

Information and Privacy Commissioner,  
Ontario, Canada



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

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## ORDER PO-4588

Appeal PA24-00037

Ministry of Agriculture, Food and Rural Affairs

January 15, 2025

**Summary:** An individual asked, under the *Freedom of Information and Protection of Privacy Act* (the *Act*), for a copy of a complaint made to the ministry that led to a business inspection. The ministry granted full access to the complaint, but an affected party appealed the ministry's decision to the IPC. In this order, the adjudicator finds that some of the information is exempt from disclosure under section 21(1) (personal privacy) of the *Act* and partially grants the appeal. He orders disclosure only of information in the complaint that is not personal information.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, sections 2(1) and 21(1).

### OVERVIEW:

[1] The Ministry of Agriculture, Food and Rural Affairs (the ministry) received the following request under the *Freedom of Information and Protection of Privacy Act* (the *Act*):

I am interested in obtaining a copy of a complaint submitted to the [ministry] that prompted an inspection on [specified date] of [the requester's business]. I am not interested in obtaining copies of the initial inspection report or a summary of the details noted in the inspection report.

[2] Prior to issuing a decision, the ministry notified an affected party and sought their views on disclosure of the responsive record. The affected party did not respond to the

ministry and the ministry issued a decision to the requester and the affected party granting full access, with the record held from release for 30 days to allow the affected party to appeal.

[3] The affected party (now the appellant) appealed the ministry's decision to the Information and Privacy Commissioner of Ontario (IPC). During mediation, the appellant did not consent to the release of the information at issue. The original requester stated that he continued to seek access to the record.

[4] No further mediation was possible, and the appeal was transferred to the adjudication stage of the appeal process. I conducted an inquiry where I sought and received representations from the ministry and the appellant. I sought representations from the requester, but none were received.

[5] For the reasons that follow, I partially grant the appeal. I find that some of the information at issue is exempt from disclosure under section 21(1) of the *Act*.

## **RECORDS:**

[6] The ministry identified two records at issue, consisting of two two-page email chains (the emails). "Record 1" contains two emails, one from an individual to the ministry, and an internal ministry email. "Record 2" contains these same two emails, and an additional internal ministry email.

## **DISCUSSION:**

[7] At issue in this appeal is whether the emails contain personal information, as defined in section 2(1) of the *Act*. If the emails contain personal information, then based on the information provided during the inquiry, I must also consider if the personal information is exempt from disclosure under section 21(1) of the *Act*.

### **Personal information**

[8] In granting access to the records, the ministry relied on the definition of personal information in section 2(1) of the *Act*, stating that the information at issue was not about the appellant in a personal capacity.

[9] 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.

[10] Generally, information about an individual in their professional, official, or business

capacity is not considered to be “about” the individual.<sup>1</sup> Sections 2(2.1) and (2.2) provide further clarification on what is not considered personal information under the *Act*:

(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***

[11] The ministry submits that the emails at issue, on their face, contain information about the appellant only in a business or professional capacity, and that the information is therefore not “about” the appellant within the meaning of section 2(1) of the *Act*. It explains that the appellant’s email signature contains a website and phone number related to a business. It also refers to a follow-up email that the appellant had sent the ministry after the initial complaint, where they state that by filing the complaint they were doing their “due diligence” as a certified dairy processor.

[12] The appellant submits that the emails contain their personal information and they do not consent to them being released. They explain that they made an “informal written complaint as an individual,” rather than as a company. They state that their personal email address has their company website in the signature, but notes that the business is completely unrelated to the dairy industry. They submit that while they worked in the dairy industry prior to their current business, they made the complaint as a private citizen, and they were merely giving the ministry a “heads up” regarding potential food safety concerns.

[13] Based on my review of the records, I agree with the appellant’s position that the complaint was made by the appellant as a private individual, rather than in a business capacity. I note that the appellant’s email address is merely their full name, and although the email signature does contain information about a business, this business is not related to the dairy industry.<sup>2</sup>

[14] In my view, it is not unreasonable for an individual to have business information in their email signature, and the presence of such a signature does not mean that any emails they send do not contain personal information. There is no evidence to suggest that the appellant made the complaint as part of their business or in any professional capacity. Additionally, I accept the appellant’s submission that they no longer work in the

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

<sup>2</sup> In order to protect the identity of the appellant, I have intentionally not stated what the business relates to.

dairy industry, and I find that the references to their experience in the complaint were made to show that they were an informed complainant.

[15] In contrast, I find that information about the requester, while contained in the emails, is only about the requester in a business capacity. The appellant was highlighting concerns about the requester's business, rather than anything related to the requester in a personal capacity.

*Severance of portions that are not personal information*

[16] Having found that the emails contain personal information, I have considered whether they can be severed in a way that removes this personal information from them, in accordance with section 10(2) of the *Act*.

[17] If the name, email, and other information about the appellant is severed from the emails, the remaining content of the complaint itself would not reveal anything of a personal nature about the appellant or anyone else and can be disclosed. Additionally, as the ministry noted in its representations, the emails containing the ministry's responses do not reveal the contents of the complaint, and also do not reveal any personal information of the appellant or anyone else. Accordingly, I will also order this information disclosed.

**Personal privacy**

[18] For the remaining information, I have considered if it is exempt from disclosure under section 21(1) of the *Act*. Section 21(1) creates a general rule that an institution cannot disclose personal information about another individual to a requester. This general rule is subject to a number of exceptions.<sup>3</sup>

[19] The section 21(1)(f) exception requires the institution to disclose another individual's personal information to a requester only if this would not be an "unjustified invasion of personal privacy." Under section 21(1)(f), if disclosure of the personal information would not be an unjustified invasion of personal privacy, the personal information is not exempt from disclosure.

[20] The appellant generally submits that disclosure of their information would be a violation of privacy, but did not otherwise provide specific representations on the application of section 21(1). Neither the requester nor the ministry provided representations on the application of section 21(1) and in particular any factors favouring disclosure of the information at issue. Considering the records and the information before me in this appeal, I find that the section 21(1)(f) exception does not apply. In other words, I find that disclosure of the appellant's personal information would be an unjustified invasion of personal privacy, and this personal information is therefore exempt

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<sup>3</sup> The exceptions at sections 21(1)(a) to (e) and 21(4)(a) to (d).

from disclosure under section 21(1).

**ORDER:**

1. I order the ministry to disclose the contents of the complaint and the ministry's responses to the requester by **February 20, 2025**, but not before **February 13, 2025**. For clarity, I have provided a highlighted copy of the record to the ministry, and only information that is highlighted in blue should be disclosed to the requester.
2. For the remainder of the information in the records, I grant the appeal and find that it should not be disclosed to the requester.

Original Signed by: \_\_\_\_\_

Chris Anzenberger  
Adjudicator

January 15, 2025 \_\_\_\_\_