OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for
British Columbia

Order 03-34

**THE BOARD OF SCHOOL TRUSTEES OF SCHOOL DISTRICT No. 39 (VANCOUVER)**

Celia Francis, Adjudicator
September 23, 2003

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**Summary**: The applicant requested records about herself and her daughter. Under ss. 21 and 22, the VSB withheld some information and records. The VSB is found to have applied s. 22 properly and is ordered to prepare a s. 22(5) summary.

**Key Words:** personal privacy – unreasonable invasion – workplace investigation – submitted in confidence – personal privacy – employment history – fair determination of rights – unfair exposure to harm – unfair damage to reputation.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, ss. 22(1), 22(2)(c), (e), (f) and (h), 22(3)(d), 22(5). *Freedom of Information and Protection of Privacy Regulation*, B.C. Reg. 323/93, s. 3.

**Authorities Considered: B.C.:** Order 00-11, [2000] B.C.I.P.C.D. No. 13; Order 00-18, [2000] B.C.I.P.C.D. No. 21; Order 01-07, [2001] B.C.I.P.C.D. No. 7; Order 01-53, [2001] B.C.I.P.C.D. No. 56; Order 01-54, [2001] B.C.I.P.C.D. No. 57.

## 1.0 INTRODUCTION

[1] The applicant in this case is the parent of a child in an elementary school in School District No. 39 (Vancouver). In May 2002, she requested access under the *Freedom of Information and Protection of Privacy Act* ("Act") to all records written by staff of her daughter's school or within The Board of School Trustees of School District No. 39 (Vancouver) (more commonly known as the Vancouver School Board ("VSB")) about herself or her daughter. She said she had a particular interest in any such records in the files of two named teachers at the school. She also requested copies of any letters

from parents to the VSB about herself or her daughters and the responses the parents had received from the VSB.

[2] The VSB replied a month later by providing access to "the majority of the requested records". It told the applicant that it was withholding some information from those records under ss. 14 and 22 of the Act. After consulting with third parties about other records, the VSB sent the applicant a second response, saying that it was withholding in full all third-party records under ss. 21 and 22 of the Act.

[3] The applicant requested a review of the VSB's responses in September 2002. According to the portfolio officer's fact report that accompanied the notice of written inquiry that this Office issued, the applicant agreed during mediation not to pursue the VSB's decision to apply s. 14 to some records. In addition, the VSB disclosed more information in the correspondence between the VSB and the teachers or their union. Finally, the applicant confirmed that she was interested only in records about herself and her two daughters created or provided by the two specified teachers and in all correspondence between other parents and the VSB concerning the applicant or her daughters.

[4] Because the matter did not settle in mediation, a written inquiry was held under Part 5 of the Act. The Office invited representations from the applicant, the VSB, the BC Teachers Federation ("BCTF") (on behalf of the two named teachers) and individual parents who had sent letters to the VSB. I have dealt with this inquiry, by making all findings of fact and law and the necessary order under s. 58, as the delegate of the Information and Privacy Commissioner under s. 49(1) of the Act.

## 2.0 ISSUE

[5] The issues before me in this inquiry are whether the VSB is required by s. 21 and s. 22 of the Act to withhold information.

[6] Under s. 57(1) of the Act, the VSB has the burden of proof respecting s. 21 while under s. 57(2) the applicant has burden regarding s. 22.

## 3.0 DISCUSSION

[7] **3.1 Records in Dispute** – The VSB says many of the records were generated as a result of issues arising in the applicant's daughter's classroom. The records consist principally of memos, letters and telephone and e-mail messages. While the applicant asked for records related to herself and her two daughters, I note that the records in dispute here concern the applicant and only one daughter.

[8] The records fall in two categories as follows:

1. Information about the applicant and her daughter in records which the VSB says were created by or contain information provided by two identified teachers (correspondence between the VSB, the Vancouver Elementary School Teachers' Association and teachers

at the applicant's daughter's school) and which the VSB says it disclosed in severed form. In some cases, the VSB applied ss. 21 and 22 jointly to the severed information in these records while, in others, it applied only s. 22; and

2. Correspondence between the VSB and parents pertaining to the applicant or her daughter, which the VSB says it withheld in full under s. 22.

***Are some information and records out of scope?***

[9] The VSB says that some portions of records in category 1 are outside the scope of the request as they relate to matters other than the subject of the request. I note that a withheld item on one record is marked "outside scope" while a withheld portion in another record is obviously about other matters. I agree with the VSB on this point and have not considered these portions in this decision. This finding applies to the second paragraph in record 5 and the portions that follow paragraph 1 in record 6.

[10] The VSB says portions of other records are outside the scope of the request but also says s. 22 applies to these withheld portions. The VSB also appears to acknowledge that certain records in category 1 records do not relate to the applicant or her daughter, although it stops short of saying that these records are outside the scope of the request for that reason. The VSB appears to be referring here to records related to harassment grievances, as well as to third parties and what it describes as "the learning environment and arguments between the Board and the Union regarding measures implemented in the classroom". It identifies these records in its submission and says that it has attempted to deal with this by severing the identifying information from the records and releasing the rest of the records.

[11] The BCTF, which made a submission on behalf of the two teachers regarding the category 1 records only, argues that the majority of the category 1 records are outside the scope of the applicant's request in that they do not concern the applicant or her daughter. It says, however, that it does not object to the severing as agreed-to in mediation. This is apparently the severing applied to the category 1 records that the VSB provided to me with its initial submission.

[12] The applicant does not agree that the category 1 records are outside the scope of her request, as she believes they concern a labour relations application brought on behalf of the two named teachers and that she and her daughter are the reasons for that application. She provides no evidentiary basis for this belief.

[13] I agree with the BCTF and the VSB that a number of the category 1 records are, on their face, of questionable relevance to the applicant's request. The VSB offered no explanation as to why, in that case, it disclosed severed copies of these items to the applicant. With the exception of the out of scope portions in records 5 and 6 that I mention above, I have, however, considered all of the category 1 records, as the VSB apparently considered them responsive to the request, at least initially, and applied exceptions in the Act to them.

[14] **3.2 Personal Privacy** – The Information and Privacy Commissioner has discussed the principles for applying s. 22 in numerous orders. See, for example, Order 01-53, [2001] B.C.I.P.C.D. No. 56. I will not repeat that discussion but apply the principles from that order here.

[15] The relevant parts of s. 22 read as follows:

> **Disclosure harmful to personal privacy**
>
> 22 (1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.
>
> (2) In determining under subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether
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> …
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> (c) the personal information is relevant to a fair determination of the applicant's rights,
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> …
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> (e) the third party will be exposed unfairly to financial or other harm,
>
> (f) the personal information has been supplied in confidence,
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> …
>
> (h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant.
>
> (3) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if
>
> …
>
> (d) the personal information relates to employment, occupational or educational history,
>
> …
>
> (5) On refusing, under this section, to disclose personal information supplied in confidence about an applicant, the head of the public body must give the applicant a summary of the information unless the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information.
>
> … .

[16] The parties did not address whether the applicant was acting on her daughter's behalf, for the purposes of s. 3 of the *Freedom of Information and Protection of Privacy Regulation*, B.C. Reg. 323/93 ("FOI Regulation"). In her initial submission, however, the applicant said she was acting on her daughter's behalf. Given that the material before me indicates that the child is in early elementary school, I am satisfied that s. 3 of the FOI Regulation applies, and that the applicant is acting on her own and her daughter's behalf in this case.

***Presumed unreasonable invasion of privacy***

[17] The VSB's submissions deal with the records in categories 1 and 2 separately but I have considered its s. 22 discussions together for the purposes of this discussion.

[18] The VSB acknowledges that the applicant is entitled to information about herself and her daughter in both categories of records. It says, however, that s. 22(3)(d) applies to some of the information in the category 1 records which it describes as follows: employment history of identifiable individuals; information regarding the specific work performed by employees; daily schedules of employees; communications between an employer and an employee pertaining to the work of the employee. The VSB draws a distinction between these types of information and information that pertains to the general functions of a position, which it says falls into s. 22(4)(e).

[19] The BCTF also argues that s. 22(3)(d) applies to the personal information of the third-party teachers in these records, as it relates to their employment history. The BCTF does not elaborate on this point, however.

[20] The VSB says that s. 22(3)(d) also applies to information in the category 2 records that is the educational history of other students at the daughter's school. It also says that some of the information in the category 2 records does not relate to the applicant or her daughter, although it acknowledges that the general context for the statements may relate to integration of the applicant's daughter and the classroom environment.

[21] The applicant contends that her daughter has a legal right to an inclusive education alongside her peers in the province's education system. She believes, however, that certain parties took steps last year to thwart that right. She wishes to be fully informed about her daughter's year at school and for this reason made the freedom of information request to the VSB. She acknowledges that she has the burden of proof regarding s. 22 but says that she is not seeking the personal information of other children, only her daughter's.

[22] The applicant says she was able to obtain a copy of a parent's letter to the VSB about her daughter and suggests that it is therefore not reasonable that she should not be able to obtain copies of other such letters. She says the parent's letter contains erroneous information. She is alarmed that this (unspecified) "erroneous information" might cause the VSB to act in a way that would deny her daughter an inclusive education, which she says would not be in her daughter's best interests.

[23] The applicant says she is entitled to all information the VSB has on her daughter, including unsolicited letters, so that she can make "a full argument as to why [her daughter] should be able to remain in a fully inclusive, regular classroom." She provides no information on her daughter's current or past classroom situation, nor on decisions made by the VSB about her daughter's education, to support this argument. Nor,

particularly in view of the fact that she has a copy of one parent's letter, does she explain how full access to the records in dispute would assist her in making "a full argument".

[24] The VSB acknowledges in its reply that the applicant obtained a copy of a parent's letter from the daughter's file but says that this occurred in error and without regard for the Act. It says the applicant was told this in a meeting in August 2002 and that the VSB's position on other parents' letters would not change because of the erroneous disclosure. The VSB concludes by saying that it would be unfair to order further disclosure of third-party personal information. It argues, essentially, that the fact that some third-party personal information was disclosed in error does not mean that other third-party personal information should be disclosed. I agree with the VSB on this last point. The fact that the applicant received a parent's letter, perhaps inappropriately, does not somehow nullify the privacy rights of this parent or others under the Act.

[25] Having reviewed the severed and withheld records, I agree with the VSB that the withheld information in this case is personal information and that most of it constitutes the employment information or education information of third parties as contemplated by s. 22(3)(d).

[26] I agree with the VSB's description of the withheld information in the category 1 records. It concerns workplace events and related matters of individual teachers and others. Very little of it concerns the applicant or her daughter, even indirectly. It all falls under s. 22(3)(d) in my opinion.

[27] Most of the withheld information in the category 2 records concerns events in the daughter's school and is a mixture of students' educational history information (the daughter's and that of other children) or the employment history information of school employees. In my view, it falls under s. 22(3)(d). The applicant has said she is not interested in the personal information of other children but the two types are intertwined, making it difficult if not impossible to separate the daughter's personal information from that of her peers and others.

[28] Other withheld information in the category 2 records is the names and contact information of parents who corresponded with the VSB. The Information and Privacy Commissioner has found these types of personal information fall under s. 22(1) and I so find here.

[29] In conclusion, the withheld information in the category 1 and 2 all falls under s. 22(1) or s. 22(3)(d). Its disclosure is therefore presumed to be an unreasonable invasion of third-party privacy.

[30] **3.3 Relevant Circumstances** – The VSB argues that no relevant circumstances, including those found in s. 22(2), apply to the category 1 records, although it argues that they were supplied in confidence for the purposes of s. 21(1)(b). The VSB does say that s. 22(2)(f) applies to the category 2 records. The other parties provided argument on the merits of this and other relevant circumstances.

***Fair determination of applicant's rights***

[31] The applicant argues that s. 22(2)(c) applies in this case. She says that the *School Act* provides that the purpose of the provincial educational system is to enable all learners to reach their individual potential. She believes an application has been brought on behalf of the two named teachers under the labour relations process that "could have a serious detrimental impact on [her daughter's] right to enjoy an inclusive education". She does not explain what this "application" is nor how it might have a detrimental effect on her daughter's education.

[32] The applicant then says that the Ministry of Education's policy manual states that all children have the right to have access to an appropriate education and that parents are to be involved in the education of special needs children. The applicant says that the VSB made certain decisions about her daughter's classroom situation without involving her. She is concerned that her daughter's right to an inclusive education may be jeopardized if she is not given full access to the information the VSB has about her daughter and the decisions they make about her education. The records before me do not, on their face, appear to relate directly or indirectly to decisions made by the VSB about her daughter, although there is some reference to plans for the daughter's education.

[33] The applicant says that she and her daughter are clearly the reasons the teachers' grievances were launched, although she does not, again, say why she believes this. She says she wishes to be kept informed of the stages in the grievance process and of the grounds under which the grievances were brought. The applicant argues that her daughter's right to an inclusive education supercedes any concerns that teachers may have about harm to their reputations or that the BCTF may have about harm to the labour relations process. Beyond this, however, the applicant does not explain how the records in dispute are relevant to a fair determination of her or her daughter's legal rights.

[34] The Information and Privacy Commissioner has discussed the applicability of s. 22(2)(c) a number of times, for example, at paras. 31-32 of Order 01-07, [2001] B.C.I.P.C.D. No. 7:

> [31] In Ontario Order P-651, [1994] O.I.P.C. No. 104, the equivalent of s. 22(2)(c) was held to apply only where *all* of the following circumstances exist:
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> 1. The right in question must be a legal right drawn from the common law or a statute, as opposed to a non-legal right based only on moral or ethical grounds;
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> 2. The right must be related to a proceeding which is either under way or is contemplated, not a proceeding that has already been completed;
>
> 3. The personal information sought by the applicant must have some bearing on, or significance for, determination of the right in question; and
>
> 4. The personal information must be necessary in order to prepare for the proceeding or to ensure a fair hearing.

> [32] I agree with this formulation. I also note that, in *Greater Vancouver Mental Health Service Society* v. *British Columbia (Information and Privacy Commissioner)*, [1999] B.C.J. No. 198 (S.C.), at paras. 85-89, Lynn Smith J. concluded that a complainant's "fairness" concerns, related to the conduct of a complaint investigation, did not activate s. 22(2)(c).

[35] The records in dispute concern events in the daughter's 2001/2002 school year. The parties' submissions to this inquiry are dated March and April 2003. The VSB says in its April 2003 reply that the daughter was not segregated in the 2001/2002 school year nor in the 2002/2003 school year. There is no indication in the material before me that there are any ongoing proceedings with respect to any legal rights the applicant or her daughter may have respecting the daughter's education. There is also no evidence as to the status of any grievance processes, nor is there any indication that the applicant's or her daughter's legal rights are at stake in any such processes.

[36] The applicant does not explain, in summary, how information in dispute would be relevant to a fair determination of her or her daughter's legal rights, beyond her general concerns about possible future harm to her daughter's education. It is not obvious from the records themselves how the withheld information might be relevant to a fair determination of any legal rights of the applicant or her daughter. The applicant's unspecified concerns about her daughter's educational future do not meet the test for s. 22(2)(c) as the Commissioner has formulated it. I find that s. 22(2)(c) does not apply here.

***Confidential supply***

[37] This relevant circumstance arose principally with respect to the category 2 records. The parents who sent letters to the VSB about the applicant's child vehemently argue against disclosure of their correspondence. The parents made their submissions on an *in camera* basis and I consider that these submissions are properly received *in camera*. It is therefore not possible for me to say much about their contents. I can, however, say that, for the most part, the parents' submissions support the argument that they sent their letters with an expectation that the VSB would keep the letters and their own identities confidential. The parents also express concern of various kinds about the consequences of disclosure of their letters and, in some cases, object to the disclosure of even a summary of those letters.

[38] The applicant's arguments on confidentiality relate to the relevant circumstance in s. 22(2)(f). She does not believe that parents should assume that their identities and other information would be kept confidential if they write to a school board about other people's children. She argues that, "information pertaining to another individual should be divulged to that particular party", in this case to her, as her child's advocate. She asks what policy the VSB has on receiving unsolicited letters in confidence from parents.

[39] The VSB acknowledges that the applicant is entitled to her own and her daughter's personal information in the category 2 records. It acknowledges further that

the Commissioner has in the past ordered the disclosure of complaint letters to those who were the subject of the complaint. It goes on to say, however, that the parents in this case clearly expected that their letters would be kept in confidence. It says that the parents were motivated by concerns about the classroom situation involving their children and did not intend their letters to be shared with the applicant.

[40] The VSB thus argues that s. 22(2)(f) applies to the category 2 records. It considers that parents must feel free to raise concerns regarding their children's education without being concerned about reprisal or confrontation. To find otherwise, the VSB argues, "would have a chilling effect on the presentation of these concerns to Board staff". The VSB says that the Commissioner has accepted that s. 22(2)(f) applies in similar previous cases and refers to a number of orders where the Commissioner has made such a finding.

[41] The VSB supports its position with an affidavit from a VSB associate superintendent. He deposes that, in his capacity as an associate superintendent and as a principal/vice-principal, he has been responsible for dealing with parental concerns and complaints about a variety of issues, including parents' concerns about the education programs provided to their children. He further deposes as follows:

> 3. In general, my practice is to regard any statement by parents in this context to have been made in confidence and that it is important that parents feel able to raise concerns in an open and frank manner. This is essential to the quality of the education we provide to students, and the confidence parents must have that our educational system is both open and accountable. In my opinion, providing other parents and students with routine access to records in which concerns are raised which directly or indirectly involve them would have a chilling effect on the disclosure of parental concerns to school officials. Issues surrounding children and education are often very difficult and emotionally charged for all involved. Parents would fear reprisals or confrontations with other parents if they were not able to make complaints or raise concerns without some assurance of confidentialty.
>
> 4. I was the Associate Superintendent responsible for dealing with the concerns surrounding the integration of the applicant's child in the Vancouver system. Significant time and effort was spent attempting to resolve the concerns of all involved in this difficult situation. To the best of my knowledge, the applicant's child is now experiencing significant success in her educational program. Through the cooperation of all involved in her educational program, many of the issues identified in the records in this case have been resolved. I am concerned that the release of the records sought by the applicant in this matter would have the effect of reopening old wounds, and bringing to the forefront old issues which are better left in the past.

[42] The Commissioner has considered and rejected this "chilling effect" argument in several of his orders, for example, Order 00-18, [2000] B.C.I.P.C.D. No. 21, Order 01-07, [2000] B.C.I.P.C.D. No. 7, Order 00-11, [2000] B.C.I.P.C.D. No. 13 and Order 01-54, [2001] B.C.I.P.C.D. No. 57. The VSB has not provided any evidence to support its assertion regarding the unspecified "reprisals" in this regard. Its arguments on this aspect of the matter are purely speculative and are really directed toward possible harm, which

is not relevant to the issue of confidential supply. In any case, I am not convinced that parents would be deterred in coming forward to express concerns about their children's education or classroom situations if they knew their names would be disclosed.

[43] The records themselves do not indicate that they were sent to the VSB in confidence. Nevertheless, I accept from the affidavit evidence and the parents' own submissions that they submitted their letters with an expectation that their identities would be kept confidential. I therefore find that s. 22(2)(f) applies to the category 2 records and that it favours withholding third-party identifying information.

[44] The BCTF argued that s. 22(2)(f) applied also to the category 1 records but did not elaborate. In the context of its s. 21 argument, the VSB said that the information in the category 1 records had been supplied in confidence in grievance processes. It also says that the collective agreement says that parties to a complaint agree to respect confidentialty. Supported by affidavit evidence on this point, the VSB argued that release of these records would have a "chilling effect" on the relationship between the VSB and its employees and union officials.

[45] In the same s. 21 context, the VSB's labour relations manager deposed that she has discussions with the union in an attempt to resolve issues informally. She is of the opinion that these discussions would no longer take place, or would become limited in their usefulness, if third parties were to have access to the contents of these discussions. She deposes that the information the union supplies to her would likely no longer be shared, "leading to unrest in the workplace and an inability to resolve problems". She concludes by saying that the same problems would arise in the context of formal grievances.

[46] The parties produced no evidence that disclosure of the withheld information in those records would hinder the grievance process or that it would cause parties not to participate in grievance or complaint processes. They merely assert that these things would happen. I am doubtful that disclosure of these records in full would discourage parties to a grievance process from participating. I discuss above my rejection of the "chilling effect" argument regarding the category 2 records. For the same reasons, I reject it regarding the category 1 records. Nevertheless, I accept that the parties to a complaint or grievance process expect confidentiality and I find that s. 22(2)(f) applies to the withheld information in category 1, favouring withholding it.

***Do other relevant circumstances apply?***

[47] The BCTF argues that ss. 22(2)(e) and (h) apply to the category 1 records and that they weigh in favour of non-disclosure. Beyond asserting that these relevant circumstances apply, however, the BCTF says nothing more. The applicant has already received severed copies of the category 1 records. In the absence of evidence or argument on the applicability of ss. 22(2)(e) and (h), it is not clear to me how disclosure of the rest of the information in these records would cause any of the harms set out in those sections. I find that ss. 22(2)(e) and (h) do not apply to the category 1 records.

***Is the applicant entitled to more information?***

[48] I have found above that ss. 22(1) and 22(3)(d) apply to the withheld information in the category 1 and 2 records. The relevant circumstance in s. 22(2)(f) applies to this information, favouring its non-disclosure, and no other relevant circumstances apply, in my opinion.

[49] The applicant has not, in my view, met her burden respecting s. 22. She has already received all of the information in the category 1 records she is entitled to. I consider that she is, however, entitled to personal information about herself and her daughter in the category 2 records. For reasons I discuss below, I consider it appropriate for her to receive a summary of this personal information under s. 22(5), rather than severed copies of these records.

[50] **3.4 Summary of Personal Information** – The VSB attached copies of the category 2 records with what it refers to as potential severances. It argues that it is difficult to separate the disclosable from the non-disclosable information and that the applicant might still be able to identify individuals from the severed records. It goes on to suggest that, for this reason, this is an appropriate case in which to provide a summary under s. 22(5) of the Act.

[51] The VSB says that it understands that the parents object to the disclosure of any information from their letters. It acknowledges their concerns, but argues that the Act provides a mechanism in which the applicant is able to receive information she is entitled to while also protecting the identities of the parents. As noted above, the parents generally object to the disclosure of a summary of their correspondence.

[52] While the applicant argues that she should have the letters themselves, she asks at least for a summary of the letters, including the authors' identity. Of course, as the VSB points out, the purpose of a s. 22(5) summary is to provide an applicant with a summary of information provided in confidence, prepared in such a way as not to identify the source of the information, in this case, the other parents.

[53] I agree with the VSB that this is an appropriate case for a s. 22(5) summary. As I note above, the category 2 records contain the personal information of the applicant's daughter. It is however heavily intertwined with the personal information of other people, mainly other children in the daughter's school, personal information that was supplied in confidence. I also agree with the VSB that severing the records would be difficult if not impossible to do. Severing the records to release the daughter's personal information only would render the records virtually meaningless. I do not consider that severing these records is reasonable under s. 4(2) of the Act. Since the VSB has not provided me with a proposed summary, I make the appropriate order below.

[54] **3.5 Section 21** – The VSB argued that ss. 21(1)(a)(ii), (b) and (c)(ii) apply to some of the category 1 records. The BCTF agreed with this position while the applicant opposed it. These sections read as follows:

**Disclosure harmful to business interests of a third party**

21 (1) The head of a public body must refuse to disclose to an applicant information

(a) that would reveal

…

(ii) commercial, financial, labour relations, scientific or technical information of or about a third party,

(b) that is supplied, implicitly or explicitly, in confidence, and

(c) the disclosure of which could reasonably be expected to

…

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

… .

[55] The VSB applied s. 21 to information it had also severed under s. 22. Given my finding on s. 22, it is not necessary for me to consider whether s. 21 applies.

## 4.0 CONCLUSION

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

1. I require the VSB to refuse to disclose the information in the category 1 records that it withheld under s. 22 of the Act and to refuse to disclose the category 2 records in their entirety under s. 22 of the Act; and

2. I require the VSB to perform its duty under s. 22(5) of the Act to give a summary of the applicant's and her daughter's personal information supplied in confidence by third parties in the category 2 records.

3. As a condition under s. 58(4) of the Act, I require the VSB to provide me, within 35 days after the date of this order, with a copy of the summary it prepares in accordance with para. 2 above, together with a copy of the VSB's covering letter to the applicant. The word "days" in this paragraph has the same meaning as given in Schedule 1 to the Act.

[57] For reasons given above, it is not necessary for me to make an order respecting s. 21.

September 23, 2003

**ORIGINAL SIGNED BY**

Celia Francis
Adjudicator