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CASE SUMMARY: CITY ORDERED TO PRODUCE REDACTED LEGAL INVOICES FROM COLLECTIVE BARGAINING PROCESS ON A FREEDOM OF INFORMATION REQUEST

Law firm's redacted invoices showing fees incurred by city for legal services in bargaining with firefighters association ordered as producible by the city on an application to the Information and Privacy Commissioner of Ontario (IPCO).

Administrative law – Decisions reviewed – Information and Privacy Commissioner – Disclosure of records – Freedom of information and protection of privacy – Disclosure – Exceptions – Judicial review – Legislative compliance – Standard of review – Reasonableness – Municipalities – Statutory interpretation

Brockville (City) v. Ontario (Information and Privacy Commissioner), [2020] O.J. No. 3160, 2020 ONSC 4413, Ontario Superior Court of Justice, July 22, 2020, D.L. Corbett, R.C. Boswell and F.L. Myers JJ.

An adjudicator for the ICPO held that heavily redacted invoices and other accounting documents from the city's law firm showing the costs paid by the city for legal services rendered in the collective bargaining with the Brockville Professional Firefighters Association were created as a result of labour negotiations, but did not relate to the relations between the city and its workforce. As such, s. 52(3)2 of the *Municipal Freedom of Information and Protection of Privacy Act* did not apply to exclude them from the scope of the Act and the city's disclosure obligations. The city was therefore ordered to disclose them to the applicant, referred to as John Doe. On judicial review, the city argued that s. 52(3)2 reflected a legislative determination to wholly exclude labour relations documentation from the freedom of information regime, and the adjudicator's decision was unreasonable. The Court dismissed the application, finding the adjudicator's analysis and statutory interpretation leading to her conclusion that the exclusion did not apply to these documents was reasonable.

This case was digested by [Kara Hill](#), and first published in the LexisNexis® Harper Grey Administrative Law Netletter and the Harper Grey Administrative Law Newsletter. If you would like to discuss this case further, please contact Kara Hill at khill@harpergrey.com.