



F09-17-MS Ministry Misses Mark Describing Solicitor-Client Exception

A man asked for a copy of notes taken in a meeting at which a labour relations issue was discussed. The ministry sent him all but the last paragraph, which it explained consisted of notes from a different unrelated meeting and was therefore outside the scope of the request.

The man subsequently discovered that someone else had requested the same set of notes and that the same paragraph had been withheld, but for a different reason, namely that solicitor-client privilege applied to the final paragraph and therefore the ministry was entitled to withhold it under section 14 of FIPPA. Our review of the paragraph confirmed that the conversation was not between a client and a legal adviser and did not pertain to the communication of legal advice. In short, section 14 bore no relevance to the content.

While the ministry was unable to identify the author of the notes, it seemed clear that this paragraph fell outside the scope of the request. The discussion in it was not consistent with the flow of conversation in the preceding paragraphs and appeared not to be a record of the meeting in question. The applicant accepted our assessment that the original reason for withholding the last paragraph made sense, even though an erroneous reason had been given to another requester.