

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-4675

Appeal PA23-00403

Ministry of the Solicitor General

July 9, 2025

Summary: The appellant sought access under the *Freedom of Information and Protection of Privacy Act* to information relating to the Premier's security detail for an event held at the Premier's residence. The ministry denied the appellant access to the responsive records, claiming the application of sections 14(1) (law enforcement) and 21(1) (personal privacy). The appellant appealed the ministry's decision and raised the application of the public interest override in section 23.

In this order, the adjudicator upholds the ministry's decision to withhold the records under sections 14(1) and 21(1). She finds the public interest override does not apply to the information exempt under section 21(1). The appeal is dismissed.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, sections 2(1) (definition of "personal information"), 14(1)(a), (c), (e), (i), and (l), 21(1), 21(2)(f), and 23.

Orders and Investigation Reports Considered: Orders PO-1944, PO-3544, and PO-4634.

Case Considered: *Dagg v. Canada (Minister of Finance)*, [1997] 2 SCR 403, *Ontario (Public Safety and Security) v. Criminal Lawyers' Association*, 2010 SCC 23.

OVERVIEW:

[1] The appellant, a member of the media, submitted a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to the Ministry of the Solicitor General

(the ministry) for the following information:

- From the Ontario Provincial Police (OPP), any and all details about the number of OPP employees, plus any and all details about the duties or other operational responsibilities of said employees during the time that they were assigned to, stationed at, called or sent to [an identified street], [an identified address], or anywhere between [two identified streets], from anytime between 12:01 am on August 11, 2022 to 8pm on August 12, 2022.
- For all employees of the OPP whose records the previous search identifies, all the emails and text messages they sent or received, along with records of phone calls made or received from August 10, 2022 to August 12, 2022.

[2] The appellant seeks access to records relating to an event hosted by the Premier of Ontario (the Premier) at his residence in August 2022.

[3] The ministry located responsive records and issued a decision to the appellant denying him access to them. The ministry claimed the application of the law enforcement exemptions at section 14(1). Specifically, the ministry refused to disclose the records on the grounds that disclosure could reasonably be expected to interfere with a law enforcement matter (a), reveal investigative techniques and procedures (c), endanger life or physical safety (e), endanger the security of a building (i), and facilitate the commission of an unlawful act or hamper the control of crime (f). The ministry also claimed the application of the personal privacy exemption in section 21(1).

[4] The appellant appealed the ministry's decision to the Information and Privacy Commissioner of Ontario (the IPC).

[5] Mediation did not resolve the appeal and it was transferred to the adjudication stage of the appeal process. In my inquiry, I sought and received representations from the ministry and the appellant. In his representations, the appellant raised the application of the public interest override in section 23 of the *Act* and it was added as an issue to this inquiry. I note section 23 of the *Act* cannot apply to override a finding that section 14(1) applies.

[6] In the following discussion, I uphold the ministry's decision and find the records are exempt under either the law enforcement exemption in section 14(1)(e) or the personal privacy exemption in section 21(1). I find there is no compelling public interest in the records I found exempt under section 21(1). I dismiss the appeal.

RECORDS:

[7] Initially, the ministry identified 36 pages of potentially responsive records, which consist of officers' notes, emails, and OPP reports. During the inquiry, the ministry removed eighteen pages of records as not responsive to the appellant's request. I

reviewed the pages identified as not responsive and confirm they are not related to the appellant's request. Therefore, there are now eighteen pages of records responsive to the appellant's request. They are comprised of officers' notes, emails, and OPP reports.

ISSUES:

- A. Do the records contain "personal information" as defined in section 2(1) of the *Act*?
- B. Do the discretionary exemptions at sections 14(1)(a), (c), (e), (i) and/or (l) related to law enforcement activities apply to the records?
- C. Did the ministry exercise its discretion under section 14(1) properly?
- D. Does the mandatory personal privacy exemption at section 21(1) apply to the information at issue?
- E. Is there a compelling public interest in disclosure of the records that clearly outweighs the purpose of the section 21(1) exemption?

DISCUSSION:

Issue A: Is the information at issue "personal information" as defined in section 2(1) of the *Act*?

[8] To determine whether the records or portions of the records at issue are exempt under the personal privacy exemption in section 21(1), I must first decide whether they contain "personal information." If the records contain the personal information of identifiable individuals who are not the requester, one of the personal privacy exemptions might apply.¹ The term *personal information* is defined in section 2(1) of the *Act* as "recorded information about an identifiable individual."

[9] To qualify as personal information, it must be reasonable to expect an individual will be identified if the information is disclosed. In addition, the information must be about the individual in a personal capacity. Generally, information associated with an individual in a professional, official or business capacity will not be considered to be *about* the individual.² Therefore, if the information at issue relates to the Premier or other identifiable individuals in their professional capacity, it is not their personal information.

[10] However, even if information relates to an individual in a professional, official or business capacity, it may still qualify as personal information if the information reveals

¹ If the record contains personal information about the requester, their access rights are greater than if they do not. See sections 47(1) and 49 of the *Act*.

² See sections 2(3) and (4) of the *Act* and Orders P-257, P-427, P-1621, R-98005, MO-1550-F and PO2225.

something of a personal nature about the individual.³

[11] The ministry submits the records contain the Premier's personal information. The ministry submits the records also contain the personal information of another identifiable individual. The ministry submits it is reasonable to expect the Premier would be identified from the disclosure of the records because they refer to the Premier and his residential address. The ministry submits the records also reveal the Premier received protection from the OPP in relation to a private event hosted at his residence. The ministry submits this was not an official event the Premier hosted in his capacity as a public official in a public location.

[12] The appellant submits the Premier's residential address and the fact that he received protection from the OPP are matters of public record. Further, the appellant submits the personal information of other identifiable individuals is also publicly available.

[13] I accept the appellant's evidence that the Premier's residential address and the fact that he receives protection from the OPP are matters of public record. However, this does not change the fact that the Premier's residential address and the details relating to the security of a private event at his residence are his personal information. I find support for this analysis in Order PO-3544, where the adjudicator found that "personal information remains personal information even if it is known to the public."

[14] I agree with and follow this analysis for the purposes of this appeal. The fact that the information is publicly known may be relevant in determining whether the personal privacy exemption at section 21(1) applies, but it has no bearing on whether the information is personal in nature. Therefore, I find the Premier's residential address constitutes his personal information.⁴

[15] Further, I find the records at issue contain more than simply the fact that the Premier receives OPP protection. Rather, the records contain details regarding the Premier's security detail, such as the plans the OPP made to secure the private event, details regarding the Premier's private event, and details regarding his private residence. Based on my review, this information relates to the Premier in his personal capacity.

[16] I acknowledge the Premier is a public figure. However, the information at issue relates to a private event hosted by the Premier in his personal capacity at his private residence. Considering the context in which the records were created, I find they contain the Premier's personal information. Specifically, the records contain recorded information about the Premier,⁵ his address,⁶ and the Premier's name where it appears with other personal information relating to him.⁷ All of this information qualifies as the Premier's

³ Orders P-1409, R-980015, PO-2225 and MO-2344.

⁴ Considered "personal information" under section 2(1)(d).

⁵ Considered "personal information" in the introductory wording of section 2(1).

⁶ Considered "personal information" under section 2(1)(d).

⁷ Considered "personal information" under section 2(1)(h).

personal information.

[17] In addition, I find discrete portions of the records relate to other individuals in their personal capacity, specifically recorded information about them in circumstances that are personal and private in association with their names. This information qualifies as their personal information for the purposes of the *Act*.

Issue B: Do the discretionary exemptions at sections 14(1)(a), (c), (e), (i) and/or (l) related to law enforcement activities apply to the records?

[18] The ministry claims the records are exempt under sections 14(1)(a), (c), (e), (i), and/or (l). These sections state,

A head may refuse to disclose a record if the disclosure could reasonably be expected to

- (a) interfere with a law enforcement matter;
- (c) reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;
- (e) endanger the life or physical safety of a law enforcement officer or any other person;
- (i) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;
- (l) facilitate the commission of an unlawful act or hamper the control of crime.

[19] The law enforcement exemption must be approached in a sensitive manner, because it is hard to predict future events in the law enforcement context, and so care must be taken not to harm ongoing law enforcement investigations.⁸

[20] However, the exemption does not apply just because a continuing law enforcement matter exists,⁹ and parties resisting disclosure of a record cannot simply assert the harms under section 14 are obvious based on the record. They must provide detailed evidence about the risk of harm if the record is disclosed. While harm can sometimes be inferred from the records themselves and/or the surrounding circumstances, parties should not assume that the harms under section 14 are self-evident and can be proven simply by repeating the description of harms in the *Act*.¹⁰

⁸ *Ontario (Attorney General) v. Fineberg* (1994), 19 O.R. (3d) 197 (Div. Ct.).

⁹ Order PO-2040 and *Ontario (Attorney General) v. Fineberg*, cited above.

¹⁰ Orders MO-2363 and PO-2435.

[21] In this appeal, the ministry must demonstrate the risk of harm is real and not just a possibility.¹¹ However, they do not have to prove that disclosure will in fact result in harm. How much and what kind of evidence is needed to establish the harm depends on the context of the request and the seriousness of the consequences of disclosing the information.¹²

[22] In its representations, the ministry relies primarily on the exemption in section 14(1)(e) to withhold the records. As such, I will address this exemption claim first.

Section 14(1)(e)

[23] For section 14(1)(e) to apply, there must be a reasonable basis for concluding that disclosure of the information at issue could be expected to endanger someone's life or physical safety. A person's subjective fear, or their sincere belief that they could be harmed, is important, but is not enough on its own establish this exemption.¹³

Parties' representations

[24] The ministry submits the disclosure of the records could reasonably be expected to endanger the life or physical safety of the Premier and OPP Protective Services Section (PSS) officers who are part of his security detail. The ministry submits the records were created by PSS officers and contain codes and operation information relating to the OPP's security details including the roles of the PSS officers and the tactics, techniques, and procedures and size of the Premier's security detail.

[25] As background, the ministry states the OPP is a law enforcement agency and the responsive records were created and used by OPP officers assigned to the PSS, whose role is to protect public officials. The ministry states the PSS is a specialized section of the OPP that operates with the mandate of providing "intelligence-led, risk-informed protection of provincial dignitaries, including the Premier, Lieutenant Governor, and Cabinet Ministers."

[26] The ministry refers to the Supreme Court of Canada's decision in *Ontario (Public Safety and Security) v. Criminal Lawyers' Association*,¹⁴ which found a "strong public interest in protecting documents related to law enforcement."¹⁵

[27] The ministry further refers to *Ontario (Attorney General) v. Fineberg*,¹⁶ which held that the law enforcement exemption must "be approached in a sensitive manner,

¹¹ *Merck Frosst Canada Ltd. v. Canada (Health)*, [2012] 1 S.C.R. 23.

¹² *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31 (CanLII) at paras. 52-4; *Accenture Inc. v. Ontario (Information and Privacy Commissioner)*, 2016 ONSC 1616.

¹³ Order PO-2003.

¹⁴ 2010 SCC 23. (*Criminal Lawyers' Association*)

¹⁵ *Criminal Lawyers' Association* para 44.

¹⁶ 19 O.R. (3d) 197 (Div. Ct.) (*Fineberg*)

recognizing the difficulty of predicting future events in a law enforcement context.” The ministry submits the IPC has applied this principle, finding that a “reasonable degree of deference should be accorded to the Ministry as it relates to the assessment of the potential danger in revealing the size of the security detail that accompanied former Premier [Mike] Harris.”¹⁷ The ministry submits the same agree of deference should be given to the ministry and OPP in this instance in relation to records about the current Premier’s security detail which, if disclosed, could reveal important details such as its size, duties, and responsibilities.

[28] With regard to section 14(1)(e) specifically, the ministry submits that disclosure could reasonably be expected to endanger the life or physical safety of the Premier and PSS officers who are part of his security detail. The ministry submits the records contain confidential information relating to the PSS including tactics, techniques, and procedures as well as operational information such as coding, the roles of officers, and the size of the security detail.

[29] The ministry submits the expectation of the harms contemplated by section 14(1)(e) must be reasonable but does not need to be probable.¹⁸

[30] The ministry submits that public officials in Canada are the subject of threats of violence that may endanger their lives or physical safety. The ministry refers to an incident that took place in 2023 where the Vancouver restaurant the Prime Minister was dining at was surrounded by protesters. The ministry states 100 Vancouver police officers were deployed to control the protesters and escort the Prime Minister out of the restaurant. Unfortunately, an officer was assaulted during this incident.¹⁹

[31] The ministry submits it is not uncommon for public figures like the Premier to become the subject of credible threats. The ministry submits the internet and social media have impacted the volume of threats made against public officials. The ministry submits the Premier himself has been and is the subject of threats. For example, in June 2021, an individual wielding a knife was arrested at the Premier’s residence.

[32] With regard to the size of the Premier’s security detail, the ministry refers to Order PO-1944 in which the adjudicator found that “disclosing the size of the security detail could reasonably be expected to endanger the life or physical safety of the Premier and the officers assigned to his security detail.” The ministry submits similar reasoning was adopted in Order PO-2844.

[33] Adopting the principles above, the ministry submits the disclosure of the size of the Premier’s security detail would likely put both the safety of the Premier and the PSS officers assigned to his security detail at risk. The ministry further claims that individuals and groups intent on causing harm could potentially use the information relating to the

¹⁷ Order PO-2175-R.

¹⁸ Referring to *Ontario (Minister of Labour) v. Big Canoe*, [1999] OJ No. 4560. (C.A.)

¹⁹ The ministry refers to this [article](#).

size of the Premier's security detail to harm the Premier and the officers in his security detail in the future.

[34] In addition, the ministry submits there is information relating to the tactics, techniques, and procedures relating to the Premier's security detail. The ministry submits the disclosure of this information could reasonably result in information about the Premier's security being available for public consumption, including those individuals and/or groups who wish to circumvent and test potential vulnerabilities to the Premier's security to gain access to and/or cause injury to the Premier, the officers assigned to his security detail, and potentially others who are in close proximity to the Premier or his security detail.

[35] The appellant submits he does not seek access to records that "solely describe" PSS officers' operational tactics or techniques. However, the appellant claims officers' notes, emails, and reports could "likely be carefully redacted to remove operational information, including codes, to preserve law enforcement concerns while also conforming to the intents of [the *Act*]."

Analysis and findings

[36] Having considered the parties' representations and the records and applying the previous approach taken to the application of section 14(1)(e) described above, I find the ministry provided sufficient evidence to demonstrate there is a reasonable expectation of harm or a reasonable basis for believing that endangerment will result from disclosure of the records at pages 4 to 8, 10 to 12, and 13 to 16 relating to the Premier's security detail.

[37] The records at pages 4 to 8, 10 to 12, 14, and 15 to 16 consist of emails and reports containing detailed operational plans for the private event at the Premier's residence. These include details regarding the size of the detail, the procedures to follow in the case of an emergency, and the individual officers and their roles at the event. None of the records contain the type of information the appellant appears to seek access to. The records do not contain information relating to any personal or official discussions or interactions the Premier may have had in relation to official business such as the Greenbelt matter. While the event took place in the past, I accept the ministry's argument that individuals and groups intent on causing harm could extrapolate from this information for future use to endanger the life or physical safety of the Premier and the officers in his security detail as well as the individuals within their proximity, such as other residents at the Premier's home.

[38] As the ministry submits, the IPC has generally accorded deference to institutions as it relates to their application of the law enforcement exemption. The Premier is a public official with a high profile in Ontario. The event at issue was private and took place at his residence. The records at issue relate to the security detail and procedures the officers implemented to secure the event and address any potential security issues. There is no

indication the information at issue is widely known to the public. Given this context and the arguments before me, I am satisfied that disclosure of the emails and reports could reasonably be expected to endanger the life or physical safety of the Premier, members of his security detail, or other individuals. Therefore, I find these records are exempt under section 14(1)(e) of the *Act*.

[39] I confirm I have considered whether the records can be severed in a manner to remove operational information to preserve law enforcement concerns as the appellant suggests. I agree with the appellant that the *Act* requires that information be made available to the public and necessary exemptions from this right should be limited and specific.²⁰ However, in this case, I find severing the information exempt under section 14(1)(e) would result in only the disclosure of “disconnected snippets”, or “meaningless” or “misleading” information.²¹

[40] In conclusion, I find the emails and reports at pages 4 to 8, 10 to 12, 14, and 15 to 16 are exempt from disclosure under section 14(1)(e) of the *Act*, subject to my review of the ministry’s exercise of discretion below. Given this finding, it is not necessary to consider whether these records are also exempt under the other law enforcement exemptions claimed by the ministry.

[41] However, I find the information at issue in the officers’ notes at pages 1 to 3, 9, 13, 17 and 18 are not exempt from disclosure under section 14(1)(e). The officers’ notes at issue do not contain details regarding the OPP’s security plans, tactics or procedures for the private event at the Premier’s residence. Based on my review, I find the disclosure of the information contained in these notes could not reasonably be expected to result in endangerment to the life or physical safety of a law enforcement officer or any other person. Given these circumstances, I will now consider whether the officers’ notes are exempt under any of the other law enforcement exemptions claimed by the ministry.

Sections 14(1)(a), (c), (i) and/or (l) -officers’ notes

[42] In the case of the officers’ notes that remain at issue, I find the ministry has not provided sufficient evidence to demonstrate the harms contemplated in sections 14(1)(a), (c), (i) and/or (l) could reasonably be expected to result from their disclosure.

[43] Section 14(1)(a) of the *Act* allows the ministry to withhold records which would interfere with a “law enforcement matter.” In this case, the ministry claims the law enforcement matter is the OPP’s ongoing and specific protective services to protect the Premier and other public officials. The ministry submits the risk of subsequent disclosure of PSS officers’ notes could “potentially interfere with the integrity of note-taking by officers and hence interfere with the protective services system.” However, the ministry

²⁰ Section 1(a) of the *Act*.

²¹ See Order PO-1735, Order PO-1663 and *Ontario (Minister of Finance) v. Ontario (Information and Privacy Commissioner)* (1997), 102 O.A.C. 71 (Div. Ct.).

does not provide further evidence to support this claim.

[44] There are discrete portions of officers' notes at issue in this appeal. In some cases, the ministry determined that only a single line of an officer's note was responsive to the appellant's request. I have reviewed these portions and find they disclose high-level information relating to the event in question, such as the location and number of guests attending. There is no information which could, if disclosed, reasonably be expected to interfere with a law enforcement matter. Further, I find the ministry's claims regarding this exemption to be speculative and do not demonstrate how interference with a law enforcement matter could reasonably be expected to occur if these notes were disclosed. In the absence of further evidence, I find the ministry has not provided sufficient evidence to demonstrate that section 14(1)(a) applies to the officers' notes at issue.

[45] For section 14(1)(c) to apply, the institution must show that disclosing the investigative technique or procedure to the public could reasonably be expected to interfere with its effective use. Generally, the exemption will not apply where the technique or procedure is generally known to the public.²² The ministry has not identified the investigative measures or procedures contained in the officers' notes about which it is concerned. Further, I have reviewed the officers' notes and do not find they contain descriptions of investigative techniques or procedures or permit inferences to be drawn in that respect. As discussed above, the information at issue in the officers' notes is high-level and generic and as such, it is not the type of information contemplated by section 14(1)(c).

[46] For similar reasons, I find sections 14(1)(i) and (l) do not apply to the information at issue in the officers' notes. The remaining information at issue in the officers' notes does not contain details which would allow me to conclude that its disclosure could be expected to endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required, as contemplated by section 14(1)(i). The officers' notes that remain at issue do not refer to any security systems or security measures that may be present or vulnerable or lacking in any way. In addition, I find the ministry has not provided me with sufficient evidence or explanation to demonstrate there is a reasonable basis for its belief that disclosure of the information at issue could be expected to facilitate the commission of an unlawful act or hamper the control of crime, as required for section 14(1)(l) to apply.

Conclusion

[47] In conclusion, I find section 14(1)(e) applies to exempt the email records and OPP reports at pages 4 to 8, 10 to 12, 14, and 15 to 16, subject to the ministry's exercise of discretion under section 14(1)(e) below. However, I find pages 1 to 3, 9, 13, 17 and 18 are not exempt under section 14(1) and will consider whether they are exempt under

²² Orders P-170, P-1487, MO-2347-I and PO-2751.

section 21(1), below.

Issue C: Did the ministry exercise its discretion under section 14(1)(e) properly?

[48] The section 14(1)(e) exemption is discretionary, meaning the ministry can decide to disclose information even if the information qualifies for exemption. The ministry must exercise its discretion. On appeal, I must consider whether the ministry failed to do so.

[49] The ministry submits it exercised its discretion appropriately in not releasing any responsive records, taking into consideration the threat of compromised protective services which could give rise to endangering the lives and physical safety of the Premier and members of his security detail as well as others who may be in their proximity. The ministry submits its denial of access in this case is consistent with past orders and case law.

[50] In addition, the ministry submits there is a strong public interest in denying the disclosure of records such as the ones at issue because of the risk of compromising the proper functioning of OPP Protective Services Section and creating an unacceptably high risk to the Premier and PSS officers' safety. The ministry submits the safety and security of public officials is a necessary component to democratic stability, and the ability of these officials to govern.

[51] The appellant does not address the ministry's exercise of discretion in his representations.

[52] After considering the parties' representations and the circumstances of this appeal, I find the ministry did not err in its exercise of discretion in denying access to the emails and reports that I found exempt under section 14(1)(e) of the *Act*. I am satisfied the ministry considered relevant factors, such as the purpose of the exemption, and did not consider irrelevant factors in its exercise of discretion. There is a clear necessity to keep security protocols in relation to the Premier's safety confidential given his high profile. Information relating to the Premier's security detail and protocols are clearly highly sensitive to the ministry, the Premier, and the officers who are part of his security detail.

[53] Accordingly, I find the ministry exercised its discretion in an appropriate manner in this appeal, and I uphold it.

Issue D: Does the mandatory personal privacy exemption at section 21(1) apply to the information at issue?

[54] I will now consider whether the officers' notes at pages 1 to 3, 9, 13, 17 and 18 are exempt under the personal privacy exemption in section 21(1).

[55] One of the purposes of the *Act* is to protect the privacy of individuals with respect to the personal information an institution holds about them. Section 21(1) of the *Act*

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.

[56] The sections 21(1)(a) to (e) exceptions are relatively straightforward. If any of these five exceptions exist, the ministry must disclose the information. Neither party raised the application of any of the exceptions in section 21(1)(a) to (e) and I find none of them apply.

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

[58] Sections 21(2), (3), and (4) help in deciding whether disclosure would or would not be an unjustified invasion of personal privacy. Section 21(3) should generally be considered first. Section 21(3) describes several situations in which disclosing personal information is presumed to be an unjustified invasion of personal privacy. The ministry does not claim the application of any of the presumptions in section 21(3) and I find none apply.

[59] Section 21(4) sets out certain types of information where disclosure is not an unjustified invasion of personal privacy. Neither the ministry nor the appellant claimed that these sections apply to this appeal. I find none of the exceptions or situations in section 21(4) are applicable.

[60] Section 21(2) lists several factors that may be relevant to determining whether disclosure of personal information would be an unjustified invasion of personal privacy.²³ Some of the factors weigh in favour of disclosure, while others weigh against disclosure. If no factors favouring disclosure are present, the general rule is that personal information should not be disclosed because the exception in section 21(1)(f) has not been proven.²⁴

[61] In this case, the ministry submits the factor favouring non-disclosure in this case is that the personal information at issue is "highly sensitive" within the meaning of section 21(2)(f).

[62] The ministry refers to protests that took place during the COVID-19 pandemic that occurred within proximity of the Premier's residence and resulted in the Premier being unable to access his home and impacting his neighbours. Given this history, the ministry submits it is reasonable to expect the disclosure of a Premier's residential address in conjunction with information relating to his security detail would cause significant personal distress to the Premier "given the obvious increase in potential risk" to his safety

²³ Order P-239.

²⁴ Orders PO-2267 and PO-2733.

and the security of his residence.²⁵

[63] The ministry acknowledges the Premier's address may be publicly available. Nonetheless, the ministry submits the *Act* should not be used to disseminate sensitive personal information, which includes information relating to affected third parties.

[64] The ministry submits that disclosure of this personal information to a member of the media would "likely result in broader availability of the information." The ministry submits this would cause significant personal distress because it would likely result in the following

- Increased general access to the Premier in his personal capacity as opposed to in his professional capacity.
- Increased access to other residents or visitors as the Premier's residence.
- Decrease in the Premier's personal privacy at his residence.
- Decrease in the personal privacy and safety of other residents of or visitors to the Premier's residence.
- Increased risk of personal safety of the Premier at his residence.
- Increased risk to the security of the residence.

[65] The ministry submits the Premier has a reasonable expectation of privacy for matters within the sphere of his personal life. The ministry submits the impacts listed above could potentially continue beyond the Premier's political career if he continues to live at this address.

[66] The appellant does not agree with the reasons the ministry provided to support its section 21(2)(f) claim. The appellant submits the records relate to an event hosted by the Premier that has been "heavily reported on and significantly consequential" and may have played a part in the Ontario government's decision to remove and develop lands from the Greenbelt. The government announced this plan on November 4, 2022 and subsequently reversed it. The Greenbelt matter has been the subject of three reports by independent officers of the Legislative Assembly of Ontario including, the Auditor General of Ontario²⁶, the Office of the Integrity Commissioner of Ontario²⁷, and most recently, the

²⁵ The ministry refers to Orders PO-2518 and PO-2617 to support its position.

²⁶ *Special Report on Changes to the Greenbelt*, published in August 2023 following an audit pursuant to the *Auditor General Act*, R.S.O. 1990, c. A.35.

²⁷ *Report of the Integrity Commissioner re: Ministry of Municipal Affairs and Housing*, published in August 2023 following an investigation pursuant to the *Members' Integrity Act*, 1994, S.O. 1994, c. 38. (the Integrity Commissioner's Report).

IPC.²⁸

[67] The appellant objects to the ministry's argument that disclosure to a member of the media would cause the Premier significant personal distress. First, the appellant states he has never published articles revealing the Premier's address, despite it being a matter of public record, and the Premier himself has referred to the location of his residence and filmed numerous videos there. Second, the appellant submits it "defies logic" to find the disclosure of the Premier's home address would cause him significant personal distress because the information is publicly available and included in the text of his request.

[68] The personal information at issue consists of portions of officers' notes relating to the event at the Premier's residence. This includes references to the Premier's residence itself and some details regarding the event, such as its size. I accept the argument that the Premier would experience some distress if this personal information were disclosed to the media.

[69] However, I also note the information at issue relates to an event that occurred in the past and the location of the Premier's residence is publicly known. Therefore, while I accept the Premier may be concerned about the disclosure of the information regarding a private event that took place at his residence, I do not accept he would experience "significant distress" if the information at issue was disclosed to the public. Accordingly, I give this factor little weight in my consideration of section 21(1).

[70] The appellant has not pointed to any specific factors listed at section 21(2) that favour disclosure and, in my view, has not articulated any unlisted factor or factors that would do so. I have reviewed the factors in section 21(2) favouring disclosure of the information remaining at issue and I find none apply.

[71] In conclusion, having considered and weighed the representations of the parties, I find the information at issue in the officers' notes on pages 1 to 3, 9, 13, 17 and 18 is subject to the section 21(1) exemption. I find that section 21(2)(f) is a relevant consideration against disclosure, albeit of little weight. As the application of the exception in section 21(1)(f) has not been proven, I find the disclosure of the personal information contained in the officers' notes relating to the private event at the Premier's residence would constitute an unjustified invasion of his and the other identifiable individuals' personal privacy.

Issue E: Is there a compelling public interest in disclosure of the records that clearly outweighs the purpose of the section 21(1) exemption?

[72] Section 23 of the *Act*, the "public interest override", exceptionally provides for the disclosure of records that would otherwise be exempt under another section of the *Act*. It states:

²⁸ See the IPC's [Annual Report](#) at pages 70 to 79

An exemption from disclosure of a record under sections 13, 15, 15.1, 17, 18, 20, 21 and 21.1 does not apply where a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption.

[73] I note section 23 cannot apply to a finding that section 14(1) applies to the records. As such, I can only consider whether the public interest override applies to the information I found exempt under section 21(1) above.

[74] For section 23 to apply, two requirements must be met. First, there must be a compelling public interest in the disclosure of the records. Second, this interest must clearly outweigh the purpose of the exemption.

[75] The appellant submits there is an "obvious" compelling public interest in the disclosure of the records because it could provide more information about this event, which has been heavily reported on and "significantly consequential." The appellant refers to the report of the Office of the Integrity Commissioner of Ontario which confirms certain developers and lobbyists who were involved in the Greenbelt matter attended the event in question.

[76] The appellant also claims it is "obvious" that the compelling public interest outweighs the purposes claimed by the ministry for refusing the disclosure of these records. The appellant submits that "much of" the personal information at issue has already been made public, in some cases by the Premier himself.

[77] Previous IPC orders have stated that, in order to find a compelling public interest in disclosure, the information in the record must serve the purpose of informing or enlightening citizens about the activities of their government or its agencies, adding in some way to the information the public has to make effective use of the means of expressing public opinion or to make political choices.²⁹ The IPC has also found a "public interest" does not exist where the interests being advanced are essentially private in nature.³⁰ However, if a public interest raises issues of more general application, the IPC may find there is a public interest in disclosure.³¹

[78] I have reviewed the appellant's representations³² and considered the information at issue. I am not satisfied there is a compelling public interest in the disclosure of the information contained in the officers' notes regarding the private event held at the Premier's residence. The appellant appears to suggest there is a compelling public interest in the information at issue because the event was "heavily reported on" and likely involved discussions that played a part in the Greenbelt matter.

²⁹ Orders P-984 and PO-2556.

³⁰ Orders P-12, P-347, and P-1439.

³¹ Order MO-1564.

³² The appellant raised the public interest override during the inquiry. Given the circumstances, I decided it was not necessary for me to seek representations on this issue from the ministry.

[79] I acknowledge the appellant's concern that parties involved in the Greenbelt matter attended a personal event hosted by the Premier at his personal residence. However, there is insufficient evidence before me to find that the release of the high-level information regarding the event, such as its size, could provide more information regarding the Premier's role in the Greenbelt matter or any discussions he may have had with the developers and lobbyists who attended the private event.

[80] Based on my review, I find there is insufficient evidence to demonstrate how the disclosure of the information at issue in the officers' notes would serve the purpose of informing or enlightening citizens about the activities of their government or allowing them in some way to express their opinions or make political choices.

[81] In Order PO-4634, I considered whether there was a compelling public interest in the dates the Premier attended a specific restaurant. In that decision, I made the following comments:

I recognize the Premier is a public figure. I also accept that his actions and decisions relating to his public office are of public interest. However, the Premier is still entitled to privacy with respect to his personal matters.... Previous IPC orders have found that while a public figure has a lessened expectation of privacy, they are still entitled to privacy with respect to their personal matters.³³ I find further support for this principle in *Dagg*, in which Justice La Forest stated,

The fact that persons are employed in government does not mean that their personal activities should be open to public scrutiny. By limiting the release of information about specific individuals to that which relates to their position, the *Act* strikes an appropriate balance between the demands of access and privacy. In this way, citizens are ensured access to knowledge about the responsibilities, functions and duties of public officials without unduly compromising their privacy.³⁴

[82] I agree with and follow these principles for the purposes of this appeal. Based on my review, I find there is no compelling public interest in information relating to the Premier's OPP security detail for a private event held at his residence. Therefore, I find the personal information at issue in the officers' notes is exempt under section 21(1) of the *Act*.

ORDER:

The appeal is dismissed.

³³ Order MO-1928.

³⁴ *Dagg v. Canada (Minister of Finance)*, [1997] 2 SCR 403, para 97.

Original Signed by: _____
Justine Wai
Adjudicator

July 9, 2025 _____