

ALBERTA

INFORMATION AND PRIVACY COMMISSIONER

ORDER 98-004

November 25, 1998

ALBERTA FAMILY & SOCIAL SERVICES

Review Number 1329

I. BACKGROUND

[para 1.] On July 29, 1986, the Applicant was appointed guardian of his sister and trustee of her estate under the *Dependent Adults Act*, R.S.A. 1980, c. D-32. On October 5, 1992, the Applicant relinquished guardianship, and the Public Guardian was appointed as guardian. On January 15, 1996, the Applicant was removed as the trustee of his sister's estate under the *Dependent Adults Act*, and the Public Trustee was appointed as trustee.

[para 2.] The Applicant's sister died on February 2, 1997. On May 30, 1997, the Applicant applied to the Public Body for access to his sister's complete record, as follows:

[A] *copy of the complete personal information of my sister's [name of sister] record, who resided at [sister's address before her death], with care persons supplied by [name of the organization that supplied persons who cared for the Applicant's sister].*

[para 3.] The Applicant's request encompassed records from the following: (i) the Office of the Public Guardian, (ii) the Supports for

Independence/Assured Income for the Severely Handicapped (SFI/AISH) Program, and (iii) the Department of Justice, Office of the Public Trustee.

[para 4.] The Public Guardian's records and the SFI/AISH records were in the custody or under the control of the Public Body. The Public Trustee's records were in the custody or under the control of Alberta Justice, which is a different public body. Because of an oversight, the Public Body did not transfer the request for the Public Trustee's records to Alberta Justice until just before the inquiry. Consequently, those records are not included in this inquiry.

[para 5.] The Public Body denied the Applicant's request for access, on the following grounds:

- (i) the Applicant was not asking for his own personal information, but the personal information of a third party (section 16 of the Act),
- (ii) the Applicant was not the personal representative of his sister's estate (section 79(1)(a)), and
- (iii) the Applicant's sister had not been dead for more than 25 years (section 16(4)(i)).

[para 6.] On July 15, 1997, the Applicant asked my Office to review the Public Body's decision. I authorized mediation. The Public Body subsequently considered whether it could release the records under section 38(1)(aa), but decided that it could not.

[para 7.] The matter was set down for an oral inquiry on February 18, 1997. I received the Public Body's and the Applicant's written submissions on February 5, 1998. In the Public Body's submission, in addition to its claim that section 16(1) and section 16(2) (personal information) applied to prevent disclosure of the records, the Public Body also said that section 26(1)(a) (solicitor-client privilege) applied to prevent disclosure of some of the records.

[para 8.] At the conclusion of the inquiry, I asked the parties to supply further information. I received that further information from the Public Body on February 26, 1998 and from the Applicant on February 27, 1998. I then provided the parties with an opportunity to respond to that further information. I received a response from the Public Body only, on March 10, 1998.

[para 9.] In this Order, a reference to the Public Body includes the Office of the Public Guardian, where the context so requires.

II. RECORDS AT ISSUE

[para 10.] The records at issue consist of the following:

(i) Office of the Public Guardian records (“OPG records”), numbered from page 1 to page 856.

(ii) Supports for Independence/Assured Income for the Severely Handicapped records (“SFI/AISH records”), numbered from page 857 to page 1712.

[para 11.] I have determined which page numbers constitute a “record” for the purposes of this inquiry. Where page numbers are hyphenated, those hyphenated pages constitute one “record”.

[para 12.] In this Order, I will refer to individual records by page number or by hyphenated page numbers, as the case may be. Collectively, I will refer to all the records as the “Records”.

[para 13.] As needed, I will refer to the particular category of the Records as the OPG records or the SFI/AISH records.

[para 14.] Furthermore, I have determined that the Records fall within four time periods. If a record had no date, I determined the time period from the information contained within the record and the context in which the record appeared. The time periods are:

- Before guardianship/trusteeship
- During guardianship/trusteeship
- After guardianship/during trusteeeship
- After guardianship/trusteeship

III. ISSUES

[para 15.] There are four issues in this inquiry:

A. Is the Applicant the personal representative of a deceased individual for the purposes of section 79(1)(a) of the Act?

B. Did the Public Body correctly apply section 26(1)(a) (solicitor-client privilege) to the Records?

C. Did the Public Body correctly apply section 16(1) or section 16(2) (personal information) to the Records?

D. Did the Public Body exercise its discretion properly in refusing to disclose the deceased individual's personal information under section 38(1)(aa) of the Act?

IV. DISCUSSION OF THE ISSUES

ISSUE A: Is the Applicant the personal representative of a deceased individual for the purposes of section 79(1)(a) of the Act?

1. General

[para 16.] The Applicant says that he is the personal representative of his deceased sister for the purposes of administering her estate, and relies on section 79(1)(a) of the Act. That section reads:

79(1) Any right or power conferred on an individual by this Act may be exercised

(a) if the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate.

[para 17.] Section 79(1)(a) contains two requirements:

(i) There must be a "personal representative" of a deceased individual, and

(ii) The personal representative's exercise of a right or power under the Act must relate to the administration of the deceased individual's estate.

[para 18.] If an applicant meets those two requirements, the applicant may exercise the rights or powers, as a personal representative, to access the deceased individual's personal information under the Act.

2. “Personal representative” of a deceased individual

[para 19.] The Applicant says he is the “personal representative” of his deceased sister because he did everything necessary to wind up her estate. The Applicant maintains that, as the estate was very small, there was no need to obtain letters of administration. It would appear that the Applicant’s sister did not have a will.

[para 20.] The Public Body disagrees that the Applicant is his sister’s personal representative because there is no evidence that probate or letters of administration were granted for administering his sister’s estate.

[para 21.] “Personal representative” is not defined in the Act. Because section 79(1)(a) refers to “personal representative” in the context of the administration of an estate of a deceased individual, I believe that “personal representative” means someone who has the authority to administer a deceased individual’s estate: see Ontario Order P-1462 in this regard.

[para 22.] However, the term “personal representative” is not used in the *Administration of Estates Act*, R.S.A. 1980, c. A-1. Instead, that legislation uses the term “legal representative”, which is defined in section 1(g), as follows:

1(g) “legal representative” means an executor, an administrator, a judicial trustee of the estate of a deceased person or a guardian of the person or estate, or both, of a minor.

[para 23.] I believe that because “legal representative” in the *Administration of Estates Act* means something more than an executor or administrator, the drafters of the *Freedom of Information and Protection of Privacy Act* deliberately chose the words “personal representative” and limited the interpretation of those words by the context in which they appear, namely, the administration of a deceased individual’s estate. Therefore, “personal representative” in section 79(1)(a) can only mean someone who has the authority to administer a deceased individual’s estate.

[para 24.] Consequently, the Applicant would have to provide the Public Body with evidence of his authority to administer his deceased sister’s estate. That evidence would consist of documentation such as a grant of probate or letters of administration.

[para 25.] Nevertheless, the Applicant's affidavit evidence is that he, in fact, administered his deceased sister's estate.

[para 26.] I understand that, in certain circumstances, it may not be necessary to obtain a grant of probate or letters of administration to administer a deceased individual's estate.

[para 27.] I also understand that a person who has not obtained a grant of probate or letters of administration may be found to be an executor de son tort (an "executor of his own wrong") if that person has acted without authority and intermeddled in an estate. However, a court must make that finding, and there is no such finding here. A public body cannot make that finding.

[para 28.] Under section 79(1)(a), I believe that a public body is entitled to insist on evidence of an applicant's authority to administer a deceased individual's estate, before it permits an applicant to exercise the rights or powers of a deceased individual to access that individual's personal information under the Act. I have already stated what that evidence may consist of. In my view, evidence consisting of an applicant's stated belief in his or her authority, whether by affidavit or otherwise, or evidence that an applicant actually administered the estate, is not sufficient.

[para 29.] The requirement to provide evidence of legal authority to access a deceased individual's personal information is the only way a public body is able to ensure that it protects that individual's personal information from unauthorized access, and protects itself from a complaint of unauthorized disclosure under the Act. That evidence is necessary even if, as in this case, there is no evidence that someone else, such as the Public Trustee, administered the deceased individual's estate.

[para 30.] I also accept the statement of the Ontario Divisional Court in *Adams v. Ontario (Information and Privacy Commissioner)*, [1996] O.J. No. 2269 (Ont. Div. Ct.) that for the Commissioner to order the disclosure of a deceased's personal information to someone who is not and is not found to be that person's personal representative is beyond the jurisdiction of the Commissioner.

[para 31.] As the Applicant did not provide evidence such as a grant of probate or letters of administration, I find that the Applicant is not the personal representative of his deceased sister for the purposes of section 79(1)(a) of the Act.

3. Administration of the deceased individual's estate

[para 32.] Having found that the Applicant is not his deceased sister's personal representative for the purposes of section 79(1)(a), I do not find it necessary to decide whether the exercise of a right or power by the Applicant relates to the administration of his deceased sister's estate.

4. Conclusion under section 79(1)(a)

[para 33.] The Applicant is not entitled to exercise any rights or powers as a personal representative of a deceased individual under the Act.

ISSUE B: Did the Public Body correctly apply section 26(1)(a) (solicitor-client privilege) to the Records?

1. General

[para 34.] The Public Body says that section 26(1)(a) (solicitor-client privilege) applies to the following Records (a hyphen between page numbers indicates that those page numbers comprise a single record, which I will refer to as a "document" for the purposes of this discussion):

1, 2, 3, 4, 5, 6, 7, 8, 9, 102, 103, 106, 107, 108, 172, 173-174, 177-184, 185, 189, 190, 191-193, 194, 195-196, 197, 198, 199, 200, 201, 202, 203, 207-208, 209, 223-225, 229-230, 231-232, 233-239, 240, 241, 242-245, 255-256, 284-285, 294-295, 296, 297, 307, 308, 310, 311-314, 315, 316-317, 318, 319, 386, 405-406, 407, 509, 510, 511, 512, 513, 514, 515, 516, 534-535, 536, 537, 542, 543, 545, 546, 551, 566, 567, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 751-753, 754, 755, 984-991, 992-994, 995, 996, 999-1003, 1302, 1487-1489

[para 35.] Section 26(1)(a) reads:

26(1) The head of a public body may refuse to disclose to an applicant

(a) information that is subject to any type of legal privilege, including solicitor-client privilege or parliamentary privilege.

[para 36.] In Order 96-017, I said that solicitor-client privilege must be claimed document by document, and each document must meet the following criteria:

- (i) It is a communication between solicitor and client,
- (ii) which entails the seeking or giving of legal advice, and
- (iii) which is intended to be confidential by the parties.

[para 37.] I also said that “legal advice” is a “a legal opinion about a legal issue, and a recommended course of action, based on legal considerations, regarding a matter with legal implications”.

[para 38.] The following documents, which are communications between the Public Body and its solicitors, meet all the criteria for solicitor-client privilege:

195-196, 198, 200, 209, 242-245, 318, 576, 578

[para 39.] Therefore, the Public Body correctly applied section 26(1)(a) (solicitor-client privilege) to those documents, including documents 209, 318 and 578, which are fax cover sheets. Those fax cover sheets also meet the criteria for solicitor-client privilege because they entail the giving or seeking of legal advice.

[para 40.] I have also determined that, where the Public Body “cc’d” (copied) its solicitor-client communications, the persons who received copies were employees within the Public Body. Therefore, the Public Body did not waive solicitor-client privilege by sending copies to those employees.

[para 41.] In Order 96-020, I discussed whether solicitor-client privilege also applies to attachments to documents to which solicitor-client privilege applies. If the attachments are shown to be part of the continuum of legal advice, solicitor-client privilege will also apply to those attachments.

[para 42.] The following documents are attachments to documents to which I have found that solicitor-client privilege applies:

177-184, 194: attached to 195-196
207-208: attached to 209
229-230, 231-232, 233-239, 240, 241: attached to 242-245
311-314, 315, 316-317: attached to 318
577: attached to 576

[para 43.] Therefore, I find that solicitor-client privilege applies to the attachments set out in paragraph 42.

[para 44.] Document 226-228 is an attachment to document 242-245, to which solicitor-client privilege applies. However, as the Public Body has not said that solicitor-client privilege applies to document 226-228, and because section 26(1)(a) (solicitor-client privilege) is discretionary, I have no jurisdiction to find that solicitor-client privilege applies to document 226-228.

[para 45.] The following documents, which are communications between the Applicant and the Applicant's solicitors, also meet the criteria for solicitor-client privilege:

386, 407, 995, 996

[para 46.] The following documents are attached to communications between the Applicant and the Applicant's solicitors and, therefore, also meet the criteria for solicitor-client privilege:

405-406: attached to 407
984-991, 992-994: attached to 995

[para 47.] However, the Applicant or the Applicant's solicitors have provided the foregoing documents and attachments to the Public Body, thereby waiving solicitor-client privilege as between the Applicant and the Public Body. As solicitor-client privilege has been waived, the Public Body did not correctly apply section 26(1)(a) (solicitor-client privilege) to those documents and attachments.

[para 48.] The following documents are not a communication between a solicitor and client:

1, 2, 3, 4, 5, 6, 7, 8, 9, 102, 103, 106, 107, 108, 172, 173-174, 177-184, 185, 189, 190, 191-193, 194, 195-196, 199, 202, 207-208, 223-225, 229-230, 231-232, 233-239, 240, 241, 255-256, 284-285, 294-295, 296, 310, 311-314, 315, 316-317, 319, 509, 510, 511, 512, 513, 514, 515, 516, 534-535, 536, 537, 542, 543, 545, 546, 551, 566, 567, 574, 575, 577, 579, 580, 581, 582, 583, 751-753, 754, 755, 999-1003, 1302, 1487-1489

[para 49.] I have said that certain solicitors' working papers, directly related to the seeking or giving of legal advice, are also properly excepted under section 26(1)(a) (solicitor-client privilege). Although document 509 is potentially a solicitor's working paper, there is no evidence before me

or on the document as to whether a solicitor or someone else filled out that document, whose solicitor may have filled out that document, and for what client. Therefore, document 509 is not properly excepted under section 26(1)(a) (solicitor-client privilege).

[para 50.] The following documents are a communication between a solicitor and client, but do not entail the seeking or giving of legal advice:

197, 201, 203, 297, 307, 308

[para 51.] In particular, documents 197, 201, 203 and 308 are fax cover sheets that contain merely names and telephone numbers, and do not in any way entail the giving or seeking of legal advice. Those documents, as well as documents 297 and 307, are not properly excepted under section 26(1)(a) (solicitor-client privilege).

[para 52.] Documents 1370 and 1371 are a communication between employees of the Public Body, who are discussing legal advice given by the Public Body's solicitor. I have traced that legal advice to document 242-245, a document to which solicitor-client privilege applies.

[para 53.] In Order 96-020, I said that a document between employees of a company that transmits or comments on a privileged communication with the company's solicitor was itself privileged. However, that privilege applies to the employee's communication only if the Public Body claims solicitor-client privilege for that communication. Solicitor-client privilege was not claimed for documents 1370 and 1371. As section 26(1)(a) (solicitor-client privilege) is a discretionary exception, I do not have the jurisdiction to find that solicitor-client privilege applies to documents 1370 and 1371.

[para 54.] The Public Body maintains that all the records for which the Public Body said that solicitor-client privilege applies were given to their solicitor for review or advice. The Public Body said it claimed solicitor - client privilege only on information provided to their own solicitor where they were seeking advice from the solicitor. The Public Body's view is that if documents are presented to their solicitor for advice, that is part of solicitor-client privilege. In effect, the Public body is arguing that the principle relating to the continuum of seeking or giving legal advice should apply to all the documents to which it said that solicitor-client privilege applies.

[para 55.] In particular, several of the documents to which the Public Body has said that solicitor-client privilege applies are letters from the Applicant's solicitors to either the Applicant or the Public Body. The

Public Body says that it consulted with legal counsel about the criteria for solicitor-client privilege for these documents, that there were letters back and forth between counsel, seeking and giving legal advice and that the letters from the Applicant's solicitors were brought to the Public Body's solicitor for advice and were captured that way. The Public Body did not produce its solicitors to provide this evidence.

[para 56.] I believe the Public Body's argument to be that I should assume that any document coming from a solicitor who is not the Public Body's solicitor would automatically be sent to the Public Body's solicitor for advice, as part of the continuum of seeking or giving legal advice.

[para 57.] In my view, for solicitor-client privilege to apply to a document as part of the continuum of seeking or giving legal advice, there must be evidence that the document was actually sent to the solicitor, and not just the Public Body's say-so. A mere assertion that all the letters from the Applicant's solicitors, or any other solicitor for that matter, went to the Public Body's solicitor, is not sufficient.

[para 58.] The Public Body also says that documents to which it said that solicitor-client privilege applies were documents that were used in preparation for the court actions.

[para 59.] To determine whether there is other evidence that all the documents to which the Public Body said that solicitor-client privilege applies were part of the continuum of seeking or giving legal advice and sent to the Public Body's solicitors, I have reviewed all the documents both generally and in the context of the court actions.

[para 60.] Documents 1, 2, 3, 4, 5, 6, 7, 8, and 9 generally relate to the Applicant's 1986 application for guardianship and trusteeship. The Public Guardian's representative acknowledges service of the documents (document 6), but there is no evidence that either the Public Guardian or the Public Trustee appeared on the application. Therefore, I find it unlikely that the Public Body consulted with a solicitor in regard to the 1986 application, or presented those documents to a solicitor for advice.

[para 61.] Documents 102, 103, 106, 107, 108, 509, and 999-1003 generally relate to the Applicant's 1992 application to relinquish guardianship. The Public Guardian's representative acknowledges service of the documents (documents 103 and 108), and indicates that the Public Guardian does not intend to be represented at the hearing (document 103). Therefore, I find it unlikely that the Public Body consulted with any solicitor in regard to the 1992 application, or presented those documents to a solicitor for advice.

[para 62.] The following documents relate to the Applicant's trusteeship and removal as trustee: 172, 173-174, 185, 189, 190, 191-193, 199, 202, 223-225, 255-256, 284-285, 294-295, 296, 310, 319, 510, 511, 512, 513, 751-753, 754, 755, 1302, and 1487-1489.

[para 63.] Some of the above documents include the Public Body's solicitor's letters to the Applicant's solicitor, to which solicitor-client privilege does not apply (documents 202 and 223-225). I have not included in the above list the other communications between solicitor and client during this time to which I have found that solicitor-client privilege does not apply (documents 197, 201, 203, 297, 307 and 308).

[para 64.] I have already located those documents that were sent to the Public Body's solicitor at Alberta Justice, for advice during this period. There is evidence in documents 198, 200, 209, 242-245 and 318 as to what documents went to the Alberta Justice solicitor, as part of the continuum of seeking and giving legal advice, namely, documents 177-184, 194, 195-196, 207-208, 229-230, 231-232, 233-239, 240, 241, 311-314, 315, and 316-317. I have also located a reference in page 492 of the Records that Document 199 was sent to the solicitor.

[para 65.] From the foregoing evidence, it appears to me that the Public Body's Alberta Justice solicitor was retained to respond to very specific issues only. My viewpoint is further supported below by the evidence that the Public Body consulted with an outside solicitor, again on one specific matter.

[para 66.] Furthermore, pages 491, 492, and 497 of the Records give an indication of what documents the solicitor asked for and what documents were sent. When I cross-referenced that information with the documents for which the Public Body said that solicitor-client privilege applied, I found that the Public Body did not apply solicitor-client privilege to some of those documents, although it was clear that the solicitor had asked for and received those documents (documents 226-228, 246 and 247, for example). This evidence further casts doubt on the Public Body's stated claim of what documents were sent to its solicitor.

[para 67.] Therefore, I find it unlikely that the Public Body presented any other documents to its Alberta Justice solicitor for advice during the period of the Applicant's trusteeship and removal as trustee. That is particularly so for the following documents: (i) 751-753, 754, and 755, which are all documents that are part of the Applicant's affidavit on the Applicant's removal as trustee, for which there is no evidence that the

Public Body's solicitor was involved in the court action (see document 740-743); and (ii) document 1487-1489, which is the court order removing the Applicant as trustee.

[para 68.] Documents 514, 515, 516, 534-535, 537, 542, 543, 545, 551, 566, 567, 574, 575, and 582 relate to matters after the Applicant's removal as trustee, and do not concern any court action. Therefore, I find it unlikely that the Public Body presented those documents to its solicitor for advice.

[para 69.] Documents 536 and 546, relate to an application brought by the Applicant. The Public Guardian representative indicates that the Public Guardian does not intend to be represented at the hearing (document 546). Furthermore, documents 580 and 581 were sent to the Public Guardian's representative, not to the Public Guardian's solicitor. Therefore, I find it unlikely that those documents were sent to the Public Body's solicitor for advice.

[para 70.] Finally, there is evidence in documents 576 and 578 that document 577 went to the Public Body's outside solicitor regarding the Applicant's court application. However, document 579 was not sent to that solicitor, as evidenced by document 578.

[para 71.] As I have indicated above, there is ample evidence that not all the documents to which the Public Body said that solicitor-client privilege applies were sent by either the Public Body's solicitors or the Public Body to the other for the purpose of giving or seeking of legal advice. Therefore, as the Public Body has not shown that the foregoing documents are part of the continuum of seeking or giving legal advice, those documents do not meet the criteria for solicitor-client privilege.

2. Conclusion under section 26(1)(a)

[para 72.] The Public Body correctly applied section 26(1)(a) (solicitor-client privilege) to the following Records:

177-184, 194, 195-196, 199, 198, 200, 207-208, 209, 229-230, 231-232, 233-239, 240, 241, 242-245, 311-314, 315, 316-317, 318, 576, 577, 578

[para 73.] The Public Body did not correctly apply section 26(1)(a) (solicitor-client privilege) to the following Records:

1, 2, 3, 4, 5, 6, 7, 8, 9, 102, 103, 106, 107, 108, 172, 173-174, 185, 189, 190, 191-193, 197, 201, 202, 203, 223-225, 255-

256, 284-285, 294-295, 296, 297, 307, 308, 310, 319, 386, 405-406, 407, 509, 510, 511, 512, 513, 514, 515, 516, 534-535, 536, 537, 542, 543, 545, 546, 551, 566, 567, 574, 575, 579, 580, 581, 582, 583, 751-753, 754, 755, 984-991, 992-994, 995, 996, 999-1003, 1302, 1487-1489

[para 74.] In Order 96-015, I said that if solicitor-client privilege applies, it applies to the entire document. The entire document is privileged, and I have no jurisdiction to either determine the factual component under the Rules of Court, or to require that the Public Body sever that document under the Act.

3. Does section 26(2) apply to the Records:

[para 75.] The Public Body says the Records are deemed to fall under section 26(1)(a) and section 26(2) because “These records contain legal opinions and related correspondence that have to do with the provision of services to the individual that the records relate to.” (Public Body’s final submission).

[para 76.] The Public Body did not raise the issue of section 26(2) during the inquiry. However, section 26(2) is a mandatory (“must”) provision, which would prevent the Public Body from disclosing the information if the section were found to apply. Therefore, I must consider section 26(2).

[para 77.] Section 26(2) reads:

26(2) The head of a public body must refuse to disclose information described in subsection (1)(a) that relates to a person other than a public body.

[para 78.] For section 26(2) to apply, there must be a finding that (i) solicitor-client privilege applies to the information, and (ii) that the privilege relates to a person other than a public body.

[para 79.] The Public Body did not say to which Records section 26(2) applied.

[para 80.] I have found that solicitor-client privilege applies to the following Records:

177-184, 194, 195-196, 198, 199, 200, 207-208, 209, 229-230, 231-232, 233-239, 240, 241, 242-245, 311-314, 315, 316-317, 318, 576, 577, 578

[para 81.] However, as the privilege is that of the Public Body, section 26(2) does not apply to the Records set out in paragraph 80.

[para 82.] I have found solicitor-client privilege does not apply to all the other Records for which the Public Body said that solicitor-client privilege applies. Therefore, section 26(2) does not apply to those Records.

4. Did the Public Body exercise its discretion properly under section 26(1)(a) (solicitor-client privilege)?

[para 83.] Section 26(1) is a discretionary (“may”) exception. As such, even if the Public Body correctly applies the section, the Public Body has a choice and must consider whether it should nevertheless disclose the information. Discretion relates to whether the information should be disclosed even though an exception may properly be claimed.

[para 84.] To exercise its discretion properly, the Public Body must consider the objects and purposes of the Act when exercising its discretion to refuse disclosure of information. It follows that a public body must provide evidence of what it considered.

[para 85.] In exercising its discretion, the Public Body says it considered its concerns for protecting the dependent adult. Given the objects and purposes of the Act, that consideration of the Public Body relates to the protection of privacy under the Act, but in no way addresses the access provisions, particularly in relation to solicitor-client privilege.

[para 86.] In this case, I will consider the Public Body’s exercise of discretion only in relation to the documents to which I have found that solicitor-client privilege applies. Given the nature and source of some of those documents withheld, I am not convinced that the Public Body exercised its discretion properly. I refer, in particular, to documents 177-184, 194, 199, 207-208, 229-230, 231-232, 233-239, 240, 241, and 577.

[para 87.] Therefore, I intend to order the head to reconsider his decision to refuse access to the Records to which section 26(1)(a) (solicitor-client privilege) applies.

[para 88.] Furthermore, I am left with the impression that the Office of the Public Guardian did not want any of its records disclosed, and that the Public Body simply followed the instruction of that Office. If the Public Body followed that instruction, the Public Body would not have

exercised the discretion that it was given under section 26(1)(a) (solicitor-client privilege). Its discretion would have been fettered.

ISSUE C: Did the Public Body correctly apply section 16(1) or section 16(2) (personal information) to the Records?

1. Preliminary matters

[para 89.] The Public Body said that Records 10, 93-96, 97-98, 204 and 508 are documents not related to the Applicant's access request. Therefore, the Public Body did not disclose those documents. The Public Body's argument is essentially that those documents are not responsive to the Applicant's request. All but Record 97-98 contain personal information.

[para 90.] Furthermore, the Public Body did not disclose the Applicant's own personal information to the Applicant.

[para 91.] In Order 97-020, I said that information or a record is "responsive" to an applicant's request if that information or record is reasonably related to the applicant's request. To decide whether information or a record is responsive, a public body must examine the applicant's request.

[para 92.] In this case, the Applicant asked for his sister's complete record and, upon questioning, reiterated that he wanted the entire file. Therefore, everything in his sister's file, that is, every record, is responsive to the Applicant's request.

[para 93.] Records 10, 93-96, 97-98, 204 and 508 are contained in the Applicant's sister's file. Those pages are therefore responsive to the Applicant's request. Consequently, the Public Body was not correct when it withheld those Records as being non-responsive to the Applicant's request.

[para 94.] The Public Body also withheld all the Applicant's own personal information. The Public Body said that when it received the Applicant's request, it attempted to clarify whether the Applicant wanted his own personal information, and determined that the Applicant did not.

[para 95.] I have some sympathy for the Public Body's dilemma as to whether the Applicant was also requesting access to his own personal information. A public body is responsible for assisting an applicant to

modify the request, if the applicant is unsure about what he or she is requesting.

[para 96.] However, in this case, the Applicant was adamant about wanting his sister's entire record. Consequently, I doubt whether the Applicant understood that a negative response to the Public Body's question about whether the Applicant wanted his own personal information would mean that the Applicant would not get any of his sister's record.

[para 97.] In my view, the Public Body erred on two counts in not providing the Applicant with his own personal information.

[para 98.] First, under section 6(1) of the Act, an applicant has a general right of access to any record containing the applicant's personal information, whether or not the applicant asks for that personal information.

[para 99.] Second, based on what the Applicant asked for, the entire record is responsive. In Order 97-020, I said that, having determined what is responsive, a public body's next step is to decide what, if any, exceptions apply to what is responsive. As the entire file, that is, every record in the file, is responsive in this case, the Public Body's next step would be to proceed to sever those records according to applicable sections of the Act.

[para 100.] The Applicant's own personal information is not severable under section 16 of the Act because the Applicant is not a "third party" for the purposes of section 16 (see the definition of "third party" in section 1(1)(r) of the Act, which excludes an applicant and a public body). Therefore, the Public Body must disclose the Applicant's personal information, unless the Applicant's personal information is inextricably interwoven with the personal information of another individual (whose personal information it would be an unreasonable invasion of personal privacy to disclose), or unless, after severing another individual's personal information, the remaining personal information of the Applicant would be meaningless to the Applicant.

2. Do the Records contain "personal information"?

[para 101.] "Personal information" is defined in section 1(1)(n) of the Act. Section 1(1)(n) reads:

1(1)(n) “personal information” means recorded information about an identifiable individual, including

(i) the individual’s name, home or business address or home or business telephone number,

(ii) the individual’s race, national or ethnic origin, colour or religious or political beliefs or associations,

(iii) the individual’s age, sex, marital status or family status,

(iv) an identifying number, symbol or other particular assigned to the individual,

(v) the individual’s fingerprints, blood type or inheritable characteristics,

(vi) information about the individual’s health and health care history, including information about a physical or mental disability,

(vii) information about the individual’s educational, financial, employment or criminal history, including criminal records where a pardon has been given,

(viii) anyone else’s opinions about the individual, and

(ix) the individual’s personal views or opinions, except if they are about someone else.

[para 102.] All the Records contain personal information, except Records 97-98, 165, 387, 438, 852 and 1250. There is no personal information in those Records.

[para 103.] Therefore, as the Public Body did not apply any further exceptions to Records 97-98, 165, 387, 438, 852 and 1250, the Public Body must disclose those Records to the Applicant.

3. Would disclosure of the personal information be an unreasonable invasion of a third party's personal privacy, as provided by section 16(1) or section 16(2) of the Act?

a. General

[para 104.] The Public Body said that section 16(1) applies to all the Records.

[para 105.] Section 16(1) of the Act reads:

16(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.

[para 106.] I have already found that section 26(1)(a) (solicitor-client privilege) applies to the following Records:

177-184, 194, 195-196, 198, 199, 200, 207-208, 209, 229-230, 231-232, 233-239, 240, 241, 242-245, 311-314, 315, 316-317, 318, 576, 577, 578

[para 107.] A finding that solicitor-client privilege applies means that the entire record may be withheld. That record is not subject to severing under the Act: see Order 96-017. Therefore, I cannot consider whether section 16(1) or section 16(2) also applies to the Records set out in paragraph 106.

[para 108.] I have already said that Records 97-98, 165, 387, 438, 852 and 1250 do not contain any personal information. Therefore, the Public Body did not correctly apply section 16(1) or section 16(2) to those Records. The Public Body must disclose those Records to the Applicant.

[para 109.] To apply section 16(1) or section 16(2) of the Act, there must also be personal information of a "third party". I have already said that the Applicant cannot be a third party for the purposes of section 16.

[para 110.] The following Records contain only the Applicant's personal information:

OPG records:

169, 170, 171, 412, 413, 414, 415, 416, 417, 418, 419, 420, 424, 427, 432, 433, 435, 437, 441, 444-445, 446, 453, 455, 458, 771, 772, 773, 774, 775, 854

SFI/AISH records:

980

[para 111.] Since the foregoing Records do not contain personal information of a third party, the Public Body did not correctly apply section 16(1) or section 16(2) to those Records. The Public Body must disclose those Records to the Applicant.

[para 112.] The Public Body said that Record 309 contains personal information described in section 16(2)(b). On my questioning the applicability of section 16(2)(b) to Record 309 during the inquiry, I subsequently received a letter from the Public Body, indicating that it was withdrawing the application of section 19(1)(d) to Record 309. I have interpreted the Public Body's letter as withdrawing the application of section 16(2)(b) to Record 309, as the Public Body had not previously applied section 19(1)(d).

[para 113.] The Public Body says that certain Records contain personal information described in section 16(2)(a), (c), (d), (f) and (g). I will consider each in turn. Once I find that the personal information falls within one of the provisions of section 16(2), I do not intend to consider any other provision of section 16(2) for that same personal information.

b. What Records did the Public Body say contain personal information described in section 16(2)(g)?

[para 114.] Section 16(2)(g) reads:

16(2) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(g) the personal information consists of the third party's name when

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party.

[para 115.] The Public Body says that the Records set out in Appendix 1 contain personal information described in section 16(2)(g).

[para 116.] I agree with the Public Body's conclusion that the Records set out in Appendix 2 contain personal information described in section 16(2)(g).

[para 117.] I agree with the Public Body's conclusion that the Records set out in Appendix 3 also contain personal information described in section 16(2)(g), except for the Applicant's personal information contained in those Records.

[para 118.] However, I do not agree with the Public Body's conclusion that the Records set out in Appendix 4 contain personal information described in section 16(2)(g). Those Records do not meet the requirements of either section 16(2)(g)(i) or section 16(2)(g)(ii).

c. What Records did the Public Body say contain personal information described in section 16(2)(c)?

[para 119.] Section 16(2)(c) reads:

16(2) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels.

[para 120.] The Public Body says that the Records set out in Appendix 5 contain personal information described in section 16(2)(c).

[para 121.] For personal information to fall under section 16(2)(c), it must "relate" to eligibility for income assistance or social service benefits or to the determination of benefit levels. To "relate", a connection or association must be established between the personal information and the eligibility or determination. "Eligibility" means that the personal information must relate to whether a person qualifies to receive income assistance or social service benefits. "Determination of benefit levels"

means that the personal information must relate to a determination of how much benefit a person receives.

[para 122.] I agree with the Public Body's conclusion that the Records set out in Appendix 6 contain personal information described in section 16(2)(c).

[para 123.] I agree with the Public Body's conclusion that the Records set out in Appendix 7 also contain personal information described in 16(2)(c), except for the Applicant's personal information contained in those Records.

[para 124.] However, I do not agree with the Public Body's conclusion that the Records set out in Appendix 8 contain personal information described in section 16(2)(c).

d. What Records did the Public Body say contain personal information described in section 16(2)(a)?

[para 125.] Section 16(2)(a) reads:

16(2) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation.

[para 126.] The Public Body says that the Records set out in Appendix 9 contain personal information described in section 16(2)(a).

[para 127.] I agree with the Public Body's conclusion that the Records set out in Appendix 10 contain personal information described in section 16(2)(a).

[para 128.] I agree with the Public Body's conclusion that the Records set out in Appendix 11 also contain personal information described in 16(2)(a), except for the Applicant's personal information contained in those Records.

[para 129.] However, I do not agree with the Public Body's conclusion that the Records set out in Appendix 12 contain personal information described in section 16(2)(a).

e. What Records did the Public Body say contain personal information described in section 16(2)(d)?

[para 130.] Section 16(2)(d) reads:

16(2) 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 or educational history.

[para 131.] The Public Body says that the Records set out in Appendix 13 contain personal information described in section 16(2)(d).

[para 132.] I agree with the Public Body's conclusion that the Records set out in Appendix 14 contain personal information described in section 16(2)(d).

[para 133.] I agree with the Public Body's conclusion that the Records set out in Appendix 15 also contain personal information described in section 16(2)(d), except for the Applicant's personal information contained in those Records.

[para 134.] However, I do not agree with the Public Body's conclusion that the Records set out in Appendix 16 contain personal information described in section 16(2)(d).

f. What Records did the Public Body say contain personal information described in section 16(2)(f)?

[para 135.] Section 16(2)(f) reads:

16(2) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations.

[para 136.] The Public Body says that the Records set out in Appendix 17 contain personal information described in section 16(2)(f).

[para 137.] I agree with the Public Body's conclusion that the Records set out in Appendix 18 contain personal information described in section 16(2)(f).

[para 138.] I agree with the Public Body's conclusion that the Records set out in Appendix 19 also contain personal information described in section 16(2)(f), except for the Applicant's personal information contained in those Records.

[para 139.] However, I do not agree with the Public Body's conclusion that the Records set out in Appendix 20 contain personal information described in section 16(2)(f).

g. Even though certain records do not contain personal information described in section 16(2), what Records

nevertheless contain personal information for the purposes of section 16(1)?

[para 140.] The Records set out in Appendix 21 nevertheless contain personal information for the purposes of section 16(1).

4. In determining under section 16(1) or section 16(2) whether the disclosure of personal information would be an unreasonable invasion of a third party's personal privacy, what relevant circumstances did the Public Body consider under section 16(3)?

a. General

[para 141.] Under section 16(3) of the Act, a public body must consider all the relevant circumstances when determining under section 16(1) or section 16(2) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy. The Public Body said it considered section 16(3)(a) (disclosure of personal information desirable for public scrutiny) and section 16(3)(f) (personal information supplied in confidence), as well as other relevant circumstances not listed in section 16(3). The Applicant argued that section 16(3)(a) and section 16(3)(c) (personal information relevant to a fair determination of the Applicant's rights) are relevant circumstances.

b. Disclosure of personal information desirable for public scrutiny (section 16(3)(a))

[para 142.] Section 16(3)(a) reads:

16(3) In determining under subsection (1) or (2) 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

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny.

[para 143.] If found to be a relevant circumstance, section 16(3)(a) weighs in favour of disclosing a third party's personal information. The Public Body says that although it considered section 16(3)(a), it decided that section 16(3)(a) was not a relevant circumstance when determining

whether disclosing the third parties' personal information would be an unreasonable invasion of the third parties' personal privacy.

[para 144.] The Applicant argues that section 16(3)(a) is a relevant circumstance because the Applicant's sister died while in the care of the Public Body. The Applicant had attempted to have his sister removed from the care of one of the Public Body's employees, and from an individual employed by a community living association. The Applicant spoke to the Minister in that regard, but the Minister declined to become involved. According to the Applicant, a short time later, his sister died. The Applicant wants the Records, to ensure that his sister got all the care she should have been given, to clarify why the Public Body did not accept his request for removal of his sister from care, and to determine whether that refusal contributed to her death. The Applicant would also like to understand why the Minister refused to replace the caregivers, and said that the rationale for that decision must be in the file.

[para 145.] The Applicant also says that, after he was removed as trustee of his sister's estate, her support payments from the Public Body increased. The Applicant alleges that his sister had been eligible for a further allowance since 1989, but he was not informed as trustee. The Applicant further wants the Records to ensure that his sister was treated fairly by the various programs from which she received funding. In essence, the Applicant's argument is that there is a need to scrutinize how the Public Body made support payments to his sister.

[para 146.] In the Applicant's final submission to me, the Applicant also cites a litany of grievances between the Applicant, the Public Body and the Office of the Public Trustee, in support of the Applicant's contention that disclosure of the third parties' personal information is necessary for public scrutiny. I note that the records of the Office of the Public Trustee are in the custody or control of Alberta Justice, a separate public body under the Act. Those records are not before me in this inquiry.

[para 147.] In Order 97-002, I discussed the interpretation of section 16(3)(a). I said that:

- (1) It was not sufficient for one person to have decided that public scrutiny was necessary;
- (2) The applicant's concerns had to be about the actions of more than one person within the public body; and
- (3) Where the public body had previously disclosed a substantial amount of information, the release of personal information was not

likely to be desirable for the purpose of subjecting the activities of the public body to public scrutiny. This was particularly so if the public body had also investigated the matter in issue.

[para 148.] In this case, I find the following:

(1) The Applicant is the only person to have decided that public scrutiny is necessary.

(2) The Applicant's concerns about his sister's care relate only to one of the Public Body's employees, and to another person not employed by the Public Body. The concerns about the Public Body's funding are more general in nature, and would be about the actions of more than one person within the Public Body. There is no evidence before me that the grievances concerning the Office of the Public Trustee are about the actions of more than one person within that Office. Moreover, the actions of that Office appear to have been the subject of a February 1998 court application by that Office and, as such, may have been subject to public scrutiny. In any event, in my view, the personal information contained in the Records does not relate in any meaningful way to the actions of that Office.

(3) The Public Body has not disclosed any information in this case, either about the care given or the funding.

[para 149.] Having thoroughly reviewed the Records, I find that section 16(3)(a) is not a relevant circumstance as it relates to the disclosure of the third parties' personal information concerning the Applicant's sister's care or to the grievances relating to the Office of the Public Trustee.

[para 150.] However, on balance, I find that section 16(3)(a) is a relevant circumstance as it relates to financial information concerning SFI/AISH funding during the time that the Applicant was the trustee of his sister's estate. I have set out those Records in Appendix 23.

[para 151.] Furthermore, during the inquiry, the Public Body agreed that one factor weighing in favour of disclosure could be financial information that would relate to an accounting of, or to the question of eligibility for, SFI/AISH funding and the possible need to scrutinize the finances.

c. Personal information relevant to a fair determination of the Applicant's rights (section 16(3)(c))

[para 152.] Section 16(3)(c) reads:

16(3) In determining under subsection (1) or (2) 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

*...
(c) the personal information is relevant to a fair determination of the applicant's rights.*

[para 153.] If found to be a relevant circumstance, section 16(3)(c) weighs in favour of disclosing a third party's personal information.

[para 154.] The Applicant said he wanted the personal information in order to appeal decisions, but there is no evidence before me as to what those appeals would be. The Applicant alluded to being owed money by the Office of the Public Trustee, which I take to be something that would constitute the "Applicant's rights" for the purposes of section 16(3)(c). In my view, the other matters raised by the Applicant would be rights of the Applicant's sister's estate or the Applicant's father's estate, but not the "Applicant's rights".

[para 155.] I have already said that the records do not relate to the actions of the Office of the Public Trustee. Therefore, even if the Applicant's rights are at issue, I find that the personal information in the Public Body's Records is not relevant to a fair determination of the Applicant's rights as against the Office of the Public Trustee. Consequently, section 16(3)(c) is not a relevant circumstance weighing in favour of disclosure.

d. Personal information supplied in confidence (section 16(3)(f))

[para 156.] Section 16(3)(f) reads:

16(3) In determining under subsection (1) or (2) 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

*...
(f) the personal information has been supplied in confidence.*

[para 157.] If found to be a relevant circumstance, section 16(3)(f) weighs in favour of not disclosing a third party's personal information.

[para 158.] The Public Body says that it considered that section 16(3)(f) was a relevant circumstance when determining whether disclosure of the third parties' personal information would be an unreasonable invasion of the third parties' personal privacy.

[para 159.] Under section 16(3)(f), there is a requirement that the information be supplied in confidence. The Public Body says that the personal information was obtained from a variety of sources because of the programs involved, and that all the personal information was supplied in confidence under section 14 of the *Assured Income for the Severely Handicapped Act*, section 49 of the *Dependent Adults Act*, or section 5 of the *Social Allowance Act*. According to the Public Body, those three provisions, which preceded the *Freedom of Information and Protection of Privacy Act*, contain guarantees of confidentiality with respect to information provided. Under those provisions, there are presumptions that the information was supplied in confidence, and that there would be no release unless the criteria under those provisions were met.

[para 160.] I have reviewed those three provisions, which are confidentiality provisions governing the Public Body's disclosure of information. In my view, those provisions have nothing to do with whether the personal information has been supplied in confidence. Therefore, I find that those provisions do not apply for the purposes of section 16(3)(f) of the Act.

[para 161.] Furthermore, I note that those three provisions are not paramount to the Act; therefore, disclosure of personal information is governed by the Act, and not those provisions.

[para 162.] The Public Body also says that when the personal information was gathered, there were assurances that the information would be kept confidential. I have reviewed the Records, and do not find evidence of any such assurances.

[para 163.] In reviewing the Records to decide whether third parties' personal information was supplied in confidence, I first made note of the numerous persons who supplied personal information, such as the following: the Applicant's sister herself, when she was alive; the Applicant; members of the Applicant's family; caregivers generally; the Public Body's employees; persons employed by other organizations, or other organizations generally; and solicitors. Then I looked at what personal information those persons supplied, whether their own personal information, someone else's personal information, or a combination. I also looked at to whom the personal information was supplied, whether to the Public Body or another person. Finally, I reviewed the circumstances under which the personal information was supplied, such as whether it was supplied internally within the Public Body or within another organization, or externally.

[para 164.] Based on all those considerations, I generally find that the following personal information was not *supplied* in confidence:

(i) Third parties' personal information, supplied (sent) to the Applicant or to the Applicant's solicitors by the Public Body or by any other person or organization.

(ii) Third parties' personal information supplied (sent) by the Applicant or the Applicant's solicitors to the Public Body or to any other person or organization.

(iii) Third parties' personal information contained in all the court records involving the Applicant as a party, whether those records were filed by the Applicant's solicitors or otherwise.

[para 165.] Therefore, section 16(3)(f) is not a relevant circumstance as regards the Records containing the kind of personal information set out in paragraph 164, which I have summarized in Appendix 23.

[para 166.] As regards the remainder of the Records, I am not satisfied that section 16(3)(f) is a relevant circumstance weighing in favour of non-disclosure.

e. Other relevant circumstances under section 16(3)

[para 167.] Section 16(3) is not exhaustive. Other relevant circumstances not contained in section 16(3) should be considered.

[para 168.] Furthermore, any one of the factors set out in section 16(3) is not, in itself, determinative. A consideration of all the relevant circumstances I have listed in paragraph 163, as well as a consideration of other relevant circumstances, is necessary to determine whether disclosure of the third parties' personal information contained in the other Records is or is presumed to be an unreasonable invasion of personal privacy.

[para 169.] The Public Body says there are other relevant circumstances weighing in favour of not disclosing the Records, such as (i) privacy rights of the deceased, (ii) removal of the Applicant as guardian and trustee, and (iii) records otherwise available to the Applicant. The Public Body says it also considered the issue of (v) personal information supplied by the Applicant. To that last issue, I have added personal information supplied by the Applicant's solicitors.

(i) Privacy rights of the deceased

[para 170.] The Public Body says that a deceased's privacy rights are circumscribed by two sections of the Act: (1) section 16(4)(i), which says that it is not an unreasonable invasion of personal privacy to disclose the personal information of someone who has been dead for 25 years or more; and (2) section 79(1)(a) of the Act, which allows the deceased's personal representative to exercise any right or power that the deceased would have had under the Act, but only if the purpose is to administer the deceased's estate. The Public Body appears to be of the view that a deceased's personal information is not to be disclosed in any other circumstances.

[para 171.] However, the Act does not say that it is always an unreasonable invasion of a deceased's personal privacy to disclose the deceased's personal information before 25 years have passed. In my view, during the period of time from the deceased's death up until 25 years after death, a public body has to determine whether relevant circumstances exist, such that it would not be an unreasonable invasion of the deceased's personal privacy to disclose the personal information.

[para 172.] In this case, there are a combination of unusual relevant circumstances that weigh in favour of disclosing part of the deceased's personal information:

(i) The Applicant is the deceased's brother. The situation is that of a blood relative who was in a relationship with the deceased during her lifetime, as follows.

(ii) The Applicant was his sister's legal guardian for approximately six years, and the legal trustee of her estate for approximately ten years.

(iii) During the time in which the Applicant was guardian, the Applicant had the power and authority to decide matters concerning his sister's health care; where she should live; what, if any, work she should do; and what educational, vocational or other training she should have.

(iv) During the time in which the Applicant was trustee, the Applicant had the power and authority to decide matter concerning his sister's money, investments, property, and contracts.

(v) In the performance of his duties as guardian/trustee, or trustee only, the Applicant or the Applicant's solicitors supplied the Applicant's sister's personal information to the Public Body and to other persons or organizations which, in turn, sent the Applicant's sister's personal information and the personal information of other third parties to the Applicant or the Applicant's solicitors.

(vi) After the Applicant was removed as trustee, the court ordered the community living association having the care of the Applicant's sister to provide the Applicant with monthly reports concerning his sister's condition, and to provide copies of any assessments or reports that may be done concerning her condition (see page 824 of the Records).

[para 173.] In my view, the relevant circumstances set out in paragraph 172 weigh in favour of disclosing the following personal information:

(i) the Applicant's sister's personal information during the time in which the Applicant was guardian/trustee,

(ii) the Applicant's sister's financial information during the time in which the Applicant was trustee,

(iii) monthly reports concerning the Applicant's sister's condition, and assessments or reports done concerning her condition, prepared by the community living association after the time in which the Applicant was trustee, and

(iv) generally, the personal information of other third parties contained within the foregoing Records.

[para 174.] The Applicant also says that he was involved in his sister's care for most of her life. Although it is clear from the Records that the family was involved for that lengthy period, I do not find in the Records evidence of the Applicant's formal involvement in his sister's care much before the period of guardianship/trusteeship. Therefore, I do not find the Applicant's stated involvement in his sister's care before guardianship/trusteeship is, of itself, a relevant circumstance weighing in favour of disclosure.

(ii) Removal of the Applicant as guardian and trustee

[para 175.] The Public Body said it considered the court order that put the Public Guardian and the Public Trustee in their responsible roles. In the Public Body's view, the fact that the circumstances between the Applicant and his sister changed is a relevant circumstance that weighs in favour of not disclosing the Applicant's sister's personal information.

[para 176.] In my view, a change of circumstances between an applicant and a third party is something that can be considered under section 16(3).

[para 177.] In this case, the Applicant himself applied to be removed as guardian because of his health and because he lived in a different city from his sister.

[para 178.] The Applicant's subsequent removal as trustee arose because of a dispute between the Applicant, the Public Body and a community living association. I do not intend to get into the matter of fault as it relates to the dispute, as I do not believe that is a relevant circumstance under section 16(3). What is relevant is whether the disclosure of the Applicant's sister's personal information is an unreasonable invasion of personal privacy, given this change in circumstances.

[para 179.] To determine this, the competing interests of the deceased's right to privacy must be balanced with the Applicant's interest in obtaining the personal information. Therefore, I have looked at whether there might be any adverse interests between Applicant and his sister or his sister's estate.

[para 180.] I note that the Applicant says he was owed money, payable from his sister's estate, for services rendered during trusteeship. However, the Applicant's dispute in that matter is with the Office of the Public Trustee, whom the Applicant claims should have paid him out of his sister's estate.

[para 181.] In the February 1998 court application by the Office of the Public Trustee, the Applicant appears to be acting on behalf of his sister's estate, claiming that his sister's estate is owed the difference in the SFI/AISH funding she received and the funding she was eligible to receive.

[para 182.] Consequently, I do not find any adverse interests between the Applicant and his sister or her estate.

[para 183.] Therefore, the fact that the circumstances between the Applicant and his sister changed should not be considered a relevant circumstance weighing in favour of not disclosing the Applicant's sister's personal information during the period of guardianship/trusteeship, or the Applicant's sister's financial information during the period of trusteeship.

(iii) Records otherwise available to the Applicant

[para 184.] The Public Body says that, under section 49 of the *Dependent Adults Act*, an "interested person" (defined, according to the Public Body, as "a party to the proceedings") may obtain access to court documents involving a dependent adult. Therefore, in refusing to give the Applicant access to the court records in its custody, the Public Body relies on section 28(1)(a) of the Act, which reads:

28(1) The head of a public body may refuse to disclose to an applicant information

(a) that is available for purchase by the public.

[para 185.] I interpret "public" in section 28(1)(a) of the Act to mean the "general" public, and not a "restricted" public as contemplated by the

definition of “interested person” under the *Dependent Adults Act*. Therefore, as the court records are not available for purchase by the general public, section 28(1)(a) is not a relevant circumstance to justify the Public Body’s refusal to disclose the court records.

[para 186.] On the contrary, the fact that the Applicant is an interested person for the purposes of obtaining court records under the *Dependent Adults Act* is a relevant circumstance weighing in favour of disclosing the court records to the Applicant. It appears that the Public Body did not consider this relevant circumstance.

(iv) Personal information supplied by the Applicant or the Applicant’s solicitors

[para 187.] In the Public Body’s view, the fact that the Applicant or the Applicant’s solicitors supplied personal information is not a relevant circumstance for the purposes of section 16(3).

[para 188.] The Public Body comments that its files contain personal information relating to individuals receiving care from the Public Body, and that the Public Body acts in the best interests of those individuals. Decisions made by the Public Body on behalf of those individuals are treated as sacrosanct and are an intrinsic part of the Public Body’s responsibilities. It treats the information as confidential and only shares it on an as-needed basis. It tries to err on the side of protection of personal information even where a party supplied the information about a third party.

[para 189.] The Public Body said it would only return the Records with the personal information severed, even if the personal information was supplied by the Applicant.

[para 190.] The Applicant and the Applicant’s solicitors supplied personal information about the Applicant’s sister. I have already said that the change in circumstances between the Applicant and his sister in this case should not be considered a relevant circumstance weighing in favour of not disclosing the Applicant’s sister’s personal information during certain time periods. Given my decision, I find that it would not be an unreasonable invasion of the Applicant’s sister’s personal privacy to disclose her personal information supplied by the Applicant or the Applicant’s solicitors, regardless of when that personal information was supplied.

f. Conclusion under section 16(3)

[para 191.] The Public Body argues that in its weighing of relevant circumstances under section 16(3), it decided that the preservation of confidentiality outweighed disclosure. The Public Body says that the preponderance of weight goes to the protection of personal information.

[para 192.] I have reviewed the Public Body's process under section 16(3).

[para 193.] For the Records set out in Appendix 22, I find the Public Body considered all the relevant circumstances under section 16(3) and, after considering all the relevant circumstances, properly came to the conclusion that the disclosure of third parties' personal information would be an unreasonable invasion of those third parties' personal privacy under section 16(1) or would be presumed to be an unreasonable invasion of those third parties' personal privacy under section 16(2). Therefore, the Public Body correctly applied section 16(1) or section 16(2) to the Records set out in Appendix 22.

[para 194.] For the Records set out in Appendix 23, I find that the Public Body either did not consider all the relevant circumstances under section 16(3) or, after considering the relevant circumstances, did not properly come to the conclusion that the disclosure of third parties' personal information would be an unreasonable invasion of those third parties' personal privacy under section 16(1) or would be presumed to be an unreasonable invasion of those third parties' personal privacy under section 16(2). Therefore, the Public Body did not correctly apply section 16(1) or section 16(2) to the Records set out in Appendix 23.

[para 195.] For the Records set out in Appendix 24, except for the personal information that I have highlighted, I find that the Public Body either did not consider all the relevant circumstances under section 16(3) or, after considering the relevant circumstances, did not properly come to the conclusion that the disclosure of third parties' personal information would be an unreasonable invasion of those third parties' personal privacy under section 16(1) or would be presumed to be an unreasonable invasion of those third parties' personal privacy under section 16(2). Therefore, the Public Body did not correctly apply section 16(1) or section 16(2) to the Records set out in Appendix 24, except for the personal information that I have highlighted in those Records. It should be noted that, although the unhighlighted personal information contained in the Records set out in Appendix 24 also falls within the categories of relevant circumstances set out in Appendix 23, the Records set out in Appendix 24 have been listed separately because of the necessity for highlighting personal information that is not to be disclosed.

5. Did the Applicant meet the burden of proof under section 67(2)?

a. General

[para 196.] Section 67(2) of the Act provides that if the record or part of the record to which the applicant is refused access contains personal information of a third party, it is up to the applicant to prove that disclosure of the information would not be an unreasonable invasion of a third party's personal privacy.

[para 197.] I have found that the Public Body correctly applied section 16(1) or section 16(2) to the Records set out in Appendix 22 and to the highlighted parts of the Records set out in Appendix 24. Therefore, it is either an unreasonable invasion of a third party's personal privacy under section 16(1), or a presumed unreasonable invasion of a third party's personal privacy under section 16(2), to disclose those Records or the highlighted parts of those Records. Consequently, the Applicant must prove that it is not an unreasonable invasion of a third party's personal privacy to disclose those Records or the highlighted parts of those Records.

[para 198.] However, I have decided that the Public Body did not correctly apply section 16(1) or section 16(2) to the Records set out in Appendix 23 and to the unhighlighted parts of the Records set out in Appendix 24. Therefore, it is not an unreasonable invasion of a third party's personal privacy under section 16(1), or a presumed unreasonable invasion of a third party's personal privacy under section 16(2), to disclose those Records or the unhighlighted parts of those Records. Consequently, the Applicant does not have to prove that it is not an unreasonable invasion of a third party's personal privacy to disclose those Records or the unhighlighted parts of those Records.

[para 199.] The Applicant said he was requesting his sister's personal information, as provided by section 16(4)(f) and section 16(4)(h). Those sections read:

16(4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

...

(f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,

...

(h) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body.

b. Financial and other details of a contract to supply goods or services to a public body (section 16(4)(f))

[para 200.] Only the following Records to which the Public Body correctly applied section 16(1) or section 16(2), and for which the Applicant has the burden of proof, answer the description of being a contract:

Before guardianship/trusteeship

SFI/AISH records:

1501, 1502, 1523, 1524, 1525, 1526

After guardianship/during trusteeeship

OPG records:

125-127

[para 201.] The Public Body is not a party to the contract for the following Records: 1501, 1423, 1524, 1525, 1526. The Public Body is a party to the contract for the following Record: 125-127. A different public body is a party to the contract for the following Record: 1502. I note that none of these are contracts to supply goods or services directly to the Public Body or to a public body.

[para 202.] The Public Body says that section 16(4)(f) refers to contracts for goods or services provided to a public body and not to a third party. The Public Body argues that section 16(4)(f) does not apply because the goods or services were provided to the Applicant's sister, and not to the Public Body or to a public body.

[para 203.] The Public Body gave evidence that its funding for a client is provided through the person responsible for the funds. If an individual is not able to conduct his or her own affairs, a guardian or trustee receives funds and pays them out. Where a client is in a contracted home, the contract is the vehicle through which the person who receives the funds pays for the services of the contracted home.

[para 204.] I have reviewed the records and find that the Public Body made payments to the Applicant when the Applicant was trustee, and to the Public Trustee thereafter. The Applicant or the Public Trustee were

then responsible to pay for the services provided, under contract, to the Applicant's sister. Before a formal trustee was in place, it appears that the Public Body or a public body made the payments to the Applicant's sister or her father, who were responsible to make the payments for services.

[para 205.] In my view, section 16(4)(f) was not intended to cover the types of contracts I see here. Even though the Public Body or a public body provides the funding, these are not contracts to supply goods or services to the Public Body or to a public body.

[para 206.] I conclude that section 16(4)(f) does not apply to allow disclosure of these contracts.

c. Discretionary benefit of a financial nature (section 16(4)(h))

[para 207.] The Public Body says that the Public Guardian provides services, and is not responsible for the issuance of discretionary benefits of a financial nature. The other file the Applicant requested relates to SFI/AISH funding, and there is no discretion applied. The Public Body therefore concludes that section 16(4)(h) does not apply.

[para 208.] The financial information pertaining to the Applicant's sister concerns SFI/AISH funding. Where that personal information relates to eligibility for income assistance or social service benefits, or to the determination of benefit levels under section 16(2)(c), disclosure is presumed to be an unreasonable invasion of a third party's personal privacy. Where there is disclosure of the details of a discretionary benefit of a financial nature under section 16(4)(h), that disclosure is not an unreasonable invasion of a third party's personal privacy. Therefore, it seems to me that SFI/AISH personal information must be something different from the personal information under section 16(4)(h). Consequently, I conclude that section 16(4)(h) does not apply to allow disclosure of the SFI/AISH personal information.

[para 209.] Similarly, section 16(4)(h) would not apply to the contracts discussed under section 16(4)(f), as those contracts concern SFI/AISH funding or other similar funding. There is no other personal information that would meet the description under section 16(4)(h).

[para 210.] As neither section 16(4)(f) nor section 16(4)(h) apply, I find that the Applicant has not met the burden of proof under section 67(2), in relation to the Records or the highlighted parts of the Records to which the Public Body correctly applied section 16(1) or section 16(2).

6. Conclusion under section 16(1) and section 16(2)

[para 211.] The Public Body correctly applied section 16(1) or section 16(2) to the Records as set out in Appendix 22, and to the highlighted personal information contained in the Records set out in Appendix 24. As the Applicant did not meet the burden of proving that disclosure of the third parties' personal information contained in those Records would not be an unreasonable invasion of the third parties' personal privacy, I uphold the Public Body's decision not to disclose the Records set out in Appendix 22, and not to disclose the highlighted personal information contained in the Records set out in Appendix 24.

[para 212.] The Applicant's personal information is contained in some of the foregoing Records to which I have found that the Public Body correctly applied section 16(1) or section 16(2). However, I do not find it necessary to order that the Public Body disclose the Applicant's personal information contained in those Records, for the following reasons: (i) the Applicant's personal information is inextricably interwoven with the personal information of a third party, whose personal information it would be or is presumed to be an unreasonable invasion of personal privacy to disclose, or (ii) after severing a third party's personal information, the remaining personal information of the Applicant would be meaningless to the Applicant.

[para 213.] The Public Body did not correctly apply section 16(1) or section 16(2) to the following Records, which do not contain any personal information:

97-98, 165, 387, 438, 852, 1250

[para 214.] I do not uphold the Public Body's decision to refuse to disclose those Records.

[para 215.] The Public Body did not correctly apply section 16(1) or section 16(2) to the following Records, which contain only the Applicant's personal information:

169, 170, 171, 412, 413, 414, 415, 416, 417, 418, 419, 420, 424, 427, 432, 433, 435, 437, 441, 444-445, 446, 453, 455, 458, 771, 772, 773, 774, 775, 854, 980

[para 216.] I do not uphold the Public Body's decision to refuse to disclose those Records.

[para 217.] The Public Body did not correctly apply section 16(1) or section 16(2) to the Records set out in Appendix 23, and to the unhighlighted personal information contained in the Records set out in Appendix 24.

[para 218.] I do not uphold the Public Body's decision to refuse to disclose those Records or that unhighlighted personal information.

ISSUE D: Did the Public Body exercise its discretion properly in refusing to disclose the deceased individual's personal information under section 38(1)(aa) of the Act?

[para 219.] The Applicant maintains that section 38(1)(aa) of the Act allows the Public Body to disclose his deceased sister's personal information to him. Section 38(1)(aa) reads:

38(1) A public body may disclose personal information only

(aa) to a relative of a deceased individual if, in the opinion of the head of the public body, the disclosure is not an unreasonable invasion of the deceased's personal privacy.

[para 220.] Under section 38(1)(aa), a public body may, in its discretion, disclose personal information to a relative of a deceased individual, without the relative having to make an access request under the Act. However, in this case, the Applicant made an access request and the Public Body also decided to consider disclosure under section 38(1)(aa).

[para 221.] I have already determined whether the Public Body correctly applied section 16(1) or section 16(2) to the Records. Having made that determination, my Order follows under section 68(2)(a) or section 68(2)(c). An Order under section 68(2)(a) means that I must require the head to give access, whereas an Order under section 68(2)(c) means that I must require the head to refuse access.

[para 222.] In my view, section 38(1)(aa) is a purely discretionary provision for disclosure. As such, the only thing I can review under section 38(1)(aa) is whether a public body exercised its discretion properly. If I were to decide that the Public Body did not exercise its discretion properly under section 38(1)(aa), the only Order I can make is under section 68(2)(b). At best, I can only require that the head

reconsider his or her decision. I cannot substitute my own decision for that of the head, and I cannot order that the head give access.

[para 223.] A decision that the Public Body did not exercise its discretion properly under section 38(1)(aa) in relation to the same Records to which the Public Body did not correctly apply section 16(1) or section 16(2) would result in mutually exclusive remedies under section 68(2)(a) and section 68(2)(b).

[para 224.] As the best remedy available to the Applicant is a finding that the Public Body did not correctly apply section 16(1) or section 16(2), and an order to give the Applicant access, I have made my decision under section 16(1) or section 16(2), rather than section 38(1)(aa).

[para 225.] Consequently, I do not find it necessary to consider section 38(1)(aa).

V. ORDER

[para 226.] Under section 68 of the Act, I make the following Order disposing of the issues in this inquiry.

Issue A: Is the Applicant the personal representative of a deceased individual for the purposes of section 79(1)(a) of the Act?

[para 227.] The Applicant is not the personal representative of his deceased sister for the purposes of section 79(1)(a) of the Act. Therefore, the Applicant is not entitled to exercise any rights or powers as a personal representative of a deceased individual under the Act.

Issue B: Did the Public Body correctly apply section 26(1)(a) (solicitor-client privilege) to the Records?

[para 228.] The Public Body correctly applied section 26(1)(a) (solicitor-client privilege) to the following Records:

177-184, 194, 195-196, 198, 199, 200, 207-208, 209, 229-230,
231-232, 233-239, 240, 241, 242-245, 311-314, 315, 316-317, 318,
576, 577, 578

[para 229.] However, because I am not satisfied that the head exercised his discretion properly under section 26(1)(a) (solicitor-client privilege), I order the head to reconsider his decision to refuse to give the Applicant

access to the Records to which section 26(1)(a) (solicitor-client privilege) applies.

[para 230.] The Public Body did not correctly apply section 26(1)(a) (solicitor-client privilege) to the following Records:

1, 2, 3, 4, 5, 6, 7, 8, 9, 102, 103, 106, 107, 108, 172, 173-174, 185, 189, 190, 191-193, 197, 201, 202, 203, 223-225, 255-256, 284-285, 294-295, 296, 297, 307, 308, 310, 319, 386, 405-406, 407, 509, 510, 511, 512, 513, 514, 515, 516, 534-535, 536, 537, 542, 543, 545, 546, 551, 566, 567, 574, 575, 579, 580, 581, 582, 583, 751-753, 754, 755, 984-991, 992-994, 995, 996, 999-1003, 1302, 1487-1489

[para 231.] However, as the Public Body said that section 16(1) of the Act also applies to those Records, I have considered them under section 16(1).

Issue C: Did the Public Body correctly apply section 16(1) or section 16(2) (personal information) to the Records?

[para 232.] The Public Body correctly applied section 16(1) or section 16(2) to the following Records:

Before guardianship/trusteeship

OPG records:

3, 4, 5, 7, 88, 89, 90 (entire page, including items in the “During trusteehip/guardianship” list), 92

SFI/AISH records:

913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 933, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947-948, 949-950, 951, 952-953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967-970, 971, 972, 973, 974, 975, 1012, 1013, 1014, 1015-1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038-1039, 1040, 1041, 1042, 1043, 1044, 1045-1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063-1064, 1065, 1066, 1067-1070, 1071, 1072, 1073, 1074-1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084-1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093-1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1123-1125, 1126, 1127, 1128, 1153, 1154, 1155, 1156, 1157-1158, 1159, 1160-1161, 1162, 1163, 1164-1165, 1166, 1167-1168, 1169, 1170-1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1433, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503-1504, 1505, 1506, 1507, 1508, 1509, 1510, 1513-1515, 1516-1517, 1518, 1519-1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600-1601, 1602-1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653-1654, 1655, 1656-1657, 1658, 1659-1660, 1661, 1662-1663, 1664, 1665, 1666-1667, 1668, 1669-1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681-1682, 1683-1684, 1685, 1686, 1687

During guardianship/trusteeship

OPG records:

91

SFI/AISH records:

1543-1544, 1555

After guardianship/during trusteeship

OPG records:

106, 111-112, 113-115, 116-117, 118, 119-123, 125-127, 128, 129, 131, 132-137, 138, 142-143, 146-147, 153-155, 156, 159-161, 175, 176, 190, 197, 201, 203, 206, 222, 250, 252-254, 255-256, 257-258, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 278, 283, 287, 288-289, 290-291, 292-293, 296, 297, 298-299, 300-305, 306, 307, 308, 309, 310, 320-321, 322-325, 326, 330-333, 334-335, 339-342, 343, 344, 345, 411, 450-451, 460-461, 462-464, 465, 466-476, 477, 478-483, 484, 485-490, 491, 492-503, 504, 505, 506, 507, 510, 511, 512, 513, 520, 527, 529-530, 531-533, 650-653, 832, 833-835, 836 (entire page, including item in the “After guardianship/trusteeship” list), 853

SFI/AISH records:

1270-1271, 1282, 1283, 1350-1351, 1370, 1371, 1400, 1485, 1486

After guardianship/trusteeship

OPG records:

514, 516, 519, 521, 534-535, 537, 539-540, 541, 547-548, 553-555, 557, 558, 563-564, 565, 566, 569, 570-572, 575, 582, 584-585, 586, 587, 654, 655, 656, 657, 658, 659-660, 661-664, 837-842, 843-845, 846-849, 850, 851, 855, 856

SFI/AISH records:

1305, 1306-1312, 1313, 1314, 1315-1321, 1322, 1323, 1324, 1325-1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333-1334, 1335, 1336, 1337, 1365-1366, 1367, 1368, 1369, 1376, 1377-1382, 1383, 1426, 1427, 1428, 1478, 1479, 1480, 1483, 1484, 1490, 1491, 1492, 1493, 1494, 1495, 1688, 1689, 1690, 1691

[para 233.] I uphold the Public Body’s decision to refuse to disclose the Records set out in paragraph 232, in their entirety. I order that the Public Body not disclose those Records to the Applicant.

[para 234.] The Public Body did not correctly apply section 16(1) or section 16(2) to the following Records, which do not contain any personal information:

97-98, 165, 387, 438, 852, 1250

[para 235.] I do not uphold the Public Body's decision to refuse to disclose the Records set out in paragraph 234. I order that the Public Body disclose those Records in their entirety to the Applicant.

[para 236.] The Public Body did not correctly apply section 16(1) or section 16(2) to the following Records, which contain only the Applicant's personal information:

169, 170, 171, 412, 413, 414, 415, 416, 417, 418, 419, 420, 424, 427, 432, 433, 435, 437, 441, 444-445, 446, 453, 455, 458, 771, 772, 773, 774, 775, 854, 980

[para 237.] I do not uphold the Public Body's decision to refuse to disclose the Records set out in paragraph 236. I order that the Public Body disclose those Records in their entirety to the Applicant.

[para 238.] The Public Body did not correctly apply section 16(1) or section 16(2) to the following Records:

Before guardianship/trusteeship

OPG records:

1, 2, 6, 8, 9, 10, 11-29, 84

SFI/AISH records:

1122, 1511, 1512

During guardianship/trusteeship

OPG records:

30-34, 35-36, 37-56, 57-58, 59-80, 81-83, 85-86, 87, 93-96, 99-101, 102, 103, 104-105, 509, 665-705,

SFI/AISH records:

857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 911, 912, 932, 934, 935, 976, 977, 978, 979, 981, 982, 983, 984-991, 992-994, 995, 996, 997, 998, 999-1003, 1004, 1005, 1006-1007, 1008, 1009-1011, 1129-1132, 1133, 1135, 1138, 1139, 1141, 1142-1145, 1182, 1183, 1184, 1186, 1187, 1188, 1189, 1190, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1251, 1252-1255, 1256-1257, 1259-1262, 1263-1266, 1267, 1356, 1358, 1359-1361, 1386, 1387, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1531, 1532, 1533, 1534, 1535-1536, 1537-1538, 1539, 1540, 1541, 1542, 1545-1548, 1549, 1550, 1551-1554, 1556-1557, 1559-1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568-1572, 1573, 1574, 1575, 1576-1577

After guardianship/during trusteeship

OPG records:

107, 108, 124, 130, 139-141, 144-145, 148-149, 150, 151-152, 157-158, 162, 163-164, 166, 167, 168, 172, 173-174, 185, 186, 187-188, 189, 191-193, 202, 204, 205, 210-221, 223-225, 226-228, 248, 249, 251, 259-261, 275, 276-277, 279-280, 281, 282, 284-285, 286, 294-295, 327-329, 336-338, 346, 347, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 364, 365, 366, 367, 368, 369, 371, 372, 374, 375, 376, 377, 378, 379, 380, 382, 383, 385, 386, 388, 389, 390, 391, 392, 394, 395, 396, 398, 399, 401, 402, 403, 405-407, 408, 409, 421, 422, 423, 425, 426, 428, 429, 430, 431, 439, 440, 442-443, 447, 448, 449, 452, 454, 456, 457, 459, 508, 528, 706-743, 744-770, 776-786 (744-770, 776-786 comprise one record), 787-791, 792-794, 823-825,

SFI/AISH records:

1272, 1275, 1276, 1277, 1278-1279, 1280, 1281, 1284, 1285-1290, 1291-1296, 1297, 1298, 1300, 1301, 1302, 1303, 1338-1339, 1340-1343, 1344, 1345, 1346, 1347-1348, 1349, 1352-1353, 1354-1355, 1388, 1389, 1390, 1391, 1392, 1393, 1395, 1396, 1397, 1398-1399, 1401-1402, 1403-1404, 1405-1406, 1407-1408, 1409-1410, 1411-1412, 1413-1414, 1415-1416, 1417-1418, 1419-1420, 1421-1422, 1423-1424, 1425, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1481-1482, 1693, 1694, 1695, 1696, 1697, 1698, 1699,

1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709,
1710

After guardianship/trusteeship

OPG records:

515, 517-518, 522, 523, 524-525, 526, 536, 538, 542, 543, 544,
545, 546, 549, 550, 551, 552, 556, 559-560, 561-562, 567, 568,
573, 574, 579, 580, 581, 583, 588-649, 795-822, 826-831

SFI/AISH records:

1487-1489

[para 239.] I do not uphold the Public Body's decision to refuse to disclose the Records set out in paragraph 238. I order that the Public Body disclose those Records in their entirety to the Applicant.

[para 240.] The Public Body did not correctly apply section 16(1) or section 16(2) to the following records, except to the personal information that I have highlighted:

Before guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

910, 1185 (Records 910 and 1185 are also in the "During guardianship/trusteeship" list, but are now dealt with only in this list for ease of reference.)

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1134, 1136, 1137, 1140, 1146, 1147, 1148, 1149-1152, 1258,
1357, 1362-1364, 1558

After guardianship/during trusteeship

OPG records:

109-110, 246, 247, 319, 348, 363, 370, 373, 381, 384, 393, 397,
400, 404, 410, 434, 436

SFI/AISH records:

1268-1269, 1273-1274, 1299, 1372-1374, 1375, 1384-1385, 1394

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1304, 1429-1430, 1431-1432, 1692, 1711, 1712 (Records 1429-1430, 1692 and 1712 are also in the “After guardianship/during trusteeship” list, but are now dealt with only in this list for ease of reference.)

[para 241.] I do not uphold the Public Body’s decision to refuse to disclose the Records set out in paragraph 240, except for the highlighted personal information. I order that the Public Body disclose those Records to the Applicant, except for the highlighted personal information. Along with this Order, I will provide the Public Body with a copy of the highlighted personal information that is not to be disclosed.

Issue D: Did the Public Body exercise its discretion properly in refusing to disclose the deceased individual’s personal information under section 38(1)(aa) of the Act?

[para 242.] Given my decision under Issue C in this Order, I do not find it necessary to consider section 38(1)(aa).

[para 243.] I order that the Public Body notify me in writing, not later than 30 days after being given a copy of this Order, that the Public Body has complied with this Order.

Robert C. Clark
Information and Privacy Commissioner

Appendix 1

The Public Body says that the Records set out in Appendix 1 contain personal information described in section 16(2)(g). I have excluded from Appendix 1 those Records which I have found do not contain personal information or contain only the Applicant's personal information.

Before guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

947-948, 949-950, 951, 954, 955, 1012, 1013, 1014, 1015-1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038-1039, 1040, 1041, 1042, 1043, 1044, 1045-1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063-1064, 1065, 1066, 1067-1070, 1071, 1072, 1073, 1074-1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1121, 1122, 1123-1125, 1126, 1127, 1128, 1580, 1582, 1583, 1586, 1594, 1595, 1599, 1600-1601, 1604, 1605, 1606, 1607, 1608, 1609, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1626, 1628, 1629, 1631, 1632, 1634, 1635, 1636, 1637, 1639, 1641, 1642, 1643, 1645, 1647, 1648, 1649, 1650, 1651, 1664, 1673, 1677, 1678, 1679, 1681-1682, 1683-1684, 1685, 1686, 1687

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

976, 997, 998, 1006-1007, 1129-1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140 (1138 and 1140 comprise one record), 1141, 1142-1145, 1146, 1147, 1148, 1149-1152, 1252-1255, 1256-1257, 1258, 1259-1262, 1263-1266, 1267, 1357, 1359-1361, 1362-1364, 1386.

After guardianship/during trusteeeship

OPG records:

163-164, 166, 167, 168, 210-221, 222, 278, 279, 281, 282, 298-299, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 408, 409, 410, 411, 421, 422, 423, 425, 426, 428, 429, 430, 431, 434, 436, 438, 439, 440, 442-443, 447, 448, 449, 450-451, 452, 454, 456, 457, 459, 460-461, 748, 749-750

SFI/AISH records:

1268-1269, 1270-1271, 1272, 1273-1274, 1275, 1276, 1277, 1278-1279, 1280, 1281, 1282, 1283, 1284, 1285-1290, 1297, 1298, 1299, 1300, 1301, 1303, 1338-1339, 1340-1343, 1344, 1345, 1346, 1347-1348, 1349, 1350-1351, 1352-1353, 1354-1355, 1370, 1371, 1372-1374, 1375, 1384-1385, 1394, 1398-1399, 1425, 1481-1482, 1485, 1486

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1304, 1305, 1306-1312, 1313, 1314, 1315-1321, 1322, 1323, 1324, 1325-1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333-1334, 1335, 1336, 1337, 1365-1366, 1367, 1368, 1369, 1376, 1377-1382, 1383, 1427, 1428, 1483, 1484

Appendix 2

I agree with the Public Body's conclusion that the Records set out in Appendix 2 contain personal information described in section 16(2)(g).

Before guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

947-948, 949-950, 951, 954, 955, 1012, 1013, 1014, 1015-1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038-1039, 1040, 1041, 1042, 1043, 1044, 1045-1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063-1064, 1065, 1066, 1067-1070, 1071, 1072, 1073, 1074-1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1121, 1123-1125, 1126, 1127, 1128, 1580, 1582, 1583, 1586, 1594, 1595, 1599, 1600-1601, 1604, 1605, 1606, 1607, 1608, 1609, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1626, 1628, 1629, 1631, 1632, 1634, 1635, 1636, 1637, 1639, 1641, 1642, 1643, 1645, 1647, 1648, 1649, 1650, 1651, 1664, 1673, 1677, 1678, 1679, 1681-1682, 1683-1684, 1686, 1687

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

998, 1134, 1136, 1137, 1139, 1141, 1146, 1359-1361

After guardianship/during trusteeship

OPG records:

166, 222, 278, 279, 358, 401, 421, 749-750

SFI/AISH records:

1268-1269, 1273-1274, 1277, 1280, 1282, 1283, 1297, 1299, 1347-1348, 1350-1351, 1370, 1371, 1398-1399, 1485, 1486

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1304, 1305, 1306-1312, 1313, 1314, 1315-1321, 1322, 1323, 1324, 1328, 1329, 1330, 1331, 1335, 1336, 1337, 1365-1366, 1367, 1368, 1369, 1376, 1377-1382, 1427, 1428, 1483, 1484

Appendix 3

I agree with the Public Body's conclusion that the Records set out in Appendix 3 also contain personal information described in section 16(2)(g), except for the Applicant's personal information contained in those Records.

Before guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1122

During guardianship/trustee

OPG records:

No records in this category

SFI/AISH records:

976, 997, 1006-1007, 1129-1132, 1133, 1135, 1138, 1140 (1138, 1140 comprise one record), 1142-1145, 1147, 1148 (incorrect name of Applicant, but it is nevertheless the Applicant's personal information), 1149-1152, 1252-1255, 1256-1257, 1258, 1259-1262, 1263-1266, 1267, 1357, 1362-1364

After guardianship/during trusteeeship

OPG records:

163-164, 167, 168, 210-221, 281, 282, 298-299, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 372, 373, 374, 375, 376, 377, 378 (first item only), 379, 380, 381, 382, 383, 384, 385, 389, 390, 391, 392, 393, 395, 396, 397, 398, 399 (second and third items only), 400, 402 (first and second items only), 403, 404, 408, 409, 410, 411, 422, 423, 430, 431, 434, 438, 442-443, 447, 448, 449, 450-451, 452, 454, 456, 457, 459, 460-461, 748

SFI/AISH records:

1270-1271, 1272, 1275, 1276, 1278-1279, 1281, 1284, 1285-1290, 1298, 1300, 1301, 1303, 1338-1339, 1340-1343, 1344, 1345, 1346, 1349, 1352-1353, 1354-1355, 1372-1374, 1375, 1384-1385, 1425, 1481-1482

After guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

1325-1326, 1327, 1332, 1333-1334, 1383

Appendix 4

I do not agree with the Public Body's conclusion that the Records set out in Appendix 4 contain personal information described in section 16(2)(g).

Before guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1685

During guardianship/trustee

OPG records:

No records in this category

SFI/AISH records:

1386

After guardianship/during trusteeeship

OPG records:

371, 378 (second item only), 388, 394, 399 (first item only), 402 (third item only), 425, 426, 428, 429, 436 (handwritten notation only), 439, 440

SFI/AISH records:

1394

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

Appendix 5

The Public Body says that the Records set out in Appendix 5 contain personal information described in section 16(2)(c). Appendix 5 includes only those Records remaining to be considered under section 16(2)(c) after considering section 16(2)(g).

Before guardianship/trusteeship

OPG records

No records in this category

SFI/AISH records:

910 (middle item only), 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 933, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 952-953, 956, 957, 958, 959, 960, 961, 962, 963, 964, 966, 971, 972, 973, 974, 975, 1117, 1118, 1119, 1120, 1153, 1154, 1155, 1156, 1157-1158, 1159, 1160-1161, 1162, 1163, 1164-1165, 1166, 1167-1168, 1169, 1170-1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1185 (information in the third and fourth columns only), 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1433, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503-1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513-1515, 1516-1517, 1518, 1519-1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1578, 1579, 1581, 1584, 1585, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1597, 1610, 1625, 1627, 1630, 1633, 1638, 1640, 1644, 1646, 1652, 1653-1654, 1655, 1656-1657, 1658, 1659-1660, 1661, 1662-1663, 1665, 1666-1667, 1668, 1669-1670, 1671, 1672, 1674, 1675, 1676, 1680, 1685

During guardianship/trusteeship

OPG records

No records in this category

SFI/AISH records:

857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910 (first and last items only), 911, 912, 932, 934, 935, 977, 978, 979, 981, 982, 983, 1004, 1005, 1008, 1009-1011, 1182, 1183, 1184, 1185 (all information except the information in the third and fourth columns), 1186, 1187 (1185-1187 comprise one record), 1188, 1189, 1190, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1251, 1356, 1358, 1386, 1387, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1531, 1532, 1533, 1534, 1535-1536, 1537-1538, 1539, 1540, 1541, 1542, 1543-1544, 1545-1548, 1549, 1550, 1551-1554, 1555, 1556-1557, 1558, 1559-1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568-1572, 1573, 1574, 1575, 1576-1577

After guardianship/during trusteeeship

OPG records

No records in this category

SFI/AISH records:

1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1400, 1401-1402, 1403-1404, 1405-1406, 1407-1408, 1409-1410, 1411-1412, 1413-1414, 1415-1416, 1417-1418, 1419-1420, 1421-1422, 1423-1424, 1429 (last item on the page), 1430 (last item on the page) (1429-1430 comprise one record), 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1692 (all information except the last item on the page), 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1712 (all information except the information in the sixth column and the information immediately under the first column)

After guardianship/trusteeship

OPG records

547-548

SFI/AISH records:

1426, 1429 (first two items on the page), 1430 (first two items on the page), (1429-1430 comprise one record), 1431-1432, 1478, 1479, 1480, 1490, 1491, 1492, 1493, 1494, 1495, 1688, 1689, 1690, 1691, 1692 (last item on the page), 1711, 1712 (the information in the sixth column and the information immediately under the first column)

Appendix 6

I agree with the Public Body's conclusion that the Records set out in Appendix 6 contain personal information described in section 16(2)(c).

Before guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

910 (middle item only), 913, 914, 915, 917, 918, 919, 920, 922, 923, 924, 926, 927, 929, 930, 933, 936, 937, 938, 939, 940, 942, 943, 944, 946, 952-953, 956, 957, 959, 960, 961, 962, 964, 966, 971, 972, 973, 974, 975, 1117, 1118, 1119, 1120, 1153, 1154, 1155, 1156, 1157-1158, 1159, 1160-1161, 1162, 1163, 1164-1165, 1166, 1167-1168, 1169, 1170-1171, 1172, 1173, 1176, 1177, 1178, 1179, 1180, 1181, 1185 (information in the third and fourth columns only), 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1433, 1496, 1497, 1503-1504, 1507, 1510, 1513-1515, 1516-1517, 1519-1521, 1522, 1578, 1579, 1581, 1584, 1585, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1597, 1610, 1625, 1627, 1630, 1633, 1638, 1640, 1644, 1646, 1652, 1653-1654, 1655, 1656-1657, 1658, 1659-1660, 1661, 1662-1663, 1665, 1666-1667, 1668, 1669-1670, 1671, 1672, 1674, 1675, 1676, 1680, 1685

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

864, 865, 866, 870, 871, 874, 875, 876, 877, 879, 880, 881, 882, 884, 885, 886, 887, 889, 890, 891, 892, 893, 894, 895, 897, 898, 900, 901, 902, 903, 905, 906, 907, 909, 910 (first and last items only), 911, 932, 934, 935, 977, 979, 1182, 1183, 1184, 1185 (all information except the information in the third and fourth columns), 1186, 1187 (1185-1187 comprise one record), 1188, 1189, 1190, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1248, 1386, 1387, 1437, 1540, 1565, 1573

After guardianship/during trusteeship

OPG records:

No records in this category

SFI/AISH records:

1390, 1692 (all information except the last item on the page), 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1712 (all information except the information in the sixth column and the information immediately under the first column)

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1426, 1429 (first two items on the page), 1430 (first two items on the page), (1429-1430 comprise one record), 1431-1432, 1478, 1479, 1480, 1490, 1491, 1492, 1493, 1494, 1495, 1688, 1689, 1690, 1691, 1692 (last item on the page), 1712 (the information in the sixth column and the information immediately under the first column)

Appendix 7

I agree with the Public Body's conclusion that the Records set out in Appendix 7 also contain personal information described in section 16(2)(c), except for the Applicant's personal information contained in those Records.

Before guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

916, 921, 925, 928, 931, 941, 945, 1511, 1512

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

857, 858, 859, 860, 861, 862, 863, 867, 868, 869, 872, 873, 878, 883, 888, 896, 899, 904, 908, 912, 981, 982, 983, 1004, 1005, 1008, 1009-1011, 1246, 1247, 1249, 1251, 1356, 1358, 1434, 1435, 1436, 1438, 1439, 1440, 1539, 1545-1548, 1551-1554, 1556-1557, 1559-1560, 1563, 1566, 1568-1572, 1574, 1575

After guardianship/during trusteeeship

OPG records:

No records in this category

SFI/AISH records:

1388, 1389, 1391, 1392, 1393, 1395, 1396, 1397, 1401-1402, 1403-1404, 1405-1406, 1407-1408, 1409-1410, 1411-1412, 1413-1414, 1415-1416, 1417-1418, 1419-1420, 1421-1422, 1423-1424, 1429 (last item on the page), 1430 (last item on the page) (1429-1430 comprise one record), 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

Appendix 8

I do not agree with the Public Body's conclusion that the Records set out in Appendix 8 contain personal information described in section 16(2)(c).

Before guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

958, 963, 1174, 1175, 1498, 1499, 1500, 1501, 1502, 1505, 1506, 1508, 1509, 1518, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

978, 1531, 1532, 1533, 1534, 1535-1536, 1537-1538, 1541, 1542, 1543-1544, 1549, 1550, 1555, 1556-1557, 1558, 1561, 1562, 1564, 1567

After guardianship/during trusteeeship

OPG records:

No records in this category

SFI/AISH records:

1394, 1400

After guardianship/trusteeship

OPG records:

547-548

SFI/AISH records:

1711

Appendix 9

The Public Body says that the Records set out in Appendix 9 contain personal information described in section 16(2)(a). Appendix 9 includes only those Records remaining to be considered under section 16(2)(a) after considering section 16(2)(g) and section 16(2)(c).

Before guardianship/trusteeship:

OPG records:
12-15

SFI/AISH records:
1084-1085, 1093-1094, 1499, 1501, 1502, 1505, 1506, 1508, 1509, 1518, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1602-1603

During guardianship/trusteeship

OPG records:
No records in this category

SFI/AISH records:
1531, 1532, 1533, 1534, 1535-1536, 1537-1538, 1541, 1542, 1543-1544, 1549, 1550, 1555, 1556-1557, 1558, 1561, 1562, 1564, 1567

After guardianship/during trusteeeship

OPG records:
109-110, 111-112, 142-143, 144-145, 146-147, 148-149, 187-188, 251, 334-335, 477, 484

SFI/AISH records:
1291-1296, 1394

After guardianship/trusteeship

OPG records:
655, 656, 659-660, 661-664

SFI/AISH records:
No records in this category

Appendix 10

I agree with the Public Body's conclusion that the Records set out in Appendix 10 contain personal information described in section 16(2)(a).

Before guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

1084-1085, 1093-1094, 1602-1603

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

After guardianship/during trusteeeship

OPG records:

109-110, 142-143, 146-147, 334-335

SFI/AISH records:

No records in this category

After guardianship/trusteeship

OPG records:

655, 661-664

SFI/AISH records:

No records in this category

Appendix 11

I agree with the Public Body's conclusion that the Records set out in Appendix 11 also contain personal information described in 16(2)(a), except for the Applicant's personal information contained in those Records.

Before guardianship/trusteeship

OPG records:
12-15

SFI/AISH records:
No records in this category

During guardianship/trusteeship

OPG records:
No records in this category

SFI/AISH records:
No records in this category

After guardianship/during trusteeeship

OPG records:
144-145 (page 144, under Part 2A: Item 2 only; page 145, under the Heading: Item 3 only), 148-149 (page 148, under Part 2A: Item 2 only; page 149, under the Heading: Item 3 only), 187-188 (page 187, under Part 2A: Item 2 only; page 188, under the Heading: Item 3 only), 251, 477 (Item H only), 484 (Item H only)

SFI/AISH records:
1291-1296

After guardianship/trusteeship

OPG records:
No records in this category

SFI/AISH records:
No records in this category

Appendix 12

I do not agree with the Public Body's conclusion that the Records set out in Appendix 12 contain personal information described in section 16(2)(a).

Before guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

1499, 1501, 1502, 1505, 1506, 1508, 1509, 1518, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1531, 1532, 1533, 1534, 1535-1536, 1537-1538, 1541, 1542, 1543-1544, 1549, 1550, 1555, 1556-1557, 1558, 1561, 1562, 1564, 1567

After guardianship/during trusteeeship

OPG records:

111-112, 144-145 (all information, except page 144, under Part 2A: Item 2, and except page 145, under the Heading: Item 3), 148-149 (all information except page 148, under Part 2A: Item 2, and except page 149, under the Heading: Item 3), 187-188 (all information except page 187, under Part 2A: Item 2, and except page 188, under the Heading: Item 3), 477 (all information except Item H), 484 (all information except Item H)

SFI/AISH records:

1394

After guardianship/trusteeship

OPG records:
656, 659-660

SFI/AISH records:
No records in this category

Appendix 13

The Public Body says that the Records set out in Appendix 13 contain personal information described in section 16(2)(d). Appendix 13 includes only those Records remaining to be considered under section 16(2)(d) after considering section 16(2)(g), section 16(2)(c), and section 16(2)(a).

Before guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

965, 967-970, 1499, 1501, 1502, 1505, 1506, 1508, 1509, 1518, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1596, 1598

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1531, 1532, 1533, 1534, 1535-1536, 1537-1538, 1541, 1542, 1543-1544, 1549, 1550, 1555, 1556-1557, 1558, 1561, 1562, 1564, 1567

After guardianship/during trusteeeship

OPG records:

No records in this category

SFI/AISH records:

1394

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

Appendix 14

I agree with the Public Body's conclusion that the Records set out in Appendix 14 contain personal information described in section 16(2)(d).

Before guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

965, 967-970, 1499, 1501, 1502, 1505, 1506, 1508, 1509, 1518, 1523 (top half of page), 1524 (top half of page), 1525 (top half of page), 1526 (top half of page), 1527, 1528, 1529, 1530, 1596

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1561

After guardianship/during trusteeeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

Appendix 15

I agree with the Public Body's conclusion that the Records set out in Appendix 15 also contain personal information described in section 16(2)(d), except for the Applicant's personal information contained in those Records.

Before guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

No records in this category

During guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

1556 (top part of page), 1564

After guardianship/during trusteeeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

Appendix 16

I do not agree with the Public Body's conclusion that the Records set out in Appendix 16 contain personal information described in section 16(2)(d).

Before guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

1523 (bottom half of page), 1524 (bottom half of page), 1525 (bottom half of page), 1526 (bottom half of page), 1598

During guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

1531, 1532, 1533, 1534, 1535-1536, 1537-1538, 1541, 1542, 1543-1544, 1549, 1550, 1555, 1556 (bottom part of page), 1557 (1556-1557 comprise one record), 1558, 1562, 1567

After guardianship/during trusteeeship

OPG records:

No records in this category

SFI/AISH records:

1394

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

Appendix 17

The Public Body says that the Records set out in Appendix 17 contain personal information described in section 16(2)(f). Appendix 17 includes only those Records remaining to be considered under section 16(2)(f) after considering section 16(2)(g), section 16(2)(c), section 16(2)(a), and section 16(2)(d).

Before guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1531, 1532, 1533, 1534, 1535-1536, 1537-1538, 1541, 1542, 1543-1544, 1549, 1550, 1555, 1556 (bottom part of page), 1557 (1556-1557 comprise one record), 1558, 1562, 1567

After guardianship/during trusteeeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

Appendix 18

I agree with the Public Body's conclusion that the Records set out in Appendix 18 contain personal information described in section 16(2)(f).

Before guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

No records in this category

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1533, 1555, 1558

After guardianship/during trusteeeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

Appendix 19

I agree with the Public Body's conclusion that the Records set out in Appendix 19 also contain personal information described in section 16(2)(f), except for the Applicant's personal information contained in those Records.

Before guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

No records in this category

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1534, 1535-1536, 1543-1544

After guardianship/during trusteeeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

Appendix 20

I do not agree with the Public Body's conclusion that the Records set out in Appendix 20 contain personal information described in section 16(2)(f).

Before guardianship/trusteeship:

OPG records:

No records in this category

SFI/AISH records:

No records in this category

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1531, 1532, 1537-1538, 1541, 1542, 1549, 1550, 1556 (bottom part of page), 1557 (1556-1557 comprise one record), 1562, 1567

After guardianship/during trusteeeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

No records in this category

Appendix 21

The Records set out in Appendix 21 contain personal information for the purposes of section 16(1).

Before guardianship/trusteeship

OPG records:

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16-29, (11, 16-29 comprise one record), 84, 88, 89, 90 (top half of page), 92 (excluding the Applicant's personal information in Records 1, 3, 4, 5, 6, 7, 8, 9, 11, 16-29 [11, 16-29 comprise one record], 88, 89, 90 [top half of page], 92)

SFI/AISH records:

958, 963, 1174, 1175, 1498, 1500, 1523 (bottom half of page), 1524 (bottom half of page), 1525 (bottom half of page), 1526 (bottom half of page), 1598 (these Records do not contain the Applicant's personal information)

During guardianship/trusteeship

OPG records:

30-34, 35-36, 37-56, 57-58, 59-80, 81-83, 85-86, 87, 90 (bottom half of page), 91, 93-96, 99-101, 102, 103, 104-105, 509, 665-705 (excluding the Applicant's personal information in Records 30-34, 35-36, 37-56, 57-58, 59-80, 81-83, 85-86, 90 [bottom half of page], 91, 102, 103, 104-105, 665-705)

SFI/AISH records:

978, 984-991, 992-994, 995, 996, 999-1003, 1531, 1532, 1537-1538, 1541, 1542, 1549, 1550, 1556 (bottom part of page), 1557 (1556-1557 comprise one record), 1562, 1567 (excluding the Applicant's personal information in Records 978, 984-991, 992-994, 995, 996, 999-1003, 1537-1538, 1542, 1550, 1556-1557)

After guardianship/during trusteeship

OPG records:

106, 107, 108, 111-112, 113-115, 116-117, 118, 119-123, 124, 125-127, 128, 129, 130, 131, 132-137, 138, 139-141, 144-145 (all information, except page 144, under Part 2A: Item 2, and except page 145, under the Heading: Item 3), 148-149 (all information except page 148, under Part 2A: Item 2, and except page 149, under the Heading: Item 3), 150, 151-152, 153-155, 156, 157-158, 159-161, 162, 172, 173-174, 175, 176, 185, 186, 187-188 (all information except page 187, under Part 2A: Item 2, and except page 188, under the Heading: Item 3), 189, 190, 191-193, 197, 201, 202, 203, 204, 205, 206, 223-225, 226-228, 246, 247, 248, 249, 250, 252-254, 255-256, 257-258, 259-261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276-277, 280, 283, 284-285, 286, 287, 288-289, 290-291, 292-293, 294-295, 296, 297, 300-305, 306, 307, 308, 309, 310, 319, 320-321, 322-325, 326, 327-329, 330-333, 336-338, 339-342, 343, 344, 345, 371, 378 (second item only), 386, 388, 394, 399 (first item only), 402 (third item only), 405-406, 407, 425, 426, 428, 429, 436 (handwritten notation only), 439, 440, 462-464, 465, 466-476, 477 (all information except Item H), 478-483, 484 (all information except Item H), 485-490, 491, 492-503, 504, 505, 506, 507, 508, 510, 511, 512, 513, 520, 527, 528, 529-530 (527, 529-530 comprise one record), 531-533, 650-653, 706-743, 744-747, 751-770, 776-786, (744-747, 751-770, 776-786 comprise one record), 787-791, 792-794, 823-825, 832, 833-835, 836 (first item), 853 (excluding the Applicant's personal information in Records 111-112, 116-117, 119-123, 124, 125-127, 130, 132-137, 139-141, 144-145, 148-149, 150, 151-152, 156, 157-158, 159-161, 162, 172, 173-174, 176, 185, 186, 187-188, 189, 190, 191-193, 202, 203, 205, 206, 223-225, 226-228, 246, 247, 248, 249, 250, 255-256, 259-261, 275, 276-277, 280, 284-285, 288-289, 290-291, 292-293, 294-295, 300-305, 306, 309, 320-321, 327-329, 336-338, 386, 405-406, 407, 436, 462-464, 465, 466-476, 477, 478-483, 484, 485-490, 491, 492-503, 504, 505, 506, 507, 510, 527, 528, 529-530 [527, 529-530 comprise one record], 531-533, 706-743, 744-747, 751-770, 776-786, [744-747, 751-770, 776-786 comprise one record], 787-791, 792-794, 823-825, 832, 833-835, 853)

SFI/AISH records:

1302, 1394, 1400 (excluding the Applicant's personal information in Record 1302)

After guardianship/trusteeship

OPG records:

514, 515, 516, 517-518, 519, 521, 522, 523, 524-525, 526, 534-535, 536, 537, 538, 539-540, 541, 542, 543, 544, 545, 546, 547-548, 549, 550, 551, 552, 553-555, 556, 557, 558, 559-560, 561-562, 563-564, 565, 566, 567, 568, 569, 570-572, 573, 574, 575, 577, 579, 580, 581, 582, 583, 584-585, 586, 587, 588-649, 654, 656, 657, 658, 659-660, 659-660, 795-822, 826-831, 836 (second and third items), 837-842, 843-845, 846-849, 850, 851, 855, 856 (excluding the Applicant's personal information in Records 514, 515, 517-518, 519, 522, 523, 524-525, 526, 537, 538, 542, 543, 544, 545, 549, 550, 551, 552, 556, 557, 561-562, 567, 568, 570-572, 573, 574, 575, 579, 580, 581, 583, 584-585, 586, 588-649, 795-822, 826-831, 836 [second item], 837-842, 843-845, 846-849, 855, 856)

SFI/AISH records:

1487-1489, 1711 (excluding the Applicant's personal information in Record 1487-1489))

Appendix 22

The Public Body correctly applied section 16(1) or section 16(2) to the Records set out in Appendix 22.

Before guardianship/trusteeship

OPG records:

3, 4, 5, 7, 88, 89, 90 (entire page, including items in the “During trusteeship/guardianship” list), 92

SFI/AISH records:

913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 933, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947-948, 949-950, 951, 952-953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967-970, 971, 972, 973, 974, 975, 1012, 1013, 1014, 1015-1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038-1039, 1040, 1041, 1042, 1043, 1044, 1045-1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063-1064, 1065, 1066, 1067-1070, 1071, 1072, 1073, 1074-1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084-1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093-1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1123-1125, 1126, 1127, 1128, 1153, 1154, 1155, 1156, 1157-1158, 1159, 1160-1161, 1162, 1163, 1164-1165, 1166, 1167-1168, 1169, 1170-1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1433, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503-1504, 1505, 1506, 1507, 1508, 1509, 1510, 1513-1515, 1516-1517, 1518, 1519-1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600-1601, 1602-1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653-1654, 1655,

1656-1657, 1658, 1659-1660, 1661, 1662-1663, 1664, 1665, 1666-1667, 1668, 1669-1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681-1682, 1683-1684, 1685, 1686, 1687

During guardianship/trusteeship

OPG records:

91

SFI/AISH records:

1543-1544, 1555

After guardianship/during trusteeeship

OPG records:

106, 111-112, 113-115, 116-117, 118, 119-123, 125-127, 128, 129, 131, 132-137, 138, 142-143, 146-147, 153-155, 156, 159-161, 175, 176, 190, 197, 201, 203, 206, 222, 250, 252-254, 255-256, 257-258, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 278, 283, 287, 288-289, 290-291, 292-293, 296, 297, 298-299, 300-305, 306, 307, 308, 309, 310, 320-321, 322-325, 326, 330-333, 334-335, 339-342, 343, 344, 345, 411, 450-451, 460-461, 462-464, 465, 466-476, 477, 478-483, 484, 485-490, 491, 492-503, 504, 505, 506, 507, 510, 511, 512, 513, 520, 527, 529-530, 531-533, 650-653, 832, 833-835, 836 (entire page, including item in the "After guardianship/trusteeship" list), 853

SFI/AISH records:

1270-1271, 1282, 1283, 1350-1351, 1370, 1371, 1400, 1485, 1486

After guardianship/trusteeship

OPG records:

514, 516, 519, 521, 534-535, 537, 539-540, 541, 547-548, 553-555, 557, 558, 563-564, 565, 566, 569, 570-572, 575, 582, 584-585, 586, 587, 654, 655, 656, 657, 658, 659-660, 661-664, 837-842, 843-845, 846-849, 850, 851, 855, 856

SFI/AISH records:

1305, 1306-1312, 1313, 1314, 1315-1321, 1322, 1323, 1324, 1325-1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333-1334, 1335, 1336, 1337, 1365-1366, 1367, 1368, 1369, 1376, 1377-1382, 1383, 1426, 1427, 1428, 1478, 1479, 1480, 1483, 1484, 1490, 1491, 1492, 1493, 1494, 1495, 1688, 1689, 1690, 1691

Appendix 23

The Public Body did not correctly apply section 16(1) or section 16(2) to the Records set out in Appendix 23.

Not an unreasonable invasion, by relevant circumstance	Before guardianship/ trusteeship	During guardianship/ trusteeship	After guardianship/ during trusteeship	After guardianship/ trusteeship
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Court record involving Applicant as a party	<p><i>OPG records:</i> 1</p> <p><i>SFI/ AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 30-34, 57-58, 81-83</p> <p><i>SFI/ AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 706-743, 787-791, 792-794, 823-825</p> <p><i>SFI/ AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/ AISH records:</i> 1487-1489</p>
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Court record involving Applicant as a party, filed by Applicant's solicitors	<p><i>OPG records:</i> 11-29</p> <p><i>SFI/ AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 35-36, 37-56, 59-80, 665-705</p> <p><i>SFI/ AISH records:</i> 984-991, 999-1003</p>	<p><i>OPG records:</i> 210-221, 744-770, 776-786 (744-770, 776-786 comprise one record)</p> <p><i>SFI/ AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 588-649, 795-822, 826-831</p> <p><i>SFI/ AISH records:</i> No records in this category</p>
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Not an unreasonable invasion, by relevant circumstance	Before guardianship/trusteeship	During guardianship/trusteeship	After guardianship/during trusteeeship	After guardianship/trusteeship
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Financial record involving Applicant as trustee	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 911, 912, 932, 934, 935, 981, 982, 983, 1251,</p>	<p><i>OPG records:</i> 346, 347, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 364, 365, 366, 367, 368, 369, 371, 372, 374, 375, 376, 377, 378, 379, 380, 382, 383, 385, 388, 389, 390, 391, 392, 394, 395, 396, 398, 399, 401, 402, 403, 408, 409, 421, 422, 423, 425, 426, 428, 429, 439, 440, 442-443, 447, 448, 449, 452, 454, 456, 457, 459</p> <p><i>SFI/AISH records:</i> 1303</p>	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> No records in this category</p>
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Not an unreasonable invasion, by relevant circumstance	Before guardianship/trusteeship	During guardianship/trusteeship	After guardianship/during trusteeeship	After guardianship/trusteeship
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Financial record involving Applicant's sister and Public Body	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> 977, 1005, 1182, 1183, 1184, 1186, 1187, 1188, 1189, 1190, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1386, 1434, 1435, 1436, 1438, 1439, 1440, 1540</p>	<p><i>OPG records:</i> 144-145, 148-149, 187-188</p> <p><i>SFI/AISH records:</i> 1272, 1338-1339, 1349, 1352-1353, 1354-1355, 1390, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710</p>	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> No records in this category</p>
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Not an unreasonable invasion, by relevant circumstance	Before guardianship/trusteeship	During guardianship/trusteeship	After guardianship/during trusteeeship	After guardianship/trusteeship
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Other record involving Applicant	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 99-101, 104-105</p> <p><i>SFI/AISH records:</i> 997, 998, 1009-1011, 1138, 1566, 1568-1572, 1575</p>	<p><i>OPG records:</i> 130, 139-141, 226-228, 327-329, 336-338</p> <p><i>SFI/AISH records:</i> 1285-1290, 1291-1296, (Applicant's consent required)</p>	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> No records in this category</p>
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Other record involving Applicant's sister	<p><i>OPG records:</i> 10, 84</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 85-86, 87, 509</p> <p><i>SFI/AISH records:</i> 979, 1141, 1359-1361, 1387, 1437, 1531, 1532, 1541, 1545-1548, 1549, 1551-1554, 1559-1560, 1561, 1562, 1563, 1565, 1567, 1573, 1574, 1576-1577</p>	<p><i>OPG records:</i> 166, 508</p> <p><i>SFI/AISH records:</i> 1277, 1280, 1297, 1347-1348</p>	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> No records in this category</p>
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Not an unreasonable invasion, by relevant circumstance	Before guardianship/trusteeship	During guardianship/trusteeship	After guardianship/during trusteeeship	After guardianship/trusteeship
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Record sent by Applicant	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> 978, 1006-1007, 1008, 1129-1132, 1133, 1142-1145, 1252-1255, 1256-1257, 1259-1262, 1263-1266, 1267, 1356, 1358, 1542, 1556-1557</p>	<p><i>OPG records:</i> 124, 150, 163-164, 168, 173-174, 248, 249, 431, 528</p> <p><i>SFI/AISH records:</i> 1275, 1278-1279, 1284, 1340-1343, 1398-1399, 1401-1402, 1403-1404, 1405-1406, 1407-1408, 1409-1410, 1411-1412, 1413-1414, 1415-1416, 1417-1418, 1419-1420, 1421-1422, 1423-1424, 1425, 1481-1482</p>	<p><i>OPG records:</i> 517-518, 522, 523, 524-525, 542, 543, 574</p> <p><i>SFI/AISH records:</i> No records in this category</p>
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Record sent by Applicant's solicitors	<p><i>OPG records:</i> 2, 8</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 102</p> <p><i>SFI/AISH records:</i> 992-994, 995, 996 (records sent to Applicant)</p>	<p><i>OPG records:</i> 107, 185, 189, 284-285, 386 (sent to Applicant), 405-407 (sent to Applicant)</p> <p><i>SFI/AISH records:</i> 1302</p>	<p><i>OPG records:</i> 536, 551, 579, 580</p> <p><i>SFI/AISH records:</i> No records in this category</p>
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Not an unreasonable invasion, by relevant circumstance	Before guardianship/ trusteeship	During guardianship/ trusteeship	After guardianship/ during trusteeship	After guardianship/ trusteeship
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Record sent to Applicant	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> 1122, 1511, 1512</p>	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> 976, 1004, 1135, 1139, 1533, 1534, 1535-1536, 1537-1538, 1539, 1550, 1564</p>	<p><i>OPG records:</i> 151-152, 157-158, 162, 167, 172, 205, 251, 275, 276-277, 279-280, 281, 282, 294-295, 430</p> <p><i>SFI/AISH records:</i> 1276, 1281, 1298, 1300, 1301, 1344, 1345, 1346, 1388, 1389, 1391, 1392, 1393, 1395, 1396, 1397</p>	<p><i>OPG records:</i> 515, 526, 538, 544, 545, 549, 550, 556, 559-560, 561-562, 567, 568, 573</p> <p><i>SFI/AISH records:</i> No records in this category</p>
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Record sent to Applicant's solicitors	<p><i>OPG records:</i> 6, 9</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 103</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 108, 186, 191-193, 202, 223-225, 259-261, 286</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 546, 552, 581, 583</p> <p><i>SFI/AISH records:</i> No records in this category</p>
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Other	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 93-96 (published record)</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> 204 (brochure)</p> <p><i>SFI/AISH records:</i> No records in this category</p>	<p><i>OPG records:</i> No records in this category</p> <p><i>SFI/AISH records:</i> No records in this category</p>
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Appendix 24

The Public Body did not correctly apply section 16(1) or section 16(2) to the Records set out in Appendix 24, except for the personal information that I have highlighted in those Records.

Before guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

910, 1185 (Records 910 and 1185 are also in the “During guardianship/trusteeship” list, but are now dealt with only in this list for ease of reference.)

During guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1134, 1136, 1137, 1140, 1146, 1147, 1148, 1149-1152, 1258, 1357, 1362-1364, 1558

After guardianship/during trusteeeship

OPG records:

109-110, 246, 247, 319, 348, 363, 370, 373, 381, 384, 393, 397, 400, 404, 410, 434, 436

SFI/AISH records:

1268-1269, 1273-1274, 1299, 1372-1374, 1375, 1384-1385, 1394

After guardianship/trusteeship

OPG records:

No records in this category

SFI/AISH records:

1304, 1429-1430, 1431-1432, 1692, 1711, 1712 (Records 1429-1430, 1692 and 1712 are also in the “After guardianship/during trusteeeship” list, but are now dealt with only in this list for ease of reference.)