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Order F14-48

SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY

Ross Alexander
Adjudicator

November 26, 2014

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Summary: The applicant requested records from the South Coast British Columbia Transportation Authority ("Translink") for costs he said Translink incurred investigating a workplace dispute and responding to a human rights complaint. In response to the applicant's request, Translink advised the applicant that it was unable to confirm or deny the existence of any responsive records on the basis that disclosure of the existence of the requested information would be an unreasonable invasion of a third party's personal privacy (s. 8(2)(b) of FIPPA). The adjudicator determined that Translink was authorized to refuse to confirm or deny the existence of the requested records.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, s. 8(2)(b).

Authorities Considered: B.C.: Order 02-38, 2002 CanLII 42472 (BC IPC); Investigation Report F13-05, 2013 CanLII 95961 (BC IPC) Order 02-35, 2002 CanLII 42472 (BC IPC); Order 02-01, 2002 CanLII 42426 (BC IPC); Order 01-53, 2001 CanLII 21607 (BC IPC); Order F14-18, 2014 BCIPC No. 21. **ON:** Order PO-2480, 2006 CanLII 50823 (ON IPC) Ontario; Order MO-1617, 2003 CanLII 53715 (ON IPC); [2003] O.I.P.C. No. 37.

INTRODUCTION

[1] This inquiry relates to a request for records by an applicant who is a South Coast British Columbia Transportation Authority ("Translink") employee. The applicant believes a fellow Translink employee made a complaint to the BC Human Rights Tribunal against Translink concerning an alleged workplace bullying incident that he believes was settled in mediation. The applicant does

not identify himself as being directly involved in the alleged dispute. The applicant made a request to Translink[1] for records about a number of different specific types of expenditures (*i.e.* legal fees, medical evaluation costs, etc.) the applicant believes Translink incurred in relation to the alleged bullying, human rights claim and settlement. The request is for "all financial information over the last four years to see the total of what the Taxpayer paid for this case."[2]

[2] In response to the applicant's request, Translink advised the applicant that it was refusing to confirm or deny the existence of responsive records on the basis that disclosure of the existence of the requested information would be an unreasonable invasion of a third party's personal privacy pursuant to s. 8(2)(b) of the *Freedom of Information and Protection of Privacy Act* ("FIPPA").

[3] The applicant complained to Translink about its response, stating that he knows the incident happened. The applicant requested that the Office of the Information and Privacy Commissioner ("OIPC") review Translink's response.

[4] During the OIPC review process, the applicant stated he was narrowing his original request from all records containing Translink expenditures to a request that Translink provide him with the lump sum total for the same information. Translink again responded that it was refusing to confirm or deny the existence of responsive records pursuant to s. 8(2)(b) of FIPPA.

[5] The applicant then requested that this matter proceed to inquiry under Part 5 of FIPPA. The applicant and Translink each provided initial and reply submissions for this inquiry, with much of Translink's initial submission and evidence being accepted *in camera*.

ISSUE

[6] The issue in this inquiry is whether Translink is authorized to refuse to confirm or deny the existence of records containing personal information of a third party under s. 8(2)(b) of FIPPA. Translink has the burden of proof, which Translink acknowledges.

[7] In his initial request for review and in his submissions in this inquiry, the applicant alleges that s. 25 of FIPPA applies to his request. The relevant parts of s. 25(1) are as follows:

> (1) Whether or not a request for access is made, the head of a public body must, without delay, disclose to the public, to an affected group of people or to an applicant, information

[1] The applicant's request is to "Translink" and "Skytrain". For simplicity, I will only refer to Translink throughout this order.
[2] Applicant's initial request.

> ...
>
> (b) the disclosure of which is, for any other reason, clearly in the public interest.
>
> (2) Subsection (1) applies despite any other provision of this Act.

[8] Previous orders have stated that s. 25(1) requires an urgent and compelling need for disclosure before it is triggered, and the phrase "without delay" has been interpreted to introduce an element of temporal urgency.[3] As Commissioner Denham stated in Investigation Report F13-05 regarding the purpose of s. 25:

> While information rights are an essential mechanism for holding government to account, s. 25(1)(b) is not intended to be used by the public to scrutinize public bodies. In these circumstances, the public may still use its general right to access records under FIPPA.[4]

[9] I understand the applicant's argument on s. 25 to be that the information will reveal that Translink has wasted public funds denying "the seriousness of some worker being subjected to bullying for a four year period". Translink submits that the applicant's position with respect to s. 25 is without merit because s. 25 is only relevant if there are records responsive to the applicant's request.

[10] I agree with Translink to the extent that s. 25 of FIPPA is somewhat inconsistent with s. 8(2)(b), since s. 8(2)(b) relates to uncertainty about whether a record exists while s. 25 only takes effect if information exists. However, in any event, even assuming for the sake of argument only that there are records on the subject matter requested by the applicant, in my view the requested information would not have either the required temporal urgency or gravity of clearly being in the public interest to meet the test for s. 25 as set out in Order 02-38 and other orders.[5]

[11] The applicant does not explain why there is now a pressing need for immediate disclosure of information about expenditures he says Translink spent over a four-year period dealing with an internal workplace investigation and/or responding to a Human Rights Tribunal matter. In my view, assuming for the sake of argument that the requested records exist, there would be no urgent need for disclosure of that type of information. Further, in any event, in my view the nature of the requested information does not have the gravity of being clearly in the public interest as required to fall under s. 25.

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[3] Order 02-38, 2002 CanLII 42472 (BC IPC) at para. 53.
[4] Investigation Report F13-05, 2013 CanLII 95961 (BC IPC) at p. 10.
[5] Order 02-38, 2002 CanLII 42472 at paras. 53, 56, 66, *et. al.*

[12] For the above reasons, I find that s. 25 does not apply and I will not consider s. 25 any further in this inquiry.

DISCUSSION

Preliminary Matters

Scope of the Applicant's Request

[13] The applicant's first request is for a number of specified expenses he believes Translink incurred with respect to the alleged bullying, and Human Rights Tribunal claim and settlement. The totality of his request is for "all financial information over the last four years to see the total of what the Taxpayer paid for this case."[6] Subsequently, in an attempt to make his request less of an invasion of personal privacy, the applicant narrowed his request to a request that Translink provide him with the "lump sum" of the costs incurred by Translink dealing with the alleged bullying and human rights complaint.

[14] I have considered both his original and his subsequently narrowed request in light of s. 8(2)(b). As I discuss in further detail below, given the premise of the applicant's request for records, both requests have the same result with respect to whether s. 8(2)(b) applies.

Fairness of the Inquiry Process

[15] The applicant raises two issues questioning the fairness of the inquiry process.

[16] The applicant's first concern about fairness relates to the fact that most of Translink's materials were submitted *in camera*, so it is hard for him to respond to Translink's evidence and submissions. I understand the applicant's concern on this point, since a significant amount of Translink materials were submitted *in camera*. However, while a fair process provides as much information as reasonable in the circumstances to allow parties to make effective submissions, public bodies cannot be required to provide evidence and submissions to applicants in the inquiry process if that information would disclose to the applicant the very information that is at issue (*ie.* whether or not certain information exists). In my view, Translink's materials are properly *in camera* because they may confirm or deny the existence of the requested records, which would render this inquiry moot.

[17] Further, in my view the matters at issue in this inquiry have been sufficiently disclosed to the applicant by the Investigator's Fact Report and Translink's materials that were provided to him. This is particularly the case

[6] Applicant's initial request.

since the issue of whether s. 8(2)(b) applies is largely based on the applicant's own request for records.

[18] The applicant's second concern about fairness relates to a description of the procedural background to the applicant's request in an affidavit provided by Translink.[7] According to the applicant, Translink omits to mention that it did not respond to a complaint he sent Translink after it responded to his request for records. The applicant points out that this fact is stated in the Investigator's Fact Report. He explains that this omission along with the *in camera* evidence leaves him with doubts about the fairness of this inquiry.

[19] My understanding is that the applicant is concerned about the accuracy of the *in camera* materials due to this difference between an affidavit provided by Translink's manager of information access and the Investigator's Fact Report. However, based on my review of the materials, I do not have concerns about the credibility of the *in camera* evidence provided by Translink, particularly given the nature and contents of the information. Further, to the extent the applicant is arguing that omitting his complaint is somehow misleading or improper, I disagree. In my view, the omitted fact is immaterial to the issue before me in this inquiry – which is whether s. 8(2)(b) applies – and, in any event, this fact is already before me as part of the Investigator's Fact Report.

Section 8(2)(b)

[20] Section 8(2)(b) of FIPPA authorizes public bodies to refuse to confirm or deny the existence of a record if the disclosure of the existence of the information would be an unreasonable invasion of that party's personal privacy. It states in part:

> …the head of a public body may refuse in a response to confirm or deny the existence of
>
> …
>
> (b) a record containing personal information of a third party if disclosure of the existence of the information would be an unreasonable invasion of that party's personal privacy.

[21] An applicant in an inquiry under s. 8(2)(b) is in a different position than applicants who have been denied access to records under FIPPA. By invoking s. 8(2)(b), a public body is denying the applicant the knowledge of whether a record exists (or does not exist). In Order 02-35, former Commissioner Loukidelis set out principles for applying s. 8(2)(b) as follows:

[7] Affidavit of Translink's Manager of Information Access.

1. A public body that seeks to rely on s. 8(2)(b) must do two things. First, it must establish that disclosure of the mere existence or non-existence of the requested records would convey third-party personal information to the applicant and the disclosure of the existence of that information would itself be an unreasonable invasion of that third party's personal privacy…

2. Sections 22(2) and 22(3) of the Act are relevant in determining what constitutes an unreasonable invasion of personal privacy for the purposes of s. 8(2)(b)…In my view, s. 22(4) may also be relevant in determining what constitutes an unreasonable invasion of personal privacy for the purposes of s. 8(2)(b)…[8]

[22] Section 22 of FIPPA requires public bodies to withhold information if disclosing it would be an unreasonable invasion of a third party's personal privacy. As stated above, it is relevant in determining what constitutes an unreasonable invasion of personal privacy for the purposes of s. 8(2)(b). The relationship and differences between s. 8(2)(b) and s. 22 was further explained in Order 02-35 as follows:

> [39] First, the privacy analysis under s. 8(2)(b) deals with the impact of disclosure of the existence of personal information. Section 22(2) focusses, by contrast, on the impact of disclosure of the personal information itself, not the fact that it exists. The s. 22(2) analysis may, under s. 22(2)(a), entail an assessment, in a case where disclosure of the personal information itself is in issue, of whether disclosure is desirable in order to subject a public body's activities to public scrutiny. But disclosure of the fact that personal information exists does not necessarily raise the same public scrutiny issues under s. 22(2)(a). The s. 22 analysis looks to the impact of disclosure of the personal information itself, while the s. 8(2)(b) analysis in a sense will, in many cases, not mirror the in-depth examination under s. 22.
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> [40] A second difference between ss. 8(2)(b) and 22, of course, is the fact that the first section is discretionary and the second is mandatory. If s. 22(1) applies to personal information, a public body must refuse to disclose it. Under s. 8(2)(b), however, a public body has the discretion to confirm the existence of personal information even if the public body has decided that the confirmation would unreasonably invade a third party's personal privacy[9]…

[23] I adopt and apply the above principles in this case.

[24] As stated in Order 02-35, s. 8(2)(b) of FIPPA focuses on the impact of disclosure of the existence of information. This is directly related to the request itself, since determining what – if any – records are responsive is based on the content of the applicant's request. For s. 8(2)(b) to apply, disclosure of the mere existence or non-existence of records must convey third party personal

[8] Order 02-35, 2002 CanLII 42469 at para. 33.
[9] Order 02-35, 2002 CanLII 42469 at paras. 39 and 40.

information, and it must also be an unreasonable invasion of third party personal privacy.

> *Would personal information be conveyed by confirming whether the records exist?*

[25] The applicant's request for records specifically states that he is not requesting the personal information of the person he describes as the bullying "victim". He states that he just wants the tax dollars spent by Translink on this alleged bullying dispute. However, while the applicant only wants to know about tax dollars that may have been spent by Translink, his request is inextricably linked to specific alleged workplace incidents. The applicant's request for records contains the following statement to frame his request:

> On November 20 2012 the BC Human Rights council held a mediation regarding a case of [b]ullying of a Skytrain union employee by some of his co-workers and the Skytrain vehicle manager. The victim was awarded a settlement by Translink/Skytrain.

[26] The applicant does not identify either the person who he refers to as the "victim" who he believes lodged a human rights complaint or the "perpetrator" who he believes was person doing the bullying. However, he refers to one person as the "victim" and another as the "perpetrator" throughout his submissions, and it is clear given the level of detail provided by the applicant that the people he refers to as "victim" and "perpetrator" are specific individuals known to the applicant who he believes had a dispute.

[27] Given the applicant's request and the fact that it relates to identifiable individuals, disclosing the existence or non-existence of records responsive to this request would itself reveal personal information. Specifically, it would convey whether or not the "victim" made a human rights complaint about another Translink employee, the "perpetrator". If records exist, it will confirm that such a dispute took place. If there are no records, it would likely mean that there was no dispute as specified in the request for records.

[28] Regardless of whether the applicant's initial or subsequent request is considered (ie. records related to specific types of costs or a total lump sum cost), confirming or denying the existence of these types of records would disclose the same personal information – namely, whether an individual who is known to the applicant made a bullying and/or a human rights complaint.[10]

[10] This finding is consistent with Order 02-01, 2002 CanLII 42426 in which former Commissioner Loukidelis determined that disclosure of the mere existence or non-existence of complaint information about named lawyers to the Law Society of British Columbia was their personal information.

[29] My conclusion that disclosure of costs would reveal personal information is comparable to Ontario Order PO-2480.[11] In that order, the applicant requested records relating to monetary settlements concerning any human rights complaints filed against a named individual and a named native cultural center. The adjudicator determined that those records, if they existed, would contain information about identifiable individuals, including the names of individuals who filed human rights complaints, and the grounds and dispositions of their complaints. In that case it was determined that disclosure of the existence or non-existence of this information would be an unjustified invasion of personal privacy.

[30] I will now consider whether disclosing the personal information that would be conveyed by confirming or denying the existence of the requested records would be an unreasonable invasion of the individual's personal privacy in this case.

Would confirming whether or not the records exist be an unreasonable invasion of third party personal privacy?

[31] Translink submits that confirming the existence of the records would be an unreasonable invasion of personal privacy pursuant to s. 8(2)(b). It submits that the applicant has evidently heard rumours about a human rights complaint and settlement, and that his request is a "fishing expedition".

[32] The applicant submits that his request is about how Translink "wasted tax dollars" due to mistakes it made in how it handled workplace incidents. In his view, disclosure of at least some of the requested information would not be an unreasonable invasion of personal privacy because it falls under s. 22(4)(e), (f) and (h). These provisions relate to the remuneration of public body employees, financial and other details of a contract to supply goods or services to a public body, and information about expenses incurred by third parties while travelling at the expense of a public body. Further, the applicant says that he already knows the bullying and human rights complaint occurred, so disclosing the existence of the complaint would not be an unreasonable invasion of personal privacy.

[33] In Order 02-35, former Commissioner Loukidelis addressed whether the focus when applying s. 8(2)(b) is on the impact of the information conveyed by confirming or denying the existence of a record, or the consequences of disclosing the information that would be contained in the requested record itself (assuming the record exists).[12] He concluded that s. 8(2)(b) of FIPPA focuses on the impact of disclosure of the existence of information, given the wording of s. 8(2)(b). I agree, and follow the same interpretation of s. 8(2)(b) in this inquiry. Therefore, the issue before me is whether it would be an unreasonable invasion

[11] Ontario Order PO-2480, 2006 CanLII 50823 (ON IPC).
[12] Order 02-35, 2002 CanLII 42426 at paras. 33 to 36.

of personal privacy to disclose whether or not an identifiable Translink employee made bullying and human rights complaints against another Translink employee. It is not about whether it would be an unreasonable invasion of personal privacy to disclose the records requested by the applicant (if they exist).

[34] I will now consider the factors in s. 22 to help determine whether it would be an unreasonable invasion of personal privacy to disclose whether or not an identifiable "victim" made bullying and human rights complaints against an identifiable Translink employee.

[35] Section 22(4) of FIPPA sets out circumstances where disclosing information is not an unreasonable invasion of personal privacy. It states in part:

> (4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if
>
> …
>
> (e) the information is about the third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff,
>
> (f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,
>
> …
>
> (h) the information is about expenses incurred by the third party while travelling at the expense of a public body,

[36] The applicant submits that s. 22(4)(e), (f) and (h) apply to the requested records, since they relate public expenditures. However, it is unnecessary for me to determine whether s. 22(4) applies to the requested records in the event such records exist, and I decline to do so. I find that none of the factors in this subsection apply to whether or not bullying and human rights complaints were made.

[37] Section 22(3) of FIPPA lists a number of circumstances where disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy. One of these circumstances is s. 22(3)(d), which is that "the personal information relates to [a third party's] employment, occupational or educational history".

[38] Numerous orders have determined that information relating to workplace complaints and investigations falls under s. 22(3)(d).[13] Further, information about whether or not an individual chose to make a workplace complaint about bullying and/or complained to the Human Rights Tribunal is personal information relating

[13] For example, see Order 02-01, 2002 CanLII 42426 and Order 01-53, 2001 CanLII 21607.

to the employment history of the individuals involved. I therefore find that the presumption in s. 22(3)(d) applies.

[39] Section 22(2) requires me to consider all relevant circumstances in deciding whether the information can be disclosed without unreasonably invading third party personal privacy, despite the presumption under s. 22(3)(d).

Public Scrutiny of Translink's Activities

[40] Section 22(2)(a) of FIPPA states that a relevant circumstance is whether "the disclosure is desirable for the purpose of subjecting the activities of the government of British Columbia or a public body to public scrutiny". The parties do not specifically address s. 22(2)(a), but I will consider it because of the applicant's submissions that any tax dollars allegedly spent by Translink should be accounted for, and due to his allegation that Translink mismanaged the alleged incident.

[41] In the context of this particular s. 8(2)(b) issue, the consideration raised in s. 22(2)(a) is about whether confirming that there was a bullying complaint and/or a human rights complaint (or that there was no such complaint) is desirable for subjecting the activities of Translink to public scrutiny. It does not raise the same public scrutiny issues as assessing whether disclosure of the requested personal information itself (if it exists) is desirable in order to subject a public body's activities to public scrutiny.[14]

[42] According to the applicant, a Translink employee was bullying other employees, which resulted in a complaint to Translink management against the "perpetrator". He says there was a workplace investigation, which incorrectly concluded that the complaint was unfounded and resulted in the "victim" filing a complaint with the Human Rights Tribunal.

[43] However, even assuming for the sake of argument only that these events occurred as alleged by the applicant, I am not satisfied that s. 22(2)(a) favours disclosure of this information. According to the applicant, Translink received, investigated and dismissed a workplace complaint. Previous orders have stated that s. 22(2)(a) may be relevant when it enables the person who made the complaint to know that the public body investigated their complaint, so s. 22(2)(a) may have applied here if that were the case.[15] However, there is no suggestion here that the applicant is either the "victim" or the "perpetrator".

[44] Further, while there may be cases where confirming or denying the existence of a workplace and/or human rights complaint would be desirable for subjecting a public body to public scrutiny, I do not find that to be a case here.

[14] Order 02-35, 2002 CanLII 42469 at para. 39.
[15] For example, see Order F14-18, 2014 BCIPC No. 21.

The evidence before me supports a conclusion that confirming whether records exist may serve the applicant's private interests, but it would not serve to subject the public body to public scrutiny. I find that s. 22(2)(a) does not favour disclosure in this case.

Other Factors

[45] A primary reason why the applicant submits that disclosure would not be unreasonable is that he says he knows that the bullying and human rights matters occurred. In support of this submission, the applicant provides a significant amount of background information and details about the alleged dispute. Translink submits that the applicant has apparently heard rumours and is on a fishing expedition.

[46] The situation here has some similarities to Ontario Order MO-1617.[16] In that order, an applicant requested access to records showing that a named individual was awarded an out-of-court settlement by the Toronto Police Services Board. The applicant in that case described himself as a justice advocate, and he outlined his relationship with the individual, his knowledge of the individual's activities, comments made to him by third parties who also appeared to know the individual and his own discussions with police personnel regarding the individual and a named police officer. In deciding that the police were entitled to refuse to confirm or deny the existence of records relating to the affected person, Adjudicator L. Cropley stated the following:

> **38** The appellant has provided evidence in the form of public documents, which confirm that the affected person has had some involvement with the Police and that he had initiated civil action in that regard. This evidence also confirms that the matter was dismissed on consent.
>
> **39** However, in my view, the appellant is "fishing" for additional information relating to the affected person's activities vis-à-vis the Police. Confirmation that the affected person has or has not entered into and/or concluded a settlement in respect of his civil action against the Police, in and of itself, provides the appellant with information about his activities, and in particular, about the amount of a settlement.
>
> **40** The appellant appears to be somewhat knowledgeable about the affected person, and at one time called him "a friend", yet there is no indication that his "friend" knows about this request or that he consents to the disclosure of information about him to the appellant. In these circumstances, I find that the affected person is entitled to move on with his life, free from the curiosity of his "friends and community".
>
> **41** On this basis, I am satisfied that disclosure of the fact that records exist (or do not exist) would in itself convey information to the appellant, and the nature of the

[16] Ontario Order MO-1617, 2003 CanLII 53715 (ON IPC).

> information conveyed is such that disclosure would constitute an unjustified invasion of privacy. Accordingly, I find that the Police may refuse to confirm or deny the existence of records relating to the affected person.[17]

[47] In this case, the applicant provides a significant number of details about the events he alleges to have happened. He states, for example, dates or timeframes for when he says the alleged bullying and human rights mediation occurred. However, just because the applicant has provided detailed or precise information about events he says occurred, it does not necessarily mean that these events did in fact occur.

[48] The applicant does not explain how he knows most of the background facts he says to be true, although he says the "victim" told him that he reached a settlement with Translink. He also said that he discussed the "perpetrator" with Translink's safety and security manager who deposed an *in camera* affidavit for this inquiry and other management who he said he would keep anonymous. However, the applicant does not provide the names of either the "victim" or "perpetrator". Further, while it appears from the applicant's materials that he knows the person he believes to be the "victim" and he may potentially be advocating for him, there is no indication that the "victim", the "perpetrator" or anyone else who the applicant believes to be involved in this alleged incident knows about this request or consents to disclosure confirming whether or not the alleged bullying incident and human rights complaint occurred. Notably, the applicant does not state he witnessed or observed anything that would confirm the existence of a human rights complaint.[18]

[49] Based on the materials before me, it appears that the applicant is relying on the accuracy of information that other people have told him. However, he does not provide evidence from anyone else at Translink or independent materials to corroborate his statements about what happened. I do not doubt that the applicant believes these events occurred. However, I am not satisfied from materials before me that the applicant knows whether these events did or did not occur. In my view, the materials before me are not sufficient to rebut the presumption that disclosure would be an unreasonable invasion of personal privacy.

Conclusion regarding s. 8(2)(b)

[50] In summary, I determined that disclosure of the existence or non-existence of the requested records would convey the personal information of third parties. I then considered the factors in s. 22 of FIPPA to help me

[17] Ontario Order MO-1617, [2003] O.I.P.C. No. 37; 2003 CanLII 53715 at paras. 38 to 41.

[18] I also note that there is no evidence or suggestion that the applicant did or would be able to confirm with the BC Human Rights Tribunal whether a human rights complaint was filed. On the contrary, Rule 5 of the Human Rights Tribunals' Rules of Practice and Procedures suggests that the tribunal would not confirm this information for the applicant.

determine whether it would be unreasonable invasion of third party privacy to disclose whether or not an identifiable Translink employee made workplace bullying and human rights complaints against another Translink employee.

[51] The issue in Ontario Order PO-2480 is similar to the one here, in that the issue was whether it would be an unjustified invasion of personal privacy to confirm or deny the existence of records in response to a request for records about monetary settlements in relation to human rights complaints against a named individual and a named native cultural center. In that case the adjudicator determined that confirming or denying the existence of records would convey information that would be an unjustified invasion of personal privacy.[19] Similarly, in this case, I am not satisfied that there are sufficient factors to rebut the presumption that disclosure would be an unreasonable invasion of personal privacy.

[52] After considering all relevant circumstances, I find that it would be an unreasonable invasion of third party privacy to confirm or deny the existence of the requested records pursuant to s. 8(2)(b) of FIPPA.

CONCLUSION

[53] For the reasons given above, I find that Translink is authorized by s. 8(2)(b) to refuse to confirm or deny the existence of the requested records.

November 26, 2014

ORIGINAL SIGNED BY

Ross Alexander, Adjudicator

OIPC File No.: F13-52766

[19] Order PO-2480, 2006 CanLII 50823 (ON IPC).