

INFORMATION AND PRIVACY COMMISSIONER/ONTARIO

**IN THE MATTER OF APPEAL NO. PA-08-97-2 under the
*Freedom of Information and Protection of Privacy Act***

**AFFIDAVIT OF ANDRÉ E. LALONDE
[SWORN AUGUST 30th, 2010]**

I, **ANDRÉ E. LALONDE**, of the City of Gatineau, Province of Québec, MAKE
OATH AND SAY:

1. I currently hold the position of Dean of the Faculty of Science at the University of Ottawa (the "University"), and have since July 1st 2006. As such, I have knowledge of the facts to which I hereinafter depose, except where stated to be on information and belief, in which case I will state the source of my information and belief.

Email Management Practice

2. As Dean of the Faculty of Science, it is my practice to keep all the emails I receive or send which relate to official University business in the duties of my office. On occasion, I print some of these emails. These emails are then filed in the appropriate files in my office. My Executive Assistant, Ms. Christine Legault-Lefebvre and my office staff Ms. Louise Hotte and Ms Ivelyne Gélibert, were responsible for the filing of any printed emails at the time of the request referenced below.

3. As Dean, neither have I intentionally or negligently destroyed any emails pertaining to official University business, nor to my knowledge have any been lost.

Request and May 2008 Search

4. In or about March 11, 2008, I was informed by Louis Benoît, Associate Legal Counsel at the University, who was assisting the then FIPPA Coordinator, that a request for access to information had been made to the University for the following documents:

“...all emails received or sent by André E. Lalonde, dean of the Faculty of Science, that concern the Ottawa Cinema Politica (OCP) film series that Mr. Rancourt organizes or that concern Cinema Politica in general. The period for respondent records is from October 30, 2006, to the present.”

5. In or about early May 2008, I conducted a search of my electronic emails as stored in my Microsoft Outlook inbox by using the keywords “cinema politica”. I then examined each email to ensure it was responsive to the request.

6. In or about early May 2008, I also asked my staff to conduct a search for hard copies of any documents answering the request criteria.

7. Later in May 2008, I sent the records found as a result of the search to Mr. Benoît.

February and March 2009 Search

8. On or about February 12, 2009, I was contacted by the Assistant to the FIPPA Coordinator, Tracy Lachance, who advised that following a mediation with the Appellant in which the Appellant argued that the University had not conducted a reasonable search for responsive records and that additional documents must exist, the University agreed

that it would conduct an additional search. Thus, I was asked to conduct an additional search.

9. On or about February 18, 2009 and March 3, 2009, with the assistance of my Administrative Assistant, Ivelyne Gélibert, the FIPPA Coordinator, Pamela Harrod, and the Assistant to the FIPPA Coordinator, Tracy Lachance, I conducted an additional search of my electronic emails stored in my Microsoft Outlook inbox by using the following keywords: “film series”, “cinema politica”, “OCP”, “cinema” and “politica”. The search covered the period of October 30, 2006 to February 25, 2008.

10. On these same dates, I also searched all paper emails for the above key words for the period of October 30, 2006 to February 25, 2008.

11. The February and March 2009 search took approximately 12 hours in total.

Emails Subject to Solicitor-Client Privilege

12. For all the records in this Appeal, I was either the recipient (direct or copied) or the sender of the email.

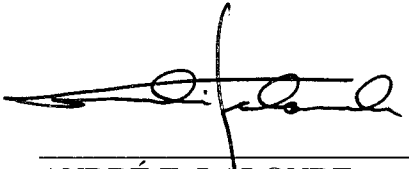
13. For all these records (with the exception of records 41, 241, 245, 250, 262 and 266), the emails were created with the intention that they remain confidential. In fact, a number of the emails have the note “confidentiel” or “confidentiel et privilégié”. All the emails which were sent by me were for the purpose of seeking legal advice from the University’s legal counsel and/or providing her with information with the intent of keeping her apprised on ongoing developments so that legal advice could be sought.

Similarly, the emails which I received from legal counsel were for the purpose of providing University staff or me with confidential legal advice.

14. I swear this Affidavit in support of the University's decision in the present appeal and for no other or improper purpose.

SWORN BEFORE me at the City of Ottawa,
in the Province of Ontario,
this 30th day of August, 2010.

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ANDRÉ E. LALONDE



A Commissioner for Taking Affidavits, etc.

OTT01W165271/2
Amy Alice Arcand, a Commissioner, etc.,
Province of Ontario, for University of Ottawa,
Expires October 9 2012