



Office of the  
Information and Privacy  
Commissioner of Alberta

April 13, 2010

## **Service Alberta properly withheld some records but is ordered to issue a response in relation to other records**

An Adjudicator with the Office of the Information and Privacy Commissioner has determined that Service Alberta properly withheld some information that had been requested related to investigations into a number of funeral homes.

A group of funeral homes made a request for records under the *Freedom of Information and Protection of Privacy Act* (FOIP) which may or may not have resulted in decisions to lay or not lay charges against any or all of the applicants. Service Alberta identified a number of records, but withheld information under sections 17(1), (personal information), 24(1)(a), (advice from officials), 27(1)(a) (privileged information) and 27(1)(b) (information prepared by a lawyer or agent of Alberta Justice or a public body for the purpose of providing legal services). Service Alberta argued that the information to which it applied section 27(1)(b) was subject to solicitor-client privilege. It also withheld other information from the Applicants as nonresponsive to the access request.

Adjudicator Teresa Cunningham decided that Service Alberta had properly applied section 17(1). She also found that Service Alberta had properly applied sections 24(1)(a) and 27(1)(a) of FOIP to withhold information, but she ordered the Public Body to prepare a new response in which it explained its reasons for withholding information under section 24(1)(a). In addition, she found that the Public Body had properly applied section 27(1)(b) to some of the records, but found that this provision did not apply to information prepared by a client for the purpose of seeking legal advice. In relation to the information to which she found that section 27(1)(b) did not apply, and to which the Public Body had asserted privilege, she ordered the Public Body to make a determination as to whether section 27(1)(a) applied to the information as part of its duty to respond openly, accurately, and completely to the Applicants under section 10.

The Adjudicator determined that the Public Body had conducted an adequate search for responsive records, but that its response was not adequate, as it had not included the provisions of the Act on which it was relying to withhold information, or its reasons for withholding information in its response. For a copy of Order F2009-024, please visit our website at [www.oipc.ab.ca](http://www.oipc.ab.ca)

-30-

**Contact:**

Wayne Wood  
Communications Director  
Office of the Information & Privacy Commissioner  
(780) 644-4015

