Information and Privacy Commissioner,
Ontario, Canada

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

ORDER PO-3054

Appeal PA11-408

Ministry of Government Services

February 22, 2012

Summary: The Ministry of Government Services received a request for access to the appellant's adult daughter's change of name application, which she filled out when she legally changed her name under the *Change of Name Act*. The ministry denied access to the record based on its view that the record contained the personal information of the appellant's daughter. In this order, the ministry's decision to deny access to the record on the basis of section 49(b) is upheld.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, ss. 2(1) (definition of "personal information"), 21(1)(b), 21(2)(a), 21(2)(f), 21(2)(g), 21(2)(h), 23 and 49(b*); Change of Name Act*, R.S.O. 1990, c. C.7, ss. 7, 10.

Orders and Investigation Reports Considered: PO-2910.

OVERVIEW:

[1] In 2010, the appellant's adult daughter changed her name under Ontario's *Change of Name Act*. To do so, she was required to complete the form entitled "Application to change an adult's name" which is filed with the Office of the Registrar General of the Ministry of Government Services (the ministry).

[2] The appellant made a request to the ministry under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for access to his daughter's completed change of name application. The request referred to the daughter's former name and changed

name, and the appellant identified his concern that his daughter's application may be flawed, and the reasons why he had this concern.

[3] In response to the request, the ministry issued a decision stating that access to the record was denied on the basis of the mandatory exemption in section 21(1) (personal privacy) of the *Act*. The appellant appealed the ministry's decision.

[4] During mediation, the appellant confirmed that he does not have power of attorney for his daughter and is not her guardian or substitute decision maker. He also identified his belief that the public interest override in section 23 of the *Act* applies in the circumstances of this appeal.

[5] Mediation did not resolve this appeal, and it was moved to the adjudication stage of the appeals process, where an adjudicator conducts an inquiry under the *Act*. At that stage, the possible application of the discretionary personal privacy exemption in section 49(b) was raised, as the requested record also appeared to include the personal information of the appellant. I sought and received representations from the ministry and the appellant, which were shared in accordance with *Practice Direction 7* of the *IPC Code of Procedure*. In this order, I find that the record contains the daughter's personal information and qualifies for exemption under section 49(b) of the *Act*.

RECORD:

[6] The record at issue is a completed form entitled "Application to change an adult's name." It consists of a total of 20 pages including an attachment and some "corrected" or "changed" pages.

ISSUES:

A. Does the record contain personal information?
B. Does the discretionary exemption at section 49(b) apply to the record?
C. Does the public interest override in section 23 apply to the record?

DISCUSSION:

A. Does the record contain personal information?

[7] 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 if 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;

[8] 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].

[9] 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.)].

[10] The ministry identifies that the "Application to change an adult's name" form contains the personal information of the appellant's daughter (also referred to as the applicant). The ministry states:

> The change of name application requires an individual seeking to change his or her name to provide a variety of personal information, including: current address, gender, place and date of birth, the amount of time that the Applicant has lived in Ontario, information about the Applicant's parents and guarantor, information about any criminal offences, charges and court proceedings against the Applicant, and general financial information about whether any monetary judgements, security interests against property and/or financing statements have been issued against the Applicant, including whether the Applicant is an undischarged bankrupt.

[11] The ministry also provides representations in support of its position that the application also contains the personal information of other identifiable individuals including the applicant's mother, the guarantor and the appellant.

[12] I have reviewed the record at issue and find that it contains the personal information of the appellant's daughter, as defined in section 2(1). The information in the record includes the daughter's name, address, telephone number, age, date of birth, place of birth and marital status. The form also includes answers to questions regarding her biographical information, including her reasons for seeking the name change, certain financial information, and whether she has a criminal record or has been involved in certain types of civil litigation. As a result, I am satisfied that the record contains the daughter's personal information within the meaning of paragraphs (a), (b), (d) and (h) of the definition of that term in section 2(1) of the *Act*.

[13] I am also satisfied that the application contains the personal information of the applicant's parents, as it contains their names along with other personal information relating to them – namely – that they are the parents of the applicant [paragraph (h)]. One of these individuals is, of course, the appellant.

[14] With respect to whether the application contains the personal information of the guarantor, the ministry has provided representations in support of its position that this information is the personal information of the guarantor. It identifies that the requirements of being a guarantor require that the guarantor is either a member of a designated class of individuals because of their professional designation, or that the guarantor has known the individual for over five years. In either case, the guarantor's involvement in the application is only to confirm that the applicant has lived in Ontario for at least 12 months prior to filing the application.

[15] The ministry takes the position that the information relating to the guarantor qualifies as this individual's personal information. However, in the circumstances of this appeal, it is not necessary for me to determine whether the guarantor's information qualifies as his or her personal or professional information. The guarantor's

involvement in the application was initiated by the applicant, and the process set out in the form requires that the applicant ask the guarantor to fill out the relevant portions of the form. The applicant is then required to include this portion of the form as part of his or her change of name application. Furthermore, the portion of the form filled out by the guarantor includes information about the applicant's residence and some information about the relationship between the guarantor and the applicant. In these circumstances, I am satisfied that the guarantor's information is also the personal information of the applicant, as it reveals other personal information about the applicant under paragraph (h) of the definition in section 2(1). Because of my finding below that the record qualifies for exemption under section 49(b), it is not necessary for me to determine whether or not the information relating to the guarantor relates to that person in a personal or professional capacity, nor was it necessary for me to notify this individual as part of my inquiry under section 28 of the *Act*.

[16] I have found that the record contains the personal information of the applicant as well as, *inter alia*, the personal information of the appellant. Previous orders have established that where a record contains both the personal information of the appellant and other individuals, the request falls under Part III of the *Act* and the relevant personal privacy exemption is section 49(b) [Order M-352]. Some exemptions, including the invasion of privacy exemption at section 21(1), are mandatory under Part II but discretionary under Part III. In the latter case, an institution may exercise its discretion to disclose information that it could not disclose if the mandatory exemption in Part II applied [Order MO-1757-I].

[17] Accordingly, I will consider whether the record qualifies for exemption under the discretionary exemption at section 49(b).

B. Does the discretionary exemption at section 49(b) apply to the record?

[18] Section 47(1) of the *Act* gives individuals a general right of access to their own personal information held by an institution. Section 49 provides a number of exemptions from disclosure that limit this general right.

[19] Under section 49(b), where a record relates to the requester but disclosure of the information would constitute an unjustified invasion of another individual's personal privacy, the institution may refuse to disclose that information to the requester.

[20] Section 49(b) is a discretionary exemption. Even if the requirements of section 49(b) are met, the institution must nevertheless consider whether to disclose the information to the requester. In this case, section 49(b) requires the ministry to exercise its discretion in this regard by balancing the appellant's right of access to his own personal information against other individuals' right to the protection of their privacy.

[21] Sections 21(1) through (4) of the *Act* provide guidance in determining whether disclosure would result in an unjustified invasion of an individual's personal privacy under section 49(b). Sections 21(1)(a) through (e) provide exceptions to the personal privacy exemption; if any of these exceptions apply, the information cannot be exempt from disclosure under section 49(b).

[22] Section 21(2) provides some criteria for determining whether the personal privacy exemption applies. Section 21(3) lists the types of information whose disclosure is presumed to constitute an unjustified invasion of personal privacy. Section 21(4) lists the types of information whose disclosure does not constitute an unjustified invasion of personal privacy.

[23] If none of the presumptions in section 21(3) applies, the institution must consider the factors listed in section 21(2), as well as all other relevant circumstances.

21(1)(b) health and safety

[24] In his representations, the appellant submits that the record is not exempt due to the application of the exception to the personal privacy exemption at section 21(1)(b), which reads:

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

[25] The appellant indicates his concerns about his daughter's mental health, and identifies that the information in the application ought to be disclosed so that the people who care for her "are able to be assured that the application was genuine."

[26] Previous orders have established that this exception applies where specific personal information about an individual should be disclosed in the specific circumstances of the request (see Order PO-2541). In this appeal, I am not satisfied that the exception in section 21(1)(b) applies to the record at issue. The appellant has provided some information about his daughter's mental health, and has also identified his interest in obtaining information about the change of name application. However, the appellant has not identified how the disclosure of the information in the application could in any way affect the health and safety of an individual.

[27] I note that the applicant changed her name in 2010. The fact of the change of name is known, and was published in *The Ontario Gazette* as required by section

8(1)(a) of the *Change of Name Act*. The appellant has not provided me with evidence of any compelling circumstances in support of a finding that disclosure of the information contained in his daughter's change of name application could affect her health or safety, or that of any other identifiable individual. As a result, I find that the exception in section 21(1)(b) does not apply to the information in the record.

Section 49(b) – unjustified invasion

[28] Section 49(b) reads:

> A head may refuse to disclose to the individual to whom the information relates personal information,
>
> > where the disclosure would constitute an unjustified invasion of another individual's personal privacy

[29] As identified above, section 21(2) provides some criteria for determining whether the personal privacy exemption applies. Section 21(3) lists the types of information whose disclosure is presumed to constitute an unjustified invasion of personal privacy.

[30] The ministry takes the position that none of the presumptions in section 21(3) apply in the circumstances of this appeal.

[31] Both parties argue that certain factors in section 21(2) apply to the information in the record. The ministry takes the position that the factors supporting non-disclosure in sections 21(2)(f), (g) and (h) apply to the record. The appellant argues that the factors in sections 21(2)(a) and (g) apply, and that these factors favour disclosure of the record. These sections read:

> (2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,
>
> (a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Ontario and its agencies to public scrutiny;
>
> (f) the personal information is highly sensitive;
>
> (g) the personal information is unlikely to be accurate or reliable;
>
> (h) the personal information has been supplied by the individual to whom the information relates in confidence;

Section 21(2)(a): public scrutiny

[32] In earlier material submitted by the appellant in this appeal, he identifies his concerns regarding the apparent ease with which his daughter could change her name, given her mental state at the time of her application, and the fact that there is no apparent method of reviewing an individual's decision to change his or her name. In addition, the appellant refers to his concern that a large number of change of name applications are processed regularly in Ontario. He argues that disclosure of the record is desirable for the purpose of subjecting the activities of the Government of Ontario and its agencies to public scrutiny, and that this factor applies in favour of disclosure.

[33] The ministry's representations address the possible application of this factor. It states that it considered whether the release of the information contained in this particular application would shed light on the operations of the Office of the Registrar General, and decided that it would not. One of the reasons it gives for coming to this decision are that the request relates to a private interest (the appellant's interest in obtaining access to the information relating to his daughter), rather than an interest in the inner workings of government. Another reason it gives is that there is already sufficiently detailed information available to the public and accessible online related to the change of name process.

[34] With respect to its position that the appellant's interest is a private one, the ministry refers to Order PO-2910, which reviewed the issue of access to information in a Family Responsibility case file. In that order, the decision was made that access would benefit only the individual seeking the information, and would not promote public scrutiny of government activity as contemplated by subsection 21(2)(a). The ministry then states:

> Similar to Order PO-2910, the appellant in the current appeal is seeking the Application to verify the information provided by the Applicant which amounts to a private interest. As such, the disclosure of the information contained in the Application only addresses the appellant's private concerns regarding his daughter's Application and will not promote public scrutiny of government activity.

[35] With respect to its position regarding the amount of information available to the public related to the change of name process, the ministry states:

> … the change of name process is transparent and any person can obtain information about how individuals can change their names, the documents required as part of the process, and answers to frequently asked questions are publicly available and accessible online as are blank copies of the various forms individuals must complete. There is also a clear indication on all of the web-pages related to changes of name that the

> Office of the Registrar General can be contacted either by phone or mail for more information about the change of name process. In addition, section 6 of the *Change of Name Act* outlines the procedural requirements for change of name and stipulates the contents of the application …. The *Change of Name Act*, like much of the information about the process, is also accessible online.
>
> Legal name changes are also published in [the] Ontario Gazette for public review. This adds another layer of openness with respect to the change of name process as it publicizes name changes and allows any member of the public to review what name changes took place.

Finding

[36] In order for section 21(2)(a) to apply, it must be established that disclosure of the personal information found in the record is desirable for the purpose of subjecting the activities of the institution to public scrutiny (see Order P-828). Although the appellant is clearly interested in obtaining access to the record, and refers generally to questions about the process, I have not been provided with sufficient evidence to support a finding that this factor is relevant in the circumstances. The appellant clearly has a personal interest in obtaining the record, but I do not find that the disclosure of the personal information found in this record is desirable for the purpose of subjecting the activities of the ministry (or the Office of the Registrar General) to *public* scrutiny.

[37] In my view, section 21(2)(a) is not a relevant factor favouring disclosure in these circumstances.

Section 21(2)(f): highly sensitive

[38] The ministry submits that the application contains highly sensitive personal information in accordance with section 21(2)(f), and that this factor should be given significant weight in favour of non-disclosure. It states that, in the circumstances of this appeal, disclosure of the information "could reasonably be expected to cause the applicant significant distress if the application was released in response to an access request made under the *Act*."

[39] On my review of the application, I am satisfied that portions of it contain information which may be characterized as "highly sensitive." These would include the applicant's reasons for the name change, certain financial information, and whether she has a criminal record or has been involved in certain types of civil litigation.

Other information in the form is not, in my view, "highly sensitive." This would include general information about her name, address, etc, as well as the fact that she changed

her name and her previous and current names (as this information has been published in the *Ontario Gazette*).

Subsection 21(2)(g): inaccurate or unreliable information

[40] The appellant has raised concerns that the information contained in the application may not be accurate or reliable, and relies on the factor in section 21(2)(g) to support his position that the information ought to be disclosed.

[41] The ministry addresses this argument by indicating that previous orders of this office have held that this factor is one that weighs in favour of non-disclosure of personal information, and refers to Order PO-2271 in support. The ministry also states:

> Based on the Ministry's review of the Application, there is no indication that the Application is unreliable or inaccurate. Even if the Application was inaccurate or unreliable, as the appellant submits, the IPC has found that this factor weighs against disclosure. In this regard, the Ministry submits that subsection 21(2)(g) does not apply in the circumstances of this appeal.

[42] Later in its representations, the ministry also identifies that a change of name can be challenged on certain grounds. It states:

> Furthermore, Section 10 of the *Change of Name Act* provides another means by which the appellant's concerns could be addressed. Specifically, it allows any individual to make an application to the court for an order revoking the change of name if they have reason to believe that a change of name has been obtained by fraud or misrepresentation or for an improper purpose.

[43] In response, the appellant states that if he is not able to access the information, he cannot determine whether the change of name has been obtained by fraud or misrepresentation or for an improper purpose.

[44] I have carefully considered the application of this factor in this appeal. The ministry has indicated that the legislature has established and publicized the requirements for a change of name, and that the process is fairly routine. Section 10 provides that, for certain serious allegations, a change of name can be revoked. However, I find that the existence of section 10 in the *Change of Name Act* does not operate as a license enabling others to obtain access to an individual's change of name application. Although the appellant would like to review his daughter's change of name application, he has not provided any evidence to suggest that the serious concerns identified in section 10 are raised, nor any grounds to support such a belief.

[45] Based on the representations provided to me, I am not satisfied that the factor in section 21(2)(g) applies in favour of disclosure of the record. There is no evidence that the information at issue is inaccurate or unreliable and, even if the information were inaccurate or unreliable, absent any additional information, I find that this factor does not favour the disclosure of the information in the context of this appeal.

Section 21(2)(h): supplied by the individual in confidence

[46] The ministry submits that the information contained in the application would reveal information that has been supplied in confidence as contemplated by subsection 21(2)(h) of the *Act*. It states:

> For subsection 21(2)(h) to apply, both the individual supplying the information and the recipient must have an expectation that the information would remain confidential. Importantly, the expectation of both parties is assessed based on whether it was objectively reasonable in the particular circumstances [Order Orders M-780, MO-1453, PO-1670].

[47] The ministry then identifies that the record at issue includes the following statement on the form:

> Personal information on this form is collected under the authority of the *Change of Name Act*, R.S.O., c.C.7. It will be used to determine whether a change of name can be granted, to register and record the change of name, to publish the change of name in the Ontario Gazette, to provide certified copies of the registration, certificates and search notices and for statistical research, medical, law enforcement, corrections, adoption and adoption disclosure purposes.

[48] The ministry then states that the applicant submitted to the Office of the Registrar General the completed form as part of the change of name process with the expectation that the document would be kept confidential, except in the circumstances outlined in the notice found on the form as quoted above.

[49] The ministry also refers to Orders P-309, PO-2876 and PO-2877 in support of its position. In addition, it refers to section 45(1) of the *Vital Statistics Act*, as further evidence that the information was supplied in confidence.[1]

[50] Based on the information provided by the ministry and, in particular, the wording set out on the completed form as referenced above, I find that the applicant would have had a reasonable expectation that most of the personal information relating to her

[1] This section reads: "No certified copy of a registration of birth, change of name, death or still-birth shall be issued except to a person authorized by the Registrar General or the order of a court and upon payment of the required fee."

was provided in confidence, and would only be used or shared for the specific purposes set out in the form. Clearly the form identifies that some of the information (such as her previous name and her new name) would be made public in accordance with the requirements in the *Change of Name Act*. I am satisfied, however, that the information in the application form was otherwise supplied in confidence by the applicant. Accordingly, I find that this factor favours non-disclosure of the record at issue.

Analysis of factors

[51] With respect to the application of the factors in section 21(2), I have found that none of the listed factors favouring disclosure in section 21(2) apply, and that two of the listed factors favouring non-disclosure apply to the record. Accordingly, in the circumstances of this appeal, I am satisfied that the disclosure of the information would constitute an unjustified invasion of privacy and the record is accordingly exempt under section 49(b).

The ministry's exercise of discretion

[52] The section 49(b) exemption is discretionary, and permits an institution to disclose information, despite the fact that it could withhold it. An institution must exercise its discretion. On appeal, the Commissioner may determine whether the institution failed to do so.

[53] In addition, the Commissioner may find that the institution erred in exercising its discretion where, for example,

- it does so in bad faith or for an improper purpose;
- it takes into account irrelevant considerations;
- it fails to take into account relevant considerations.

[54] In either case this office may send the matter back to the institution for an exercise of discretion based on proper considerations [Order MO-1573]. This office may not, however, substitute its own discretion for that of the institution [section 43(2)].

[55] The ministry's representations identify the considerations it took into account in deciding to exercise its discretion not to disclose the records remaining at issue. It states that these include:

- the purposes of the *Act*;
- that information should be available to the public (and that much information about the change of name process is public and accessible);

- that the appellant's information constituted a small portion of the application, and most of the content of the record related to the applicant;
- that the information in the application is overwhelmingly comprised of the personal information of the applicant;
- that the personal information was supplied by the applicant with the expectation that it would remain in confidence with the Office of the Registrar General;
- that the section 49(b) exemption relates to the protection of personal privacy;
- that the disclosure of the requested record would not shed any light on how the Office of the Registrar General operates, either generally or in relation to the change of name process;
- that the application was made relatively recently, and the applicant's privacy interests are current and significant to her.

[56] In another portion of its representations, the ministry reviews the legislated process through which individuals can change their name. The ministry specifically identifies that the legislation establishes the requirements for a change of name application and that, if the requirements are met, the Registrar General has no discretion to refuse to change the person's name. It states:

> Section 7 of the *Change of Name Act*, which outlines the duty of the Registrar General to register changes of names, does not provide the Registrar General with any discretion to refuse to change a person's name if all the requirements of the statute are met, the required fee is paid and there are no reasonable grounds to believe that the application is being made for an improper purpose.

[57] The appellant refers to certain factors which he believes are relevant, and ought to have been considered by the ministry in exercising its discretion. These factors include the appellant's understanding that, in the past, a change of name application had to be made in provincial court and that the application would have been available for all to see in the court office. The appellant also states that disclosure of the information to him would not be an unjustified invasion of privacy, and that he is solely concerned about the welfare of his daughter, and would not share the information with anyone else.

Finding

[58] I have carefully reviewed the representations of the parties respecting the exercise of its discretion. Based on the ministry's representations, I am satisfied that the ministry took into account the relevant factors in making that decision, and did not take into account irrelevant factors. With respect to the factors identified by the appellant, although he indicates that this type of information was available through the court office in the past, the fact that the *Change of Name Act* clearly establishes the

current requirements for collection and disclosure of this information give that factor little weight.

[59] Based on the information provided to me, and all of the circumstances of this appeal, I am satisfied that the ministry properly exercised its discretion to deny access to the record under section 49(b), and I uphold the manner in which it exercised its discretion.

[60] I have also considered the severance provisions in section 10(2) of the *Act*, and whether there is any purpose served in severing the information relating to the appellant's daughter and other individuals, and providing the rest of the record to the appellant. In the circumstance, I find that there is no purpose served in severing the record. Doing so would only result in the appellant being provided with the blank form that was filled out by his daughter, as well as his own name in one brief portion of the record. The appellant has indicated the reasons why he is interested in accessing the record, and providing the record severed in that manner would not address any of the issues he has raised. In the circumstances, I find that severing this information would only result in the appellant being provided with either the questions on the form (which is a publically available form) or brief "snippets" of information which he is already aware of. I have decided that no useful purpose would be served in ordering disclosure of these snippets of information. Furthermore, as identified in previous orders, the ministry is not required to sever the record and disclose portions where to do so would reveal only "disconnected snippets," or "worthless" or "meaningless" information.[2]

C. Does the public interest override in section 23 apply to the record?

[61] During the mediation of this appeal, the appellant argued that there is a compelling public interest in the disclosure of the records, and that section 23 of the *Act* applies. That section states:

[62] Section 23 states:

> An exemption from disclosure of a record under sections 13, 15, 17, 18, 20, 21 and 21.1 does not apply where a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption.

[63] For section 23 to apply, two requirements must be met. First, there must be a compelling public interest in disclosure of the records. Second, this interest must clearly outweigh the purpose of the exemption.

[64] In considering whether there is a "public interest" in disclosure of the record, the first question to ask is whether there is a relationship between the record and the *Act*'s

[2] See Order PO-1663, *Ontario (Minister of Finance) v. Ontario (Information and Privacy Commissioner)*, (1997), 102 O.A.C. 71 (Div. Ct.).

central purpose of shedding light on the operations of government [Orders P-984, PO-2607]. Previous orders have stated that in order to find a compelling public interest in disclosure, the information in the record must serve the purpose of informing or enlightening the citizenry about the activities of their government or its agencies, adding in some way to the information the public has to make effective use of the means of expressing public opinion or to make political choices [Orders P-984 and PO-2556].

[65] A public interest does not exist where the interests being advanced are essentially private in nature [Orders P-12, P-347 and P-1439]. Where a private interest in disclosure raises issues of more general application, a public interest may be found to exist [Order MO-1564].

[66] The word "compelling" has been defined in previous orders as "rousing strong interest or attention" [Order P-984].

[67] Any public interest in *non*-disclosure that may exist also must be considered [*Ontario Hydro v. Mitchinson*, [1996] O.J. No. 4636 (Div. Ct.)].

[68] Although the appellant did not provide specific representations on the application of section 23 in response to the invitation to do so in the Notice of Inquiry, in the course of this appeal and throughout his representations, the appellant refers to his concerns about his daughter and how she was able to change her name. He also states that other agencies were "surprised" that his daughter was able to obtain a name change, and he identifies his concern about the legitimacy of the guarantor's information in his daughter's name change application. In addition, the appellant identifies his concerns about the large number of name changes being processed (as evidenced in the list of name changes set out in the *Ontario Gazette*) and his concern that the government has a lax approach to change of name applications.

Findings

[69] In the circumstances of this appeal, I find that section 23 does not apply to override the application of the personal privacy interests which I found apply to the record. Although the appellant identifies issues he raises regarding the change of name process, he has not provided sufficient evidence to satisfy me that there is a public interest in this issue, or that the public is interested in this issue in any way. In addition, I find that the appellant's interest in this record is essentially a private one. The appellant is concerned about his daughter, and wants to obtain access to the information about her change of name application. Indeed, the appellant's representations on access confirm that he would not share the information in the record with other parties, but wants only to review the information himself. In the circumstances of this appeal I do not find that there exists a compelling public interest in the disclosure of the record and, accordingly, I find that section 23 does not apply.

ORDER:

I uphold the ministry's decision that the record is exempt under section 49(b) of the *Act*, and dismiss this appeal.

Original Signed By: February 22, 2012
Frank DeVries
Adjudicator