



**Information and Privacy
Commissioner/Ontario**

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

ORDER 64

Appeal 880202

Ministry of Correctional Services



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June 21, 1989

VIA PRIORITY POST

Appellant

Dear Appellant:

Re: Order 64
Ministry of Correctional Services
Appeal Number 880202

I am writing to inform you of my Order on the appeal you filed with my office respecting a decision made under the Freedom of Information and Protection of Privacy Act, 1987, by the Ministry of Correctional Services (the "institution").

A review of the appeal file indicates that you requested access to "all personal information with Correctional Services". The institution provided you with access to 24 documents from your correctional files at the Walkerton Jail and the Walkerton Probation and Parole Office. You also received partial access to four other documents. The institution denied you access to seven documents.

As you know, as soon as your appeal was received by my office, an Appeals Officer was assigned to investigate the circumstances of the appeal, attempt to mediate a settlement and report on the matter.

The Appeals Officer obtained and reviewed all of the records mentioned above. Discussions with the Freedom of Information and Privacy Co-ordinator for the institution, resulted in the release to you of all documents and parts of documents

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previously withheld, with the exception of six entries in the probation officer's record of case supervision. You asked that these entries be released to you with any names removed. The institution was not agreeable to this suggestion as a resolution to this appeal.

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When final settlement in this appeal could not be achieved, I sent the institution and you a letter on March 3, 1989 which enclosed a report prepared by the Appeals Officer. My letter requested representations on the outstanding issues in the appeal. I have thoroughly reviewed the representations received from both the institution and yourself.

On June 13, 1989, shortly before I prepared this Order, the institution agreed to release three of the six entries that remained in issue in this appeal. These entries were sent to you, by the institution, on June 16, 1989.

The three entries in the record of case supervision that remained undisclosed at the time of this Order, are dated October 20, 1986, October 16, 1987 and November 12, 1987. The institution relied on subsections 14(2)(d), 49(b) and 49(e) of the Freedom of Information and Protection of Privacy Act, 1987, to deny you access to these entries.

Subsection 49(e) of the Act allows an institution to deny you access to your personal information in situations where the information is a correctional record and release of the information could reasonably be expected to reveal information that was supplied in confidence.

I have carefully reviewed the contents of the three entries not disclosed and I have reached the conclusion that they have been properly withheld from you by virtue of subsection 49(e) of the Act. I am satisfied that the information in these entries was provided to the probation officer in confidence. The removal of the names of the individuals who provided the information would not be sufficient to protect their identity because the contents of the entries are such that the probable source of the information could be readily identified from them. Even if the names were removed, the remaining information properly falls within the subsection 49(e) exemption.

As I have found that subsection 49(e) of the Act has been properly applied by the institution to deny you access to these three entries, it is not necessary for me to look at the other exemptions relied on by the institution.

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Accordingly, please be advised that I have decided to uphold the decision of the head not to grant access to the three entries in the record of case supervision.

Yours truly,

Sidney B. Linden
Commissioner

cc: The Honourable David Ramsay, Minister
Mr. Brian Beamish, Acting FOI Co-ordinator