Information and Privacy Commissioner,
Ontario, Canada

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

ORDER PO-4679-F

Appeal PA23-00349

Ministry of Municipal Affairs and Housing

July 16, 2025

Summary: An individual made a request under the *Freedom of Information and Protection of Privacy Act* to the Ministry of Municipal Affairs and Housing for information relating to the "enhanced confidentiality protocol" required of public servants involved in the selection of lands for the removal from the Greenbelt and the names of the public servants who carried out that work. The ministry disclosed a copy of the enhanced confidentiality protocol and located a spreadsheet containing a list of names and an email.

The ministry decided not to release the information in the spreadsheet and portions of the email on the grounds that disclosure could reasonably be expected to result in harm so that the information is exempt under section 14(1)(e) (endanger life or safety).

The individual appealed the ministry's decision. In Interim Order PO-4558-I, the adjudicator found that only 11 names listed in the spreadsheet are responsive to the request and removed the remaining information in the spreadsheet from the scope of the appeal.

In this final order, the adjudicator finds that the ministry has not established that the disclosure of the information at issue could reasonably be expected to result in the harms contemplated by section 14(1)(e). The adjudicator also finds that the information does not qualify as the affected parties' personal information as defined in section 2(1). Accordingly, the adjudicator finds that the information is not exempt and orders the ministry to disclose it to the appellant.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, sections 2(1) (definition of "personal information") and 14(1)(e).

Orders Considered: Orders PO-4558-I, PO-1817-R, PO-2197, PO-2642, PO-2003 and P-1499.

Case Considered: *Ontario (Ministry of Community Safety & Correctional Services) v. Ontario (Information & Privacy Commissioner)* 2014 SCC 31.

Report Considered: *Report of the Integrity Commissioner re: Minister of Municipal Affairs and Housing,* August 2023.

OVERVIEW:

[1] This order considers whether information identifying the public servants who participated in the selection of lands for removal from the Greenbelt is exempt under section 14(1)(e) of the *Freedom of Information and Protection of Privacy Act* (the *Act*).

[2] The Ministry of Municipal Affairs and Housing (the ministry) received a request under the *Act* for access to the following:

> A complete description of the "enhanced confidentiality protocol" required of the public servants who participated in the selection of the lands proposed for removal from the Greenbelt, as described in the [August 30, 2023][1] report by Ontario's Integrity Commissioner; and
>
> The names of the public servants who participated in the selection of the lands proposed for removal from the Greenbelt on November 4, 2022.
>
> Time period: June 2, 2022 to November 4, 2022.

[3] The ministry located responsive records including a spreadsheet and a form containing a security attestation[2]. The ministry decided to grant the requester partial access, withholding portions of the records on the basis of the law enforcement exemption in section 14(1)(e) (endanger life or safety) of the *Act*.

[4] The requester (now appellant) appealed the ministry's decision to the Information and Privacy Commissioner of Ontario (IPC) stating that additional responsive records ought to exist and to pursue access to the withheld information.

[5] During the mediation stage of the appeal, the ministry conducted a further search and located an additional record, an email. The ministry issued a supplemental access decision granting the appellant partial access to the email. The ministry cited the exemptions in sections 14(1)(e) (endanger life or safety) and 14(1)(i) (security) for withholding portions of the email.

[6] The appellant has confirmed that they are not seeking access to the portion of the email withheld pursuant to section 14(1)(i). Accordingly, the application of the section

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[1] In the request, the requester incorrectly cites the date of the *Report of the Integrity Commissioner re: The Minister of Municipal Affairs and Housing* as January 28, 2023.

[2] The requester describes the security attestation as an "enhanced confidentiality protocol" in the request.

14(1)(i) exemption has been removed from the scope of this appeal.

[7] Mediation did not resolve the appeal and the file was transferred to the adjudication stage, where an adjudicator may conduct an inquiry. I decided to conduct an inquiry and sought and received representations from the ministry.

[8] In light of the ministry's representations, I invited both parties to make submissions on the information in the spreadsheet. The spreadsheet contains a list of names of the individuals who completed the "enhanced confidentiality protocol" described in the appellant's request. In addition, the spreadsheet contains dates, email addresses and the offices in which the individuals worked. I sought and received representations from the parties addressing whether this additional information is responsive to the appellant's request.

[9] In Interim Order PO-4558-I, I found that only the names listed in rows 1 to 11 of the spreadsheet are responsive to the appellant's request. Accordingly, I removed the non-responsive information in the spreadsheet from the scope of the appeal.

[10] I identified those named in rows 1 to 11 of the spreadsheet and in the information withheld from the email as individuals whose interests may be affected by disclosure (affected parties). I notified the affected parties of the appeal and invited them to submit representations specifically addressing whether the records contain personal information as defined in section 2(1) of the *Act* and the possible application of the mandatory personal privacy exemption in section 21(1). I received representations from eight of the affected parties.

[11] I subsequently invited and received representations from the appellant and the ministry on all the issues identified in the appeal.[3]

[12] For the reasons that follow, I find that the ministry has not demonstrated that the disclosure of the information at issue could reasonably be expected to result in the risk of the specified harm contemplated by section 14(1)(e). I also find that the records do not contain personal information as defined in section 2(1). Accordingly, I allow the appeal and order the ministry to disclose to the appellant the names in rows 1 to 11 of the spreadsheet and the information at issue withheld from the email.

RECORDS:

[13] The information at issue comprises the names that appear in rows 1 to 11 on page one of the spreadsheet and email addresses withheld from an email.

[3] All representations were shared in accordance with *Practice Direction 7* to the IPC *Code of Procedure* for appeals under the *Act*.

ISSUES:

A. Does the discretionary exemption at section 14(1)(e) (endanger life or safety) apply to the information at issue?

B. Do the records contain "personal information" as defined in section 2(1) of the *Act*, and if so, whose?

DISCUSSION:

Issue A: Does the discretionary exemption at section 14(1)(e) (endanger life or safety) apply to the information at issue?

[14] Section 14 contains several exemptions from a requester's right of access, mostly related to the context of law enforcement. Section 14(1)(e) states:

> (1) A head may refuse to disclose a record if the disclosure could reasonably be expected to,
>
> …
>
> (e) endanger the life or physical safety of a law enforcement officer or any other person[.]
>
> …

[15] Many of the exemptions listed in section 14(1) apply where a certain event or harm "could reasonably be expected" to result from disclosure of the information at issue. A party resisting disclosure, in this case the ministry, cannot simply assert that the harm under section 14(1) is obvious based on the record. The ministry must provide detailed evidence about the risk of harm if the information is disclosed and show that the risk of harm is real and not just a possibility.[4]

[16] While harm can sometimes be inferred from the records themselves and/or surrounding circumstances, an institution should not take the position that the harms under section 14 are self-evident and can be proven simply by repeating the description of harms in the *Act*.[5]

[17] 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

[4] Orders MO-2363 and PO-2435.
[5] Orders MO-2363 and PO-2435.

harmed, is important, but is not enough on its own establish this exemption.[6]

Ministry's representations

[18] The ministry's position is that the names of the public servants who were involved in the selection of lands for removal from the Greenbelt, which have been withheld from the records, are exempt because their disclosure could endanger the public servants.

[19] The ministry states that the decision to amend the Greenbelt was published on the Environmental Registry of Ontario (the ERO) website on November 4, 2022 for a period of public consultation. The ministry states that over 11,200 comments were received through the ERO website and an additional 18,040 submissions were received via email.

[20] The ministry states that during the period of consultation, "multiple threats" were received, which were violent in nature. The ministry states that it and security and law enforcement entities viewed the threats as legitimate.

[21] The ministry states that following the government's announcement of its decision to amend the Greenbelt in November 2022, it received two comments through the ERO website that contained threatening language. The first comment, posted anonymously, is a general threat to the livelihood of public servants. It does not refer to the ministry or the proposed Greenbelt amendment.

[22] The second comment, posted on November 11, 2022, reads:

> There is plenty of land further north. Leave the greenbelt alone and actually it should be expanded to accommodate the present population. Let us not grow denser. We have plenty of land to expand and breathe easier. It does not make sense to destroy something that took so long to acquire. I speak for the majority and they believe in democracy and not in the few fat cats who want to make more money for themselves. Who ever thought of this idea should be shot!

[23] The ministry states that it took these comments seriously and reported them to the OPP, the Toronto Police and the Office of the Provincial Security Advisor (OPSA). The ministry states that these entities investigated the comments and made security recommendations to the ministry. In response, the ministry took steps, including restricting access within its Toronto building and reminding staff of its internal security protocols.

[24] The ministry states that in September 2023, the government posted a notice on the ERO website inviting public feedback on its proposal to return to the Greenbelt the areas of land that had previously been selected for removal. The ministry states that it located a third comment containing potentially threatening language. This comment,

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[6] Order PO-2003.

posted anonymously on November 6, 2023, reads:

> Put all of it back. You are a corrupt government and none of this is acceptable. Your time is coming to an end.

[25] The ministry's position is that the threats were violent in nature and viewed as legitimate by the ministry and other security and law enforcement entities. The ministry submits that in these circumstances disclosing the information at issue and identifying ministry staff who worked on the Greenbelt project would expose them to a likelihood of harm that is well beyond and considerably above a mere possibility.[7]

[26] The ministry submits that there are other relevant factors that support its decision to withhold the names from the records. The ministry lists the relevant factors as the cultural discourse concerning the decision to amend the Greenbelt, the fact that a direct link exists between the comments received and the withheld names and the fact that the identities of whose who worked on the Greenbelt project are not already publicly known.

[27] The ministry provided me with an internal report of the media attention directed at the proposed Greenbelt amendment following the release of the Auditor General's *Special Report on Changes to the Greenbelt* in August 2023. The ministry relies on the internal report in support of its submission that the comments posted to the ERO website were part of "intense debate" in the media regarding the Greenbelt decision.

[28] The ministry states that the fact that the threatening language in the comments was not directed at specific ministry staff is irrelevant for the purposes of section 14(1)(e). The ministry relies on Order PO-1817-R in which the adjudicator found that the term "individual" in section 20 of the *Act*[8] does not only refer to a particular individual but captures any member of an identifiable group whose safety would be threatened by release of the information at issue. The ministry states that in this appeal the comments were directed at an identifiable group, namely those involved in the Greenbelt project. The ministry submits that disclosure of the names would reveal the identities of the individuals in the group and can reasonably be expected to endanger their lives and/or physical safety.

Affected parties' representations

[29] I received representations from eight of the eleven affected parties. Six affected parties provided confidential representations agreeing with the ministry's decision not to disclose their names in the spreadsheet and to withhold portions of the email on the basis of section 14(1)(e).

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[7] *Ontario* (*Ministry of Community Safety & Correctional Services*) v. *Ontario* (*Information & Privacy Commissioner*), 2014 SCC 31.

[8] Section 20 of the *Act* provides an exemption where disclosure of a record could reasonably be expected to seriously threaten the safety or health of an individual.

[30] Two of the affected parties provided non-confidential representations addressing the three comments posted to the ERO website. One of the affected partes agreed with the ministry's decision not to disclose their name in the spreadsheet but acknowledged that they did not feel any reasonable threat to their life or physical danger from two of the comments. They submit that the first comment is threatening to all individuals involved in the Greenbelt project.

[31] This affected party states that the ministry took the threats seriously and that it changed its protocol regarding access to the ministry's Toronto offices. The affected party acknowledged that the names of public servants are published as part of their work, for example when appearing at Standing Committees in support of a bill, delivering public presentations and meeting with stakeholders. The affected party states that, nonetheless, the government makes efforts to avoid unnecessarily revealing the identities of public servants where there are potential controversies or sensitivities. They submit that while the names of the public servants involved in the Greenbelt project can easily be inferred from public reports and Standing committee appearances, they should not be exposed to potential danger.

[32] Finally, the other affected party who provided non-confidential representations states that the process surrounding the selection of lands for removal from the Greenbelt in late 2022 has been publicly detailed in the reports of the Integrity Commissioner[9] and the Auditor General[10]. They state that the Integrity Commissioner's report published a list of individuals interviewed during the investigation process and that this list includes the names of ministry staff. This affected party states that they are not aware of any threats to life or physical safety, credible or otherwise, that have been made against themselves or other ministry staff. In addition, this affected party states that they are not aware of any threats originating from the disclosure of records through requests relating to the Greenbelt project made under the *Act* over the last year.

[33] This affected party states that they are not aware of any extra safety precautions being taken by the ministry following the naming of staff in the Integrity Commissioner's report nor the conclusions of any investigations into the language used in the comments submitted to the ERO in November 2022. They state that they have no cause to believe that the release of the information in the records would create a reasonable expectation of harm as articulated by the Supreme Court of Canada.

Appellant's representations

[34] The appellant's position is that the ministry has failed to establish the specified harm in section 14(1)(e). The appellant submits that the ministry has failed to provide any evidence that individual employees whose names are at issue have themselves been

[9] *Report of the Integrity Commissioner re: the Minister for Municipal Affairs and Housing*, published in August 2023.
[10] *Special Report on changes to the Greenbelt*, published by the Office of the Auditor General in August 2023.

subject to any specific threats. Rather, the appellant submits that the ministry perceives a general threat against the ministry as a whole. The appellant submits that this is based on online submissions to the ERO website and the "cultural discourse" revealed in the internal report that shows widespread "disgust" and "anger" at the government's decision to amend the Greenbelt.

[35] The appellant submits that it is not unusual or unexpected for controversial government decisions to be met with disgust or anger and such reactions by themselves do not establish a reasonable expectation of harm. The appellant submits that the Supreme Court has held that generalised risk by itself is not sufficient to establish a reasonable expectation of harm for the purposes of section 14.[11]

[36] The appellant states that the names and positions of all ministry staff are publicly available on the government's Info-Go website and that the names at issue in this appeal are likely in records already publicly available in the Integrity Commissioner's report. The appellant refers to records relating to the Greenbelt amendment that the ministry has already disclosed in response to other requests made under the *Act* that include the names and email addresses of several political and non-political ministry employees. The appellant states that the ministry has not produced any evidence that the disclosure of these records has endangered the individuals named in the already disclosed records.

Ministry's reply representations

[37] The ministry submits that it has established the required risk of harm. The ministry states that the threatening language in the comments posted to the ERO website is directly related to the proposed removal of lands from the Greenbelt.

[38] The ministry submits that the risk that the information at issue will be published by the appellant, if disclosed, is a relevant factor to be considered. The ministry states that records relating to the Greenbelt amendment that it previously disclosed in response to other requests made under the *Act* have been posted online and attracted attention from the media and the public.

[39] Given the public interest in the proposed Greenbelt amendment, the ministry submits that there is a high likelihood the authors of the comments posted to the ERO website would learn the affected parties' names, if disclosed.

[40] The ministry states that the names and positions of its staff that are publicly available on the Info-Go website are not associated with the projects they have worked on. The ministry states that the public are unable to deduce from the Info-Go which staff worked on the Greenbelt project. On the contrary, the ministry submits that the publicly available information on Info-Go which includes office information, would allow the public

[11] The appellant relies on the Supreme Court decision in *Ontario* (*Ministry of Community Safety & Correctional Services*) *v. Ontario* (*Information & Privacy Commissioner*) 2014 SCC 31.

to locate the affected parties if the information at issue was disclosed.

[41] Regarding the names of ministry staff already publicly available in the Integrity Commissioner's report, the ministry submits that there is a difference between the names of some of the affected parties being available from other sources and the ministry disclosing a list of names in response to a specific request under the *Act*. The ministry states that releasing the names to the appellant would identify the 11 affected parties as the public servants who were involved in the selection of land for removal from the Greenbelt. The ministry submits that this act of disclosure would create a reasonable expectation of harm.

[42] Regarding the representations of the affected party who stated that they did not personally feel any reasonable threat, the ministry submits that this sentiment is not shared by the other affected parties. The ministry submits that this one affected party's representations should be given limited weight in determining the application of section 14(1)(e), given that seven out of the eight affected parties who provided representations "believe that disclosure could reasonably be expected to endanger life or physical safety."

Analysis and findings

[43] For the reasons that follow, I find that disclosure of the names in rows 1 to 11 of the spreadsheet and the email addresses withheld from the email, could not reasonably be expected to result in endangering the life or physical safety of a person and the exemption in section 14(1)(e) does not apply.

[44] In *Ontario (Ministry of Community Safety & Correctional Services)* v. *Ontario (Information & Privacy Commissioner)*[12], the Supreme Court considered the reasonable expectation of probable harm resulting from disclosure that is necessary for establishing the exemption in section 14(1)(e). The Supreme Court said:

> As this Court affirmed in *Merck Frosst*, the word "probable" in this formulation must be understood in the context of the rest of the phrase: there need be only a "reasonable expectation" of probable harm. The "reasonable expectation of probable harm" formulation simply "captures the need to demonstrate that disclosure will result in a risk of harm that is well beyond the merely possible or speculative, but also that it need not be proved on the balance of probabilities that disclosure will in fact result in such harm."[13]

[45] Adopting this approach, I am not satisfied that the ministry has established that the risk of harm reasonably expected to result from the disclosure of the public servants' names is more than a mere possibility.

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[12] 2014 SCC 31.
[13] 2014 SCC 31, para 54.

[46] In reaching this conclusion, I have considered the comments posted on the ERO website and the threat of endangerment, if any, that they pose to the affected parties. In addition, I have considered the subjective evidence of the affected parties about their apprehension of the risk of harm, the public discourse around the decision to amend the Greenbelt and the information identifying the affected parties that is already in the public domain. Considering these factors, I find that the risk of any harm of the nature contemplated by section 14(1)(e), while perhaps possible, does not meet the threshold of "reasonable expectation of probable harm".

The comments on the ERO website

[47] I am not persuaded that the threatening language used in three comments posted on the ERO website in November 2022 and November 2023 establish a reasonable expectation of harm if the names of ministry staff involved in the Greenbelt project are disclosed.

[48] From my review of the comments, I find that they are related to the government's decision to amend the Greenbelt announced on November 4, 2022 and its subsequent reversal of that decision. I agree that all three of the comments contain threatening language, though I note that it is not directed at the ministry or any individual. I find that the threatening language is not directed specifically to those within the ministry that were involved in implementing the government's decision. Notwithstanding the language used in the comments, I am not persuaded that the comments contain threats that could reasonably be expected to lead to a probable risk of harm to the affected parties or any ministry or government employees.

[49] I note that during the public consultation period in November 2022 when the first two comments were posted, the ministry received around 30,000 comments on the ERO website and via email. I acknowledge the ministry's evidence that it took the threatening language seriously and took steps to protect ministry staff. However, I also note that there is no evidence that the ministry took any action after identifying the third comment as a perceived threat in November 2023.

[50] I accept the parties' evidence that the contact information of ministry staff is publicly available on the government's Info-Go website. The ministry's location is also published. It is therefore arguable that anyone wishing to make threats against ministry staff could have used this information to do so. There is no information before me that ministry staff have received threats verbally or otherwise except the comments relied upon by the ministry, which were posted during two periods of public consultation when the government was proactively soliciting feedback.

[51] I agree with the ministry's submission that the comments, including the threatening language, are related to the Greenbelt project. Though I agree that they are related, I am not persuaded that the threatening language is *directed* at the affected parties, even as part of an identifiable group. From my review of the comments, I find

that the sentiment conveyed is directed at the government in general and its proposal to amend the Greenbelt. I find that the focus of the comments is the decision to remove land from the Greenbelt, not the public servants involved in implementing that decision.

[52] I agree with the adjudicator's findings in Order PO-1817-R, which is cited by the ministry. The adjudicator in that case decided that the application of section 20, which was at issue in that appeal, does not contemplate that a "particular" individual must be at risk of the specified harm. The adjudicator said that "individual" must be read to mean any individual, including any member of an identifiable group. Adopting the same approach in relation to section 14(1)(e), I agree that the harm contemplated is not a risk of harm to a "particular" person but includes any person who is a member of an identifiable group. In this respect, the fact that the threatening language is not directed at specific ministry staff does not defeat the application of the exemption in section 14(1)(e).

[53] However, I am not persuaded that this lack of specificity is entirely irrelevant to the assessment of the risk of harm. In my view, the fact the affected parties are neither named nor identified in the comments reduces the risk of them being placed in danger if their names are disclosed.

[54] There is no evidence before me that the authors of those comments (or anyone else) attempted to act on the perceived threats or took any additional steps to endanger ministry staff or other individuals whose names were associated with the Greenbelt project since the comments were posted in November 2022 and November 2023.

[55] The ministry cites Order PO-2197 which considered the application of section 20 to records relating to the acquisition, use and disposal of dogs in a named animal testing facility. In that appeal, the adjudicator had evidence of threats that had been made against individual testing facilities and researchers. There was also evidence of potential violent action that might be taken by the Animal Rights Movement if the records were released. In this appeal, there is no such evidence. There is no information from the ministry or the affected parties of potentially violent action that might be taken by the authors of the comments or anyone else with an interest in the subject matter of the request.

[56] Evidence of a history of the appellant's threatening conduct was also present in Order PO-2642 in which the adjudicator found records were exempted under section 14(1)(e). That case concerned the release of records relating to a Trespass Notice issued by a university against the appellant. In that appeal, the adjudicator had sufficient information to conclude that the appellant's motives for seeking access to the information were not benevolent, including the history of their intimidating behavior that had led to the Trespass Notice and a risk of an escalation of danger posed by the appellant towards the affected individuals. Unlike in Order PO-2642, there is no evidence before me of any intimidating behaviour towards the public servants involved in the Greenbelt project creating an expectation of harm if their names are disclosed.

[57] Accordingly, I find that the threatening language in the comments by itself does not establish the risk of specified harm, if the information is disclosed.

Subjective fear of the affected parties

[58] I have considered the affected parties' representations about their subjective fears in relation to the disclosure of their names. The affected parties who support the ministry's decision to withhold their names have provided confidential representations. I have considered these confidential representations in reaching my finding.

[59] In Order PO-2003, the adjudicator considered evidence of an affected party's subjective fear and decided that it was an important consideration but not, of itself, sufficient to establish the application of the exemption.[14] I agree with this approach and adopt it in this appeal.

[60] I acknowledge the affected parties' concerns and agree with the ministry that they are relevant in this analysis. However, in this appeal, the affected parties' subjective fear is not based on evidence of violence or intimidating behaviour, either on the part of the appellant or others with an interest in the subject matter of the request. There is no evidence before me that any action has been taken, either on the threatening language in the comments posted on the ERO website or otherwise, to endanger the affected parties as a result of their involvement in the Greenbelt project.

[61] In these circumstances, the affected parties' subjective reaction to the prospect of disclosure is only one of the relevant factors and does not itself establish the expectation of harm. As I explain below, this factor is considered in the context of the information already in the public domain that identifies some of the affected parties as having been involved in the Greenbelt project.

Public discourse around the Greenbelt decision

[62] The ministry's position is that the discourse around the decision to amend the Greenbelt demonstrates the risk of harm if the names of the affected parties are disclosed. The ministry submits that the decision (and the subsequent reversal of the decision) has stoked intense public interest, public scrutiny and debate and has generated strong public sentiment.

[63] The ministry cites Order P-1499 in which the IPC upheld the decision to apply section 14(1)(e) to withhold information relating to the performance of abortion procedures in the province. The ministry submits that in upholding the application of the exemption, the IPC "alluded to" the intense public debate and threats that had been made. I am not persuaded that the circumstances of Order P-1499 assist me in this appeal. In Order P-1499, the adjudicator relied not only on the public discourse around

[14] In that appeal, the issue was the application of the exemption in section 20. Sections 14(1)1(e) and 20 involve similar contemplated harms if the information at issue is disclosed.

abortion rights and its relevance to the information at issue in the appeal but also the evidence of the violent and illegal methods used by the extreme factions of the pro-life movement to promote its cause. As I have already noted, there is no evidence in this appeal that the public discourse around the government's decision to amend the Greenbelt has involved or been associated with conduct that might give rise to a risk of harm.

[64] The ministry has provided me with an internal report about media commentary and sentiment relating to the Greenbelt decision. The ministry cites statistics from the report in support of its argument that the decision to amend the Greenbelt has "garnered significant attention and sparked intense debate."

[65] The ministry states that in the days following the publication of the Auditor General's report in August 2023, there was a 1200% increase in social media "mentions"[15]. The ministry states that the report found that the rates of comments displaying "disgust and anger increased 28,450% and 1,285% respectively" during the same period. The ministry submits that this intense public discourse and the resulting threats in the posted comments, mean that the disclosure of the public servants' names can reasonably be expected to endanger their physical safety.

[66] I have considered the ministry's internal report. The report covers a period of three days from August 9 to 11, 2023. I agree that the report reflects an increase in media attention on the Greenbelt immediately following the release of the Auditor General's report. In addition, I accept that the data shows that some of the sentiment of the increased media attention was negative, including expressions of disgust and anger.

[67] However, I am not persuaded that this data demonstrates an increased risk to the safety and well being of ministry staff, if the information at issue in this appeal is disclosed. I agree with the appellant's submission that this media reaction to the Auditor General's report, by itself, does not establish an expectation of harm. I note that the report relates to a short period of three days in August 2023 and that the data cited by the ministry reflects a peak in media attention that the report shows subsided during the three-day period. While this data shows significant public interest and engagement on issues related to changes in the Greenbelt, there is no evidence that a risk of harm was associated with the public discourse at the time the data was collected.

[68] There is no information before me that the sentiment in the public discourse is at risk of escalating or even that it has persisted since August 2023. I also note that the government has since reversed its decision to remove the selected lands from the Greenbelt and when the threatening language in the third comment was identified, the ministry did not take any additional steps to protect its staff.

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[15] The ministry does not explain what is meant by "mentions" in the context of the internal report. From my reading of the report, I understand it to mean references in media to the Greenbelt (including the Greenbelt in general) and/or the government's decision to amend the Greenbelt.

[69] For these reasons, I am not persuaded that the present public discourse around the Greenbelt amendment establishes a reasonable expectation of probable harm, if the names are disclosed.

Information already published

[70] Finally, I do not agree with the ministry's submission that the identities of the public servants involved in the Greenbelt project are not already in the public domain. This is the ministry's position in its initial representations.

[71] Some of the ministry staff involved in the selection of lands for removal from the Greenbelt were interviewed by the Integrity Commissioner's office in 2023 as part of its inquiry. Appendix A to the Integrity Commissioner's published report is a list of witnesses. From my review of the list, I find that the names of some of the affected parties in this appeal are included in the list.

[72] In addition, I note that in May 2024 some members of ministry staff appeared before the Standing Committee on Public Accounts when it considered the Auditor General's report. The transcript from this hearing before the Standing Committee, which includes the names of those individuals who testified, is published online. Some of the affected parties' names appear in the published transcript.

[73] I also agree with the appellant's submission that records already released by the ministry in response to other requests made under the *Act* have included the names and email addresses of several political and non-political ministry employees involved in the Greenbelt project. All parties who provided representations to me have confirmed that the names and positions of all ministry staff, together with their telephone numbers and email addresses, are publicly available on the government's Info-Go website.

[74] Accordingly, I find that information identifying ministry staff involved in the Greenbelt project is already available in the public domain. In particular, the names of witnesses who were interviewed by the Integrity Commissioner's office and ministry staff identifiable from records already released in response to requests made under the *Act*, are publicly associated with the Greenbelt amendment. There is no information before me that the publication of the Integrity Commissioner's report or the release of Greenbelt records in response to other access requests has increased the risk of harm to ministry staff.

[75] I acknowledge that some of the names at issue in this appeal do not appear in the Integrity Commissioner's report. However, the ministry has not provided any evidence that names have been omitted from any public reporting in relation to the Greenbelt decision due to safety or security concerns. Moreover, notwithstanding the public discourse around the Greenbelt decision that the ministry relies upon as evidence of the risk of harm, there is no information before me that any steps were taken to protect the safety and security of ministry staff in anticipation of the publication of the Integrity

Commissioner's report or the release of Greenbelt records by the ministry.

[76] In my view, the fact that there is information already in the public domain that associates some of the public servants whose names are at issue in this appeal with the Greenbelt project and that there has been no perceived increased risk of harm from this information being available, reduces the likelihood of harm resulting from disclosure in response to the appellant's request.

[77] The ministry draws a distinction between the names of public servants involved in the Greenbelt project being disclosed in response to the request in this appeal and the identifying information already publicly available. The ministry submits that given the "public sentiment" and the threatening language in the comments posted on the ERO website, in this context identifying the public servants creates a reasonable expectation of harm. I do not agree with this submission.

[78] As I have already noted, there is no evidence that the public sentiment regarding the decision to amend the Greenbelt has intensified since the publication of the Integrity Commissioner's report or the ministry's other Greenbelt-related disclosures. In addition, the ministry's submission fails to acknowledge the passage of time since the comments were posted and the fact that the decision to amend the Greenbelt has subsequently been reversed.

Summary of findings on section 14(1)(e)

[79] In summary, I find that the ministry has not established the risk of endangerment to its staff involved with the Greenbelt project arising from the three comments posted on the ERO website during periods of public consultation. I find that the threatening language in the comments is directed at the government in general and is not associated with any history of violent or intimidating conduct, notwithstanding the public discourse around the government's decision to amend the Greenbelt. In my view, the ministry's perception of the risk to staff from the disclosure of their names in the spreadsheet in this appeal is not matched by any steps taken to protect staff when other information related to the Greenbelt amendment decision and the role of ministry staff in that decision making process was published.

[80] While I acknowledge the subjective fears of the affected parties, in the circumstances of this appeal, I am not persuaded that it is sufficient to establish a reasonable expectation of probable harm so that the information the appellant is seeking should be withheld. The disclosure of the information at issue in this appeal would not reveal in any particularized way, the nature of the individual involvement of the affected parties in the implementation of the government's decision to amend the Greenbelt. For example, any individual decision making or advice or input into the selection of lands. The ministry identified the affected parties as having completed a confidentiality protocol, which is a step routinely undertaken by public servants in the course of government work.

[81] In summary, I am not satisfied that the ministry has established that the disclosure of the affected parties' names in the records at issue could reasonably be expected to result in the harm specified in section 14(1)(e). Accordingly, I find that the exemption does not apply.

Issue B: Do the records contain "personal information" as defined in section 2(1) of the *Act*, and if so, whose?

[82] As I have found that the information at issue is not exempt under section 14(1)(e), I must decide whether the mandatory personal privacy exemption may apply to the information relating to the affected parties. The mandatory personal privacy exemption in section 21(1) can only apply to information that qualifies as "personal information" as defined in the *Act*.

[83] Section 2(1) of the *Act* defines "personal information" as "recorded information about an identifiable individual."

[84] Information is "about an individual" when it refers to them in their personal capacity, which means that it reveals something of a personal nature about the individual. Information is about an "identifiable individual" if it is reasonable to expect that they can be identified from the information either by itself or combined with other information.[16]

[85] Section 2(1) gives a list of examples of personal information. This list, which is not exhaustive, includes "an 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."[17]

[86] Generally, information about an individual in their professional, official or business capacity is not considered to be "about" the individual.[18]

[87] Sections 2(3) and (4) state:

> (3) 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.
>
> (4) For greater certainty, subsection (3) 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.

[88] The ministry's position is that the information at issue in the spreadsheet and the email is not personal information. The ministry submits that the information identifies

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[16] Order PO-1880, upheld on judicial review in *Ontario* (*Attorney General*) v. *Pascoe*, [2002] O.J. No. 4300 (C.A.).
[17] See paragraph (h) of the definition of "personal information" in section 2(1).
[18] Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

current and former ministry staff in their business, professional or official capacity.

[89] Not all the affected parties' representations address whether the information in the records qualifies as personal information as defined in section 2(1). The affected parties who address the issue take the position that the information is not their personal information.

[90] The appellant's representations do not address whether the information at issue is personal information.

[91] From my review of the records, I am satisfied that they do not contain personal information. I agree with the ministry's submission that the names in the spreadsheet and the email addresses identify the affected parties but not in their personal capacity. I am satisfied that the affected parties are identifiable from the information in the records in their capacity as ministry employees only. Accordingly, I find that the records do not contain personal information and the mandatory personal privacy exemption at section 21(1) cannot apply.

SUMMARY

[92] I find that the exemption in section 14(1)(e) does not apply to the names in rows 1 to 11 of the spreadsheet and the information withheld from the email, and that the mandatory personal privacy exemption in section 21(1) cannot apply. I allow the appeal and will order the ministry to disclose the information at issue to the appellant.

ORDER:

1. I order the ministry to disclose to the appellant the names in rows 1 to 11 (11 names) of the spreadsheet and the information withheld from the email. I order the ministry to do so by **August 20, 2025** but not before **August 15, 2025**.

2. In order to verify compliance with provision 1, I reserve the right to require the ministry to provide me with a copy of the information disclosed to the appellant.

Original Signed by: July 16, 2025

Katherine Ball
Adjudicator