

**Clarification Letter and
Notification of Transfer In Part Forwarded**

September 23, 2016

Ms. Christine Massey
#221-93 George Street South
Brampton, ON L6Y 1P4

Subject: Request for Access to Records

Our File I23-16-366

Dear Ms. Massey:

Thank you for your request (File no. I23-16-366) which we received on September 19, 2016 under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for:

1. communication (verbal, emails, letters, text messages, Tweets, Facebook messages, etc.) between any Region of Peel staff or Councillor and Dr. David Juurlink, excluding those conducted as part of the January 21, 2016 closed meeting of Peel Council between February 1, 2015 to present;
2. communication (verbal, emails, letters, text messages, Tweets, Facebook messages, etc.) from any Region of Peel staff or Councillor regarding Dr. David Juurlink, excluding those conducted as part of the January 21, 2016 closed meeting of Peel Council between February 1, 2015 to present; and
3. records regarding Dr. David Juurlink, excluding the January 21, 2016 presentation to Peel Council between February 1, 2015 to present.

A. Clarification

i. Social Media Searches

Section 15(a) of the *Act* states that a head may refuse to disclose a record if, the record or the information contained in the record has been published or is currently available to the public. The Tweets and Facebook messages are publicly available through Twitter and Facebook, respectively. We will not produce any records that are publicly available.

ii. Email Searches

Further, your request does not provide sufficient specific details to identify the records you may be requesting. The Region of Peel cannot begin to process your request until we receive additional information to help us identify the record. Please help us to clarify your request by supplying any of the following details of which you are aware.

In regards to Item 1 of your original access request, "communication (verbal, emails, letters, text messages, Tweets, Facebook messages, etc.) **between any Region of Peel staff or Councillor and Dr. David Juurlink**, excluding those conducted as part of the January 21, 2016 closed meeting of Peel Council between February 1, 2015 to present":

1. please specify "any Region of Peel staff" by identifying the department or employee names to narrow the scope of the search; and,
2. please provide the email address of Dr. David Juurlink that you would like searched.

In regards to Item 2 of your original access request, "communication (verbal, emails, letters, text messages, Tweets, Facebook messages, etc.) **from any Region of Peel staff or Councillor regarding Dr. David Juurlink**, excluding those conducted as part of the January 21, 2016 closed meeting of Peel Council between February 1, 2015 to present":

1. please specify "any Region of Peel staff" by identifying the department or employee names to narrow the scope of the search; and,
2. please identify the keywords that you would like searched.

The Region's Information, Systems & Technology Services (ISTS) Division staff advised that searching of **one email address only** would entail the following scenarios:

Search option	Type of search	Estimated Search Time for one email search only including review of the documents*	Estimated cost at \$30 per hour for one email search only including review of the documents*
1	Inbox only	11 hours*	\$330.00
2	Inbox and deleted emails	20 hours*	\$600.00

Search option	Type of search	Estimated Search Time for one email search only including review of the documents*	Estimated cost at \$30 per hour for one email search only including review of the documents*
3	Inbox, deleted emails and Personal Storage Table	90 hours*	\$2,700.00

* The fee estimate is based on search time for one email only, excluding photocopying and shipping costs. The estimated cost will be subject to change should the scope of your request include more than one email and the number of individuals who communicated with the external party. For example, five (5) retrievals of inbox, deleted mails and personal storage table would have a total cost \$13,500.00 (\$2,700.00 x 5 emails), excluding photocopying and shipping costs.

As we have not yet completed the search and reviewed all of the records in detail, no final decision has been made regarding access. It is likely that third party notification will be required since the requested records relate to other third party.

I estimate that partial access to the records will be granted. Specifically, the most common exemption applied to the responsive documents falls under section 38(b) of the Act which allows for a head to "refuse to disclose personal information to any person other than the individual to whom the information relates."

iii. Blackberry, iPhone or Other Smartphone Searches

Please provide the phone number of Dr. Juurlink that you would like searched.

Please note that the Region does not have independent access to text messages. If a text message does not relate to a corporate file or corporate decision then there is no retention applied and it may be deleted by a user at their discretion. Text messages can only be retrieved through the individual users or through police investigation. In addition, to retrieve these records, the Region would have to physically retrieve the phones from the staff you identified in so doing would extend the search period.

iv. Records Searches

In regards to Item 3 of your original access request, "records regarding Dr. David Juurlink, excluding the January 21, 2016 presentation to Peel Council between February 1, 2015 to present":

1. Please specify the type of record you would like searched (such as Public Health records or Public Works records).

B. Request - Transferred in Part

Your request for the communication **by a Councillor** for the following has been transferred to the City of Brampton, City of Mississauga and the Town of Caledon, in accordance with s. 18 of the *Act* as we believe that they have custody or control of the email, text messages and phone records of the Regional Councillors, excluding the Regional Chair, that you are requesting:

1. communication (verbal, emails, letters, text messages) between any Councillor and Dr. David Juurlink, excluding those conducted as part of the January 21, 2016 closed meeting of Peel Council between February 1, 2015 to present; and
2. communication (verbal, emails, letters, text messages) from any Councillor regarding Dr. David Juurlink, excluding those conducted as part of the January 21, 2016 closed meeting of Peel Council between February 1, 2015 to present.

You may direct any further inquiries concerning your request to:

- City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2
Attention: City of Brampton/FOI Coordinator
Telephone: 905-874-2000
- City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1
Attention: City of Mississauga/FOI Coordinator
Telephone: 905-615-3200

- Town of Caledon
6311 Old Church Road
Caledon ON L7C 1J6
Attention: Town of Caledon/FOI Coordinator
Telephone: 905-584-2272

This letter serves as a notice that the Region will resume the processing of your request, once you have provided the clarification. At this time we are unable to provide a fee estimate until you provide sufficient clarification to conduct a records search.

If you have any questions about this letter, please contact Ms. Stephanie Jurrius at (905) 791-7800, ext. 4547 or via email at stephanie.jurrius@peelregion.ca.

Sincerely,



Victoria Ghandour
Acting Manager, Access to Information & Privacy
for Kathryn Lockyer
Director of Clerk's and Regional Clerk

VG:sj