



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER PO-2436**

**Appeal PA-040258-1**

**Ontario Securities Commission**



Tribunal Services Department  
2 Bloor Street East  
Suite 1400  
Toronto, Ontario  
Canada M4W 1A8

Services de tribunal administratif  
2, rue Bloor Est  
Bureau 1400  
Toronto (Ontario)  
Canada M4W 1A8

Tel: 416-326-3333  
1-800-387-0073  
Fax/Téloc: 416-325-9188  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

## **NATURE OF THE APPEAL:**

In its capacity as the body responsible for processing requests on behalf of the Ontario Securities Commission (OSC) under the *Freedom of Information and Protection of Privacy Act* (the *Act*), the Ministry of Finance (the Ministry) received a request for access to certain records in the OSC's custody or control. The OSC is designated as an institution in Ontario Regulation 460, made under the *Act*. Since the OSC is an institution in its own right, I shall describe the actions taken by the Ministry on its behalf as actions of the OSC.

The request was for any documents filed with the OSC between 1995 and 2002 relating to five named corporations, all alleged to be controlled by a named individual.

In response, the OSC provided full access to 31 records and denied access to 40 records in their entirety. Access was denied to four records on the basis of both the exemption in section 17(1)(a) (third party information) and section 21 (invasion of privacy) of the *Act*. Access to one record was denied on the basis of section 21 alone. Access was denied to the remaining 35 records on the basis of section 17(1)(a) alone.

The requester (now the appellant) appealed the decision to deny access to those records that were withheld. This office appointed a mediator to assist the parties to resolve issues. As mediation was unsuccessful, I was assigned as Adjudicator.

I asked the OSC to identify the affected parties who should be notified and provide contact information for them. The OSC provided names of individuals and corporations, together with incomplete information, which I supplemented through my own research. Of the five corporations listed in the request, the OSC identified three of them as affected parties and provided contact information for one. I notified those three corporations of the appeal as well as the individual alleged to control the corporations listed in the request. I provided them with a Notice of Inquiry setting out the facts and issues in the appeal and invited them to provide representations. I received representations from two of the corporations listed in the request and the individual mentioned in the request. In regard to the other two corporations listed in the request, the Ministry did not identify them as affected parties in the list it provided to me and I found no mention of these corporations in the records at issue in this appeal. Accordingly, they were not notified. I notified the other companies and individuals identified by the OSC or through my review of the records as affected parties, to the extent that I was able to obtain contact information.

To summarize, in addition to the three corporations and the individual named in the request, I initially sent a Notice of Inquiry setting out the facts and issues in this appeal to the OSC, to two other companies identified by the OSC as affected parties, to a limited partnership identified in one of the records, to two insurers, to the auditor of a corporation mentioned in the records and to other individuals whose names appear in the records. I invited all of them to provide representations.

I received representations from two of the corporations named in the request and the individual alleged in the request to control the five corporations. I also received representations from one of the insurers and the auditor of one of the corporations. The two corporations that responded,

the individual alleged to control them, and the insurer that responded all provided representations objecting to disclosure. They relied on subsection (c) of section 17(1) as well as subsection (a), the latter also being the basis for the OSC decision. The auditor also replied, stating, "If the OSC is concerned about releasing information then I am also concerned and do not consent to the release of the information".

Letters to two individuals identified by the OSC as possibly affected were returned by the courier service as undeliverable. Other affected persons did not respond, including three of the corporations named in the request.

I then sent the appellant the complete representations of the OSC and the non-confidential portions of the representations of the affected persons who responded, and invited him to make submissions. He did not do so, but advised this office by telephone that he was relying on sections 163 and 164 of the *Bankruptcy and Insolvency Act*. I shall therefore consider, below, whether that statute has any application in this appeal.

## **RECORDS:**

The records at issue are records 1 to 5, 8, 9, 14, 16, 17, 21, 29 to 45, 47 to 53, 56, 62 to 64, and 68 in the Index of Records provided by the OSC. They include a Confidential Offering Memorandum, an Initial Registration as a Limited Market Dealer, auditors' reports, audited and unaudited financial statements, certificates of insurance, corporate directors' resolutions, compliance reports, and various other documents.

## **DISCUSSION:**

### **THE APPLICATION OF THE BANKRUPTCY AND INSOLVENCY ACT**

In his letter appealing the OSC decision, the appellant stated:

Our authority for the appeal is based upon sections 163 and 164 of the Bankruptcy and Insolvency Act of Canada ("BIA")... . Our status under the BIA is that of an officer of the court. In particular, we are Trustee in Bankruptcy for [a named company]. [The named company] was owned and controlled by [a named individual], who was and still may be the controlling mind of all corporations which were the subject of [the request].

...

...We are certain that our rights under section 163 and 164 of the BIA allow us to compel the production of all information listed under "DNR" [Do Not Release], and thus request copies of such documents.

Section 163 of the *Bankruptcy and Insolvency Act* provides:

- (1) The trustee, on ordinary resolution passed by the creditors or on the written request or resolution of a majority of the inspectors, may, without an order, *examine under oath before the registrar of the court or other authorized person*, the bankrupt, any person reasonably thought to have knowledge of the affairs of the bankrupt or any person who is or has been an agent, clerk, servant, officer, director or employee of the bankrupt, respecting the bankrupt or the bankrupt's dealings or property and may order any person liable to be so examined to produce any books, documents, correspondence or papers in his possession or power relating in all or in part to the bankrupt or the bankrupt's dealings or property.
- (2) On the *application to the court* by the Superintendent, any creditor or other interested person and on sufficient cause being shown, an order may be made for the examination under oath, *before the registrar or other authorized person*, of the trustee, the bankrupt, an inspector or a creditor, or any other person named in the order, for the purpose of investigating the administration of the estate of any bankrupt, and *the court may further order* any person liable to be so examined to produce any books, documents, correspondence or papers in the person's possession or power relating in all or in part to the bankrupt, the trustee or any creditor, the costs of the examination and investigation to be in the discretion of the court.
- (3) The evidence of any person examined under this section shall, if transcribed, be filed in the court and may be read in any proceedings before the court under this Act to which the person examined is a party.  
[My emphases.]

Section 164 provides:

- (1) Where a person has, or is believed or suspected to have, in his possession or power any of the property of the bankrupt, or any book, document or paper of any kind relating in whole or in part to the bankrupt, his dealings or property, or showing that he is indebted to the bankrupt, he may be required by the trustee to produce the book, document or paper for the information of the trustee, or to deliver to him any property of the bankrupt in his possession.
- (2) Where a person fails to produce a book, document or paper or to deliver property as required by this section within five days after being required to do so, the trustee may, without an order, examine the person *before the registrar*

*of the court or other authorized person concerning the property, book, document or paper that the person is supposed to possess.*

- (3) Any person referred to in subsection (1) may be compelled to attend and testify, and to produce on his examination any book, document or paper that under this section he is liable to produce, *in the same manner and subject to the same rules of examination, and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as would apply to a bankrupt.* [My emphases.]

Sections 163 and 164 of the *Bankruptcy and Insolvency Act* give trustees in bankruptcy certain rights to obtain information. As is apparent from the passages I have emphasized in these provisions, they arise and are enforceable within the context of the bankruptcy proceedings themselves, which are completely distinct from the rights bestowed on requesters by the *Act* or any appeal process under the *Act*. I find that sections 163 and 164 have no application to this appeal.

### **THIRD PARTY INFORMATION**

The OSC claims that this exemption applies to all the records at issue except for record 4. The affected parties also do not argue that record 4 is subject to this exemption.

Section 17(1) states, in part:

A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, where the disclosure could reasonably be expected to,

- (a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (c) result in undue loss or gain to any person, group, committee or financial institution or agency.

Section 17(1) is designed to protect the confidential “informational assets” of businesses or other organizations that provide information to government institutions. Although one of the central purposes of the *Act* is to shed light on the operations of government, section 17(1) serves to limit disclosure of confidential information of third parties that could be exploited by a competitor in the marketplace [Orders PO-1805, PO-2018, PO-2184, MO-1706].

For section 17(1) to apply, the institution and/or the third party 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 paragraph (a), (b), (c) and/or (d) of section 17(1) will occur.

### **Part 1: type of information**

The OSC claims that all the records for which section 17 is claimed contain commercial and financial information. Four affected parties also claim that the records contain commercial and financial information.

The types of information listed in section 17(1) have been discussed in prior orders:

*Commercial information* is information that relates solely to the buying, selling or exchange of merchandise or services. This term can apply to both profit-making enterprises and non-profit organizations, and has equal application to both large and small enterprises [Order PO-2010]. The fact that a record might have monetary value or potential monetary value does not necessarily mean that the record itself contains commercial information [P-1621].

*Financial information* refers to information relating to money and its use or distribution and must contain or refer to specific data. Examples of this type of information include cost accounting methods, pricing practices, profit and loss data, overhead and operating costs [Order PO-2010].

I have reviewed all the records and the representations of the OSC. I find that the records for which the OSC claims the section 17 exemption reveal commercial and financial information except for record 2 and record 30 which contain no commercial or financial information. Therefore, part 1 of the test for exemption is satisfied for all the records for which the exemption is claimed except records 2 and 30.

However, a finding that records contain commercial or financial information is not the end of the analysis. It is still necessary to determine whether there is information in the records that does not reveal commercial or financial information, and therefore is not exempt.

Some of the records containing commercial and financial information include various attachments that, in my view, do not contain commercial or financial information. For example, there are cover letters and reporting letters accompanying the audits and other information filed with the OSC. Although the audits and other filings themselves contain financial information, cover letters and other administrative records that make reference to audits and other filings containing financial or commercial information are not exempt if they do not reveal any financial or commercial information from these documents.

The information that is not exempt for this reason are the articles of incorporation attached to record 3, the sixth page of record 5, the second page of record 8, the first page of record 9, the first page of record 31, the third page of record 33, the first page of record 34, the first page of record 35, the second page of record 36, the second page of record 37, the second page of record 39, the second page of record 40, the second page of record 41, the first page of record 48, the second page of record 50, the first page of record 63, and the first page of record 64. I will not consider this information further in my section 17 analysis.

## **Part 2: supplied in confidence**

### **Supplied**

The requirement that it be shown that the information was “supplied” to the institution reflects the purpose in section 17(1) of protecting the informational assets of third parties [Order MO-1706].

Information may qualify as “supplied” if it was directly supplied to an institution by a third party, or where its disclosure would reveal or permit the drawing of accurate inferences with respect to information supplied by a third party [Orders PO-2020, PO-2043].

Having reviewed the records, I am satisfied, given their contents that the information contained in them was supplied to the OSC by one or more of the persons named in the request.

### **In confidence**

In order to satisfy the “in confidence” component of part two, the parties resisting disclosure must establish that the supplier had a reasonable expectation of confidentiality, implicit or explicit, at the time the information was provided. This expectation must have an objective basis [Order PO-2020].

In determining whether an expectation of confidentiality is based on reasonable and objective grounds, it is necessary to consider all the circumstances of the case, including whether the information was:

- communicated to the institution on the basis that it was confidential and that it was to be kept confidential

- treated consistently in a manner that indicates a concern for its protection from disclosure by the affected person prior to being communicated to the government organization
- not otherwise disclosed or available from sources to which the public has access
- prepared for a purpose that would not entail disclosure [Order PO-2043]

The OSC has provided me with detailed information about its policies and practices in regard to confidentiality of information supplied to it and the statutory requirements upon which these policies and practices are based.

The OSC explains that its policies and practices treat records that are “filed” differently from records that are “delivered”. Its policy on public availability of material that is filed states that applications for registration will be treated as confidential. The policy then describes certain classes of filed material and states the extent to which they are to be made public. The policy does not address the status of other documents, but sets out the principles to be used in determining whether they are public, found in section 140 of the *Securities Act*. In its representations, the OSC states that material required to be filed is “subject to the presumption that it will be made publicly available”.

For other documents, that are “delivered” rather than “filed”, the policy states that “from time to time, this Policy Statement will be supplemented as to public availability”. The OSC provided no evidence of any further policy statements supplementing this statement about the availability of other “delivered” documents. Thus, the policy does not state that delivered documents are confidential. However, the OSC representations state that its practice is not to make material delivered to the OSC available to the public, and it argues that its policy and practice support the proposition that companies, particularly private companies, who deliver documents to the OSC have a reasonable expectation of confidentiality.

Record 3 is an application for registration, and therefore is confidential, according to the OSC’s policy statement. On that basis, I am satisfied that it was supplied in confidence.

Records 44 and 45 were supplied to the OSC pursuant to section 111 of a regulation under the *Securities Act*, which does not prescribe whether these records are to be filed or delivered. In the absence of a filing requirement, the OSC’s practice is to treat this information as confidential.

As there is no evidence that records 44 and 45 were required by law to be filed, I accept the OSC’s submission that they can be treated as provided by some method other than filing.



With respect to all the other records for which the OSC claims the section 17 exemption (including records 44 and 45), except records 30, 34, 51, and 63, which I will address below, the OSC's representations either state that they were "delivered" or indicate that they were not "filed". The OSC states that where records were provided to it by some method other than "filing" and it has a practice of keeping them confidential, the suppliers of the records can be considered to have had a reasonable expectation of confidentiality. I accept this submission, and therefore find that those records can be considered to have been supplied in confidence.

The OSC states that records 30, 34, 51, and 63 were "filed" rather than "delivered".

In regard to records that are required to be "filed", section 140 of the *Securities Act* governs.

Section 140 provides:

(1) Where Ontario securities law requires that material be filed, the filing shall be effected by depositing the material, or causing it to be deposited, with the Commission and all material so filed shall, subject to subsection (2), be made available by the Commission for public inspection during the normal business hours of the Commission.

(2) Despite subsection (1), the Commission may hold material or any class of material required to be filed by Ontario securities law in confidence so long as the Commission is of the opinion that the material so held discloses intimate financial, personal or other information and that the desirability of avoiding disclosure thereof in the interests of any person or company affected outweighs the desirability of adhering to the principle that material filed with the Commission be available to the public for inspection.

In its representations, the OSC states:

[R]ecords 30, 34, 51 and 63 were supplied to the OSC pursuant to a filing requirement rather than a delivery requirement. These records are reports prepared by the registrant identified in the record and its auditor, confirming that the registrant has complied with certain provisions of Ontario securities law relating to mutual fund dealers.

Notwithstanding the presumption that that material filed with the OSC will be made publicly available, the OSC submits that these records were still supplied with a reasonable expectation of confidentiality. ...OSC practice is not to disclose these records and, unlike other material required to be filed, OSC Policy 13-601 does not specifically provide for the public availability of this material.

The OSC states that there is a "presumption" that filed material is to be made public. Section 140 of the *Securities Act* states that this is a requirement, except where "the Commission is of the

opinion that the material so held discloses intimate financial, personal or other information *and* that the desirability of avoiding disclosure thereof in the interests of any person or company affected outweighs the desirability of adhering to the principle that material filed with the Commission be available to the public for inspection”.

The OSC’s submissions on confidentiality do not state that it is of the opinion that disclosure could be refused under section 140(2). I have reviewed the records in question as well as the submissions of the OSC and the affected parties, and, because I have not been provided with any evidence that disclosure of these particular records would be withheld from the public under section 140(2), I find that it provides no basis for a claim of confidentiality in this case.

While the OSC’s practice of keeping such records confidential and the fact that its policy statement is silent as to the availability to the public of these records are relevant considerations in determining whether there is a reasonable expectation of confidentiality, these factors are outweighed by the contents of section 140(2) which provide that such records are *not* confidential unless certain tests are met, and the fact that the OSC has not addressed the tests for confidentiality in that subsection.

Accordingly, I find that the OSC has not established that records 30, 34, 51 and 63 were supplied to it in confidence.

I find, therefore, that the records for which the OSC claims the section 17 exemption were supplied in confidence, except for records 30, 34, 51 and 63.

Although it is not necessary to determine whether the Articles of Incorporation in record 3 were supplied in confidence, as I have found that they do not contain commercial or financial information, I note that Articles of Incorporation are required by statute to be made available to the public by the Ministry of Government Services and therefore cannot be considered confidential.

### **Part 3: harms**

#### **General principles**

To meet this part of the test, the institution and/or the third party must provide “detailed and convincing” evidence to establish a “reasonable expectation of harm”. Evidence amounting to speculation of possible harm is not sufficient [*Ontario (Workers’ Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)* (1998), 41 O.R. (3d) 464 (C.A.)].

The failure of a party resisting disclosure to provide detailed and convincing evidence will not necessarily defeat the claim for exemption where harm can be inferred from other circumstances. However, only in exceptional circumstances would such a determination be made on the basis of anything other than the records at issue and the evidence provided by a party in discharging its onus [Order PO-2020].

With respect to the records and portions of records that I have found to meet the first two tests for exemption under section 17, the OSC has made lengthy and detailed submissions concerning the competitive nature of the securities industry and the harm that would be caused to the affected persons' competitive position by disclosure.

Each of the records remaining at issue under this section contains detailed financial information relating to a privately-held company - information that is not otherwise available to the public, unless it relates to a publicly-traded company. Given the nature of the industry in which the affected parties named in the request operate, I am also satisfied that it is reasonable to expect that disclosure of information concerning the capitalization and bonding or insurance of a company in that industry could be used by that company's competitors in such a way as to result in undue loss to the company and undue gain to its competitors. Therefore, I find that the harms described in sections 17(1)(a) and (c) could reasonably be expected to result from disclosure of this information.

Earlier, I found that some information for which the section 17(1) exemptions are claimed is not exempt because it is not financial or commercial information, and that other information is not exempt because it was not supplied in confidence. As all three parts of the test have been met with respect to the remaining information for which the exemption is claimed, I find that this information is exempt from disclosure under sections 17(1)(a) and (c).

## **PERSONAL INFORMATION**

The OSC claims that records 1, 3, 4, 44, and 45 contain the personal information of certain individuals. The OSC highlighted the information in question, for greater certainty. As I have found records 1, 44 and 45 to be exempt in their entirety under section 17(1), and record 3 is partly exempt under that section, it is not necessary to determine whether the exempt records and parts are exempt under section 21(1).

**Does the record contain “personal information” as defined in section 2(1) and, if so, to whom does it relate?**

### **General principles**

In order to determine which sections of the *Act* may apply, it is necessary to decide whether the record contains “personal information” and, if so, to whom it relates. That term is defined in section 2(1) as follows:

“personal information” means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except where they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) 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;

The list of examples of personal information under section 2(1) is not exhaustive. Therefore, information that does not fall under paragraphs (a) to (h) may still qualify as personal information [Order 11].

### **The meaning of “about” the individual**

To qualify as personal information, the information must be about the individual in a personal capacity. As a general rule, information associated with an individual in a professional, official or business capacity will not be considered to be “about” the individual [Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F, PO-2225].

Even if information relates to an individual in a professional, official or business capacity, it may still qualify as personal information if the information reveals something of a personal nature about the individual [Orders P-1409, R-980015, PO-2225].

### **The meaning of “identifiable”**

To qualify as personal information, it must be reasonable to expect that an individual may be identified if the information is disclosed [Order PO-1880, upheld on judicial review in *Ontario (Attorney General) v. Pascoe*, [2002] O.J. No. 4300 (C.A.)].

### *Analysis and findings*

Portions of record 3 that I have found to be exempt under section 17 contain the name and other information about an individual other than the appellant. It is unnecessary to consider this information. However, I found that the Articles of Incorporation of a company that are an attachment to this record are not exempt under section 17(1).

Those Articles contain the name and home address of an individual at pages 1 and 6. The individual's name is given in the context of identifying him as an incorporator and director of the corporation. In my view, his name in this context is business or official information, and is not personal information. However, his home address is personal information.

Record 4 is a certificate indicating that the individual identified in it has completed a course and stating his grade. This relates to the individual's educational history and is personal information as defined in paragraph (b) of section 2(1) of the *Act*.

The records do not contain any personal information of the appellant.

I will now consider whether the personal privacy exemption at section 21(1) applies to the personal information in the parts of record 3 I have not previously exempted under section 17(1) and in record 4.

### **PERSONAL PRIVACY**

Where a requester seeks the personal information of another individual, section 21(1) prohibits an institution from releasing this information unless one of the exceptions in paragraphs (a) to (f) of section 21(1) applies.

If the information fits within any of paragraphs (a) to (f) of section 21(1), it is not exempt from disclosure under section 21.

The section 21(1)(a) to (e) exceptions are relatively straightforward. The section 21(1)(f) exception is more complex, and requires a consideration of additional parts of section 21.

Section 21(1) provides:

A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

- (a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;
- (b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;
- (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;
- (d) under an Act of Ontario or Canada that expressly authorizes the disclosure;
- (e) for a research purpose if,
  - (i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,
  - (ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and
  - (iii) the person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations; or
- (f) if the disclosure does not constitute an unjustified invasion of personal privacy.

None of paragraphs (a) to (e) apply to the personal information in record 4. However, the Articles of Incorporation in record 3 are “a record available to the general public” under sections 6 and 270 of the *Business Corporations Act*. Therefore, the address of the individual named in these Articles as a director and incorporator, having been collected and maintained specifically for the purpose of creating this record, falls under paragraph (c) of section 21(1).

As a result, I find that this address is not exempt from disclosure under section 21.

I will now consider whether section 21(1)(f) applies to the personal information in record 4.

The factors and presumptions in sections 21(2), (3) and (4) help in determining whether disclosure would or would not be “an unjustified invasion of privacy” under section 21(1)(f).

Subject to section 21(4) and section 23, if any of paragraphs (a) to (h) of section 21(3) apply, disclosure is presumed to be an unjustified invasion of privacy under section 21 [ *John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767].

Section 21(3) provides, in part:

(3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,

d) relates to employment or educational history;

As stated above, record 4 is a certificate certifying the named individual has completed a particular course and setting out the grade he achieved. This is information relating to “educational history” and therefore disclosure is presumed to be an unjustified invasion of this individual’s privacy unless either section 21(4) or section 23 applies.

If any of paragraphs (a) to (c) of section 21(4) apply, the information is not exempt under section 21. Section 21(4) provides that disclosure does not constitute an unjustified invasion of personal privacy if it discloses certain financial and employment information about employees and contractors of institutions. It has no application to record 4.

The appellant has not claimed that section 23, the public interest override, applies, and based on representations of the parties and my review of the records themselves, I find that section 23 has no application.

Accordingly, I find that the personal information in record 4, which I have highlighted on a copy of record 4 provided to the OSC with this order, is exempt from disclosure under section 21.

## **ORDER:**

1. I uphold the decision of the OSC not to disclose the information that I have found to be exempt; namely, all the information that has been withheld other than the information specified in provision 2.
2. I order the OSC to disclose by sending it to the appellant by **January 27, 2006** but no earlier than **January 23, 2006**, the following information: record 2, the articles of

incorporation attached to record 3, record 4 (other than the highlighted portions), the sixth page of record 5, the second page of record 8, the first page of record 9, record 30, the first page of record 31, the third page of record 33, record 34, the first page of record 35, the second page of record 36, the second page of record 37, the second page of record 39, the second page of record 40, the second page of record 41, the first page of record 48, the second page of record 50, record 51, record 63, and the first page of record 64.

3. To verify compliance with this order, I reserve the right to require the OSC to provide to me a copy of the record disclosed to the appellant.

Original signed by: \_\_\_\_\_  
John Swaigen  
Adjudicator

December 19, 2005 \_\_\_\_\_