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Order F12-02

PROVINCIAL HEALTH SERVICES AUTHORITY

Jay Fedorak, Adjudicator

January 19, 2012

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Summary: A journalist requested executive summaries of internal audit reports. The PHSA withheld five audit summaries in their entirety under ss. 12(3)(b) and 13(1) of FIPPA. The PHSA also applied s. 17(1) of FIPPA to three of the five audit summaries. The adjudicator found that disclosure would not reveal the substance of deliberations of a meeting of the Board of Directors under s. 12(3)(b), because the Board did not have the statutory authority to hold the meetings in the absence of the public. The adjudicator also found that disclosure could not be reasonably expected to cause the PHSA to suffer financial harm under s. 17(1). The adjudicator found that s. 13(1)(2)(g) applied to two of the audit summaries, as they were final audits of efficiency or performance of PHSA, or one of its programs or policies. Therefore, s. 13(1) did not apply to those two audit summaries. Section 13(1) did apply to advice and recommendations within the other three audit summaries, but not to those records in their entirety. The adjudicator ordered disclosure of parts of the three audit summaries and the other two audit summaries in their entirety.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, ss. 12(3)(b), 13(1), 13(2)(g), 17(1), 17(1)(c), 17(1)(d).

Authorities Considered: B.C.: Order 00-14, [2000] B.C.I.P.C.D. No. 17; Order No. 326-1999, [1999] B.C.I.P.C.D. No. 39; Order No. 114-1996, [1996] B.C.I.P.C.D. No. 41; Order 00-11, [2000] B.C.I.P.C.D. No. 12; Order F11-04, [2011] B.C.I.P.C.D. No. 4; Order F05-13, [2005] B.C.I.P.C.D. No. 14; Order 01-15, [2001] B.C.I.P.C.D. No. 16; Order F05-06, [2005] B.C.I.P.C.D. No. 7; Order 02-38, [2002] B.C.I.P.C.D. No. 38; Order 01-01, [2001] B.C.I.P.C.D. No. 1; Order No. 1-1994, [1994] B.C.I.P.C.D. No. 1; Order 02-50, [2002] B.C.I.P.C.D. No. 51; Order F07-15, [2007] B.C.I.P.C.D. No. 21; Order F11-11, [2011] B.C.I.P.C.D. No. 14.

Cases Considered: *The College of Physicians and Surgeons of British Columbia v. British Columbia (The Information and Privacy Commissioner)* 2002 BCCA 665, [2002] B.C.J. No. 2779; *Baker v. Canada (Minister of Citizenship and Immigration)* [1999] 2 S.C.R. 817.

INTRODUCTION

[1] This case involves a journalist challenging the decision of the Provincial Health Services Authority ("PHSA") to withhold five internal audit report executive summaries ("audit summaries") in their entirety. The PHSA withheld the audit summaries on the grounds that disclosure would reveal the substance of the deliberations of its governing body under s. 12(3)(b) of the *Freedom of Information and Protection of Privacy Act* ("FIPPA") and would also reveal advice or recommendations developed by PHSA employees for the Board of Directors under s. 13(1) of FIPPA. After the Notice of Inquiry was issued, the PHSA requested permission to apply s. 17(1) of FIPPA to information it argued the disclosure of which could be reasonably expected to cause financial harm.

ISSUES

[2] The three questions that I must decide are:

1. Whether disclosure would reveal the substance of the deliberations of the PHSA's governing body under s. 12(3)(b) of FIPPA.

2. Whether disclosure would reveal advice or recommendations developed by PHSA employees for the Board of Directors under s. 13(1) of FIPPA.

3. Whether disclosure would be reasonably expected to harm the financial or economic interests of the PHSA by prematurely disclosing plans relating to the management of personnel or administration of the PHSA under s. 17(1)(c) or by prematurely disclosing a proposal or project and leading to undue financial loss or gain to a third party under s. 17(1)(d).

DISCUSSION

[3] **Background**—The PHSA is responsible for the design and delivery of health care services and activities that must be delivered provincially, rather than regionally. It is designated by Ministerial Order as a hospital under the *Hospital Act*. It oversees the following agencies: British Columbia Cancer Agency, British Columbia Centre for Disease Control and Prevention, British Columbia Mental Health Society, British Columbia Transplant Society, and Children's and Women's Health Centre. The PHSA is not governed by the *Health Authorities Act*, and this is relevant with respect to the authority of the board of the PHSA to meet in the absence of the public for the purpose of applying s. 12(3) of FIPPA.

[4] The five audit summaries at issue were prepared by the PHSA's Internal Audit Department ("IA Department"). It reports directly to the Board of Directors ("Board") and operates independently of management. The IA Department provides the Board with expert advice on organizational risk and the control appropriate to mitigate those risks. The Board considers these audit reports and makes final decisions about implementing action plans that arise out of them.

[5] **Records at Issue**—The records at issue consist of the executive summaries of five audit reports on various subjects. The fact that the PHSA has withheld them in their entirety (and refused to disclose even the title or subject of the reports) prevents me from providing further information about them.

[6] **Preliminary Issue**—The Notice of Inquiry did not identify the issue of the application of s. 17 of FIPPA. The PHSA made a request to add it as an exception in the inquiry and provided reasons for raising the matter late in the process. The journalist has not objected to the raising of the exception and has responded to it in his reply submission. For these reasons, I have agreed to include the exception in this inquiry.

[7] **Would Disclosure Reveal the Substance of a Board Meeting Held Appropriately *In Camera*?**—Order 00-14[1] held that, in order to deny access to a record under s. 12(3)(b), a public body must satisfy three conditions:

> (a) it must show that there is statutory authority to meet in the absence of the public;
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> (b) it must show that a meeting was held in the absence of the public; and
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> (c) it must show that the requested information would, if disclosed, reveal the substance of the deliberations of the meeting.

[8] The essence of s. 12(3) is to protect a full and frank exploration of all of the issues, despite how controversial they might be but, in the words of former Commissioner Flaherty in Order No. 114-1996, "not the material which stimulated the discussion or the outcomes of deliberations in the form of written decisions."[2]

[9] Past orders have stated that s. 12(3)(b) does not apply to the "subject" of deliberations—what stimulated the discussion—but rather to the "substance" of deliberations—that is, what was said at a meeting.[3] Order 00-11 found the following about the meaning of "substance of deliberations":

> The first question is what is meant by the words "substance" and "deliberations" in s. 12(3)(b). In my view, "substance" is not the same as the subject, or basis, of deliberations. As *Black's Law Dictionary*, 8th ed., puts it, 'substance' is the essential or material part of something, in this

[1] [2000] B.C.I.P.C.D. No. 17.
[2] [1996] B.C.I.P.C.D. No. 41, p. 4.
[3] Order No. 114-1996, [1996] B.C.I.P.C.D. No. 41.

> case, of the deliberations themselves. See, also, Order No. 48-1995 and Order No. 113-1996.
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> Without necessarily being exhaustive of the meaning of the word 'deliberations', I consider that term to cover discussions conducted with a view to making a decision or following a course of action. Assistant Commissioner Irwin Glasberg took an approach similar to this in Order M-184 (September 10, 1993), a decision regarding s. 6(1)(b) of Ontario's *Municipal Freedom of Information and Protection of Privacy Act*. That provision is very similar to s. 12(3)(b). This approach has recently been affirmed in Ontario. See Order M-1269 (January 21, 2000).[4]

[10] Commissioner Denham has found that the simple fact that a document was considered at a meeting does not necessarily mean that the document would reveal what the members discussed or decided about it or what their opinions were about it.[5] She cited Order No. 326-1999[6] with respect to a case involving a report on firefighting services that the City of Cranbrook considered at a meeting *in camera*, which held:

> ... disclosure of the report would not reveal anything about those discussions. Council members may have debated the IAO Report vigorously, with many different views being expressed and various possible courses of actions being suggested. The IAO Report itself is silent about this. Its disclosure tells us nothing about what was said at the council table, much less what was decided. We simply do not know, and cannot tell from the IAO Report - which was prepared by outside consultants - what the deliberations of council were.

[11] I take the same approach as these previous orders.

Does the Board have the statutory authority to meet in the absence of the public?

[12] Section 12(3)(b) applies only where "an Act or a regulation under [FIPPA] authorizes the holding of [a] meeting in the absence of the public." The PHSA states that it is not subject to the *Health Authorities Act*, which authorizes the governing bodies of regional health authorities to meet in the absence of the public. I agree. It also acknowledges that its governing body does not have the explicit authority to meet in the absence of the public under any other statutory authority. It argues, however, that at the time of the journalist's request, it had in place its own policy authorizing its governing body to meet in the absence of the public. The PHSA refers me to the *Hospital Act*, which authorizes hospitals to pass rules for the administration of their affairs. Section 2(1) of that *Act* provides:

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[4] Order 00-11, [2000] B.C.I.P.C.D. No. 12.
[5] Order F11-04, [2011] B.C.I.P.C.D. No. 4, para. 34.
[6] Order No. 326-1999, [1999] B.C.I.P.C.D. No. 39.

> A hospital, except a hospital owned by the government or by Canada, must do the following:
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> ...
>
> (c) have a properly constituted board of management and bylaws or rules thought necessary by the minister for the administration and management of the hospital's affairs and the provision of a high standard of care and treatment for patients ...

[13] The PHSA argues that the Minister of Health appoints most of the members of the Board and, therefore, the bylaws and rules are considered to have been "thought necessary by the Minister" for the purposes of this provision.

[14] I disagree with the PHSA. Section 12(3)(b) requires authority under an Act or regulation under FIPPA. There are no regulations under FIPPA to this effect. The wording of the *Hospital Act* does not authorize directly, or indirectly, the Board of the PHSA to meet in the absence of the public. Nor do I accept that the Minister of Health appointing members to the Board means that the Ministry has officially approved or sanctioned the bylaws or rules of the PHSA. Even if the Minister thought such meeting necessary, it would not qualify as statutory authorization.

[15] The PHSA relies on Order F05-13, where the adjudicator determined that a provision for holding meetings in the absence of the public in the bylaws of the College of Psychologists of British Columbia ("College") was a sufficient legal authority.[7] In that case, however, the enabling legislation provided the provincial Cabinet authority to approve the College bylaw in question. There is no equivalent provision in the *Hospital Act* authorizing PHSA bylaws or policies. Moreover, there is no evidence that Cabinet or the Minister of Health formally approved the PHSA policy on meetings of the governing body in the absence of the public.

[16] Therefore, I find that there is no Act or regulation that authorizes the Board of the PHSA to hold meetings in the absence of the public. As this authority was a necessary condition for the application of s. 12(3)(b) of FIPPA, I do not need to determine whether the other necessary conditions apply: *i.e.,* whether the meeting occurred in the absence of the public or whether disclosure would reveal the substance of deliberations.

[17] I find that s. 12(3)(b) does not apply to any of the audit summaries.

[7] [2005] B.C.I.P.C.D. No. 14, paras. 23-24.

Would disclosure reveal advice and recommendations under s. 13(1) of FIPPA?

[18] This exception has been the subject of many orders, for example, Order 01-15,[8] where former Commissioner Loukidelis said this:

> [22] This exception is designed, in my view, to protect a public body's internal decision-making and policy-making processes, in particular while the public body is considering a given issue, by encouraging the free and frank flow of advice and recommendations. …

[19] The PSHA also cites a Court of Appeal decision that considered the application of s. 13(1).[9] In Order F05-06, I noted that a key passage in the decision is that "advice includes expert opinion on matters of fact on which a public body must make a decision for future action."[10]

[20] I take the same approach here.[11]

[21] I agree with the PHSA that the audit summaries reflect reviews and investigations that the IA department conducted. They include findings, factual analysis, opinions and recommendations. There is some information within the audit summaries that meets the criteria of advice or recommendations, under s. 13(1) of FIPPA. The remaining information consists of background and other purely factual information. Disclosure of this latter information would not reveal any recommendations, advice, expert opinions on matters of fact, or any other type of information to which previous decisions have found that s. 13(1) applies.

[22] I am unable to describe in any detail my analysis of the application of s. 13(1) to these audit summaries because the PHSA withheld them in their entirety. In addition, all of the PHSA's submission and evidence with respect to the nature and details of each record was received, appropriately, *in camera*. This circumscribes my ability to communicate fully the reasons for my decision.

[23] As Commissioner Denham noted in Order F11-04, former Commissioner Loukidelis encountered this problem in Order 01-01.[12] In outlining the importance of reasons for decision, he cited the observations of L'Heureux-Dubé J. in para. 39 of *Baker v. Canada (Minister of Citizenship and Immigration)*:[13]

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[8] [2001] B.C.I.P.C.D. No. 16.
[9] *The College of Physicians and Surgeons of British Columbia v. British Columbia (The Information and Privacy Commissioner)* 2002 BCCA 665, [2002] B.C.J. No. 2779.
[10] [2005] B.C.I.P.C.D. No. 7, para. 16.
[11] See also Order 02-38, [2002] B.C.I.P.C.D. No. 38, at paras. 101-127.
[12] [2001] B.C.I.P.C.D. No. 1.
[13] [1999] 2 S.C.R. 817.

> Reasons, it has been argued, foster better decision making by ensuring that issues and reasoning are well articulated and, therefore, more carefully thought out. The process of writing reasons for decision by itself may be a guarantee of a better decision. Reasons also allow parties to see that the applicable issues have been carefully considered, and are invaluable if a decision is to be appealed, questioned, or considered on judicial review. ... Those affected may be more likely to feel they were treated fairly and appropriately if reasons are given.[14]

[24] He commented further:

> 13 These are all valuable observations, to which I respectfully subscribe, but there are competing factors under the Act. Section 47(3) of the Act requires me not to disclose, in conducting an inquiry, any information that a public body would be required or authorized to refuse to disclose under the Act. My reasons for decision must conform to this stricture. Where a public body's *in camera* material contains information to which the s. 47(3) rule may apply, I cannot give as fulsome reasons as I would like. …
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> 14 So, although I have tried to be as detailed as possible in setting out the reasoning underpinning my decision, the nature of this case requires me to express findings without necessarily being able to explain the basis for them as fully as I would wish. This means that some portions of this order have a conclusionary air about them. I have, however, carefully weighed all of the evidence before me and have analyzed the parties' submissions with deliberation.

[25] The same principles apply in this case, in which I can say even less about the PHSA's submission than in the previous cases referred to.

[26] The PSHA takes the position that the entire records are subject to s. 13(1), including the title of each document. I note that the PHSA has not provided any argument or explanation as to how s. 13(1) applies to these titles. I disagree with the PHSA that the records in their entirety consist of advice or recommendations. Some of the information is clearly background and other factual information that does not disclose, or enable anyone to infer, any recommendations, advice, options or expert opinions on matters of fact. I find that s. 13(1) does not apply to this type of information.

[27] I now move to the application of s. 13(2). The effect of s. 13(2) is that even in cases where information would reveal "advice or recommendations developed by or for a public body" as contemplated by s.13 (1), if the information falls within the ambit of any part of s. 13(2), the PHSA may not withhold the information. In other words, the Legislature has expressly excluded information that falls within the ambit of s. 13(2) from the effect of s. 13(1).

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[14] Order 01-01, [2001] B.C.I.P.C.D. No. 1, para. 12.

Do the audit summaries constitute final reports or final audits on the performance or efficiency of a public body or on any of its programs or policies under s. 13(2)(g) of FIPPA?

[28] Commissioner Denham considered the application of s. 13(2)(g) in Order F11-04[15] and said the following:

> [49] In interpreting the meaning of s. 13(2)(g), there is no guidance available in previous orders. However, the *Policy and Procedures Manual* ("Manual") that the government maintains to provide guidance to public bodies on interpreting FIPPA defines "performance or efficiency" as:
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> > the management, administration, operations, conduct, functioning or effectiveness of the public body, its programs or its policies. This phrase relates to the management of finances, assets, and personnel, and the delivery of services of the public body. It also pertains to the effectiveness of the public body's programs and policies in completing those tasks.
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> [50] The Manual also provides the following helpful guidance: "Information or records within the scope of section 13(2) cannot be withheld under section 13(1)".
>
> [51] Although, as Commissioner Flaherty said in Order No. 1-1994, the Manual is not binding on the Commissioner in the interpretation and application of [FIPPA]",[16] I find the above quotes to be useful guidance in interpreting particular provisions of the legislation in this case.

[29] The Manual also defines "performance or efficiency of a public body's programs" as:

> the performance or efficiency of a program as a whole, and not the performance or efficiency of an activity within the program.

[30] The Manual also defines "performance or efficiency of a public body's policies" as:

> the performance or efficiency of a policy of a public body.

[31] I agree with the PHSA that s. 13(2)(g) applies when the scope of the audit covers the performance or efficiency of the public body as a whole. I also agree with the PHSA that s. 13(2)(g) applies when the scope of the audit covers a program as a whole. Conversely, it does not apply when the scope of the audit is limited to particular departments of a public body or restricted to portions of its programs. It does apply, however, with respect to an audit of a policy.

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[15] [2011] B.C.I.P.C.D. No. 4.
[16] Order No. 1-1994, [1994] B.C.I.P.C.D. No. 1.

[32] Therefore, I find that Record A, Record C and Record D do not fall within s. 13(2)(g) of FIPPA because they are not audits of the PSHA as a whole, or any of its programs as a whole or any of its policies.

[33] I find that Record B does fall under s. 13(2)(g) of FIPPA. There is language on p. 11 of Record B that indicates that the subject of that audit falls within this provision. While indicating that s. 13(2)(g) applies to Record B, given the limitations I noted above in describing it, I cannot indicate whether the subject of the audit was the PHSA, any of its programs or any of its policies. Nor can I explain the reasons why the audit report meets the relevant criteria. All I can say is that there is information at the second paragraph of p. 11 that confirms that this audit summary meets the relevant criteria.

[34] Further, I find that Record E also falls under s. 13(2)(g) of FIPPA. There is language on p. 34 that indicates that the subject of the audit falls within this provision. Again, I can say nothing more than that there is information on p. 34 at the second paragraph that confirms that this audit summary meets the criteria.

[35] Therefore, I find that s. 13(1) of FIPPA does not apply at all to Records B and E.

Conclusion

[36] For the reasons given above, I find that s. 13(1) of FIPPA applies to portions of Record A, Record C and Record D. I have highlighted in yellow for the PHSA the information to which s. 13(1) applies. These highlighted passages appear on pp. 2, 4, 5, 6, 7, 8, 20, 22, 23 24, 29, 30 and 31.

[37] **Would Disclosure Result in Financial Harm to the PHSA?**—Previous orders have considered the application of s. 17(1). Former Commissioner Loukidelis established the principles for its application in Order 02-50. He indicated that there must be

> a confident, objective basis for concluding that disclosure of the disputed information could reasonably be expected to harm British Columbia's financial or economic interests. General, speculative or subjective evidence is not adequate to establish that disclosure could reasonably be expected to result in harm under s. 17(1). That exception must be applied on the basis of real grounds that are connected to the specific case. This means establishing a clear and direct connection between the disclosure of withheld information and the harm alleged. The evidence must be detailed and convincing enough to establish specific circumstances for the contemplated harm to be reasonably expected to result from disclosure of the information.[17]

[17] [2002] B.C.I.P.C.D. No. 51, para. 137.

[38] The PHSA has applied s. 17(1) only to Record A, Record B and Record E. The PHSA provided all of its argument on this issue *in camera*, other than a brief mention about potential exposure to fraud.[18] As a result, I cannot discuss their arguments or the reasons for my findings in any detail.

[39] All I can say is that I find that the arguments and evidence of financial harm do not meet the established threshold. The PHSA has not established a direct connection between the disclosure of the specific information and the anticipated harm. The PHSA makes merely bald assertions about potential harm that is vague and speculative. It consists of brief, sketchy scenarios hypothesizing that third parties might be able to utilize information in the audit summaries for the purpose of causing harm to the economic interests of the PHSA. The PSHA has not established a direct connection between the disclosure of the information and the potential occurrence of fraud or another type of financial harm. It has not explained how the third parties would go about using this information in a way that would cause economic harm. It would have been useful to know, for example, whether the PHSA has already suffered fraud or other financial harm, as a result of the concerns the audit summaries highlight.

Would disclosure reveal plans relating to the administration of PHSA that have not yet been implemented under s. 17(1)(c)?

[40] The PHSA submits that Record A, Record B and Record E contain plans relating to the administration of the PHSA that have not yet been implemented. Former Commissioner Loukidelis dealt with the definition of "plan" for the purpose of this section in Order No. 326-1999, were he stated:

> On this point, I agree with the approach taken in Ontario decisions under that province's freedom of information legislation. In Order P-603 (December 21, 1993), the word "plans" in s. 18 of the Ontario legislation - which is similar to s. 17 of our Act - was interpreted to exclude a report containing recommendations that would form the basis for the development of a 'plan'. It was held that a plan, for the purposes of the section, is something that sets out detailed methods and action required to implement a policy. This decision built upon the approach taken earlier in Ontario, in Order P-229 (May 6, 1991). In that decision, the word 'plan' was given its dictionary meaning, as set out in the Concise Oxford Dictionary, 8th ed., i.e., "a formulated and detailed method by which a thing is to be done, a design or scheme."
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> It should be noted in passing that this interpretation of the word "plans" is also consistent with the approach taken in the Policy and Procedures

[18] PHSA initial submission, affidavit of the Internal Audit Director, para. 16.

> Manual issued by what was then the Ministry of Government Services. At p. 14 of Section C.4.8 of that document, the same interpretation is given to the word "plans".[19]

[41] The PHSA submits that each audit summary identifies areas of risk and recommends action to address weaknesses in internal controls. These are approaches the IA department has recommended to the Board for consideration. PHSA management may have developed detailed plans for the implementation of any decisions that the Board made as a result of these recommendations. However, the IA department's recommendations are not formal plans that the Board was about to implement. I do not see anything in the three audit summaries that would qualify as a "plan" according to this definition. "Recommendations for action to address the risk", as the PHSA describes them, do not constitute plans in accordance with s. 17(1)(c) of FIPPA. There are additional reasons why other information in the records does not constitute a "plan", but I can say nothing more about those without revealing details about withheld information in the records.

[42] In any case, it is not sufficient for the information to consist of a plan in the meaning of s. 17(1)(c), it is also necessary to demonstrate that the disclosure of such a plan would result in financial or economic harm to the public body. As I found in Order F11-11, for any provision delineated under s. 17(1) "it would be necessary in every case to demonstrate that the harm from disclosure would also have to result in financial or economic harm to a public body or the government of British Columbia."[20] The PHSA has not indicated what financial harm would result from the disclosure of what it described as plans that have not been implemented or made public.

[43] I find therefore that s. 17(1)(c) of FIPPA does not apply to the three summaries at issue.

Would disclosure result in the premature disclosure of a project?

[44] Former Commissioner Loukidelis also dealt with the definitions of "project" and proposal for the purpose of this section in Order No. 326-1999, he stated:

> I also agree with the Ontario approach to interpreting the word "project". In Order P-772 (October 4, 1994), it was held that the term "proposed project" meant a planned undertaking. In that case, a governmental negotiation strategy was found to be a planned undertaking and therefore a "proposed project" for the purposes of the Ontario legislation. Having carefully reviewed the IAO Report, I cannot agree it contains any information the disclosure of which would prematurely disclose a "project" within the meaning of the section.

[19] [1999] B.C.I.P.C.D. No. 23, para. 39
[20] [2011] B.C.I.P.C.D. No. 14, para. 45.

> Similarly, my review of the IAO Report leads me to conclude it does not contain any information that qualifies as a "proposal" for the purposes of section 17(1)(d) of the Act. In my view, the information in the disputed record does not qualify as a "proposal" because the report does not set out any detailed methods for implementing a particular policy or decision.[21]

[45] The PHSA submits that each audit summary identifies areas of risk and recommends action to address weaknesses in internal controls. Again, these are approaches the IA department has recommended to the Board for consideration. PHSA management may have developed detailed projects or proposals for the implementation of any decisions that the Board made as a result of these recommendations. However, the IA department's recommendations are not formal projects or proposals. I do not see anything in the three audit summaries that would qualify as a "project or a proposal" according to this definition. Again, there are additional reasons why other information in the records does not constitute "projects" or "proposals", but I can say nothing more without revealing details about some of the information in the records.

Would disclosure result in undue loss or gain to a third party?

[46] The PHSA's arguments on this point are essentially the same as those I dealt with above in the analysis of the application of financial harm generally. For the same reasons, I find that the arguments and evidence to be sketchy, vague and speculative and do not meet the required threshold.

[47] I find that s. 17(1)(d) of FIPPA does not apply to the three summaries at issue.

CONCLUSION

[48] For the reasons mentioned above, I make the following orders:

1. Sections 12(3)(b) and 17(1) of FIPPA do not authorize the PHSA to withhold any information.

2. Section 13(1) of FIPPA authorizes the PHSA to withhold some information in Record A, Record C and Record D. I have marked the passages in yellow on the following pages that the PHSA is authorized to withhold: 2, 4, 5, 6, 7, 8, 20, 22, 23, 24, 29, 30 and 31.

3. I require the PHSA to disclose all of the remaining information.

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[21] At paras. 25-26.

4. I require the PHSA to give the applicant access to this information within 30 days of the date of this order, as FIPPA defines "day", that is, on or before March 1, 2012 and, concurrently, to copy me on its cover letter to the applicant, together with a copy of the records.

January 19, 2012

ORIGINAL SIGNED BY

Jay Fedorak
Adjudicator

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