



Information and Privacy
Commissioner of Ontario
Commissaire à l'information
et à la protection de la vie privée de l'Ontario

May 26, 2011

VIA COURIER

PERSONAL & CONFIDENTIAL

Mr. Denis G. Rancourt

Dear Mr. Rancourt:

RE: APPEAL PA08-159-2

The mediation stage of this appeal has now been completed. Enclosed please find a copy of the Mediator's Report setting out any issues that have been resolved and the issues that remain in dispute.

The purpose of the Report is to provide the parties to an appeal with a record of the result of mediation and to provide the Adjudicator with information regarding records and issues that remain to be adjudicated.

Please review the Report and if there are any errors or omissions, please contact me no later than **June 6, 2011**. I will consider your comments and determine whether the Report should be revised. You need not contact me unless there are errors or omissions.

After **June 6, 2011**, the appeal will be transferred to an Adjudicator, who may conduct an inquiry and dispose of the outstanding issues in the appeal.

The Adjudicator will send you more detailed information about process at the commencement of the inquiry. You may also obtain more information about the inquiry process from this office's *Code of Procedure*, available on our web site at www.ipc.on.ca.

Yours truly,

Maria Tzimas
Mediator

Enclosure



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Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

MEDIATOR'S REPORT

*under the Freedom of Information and
Protection of Privacy Act (the Act)*

| | |
|---------------------------|------------------------------|
| APPEAL NO. | PA08-159-2 |
| INSTITUTION FILE # | AS-127 |
| APPELANT'S FILE # | DGR-06 |
| MEDIATOR | Maria Tzimas |
| PARTIES: | |
| Appellant's Name | Mr. Denis G. Rancourt |
| Institution's Name | University of Ottawa |

REQUEST:

A request was submitted to the University of Ottawa (the University) under the *Freedom of Information and Protection of Privacy Act (the Act)* for access to the following information:

...all records about me that have been sent by or received by the President of the University since November 30, 2006.

DECISION:

The University granted partial access to the responsive records for a fee of \$510.00. Records were withheld in full or in part pursuant to sections 65(6), 14, 17, 19, 21 and 22 of the *Act*.

APPEAL:

The requester, now the appellant, appealed the University's decision.

RESULTS OF MEDIATION:

During the course of mediation, the appellant advised the mediator that he is pursuing access to all of the withheld records and is of the view that additional records exist. The appellant also takes issue with the amount of the fee of \$510.00 for processing the request.

The University advised the mediator that it would not disclose any of the withheld records. The University provided a copy of the index of undisclosed records to the appellant. The University also clarified that it is no longer relying on section 17 of the *Act* to withhold some of the records. Accordingly, section 17 of the *Act* is no longer at issue in this appeal. The appellant confirmed that he is pursuing access to all of the withheld records listed in the index of undisclosed records.

The records at issue in this appeal appear to contain the personal information of the appellant. Accordingly, the mediator has raised the possible application of sections 49(a) and 49(b) of the *Act* (discretion to refuse requester's own information) as issues in this appeal.

The mediator advised the University that only some of the records listed in the undisclosed index of records were provided to the IPC. Specifically, records 217 to 272 were not provided to the IPC. The University confirmed that it does not have a copy of records 217 to 272. Furthermore, the University confirmed that it does not have a copy of records that were previously disclosed in full or in part to the appellant.

In response, the appellant is of the view that the University should conduct a new search in order to locate all responsive records including the ones that were previously disclosed to him in full or in part, records 217 to 272 listed in the index of undisclosed records as well as additional responsive records. The appellant further clarified that he is of the view that the University's original search for responsive records was incomplete as the University only searched for email records. The appellant also claimed that the University did not explain in its final decision letter how the emails were searched and what keywords were used to locate responsive records. The University advised the mediator that it is not prepared to conduct a search for records. Accordingly, reasonableness of search remains at issue in this appeal.

Finally, the University advised the mediator that it would not reconsider the amount of the fee of \$510.00 for processing the request. Accordingly, the fee of \$510.00 remains at issue in this appeal.

RECORDS REMAINING AT ISSUE:

The records at issue in this appeal are itemized in an index of records that was prepared by the University. Specifically, records 273 to 348 are at issue in this appeal.

ISSUES REMAINING IN DISPUTE:

ISSUE: **Application of Act**

SECTION(s): 65(6)

RELEVANT RECORDS: Refer to Index of Records

ISSUE: **Discretion to refuse requester's own information / Law Enforcement**

SECTION(s): 49(a) & 14

RELEVANT RECORDS: Refer to Index of Records

ISSUE: **Discretion to refuse requester's own information / Solicitor-client privilege**

SECTION(s): 49(a) & 19

RELEVANT RECORDS: Refer to Index of Records

ISSUE: **Invasion of Privacy**

SECTION(s): 49(b) & 21

RELEVANT RECORDS: Refer to Index of Records

ISSUE: **Information Published or Available**

SECTION(s): 22

RELEVANT RECORDS: Refer to Index of Records

ISSUE: Reasonableness of Search

SECTION(s): 24

RELEVANT RECORDS:

The appellant is of the view that the University should conduct a new search to locate all responsive records.

ISSUE: Fee

SECTION(s): 57(1)



Maria Tzimas
Mediator

May 26, 2011