



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER MO-2153**

**Appeal MA-050449-1**

**City of Toronto**



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## **NATURE OF THE APPEAL:**

The City of Toronto (the City) received a request under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*), for a list of all the municipal addresses that received ballots for a front yard parking pad poll relating to a specified municipal address (the subject property), conducted within a specified date range.

The City identified records responsive to the request and, relying on the mandatory exemption in section 14(1) of the *Act* (unjustified invasion of privacy), denied access to them in full.

The requester, now the appellant, appealed the City's decision. Mediation did not resolve the appeal and it moved to the adjudication stage.

I began my inquiry by sending a Notice of Inquiry to the City, initially. The City submitted representations in response. I then sent a copy of the Notice of Inquiry to the appellant, inviting representations. For the appellant's reference, I enclosed with the Notice of Inquiry a complete copy of the City's representations. The appellant provided representations in response.

## **RECORDS:**

The record at issue in this appeal is a three page list of names, with associated municipal mailing addresses, property addresses and assessment roll numbers.

## **DISCUSSION:**

### **PERSONAL INFORMATION**

The appellant does not make specific representations on whether the information at issue qualifies as "personal information", but reiterates that he only seeks access to municipal addresses and to no other information.

The City takes the position that the information at issue qualifies as "personal information" as that term is defined in section 2(1) of the *Act*. The City submits that the information contained in the records includes the names, mailing and property addresses of individuals, which clearly falls within the statutory definition of "personal information". Furthermore, the City submits that even if the appellant's request is limited to the addresses, a property owner can be identified through the reverse use of on-line telephone or other directories or by the appellant personally using the addresses to identify his fellow street residents. In the course of mediation, the City provided this office with a copy of the Polling and Notification Procedures in force at the relevant time.

### **Analysis and Findings**

#### *General Discussion*

In order to determine whether section 14(1) of the *Act* may apply, it is necessary to decide whether the records contain "personal information" and, if so, to whom it relates. That term is defined in section 2(1), as 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 if 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].

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]. Furthermore, 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.)].

### *Municipal Addresses*

In Order 23 former Commissioner Sidney B. Linden addressed the distinction between “personal information” and information concerning residential properties. In that appeal, the information at issue was the estimated market value of properties identified by their municipal address. In the course of his analysis, he wrote:

The municipal address of a property is a description identifying the location of the property in a municipality. Typically, a municipal address consists of the name of the street on which the property is located, the number assigned to the property on the street, and the municipality in which the street is located. In most cases, the name of the street and the number of the property are affixed at locations on the street, and the property is clearly visible to the public.

An individual's address, on the other hand, is his or her "place of residence". The owner of a property may or may not be an individual, and individual property owners may or may not reside in the property they own. In many cases an individual's address may have nothing whatsoever to do with property ownership, as is the case with the large proportion of properties occupied by tenants. It is clear to me that the municipal location of a property cannot automatically be equated with the address of its owner, notwithstanding that many individuals do reside in the properties they own. For this reason, I have reached the conclusion that the recorded information sought by the appellants is not "the address... of the individual", and therefore does not qualify as "personal information" under subparagraph (d) of the definition in section 2 of the *Act*.

In Order MO-2053, Senior Adjudicator John Higgins discussed Order 23 in his examination of the distinction between information about residential properties and “personal information”. At issue in the appeal before the Senior Adjudicator was whether municipal addresses of the locations of septic systems that were found in applications submitted by individuals was the “personal information” of those individuals. He wrote:

The distinction between “personal information” and information concerning residential properties was first addressed by Commissioner Sidney B. Linden in Order 23. The Commissioner made the following findings, which have been applied in a number of subsequent orders of this office (e.g. Orders MO-188, MO-189, PO-1847):

In considering whether or not particular information qualifies as "personal information" I must also consider the introductory wording of subsection 2(1) of the *Act*, which defines "personal information" as "...any recorded information about an identifiable individual...". In my view, the operative word in this definition is "about". The *Concise Oxford Dictionary* defines "about" as "in

connection with or on the subject of". Is the information in question, i.e. the municipal location of a property and its estimated market value, **about** an identifiable individual? In my view, the answer is "no"; the information is **about a property** and not **about an identifiable individual**.

The institution's argument that the requested information becomes personal information about an identifiable individual with the addition of the names of the owners of the property would appear to raise the potential application of subparagraph (h) of the definition of "personal information".

Subparagraph (h) provides that an individual's name becomes "personal information" where it "...appears with other personal information **relating to the individual** or where the disclosure of the name would reveal other information **about the individual**" (emphasis added). In the circumstances of these appeals, it should be emphasized that the appellants did not ask for the names of property owners, and the release of these names was never at issue. However, even if the names were otherwise determined and added to the requested information, in my view, the individual's name could not be said to "appear with other personal information relating to the individual" or "reveal other personal information about the individual", and therefore subparagraph (h) would not apply in the circumstances of these appeals. [emphasis in original]

Subsequent orders have further examined the distinction between information about residential properties and "personal information". Several orders have found that the name and address of an individual property owner together with either the appraised value or the purchase price paid for the property are personal information (Orders MO-1392 and PO-1786-I). Similarly, the names and addresses of individuals whose property taxes are in arrears were found to be personal information in Order M-800. The names and home addresses of individual property owners applying for building permits were also found to be personal information in Order M-138. In addition, Order M-176 and Investigation Report I94-079-M found that information about individuals alleged to have committed infractions against property standards by-laws was personal information. In my view, the common thread in all these orders is that the information reveals something of a personal nature about an individual or individuals.

That said, the Senior Adjudicator concluded that the information at issue in that appeal, namely the property addresses, did not qualify as personal information. He explained:

The information at issue in this case bears a much closer resemblance to information which past orders have found to be about a property and not about an identifiable individual. For example, in Order M-138, the names and home addresses of individual property owners who had applied for building permits were found to be personal information, but the institution in that case did not claim that the property addresses themselves were personal information, and the addresses were disclosed. In Order M-188, the fact that certain properties owned by individuals were under consideration as possible landfill sites was found not to be personal information. Similarly, in Order PO-2322, former Assistant Commissioner Tom Mitchinson found that water analysis and test results concerning an identified property were information about the property, not personal information.

The record at issue in this case contains several fields, and those which contain responsive information are the fifth and sixth columns titled "street no" and "street name". This information is analogous to what was at issue in Orders M-188 and PO-2322, and I find that it is "about" the properties in question and not "about" an identifiable individual. As such, it falls outside the scope of the definition of "personal information" in section 2(1) of the *Act*. Because only "personal information" can qualify for exemption under section 14(1), this exemption has no application in the circumstances of this appeal.

In accordance with the copy of the Polling and Notification Procedures the City provided, ballots are to be sent to residents of municipal addresses within the polling area. Ballots are also to be sent to persons listed on the assessment roll as tenants or owners of assessed land within the polling area. Where the person enumerated on the current assessment roll as owner of the assessed land does not reside there, notice is also to be sent to the non-resident owner's mailing address. Therefore, the factor determining the receipt of ballots is whether the municipal address of the assessed land falls within a certain radius of the subject property. During the course of adjudicating the appeal the appellant confirmed that he does not seek access to the non-resident owner's mailing addresses, leaving at issue only the municipal addresses to which ballots were sent within the polling area.

Having carefully considered the matter, I have reached the conclusion that the remaining municipal addresses set out in the record do not contain "personal information" as that term is defined in section 2(1). Given that these addresses would not contain an individual's name or any other identifying information, and are targeted to receive a ballot because of their physical location, I find that these addresses neither relate to identifiable individuals nor do they disclose information of a personal nature. In my view, these municipal addresses constitute information that is more "about" the assessed lands, or properties in question, than "about" an identifiable individual.

Finally, the fact that the names of individuals could be determined by reverse directories or some other way does not convert the municipal addresses from information about a property to

personal information. In Order PO-1847, Adjudicator Katherine Laird noted that, in the context of a discussion about correspondence concerning possible land use, "... where records are about a property, and not about an identifiable individual, the records may be disclosed, with appropriate severances, notwithstanding the possibility that the owners of the property may be identifiable through searches in land registration records and/or municipal assessment rolls."

Because I have concluded that the remaining municipal addresses are "about" the properties, and not "about" identifiable individuals, it falls outside the scope of the definition of "personal information" in section 2(1) of the *Act*. Because only "personal information" can qualify for exemption under section 14(1), this exemption has no application in the circumstances of this appeal.

As no other exemptions have been claimed, I will order the municipal addresses that I have highlighted in the record to be disclosed.

**ORDER:**

1. I order the City to disclose to the appellant the highlighted portions of the record that are found in the copy of the record provided to the City with this order, by sending him a copy of the record by no later than **March 7, 2007**.
2. To verify compliance with this order, I reserve the right to require the City to provide me with a copy of the record as disclosed to the appellant, upon request.

Original signed by: \_\_\_\_\_  
Steven Faughnan  
Adjudicator

\_\_\_\_\_  
January 31, 2007