

[REDACTED]  
Mr. Vladislav Bukshtynov  
[REDACTED]

February 20, 2020

Dear Mr. Bukshtynov:

**Re: Freedom of Information Request 2020-GR-001**  
**Freedom of Information and Protection of Privacy Act (RSO 1990) (the "Act")**

**1. The Request**

We confirm you submitted the request (the "Request") for the following records:

- (a) *All records, including the complete report ("Report of Findings", file #140942MTS dated June 19, 2015), related to the David Braley Athletic Centre indoor track inspection ordered by the University in June 2014 at Giffen Koerth Smart Forensics and performed in October 2014.*
- (b) *All records, including the complete report of findings, related to the David Braley Athletic Centre indoor track ordered by the University at 30 Forensic Engineering (formerly Giffen Koerth) and/or other companies to investigate the circumstances of the incident that happened to Ruth Rodney on November 15, 2010.*
- (c) *Email from J. Murray to T.J. Kelly (re: track incident) dated December 10, 2011 related to the incident that happened to Vladislav Bukshtynov on December 10, 2011.*

**2. Decision**

**(a) *Frivolous & Vexatious Request***

Access to the records responsive to the Request is denied pursuant to s. 27.1(1) on the basis that, in the opinion of the head, the Requests are frivolous and vexatious. In particular, the undersigned is of the opinion that the requests are made in bad faith and for a purpose other than to obtain access to records.

**(b) *Litigation Privilege***

In the alternative, even if your Request was neither frivolous nor vexatious, access to the requested records would be denied pursuant to s. 19(c) of the Act on the basis that the records were prepared by or for counsel employed or retained by an educational institution for use in giving legal advice and in contemplation of or for use in litigation.

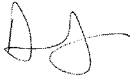
### 3. Appeal

You may file an appeal with the Privacy Commissioner of Ontario for a review of this decision within 30 days of receipt of this letter. Any appeal must be accompanied by a \$25.00 fee and should include the following:

- the file numbers assigned to the Requests (2020-GR-001);
- a copy of this decision letter; and
- a copy of the original request.

The undersigned is responsible for the issuance of this decision.

Sincerely,



Ms Andrea Thyret-Kidd  
University Secretary and Designated Head of Institution