



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

# ORDER P-713

Appeal P\_9300492

Ministry of the Solicitor General and Correctional Services



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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 appellant has requested copies of records from the Ministry of the Solicitor General and Correctional Services (the Ministry). The request contained three separate parts and was treated as three requests by the Ministry. This order relates to only one part of the request, since the other parts are the subject of separate appeal files.

The part of the request being considered in this appeal relates to an investigation by the Ministry's Independent Investigations Unit into the appellant's sexual harassment complaint. In its response to this aspect of the request, the Ministry denied access to parts of the records under the following exemption:

- invasion of privacy - section 49(b).

A notice of inquiry was provided to the parties to the appeal. The parties included three persons (the affected persons) referred to in the portions of the records which were withheld from disclosure. Representations were received from the appellant's representative and the Ministry. In addition, one affected person advised the Commissioner's office that he did not object to disclosure.

The records at issue in this appeal consist of the withheld portions of the following records:

1. Memorandum to Manager of Independent Investigations Unit from Investigator, December 7, 1992 (investigation report);
2. Memorandum to Manager of Independent Investigations Unit from Superintendent, November 27, 1992;
3. Notes from interview with appellant, December 3, 1992.

## **DISCUSSION:**

The Ministry's representations state that it has further reviewed the records and no longer objects to the disclosure of the information previously withheld under section 49(b). The Ministry's reasons for making this decision are: (1) the information in the record was submitted by the appellant, and (2) some of the information is already publicly available. However, the Ministry has not as yet disclosed the withheld portions of the records to the appellant.

Because section 49(b) of the Act is a discretionary exemption, and the Ministry no longer relies on it, it is not at issue in this appeal. I have reviewed all the mandatory exemptions under the Act which might apply to the parts of the records which have been withheld from disclosure, and I find that no such exemptions apply.

## **ORDER:**

1. I order the Ministry to disclose the records to the appellant within thirty-five (35) days following the date of this order and **not** earlier than the thirtieth (30th) day following the date of this order.
  
2. In order to verify compliance with the provisions of this order, I reserve the right to require the Ministry to provide me with a copy of the records which are disclosed to the appellant pursuant to Provision 1.

Original signed by: \_\_\_\_\_  
John Higgins  
Inquiry Officer

\_\_\_\_\_ June 24, 1994