

ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER F2023-23

June 5, 2023

ALBERTA MOTOR VEHICLE INDUSTRY COUNCIL

Case File Number 005000

Office URL: www.oipc.ab.ca

Summary: The Complainant made a complaint under the *Freedom of Information and Protection of Privacy Act* (the Act) that the Alberta Motor Vehicle Industry Council (AMVIC or the Public Body) disclosed his personal information to a reporter for the Canadian Broadcasting Corporation (the CBC) in contravention of the Act. Specifically, he complained that the Public Body provided copies of Informations sworn by a peace officer, which contained his personal information, to a CBC reporter in contravention of the Act.

The Adjudicator determined that section 4(1)(a) of the Act applied to the Informations and therefore, the Informations were excluded from the application of the Act. Accordingly, the Adjudicator determined she did not have the jurisdiction to consider the Complainant's complaint regarding the disclosure of the Informations, or the disclosure of information which had as its source the Informations, by the Public Body to the CBC reporter.

Statutes Cited: AB: *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 4, 40, 65 and 72.

Authorities Cited: AB: Orders F2007-021, F2014-42, F2015-34 and F2016-18.

I. BACKGROUND

[para 1] The Complainant is a director and shareholder of a corporation (the Company). He made a complaint under the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25 (the Act), that the Alberta Motor Vehicle Industry Council (AMVIC or the Public Body)

disclosed his personal information to a reporter for the Canadian Broadcasting Corporation (the CBC) in contravention of the Act. Specifically, he complained that:¹

Between November 28 and 30, 2016, AMVIC disclosed information to a cbc reporter about criminal charges that had been laid against [the Company], myself, and [the Company's] employees, and provided copies of informations sworn by an AMVIC peace officer to the same reporter. Copies of correspondence sent by the reporter to my legal counsel are attached.

The charges disclosed by AMVIC to the media are currently before the Court.

At no time did I consent to this disclosure.

[para 2] The Commissioner appointed a Senior Information and Privacy Manager to investigate and attempt to settle the matter; however, the matter was not resolved and the Complainant requested an inquiry.

[para 3] The Commissioner agreed to conduct an inquiry and delegated her authority to conduct the inquiry to me.

II. ISSUES

[para 4] The Notice of Inquiry states the issues for this inquiry as follows:

1. Is the information that is the subject of the complaint exempted from the application of the Act under section 4(1)(a)?
2. Is all or part of the information that was allegedly disclosed by the Public Body personal information of the Complainant?
3. Did the Public Body disclose the Complainant's personal information in contravention of Part 2 of the Act? [In particular, was the disclosure authorized under section 40(1) and 40(4)?]

III. DISCUSSION OF ISSUES

1. Is the information that is the subject of the complaint exempted from the application of the Act under section 4(1)(a)?

[para 5] In addition to providing a copies of the Informations which named the Complainant, the Complainant also provided copies of the Informations naming the Company and other individuals, and complained not only about the disclosure of his personal information to the CBC reporter, but also about the disclosure of the Company's information and the disclosure of the other individuals' personal information to the CBC reporter. This inquiry only deals with the disclosure by the Public Body of the Informations that named the Complainant as an individual,

¹ Complainant's Request for Review/Complaint.

as only an individual can make a complaint under the Act that their own personal information was disclosed by a public body in contravention of the Act.²

[para 6] The Complainant provided an email dated November 30, 2016 from a CBC reporter to the Complainant's legal counsel in which the reporter stated:

I know you are not representing [the Complainant] in the criminal charges . . . but would it be possible to get any sort of response from [the Complainant] about it? I've just obtained the court documents.

[para 7] The CBC reporter attached the Informations to her email, which included the Informations that named the Complainant.

[para 8] Section 4 of the Act sets out the records to which the Act applies. Section 4(1)(a) currently states:³

4(1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:

- (a) information in a court file, a record of a judge of the Court of Appeal of Alberta, the Court of King's Bench of Alberta or the Alberta Court of Justice, a record of an applications judge of the Court of King's Bench of Alberta, a record of a justice of the peace other than a non-presiding justice of the peace under the Justice of the Peace Act, a judicial administration record or a record relating to support services provided to the judges of any of the courts referred to in this clause;*

[para 9] The records the Complainant asserts contain his personal information and were disclosed by the Public Body to the CBC reporter in contravention of the Act are Informations naming the Complainant, sworn by a peace officer with the Public Body. The Complainant stated:⁴

3. The leaked documents were the Peace Officer's copies of sworn Informations that formed part of his AMVIC file. Theses [sic] records were not part of the court file and the CBC lacked the necessary information to obtain copies of the records from the Court file by conducting a search.

[para 10] On the one hand, the Complainant states that the Informations were not part of the court file, but then he states that the CBC lacked the necessary information to obtain copies of the Informations *from the Court file* by conducting a search. This suggests that the Informations *are* part of the court file or files.

² Section 65(3) of the Act.

³ Previously, section 4(1)(a) of the Act referred to The Provincial Court of Alberta. The Court was renamed and is now referred to as the Alberta Court of Justice. In addition, section 4(1)(a) previously referred to the Court of Queen's Bench of Alberta, which has been renamed the Court of King's Bench of Alberta.

⁴ Complainant's initial submission at paragraph 3.

[para 11] I further note that with his Request for Inquiry, the Complainant provided a copy of the “Search Request (Criminal/Traffic)” that individuals can complete and submit to Court Services in order to obtain copies of various types of information filed with the Alberta Court of Appeal, the Court of Queen’s Bench (now the Court of King’s Bench), and the Provincial Court (now the Court of Justice). The form indicates that an individual can request a copy of an Information filed with the Provincial Court. This also suggests that an Information *is* information in a court file.

[para 12] In addition, I note that the “Court Information Access Guide for Alberta”, for the Court of Appeal, the Court of King’s Bench and the Court of Justice, which can be found online at www.albertacourts.ca, provides the following definition for an “Information” at page 121 (my emphasis):⁵

Information

The court document that starts the prosecution of an offence. It charges the accused with offences under a statute such as the Criminal Code or another Act of Canada or Alberta.

[para 13] The Complainant submitted that:⁶

5. AMVIC submits that the leaked documents are excluded from FOIP pursuant to section 4(1)(a) on the basis that the leaked documents consisted of court filed documents that emanate from a court file.
6. This position is contradicted by AMVIC’s own submissions wherein AMVIC admits that the leaked documents emanated from AMVIC, were provided to the Provincial Court of Alberta as required by the Criminal Code so a summons could issue, were taken back by AMVIC, and then provided to the CBC reporter from AMVIC’s own file.

I will address this argument below.

[para 14] The Public Body made the following submissions:⁷

1. The disclosed records consisted of a copy of stamped and docketed Informations submitted by the Public Body to the Provincial Court of Alberta in Calgary and are excluded under section 4(1)(a) of the FOIP Act.
- ...
4. The Public Body submits that the records disclosed consist of court filed documents that emanate from a court file and are therefore excluded under section 4(1)(a) of the FOIP Act.

⁵ https://albertacourts.ca/docs/default-source/qb/court-information-access-guide-for-alberta.pdf?sfvrsn=1420ab83_21

⁶ Complainant’s rebuttal submission at paragraphs 5 and 6.

⁷ Public Body’s initial submission at pages 2 – 4.

5. The Public Body submits that the records are scanned Informations, were stamped by the Justice of the Peace at the Provincial Court of Alberta, and assigned a docket number so were once on the court file. The Public Body then took the records back.

[para 15] I have reviewed the Informations naming the Complainant which were disclosed by the Public Body to the CBC reporter. In each Information, the peace officer lists the offences the Complainant is alleged to have committed under a particular statute or statutes. Each Information also contains the docket number assigned to the matter by the Court. Each Information is signed by a Justice of the Peace for the Province of Alberta with the date and location it was received by the Justice of the Peace. Each Information contains the following stamp which was completed and signed by a Justice of the Peace for the Province of Alberta:

ALLEGATIONS CONSIDERED
SUMMONS TO ISSUE
RETURNABLE FOR

[DATE] _____
ROOM #[ROOM] @ [TIME] AM/PM
COURT:

[para 16] Each Information is also stamped and dated by the Provincial Court of Alberta (now the Alberta Court of Justice) Calgary, Alberta Hearing Office.

[para 17] In Order F2007-021, the adjudicator considered the application of section 4(1)(a) of the Act. At paragraphs 21 - 28, the adjudicator stated (my emphasis):

[para 21] The extent to which records held by a public body may constitute “information in a court file” has been framed in earlier orders of this Office as follows:

I find that only those of the records . . . that were taken or copied from a court file are “information in a court file”, and are excluded from the scope of the Act. The remaining records . . . – any that emanated from the Public Body itself or came into its possession from some source other than the court file (though duplicates of them may also exist in the court file) – are within the scope of the Act. (Order F2004-030 at para. 20.)

and

In Order F2004-030, the Commissioner held that records, in the custody of a public body, that were taken from or copied from a court file are “information in a court file” and fulfill the requirements of section 4(1)(a). However, those records that emanated from the public body itself would not fall within section 4(1)(a). This was the case even though those records may contain the same information as a court file. For example, records that the public body filed in court would not fall within section 4(1)(a). (Order F2007-007 at para. 25.)

[para 22] The Public Body submitted a copy of the Crown prosecutor’s file *in camera*, and its pages are set out in the August 29 index. The records to which the Public Body applied section 4(1)(a) are a Memorandum of the Crown Respondent (pages 2-10), various transcripts of court proceedings (pages 63-104, 105-130, 131-

298, 365-390, 403-421 and 498-574), a Notice of Appeal (pages 299-301), certain parts of a Memorandum from another party (pages 302-314, 391-421 and 453; attachments to this Memorandum include, in turn, affidavits and court transcripts), and an information and endorsement request (pages 454-455; noted in the index as part of a “Summary Conviction Appeal”).

[para 23] Copies of transcripts of court proceedings emanate from a court file, as they are prepared by or on behalf of the court and not the Public Body. I find that the court transcripts therefore constitute information in a court file and are excluded from the Act under section 4(1)(a). This is the case whether the transcript appears on its own in the Crown prosecutor’s file, or is attached as an exhibit to an affidavit (e.g. pages 365-390). I also find excluded from the application of the Act copies of an informant’s Information and Endorsements that are attached to one of the transcripts (page 134-137), as these court records also emanate from a court file.

[para 24] Orders F2004-030 and F2007-007, excerpted above, indicate that section 4(1)(a) does not apply to records that a public body filed in a court, or to a public body’s duplicates of records that may also exist in a court file. However, I interpret this as referring to copies of unfiled records that were later filed, and not copies of the records that were filed. Here, the Notice of Appeal and two Memoranda have date stamps indicating that they were filed with a Clerk of the Court. (The two memoranda, each of which includes several attachments, have a “filed” stamp on their respective backer, or last page.)

[para 25] When a party files documents with a court, the party usually takes in several copies, all of which are stamped as “filed” and certain of which are retained by the party for its own use and for service on other parties. A “filed” stamp essentially means that the document was notionally once on the court file and then immediately “taken back” by the party that filed it. To put the point another way, the records are exact versions of the records in the court file. Either way, I find that copies of court-filed documents emanate from a court file and are excluded from the application of the Act under section 4(1)(a).

[para 26] To reconcile my conclusion with Orders F2004-030 and F2007-007, I distinguish copies of the filed versions of the records, which I believe fall under section 4(1)(a), from copies of the same records that are not copies of the filed versions, which do not fall under section 4(1)(a). Examples of the latter are drafts of documents (even if the content is the same as the document that was filed) and records that are not attached as exhibits to an affidavit that has been filed (even if it is the same record as the filed exhibit). What makes information fall under section 4(1)(a) is the fact that it is a copy of the *filed* record, rather than a copy of the *unfiled* record. When the previous Orders of this Office state that records “that the public body filed in court” and “duplicates [that] may exist in the court file” remain within the scope of the Act, I accordingly restrict this to mean an unfiled copy or version of a record filed in court.

[para 27] One of the reasons for excluding information under section 4(1)(a) has been suggested to be that an ongoing alternate system for access is available (*Alberta (Attorney General) v. Krushell* at para. 48). This alternate system for access (i.e. by requesting to view files at the courthouse) is available for copies of filed versions of records, but is not available for unfiled versions of records, even if the content is the same. In other words, I know in this inquiry that the Notice of Appeal and two Memoranda in the Crown prosecutor’s file are

available at the courthouse because they are stamped “filed”. If they were not so stamped, I would not be certain that the versions are the same as the information in the court file.

[para 28] I conclude that a copy of a filed version of a court record is “information in a court file”. Besides the records to which the Public Body specifically applied section 4(1)(a), I note copies of other filed versions of court records in the Crown prosecutor’s file. While the Public Body did not apply section 4(1)(a) to those records, I must apply the section myself, as it addresses whether or not I have jurisdiction over the records (Order F2002-024 at para. 11).

[para 18] The adjudicator’s analysis in Order F2007-021 was considered and followed by the adjudicator in Order F2015-34. In that Order, the adjudicator stated:

[para 8] I have reviewed the records to which section 4(1)(a) was applied. The records are 5 pages of an application for judicial review that is date stamped April 19, 2002 by the Clerk of the Court. There are 5 copies of the same documents (pp. 67-71, 204-208, 211-215, 218-222, 225-220). I accept that these record are copies of court documents filed in the Court of Queen’s Bench of Alberta, Judicial Centre of Edmonton.

The adjudicator concluded that section 4(1)(a) applied to these records.

[para 19] I agree with the conclusion of the adjudicator in Order F2007-021. Where a document is created by a public body and filed with the Court, and the public body takes back a filed copy, the copy of the court filed document in the possession of the public body emanates from a court file and is excluded from the Act under section 4(1)(a).⁸

[para 20] The court filed and stamped document in the possession of the public body does not lose its status as “information in a court file” under section 4(1)(a) of the Act simply because it is in the possession of the public body. If the public body then discloses the court filed and stamped document that emanated from the court file to a third party, the court filed and stamped document is still “information in a court file” under section 4(1)(a) and outside the jurisdiction of this Office under the Act.

[para 21] Based on the stamps that appear on the Informations, and the Public Body’s submission that the Informations it disclosed to the CBC reporter were submitted by the Public Body to the Provincial Court of Alberta, were stamped by a Justice of the Peace and assigned a docket number, and then taken back by the Public Body, I find that the Informations are

⁸ The reconciliation of the adjudicator’s decision in Order F2007-021, with Orders F2004-030 and F2007-007, that appears at paragraph 26 of Order F2007-021, is not usually repeated in subsequent Orders of this Office; however, in these subsequent Orders, where documents have been submitted to a Court by a public body, have been stamped as being filed, and a copy returned to the public body, the adjudicators have followed the adjudicator’s approach in Order F2007-021 and found that the court filed documents in the possession of the public body are excluded from the application of the Act pursuant to section 4(1)(a). See, for example, Order F2016-18 at paragraph 9, where the adjudicator states:

[para 9] The Public Body states only that pages 113, 114, 234 and 235 consist of information contained in a court file. Having reviewed the records, I note that these pages have been stamped as having been filed with the court; I agree that these pages consist of information from a court file. Therefore, I do not have jurisdiction to review the Public Body’s decision to withhold these records.

“information in a court file” and are therefore excluded from the application in the Act pursuant to section 4(1)(a) of the Act.

[para 22] As a result, I do not have the jurisdiction to determine whether the Informations contain personal information about the Complainant, or to review the Public Body’s decision to disclose the Informations to the CBC reporter.

[para 23] In the event that I am incorrect in this determination, I will consider whether there is any other provision of section 4(1)(a) that would apply to the Informations. I must do so since if *any* provision of section 4(1)(a) applies, then I do not have the jurisdiction to review the Public Body’s decision to disclose the Informations to the CBC reporter.

[para 24] The Public Body submitted that the Informations were also “records of a justice of the peace” under section 4(1)(a) of the Act, and therefore excluded from the Act on this basis.⁹

[para 25] In Order F2014-42 the adjudicator considered the scope of section 4(1)(a) and stated (my emphasis):

[para 9] In Order F2013-13, I discussed the kinds of information and records to which section 4(1)(a) applies. I said:

Section 4(1)(a) encompasses several different types of records that are exempt from the operation of the FOIP Act. These include: a record filed with the Court, and therefore “in a court file”, records of the judges of the Court of Queen’s Bench, the Court of Appeal or the Provincial Court of Alberta, records of a justice of the peace, judicial administration records, or records relating to support services provided to the judges. Information need not be filed with the Court to meet the requirements of section 4(1)(a) if it falls under one of the other categories of information listed in this provision.

It is not clear from the Public Body’s arguments or the evidence before me that the records it argues are exempt under section 4(1)(a) constitute information that was filed with the Court, as discussed in previous orders of this office. However, I find that the records are “records of a justice of the peace” within the terms of this provision, given that they are records of a decision made by a justice of the peace under Part XVI of the Criminal Code to confirm the Information and promise to appear. I make this finding on the basis that the records consist of an Information and promise to appear and because the Information is signed by a justice of the peace.

[para 26] The records in this case are Informations signed by a justice of the peace which contain a decision made by the justice of the peace. I find that each Information is a “record of a justice of the peace” and is therefore excluded from the application of the Act under section 4(1)(a) on this basis. As a result, I do not have the jurisdiction to determine whether the

⁹ Public Body’s initial submission at page 4.

Informations contain personal information about the Complainant, or to review the Public Body's decision to disclose the Informations to the CBC reporter.

[para 27] The Complainant also complained that the Public Body disclosed his personal information in contravention of the Act when it provided an update to the CBC reporter. In support of his allegation the Complainant provided an email dated November 28, 2016 from the CBC reporter to the Complainant's legal counsel in which the reporter stated:¹⁰

I recently got an update from AMVIC with the following about [the Company]:

AMVIC has also recently laid charges against the business and two business representatives including charges under Alberta's *Fair Trading Act*, *Traffic Safety Act* and the Criminal Code. Some of the charges are for misrepresenting the prior history of a vehicle and obstruction. AMVIC's investigators are appointed peace officers with the authority to lay related charges under the *Fair Trading Act*, *Traffic Safety Act* and Criminal Code against a business or individual.

Wondering if the [Company] has any response to this update? THANKS

[para 28] In Order F2014-42, the adjudicator stated:

[para 18] On the facts of the present case, the police officer disclosed information from the Recognizance, which was signed by a justice of the peace. Although the police officer disclosed this information verbally, the source of the information remains the Recognizance. I find that the Recognizance is a record of the justice of the peace within the terms of section 4(1)(a). I therefore find that the information that the officer disclosed was not subject to the FOIP Act. It follows that the disclosure itself is not subject to the FOIP Act.

[para 29] I have concluded that the Informations are excluded from the application of the Act as they are "information in a court file" under section 4(1)(a). I find that the information in the update that the CBC reporter stated she received from the Public Body had as its source, the Informations.

[para 30] Accordingly, following the analysis of the adjudicator in Order F2014-42, I find that the information in the update, disclosed by the Public Body to the CBC reporter, is excluded from the application of the Act pursuant to section 4(1)(a), as the source of the information was information in a court file. As the information in the update is not subject to the Act, I have no authority under the Act to determine whether the information contains the personal information of the Complainant, or whether the Public Body complied with sections 40(1) and 40(4) when it disclosed the information in the update to the CBC reporter.

[para 31] In the event my conclusion that the Informations were "information in a court file", was incorrect, I also considered and concluded that the Informations were excluded from the application of the Act as they are "records of a justice of the peace" under section

¹⁰ This email pre-dated the November 30, 2016 email from the CBC reporter to the Complainant's legal counsel where she advised that she had obtained the court documents.

4(1)(a). I find that the information in the update that the CBC reporter stated she received from the Public Body had as its source, the Informations.

[para 32] Accordingly, following the analysis of the adjudicator in Order F2014-42, I find that the information in the update, disclosed by the Public Body to the CBC reporter, is excluded from the application of the Act pursuant to section 4(1)(a), as the source of the information was a record of a justice of the peace. As the information in the update is not subject to the Act, I have no authority under the Act to determine whether the information contains the personal information of the Complainant, or whether the Public Body complied with sections 40(1) and 40(4) when it disclosed the information in the update to the CBC reporter.

[para 33] Further, as noted by the adjudicator in Order F2014-42 (emphasis in original):

[para 14] I draw support for this interpretation from *Alberta (Information and Privacy Commissioner) v. Alberta (Freedom of Information and Protection of Privacy Act Adjudicator)*, 2011 ABCA 36 in which the Court of Appeal considered the scope of section 4 of the FOIP Act. The Court stated:

In my view, the analysis in *Krushell* would also insulate the Attorney General from review by the Commissioner of its practice of posting daily docket lists. If a person named in a docket sought review by the Commissioner of the posting of their personal information (i.e. name) without consent, the conclusion in *Krushell* that FOIPPA's reach does not extend to information contained in court records would mean that the Commissioner could not entertain a complaint about the docket. [my emphasis]

[para 15] In the foregoing case, the Court of Appeal held that when information is subject to section 4, it is excluded from the application of both the access to information and the protection of privacy provisions in the FOIP Act.

[para 34] Similarly, in Order F2016-18, at paragraphs 9 – 12, the adjudicator stated:

[para 9] The Public Body states only that pages 113, 114, 234 and 235 consist of information contained in a court file. Having reviewed the records, I note that these pages have been stamped as having been filed with the court; I agree that these pages consist of information from a court file. Therefore, I do not have jurisdiction to review the Public Body's decision to withhold these records.

[para 10] However, I note that the Public Body's response to the Applicant, dated March 19, 2014 states:

Severing was necessary because **section 4(1) states that the head of a public body must refuse to disclose information in a court file**, a records of a judge of the Court of Appeal of Alberta, the Court of Queen's Bench of Alberta, a record of a justice of the peace other than a non-presiding justice of the peace under the Justice of the Peace Act, a judicial administration record of a record relating to support services provided to the judges of any of the courts referred to in this clause. (Emphasis mine)

[para 11] This is not quite correct. A record that falls within the scope of section 4(1)(a) is excluded from the scope of the FOIP Act. A public body may therefore decide whether or not to disclose that information *outside the FOIP Act*. The FOIP Act does not (and cannot) prohibit the disclosure of information that falls outside the scope of the Act.

[para 12] This has been explained in many past orders of this Office (see Orders 97-017, 97-019, F2011-009). In Order F2012-12, I said that even if responsive records fall within the scope of an exclusion in section 4(1), “[t]he Public Body may still choose to disclose the record at its discretion, but this would not be a disclosure under Part 1 of the Act (see Order 97-017, at para. 10).”

[para 35] What this means is that where information is excluded from the Act pursuant to section 4(1)(a), a public body is not bound by the rules set out in the Act with respect to requests for access to the information, or by the rules set out in the Act with respect to the collection, use or disclosure of the information, and this Office has no jurisdiction to review the activities of the public body with respect to that information.

IV. ORDER

[para 36] I make this Order under section 72 of the Act.

[para 37] I find that the Informations are excluded from the application of the Act pursuant to section 4(1)(a) because they are information in a court file. Accordingly, I do not have the authority to determine whether the Informations contain the personal information of the Complainant, or whether the Public Body complied with sections 40(1) and 40(4) when it disclosed the Informations to the CBC reporter.

[para 38] I have found that the Informations are excluded from the application of the Act as information in a court file pursuant to section 4(1)(a). I find that the information in the update that the CBC reporter stated she received from the Public Body had as its source, the Informations. Accordingly, I find that the information in the update is likewise excluded from the application of the Act pursuant to section 4(1)(a). As the information in the update is not subject to the Act, I have no authority under the Act to determine whether the information contains the personal information of the Complainant, or whether the Public Body complied with sections 40(1) and 40(4) when it disclosed the information in the update to the CBC reporter.

[para 39] In the event my finding that the Informations are information in a court file is incorrect, I find that the Informations are excluded from the application of the Act pursuant to section 4(1)(a) because they are a record of a justice of the peace. Accordingly, I do not have the authority to determine whether the Informations contain the personal information of the Complainant or whether the Public Body complied with sections 40(1) and 40(4) when it disclosed the Informations to the CBC reporter.

[para 40] I have found that the Informations are excluded from the application of the Act as a record of a justice of the peace pursuant to section 4(1)(a). I find that the information in the update that the CBC reporter stated she received from the Public Body had as its source, the

Informations. Accordingly, I find that the information in the update is likewise excluded from the application of the Act pursuant to section 4(1)(a). As the information in the update is not subject to the Act, I have no authority under the Act to determine whether the information contains the personal information of the Complainant, or whether the Public Body complied with sections 40(1) and 40(4) when it disclosed the information in the update to the CBC reporter.

Carmen Mann
Adjudicator