



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

# **ORDER P-727**

**Appeal P\_9400230**

**Ministry of Housing**



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## **NATURE OF THE APPEAL:**

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The request was for information about the successful candidates in three specified job competitions for positions with the Ministry of Housing (the Ministry).

The records at issue are the resumé's with covering letters of the five successful candidates.

The Ministry denied access to the records relying upon the following exemption:

- invasion of privacy - section 21(1)

A Notice of Inquiry was provided to the Ministry and the appellant. Representations were received from the Ministry only.

## **DISCUSSION:**

### **INVASION OF PRIVACY**

Under section 2(1) of the Act, "personal information" is defined to mean recorded information about an identifiable individual. I have reviewed the information at issue and I find that it contains the educational and employment history of the successful candidates and, therefore, constitutes their "personal information". None of the personal information in the records relates to the appellant.

Once it has been determined that a record contains personal information, section 21(1) of the Act prohibits the disclosure of this information to any person other than the individual to whom the information relates. There are a number of exceptions to this rule, one of which is found in section 21(1)(f) of the Act 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.

In order to establish that section 21(1)(f) applies, it must be shown that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy. Sections 21(2), (3) and (4) of the Act provide guidance in determining whether the disclosure of personal information would constitute an unjustified invasion of personal privacy.

Section 21(3) lists the types of information whose disclosure is presumed to constitute a unjustified invasion of personal privacy. A presumption under section 21(3) may be overcome if the personal information in question falls within section 21(4) or where a

finding is made under section 23 of the Act that there exists a compelling public interest in the disclosure of the record in which the personal information is contained, which clearly outweighs that purpose of the exemption.

In its representations, the Ministry submits that the personal information in the records relates to employment and educational history (section 21(3)(d)) and, therefore, disclosure of the records would be a presumed unjustified invasion of the personal privacy of the successful candidates.

Previous orders have established that personal information in records such as resumés and covering letters fall within the scope of the presumption provided by section 21(3)(d) of the Act (M-319).

I have carefully reviewed the evidence before me and the records at issue and I make the following findings:

1. The records contain the employment and educational history of the successful candidates and, accordingly, I find that the presumed unjustified invasion of personal privacy provided by section 21(3)(d) applies to the records.
2. I find that section 21(4) does not apply to the personal information in the records. The appellant has not claimed that section 23 of the Act applies in this appeal.
3. I find that the disclosure of the personal information in the records would constitute an unjustified invasion of the personal privacy of the successful candidates and that the records are properly exempt from disclosure under section 21(1) of the Act.

## **ORDER:**

I uphold the decision of the Ministry.

Original signed by: \_\_\_\_\_  
Mumtaz Jiwan  
Inquiry Officer

\_\_\_\_\_ July 18, 1994