

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 MO-4620-F

Appeal MA22-00320

Corporation of the Town of Collingwood

January 29, 2025

**Summary:** In Order MO-4520-I, the adjudicator reserved her finding regarding whether disclosure of three emails would be an unjustified invasion of personal privacy (section 14(1)), pending the notification of the individuals who might be affected by disclosure.

In this final order, the adjudicator orders the town to disclose the three emails to the appellant finding that they do not contain the personal information of these individuals.

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

**Related Orders:** Interim Order MO-4520-I.

### OVERVIEW:

[1] In Interim Order MO-4520-I, I upheld the town's decision to withhold some information on the basis that disclosure would constitute an unjustified invasion of personal privacy under section 14(1). However, I reserved my finding on the application of section 14(1) for three emails, pending notification of the individuals whose interests may be affected by disclosure.<sup>1</sup>

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<sup>1</sup> In Interim Order MO-4520-I, I also ordered the town to issue an access decision to the appellant regarding emails sent by the deputy mayors/mayor but upheld its decision to deny the appellant access to the remaining emails withheld under section 4(1) (custody or control). The town subsequently issued an access

[2] In this final order, I order the town to disclose the three remaining records to the appellant finding that they do not contain the personal information of the individuals referenced in the emails.

## **RECORDS:**

[3] The three records remaining at issue are records no.1 and 63 in the C.1 records and record 62 in the C.2 records.<sup>2</sup> The three records form part of the 27 emails exchanged between town staff and individuals which I referred to as "staff records" in Interim Order MO-4520-I. The appellant was granted partial access to records 62 and 63 but denied access in full to record 1.

## **DISCUSSION:**

[4] The three emails remaining at issue comprise of communications between town employees and individuals who appear to represent companies.

[5] Following the issuance of Interim Order MO-4520-I, I sent a letter by email to two affected individuals notifying them about the appellant's request and appeal.<sup>3</sup> I used the email contact information for two individuals found in the records containing their information. The email contact information for each individual was associated to a business. One of the emails I sent to an individual was returned undeliverable as the email address appeared no longer active. The other individual did not respond to my email. I subsequently contacted the town to inquire whether it had other contact information from the individual whose email was returned. The town confirmed that it did not have different or updated contact information for this individual and that its email to this individual was also returned.

[6] Section 2(1) of the *Act* defines "personal information" as "recorded information about an identifiable individual." "Recorded information" is information recorded in any format, such as paper records, electronic records, digital photographs, videos, or maps.<sup>4</sup>

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decision to the appellant granting partial access to the emails sent by the deputy mayors/mayor. The appellant appealed the town's access decision, and a new appeal file was opened which was subsequently closed during mediation.

<sup>2</sup> The records are described here in the same manner as they are identified in the "Schedule 1" attached to the town's representations.

<sup>3</sup> Section 21(1) of the *Act* states:

A head shall give written notice in accordance with subsection (2) to the person to whom the information relates before granting a request for access to a record,

(a) that the head has reason to believe might contain information referred to in subsection 10 (1) that affects the interest of a person other than the person requesting information; or

(b) that is personal information that the head has reason to believe might constitute an unjustified invasion of personal privacy for the purposes of clause 14 (1) (f).

<sup>4</sup> See the definition of "record" in section 2(1).

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.

[7] Generally, information about an individual in their professional, official or business capacity is not considered to be “about” the individual.<sup>5</sup> In some situations, even if information relates to an individual in a professional, official or business capacity, it may still be “personal information” if it reveals something of a personal nature about the individual.<sup>6</sup>

[8] The emails remaining at issue relate to communications exchanged between the town and individuals who appear to represent a company. The representations of the town did not specifically address the issue of whether any information related to individuals acting in a business capacity revealed something of a personal nature about them. As noted in paragraph 49 of Interim Order MO-4520-I, the appellant’s representations also did not address this issue.

[9] Given the absence of any objections from the two individuals I notified along with my review of the emails, I am satisfied that the information in the records relates to the affected parties in a professional, official or business capacity and would not reveal something of a personal nature about them.<sup>7</sup> Accordingly, I find the information is not personal information and therefore, the personal privacy provisions of the *Act* cannot apply to this information. As no other mandatory exemption was claimed and I am satisfied that none could apply, I will order the town to disclose these three emails to the appellant.

## **ORDER:**

1. I order the town to disclose records no.1 and 63 in the C.1 records and record 62 in the C.2 records by **March 4, 2025** but not before **February 28, 2025**.
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 records disclosed to the appellant.

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<sup>5</sup> Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

<sup>6</sup> Orders P-1409, R-980015, PO-2225 and MO-2344.

<sup>7</sup> I note that in record 63 the town withheld additional information not relating to the individual I notified and its business. However, the town did not claim that any discretionary exemption could apply to this information, and I am satisfied that no mandatory exemption could apply. In addition, the names of the individuals identified in this portion of the record clearly relates to their professional, official or business capacity as staff and/or counsel.

Original Signed by: \_\_\_\_\_  
Jennifer James  
Adjudicator

January 29, 2025 \_\_\_\_\_