



**Information and Privacy
Commissioner/Ontario**

**Commissaire à l'information
et à la protection de la vie privée/Ontario**

ORDER M-424

Appeal M-9400376

Township of Oro-Medonte



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NATURE OF THE APPEAL:

This is an appeal under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The Township of Oro-Medonte (the Township) received a request for access to Statements of Account for Official Plan Amendments 39, 60 and 66. The statements in question were invoices provided to applicants seeking amendments to the Township's Official Plan for the reimbursement of expenses incurred by the Township. The requester represents a taxpayer organization active in the community.

The Township decided to grant access to the records and notified the applicants of its intention to do so pursuant to section 21 of the Act. One of the applicants appealed the Township's decision to disclose the Statement of Account relating to Official Plan Amendment 66. The appellant submits that the information contained in the Statement of Account is exempt from disclosure under section 10 of the Act, which relates to third party information.

A Notice of Inquiry was forwarded to the appellant, the Township and the original requester. Representations were received from the original requester only.

The sole issue to be determined in this appeal is whether the Statement of Account relating to Official Plan Amendment 66 is properly exempt from disclosure under section 10.

DISCUSSION:

For a record to qualify for exemption under sections 10(1)(a), (b) or (c) of the Act, the appellant, as the party resisting disclosure of the record, must satisfy each part of the following three-part test:

1. the record must reveal information that is a trade secret or scientific, technical, commercial, financial or labour relations information; **and**
2. the information must have been supplied to the institution in confidence, either implicitly or explicitly; **and**
3. the prospect of disclosure of the record must give rise to a reasonable expectation that one of the harms specified in (a), (b) or (c) of subsection 10(1) will occur.

I will first address the second part of the test.

Part Two of the Test

To satisfy part two of the test, the applicant/appellant must establish that the information contained in the records was **supplied** to the Township and secondly that such information was supplied **in confidence**, either implicitly or explicitly.

I have not been provided with any evidence that the information contained in the record was supplied by the
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applicant to the Township. Rather, I find that the information was provided to the applicant by the Township as it concerns certain charges for which the Township is to be reimbursed by the applicant.

As the second part of the test has not been met, I am not satisfied that section 10 applies to exempt the Statement of Account for Official Plan Amendment 66 from disclosure. Accordingly, I find that it should be disclosed to the requester.

ORDER:

1. I uphold the Township's decision to disclose the record to the requester.
2. I order the Township to disclose the record to the requester within thirty-five (35) days of the date of this order and not earlier than the thirtieth (30th) day following the date of the order.
3. In order to verify compliance with this order, I reserve the right to require the Township to provide me with a copy of the record which is disclosed to the requester pursuant to Provision 2.

Original signed by: _____
Donald Hale
Inquiry Officer

November 24, 1994