



Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

ORDER P-382

Appeal P-920146

Ministry of the Attorney General



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ORDER

The Ministry of the Attorney General (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to, and correction of, a court transcript and any additional records about the requester in the possession of certain named Ministry staff. When the Ministry failed to provide a decision letter within 30 days, the requester appealed to this office. The Ministry subsequently provided a decision letter which addressed both the access and correction requests.

With respect to the access request, the Ministry identified 218 responsive records and released 217 of them to the appellant. Part of the one remaining record was severed pursuant to sections 13(1) and 19 of the Act. The Ministry later withdrew its exemption claims and released the remaining record to the appellant, thereby resolving the access portion of this appeal.

With respect to the correction request, the Ministry stated in its decision letter that the appellant had failed to identify the specific personal information that she wished to have corrected, and, therefore, denied her request. During mediation, the appellant indicated that there were too many pages to be corrected and she wanted to have the records destroyed instead. The Ministry agreed to destroy all of the responsive records, with the exception of the court transcript, on condition that the appellant sign an undertaking not to make a new request for the destroyed records and not to communicate with anyone in the Ministry regarding the contents of the destroyed records. The appellant did not sign such an undertaking and, as a result, the Ministry did not destroy the records.

Further mediation was not possible, and notice that an inquiry was being conducted to review the Ministry's decision was sent to the appellant and the Ministry. Written representations were received from the Ministry only. Although the appellant did not submit representations, she indicated that she was relying on the position outlined in various pieces of correspondence sent to this office during the course of the appeal.

I believe it is important to properly characterize the issue in this appeal. In my view, the appellant's request is properly characterized as a request for correction of records containing her personal information, by way of destruction. In the circumstances of this appeal, it is not necessary for me to consider whether destruction is the most appropriate remedy, because the appellant has failed to establish the requirements for a proper correction request.

In Order 186, Commissioner Tom Wright set out the requirements necessary for granting a request for correction as follows:

1. the information at issue must be personal and private information;
and
2. the information must be inexact, incomplete or ambiguous; **and**
3. the correction cannot be a substitution of opinion.

In various pieces of correspondence submitted by the appellant during the course of the appeal, she asserts that the information contained in the records is "not true" and "not accurate"; however, she has not identified the specific information that she believes is incorrect, nor has she presented sufficient facts to substantiate her allegation that the records are false or inaccurate. In my view, an individual who requests correction of personal information must establish that there is an error or omission in the information contained in the record, or that the information is inexact, incomplete or ambiguous. In the circumstances of this appeal, I find that the appellant has failed to establish the requirements for an order for correction and her appeal fails on this basis.

ORDER:

I uphold the Ministry's decision to deny the appellant's request for correction.

Original signed by: _____
Tom Mitchinson
Assistant Commissioner

December 16, 1992