



OFFICE OF THE  
INFORMATION & PRIVACY  
COMMISSIONER  
*for British Columbia*

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Order F13-21

**LAW SOCIETY OF BC**

Elizabeth Barker  
Adjudicator

October 2, 2013

Quicklaw Cite: [2013] B.C.I.P.C.D. No. 28  
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**Summary:** The applicant, a lawyer whose legal practice was under review by the Law Society, requested records related to the review. The Law Society withheld some information from the records under ss. 13, 14 and 22 of FIPPA. The adjudicator found that the Law Society was authorized to refuse to disclose most of the information it withheld under s. 13 and all of the information for which it claimed solicitor-client privilege under s. 14. The adjudicator also found that the Law Society must continue to refuse to disclose the personal information it withheld from the records under s. 22(3)(d) because the information relates to the employment, occupational or educational history of third parties and disclosure would be an unreasonable invasion of personal privacy.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, ss. 13, 14 and 22(3)(d).

**Authorities Considered: B.C.:** Order 00-07, [2000] B.C.I.P.C.D. No. 7; Order 00-18 [2000] B.C.I.P.C.D. No. 21; Order 01-15, [2001] B.C.I.P.C.D. No. 16; Order 01-53, [2001] B.C.I.P.C.D. No. 56; Order 02-01, [2002] B.C.I.P.C.D. No. 1; Order 02-38, [2002] B.C.I.P.C.D. No. 38; Order F05-10, [2005] B.C.I.P.C.D. No. 11; Order F06-16, [2006] B.C.I.P.C.D. No. 23; Order F07-05, [2007] B.C.I.P.C.D. No. 7; Order F10-15, [2010] B.C.I.P.C.D. No. 24.

**Cases Considered:** *College of Physicians of British Columbia v. British Columbia (Information and Privacy Commissioner)*, [2002] BCCA 665; *R. v. B.*, 1995 Can LII 2007 (BCSC); *Canada v. Solosky*, [1980], 1 S.C.R. 82; *Blank v. Canada (Minister of Justice)*, 2006 SCC 39; *R. v. Gruenke*, [1991] 3 S.C.R. 263; *Municipal Insurance Corporation (British Columbia) v. British Columbia (Information and Privacy Commissioner)*, [1996] B.C.J. No. 2534; *Legal Services Society v. The Information and Privacy Commissioner*

of the Province of B.C., [1996] B.C.J. No. 2034; *Legal Services Society v. British Columbia (Information and Privacy Commissioner)*, 2001 BCSC 203; *Maranda v. Richer*, 2003 SCC 67; *School District No. 49 (Central Coast) v. British Columbia (Information and Privacy Commissioner)*, 2012 BCSC 427.

**Authors Cited:** Ronald D. Manes & Michael P. Silver, *Solicitor-Client Privilege in Canadian Law*, (Toronto: Butterworths, 1993).

## INTRODUCTION

[1] The applicant, a lawyer, requested records from the Law Society of BC (“Law Society”). The Law Society withheld some of the requested information based on s. 13 (advice and recommendations), s. 14 (solicitor-client privilege) and s. 22 (unreasonable invasion of third party personal privacy) of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”).

[2] The applicant disagreed with the Law Society’s response and asked the Office of the Information and Privacy Commissioner (“OIPC”) to conduct a review. Mediation did not resolve the issues in dispute and the applicant’s request for review proceeded to inquiry.

## ISSUES

[3] The issues in this inquiry are:

1. Does s. 13 of FIPPA authorize the Law Society to refuse access to the records because disclosure would reveal advice and recommendations developed for the Law Society?
2. Does s. 14 of FIPPA authorize the Law Society to refuse access to the records because they are subject to solicitor-client privilege?
3. Is the Law Society required to withhold the records under s. 22 of FIPPA because disclosure would be an unreasonable invasion of third-party personal privacy?

[4] The Law Society has the burden of proof, under s. 57(1) of FIPPA to establish that ss. 13(1) and 14 authorize it to refuse to disclose the requested information. However, s. 57(2) of FIPPA places the burden on the applicant to establish that disclosure of personal information contained in the requested records would not unreasonably invade third-party personal privacy under s. 22 of FIPPA.

## DISCUSSION

[5] **Background**—The applicant is a lawyer whose legal practice has been under review by the Law Society's Practice Standards Committee. The *Law Society Rules*<sup>1</sup> state that when there are reasonable grounds to believe that a lawyer is practising law in an incompetent manner, the Practice Standards Committee may order a practice review of the lawyer's practice. The Law Society's Executive Director must name one or more qualified persons to conduct the review, and those practice reviewers must deliver a written report of their findings and recommendations to the Practice Standards Committee and to the lawyer. The Practice Standards Committee must then decide if no further action is to be taken or make recommendations regarding the lawyer's practice.

[6] The applicant requested the following records of the Law Society:

- her own member file,
- records relating to the Law Society's involvement with CLIO, which is a web-based practice management tool for sole practitioners and small law firms,
- records relating to practice standards and policies for sole practitioners and small law firms, and
- records relating to the remuneration structure for practice reviewers.

[7] **Preliminary Matter**—Most of the applicant's submissions address her concerns with the Law Society's review and supervision of her practice. In particular, she believes that her refusal to use CLIO as recommended by the practice reviewer unduly and negatively influenced the practice reviewer's opinion of her legal competence.<sup>2</sup> She argues that the Law Society's practice standards review process has been secretive and unfair because the records considered in the decision making about her competency were not fully disclosed, contrary to the *Legal Professions Act*.<sup>3</sup> As a result, she argues that she has been unable to refute the Law Society's findings and legal interpretations.

[8] I find that these submissions are unrelated to the issues before me in this inquiry. Moreover, I have no authority to consider whether the Law Society's practice standards review process is fair, or in compliance with the *Legal Professions Act*.

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<sup>1</sup> Law Society Rules, Division 2 – Practice Standards.

<sup>2</sup> Applicant's submission, para. 2 and reply submission, summary.

<sup>3</sup> Applicant's submission, para. 3.

[9] **The Records**—The records consist of memoranda, emails and notes. They also include a legal retainer letter, a statement of legal account and the minutes from one meeting of the Practice Standards Committee. The records will be discussed in more detail below.

### ***Advice or Recommendations - s. 13***

[10] The Society relies on s. 13(1) of FIPPA to refuse to disclose the following information:

- portions of the minutes of a Practice Standards Committee meeting (record 398),
- portions of several emails (records 406-412),
- two drafts of a memorandum (records 413 and 416),
- an excerpt from the earlier draft of the memorandum (record 415), and
- a worksheet used to develop the memorandum (record 414).

[11] Section 13(1) states that the head of a public body may refuse to disclose information that would reveal advice or recommendations developed by or for a public body or a minister. Section 13 has been the subject of many orders, for example Order 01-15 where former Commissioner Loukidelis said the section was designed “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.”<sup>4</sup> Orders have also found that a public body is authorized to refuse access to information that would reveal advice and recommendations or allow an individual to draw accurate inferences about advice or recommendations.<sup>5</sup> Further, the BC Court of Appeal in *College of Physicians of B.C. v. British Columbia (Information and Privacy Commissioner)* clarified that the term “advice” includes an expert opinion on matters of fact that was obtained to provide the background explanations or analysis necessary to the deliberative process of a public body.<sup>6</sup>

[12] I apply the above analysis of the law to the facts before me in this case.

[13] **Parties’ Submissions**—The Law Society argues that the withheld information is advice or recommendations, or would reveal advice or

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<sup>4</sup> Order 01-15, [2001] B.C.I.P.C.D. No. 16, para. 22.

<sup>5</sup> Order F10-15, [2010] B.C.I.P.C.D. No. 24; Order 02-38, [2002] B.C.I.P.C.D. No. 38; Order F06-16, [2006] B.C.I.P.C.D. No. 23.

<sup>6</sup> *College of Physicians of British Columbia v. British Columbia (Information and Privacy Commissioner)*, [2002] BCCA 665, paras. 111 and 113.

recommendations. It also submits that portions of the records contain advice as defined in *College of Physicians* because they include an opinion or analysis about an existing set of circumstances.<sup>7</sup>

[14] The applicant submits that the information withheld is not policy advice or recommendations, and the exceptions in s. 13(2)(a), (c), (i), (j), (k), (l), (m) and (n) apply. However, the applicant does not elaborate. With the exception of s. 13(2)(a), which provides that the head of a public body must not refuse to disclose under subsection 13(1)(a) any factual material, I find that none of the other factors listed in s. 13(2) are applicable. I will discuss s. 13(1)(a) in further detail below.

### ***Application of s.13 to the Records***

[15] *Minutes (record 398)* – The Law Society relied on both ss. 13 and 22 to withhold some information from the meeting minutes but did not specify which section of FIPPA applies to which portions of the record. In my view, s. 13 does not apply to the record. The withheld information merely reflects the discussion and decisions made by the Law Society. It does not meet the criteria for advice and recommendations as set out in previous orders and in *College of Physicians*. Therefore, it is not properly withheld under s. 13. However, as will be discussed further below, s. 22 does apply to parts of this record.

[16] *Emails (records 406-412)* – For the most part, the Law Society has correctly applied s. 13 to these emails. However, the information withheld from records 410 and 411 includes an invitation to an individual to discuss issues related to cloud computing and remote data processing and storage. An invitation of this nature does not meet the criteria set out in previous orders and the *College of Physicians* for advice and recommendations, so it may not be withheld under s. 13. However, there is one short email in record 410 that was properly withheld under s. 13 because the writer recommends how to proceed.<sup>8</sup>

[17] *Memorandum and excerpt (records 413, 415 and 416)* – These three documents were withheld in their entirety under s. 13. The Law Society describes 413 and 416 as drafts of a memorandum from in-house counsel to its executive committee to provide advice about cloud computing and the issues it raises regarding the obligations of lawyers and the work of the Law Society.<sup>9</sup> Record 415 is a four page excerpt from record 413.

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<sup>7</sup> Law Society's initial submission, para. 28-29.

<sup>8</sup> In a copy of the records that will be sent to the Law Society along with this decision, I have highlighted in pink the information that may be withheld from record 410 under s. 13.

<sup>9</sup> Society's initial submission, paras. 36-37.

[18] I find that a considerable proportion of these three documents is properly withheld under s. 13(1), either because it directly reveals advice or recommendations or would allow accurate inferences to be drawn about advice or recommendations. However, these three records also contain factual material under s. 13(2)(a). For example, there are to/from/subject details at the beginning of the memoranda, as well as a table of contents, topic headings and background information. This information cannot be withheld under s. 13, except where it is so interwoven with the analysis and opinion that it cannot reasonably be severed.<sup>10</sup>

[19] *Worksheet (record 414)* – This document is written in point form and contains research notes on the topic of cloud computing. It identifies issues and significant facts, summarizes what was learned from the scholarly and other sources reviewed and quotes from several. With the exception of a few lines of opinion on page two, I find this record to be factual material to which s. 13(2)(a) applies. Therefore, it is not properly withheld under s. 13.<sup>11</sup>

#### ***Solicitor-client privilege – s. 14***

[20] The Law Society relies on solicitor-client privilege to withhold information from memoranda, emails, notes, a retainer letter and a statement of account.<sup>12</sup> These records were not included in the inquiry materials. However, they were described in sufficient detail in the Law Society's materials to enable me to assess the applicability of s. 14.

[21] Section 14 of FIPPA states that the head of a public body may refuse to disclose information that is subject to solicitor-client privilege. This encompasses both types of solicitor-client privilege found at common law, which are legal advice privilege and litigation privilege.<sup>13</sup> For legal advice privilege to apply to information, the following conditions must be satisfied:

1. there must be a communication, whether oral or written;
2. the communication must be confidential;
3. the communication must be between a client (or agent) and a legal advisor; and

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<sup>10</sup> In a copy of the records that will be sent to the Law Society along with this decision, I have highlighted in pink the information that may be withheld, under s. 13, from records 413, 415 and 416.

<sup>11</sup> In a copy of the records that will be sent to the Law Society along with this decision, I have highlighted in pink the information that may be withheld from record 414 under s. 13.

<sup>12</sup> Records 176, 178, 180, 182-187, 192-93, 256-57, 270, 273, 283-84, 288, 299, 301, 303, 305, 307, 363. Alternatively, the Law Society submits that if s. 14 is found not to apply, then the s. 13 exception applies to all records for which it has claimed solicitor-client privilege – per the Law Society's initial submission, para. 6.

<sup>13</sup> *College of Physicians*, *ibid.* 6, para. 26.

4. the communication must be directly related to the seeking, formulating, or giving of legal advice.

[22] If these four conditions are satisfied then the communications – and the papers relating to it – are privileged.<sup>14</sup>

[23] Litigation privilege applies to materials prepared by a solicitor, and communications between a solicitor and client or third parties, for the dominant purpose of litigation.<sup>15</sup> Although it has not specified which type of solicitor-client privilege is being claimed, the Law Society's arguments and evidence clearly relate to legal advice privilege. It has made no assertions that litigation privilege applies, nor is there evidence of any litigation between the parties.

[24] Although the records for which privilege is claimed are not before me, I accept the Law Society's affidavit evidence as to their content and format, and I find them to be as follows:

- Memoranda (and attachments) from a staff lawyer to the Law Society's Practice Standards Committee providing legal advice regarding investigatory and regulatory matters related to the applicant (Records 176, 178, 180, 301, 303, 305, 307) and from a staff lawyer to the Manager of Practice Standards seeking advice and direction regarding complaints about the applicant and related investigatory and regulatory matters (Record 284).
- An email from the Law Society's outside legal counsel, who was retained to assist with the review of the applicant's law practice, seeking instructions from a staff lawyer in the Law Society's Practice Standards Department (Record 363).
- Email exchanges between staff lawyers about the recommendations from the review of the applicant's practice (Record 257), and between staff lawyers and the Law Society's Practice Standards Committee about implementation of regulatory measures regarding the applicant (Records 270, 273).
- A draft practice review report, with an accompanying email exchange between outside legal counsel retained to assist with the review of the applicant's law practice and a staff lawyer in the Law Society's Practice Standards Department (Records 182 and 183).
- Notes made by outside counsel and a staff lawyer related to the practice review of the applicant (Records 184, 185, 299).

<sup>14</sup> *R. v. B.*, 1995 Can LII 2007 (BCSC) at p. 6, and *Canada v. Solosky*, [1980], 1 S.C.R. 82.

<sup>15</sup> *Blank v. Canada (Minister of Justice)*, 2006 SCC 39.

- Legal opinions from the Law Society’s staff lawyers and outside legal counsel, with attachments, provided to the Practice Standards Committee and the Discipline Committee regarding the applicant (Records 187, 192, 193).
- A retainer letter from a Law Society staff lawyer to the outside legal counsel who was retained to work with staff lawyers in carrying out the practice review of the applicant’s legal practice (Record 288).
- A statement of account, including description of work performed, submitted by outside legal counsel (Record 283).

[25] The Law Society explains that it retained outside legal counsel to work with staff lawyers to review the applicant’s legal practice, analyze the results of the review and prepare a report for the Practice Standards Committee. It submits that the Law Society, through its staff lawyers, staff officials and committee members, is the client in the relationship.

[26] The applicant does not dispute that the records in issue are protected by solicitor-client privilege. Rather, she submits that the privilege cannot stand in the face of the harm that non-disclosure causes her when it comes to being able to respond to the Law Society’s practice standards process.<sup>16</sup> I disagree with the applicant’s argument in this regard because solicitor-client privilege is a class privilege. Balancing competing interests, or weighing the harm that might result from disclosure versus non-disclosure, plays no role in determining whether the privilege applies.<sup>17</sup>

[27] The applicant also submits that, “Information contained in the materials to which the Law Society claims privilege fall into one or more of the exceptions listed under s. 13(2)...”.<sup>18</sup> The factors in s. 13(2) apply only to records for which the s. 13 exception is claimed. Therefore, this submission is irrelevant to the s. 14 analysis.

[28] I am satisfied that the records for which the Law Society claims privilege meet the four criteria in the test for legal advice privilege. They are communications between the Law Society and its solicitors for the purpose of seeking, formulating and giving legal advice. This includes the lawyers’ notes,<sup>19</sup> which are papers related to that privileged communication. They are an integral part of the process of formulating and providing legal advice, and disclosure may directly reveal, or allow accurate inferences to be drawn about, the nature of the opinion sought or the advice given. This is consistent with Order 02-01 where former Commissioner Loukidelis found that privilege applies to a lawyer’s

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<sup>16</sup> Applicant’s reply submission.

<sup>17</sup> *R. v. Gruenke*, [1991] 3 S.C.R. 263, para. 26

<sup>18</sup> Applicant’s initial submission, para. 14.

<sup>19</sup> Records 184, 185, 299.

working notes and papers if they are directly related to the seeking, formulating or giving of legal advice.<sup>20</sup> Further, despite the applicant's arguments regarding waiver (discussed below), there is no evidence to suggest that the records and the communication they contain were not consistently treated as confidential.

[29] The retainer and the statement of account require a few additional words.<sup>21</sup> The terms of a solicitor-client relationship contained in a retainer, including information relating to financial arrangements, relate directly to the seeking, formulating or giving of legal advice and are privileged.<sup>22</sup> In addition, there is a rebuttable presumption that solicitor-client privilege applies to billing information contained in a lawyer's statement of account.<sup>23</sup> The presumption may be rebutted if there is no reasonable possibility that disclosure will directly or indirectly reveal any communication protected by the privilege or an assiduous inquirer, aware of background information, could use the information requested to deduce or otherwise acquire privileged communications.<sup>24</sup> Based on the material before me, and absent any argument or evidence from the applicant on this point, I am satisfied that the presumption regarding the legal account has not been rebutted.

[30] In summary, I find that solicitor-client privilege applies to the records withheld under s. 14.

[31] **Waiver**—Waiver of privilege is ordinarily established where it is shown that the possessor of the privilege knows of the existence of the privilege and voluntarily shows an intention to waive that privilege.<sup>25</sup>

[32] The applicant submits the privilege over the documents in question belongs to her because she is the subject of those documents and she consents to disclosure to herself.<sup>26</sup> This is a fundamental misapprehension of the principles of privilege and waiver, and I disagree with the applicant's argument on this point. The law is well established – the privilege belongs to, and may only be waived by, the client, which in this case is the Law Society.

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<sup>20</sup> Order 02-01, [2002] B.C.I.P.C.D. No. 1, para. 70.

<sup>21</sup> Records 288 and 283.

<sup>22</sup> See *Municipal Insurance Corporation (British Columbia) v. British Columbia (Information and Privacy Commissioner)*, [1996] B.C.J. No. 2534; *Legal Services Society v. The Information and Privacy Commissioner of the Province of B.C.*, [1996] B.C.J. No. 2034; *Legal Services Society v. British Columbia (Information and Privacy Commissioner)*, 2001 BCSC 203; Order F05-10, [2005] B.C.I.P.C.D. No. 11.

<sup>23</sup> *Maranda v. Richer*, 2003 SCC 67, at para. 33.

<sup>24</sup> *School District No. 49 (Central Coast) v. British Columbia (Information and Privacy Commissioner)*, 2012 BCSC 427, para.104-106.

<sup>25</sup> Manes and Silver, *Solicitor-Client Privilege in Canadian Law*, 1993, p. 187-191; Order 00-07 [2000] B.C.I.P.C.D. No. 7; Order F07-05, [2007] B.C.I.P.C.D. No. 7.

<sup>26</sup> Applicant's reply, p. 1.

[33] The applicant also submits that the Law Society waived privilege when it posted an online notice about her practice restrictions and again when a Law Society staff lawyer spoke to her prospective employers.<sup>27</sup> She argues that the Law Society revealed the legal opinions it had obtained about her by doing these two things. The Law Society replies that the website posting merely reflects the regulatory decision made about the applicant and does not disclose the legal advice received prior to making that decision. Further, the Law Society states that its staff lawyer only spoke about the regulatory decision and its ramifications for the applicant's prospective employer. The Law Society submits that the applicant has provided no evidence that it disclosed privileged communications to others.

[34] The evidence, in my view, does not reveal an intention on the Law Society's part to waive privilege. Based on the evidence provided by the applicant,<sup>28</sup> I accept the Law Society's submission that its Practice Standards Committee approved the applicant's undertaking to restrict her practice to certain subject areas, and that this was the information that appeared on the "Lawyer Lookup" section of the Law Society's website. In other words, the website posting revealed the Law Society's decision – not its legal advice. Further, contrary to the applicant's submission, the fact that a staff lawyer spoke to the applicant's potential employers about the Law Society's decision regarding her practice restrictions does not establish that the Law Society disclosed legal advice. As a result, I am not persuaded that the Law Society waived privilege over the withheld information.

[35] In conclusion, I find the records withheld under s. 14 are protected by solicitor-client privilege.

### ***Harm to Personal Privacy – s. 22***

[36] The Law Society relied on s. 22(3)(d) to withhold some information from an email (record 397) and some information from the meeting minutes of the Law Society's Practice Standards Committee (record 398) on the grounds that disclosure would be an unreasonable invasion of a third-party's personal privacy.

[37] FIPPA requires public bodies to withhold personal information where its disclosure would be an unreasonable invasion of a third party's personal privacy. Numerous orders have considered the application of s. 22, and the principles for its application are well established.<sup>29</sup> In deciding whether a public body is required by s. 22(1) to refuse to disclose personal information to an applicant,

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<sup>27</sup> Applicant's reply, paras. 31-39. The applicant acknowledges that the Law Society obtained her consent before doing this.

<sup>28</sup> Applicant's reply, attachments 384 and 386.

<sup>29</sup> See for example, Order 01-53, [2001] B.C.I.P.C.D. No. 56, and Order 00-18, [2000] B.C.I.P.C.D. No. 21.

one must first consider whether personal information is involved. One then must decide if the disclosure is deemed, by s. 22(4), not to be an unreasonable invasion of third-party personal privacy. If any of the factors listed in s. 22(4) apply, the information must be disclosed. If none of them applies, one must consider whether any of the presumed unreasonable invasions of personal privacy listed in s. 22(3) apply. If they do, one must consider all relevant circumstances, including those found in s. 22(2), to determine if disclosure would be an unreasonable invasion of a third-party's personal privacy. Finally, even if none of the s. 22(3) presumptions apply, one must still determine, in light of all relevant circumstances, whether disclosure would be an unreasonable invasion of a third-party's personal privacy.

[38] I have applied those principles here.

[39] **Personal Information**—Record 397 is an email about a lawyer who agreed to test the CLIO software program to manage his practice. It identifies him by name and provides details about shortcomings in his knowledge and abilities and what support and training he needs to properly manage his practice. The Law Society disclosed all of this email to the applicant, with the exception of the information that would identify the lawyer referenced – in effect, anonymizing the information released. As the information withheld provides identifying information about the lawyer referenced, I find it is his personal information.

[40] Record 398 is the minutes from a Practice Standards Committee meeting and the information withheld from it includes the names, as well as personal and practice-related issues, of lawyers under consideration by the Practice Standards Committee. I find that this is the personal information of the individuals referenced. I also find that the Law Society mistakenly relied on s. 22 to withhold general background information and subject headings from record 398, neither of which provides information about identifiable individuals, so it is not personal information.<sup>30</sup>

[41] **Section 22(4) Factors**—I have considered the factors in s. 22(4) and find that none apply.

[42] **Section 22(3) Presumptions**—The third step in analyzing s. 22 is to determine if disclosure of the personal information is presumed to be an unreasonable invasion of personal privacy. The Law Society submits that s. 22(3)(d) applies to the information withheld from records 397 and 398. Section 22(3)(d) states that a disclosure of personal information is presumed to

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<sup>30</sup> For clarity, the personal information in record 398 has been highlighted in pink in the copy of the records that will be sent to the Law Society along with this decision.

be an unreasonable invasion of a third-party's personal privacy if the personal information relates to employment, occupational or educational history. I agree with the Law Society that the personal information relates to the employment, occupational or educational history of the individuals referenced, and that s. 22(3)(d) applies.

[43] **Relevant Circumstances**—Finally, I have considered all relevant circumstances, including those listed in s. 22(2) to determine if the presumption has been rebutted, and I find that s. 22(2)(h) is applicable. In my view, disclosure would unfairly damage the reputation of the individuals referenced because it identifies lawyers who are alleged to be performing in a substandard manner, and those who are under investigation for negligence or incompetence. It also reveals the remedial steps being taken by several lawyers whose practices are being monitored by the Law Society.

[44] In summary, I find that the presumption that disclosure of the personal information contained in records 397 and 398 would be an unreasonable invasion of third party privacy under s. 22(3)(d) applies and has not been rebutted. Therefore, this personal information must not be disclosed.

## CONCLUSION

[45] For the reasons given above, I make the following order under s. 58 of FIPPA:

1. I confirm that, subject to paragraphs 1(a) and (b) directly below, the Law Society may refuse to disclose the information it withheld under s. 13.
  - a) The Law Society may not refuse to disclose any information from record 398, under s. 13.
  - b) The Law Society may not refuse to disclose, under s. 13, any of the information in records 410, 413, 414, 415, 416, unless it is highlighted in pink in the records that accompany the Law Society's copy of this order.
2. The Law Society is authorized by s. 14 to refuse access to all records for which it claimed solicitor-client privilege.

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3. In accordance with s. 22(1), the Law Society is required to refuse to disclose the personal information it withheld from records 397 and 398. For certainty, I have highlighted those passages in pink in the records that accompany the Law Society's copy of this order.
  4. The Law Society must comply with the above terms of this Order on or before **November 15, 2013**, and, concurrently, provide me with a copy of its cover letter and the records sent to the applicant.

October 2, 2013

**ORIGINAL SIGNED BY**

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Elizabeth Barker, Adjudicator

OIPC File No.: F11-47038