

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-4672

Appeal MA23-00481

Town of Huntsville

June 26, 2025

**Summary:** The town received a request under the *Municipal Freedom of Information and Protection of Privacy Act* for access to an application for consent for easement made by a corporation. The request was narrowed to the names of the individuals who made the application, which the town had refused to disclose under the mandatory exemption at section 14(1) (personal privacy). The adjudicator allows the appeal because she finds that the names and the accompanying signatures are not “personal information” under the *Act* and cannot be withheld under the personal privacy exemption. The adjudicator orders the town to disclose the names and signatures.

**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”) and 2(2.1).

**Orders Considered:** Orders P-16, P-80, and P-113.

### OVERVIEW:

[1] This order addresses a request for the names of individuals who signed an application submitted to a town on behalf of a specified condominium corporation (the corporation).

[2] The Town of Huntsville (the town) received a request under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for an application for consent for an easement made by the corporation to the town. The town granted partial access to

the record but withheld portions of it under the mandatory exemption at section 14(1) (personal privacy) of the *Act*.

[3] The requester (now the appellant) appealed the town's decision to the Information and Privacy Commissioner of Ontario (IPC).

[4] The IPC attempted to mediate the appeal. The appellant<sup>1</sup> narrowed the scope of his access request and confirmed that he seeks access only to the identity of the applicant at pages 7 and 8 of the record. The mediator sought, but did not obtain, consent from a party whose interests may be affected by disclosure (an affected party). The town maintained its position. A mediated resolution was not achieved and the appeal moved to the adjudication stage, where an adjudicator may conduct an inquiry.

[5] An IPC adjudicator conducted a written inquiry under the *Act* on the issues in the appeal, inviting representations from the parties. Only the town and the appellant provided representations. The adjudicator shared the town's representations with the appellant. The file was then transferred to me. On my review of the file, I decided that I did not need to seek additional representations.

[6] For the reasons that follow, I allow the appeal. I find that the remaining information at issue is not "personal information" as that term is defined in section 2(1) of the *Act*. As a result, it cannot be withheld under the personal privacy exemption at section 14(1) so I do not discuss that exemption in this order.

## **RECORDS:**

[7] At issue are the names and signatures at pages 7 and 8 of the record of the individuals who submitted the application for consent to the town on behalf of the corporation.

## **DISCUSSION:**

[8] Given my finding below, the only issue in this appeal is whether the names and accompanying signatures of the individuals who submitted the application to the town are "personal information" as that term is defined in the *Act*. For the following reasons, I find that they are not.

[9] To decide which sections of the *Act* may apply to a specific case, the IPC must first decide whether the record contains "personal information," and if so, to whom the personal information relates.

[10] Section 2(1) of the *Act* defines "personal information" as "recorded information

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<sup>1</sup> The appellant is a corporation represented by an individual.

about an identifiable individual.” The term “personal information” can only apply to a natural person, not a corporation.<sup>2</sup>

[11] Information is “about” the individual when it refers to them in their personal capacity and reveals something of a personal nature about them. Information is about an “identifiable individual” if it is reasonable to expect that the individual can be identified from the information either by itself or if combined with other information.<sup>3</sup>

[12] Generally, information about an individual in their professional, official or business capacity is not considered to be “about” the individual.<sup>4</sup> See also section 2(2.1)<sup>5</sup>, which says: “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.” The term “personal information” does not apply to the names of officers of a corporation writing in their official capacity.<sup>6</sup>

[13] 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>7</sup>

[14] Section 2(1) of the *Act* gives a list of examples of personal information:

“personal information” means recorded information about an identifiable individual, including,

. . .

(c) any identifying number, symbol or other particular assigned to the individual,

. . .

(h) the individual’s name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

[15] The list of examples of personal information under section 2(1) is not a complete list. This means that other kinds of information could also be “personal information.”<sup>8</sup>

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<sup>2</sup> See, for example, Orders P-16, P113, P-300, PO-2834, MO-3184, and MO-4530.

<sup>3</sup> Order PO-1880, upheld on judicial review in *Ontario (Attorney General) v. Pascoe*, 2002 CanLII 30891 (ON CA).

<sup>4</sup> Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

<sup>5</sup> See also section 2(2.2) of the *Act*, regarding an individual who carries out business, professional or official responsibilities from their dwelling.

<sup>6</sup> Order P-80.

<sup>7</sup> Orders P-1409, R-980015, PO-2225 and MO-2344.

<sup>8</sup> Order 11.

## Representations

[16] The appellant narrowed the scope of the appeal to the name(s) of the applicant(s) on pages 7 and 8 of the record, so I do not refer to any representations from the town or the appellant about other types of personal information that may be in the record, below. Since the signatures in this case show the names, they are included as information at issue in this appeal.

[17] The town cites paragraphs (c) and (h) of the definition of “personal information,” listed above, as the types of information at issue (identifying symbols and names if appearing with other personal information). The town submits that signatures are identifying symbols. In support of its submission, it cites the *Freedom of Information and Protection of Privacy Manual*.<sup>9</sup>

[18] The appellant submits that the information at issue is not “personal information” under the *Act* because of section 2(2.1), which specifies that personal information does not include an individual’s name that appears in a business, professional or official capacity.<sup>10</sup> The appellant states it is undisputed that the application was made in the name of the corporation. He says that the application was not made by any individual(s) regarding their own property, but in the name of the corporation regarding the corporation’s property. He submits that any individual signing a form submitted by the corporation is, by definition, not doing so in a personal capacity, but in a business, professional or official capacity as a representative of the corporation. He submits that the names on this corporate application do not reveal anything of a personal nature about an individual; therefore, the names of the individuals who signed the form are not “personal information” under the *Act*.

## Analysis and findings

[19] The responsive record is an application to the town for consent for an easement. Based on my review of the application, it is clear that two individuals signed it and submitted it to the town in the name of the corporation.

[20] The IPC has held that whether a signature constitutes personal information depends on the circumstances and context in which it appears.<sup>11</sup> Order MO-4612, for example, involved a signature on a business licence application submitted to an institution on an official form as part of the institution’s bed and breakfast licensing process. The IPC held that this context was clearly a business or professional capacity, not a personal one; the application was directly related to administering the institution’s business licensing regime, and the signature identified the party as the individual applying for the

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<sup>9</sup> This Ministry of Government and Consumer Services document can be accessed here: [Freedom of Information and Protection of Privacy Manual](#).

<sup>10</sup> The appellant cites section 2(1), but that entire section consists of definitions in the *Act*. Section 2(2.1) is the section with the wording that the appellant actually refers to in his representations.

<sup>11</sup> See, for example, Orders PO-3230, MO-1194, MO-2611 and MO-4612.

business licence. The same reasoning applies here to the application for consent for easement before me.

[21] The names of the two individuals who signed the application appear in an official capacity, not a personal one. The names and signatures are excluded from the definition of "personal information" under section 2(2.1) of the *Act* which says: "Personal information does not include the name. . . of an individual that identifies the individual in a business, professional or official capacity." The IPC has consistently held that the term "personal information" does not apply to the names of officers of a corporation writing in their official capacity.<sup>12</sup> I follow the same approach here. I find that the names and signatures on pages 7 and 8 of the record relate to identifiable individuals in a professional, business, or official capacity. I further find that this information does not reveal something of a personal nature about the individuals involved.

[22] Since the names (including signatures) of the individuals making the application on pages 7 and 8 are not "personal information" within the meaning of the *Act*, the personal privacy exemption cannot apply. The town claims no other exemptions to withhold this information. As a result, I will order this information disclosed.

## ORDER:

I do not uphold the town's decision to withhold the names and signatures on pages 7 and 8 of the record. To be clear, I refer only to the same two names that appear on these pages, not to names that appear only on page 8. I order the town to release only this withheld information from these pages of the record to the appellant by **August 1, 2025**, but not before **July 28, 2025**.

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

Marian Sami  
Adjudicator

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June 26, 2025

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<sup>12</sup> See, for example. Order P-80.