

Our file: A-2011-00132/PA

AUG 08 2012

Mr. Tyler Sommers
Democracy Watch
P.O. Box 821, Station B
Ottawa, Ontario
K1P 5P9

Dear Mr. Sommers:

This is in response to your request under the *Access to Information Act* received on March 19, 2012 for:

"All rulings, decisions letters, emails, and other documents sent to anyone who filed a complaint since April 1, 2004, with complainant's personal information removed and the personal information of anyone who was complained about removed. We are seeking the date the complaint was received, what the complaint alleged, when the complaint was investigated, summary of evidence gathered, ruling that was issued, and the ruling."

In an e-mail dated April 13, 2012 you clarified that your request is for: *copies of all communications sent to every complainant advising them of the final decision to complaints filed since 1997.*

Enclosed is a partial disclosure of the records relevant to your request; another response will be sent to you once the processing of your request is complete. You will note that some information is being withheld in accordance with section 16.3 and subsection 19(1) of the *Act* which respectively state:

16.3 – Subject to section 541 of the Canada Elections Act, the Chief Electoral Officer may refuse to disclose any record requested under this Act that contains information that was obtained or created by or on behalf of a person who conducts an investigation, examination or review in the performance of their functions under the Canada Elections Act.

19. (1) – Subject to subsection (2), the head of a government institution shall refuse to disclose any record requested under this Act that contains personal information as defined by section 3 of the Privacy Act.

Please note that some of the records relevant to your request are being withheld in their entirety in accordance with section 16.3 of the *Act* for the following reasons:

- The decision of the Commissioner on any particular complaint is based on all of the information available to him. This almost invariably includes information not available to the complainant.
- Responses to the complainants do not include all of the relevant information and considerations that informed the Commissioner's decision. They are not drafted as, for example, a court decision is with a detailed description of the relevant facts, etc. They are usually short and to the point. They are not meant to explain fully what led the Commissioner to come to any particular decision in any given case.
- In light of the above, there is a very risk that if all the responses to complainants were released, precisely because they are drafted in a summary way and because they do not provide the full background to any decision, erroneous or wrong conclusions could be drawn with respect to particular cases or to classes of cases, which could negatively affect the Commissioner in the discharge of his mandate.


We expect that the communications in complaint files that were concluded either by sentencing or compliance agreement will be released. In those cases, there is a public record that provides additional information and can serve to explain or provide context for the information disclosed in the response to the complainant.

Please be advised that you are entitled to complain to the Information Commissioner concerning the processing of your request within sixty days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

Information Commissioner of Canada
Place de Ville, Tower B, 22nd Floor
112 Kent Street
Ottawa, ON
K1A 1H3

Should you have any questions regarding this request, please contact Prince Afram by telephone at 613-949-1571 or by email at prince.afram@elections.ca. Please quote the above file number in future correspondence on this request.

Yours truly,


Suzanne Lépinay
Director
Information Management

Enclosures: 21 pages