supra*, to link sections 16(1)(a), (b), and (c).

[para 27] Section 30 of the FOIP Act requires a public body to provide notice to a third party when the head of a public body is considering disclosing information that may be subject to sections 16 and 17.

[para 28] In *Merck Frosst Canada Ltd. v. Canada (Health)*, 2012 SCC 3 (CanLII), [2012] 1 SCR 23, Cromwell J., speaking for the majority of the Supreme Court of

Canada, set out in the circumstances in which the head of a public body is required to provide third party notice:

To sum up my conclusions on s. 27(1) [the Federal equivalent of section 16 of the FOIP Act]:

- (i) With respect to third party information, the institutional head has equally important duties to disclose and not to disclose and must take both duties equally seriously.
- (ii) The institutional head:
  - should disclose third party information without notice only where the information is clearly subject to disclosure, that is, there is no reason to believe that it is exempt;
  - should refuse to disclose third party information without notice where the information is clearly exempt, that is, where there is no reason to believe that the information is subject to disclosure.
- (iii) The institutional head must give notice if he or she:
  - is in doubt about whether the information is exempt, in other words if the case does not fall under the situations set out in point (ii);
  - intends to disclose exempted material to serve the public interest pursuant to s. 20(6); or
  - intends to disclose severed material pursuant to s. 25.

In the foregoing case, the Court held that a public body need not provide notice to third parties whose information appears in the records when the information is clearly not exempt.

[para 29] I am unable to say that any of the records to which the Public Body applied section 16 are responsive to the Applicant's access request, as it is unclear that any of them relate to meetings or retreats taking place in the Kananaskis area or the Jasper Park Lodge or similar places. In some cases, context establishes that the notes were taken during courses in places outside Alberta.

[para 30] I note, too, that most of the information to which the Public Body applied section 16 appears to fall within the category of information the head of a public body should disclose without notice, as discussed by the Court, in the excerpt above. I say this because in most cases the information is not the "trade secrets of a third party" or "commercial, financial, labour relations, scientific or technical information of a third party". In addition, it is not obviously supplied in confidence, given that the information appears to have been disclosed in the form of a lecture without restrictions on the extent to which the information could be disseminated.

[para 31] As it is unclear that any of the information to which the Public Body applied section 16 is responsive, I will not direct the Public Body to disclose it. Instead, I must require the Public Body to review these records and to determine whether any of the records relate to a meeting or retreat taking place in such places as Kananaskis or the Jasper Park Lodge. If records are not responsive, the Public Body should inform the

Applicant that the records are not responsive and it will not be providing them to the Applicant for that reason. If it determines that the records are responsive – that is, they *do* relate to meetings or retreats in such places as Kananaskis or the Jasper Park Lodge, then it must consider whether it needs to provide notice to a third party. Again, if section 16 cannot possibly apply, there is no requirement to provide notice and the information cannot be withheld under section 16. If the Public Body decides to withhold information under section 16, it must provide notice of that decision to both the Applicant and the third party under section 31.

**Issue C: Does section 17 of the Act (disclosure harmful to personal privacy) apply to the information in the records?**

[para 32] The Public Body applied section 17 to sever such information as personal address information of principals and teachers from the records, and in some cases, personal credit card numbers or other numbers associated with the principal or teacher as an identifiable individual. Such information is the personal information of third parties within the terms of section 1(n) of the FOIP Act.

[para 33] Section 17 of the FOIP Act requires a public body to withhold the personal information of third parties if disclosing the information would be an unreasonable invasion of personal privacy. 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 34] 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 35] 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. Section 17(5) is not an exhaustive list and any other relevant circumstances must be considered.

[para 36] From my review of the records, I am satisfied that the information to which the Public Body applied section 17 is personal information subject to the presumption created by section 17(4)(g). In addition, I am unable to identify any factors weighing in favor of disclosing the information. I will confirm the Public Body's decisions to apply section 17(1).

**Issue D: Did the Public Body properly apply section 25(1) of the Act (disclosure harmful to economic and other interests of a public body) to the information in the records?**

[para 37] The Public Body applied section 25 to information such as credit card numbers and bank account numbers. Section 25 states, in part:

*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,*

*[...]*

*the Government of Alberta or a public body;*

[para 38] If the disclosure of information could reasonably be expected to result in financial losses to a public body, then section 25(1)(c) applies to the information.

[para 39] The Public Body provided the following explanation for its redactions under section 25:

In the records at issue, the following types of information (including, but not limited to) have been redacted pursuant to s.25(1)(c) - Division credit card numbers, bank authorization codes, internal accounting codes, internal cost centre numbers, general ledger codes, and bank account numbers.

This is all information which is routinely redacted in response to access request requests involving expense claims (see FOIP Bulletin 19 re Ministerial Expense Claims). It is beyond doubt that disclosing the credit card numbers, bank account numbers, and bank authorization codes of a Public Body could result in financial loss through theft or fraud. The same is true of things like internal accounting codes, cost centre numbers and general ledger codes. This information could similarly be used to defraud or inappropriately interfere with Division accounting procedures resulting in financial loss to the Division. It is therefore the position of the Division that this information has all been appropriately redacted.

[para 40] I find that it could be reasonably be expected that the Public Body would suffer financial harm if the information to which it has applied section 25 are disclosed. When a public body discloses financial information, it is effectively making information public, given that it no longer has control over what may be done with the information. It is conceivable that the Public Body's credit card numbers, bank account numbers and internal financial codes could be used to harm the Public Body financially if the information were to become public.

[para 41] I find that section 25 applies to the information to which the Public Body applied this provision and I find that it exercised its discretion reasonably to withhold it.

#### **IV. ORDER**

[para 42] I make this Order under section 72 of the Act.

[para 43] I require the Public Body to search for additional responsive records relating to meetings and retreats taking place in the Jasper Park Lodge and Kananaskis. The new search should include records containing information about the organization of conferences that the Public Body organized or assisted to organize, and also include any records of decisions determining attendance at conferences and criteria for such decisions. The search should also include records of policies regarding organizing or attending conferences and any cost benefit studies. The new search for records should also include searching for records that formed the basis of the excerpts regarding the Jasper Leadership Academy and the “Blue Prints” conference cited in this order. The new search is to be restricted to records of meetings or retreats that take place in such places as Kananaskis or the Jasper Park Lodge in the relevant time frame. As discussed above, responsive records are all records relating to meetings and retreats taking place in such places as Kananaskis and the Jasper Park Lodge. The search should include records created by teachers and principals, but also include records created at the department level of the Public Body. The new search need not duplicate any portion of the search that has already been conducted.

[para 44] Subject to my interpretation that the meetings and retreats take place in Alberta, the Public Body is not precluded from seeking clarification as to what the Applicant meant by “such places as Kananaskis or the Jasper Park Lodge” – that is, whether the meetings or retreats may only take place in Kananaskis or the Jasper Park Lodge to be responsive, or whether this phrase was intended to include other places in Alberta, such as Lake Louise and Banff. I would encourage the Applicant to answer the Public Body’s request for clarification on this point, should it make one.

[para 45] I order the Public Body to consider whether the records to which it applied section 16 are responsive to the access request. If they are not, it should inform the Applicant that they are not responsive. If they are responsive, it must determine whether section 16 applies to the information. If the information is clearly not subject to section 16, it should provide the information to the Applicant. If the Public Body determines that the information may be subject to section 16, it must follow the process set out in sections 30 and 31 of the FOIP Act.

[para 46] I confirm the decisions of the Public Body to withhold information under sections 17 and 25 of the FOIP Act.

[para 47] I order the Public Body to inform me within fifty days of receiving this order that it has complied with it.

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Teresa Cunningham  
Adjudicator  
/bah