



Information and Privacy
Commissioner/Ontario

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

ORDER P-953

Appeal P-9500179

Ministry of Community and Social Services



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télé: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

NATURE OF THE APPEAL:

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The Ministry of Community and Social Services (the Ministry) received a request for access to all information concerning a complaint made against the requester under the Day Nurseries Act. The complaint related to the number of children the requester had in her care.

The Ministry located the record responsive to the request and disclosed the entire record except for one sentence. The Ministry denied access to this sentence under section 21 of the Act, invasion of privacy.

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

The information at issue is one sentence under the sub-heading "Complainant Information" contained within a four-page form entitled "Day Nurseries Act, Intake Complaint Form".

DISCUSSION:

INVASION OF PRIVACY

In order for the mandatory exemption in section 21 of the Act to apply, the information at issue must constitute "personal information". Under section 2(1) of the Act, "personal information" is defined to mean recorded information about **an identifiable individual**.

The Ministry submits that the information it has not disclosed contains the personal information of the individual who filed the complaint against the appellant. The Ministry acknowledges that the complaint was made anonymously. However, it maintains that the complainant and the appellant live in a small community and that it is possible that there may be very few individuals who would be in a position to make the observation which formed the basis of the complaint. The Ministry has, however, provided me with no evidence in support of this position.

The information at issue relates to the number of children who were seen in a public location and for whom the appellant was providing care. In my opinion, these facts could well be within the knowledge of any number of individuals. Given that the Ministry has provided me with no information to the contrary, I find that there can be no reasonable expectation that the complainant can be identified from this information. Accordingly, the sentence in question does not contain information which relates to an identifiable individual and thus does not satisfy the requirements of the definition of personal information.

As the invasion of privacy exemption only applies to exempt **personal information** from disclosure, it follows that section 21 is not applicable to the sentence at issue. The Ministry has not claimed that any other exemptions apply to this information. Therefore, it should be disclosed to the appellant.

ORDER:

1. I order the Ministry to disclose the sentence in question to the appellant within fifteen (15) days of the date of this order.
2. In order to verify compliance with the provisions of this order, I reserve the right to require that the Ministry provide me with a copy of the record which is disclosed to the appellant pursuant to Provision 1.

Original signed by: _____
Anita Fineberg
Inquiry Officer

July 13, 1995