



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

# **ORDER P-594**

**Appeal P-9300382**

**Ministry of the Solicitor General and Correctional Services**



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# ORDER

## BACKGROUND:

The Ministry of the Solicitor General and Correctional Services (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to the details of an internal investigation resulting from a letter dated January 7, 1993 submitted by the requester to the Deputy Minister.

The Ministry located the records responsive to the request and denied the requester access in part pursuant to section 21 of the Act. The requester appealed the decision.

During mediation, the appellant agreed to limit the scope of the appeal to the severed portions of the memorandum dated January 26, 1993.

Further mediation was not possible and notice that an inquiry was being conducted to review the Ministry's decision was sent to the appellant, the Ministry and an individual whose interests might be affected by the disclosure of the information at issue (the affected person). Representations were received from the Ministry and the affected person only.

The record in this appeal consists of portions of the memorandum containing the details and the outcome of the Ministry's investigation.

## ISSUES:

- A. Whether any of 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, and the personal information relates to individuals other than the appellant, whether the mandatory exemption provided by section 21 of the Act applies.

## SUBMISSIONS/CONCLUSIONS:

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

Section 2(1) of the Act states, in part:

"personal information" means recorded information about an identifiable individual ...

I have reviewed the record and the representations in this appeal. In my view, those portions of the record which were not disclosed to the appellant contain the personal information of the affected person and other identifiable individuals. None of the personal information relates to the appellant.

**ISSUE B: If the answer to Issue A is yes, and the personal information relates to individuals other than the appellant, whether the mandatory exemption provided by section 21 of the Act applies.**

In Issue A, I found that the portions of the record at issue contain the personal information of the affected person and other identifiable individuals.

Section 21 of the Act prohibits the disclosure of personal information to any person other than the individual to whom the information relates, except in certain circumstances listed under section 21(1).

In my view, the only exception to the section 21 mandatory exemption which has potential application in the circumstances of this appeal is section 21(1)(f), which reads as follows:

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.

Section 21(1)(f) of the Act is an exception to the mandatory exemption which prohibits the disclosure of personal information. In order for me to find that section 21(1)(f) applies, I must find that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy.

In the circumstances of this appeal, the only representations I have been provided with weigh in favour of finding that section 21(1)(f) of the Act does not apply. Having found that the information at issue qualifies as personal information, and in the absence of any evidence or argument weighing in favour of finding that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy, I find that the exception contained in section 21(1)(f) does not apply.

**ORDER:**

I uphold the Ministry's decision.

Original signed by:  
Anita Fineberg  
Inquiry Officer

December 2, 1993