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June 25, 2015

Janelle Firebrace
Information and Privacy Commissioner/Ontario
1400-2 Bloor Street East
Toronto, Ontario M4W 1A8
Sent by email to: Janelle.firebrace@ipc.on.ca

Laura Bowman
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Our File No: 809

Dear Ms. Firebrace,

Re: Request AFOB159 – Lake Simcoe Region Conservation Authority (“LSRCA”) Requester: Laura Bowman, Counsel (on behalf of South Lake Simcoe Naturalists)

I am counsel for the requester South Lake Simcoe Naturalists (“SLSN”) in relation to the above appeal. I recently spoke to you about our outstanding appeal.

We are writing to express our grave concern about the decision of the institution LSRCA to dispose of public records shortly after we requested them from the LSRCA. The timeline in Request AFOB159 is as follows:

Date	Correspondence/Event	Attachment
April 21, 2015	SLSN and counsel learn that an application was submitted to LSRCA by DG Group on or about April 16, 2015	n/a
April 21, 2015 (12:32 PM)	Informal request made to LSRCA for DG group application	1
April 21, 2015 (3:46 PM)	Informal request denied on the grounds that “pending permit applications and their supporting material are not released” and stating “An FOI request may be made upon the rendering of a decision in regards to any application. The application and supporting material may be released if the applicant allows for this to occur.”	1
April 21, 2015 (4:01 PM)	SLSN disputes the existence of a valid reason not to release the record(s) and asks for a reconsideration [no response received]	1

April 21, 2015	SLSN makes formal FOI request for all application documents from DG group and related materials for the period covering April 16, 2015	2
April 24, 2015	SLSN and counsel attends LSRCA Board meeting at which the Board publicly discusses the receipt of the application materials from DG Group and resolves to return it. [see minutes, p. 4 BOD-059-15]	3
April 28, 2015	LSRCA issues a press release indicating that they both received the DG group application and planned to return it.	4
April 28, 2015	Before returning the application materials LSRCA prepares a response to SLSN dated April 28 stating that “No such records exist, therefore in accordance with Sections 19(a) and 22(1)(a)(i) access to the requested records has been refused.”	5
April 29, 2015 (2:00 PM)	LSRCA delivers the response to SLSN by email, again before disposing of the materials.	5
April 30, 2015 (12:14 PM)	LSRCA disposes of the requested records by sending “all originals” by courier to DG Group [see Purolator document]	6
June 9, 2015	LSRCA admits that it had the materials during the period of the request but disposed of the records.	6
June 12, 2015	LSRCA revises its response admitting again that it disposed of records within the scope of the request and further admitting to the existence of records not disclosed in the April 28 response.	7

In light of the apparent disposal of public records that the LSRCA knew were the subject of our client’s request and that were in its possession we are requesting that the IPC investigate. We also ask that the IPC investigate the apparently false April 28 response from the institution.

We are scandalized that the institution would apparently send a false response stating that the records did not exist and then dispose of the records subsequently. Further we are alarmed that the intent of the *Municipal Freedom of Information and Protection of Privacy Act* appears to have been circumvented by the disposal of records that the institution knew were the subject of an access request and for which it was therefore a trustee.

We take the position that an investigation by the IPC would be in the public interest in light of the above.

Please advise if you take the position that the IPC retains jurisdiction over the appeal on the section 6(2) refusal.

Yours truly,

A handwritten signature in black ink, appearing to read 'LB', with a long horizontal flourish extending to the right.

Laura Bowman

Counsel for South Lake Simcoe Naturalists

Cc: Jocelyn Lee, Information and Privacy Coordinator, Lake Simcoe and Region Conservation Authority
Jack Gibbons, North Gwillimbury Forest Alliance
Client