



REVIEW REPORT 027-2016

Ministry of Justice and Attorney General

July 21, 2016

Summary: The Ministry of Justice applied subsections 15(1)(c), (d), (k), 17(1)(a), (b)(i), (c), (d), 22(a), (b), (c) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP) to records responsive to the Applicant's request. The Commissioner found that subsections 15(1)(c), (d), (k), 17(c) and (d) of FOIP do not apply to the record.

I BACKGROUND

[1] On December 4, 2015, the Ministry of Justice received an access to information request for:

Any and all written documents which include my name in any form including text messages and emails. The document request is from June 13, 2014 to present date and includes communication to and from the following people, but is not limited to the following people: [names of four people].

[2] On February 3, 2016, the Ministry responded to the Applicant indicating that responsive records were being withheld pursuant to subsections 15(1)(c), (d), (k), 17(1)(a), (b)(i), (c), (d), 22(a), (b), (c) and 29(1) of *The Freedom of Information and Protection of Privacy Act* (FOIP).

[3] The Applicant requested a review by my office on March 3, 2016. On March 4, 2016, my office provided notification to the Ministry and the Applicant of our intention to undertake the review.

II RECORDS AT ISSUE

- [4] The Ministry has divided the record into two parts. The first part contains 165 pages of responsive records. The Ministry has withheld portions of some of these pages. The second part contains 153 pages which the Ministry originally identified as responsive to the Applicant's request and withheld in full.
- [5] The Ministry relied on subsections 15(1)(c), (d), (k), 17(1)(a), (b)(i), (c), (d), 22(a), (b), (c) and 29(1) of FOIP to withhold responsive material. The Ministry also indicated that some portions of the record are non-responsive.
- [6] My office's draft report concluded that exemptions applied to only some of the record. After reviewing the draft report and a meeting with my office, the Ministry indicated that it intended to release additional pages to the Applicant. On Friday, July 15, 2016, the Ministry indicated that it was withholding only 11 pages of the record in addition to what my office concluded qualified for exemptions. The Ministry also indicated that it would also be severing the name and other personal information of the individual that the Applicant has accused of harassment.
- [7] For more detailed information about the record see Appendix A.

III DISCUSSION OF THE ISSUES

1. Does subsection 17(1)(b)(i) of FOIP apply to the record?

- [8] Subsection 17(1)(b)(i) of FOIP states:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(b) consultations or deliberations involving:

(i) officers or employees of a government institution;

- [9] This provision is meant to permit government institutions to consider options and act without constant public scrutiny.
- [10] A consultation occurs when the views of one or more officers or employees of the public body are sought as to the appropriateness of a particular proposal or suggested action. A deliberation is a discussion or consideration, by the persons described in the section, of the reasons for and against an action. It refers to discussions conducted with a view towards making a decision.
- [11] In order to qualify, the opinions solicited during a “consultation” must:
1. be either sought, expected, or be part of the responsibility of the person who prepared the record; and
 2. be prepared for the purpose of doing something, such as taking an action, making a decision or a choice.
- [12] Upon review of the record and the Ministry’s submission, the majority of the material to which the Ministry has applied subsection 17(1)(b)(i) of FOIP has met the criteria described above and the exemption applies.
- [13] However, I do not agree with the Ministry in some instances. For information to qualify as a consultation or deliberation for the purposes of this exemption, the information must relate to a “particular proposal or suggested action” or occur with a “view towards making a decision”. With respect to portions of an e-mail severed on pages 52 and 53 of Part 1 and the same e-mails withheld in full on page 77-79 of Part 2, the Ministry indicated it “believes this string of emails spans several parts of section 17 where opinions, positions and deliberations are all part of the discussion and negotiations involved in resolving this labour relations concern. The Ministry is concerned the standard being applied by the OIPC is unusually high in this instance...”
- [14] These e-mails appear to be summaries of discussions with the Applicant. It would be an absurd result to withhold it from the Applicant who already has knowledge of what was discussed. Further, I can discern no decision or action that is being considered; again this

appears to be summaries of conversations. The portions severed on page 62 of Part 1 of the record also describe conversations with the Applicant and the conveyance of a decision that had been made and that the Applicant is aware of. Finally, pages 63 and 64 of Part 1 of the record contain an e-mail that is self-described as an “update” in advance of a telephone conversation. Only the last bullet on page 63 would qualify for exemption under subsection 17(1)(b)(i) of FOIP.

[15] I have indicated where subsection 17(1)(b) of FOIP applies in Appendix A.

2. Does subsection 17(1)(a) of FOIP apply to the record?

[16] Subsection 17(1)(a) of FOIP states:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

(a) advice, proposals, recommendations, analyses or policy options developed by or for a government institution or a member of the Executive Council;

[17] My office has considered this exemption many times in the past. The exemption is meant to allow for candor during the policy-making process, rather than providing for the non-disclosure of all forms of advice. The established test that my office uses to determine the applicability of this exemption is as follows:

1. Does the information qualify as advice, proposals, recommendations, analyses or policy options?
2. The advice, recommendations, proposals, analyses and/or policy options must:
 - a. be either sought, expected, or be part of the responsibility of the person who prepared the record; and
 - b. be prepared for the purpose of doing something, for example, taking an action or making a decision; and
 - c. involve or be intended for someone who can take or implement the action.
3. Was the advice, recommendations, analyses and/or policy options developed by or for a government institution or a member of the Executive Council?

[18] Advice includes the analysis of a situation or issue that may require action and the presentation of options for future action, but not the presentation of facts. Advice has a broader meaning than recommendations. Recommendations relate to a suggested course of action as well as the rationale for a suggested course of action. Recommendations are generally more explicit and pointed than advice. Proposals, analyses and policy options are closely related to advice and recommendations and refer to the concise setting out of the advantages and disadvantages of particular courses of action.

[19] A string of e-mails found in Part 2 of the record does qualify as advice and meets the first part of the test. Upon review of the record and the Ministry's submission, I am also satisfied that the other parts of the test have been met. Subsection 17(1)(a) of FOIP applies to this string of e-mails.

[20] With respect to page 51 of Part 1 the record, the Ministry indicated that:

The Ministry's view is that this meets the test under 17(1)(a) but should not be divorced from the deliberations and the broader negotiation process of bringing mediation in to resolve the conflict. It is difficult to determine where advice, deliberations, consultations and considerations toward negotiations with the applicant begin and end in the email string. All of these have certain tests and components of the email string meet various parts of these tests. A single email may not meet the full test but together they do.

[21] Upon review, the e-mail contains general statements. Further, it is not obvious to me what decision or action relates to the portion severed on page 51 of the record. Subsection 17(1)(a) does not apply.

3. Do subsections 17(1)(c) and 17(1)(d) of FOIP apply to the record?

[22] Subsections 17(1)(c) and (d) of FOIP states:

17(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

...

(c) positions, plans, procedures, criteria, or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of

Saskatchewan or a government institution, or considerations that relate to those negotiations;

(d) plans that relate to the management of personnel or the administration of a government institution and that have not yet been implemented;

[23] The test for subsection 17(1)(c) of FOIP is as follows:

1. Does the record contain positions, plans, procedures, criteria, instructions or considerations that relate to the contractual or other negotiations?
2. Were they developed for the purpose of contractual or other negotiations?
3. Were the contractual or other negotiations being conducted by or on behalf of a public body?

[24] The test for subsection 17(1)(d) of FOIP is as follows:

1. The record must contain a plan or plans;
2. The plan(s) must relate to:
 - i) the management of personnel; or
 - ii) the administration of the public body; and
3. The plan(s) must not yet have been implemented by the public body.

[25] The Ministry applied subsection 17(1)(c) of FOIP to a portion of handwritten notes on page 61 of Part 1 of the record. It stated:

[It] reveals who needs to be consulted on what question and would not be part of the information necessarily shared with the applicant in the meeting. It is a proposal that needs consideration related to negotiations with the applicant around resolving the conflict and meets the test for 17(1)(c). It is a note to the author of the record. It identifies a need to discuss with others a specific issue in order to come up with a position as part of the ongoing negotiations.

[26] The Ministry describes the withheld portion as a proposal made by the Applicant that needs to be considered. I agree that the author of these notes likely wrote this question as a reminder to look in to the request after the meeting with the Applicant. Section 17(1)(c) of FOIP protects a consideration with respect to a negotiation. A consideration in this context would be a reason or ground for a possible decision or course of action. It would

not cover a request, made by the Applicant, which needs to be considered. I find 17(1)(c) of FOIP does not apply.

[27] I also do not find that subsection 17(1)(d) apply to the records.

4. Does subsection 15(1)(c) of FOIP apply to the record?

[28] Subsection 15(1)(c) of FOIP states:

15(1) A head may refuse to give access to a record, the release of which could:

...

(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

[29] My office has established the following test for subsection 15(1)(c) of FOIP:

1. Does the public body's activity qualify as a "lawful investigation" under the Act?
2. One of the following must exist:
 - a. The release of information would interfere with a lawful investigation; or
 - b. The release of information would disclose information with respect to a lawful investigation.

[30] A lawful investigation is an investigation that is authorized or required and permitted by law. The Ministry's submission explains that there are several investigations underway that relate to the harassment incident. These include investigations related to Human Rights and Occupational Health and Safety complaints and a potential investigation by the Regina Police Service. I am satisfied that the investigations referred to by the Ministry qualify as "lawful investigations" for the purpose of subsection 15(1)(c) of FOIP.

[31] However, the Ministry also must demonstrate that release of the information in question could interfere with a lawful investigation or disclose information with respect to a lawful investigation.

[32] All of the responsive records relate to an incident in which the Applicant was harassed and the management of the human resource issues that ensued. The Applicant initiated

several investigations in relation to the harassment and the actions of the Ministry to resolve the situation. However, the focus of the records is primarily about the Ministry's efforts to resolve the situation directly with the Applicant. These records may be called in to question in the other investigations; however the Ministry has not provided confirmation that this is the case. Further, the majority of what is still in question is summaries of discussions with the Applicant or direct statements by the Applicant. Withholding this would produce an absurd result.

[33] I am uncertain how release of the record would interfere with or disclose information about the investigations. I am not persuaded that subsection 15(1)(c) of FOIP applies to the record.

5. Does subsection 15(1)(k) of FOIP apply to the record?

[34] Subsection 15(1)(k) of FOIP states:

15(1) A head may refuse to give access to a record, the release of which could:

...

(k) interfere with a law enforcement matter or disclose information respecting a law enforcement matter;

[35] The Ministry has applied this exemption to several excerpts in Part 1 and eight pages in Part 2.

[36] The following test is considered when determining the application of subsection 15(1)(k) of FOIP:

1. Does the public body's activity qualify as a "law enforcement matter" under the Act?
2. One of the following must exist:
 - a. The release of information would interfere with a law enforcement matter; or
 - b. The release of which would disclose information with respect to a law enforcement matter.

[37] A law enforcement matter includes policing, including criminal intelligence operations, or investigations, inspections or proceedings conducted under the authority of or for the

purpose of enforcing an enactment which lead to or could lead to a penalty or sanction being imposed under the enactment. The Ministry's submission explains to which law enforcement matters the records relate and I am satisfied that the first part of the test is met.

[38] Subsection 15(1)(k) of FOIP does not apply to the record.

6. Does subsection 15(1)(d) of FOIP apply to the record?

[39] Subsection 15(1)(d) of FOIP states:

15(1) A head may refuse to give access to a record, the release of which could:

...

(d) be injurious to the Government of Saskatchewan or a government institution in the conduct of existing or anticipated legal proceedings;

[40] My office has established the following test for this exemption:

1. Do the proceedings qualify as existing or anticipated legal proceedings?
2. Could disclosure of the records be injurious to the public body in the conduct of the legal proceedings?

[41] For the purpose of this exemption, legal proceedings are proceedings governed by rules of court or rules of judicial or quasi-judicial tribunals that can result in a judgment of a court or a ruling by a tribunal. Legal proceedings include all proceedings authorized or sanctioned by law, and brought or instituted in a court or legal tribunal, for the acquiring of a right or the enforcement of a remedy. To qualify for this exemption, the legal proceedings must be "existing or anticipated". The Ministry has described the relevant existing or anticipated legal proceedings in its submission and I am satisfied the first part of the test is met.

[42] The types of records to which subsection 15(1)(d) of FOIP has been applied include statements made by the Applicant, factual accounts of discussions and interactions with the Applicant and personal health information of the Applicant. The Ministry must demonstrate that release of the record would be injurious to the Ministry. Injury implies damage or detriment. The exemption is designed to protect the public body from harm in

its existing or anticipated legal proceedings. The Applicant already has knowledge of these interactions. I am not persuaded that injury would result from the release of these records.

[43] Subsection 15(1)(d) of FOIP does not apply to the record.

7. Does subsection 22(b) of FOIP apply to the record?

[44] Subsection 22(b) of FOIP states:

22 A head may refuse to give access to a record that:

...

(b) was prepared by or for an agent of the Attorney General for Saskatchewan or legal counsel for a government institution in relation to a matter involving the provision of advice or other services by the agent or legal counsel; or

[45] In order for subsection 22(b) of FOIP to apply to a record, the following criteria must be met:

1. Were the records “prepared by or for” an agent or legal counsel for a public body?
2. Were the records prepared in relation to a matter involving the provision of advice or other services by the agent or legal counsel?

[46] The Ministry has applied this exemption to strings of e-mails involving Crown Counsel from the Ministry of Justice who is providing legal advice to the Ministry. Upon review of the record and the Ministry’s submission, I am satisfied that subsection 22(b) of FOIP applies to these portions of the record. There is no need to review subsections 22(a) and (c) of FOIP.

8. Does subsection 29(1) of FOIP apply to the record?

[47] Subsection 29(1) of FOIP states:

29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 30.

[48] Subsection 24(1) of FOIP provides a list of examples of what is considered personal information. However this list is non-exhaustive. Two considerations when determining if the information in question would qualify as personal information are:

1. Is there an identifiable individual? Identifiable individual means that it must be reasonable to expect that an individual may be identified if the information were disclosed. The information must reasonably be capable of identifying particular individuals because it either directly identifies a person or enables an accurate inference to be made as to their identity when combined with other available sources of information or due to the context of the information in the record.
2. Is the information personal in nature? Personal in nature means that the information reveals something personal about the individual. Information that relates to an individual in a professional, official or business capacity could only qualify if the information revealed something personal about the individual for example, information that fits the definition of employment history.

[49] Appendix A indicates where I have determined subsection 29(1) of FOIP applies. The majority of this information qualifies as employment history pursuant to subsection 24(1)(b) of FOIP.

[50] The Ministry applied subsection 29(1) of FOIP to various lists of the Applicant's colleagues. For example, some lists indicate the individuals' position numbers (a number assigned to the position, not the individual), others indicate if the individual has received certain training provided by the Ministry and others are evaluative in nature. My office has defined employment history as the type of information normally found in a personnel file such as performance reviews, evaluations, disciplinary actions taken, reasons for leaving a job or leave transactions. It does not include work product. Some of the lists are clearly evaluative material that would qualify as employment history and should be

withheld. Lists that indicate which date employees have received mandatory training by the Ministry would qualify as work product and not employment history and should be released. Lists that indicate that simply indicate that individuals work at the Ministry would also not qualify.

[51] In many cases, the Ministry has severed the name of the individual the Applicant has accused of harassment and has also severed information about this individual from notes taken at meetings in which the Applicant had attended. Although these portions contain information that may qualify as personal information of another individual, it is my understanding that some of the notes are an account of the Applicant's recollection of what had occurred and his feelings about the situation. Based on this understanding, the Applicant provided this information and is therefore already aware of the information. Withholding the information would produce an absurd result.

[52] The Ministry brought to my attention Order MO-1323 by the Ontario Information and Privacy Commissioner's Office. It stated:

In withholding the name of the individual where other personal information appears on the record and which has already or will be released to the applicant, the Ministry has taken the position that authority exists in the legislation to withhold the information. It has reviewed the 'absurd results principle' and various orders and reports from other jurisdictions related to this principle. For example, the following IPC Ontario Orders were taken into consideration:

M0-1323, Appeal MA-990304-1, Sault Ste. Marie Police Services Board:

..."in Order M-444, former Adjudicator Higgins also noted that it is possible that, in some cases, the circumstances would dictate that the "absurd result" principle should not be applied even where the information was supplied by the requester to a government organization. I agree and find that all of the circumstances of a particular case must be considered before concluding that withholding information to which exemptions would otherwise apply would lead to an absurd result.... The circumstances of this appeal raise the question whether the "absurd result" may also apply to a record which contains another individual's personal information despite the fact that the record does not contain the appellant's personal information.... In my view, to expand the application of the "absurd result" in personal information appeals beyond the clearest cases risks contradicting an equally fundamental principle of the Act. the protection of privacy. In general, I find that the fact that a record does not contain the appellant's personal

information weighs significantly against the application of the "absurd result" to the record. However, as I indicated above, all circumstances must be considered in determining whether this is one of those "clear cases" in which the absurdity outweighs the privacy protection principles.

[53] In the Order from Ontario, although the Applicant provided the information to the public body, which was on an answering machine cassette tape, the information was the personal information of her son. The Order also called in to question whether the Applicant had ever listened to the cassette tape.

[54] In this case, the records contain both the personal information of the Applicant as well as the harasser. The Applicant clearly knows about the information that has been severed. Ontario Order MO-1323 also states:

In my view, it is the "higher" right of an individual to obtain his or her own personal information that underlies the reasoning in Order M-444 which related to information actually supplied by the requester. Subsequent orders have expanded on the circumstances in which an absurdity may be found, for example, in a case where a requester was present while a statement was given by another individual to the Police (Order P-1414) or where information on a record would **clearly** be known to the individual, such as where the requester already had a copy of the record (Order PO-1679) or where the requester was an intended recipient of the record (PO-1708).

[55] This excerpt describes the records which are currently at issue. I recommend the Ministry consider releasing this type of personal information.

9. Are portions of the record non-responsive?

[56] The Ministry has indicated that through the course of the review, it has discovered that some of the records that were originally identified are now non-responsive to the request.

[57] In order to determine if a record, or portion thereof, is responsive, I must closely examine the access request. The request itself defines the boundaries of relevancy and circumscribes the records which will ultimately be identified as being responsive to the request. However, I must note that the purpose of FOIP is best served when there is a broad and liberal interpretation of the request.

[58] The Applicant requested “documents which include my name in any form”. Upon review, the majority of the pages of the record reference the Applicants name and are, therefore, responsive to the Applicant’s request. The only exceptions are the documents identified in Part 2 of the record.

[59] However, many of the portions that have been identified as non-responsive qualify as personal information of individuals other than the Applicant. As such, this should be withheld pursuant to subsection 29(1) of FOIP.

[60] See Appendix A for more details.

10. Does the Ministry have an obligation to provide the Applicant with copies of other records?

[61] The Ministry did not include e-mails that were sent to or by the Applicant in the records provided to the Applicant or identified for the purposes of this review. These records would obviously be responsive to the request. The Applicant is an employee of the Ministry and there would presumably be a large volume of records responsive to the Applicant’s request that fit in this category. The Ministry reported that it worked with the Applicant to narrow the results to records related to the harassment issue, but the Applicant wanted all responsive records.

[62] In its section 7 response to the Applicant, the Ministry indicated to the Applicant that he does have access to the e-mails sent to and from him through his work e-mail account. As such, the Ministry believes he has opportunity to examine the responsive material and this covers the requirement imposed by subsection 10(2)(b) of FOIP which states:

10(2) A head may give access to a record:

(a) by providing the applicant with a copy of the record; or

(b) where it is not reasonable to reproduce the record, by giving the applicant an opportunity to examine the record.

[63] Further, the section 7 response indicates that the Ministry would be willing to provide the Applicant with copies of these e-mails upon the payment of fees. The Ministry indicated that it would provide a fee estimate if the Applicant wished to go that route.

[64] I agree with the Ministry's approach on this matter. If the Applicant would like the Freedom of Information and Privacy Branch of the Ministry to gather and print the records that the Applicant has access to, it is reasonable to charge fees. In similar situations in the future, I would encourage the Ministry to provide a fee estimate to the Applicant before the section 7 response.

IV FINDINGS

[65] I find that subsections 17(1)(a), (b)(i), 22(b) and 29(1) of FOIP applies to some of the record as reflected in Appendix A.

[66] I find subsections 15(1)(c), (d), (k), 17(1)(c) and (d) of FOIP do not apply to the record as reflected in Appendix A.

[67] I find some of the record is non-responsive to the Applicant's request as reflected in Appendix A.

V RECOMMENDATIONS

[68] I recommend that the Ministry release portions of the record to the Applicant as described in Appendix A.

[69] I recommend that the Ministry provide a fee estimate to the Applicant for the service of providing copies of records to which he already has access.

Dated at Regina, in the Province of Saskatchewan, this 21st day of July, 2016.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner

Appendix A

NNTR: No Need to Review

* The Ministry has indicated it will release

Part 1 of the Record

Page	15(1)(c)	15(1)(d)	15(1)(k)	17(1)(a)	17(1)(b)(i)	17(1)(c)	17(1)(d)	22(b)	29(1)	Release or withhold
1										
2										
3										
4					Yes	NNTR	NNTR		No	Withhold 17(1)
5										
6										
7*									No	Release
Non-responsive portions qualify as personal information - withhold										
8									Yes	Withhold
9									withhold Name only	Withhold
10									Yes	Withhold
11									Yes	Withhold
12										
Non-responsive portions qualify as personal information - withhold										
13										
14				NNTR	Yes	NNTR	NNTR		Yes	Withhold
15										
16										
17									Yes	Withhold
18				NNTR	Yes	NNTR	NNTR		Yes	Withhold
19										
20										
21										
22										
23										
24*									No	Release (except comment columns)
25										
26				NNTR	Yes	NNTR	NNTR			Withhold
27										
28									Yes	Withhold
29										
30										
31										
32										
33										
34				NNTR	NNTR	NNTR	NNTR		Yes	Withhold
35				NNTR	Yes	NNTR	NNTR		Yes	Withhold
Non-responsive portions qualify as personal information - withhold										
36										
37										
38										

Page	15(1)(c)	15(1)(d)	15(1)(k)	17(1)(a)	17(1)(b)(i)	17(1)(c)	17(1)(d)	22(b)	29(1)	Release or withhold
39										
40*									No	Release (except comment columns)
41										
42*									No	Release
Non-responsive portions qualify as personal information - withhold										
43										
44*									No	Release
45				NNTR	Yes	NNTR	NNTR		NNTR	Withhold
46				NNTR	Yes	NNTR	NNTR		NNTR	Withhold
47									Yes	Withhold
48										
49	No	No	No						No	Release
50										
51				No						Release
52	No	No	No	No	No	No	No		Sever some PI	Release
53	No	No	No	No	No	No	No		No	Release
54									Yes	Withhold
55*							No		No	Release
56				NNTR	Yes				Yes	Withhold
57*							No		No	Release
58				NNTR	Yes	NNTR	NNTR		Yes	Withhold
59*							No		First instance only	Release
60				NNTR	Yes	NNTR	NNTR		Yes	Withhold
61	No	No		No	No	No	No		No	Release
62	No	No		No	Last bullet on page only	No	No		No	Sever last bullet on page
63										
64*									No	Release
65										
66*									No	Release
67										
68*									No	Release
69										
70										
71										
72										
73										
74										
75										
76										
77										
78										
79*	All portions are responsive – release									
80										
81									Yes	Withhold

Page	15(1)(c)	15(1)(d)	15(1)(k)	17(1)(a)	17(1)(b)(i)	17(1)(c)	17(1)(d)	22(b)	29(1)	Release or withhold
82										
83*				No	No	No	No			Release
84										
85										
86										
87										
88*	Some of the non-responsive portions qualify as personal information and should be severed. The rest should be released									
89										
90										
91										
92*				No	No	No	No			Release
93*									No	Release
94*									No	Release
95*									No	Release
96										
97										
98				NNTR	Yes	NNTR	NNTR			Withhold
99				NNTR	Yes	NNTR	NNTR			Withhold
100				NNTR	Yes	NNTR	NNTR			Withhold
101										
102*	No			NNTR	Yes	NNTR	NNTR			Withhold 17(1)
103									Yes	Withhold
104										
105										
106										
107				NNTR	Yes	NNTR	NNTR			Withhold
108*	No								Yes	Withhold 29(1)
109									Yes	Withhold
110										
111					Yes	NNTR				Withhold
112										
113									Yes	Withhold
114										
115										
116*	No				Yes	NNTR				Withhold 17(1)
117									Yes	Withhold
118										
119										
120										
121*	No		No		Yes	NNTR				Withhold 17(1)
122*	No		No	NNTR	Yes	NNTR				Withhold 17(1)
123*	No		No		Yes	NNTR			No	Withhold 17(1)
124*	No		No		Yes	NNTR				Withhold 17(1)
125*	No		No		Yes	NNTR				Withhold

Page	15(1)(c)	15(1)(d)	15(1)(k)	17(1)(a)	17(1)(b)(i)	17(1)(c)	17(1)(d)	22(b)	29(1)	Release or withhold
										17(1)
126*					Yes	NNTR				Withhold 17(1)
127*	No	No		No	Yes	NNTR				Withhold 17(1)(b) – release Applicant PHI
128										
129										
130										
131*	NNTR							Yes		Withhold 17(1)
132										
133	NNTR				Yes	NNTR		NNTR		Withhold
134										
135*	All portions are responsive – release									
136										
137										
138*									Sever certain columns only	Release
139										
140										
141										
142										
143					Yes	NNTR	NNTR	Yes	No	Withhold
144								Yes		Withhold
145								Yes		Withhold
146										
147										
148					Yes	NNTR	NNTR			Withhold
149					Yes	NNTR	NNTR			Withhold
150										
151										
152										
153										
154										
155										
156										
157										
158										
159										
160										
161										
162	Non-responsive portions qualify as personal information - withhold									
163										
164										
165										

Part 2 of the Record

Page	15(1)(c)	15(1)(d)	15(1)(k)	17(1)(a)	17(1)(b)(i)	17(1)(c)	17(1)(d)	22(b)	29(1)	Release or withhold
1*									Sever certain columns only	Release
2*										Release
3*										Release
4*										Release
5*										Release
6*										Release
7*										Release
8*										Release
9*										Release
10*										Release
11*										Release
12*										Release
13*										Release
14*										Release
15*										Release
16									Yes	Withhold
17*									Sever certain columns only	Release
18*										Release
19*										Release
20*										Release
21*										Release
22*										Release
23*										Release
24*										Release
25*										Release
26*										Release
27*										Release
28*										Release
29*										Release
30*										Release
31*										Release
32*										Release
33*										Release
34*										Release
35*										Release
36*										Release
37*										Release
38*										Release
39*										Release
40*										Release
41*										Release
42*										Release
43*										Release
44*										Release
45*										Release
46*										Release
47*										Release
48*										Release
49*										Release
50*										Release

Page	15(1)(c)	15(1)(d)	15(1)(k)	17(1)(a)	17(1)(b)(i)	17(1)(c)	17(1)(d)	22(b)	29(1)	Release or withhold
51*										Release
52*										Release
53*										Release
54*	No		No			No			No	Release
55*	No		No			No			No	Release
56*	No		No			No			No	Release
57*	No		No			No			No	Release
58*	No		No			No			No	Release
59*	No		No			No			No	Release
60*	No		No			No			No	Release
61*	No		No			No			No	Release
62										
63	No					No			Sever info about discipline	Release
64	No					No				Release
65								Yes		Withhold
66								Yes		Withhold
67								Yes		Withhold
68								Yes		Withhold
69								Yes		Withhold
70								Yes		Withhold
71								Yes		Withhold
72								Yes		Withhold
73								Yes		Withhold
74								Yes		Withhold
75	Non responsive - withhold									
76*	No									Release
77	No	No		No	No	No	No		Sever some personal info	Release
78	No	No		No	No	No	No			Release
79	No	No		No	No	No	No			Release
80*	No	No		No	No	No	No			Release
81										
82										
83										
84										
85										
86										
87*	No				No				No	Release
88*	No				No				No	Release
89										
90										
91										
92										
93										
94				Yes		NNTR				Withhold
95				Yes		NNTR				Withhold
96				Yes		NNTR				Withhold
97	No									Sever as per section 1
98	No									
99	No									
100					Yes			NNTR		Withhold
101					Yes			NNTR		Withhold

Page	15(1)(c)	15(1)(d)	15(1)(k)	17(1)(a)	17(1)(b)(i)	17(1)(c)	17(1)(d)	22(b)	29(1)	Release or withhold
102	NNTR				Yes	NNTR		NNTR		Withhold
103	NNTR				Yes	NNTR		NNTR		Withhold
104	NNTR				Yes	NNTR		NNTR		Withhold
105	NNTR				Yes	NNTR		NNTR		Withhold
106										
107										
108	NNTR				Yes	NNTR		NNTR		Withhold
109	NNTR				Yes	NNTR		NNTR		Withhold
110						No	No		Yes	Withhold
111						No	No		Yes	Withhold
112									Yes	Withhold
113									Yes	Withhold
114	Non-responsive - withhold									
115										
116										
117										
118										
119										
120										
121										
122										
123										
124										
125										
126										
127										
128										
129										
130*	No									Release
131*	No									Release
132*	No									Release
133*	No									Release
134	No				No				Yes	Withhold
135	No				No				Yes	Withhold
136	No								Yes	Withhold
137	No									
138										
139										
140										
141*	No								No	Release
142*	No								No	Release
143*	No								No	Release
144	NNTR				Yes	NNTR	NNTR			Withhold
145	NNTR				Yes	NNTR	NNTR			Withhold
146	NNTR				Yes	NNTR	NNTR			Withhold
147	NNTR				Yes	NNTR	NNTR			Withhold
148										
149										
150										
151*	No								No	Release
152*	No								No	Release

Page	15(1)(c)	15(1)(d)	15(1)(k)	17(1)(a)	17(1)(b)(i)	17(1)(c)	17(1)(d)	22(b)	29(1)	Release or withhold
153*	No								No	Release