



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

# **ORDER M-175**

**Appeal M-9200368**

**Regional Municipality of Ottawa-Carleton**



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# ORDER

## BACKGROUND:

The Regional Municipality of Ottawa-Carleton (the Municipality) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to all records for the year 1992 relating to the water account respecting a property owned by the requester. The requester also specifically requested a copy of a facsimile sent by a named former tenant of the property (the affected person) to the Municipality concerning the water account. The Municipality provided the requester with partial access to the 17 page record responsive to the request. Access was granted in full to 10 pages, in part to six pages and denied in full to the one-page facsimile. For those parts of the record to which access was denied, the Municipality claimed exemption under section 14(1) of the Act. The requester appealed this decision.

During mediation, the scope of the appeal was narrowed to the one-page facsimile.

Further mediation was unsuccessful, and notice that an inquiry was being conducted to review the Municipality's decision was sent to the appellant, the Municipality and the affected person. Written representations were received from the Municipality and the affected person. The appellant indicated that his letter of appeal would form his representations in this matter.

## ISSUES:

The issues arising in this appeal are:

- A. Whether the information contained in the record qualifies as "personal information", as defined in section 2(1) of the Act.
- B. If the answer to Issue A is yes, whether the mandatory exemption provided by section 14 of the Act applies.

## SUBMISSIONS/CONCLUSIONS:

**ISSUE A: Whether the information contained in the record qualifies as "personal information", as defined in section 2(1) of the Act.**

In section 2(1) of the Act, "personal information" is defined, in part, as:

... recorded information about an identifiable individual, including,

...

- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,

...

- (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

The appellant submits that since the record relates to property he owns, it is his personal information. I disagree. The definition of personal information does not extend to a record relating to real property owned by the appellant, that does not otherwise contain the appellant's personal information.

The facsimile sent by the affected person relates to the affected person's payment of the water account which was in his name and for which he was responsible while he was a tenant of the property. In my view, this information satisfies the definition of personal information under section 2(1) of the Act, and relates solely to the affected person.

**ISSUE B: If the answer to Issue A is yes, whether the mandatory exemption provided by section 14 of the Act applies.**

Under Issue A, I found that the record contains the personal information of the affected person. Section 14(1) of the Act prohibits the disclosure of personal information to any person other than to the individual to whom the information relates, except in certain circumstances listed under the section.

In my view, the only exception to the section 14(1) mandatory exemption which has potential application in the circumstances of this appeal is section 14(1)(f), which reads:

A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

if the disclosure does not constitute an unjustified invasion of personal privacy.

Because section 14(1)(f) is an exception to the mandatory exemption which prohibits the disclosure of personal information, in order for me to find that section 14(1)(f) applies, I must find that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy.

Other than asserting that disclosure of the record "is relevant to the fair determination of rights affecting [the appellant]" (section 14(2)(d) of the Act), the appellant provides no information in support of this claim. Accordingly, I am not satisfied that section 14(2)(d) is a relevant consideration in the circumstances of this appeal.

In the circumstances of this appeal, the remaining representations I have been provided with weigh in favour of finding that the section 14(1)(f) exception does not apply, and in the absence of evidence to the contrary, I find that the mandatory exemption provided by section 14(1) applies.

**ORDER:**

I uphold the Municipality's decision.

Original signed by: \_\_\_\_\_  
Holly Big Canoe  
Inquiry Officer

\_\_\_\_\_  
August 17, 1993