



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

ORDER M-515

Appeal M-9400662

Borough of East York



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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 Borough of East York (the Borough) received a request for access to records concerning a 1984 fence viewer's award relating to certain named properties. The Borough located 20 records responsive to the request, granted access to some of them and denied access, in whole or in part, to 12 records relying on the following exemption contained in the Act:

- invasion of privacy - section 14.

The requester appealed the Borough's decision to deny access to the undisclosed information.

During the mediation of the appeal, the appellant agreed to limit the scope of her request to three records to which access had been denied in their entirety. A Notice of Inquiry was sent to the appellant, the Borough and another individual whose rights might be affected by the disclosure of the records (the affected person). Representations were received from the Borough only.

DISCUSSION:

INVASION OF PRIVACY

Under section 2(1) of the Act, "personal information" is defined, in part, to mean recorded information about an identifiable individual, including any identifying number assigned to the individual and the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

I have reviewed the records at issue. I find that each contain the personal information of the affected person only.

Once it has been determined that a record contains personal information section 14(1) of the Act prohibits the disclosure of this personal information to any person other than the individual to whom it relates, except in certain circumstances. One such circumstance is contained in section 14(1)(f) of the Act. The effect of this exception is that the section 14 exemption does not apply if disclosure of the personal information would not be an unjustified invasion of another individual's privacy.

Sections 14(2), (3) and (4) of the Act provide guidance in determining whether disclosure of personal information would result in an unjustified invasion of personal privacy. I find that none of the circumstances described in sections 14(3) or (4) are applicable to the personal information at issue in this appeal.

The appellant has not made reference to any listed factors in section 14(2) or to any other circumstances which would weigh in favour of the disclosure of the personal information contained in the record. Having considered all of the circumstances of this appeal and, in the absence of any factors weighing in favour of disclosure, I find that the mandatory exemption provided by section 14(1) of the Act applies to the personal information contained in the records at issue and it should not be disclosed.

ORDER:

I uphold the Borough's decision.

Original signed by: _____
Donald Hale
Inquiry Officer

_____ May 2, 1995