

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4676

Appeal MA24-00989

Hamilton Wentworth District School Board

July 17, 2025

Summary: The board received a request for information under the *Municipal Freedom of Information and Protection of Privacy Act* that would identify which schools a principal was employed at and when. The board denied the requester access to a one-page chart on the basis that it was exempt from disclosure under the mandatory personal privacy exemption at section 14(1). In this decision, the adjudicator determines that the section 14(1) exemption applies by definition and, as a result, there is no issue to adjudicate. She declines to conduct an inquiry in accordance with section 8.03 of the IPC's *Code of Procedure* and dismisses the appeal.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, sections 2(1), and 14(1).

OVERVIEW:

[1] An individual requested records indicating which schools and when a named individual (the principal) worked at the Hamilton Wentworth District School Board (the board). The board denied access to a one-page chart (the chart) it said was responsive to the request. It relied on the exclusion for employment or labour relations information at section 52(3)3 of the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*), and the mandatory exemption for personal privacy at section 14(1) of the *Act*.¹

¹ Although I do not discuss the section 52(3)3 exclusion in this decision, it is important to note that if it applied, the chart would be excluded from the operation of the *Act* and I would have no jurisdiction to consider the section 14(1) exemption or to order the board to disclose it.

Specifically, the board cited the presumption against the disclosure of personal information at section 14(3)(d) (employment or educational history) of the *Act* as the basis for its decision to withhold the chart.

[2] The individual (now the appellant) appealed the board's decision to the Information and Privacy Commissioner of Ontario (IPC). Mediation did not resolve the appeal, and it was moved to the adjudication stage of the appeals process where an adjudicator may conduct a written inquiry under the *Act*. The appeal was assigned to me.

[3] After reviewing the Mediator's Report and the chart, my preliminary view was that the chart would, by definition, be subject to the mandatory personal privacy exemption at section 14(1) of the *Act*. I wrote to the appellant advising him of my preliminary view and explaining my reasons for it. I let him know that I was considering declining to conduct an inquiry pursuant to section 8.03 of the IPC's *Code of Procedure* (the *Code*).² I invited the appellant to review my reasons and provide a response by a specific date if he disagreed with my preliminary view. The appellant confirmed receipt of my preliminary view letter, but did not provide a response.

[4] In this order, I find that the chart would, by definition, be subject to an exemption under the *Act*, and, as a result, there is no issue to adjudicate. I exercise my discretion under section 8.03 of the *Code* not to conduct an inquiry into this matter, and I dismiss the appeal.

DISCUSSION:

The IPC's Code of Procedure

[5] Section 8.01 of the *Code* says that an adjudicator may conduct an inquiry to dispose of some or all of the issues in an appeal. Section 8.02 states that the adjudicator may consider the information contained in the Mediator's Report to determine whether the circumstances warrant conducting an inquiry. Section 8.03 provides guidance on when an adjudicator may decline to conduct an inquiry. Sections 8.03(a) and (d) are relevant to this appeal. They state the following:

Without limiting the Adjudicator's authority to decline to conduct an Inquiry for any other reason, the Adjudicator may decline to conduct an Inquiry where:

(a) there is no issue to adjudicate; ...

² Available online at: [Code of Procedure and Related Policies | Information and Privacy Commissioner of Ontario](#).

(d) The request is for a record which will, by definition, be subject to an exemption.

[6] In my letter to the appellant, I explained that my preliminary view was that the chart he sought access to would, by definition, be subject to the mandatory exemption for personal privacy at section 14(1) of the *Act* and that as a result, there was no issue to adjudicate. As noted above, the appellant did not provide a response.

The application of section 14(1) of the Act

[7] The board's decision says that the mandatory exemption for personal privacy at section 14(1) of the *Act* applies to the chart, and that specifically, the presumption against disclosure for personal information related to employment and educational history at section 14(3)(d) applies.

[8] Section 14(1) of the *Act* applies only to personal information. That term is defined in section 2(1) of the *Act*, in part:

"personal information" means recorded information about an identifiable individual, including, ...

(b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved[.]

[9] Applying the definition in paragraph (b) above, I find that the chart contains the principal's personal information. The chart sets out the schools the principal was employed at, his position at those schools, the start and end dates for each position as well as some additional notes about his employment. On its face, the chart clearly contains the principal's employment history.

[10] Section 14(1) of the *Act* creates a general rule that an institution cannot disclose personal information about another individual to a requester, with some limited exceptions. Section 14(3) sets out various circumstances in which a disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy. Section 14(3)(d) states:

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,

(d) relates to employment or educational history[.]

[11] The IPC has consistently found that this presumption covers several types of information connected to employment or education history, including the start and end

dates of employment.³

[12] Information contained in resumes⁴ and work histories⁵ also falls within the scope of section 14(3)(d). Although a person's name and professional title alone do not constitute "employment history" and are not covered by the presumption,⁶ I find that the principal's name, when combined with the dates which he was employed in specific roles at specific schools, does constitute "employment history" as contemplated by section 14(3)(d) of the *Act*.

[13] It follows that the section 14(3)(d) presumption against disclosure claimed by the board applies to the chart. If a presumption applies in section 14(3), the personal information cannot be disclosed unless:

- there is a reason under section 14(4) that disclosure of the information would not be an "unjustified invasion of personal privacy," or
- there is a "compelling public interest" under section 16 that means the information should nonetheless be disclosed (the "public interest override").

[14] The appellant provides no indication that either of these circumstances exists, and I find that neither does. As such, I find that the information at issue is the principal's employment history and is subject to the mandatory exemption at section 14(1) of the *Act*. Since it is clear the mandatory exemption for personal privacy applies to the chart, there is no issue to adjudicate in this appeal. I exercise my discretion under section 8.03 of the *Code* to decline to conduct an inquiry.

ORDER:

The appeal is dismissed.

Original Signed by: _____

Meganne Cameron
Adjudicator

July 17, 2025.

³ Orders M-173, PO-1885 and PO-2050.

⁴ Orders M-7, M-319 and M-1084.

⁵ Orders M-1084 and MO-1257.

⁶ Order P-216.