



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

November 30, 2011

**PERSONAL & CONFIDENTIAL**

Mr. Denis G. Rancourt

Dear Mr. Rancourt:

**RE: Appeal PA07-119 / Order PO-3009-F**

Enclosed please find a letter to the University of Ottawa in response to its request to have Order PO-3009-F translated into French in order that the university could provide its unilingual francophone professors with a French version of this order.

Yours truly,

A handwritten signature in black ink, appearing to read 'DS'.

Diane Smith  
Adjudicator

Encl.



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November 30, 2011

**VIA FAX TO: (613) 563-8001**

Mr. Steven Williams  
Emond Harnden LLP  
707 Rue Bank Street  
Ottawa, ON K1S 3V1

Dear Mr. Williams:

**RE: Appeal PA07-119 / Institution File Number: AS-40 (372-07)  
Order PO-3009-F**

I am writing in response to your letter dated November 25, 2011 concerning the implementation of Order PO-3009-F (the Order). As you know, the Order directs the University of Ottawa (the University) to:

- (i) request by **November 30, 2011** from its professors all written communications about the appellant (other than messages sent by the appellant) dated between September 1, 2004 and October 31, 2006 sent by or received by all professors during the course of their employment at the University that are in the University's custody or under its control (based on criteria set out in paragraph **181** of the PO-3009-F decision); and
- (ii) issue an access decision to the appellant within 60 days of its request to the professors.

In the letter, you request, on behalf of the University, a French translation of the entire Order including reasons for the decision and an extension of the "compliance deadline" to 60 days after the receipt of a translated Order.

After careful consideration, I have decided, in the circumstances, to grant an extension of order provision 1 until **December 30, 2011** for the University to request from its professors the communications set out above. This will provide the University with sufficient time to arrange for translation of any sections of the Order that it wishes to communicate to the University's professors in French to ensure proper compliance with the Order. I will not, however, be arranging for the Order to be translated into French for the reasons set out below.



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The request for a translated order is rather unusual in this circumstance and has the potential to further delay the implementation of the Order. The appeal to the Information and Privacy Commissioner (the IPC), the submissions by all parties, and all other oral and written communications between the parties and the IPC were in English. At no time, up until the date of your letter, did any of the parties request a bilingual hearing or any services at all in French. As a point of comparison, section 126(2) of the *Courts of Justice Act* provides a right to request a translation of judicial reasons from English to French where (i) there has been a bilingual proceeding, and (ii) a party or counsel speaks only French. The appeal was not a bilingual proceeding nor is the University, as a bilingual institution, unable to conduct its affairs in the English language. It is unreasonable, in these specific circumstances, for the IPC to be expected to expend the time and its resources to provide a translated Order to the University.

I also cannot agree with the suggestion in your letter that the IPC may be obliged to provide a translation of the Order pursuant to the *French Language Services Act* (the *Act*) and/or the IPC's *Customer Service Standard* policy. Neither the *Act* nor the IPC's *Customer Service Standard* policy is applicable to the University's request. The *Act* is about the rights of individuals to communicate and receive services from the Government of Ontario (and institutions of the Ontario Legislature) in the French language. The *Act* is not intended to permit a public institution governed by the *Freedom of Information and Protection of Privacy Act* to request translation of an order to assist it in complying with a direction to respond to an access to information request. Similarly, the IPC's *Customer Service Standard* policy applies to individuals requesting assistance from the IPC to access information, not to bilingual institutions, such as the University, requesting a translation for its own purposes.

Finally, I also query why it would be necessary to translate the entire Order (which totals 55 pages plus appendices) to comply with the terms set out therein. It is also worth noting that the grievance decisions, relating to this access to information request, appear to have been released in the English language only.

Yours truly,



Diane Smith  
Adjudicator

U cc. APUO and appellant