OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for
British Columbia

Order 03-22

CITY OF VANCOUVER

David Loukidelis, Information and Privacy Commissioner
May 15, 2003

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Summary: Section 12(3)(b) authorizes the City to refuse to disclose two records. Sections 13(1) and 14 authorize the City to refuse to disclose some, but not all, of the information withheld under those sections. Section 17(1) does not authorize the City to refuse to disclose information.

Key Words: *in camera* meeting – substance of deliberations – advice or recommendations – solicitor-client privilege – harm to financial interests.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, ss. 12(3)(b), 13(1), 14 and 17(1); *Vancouver Charter*.

Authorities Considered: B.C.: Order No. 326-1999, [1999] B.C.I.P.C.D. No. 39; Order 00-08, [2000] B.C.I.P.C.D. No. 8; Order 00-11, [2000] B.C.I.P.C.D. No. 13; Order 02-50, [2002] B.C.I.P.C.D. No. 51.

Cases Considered: *College of Physicians & Surgeons of British Columbia* v. *British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665, [2002] B.C.J. No. 779 (C.A.); *British Columbia (Minister of Environment, Lands and Parks)* v. *British Columbia (Information and Privacy Commissioner)* (1995), 16 B.C.L.R. (3d) 64 (S.C.).

1.0 INTRODUCTION

[1] During 2000 and 2001, the City of Vancouver ("City") and TransLink, as the Greater Vancouver Transit Authority is known, were involved in discussions connected with the property taxation treatment City-owned land leased to others. TransLink's board and City Council both became involved and there were discussions and communications between their respective officials. The nature of the dispute and its status were reported in *The Vancouver Sun* in February of 2001.

[2] On September 30, 2001, the applicant made a request, under the *Freedom of Information & Protection of Privacy Act* ("Act"), to the City for records relating to the property taxation dispute with TransLink. The City responded on December 20, 2001, telling the applicant that 11 responsive records had been identified and that it was withholding all of the records under ss. 12(3)(b), 13, 14, 16 and 17 of the Act. The records included eight e-mails, two versions of the same memorandum to City Council and the minutes of one *in camera* City Council meeting. The applicant was dissatisfied with the City's response and requested a review by this office. He also complained about the roughly three months that the City took to respond to his request without having taken any extension of time under s. 10 of the Act.

[3] During mediation by this Office, the City disclosed an e-mail dated January 10, 2001 because the applicant already had a copy of it. It also released the relevant portions of the *in camera* Council meeting minutes. Since the matter did not settle in mediation, a written inquiry was held under Part 5 of the Act.

2.0 ISSUE

[4] The issue in this inquiry is whether the City is authorized by s. 12(3)(b), 13(1), 14 or 17 of the Act to refuse to disclose information. In its initial submission, the City abandoned its reliance on s. 16(1)(b), so I need not consider it. I must also consider whether the City discharged its duty, under s. 6(1), to make every reasonable effort to respond without delay to the applicant. Section 57(1) of the Act places the burden of proof on the City respecting its decision to withhold information. Previous cases establish that it bears the burden of showing that it met its s. 6(1) duty to the applicant.

3.0 DISCUSSION

[5] **3.1 Delay in the City's Response** – The City concedes that it failed to respond to the applicant's request within the time required by s. 7(1) of the Act. The City extended the initial response time by 30 days, as authorized under s. 10(1)(c) of the Act, but did not respond until December 20, 2001, when the extended deadline for response was November 29, 2001. It acknowledges that it should have applied to this Office, under s. 10, for a further extension of time before the initial 30-day extension ran out.

[6] Despite its concession that it failed to comply with its duty to respond within the extended time, the City contends that, in considering whether it complied with its s. 6(1) duty to respond without delay, the question is whether the City did everything that a fair or rational person would expect to be done or would find acceptable. It argues that it has met its duty under s. 6(1) when considered from this perspective. It says the applicant's request "came during an especially busy time for the City's freedom of information program" (para. 17, initial submission). It also says that some delay was caused by the need to communicate with TransLink about some of the records and to discuss those records with TransLink. Last, the City says that some of the requested records "were clearly sensitive" and a number of City employees had to be consulted respecting their release (para. 20, initial submission).

[7] As indicated in many previous decisions, where a public body fails to respond in the time contemplated under s. 7 – which includes any extensions of time under s. 10 – it cannot be said the public body has made every reasonable effort to respond "without delay" for the purposes of s. 6(1). As I have said before, s. 6(1) is clearly intended to impose a duty to use reasonable efforts to respond sooner than the time mandated under s. 7. If a public body has failed to comply with s. 7 – including by seeking a further extension under s. 10(1) – it cannot at the same time be said to have made every reasonable effort under s. 6(1). I find that the City failed to perform its duty under s. 6(1) to make every reasonable effort to respond to the applicant "without delay", but since the City has responded to the applicant, I can give no remedy for the City's failure to perform its statutory duty.

[8] **3.2 Substance of Deliberations of an *In Camera* Meeting** – Section 12(3)(b) of the Act authorizes a local public body to refuse to disclose information that would reveal the substance of deliberations of an *in camera* meeting of its governing body, in this case City Council. The City says this section applies to the two memorandums mentioned above, which it has numbered as records 8 and 10. The City submits that the draft memoranda was provided to the City Council in November of 2000 and was discussed by City Council at an *in camera* meeting on January 23, 2001. The final version of the memorandum is "a subsequent printout of this document" (para. 25, initial submission).

[9] Both versions of the memorandum were, as the applicant is already aware, addressed to the "Mayor and Councillors", with copies shown to various City officials, including the City Manager and the City's Director of Legal Services. The City's Director of Financial Planning & Treasury wrote the memo, as the applicant is also aware. Both versions are expressly marked, on page one, as being confidential. The text of both versions, which the applicant has of course not seen, provides a link between the memo and discussion of the memo by Council.

[10] Section 12(3)(b) reads as follows:

> (3) The head of a local public body may refuse to disclose to an applicant information that would reveal
>
> …
>
> (b) the substance of deliberations of a meeting of its elected officials or of its governing body or a committee of its governing body, if an Act or a regulation under this Act authorizes the holding of that meeting in the absence of the public.

[11] The City acknowledges that Order 00-11, [2000] B.C.I.P.C.D. No. 13, sets out the three factors that it must satisfy in order to rely on s. 12(3)(b):

> 1. A meeting of its elected officials, or of its governing body or a committee of its governing body, was actually held;

> 2. An Act of the Legislature, or a regulation under the *Freedom of Information and Protection of Privacy Act*, authorized the holding of that meeting in the absence of the public; and
>
> 3. Disclosure of requested information would reveal the substance of deliberations of that meeting.

[12] As for the first of these requirements, the City says the following at para. 26 of its initial submission:

> 26. On January 23, 2001, an open Council meeting was held in which Council resolved to go into an *in camera* meeting later that day. An *in camera* meeting was accordingly held, in the absence of the public, at which Ken Bayne gave a briefing on the report to the TransLink Board. A copy of the open Council meeting minutes and a severed copy of the *in camera* minutes is attached at tab 5.

[13] The City has submitted a copy of the minutes of the January 23, 2001 City Council public meeting mentioned above. The minutes confirm that City Council resolved, under ss. 165.2(b), (e), (h) and (i) of the *Vancouver Charter*, to meet *in camera* later that day. The City says the contemplated *in camera* City Council meeting was held on January 23, 2001 and it has provided me with copies of the minutes of that meeting. (A severed version has been provided to the applicant.) I accept that an *in camera* City Council meeting was held on January 23, 2001.

[14] The next consideration is whether City Council was authorized by an enactment to meet *in camera*. The City notes that s. 165.2 of the *Vancouver Charter* authorizes City Council to meet in the absence of the public. In this case, the City argues, ss. 165.2(1)(b), (e), (h) and (i) authorized the holding of the *in camera* meeting. Having reviewed the relevant *Vancouver Charter* provisions, I accept that City Council was authorized by an Act to meet *in camera* as it did.

[15] The last issue is whether disclosure of the memo (records 8 and 10) would reveal the substance of deliberations of the Council meeting. The City contends that s. 12(3)(b) "extends to information that forms the basis for Council deliberations", citing Order No. 326-1999, [1999] B.C.I.P.C.D. No. 39 (para. 31, initial submission). In that case, I held that s. 12(3)(b) would apply to records the disclosure of which would "permit the drawing of accurate inferences with respect to the substance of" *in camera* deliberations (p. 3). The City says the following at para. 32 of its initial submission:

> The issue, therefore, is whether the information in the two records in question would permit the drawing of accurate inferences with respect to the substance of deliberations of the January 23, 2001 *in camera* meeting. In the City's view, it would. The records in question were provided to Council and were discussed in the *in camera* meeting in question. They reveal not only the subject of deliberations, they provide detailed background information and interpretation that are, in effect, a guide for the discussions between staff and Council members during the meeting. Disclosing the record would give the Applicant all of the

> information he needs to draw accurate inferences with respect to the substance of the *in camera* deliberations.

[16] I accept that, on the material before me, disclosure of records 8 and 10 would reveal the substance of deliberations of Council at its *in camera* meeting. I find that s. 12(3)(b) authorizes the City to refuse to disclose records 8 and 10 in their entirety.

[17] **3.3 Advice or Recommendations** – Section 13(1) of the Act authorizes the City to refuse to disclose "information that would reveal advice or recommendations developed by or for" the City. The City has withheld portions of records 1, 2, 3, 5, 6 and 7 under s. 13(1). It says, at para. 42 of its initial submission, that the withheld portions are advice or recommendations "developed by employees of the public body for employees of a public body (depending on the record, the public body in question is either the City or TransLink)." The City says that none of the exceptions found in s. 13(2) applies and that s. 13(3) does not apply. The City has referred me to *College of Physicians & Surgeons of British Columbia* v. *British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665, [2002] B.C.J. No. 779, in which the British Columbia Court of Appeal considered the meaning of s. 13(1) in the context of a self-governing profession's disciplinary investigation.

[18] The applicant argues that the City has relied on s. 13(1) to withhold information that cannot be withheld because it falls under various aspects of s. 13(2), including s. 13(2)(a) ("factual material"). He also argues that City employees cannot give advice to TransLink employees. Section 13(1) does not support this contention. If requested information qualifies as "advice or recommendations" developed "by or for a public body" – and TransLink is a public body – it does not matter who created the advice or recommendations for the public body.

[19] Record 1 consists of three e-mails, all reproduced on one page in an e-mail string. The City says that a recommendation made by one City employee to other employees in one of the e-mails would be revealed indirectly if the entire e-mail is disclosed. The recommendation in question consists of one sentence in a five-sentence paragraph. I am, on balance, persuaded that the first sentence of this e-mail is protected under s. 13(1) and can therefore be withheld. The other sentences of this e-mail can also be withheld under s. 13(1) so as not to indirectly reveal the recommendation.

[20] Record 2 is an e-mail, the last paragraph of which has been withheld under s. 13(1). The City says, specifically, that one-half of one sentence is protected under s. 13(1). I agree and also agree with the City that this protected information would be revealed if the rest of the paragraph is disclosed.

[21] Record 3 is a two-sentence e-mail. I accept that the information the City has withheld is protected under s. 13(1).

[22] Record 5 is a November 9, 2000 e-mail that is also reproduced in records 6 and 7, as part of e-mail exchanges set out in those records. The City says almost all the November 9, 2000 e-mail, sent by a City official to a TransLink official, is protected under s. 13(1). The City argues that the e-mail conveys the author's assessment of, or impressions about, a TransLink record, and that these are intended to be advice or recommendations to TransLink to change its draft report. This communication, from an official of one public body to an official at another public body, clearly arose in the context of dealings in which the two public bodies' interests were not exactly aligned. I accept that this e-mail sets out advice or recommendations and that s. 13(1) authorizes the City to withhold the information it has severed from this record.

[23] Record 6 is an e-mail from one City official to three other City officials. The e-mail gives the e-mail author's comments on a revised TransLink report and the recipient's response. It also comments on the overall situation between the City and TransLink. The City says these comments, taken as a whole, were clearly intended as a recommendation not to accept the revised version of the TransLink report and to otherwise pursue the matter. I am persuaded that almost all of record 6 is protected under s. 13(1). Any information in the paragraph that is not protected is minimal and would, on its own, be meaningless. Accordingly, the entire record can be withheld under s. 13(1).

[24] Record 7 is an e-mail from one City official to the same three City officials to whom record 6 was addressed and includes the e-mails from records 5 and 6. The e-mail contains the text from record 5, part of the text from record 6 and a draft of an e-mail to TransLink and, according to the City, is effectively advice or recommendations to the other City officials about the proposed e-mail. The City's initial submission described the three other City officials as the "superiors" of the e-mail's author. In further submissions that I invited, the City conceded that only one of the three is actually the author's superior. The City says, nonetheless, that the draft that the author prepared constitutes advice or recommendations to the City. I find that the draft e-mail to TransLink is, whether or not the other employees were the "superiors" of the e-mail's author, entirely protected under s. 13(1).

[25] **3.4 Solicitor Client Privilege** – The City relies on s. 14 of the Act to withhold all of records 3, 4, 6, 7, 8 and 10. That section authorizes the City to refuse to disclose information "that is subject to solicitor-client privilege". I have, on a number of occasions set out the principles to be applied under s. 14 and will apply them here without repeating them. See, for example, Order 00-08, [2000] B.C.I.P.C.D. No. 8. The City relies here on the type of privilege that protects confidential solicitor client communications related to the seeking or giving of legal advice, also known as legal professional privilege. It does not rely on litigation privilege.

[26] Record 3 is a three-sentence e-mail on which there is a hand-written note from one City official to other City officials. I am satisfied that disclosure of this annotation would reveal confidential instructions from the City to its in-house lawyer and that it is protected by s. 14 of the Act. The City contends that the handwritten note cannot be severed from the rest of the record, since the remainder of the record would reveal privileged information. I do not agree and consider that the annotation can – consistent

with the comments below regarding severance in relation to records 4, 6 and 7 – be severed. The rest of the e-mail is, in any case, protected under s. 13(1), so the severance issue does not require any order from me in that respect.

[27] The City says records 4, 6 and 7 include confidential e-mails from a City lawyer and that these e-mails provided legal advice to other City employees. These e-mails reproduced in records 4, 6 and 7 are, the City says, "clearly privileged communications" (para. 56, initial submission). Although the City acknowledges that some of records 4, 6 and 7 "contain more than one e-mail", some of which it concedes would not be privileged "if they appeared on their own", the entirety of records 4, 6 and 7 can be withheld under s. 14 because they consist of "a series of e-mails and what is sometimes called a 'thread' or 'e-mail exchange'" (para. 57, initial submission). The City argues that "e-mail exchanges are more than the sum of their parts; they are privileged communications in their own right" (para. 57, initial submission). Accordingly, the City argues, it is not required to sever the privileged e-mails and release the non-privileged ones "because the entire records are excepted under section 14" (para. 57, initial submission). The City elaborates on this argument at para. 61 of its initial submission, which deserves quotation in full:

> It might seem appropriate, at first glance, to treat an e-mail exchange as a "compendium of communications" like a multiple-author report, but there are important differences between these two types of documents. Multiple-author reports are "parallel": they contain a number of independent communications, prepared at the same time and directed at the same recipient. E-mail exchanges are "in series": they are prepared in succession, building upon one another like a conversation. This is an important distinction. Multiple-author reports are often planned so that each author is assigned those issues in his or her expertise; consequently, legal advice often appears in a separate section that is easily distinguishable from the contributions of other authors. By contrast, legal advice appearing in an e-mail exchange is based, at least in part, on the issues raised by the e-mails that came before it. Releasing any of the preceding e-mails would reveal a great deal about the legal advice that follows. By the same logic, releasing e-mails that follow a privileged e-mail in an e-mail exchange would also reveal the contents of that privileged e-mail because they are responsive to that e-mail. For this reason, whereas legal advice appearing in a report can sometimes be characterized as a separate communication, an e-mail exchange containing legal advice must usually be viewed as a single communication.

[28] At para. 63, the City contends that it is "not appropriate to view e-mail exchanges as compendia of discrete and readily severable communications." It goes so far as to argue that e-mail exchanges are by their very nature "single communications, which, if privileged, are protected in their entirety." In a similar vein, the City goes so far as to argue, at para. 63, that any

> … e-mails attached "to a lawyer's e-mail containing confidential legal advice are privileged, either because they directly relate to the seeking of this legal advice, or because they contain factual and descriptive information which forms, in Mr. Justice Thackray's words, an "integral and indivisive part of the privileged communication".

[29] Last, the City contends that severing a privileged e-mail from an e-mail exchange "is analogous to severing the statements of a lawyer from the minutes of a conversation with his clients" and cites *British Columbia (Minister of Environment, Lands and Parks)* v. *British Columbia (Information and Privacy Commissioner)* (1995), 16 B.C.L.R. (3d) 64 (S.C.).

[30] The City's attempt to classify e-mail strings or exchanges as, by their very nature, single communications for the purposes of privilege is not persuasive. This would treat a series of communications that happens to be by e-mail, known as a "thread" or "e-mail exchange", as being qualitatively different from the same series of discrete communications if they were recorded and communicated in another form. Such a sweeping proposition is surely not tenable. Nor is the City's contention about the nature of "multiple-author reports", mentioned in the above passage from the City's argument, tenable. The City has cited no authority to support its argument that the principles governing solicitor-client privilege have been expanded or changed because of the adoption of e-mail as a medium of communication. There may be cases – and this is not one of them, in my view – where a series of communications, by e-mail or otherwise, can be characterized as a single communication. As a matter of principle, however, the test for solicitor-client privilege remains the same regardless of the method or medium of communication.

[31] It should be noted, in passing, that I do not agree with the City's contention, relying on *Minister of Environment*, that severing one privileged e-mail communication from a series of e-mails is like severing the statements of a lawyer from the minutes of a conversation with his clients. That case depended on the trial judge's finding that the meeting minutes in question were not severable. I do not read *Minister of Environment* as saying that the statutory duty to sever, found in s. 4(2), can never apply to information protected by solicitor-client privilege. The facts of a given case may lead to the conclusion that privileged information cannot, as contemplated by s. 4(2), reasonably be severed, but *Minister of Environment* does not say that s. 4(2) never applies to information protected by solicitor-client privilege. My view that s. 4(2) can apply is supported by, among other cases, the Court of Appeal's decision in *College of Physicians & Surgeons*.

[32] As for the merits of the s. 14 issue respecting records 4, 6 and 7, it is clear the evidence in each case drives the determination of whether a communication – including a communication in the context of an e-mail exchange – is privileged. I have concluded, based on the City's submissions and the contents of the various communications, that the various communications in these e-mails are, separately, confidential communications related to the seeking or giving of legal advice.

[33] This is not the case for records 8 and 10, which the City argues are also privileged. As indicated above, records 8 and 10 are copies of the same four-page report prepared by the City's Director of Financial Planning & Treasury and addressed to the "Mayor and Councillors" (records 8 and 10, again, have different dates). The

memorandum was also addressed to other City officials, including the City's Director of Legal Services. Record 8 was signed by its author, but record 10 was not.

[34] There is no evidence that the author of this memo is a lawyer. The author is a finance official with the City. The City nonetheless contends that, by reading records 8 or 10, one can discern that they contain legal advice provided by the City's lawyers to the author. The City identifies two portions of the records that, it says, "are most obviously legal advice", while another portion "contains factual information that reveals the legal advice and is therefore an integral part of the published communication." The City says the entire record is privileged.

[35] The City has provided no affidavit evidence to support its claim of privilege for these records. There is no evidence, for example, from a lawyer or other individual involved in the report's preparation – including the report's author – that a lawyer drafted parts of the memorandum, commented on it or in any other way participated in its preparation or was responsible for its content. I do not even know if a lawyer happened to see a copy of the memorandum, in draft or in a final version, before it was sent to the Mayor and Councillors.

[36] Even having considered the content of the e-mails I have found are under s. 14, I am not persuaded that records 8 and 10 would, if disclosed, directly or indirectly reveal those communications. Nor is there any indication in records 8 and 10 that a lawyer had anything whatsoever to do with the contents of these records. It is true that, to some extent, the records include explanations of statutory property taxation provisions, but I am not prepared to ascribe to lawyers alone the ability to read statutes and comment on their plain or apparent implications. This content is not enough, in the absence of any supporting evidence, to conclude that these explanations are, or reveal, advice to the City by its lawyer. In the absence of any evidence submitted by the City to support its claim of privilege over records 8 and 10, I cannot conclude that they are protected by solicitor-client privilege.

[37] I find that s. 14 does not authorize the City to refuse to disclose records 8 and 10.

[38] **3.5 The City's Financial Interests** – According to the City, s. 17(1) of the Act authorizes it to refuse to disclose information in all of the requested records. Section 17(1) reads as follows:

> **Disclosure harmful to the financial or economic interests of a public body**
>
> 17 (1) The head of a public body may refuse to disclose to an applicant information the disclosure of which could reasonably be expected to harm the financial or economic interests of a public body or the government of British Columbia or the ability of that government to manage the economy, including the following information:
>
> (a) trade secrets of a public body or the government of British Columbia;

> (b) financial, commercial, scientific or technical information that belongs to a public body or to the government of British Columbia and that has, or is reasonably likely to have, monetary value;
>
> (c) plans that relate to the management of personnel of or the administration of a public body and that have not yet been implemented or made public;
>
> (d) information the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in undue financial loss or gain to a third party;
>
> (e) information about negotiations carried on by or for a public body or the government of British Columbia.

[39] The principles to be applied under s. 17(1) have been set out in a number of decisions, including Order 02-50, [2002] B.C.I.P.C.D. No. 51. I have applied the principles expressed in Order 02-50 here without repeating them, although the following paragraph from Order 02-50 is worth reproducing here on the issue of standard of proof:

> [137] Taking all of this into account, I have assessed the Ministry's claim under s. 17(1) by considering whether there is a confident, objective basis for concluding that disclosure of the disputed information could reasonably be expected to harm British Columbia's financial or economic interests. General, speculative or subjective evidence is not adequate to establish that disclosure could reasonably be expected to result in harm under s. 17(1). That exception must be applied on the basis of real grounds that are connected to the specific case. This means establishing a clear and direct connection between the disclosure of withheld information and the harm alleged. The evidence must be detailed and convincing enough to establish specific circumstances for the contemplated harm to be reasonably expected to result from disclosure of the information. A Ministry or government preference for keeping the disputed information under wraps in its treaty negotiations with Lheidli T'enneh [the applicant] will not, for example, justify non-disclosure under s. 17(1). There must be cogent, case-specific evidence of the financial or economic harm that could be expected to result.

[40] The City's s. 17(1) case turns entirely on its written submissions. It has not provided any affidavit evidence to support its contention that disclosure of the disputed records could reasonably be expected to harm the City's interests within the meaning of s. 17(1).

[41] Most of the City's s. 17(1) argument has (appropriately) been submitted *in camera*. This necessarily limits what I can say about my assessment of the City's s. 17(1) case and my reasons for rejecting it. I can say, however, that the City's s. 17(1) case turns on the premise that one individual, the applicant, has an unlikely ability to influence or secure public policy changes that, the City says, would have a significant financial impact on it.

[42] With no disrespect to the applicant, I am not prepared to ascribe to him the degree of influence, or power as an agent of change, that the City's s. 17(1) argument requires me to accept. Even if one assumes for the purpose of argument that the applicant is

dedicated and energetic (even relentless), and might to some degree raise the risk of a change that would affect the City's interests, the fact remains that it rests entirely with a particular deliberative body, not the applicant, to actually bring about the changes the City says would harm its financial interests. I am not prepared to find that the responsible body would act, or could reasonably be expected to act as a result of disclosure of the disputed information. In this respect, I note that the details of the dispute between the City and TransLink, including the basis for that dispute, have already been reported in the media. The supposed link between disclosure of the information and the possible change that the City says would harm its interests is too speculative and remote to support a finding of reasonable expectation of harm within the meaning of s. 17(1).

[43] I find that s. 17(1) does not authorize the City to refuse to disclose information to the applicant.

4.0 CONCLUSION

[44] For the above reasons, under s. 58 of the Act, I make the following orders:

1. I confirm that s. 12(3)(b) authorizes the City to refuse to disclose records 8 and 10;

2. I confirm that s. 13(1) authorizes the City to refuse to disclose the information it withheld under that section in records 1, 2, 3, 5, 6 and 7;

3. I confirm that s. 14 authorizes the City to refuse to disclose records 3, 4, 6 and 7;

4. Subject to para. 1, I require the City to disclose the information it withheld under s. 14 in records 8 and 10; and

5. Subject to paras. 1, 2 and 3, I require the City to provide the applicant with access to the information it withheld under s. 17(1) in records 1, 2, 3, 4, 5, 6, 7, 8 and 10.

May 15, 2003

ORIGINAL SIGNED BY

David Loukidelis
Information and Privacy Commissioner
for British Columbia