



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

# **ORDER M-754**

Appeal M\_9500722

Regional Municipality of Halton



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:

The Regional Municipality of Halton (the Regional Municipality) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to copies of the resumes it received for the position of Regional Review Chairperson for the Region of Halton (the Chairperson), and to copies of the resumes of the members of the Regional Review Committee (the Committee). The requester also sought a copy of the contract between the Regional Municipality and the individual who was appointed to the position of Chairperson.

The Regional Municipality provided access to the contract between the Regional Municipality and the Chairperson. However, it denied access to the resumes relating to both positions based upon the following exemption under the Act:

- invasion of privacy - section 14(1).

The requester appealed the denial of access to the resumes.

A Notice of Inquiry was provided by this office to the Regional Municipality, the requester (now the appellant) and five individuals who submitted resumes for the above positions (the affected persons).

Representations were received from the appellant and two of the affected persons. The Regional Municipality did not submit representations.

The records at issue are five resumes relating to the recruitment process specified in the request. I note that resumes of individuals who applied to sit as volunteer members of the Regional Review Panel (the Panel) have been included as responsive to this request. The Regional Municipality's Freedom of Information and Privacy Co-ordinator has confirmed that the Panel and the Committee are one and the same.

## **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 affected persons 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 14(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 14(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 14(1)(f) applies, it must be shown that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy. Sections 14(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 14(3) lists the types of information whose disclosure is presumed to constitute an unjustified invasion of personal privacy. A presumption under section 14(3) may be overcome if the personal information in question falls within section 14(4) or where a finding is made under section 16 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 decision letter, the Regional Municipality stated that the personal information in the records is highly sensitive (section 14(2)(f)) was submitted in confidence (section 14(2)(h)), and relates to employment and educational history (section 14(3)(d)).

The appellant submits that a person waives some aspects of privacy when he or she chooses to run for public office, work for the civil service, or sit on temporary or permanent Boards. With respect to the application of 14(3)(d), the appellant argues for disclosure of employment and education history that bears directly on the qualifications which support the appointment of the successful applicant. The appellant concludes that in this way there can be some public assurance that the people selected have the appropriate experience to carry out their work. In my view, the appellant has raised the possible application of the factor in section 14(2)(a) (public scrutiny), which weighs in favour of disclosure.

The representations from one of the affected persons indicate that this individual assumed that the resume would be used discreetly, and objected to its disclosure.

Previous orders have established that personal information in records such as resumes and covering letters fall within the scope of the presumption provided by section 14(3)(d) of the Act (Order 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 affected persons and, accordingly, I find that the presumed unjustified invasion of personal privacy provided by section 14(3)(d) applies to the records.
2. Even if I were to find that section 14(2)(a) applied in the circumstances of this appeal, the Divisional Court's decision in the case of John Doe v. Ontario (Information and Privacy

Commissioner) (1993) 13 O.R. 767 held that the factors in section 14(2) cannot be used to rebut the presumptions in section 14(3). Accordingly, this consideration cannot apply to the records at issue in this appeal.

3. I find that sections 14(4) and 16 do not apply to the personal information in the records at issue.
4. I find that disclosure of the personal information in the records would constitute an unjustified invasion of the personal privacy of the affected persons and that the records are properly exempt from disclosure under section 14(1) of the Act.

**ORDER:**

I uphold the decision of the Regional Municipality.

Original signed by: \_\_\_\_\_  
Laurel Cropley  
Inquiry Officer

\_\_\_\_\_ April 17, 1996