

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4594

Appeal MA24-00007

Town of Saugeen Shores

November 15, 2024

Summary: The Town of Saugeen Shores (the town) received a request under the *Municipal Freedom of Information and Protection of Privacy Act* for a receipt for a lease payment made by a specified corporation. The town provided a copy of the receipt to the appellant, but withheld the amount of money paid by the corporation under section 14(1) (personal privacy) of the *Act*.

The adjudicator finds that the amount of money paid by the corporation to the town is not personal information and that therefore the section 14(1) personal privacy exemption does not apply. He orders the information disclosed.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, section 2(1) "personal information".

OVERVIEW:

[1] The Town of Saugeen Shores (the town) received an access request under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for the following information:

Copy of land lease rent payment receipt for October 2023, paid by the [specified group], - [named company] or [named individual] for lease of town lands located at [named address] and issued by the Town of Saugeen Shores.

[2] The town located a receipt. An affected party, an individual associated with the corporation identified in the receipt, was contacted about disclosure of the receipt, and they consented to the receipt being disclosed with the amount of money paid withheld. The town disclosed part of the receipt, but withheld the amount paid under section 14(1) (personal privacy).

[3] The requester (now the appellant) appealed the town's decision to the Information and Privacy Commissioner of Ontario (IPC). During mediation, the town maintained its decision and the appellant continued to seek access to the withheld information. No further mediation was possible and the appeal was transferred to the adjudication stage of the appeals process, where an adjudicator may conduct an inquiry.

[4] I conducted an inquiry where I sought and received representations from the town. I sought representations from the same affected party previously contacted by the town, but none were received. After reviewing the town's representations, I determined that I did not need to seek representations from the appellant.

[5] For the reasons that follow, I grant the appeal and order the town to disclose the withheld portions of the record to the appellant.

RECORDS:

[6] A one-page receipt (the receipt) is the only record at issue. The receipt was disclosed to the appellant, except for the amounts paid.

DISCUSSION:

[7] The town relies only on the personal privacy exemption at section 14(1) of the *Act*. If there is no personal information in the receipt, then the exemption will not apply. As such, the sole issue in this appeal is whether the receipt contains personal information.

[8] Section 2(1) of the *Act* defines "personal information" as "recorded information about an identifiable individual." Information is "about" the individual when it refers to them in their personal capacity, which means that it reveals something of a personal nature about the individual. Section 2(1) of the *Act* gives a list of examples of personal information.

[9] Generally, information about an individual in their professional, official or business capacity is not considered to be "about" the individual.¹ Sections 2(2.1) and (2.2), provide further clarification on what is not considered personal information under the *Act*.

¹ Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

(2.1) Personal information does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity.

(2.2) For greater certainty, subsection (2.1) applies even if an individual carries out business, professional or official responsibilities from their dwelling and the contact information for the individual relates to that dwelling.

Representations, analysis, and finding

[10] The receipt relates to a lease payment made to the town for a project involving the town and a numbered company. The town submits that the receipt contains personal information of the affected party, specifically financial information as defined in paragraph (b) of the definition of personal information in the *Act*. It acknowledges that the receipt is issued to the numbered company (not the affected party), but the town submits that this financial information is "indistinguishable" from the financial information of the affected party, an individual.

[11] The receipt documents a payment made to the town by a numbered company and the name of the affected party is not on the receipt. It is possible that a knowledgeable person could potentially identify the affected party due to their association with the numbered company, but this does not mean that the receipt contains the personal information of the affected party within the meaning of the *Act*. Any information in the receipt is "about" the numbered company, rather than the affected party.

[12] I do not agree with the town's submission that the financial information of the numbered company is indistinguishable from the financial information of the affected party. The withheld information directly relates to the numbered company, and while the affected party may have a financial interest in the company, it is still the company's financial information. Even if the individual were the only person involved in the numbered company, the withheld information still relates to them in a business or professional capacity; it is the amount of money that a corporation paid to the town for a project both entities are involved in. Considering the context of the receipt, to the extent that it identifies any individual, on its face, this is being done in a business or professional capacity. The receipt, including the total paid, reveals nothing of a personal nature about the affected party. Accordingly, the receipt does not contain personal information within the meaning of the *Act*.

[13] As the receipt does not contain personal information, it cannot be exempt from disclosure under section 14(1), and I will order it disclosed.

ORDER:

1. I order the town to disclose to the appellant an unredacted copy of the receipt by **December 20, 2024**, but not before **December 13, 2024**.
2. In order to verify compliance with Order provision 1, I reserve the right to require the town to provide me with a copy of the record disclosed to the appellant.

Original Signed by: _____
Chris Anzenberger
Adjudicator

_____ November 15, 2024