

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4612

Appeal MA23-00770

City of Niagara Falls

January 15, 2025

Summary: An individual asked the city for a copy of a bed and breakfast business licence application. The city decided to disclose a copy of the licence in full. The individual who applied for the licence objected and then appealed the city's decision to disclose their signature on the application, claiming that it is personal information. In this order, the adjudicator finds that the signature on the business licence application does not constitute personal information. She upholds the city's decision to disclose the entire licence application, including the signature, and dismisses this appeal.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 as amended, section 2(1) (definition of "personal information"), 2(2.1) and 2(2.3).

Orders Considered: Order MO-1194.

OVERVIEW:

[1] The City of Niagara Falls (the city) received a request for access under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) to the bed and breakfast licence application for a specific address.

[2] In accordance with section 21 of the *Act*, the city notified the applicant, as a person whose interests might be affected by disclosure, to give them the chance to comment. The city then decided to grant the requester partial access to a four-page licence application. The city withheld only the signature from page 4. The applicant did not appeal

the city's decision and, after 30 days passed, the city disclosed the business licence application to the requester with the applicant's signature redacted.

[3] The requester appealed the city's decision to withhold the signature to the Information and Privacy Commissioner of Ontario (IPC), and an appeal was opened. During mediation of that appeal, the city notified the applicant and, after receiving their response opposing disclosure, issued a revised decision granting full access to the record, including to the previously withheld signature. This resulted in the resolution and closing of the requester's appeal.

[4] The applicant then appealed the city's revised decision to the IPC and this appeal file was opened. The applicant is the appellant in this appeal.

[5] Mediation was attempted but did not resolve the appeal. It was transferred to the adjudication stage of the appeal process. I conducted an inquiry during which I received representations from the city, the appellant, and the requester.

[6] In this order, I find that the signature is not the appellant's personal information. I uphold the city's revised decision to disclose the entire business licence application and dismiss this appeal.

RECORD:

[7] The record is a four-page bed and breakfast business licence application.

DISCUSSION:

[8] The appellant claims that their signature on the business licence application is personal information and is therefore exempt from disclosure – in this case, under the mandatory personal privacy exemption in section 14(1), which prevents the city from disclosing individuals' personal information to others, except in limited and specific circumstances.

[9] For a personal privacy exemption to apply, the information at issue must be "personal information." Section 2(1) of the *Act* defines "personal information" as "recorded information about an identifiable individual," and contains a non-exhaustive list of examples of what constitutes personal information.

[10] Information is "about" an individual when it refers to them in their personal capacity, meaning that it reveals something of a personal nature about them. Generally, information about an individual in their professional, official or business capacity is not considered to be "about" the individual if it does not reveal something of a personal

nature about them.¹ This can include instances where an individual operates a business from their dwelling.²

Representations

[11] The appellant submits that their signature is “very private” and that its disclosure would violate their right to privacy. They argue that their signature is used on personal documents, such as credit cards and housing documents, and that disclosure could expose them to risks of forgery, with potentially “unimaginable consequences.”

[12] The city argues that the application was submitted for the purpose of acquiring a bed and breakfast business licence. It says that the information on the application form, including the signature, is not personal, but relates to a business that happens to be in what is identified as the appellant’s residence. The city submits that, even though the application identifies the business as operating from a residence, the goal is to acquire a licence to operate a business from there. It says that most of the information on the application, including name and contact information, is posted publicly on the internet and on vacation booking platforms for the purpose of booking guests. According to the city, the signature was applied as part of a declaration affirming that the business information on the application was true and correct, appears on the application for a business purpose, and is not about the appellant.

[13] The requester submits that a city by-law permits residents to operate a bed and breakfast as a home-based business, provided they comply with specific licensing and regulatory conditions. These include the requirement that certain information from the licence application be made public and displayed at the bed and breakfast. The requester argues that the signature on the licence application is comparable to other public documents relating to the bed and breakfast. As an example, the requester provided a copy of a signed variance application for additional parking for the property, noting that it is public and, like the record at issue, contains the appellant’s signature.

Analysis and findings

[14] As noted above, section 2(1) defines “personal information” as information about an individual in their personal capacity. It excludes information identifying individuals in a business, professional or official capacity. Section 2(2.1) clarifies that 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.”

[15] The IPC has previously held that whether a signature constitutes personal information depends on the circumstances and context in which it appears.³ In Order MO-1194, former Assistant Commissioner Tom Mitchinson found that signatures

¹ Orders P-1409, R-980015, PO-2225 and MO-2344.

² Section 2(2.2) of the *Act*.

³ See, for example, Orders MO-1194, MO-2611 and PO-3230.

appearing on records created in a professional or official government context are generally not “about the individual” in a personal sense and typically fall outside the definition of personal information.

[16] Applying this reasoning to this appeal, I find that the appellant’s signature appears on a business licence application submitted to the city on an official form as part of the city’s bed and breakfast licensing process. This context clearly reflects a business or professional capacity, not a personal one. The application is directly related to the administration of the city’s business licensing regime, and the signature identifies the appellant as the individual applying for the business licence.

[17] My finding is unchanged even if the business operates from a residence. Section 2(2.2) of the *Act* explicitly states that section 2(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.” I accept the city’s position that the purpose of the application was to obtain a business licence to operate a business from the residence, not to provide personal information. I find that disclosure of the signature would not reveal something of a personal nature about the appellant but would merely indicate that the appellant signed the application to operate the business.

[18] In conclusion, I find that the appellant’s signature is connected to their business or professional activities and does not qualify as personal information under the *Act*. Consequently, it cannot be exempt from disclosure under the section 14(1) personal privacy exemption.

[19] For these reasons, I uphold the city’s decision to disclose the entire business licence application, including the signature, and I dismiss this appeal.

ORDER:

1. I uphold the city’s decision to disclose the entire business licence application, including the signature, and I dismiss this appeal.
2. In accordance with its revised decision, the city shall disclose the record at issue to the requester by **February 19, 2025**, but not before **February 14, 2025**.

Original Signed by: _____
Jessica Kowalski
Adjudicator

January 15, 2025