

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4685

Appeal MA24-00296

County of Dufferin

August 15, 2025

Summary: An individual made a request under the *Municipal Freedom of Information and Protection of Privacy Act* to the County of Dufferin for access to a pool fence construction permit for a specified county address. The county decided to disclose some of the permit documentation but denied access to some information relying on the mandatory personal privacy exemption in section 14(1) of the *Act*. The county decided that disclosure of the withheld information, consisting of names and other personal identifiers, would be an unjustified invasion of personal privacy.

The property owner appealed the county's decision.

In this order, the adjudicator exercises her discretion under section 41(1) of the *Act* not to conduct an inquiry. The adjudicator finds that the information that the county has decided to release is not personal information as defined in section 2(1) of the *Act* so that the mandatory personal privacy exemption in section 14(1) cannot apply. The appeal is dismissed.

Statute Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, sections 2(1) (definition of "personal information"), 14(1) and 41(1).

OVERVIEW:

[1] This order addresses whether information in construction permit records that the County of Dufferin (the county) has decided to disclose is personal information as defined in section 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*).

The request and the county's decision

[2] An individual made a request under the *Act* to the county for access to a pool fence construction permit for a specified county address. The county identified 10 pages of responsive records comprising a building permit and application, a topographic sketch, inspection records and bylaws.

[3] The county notified the property owner at the specified address of the request and invited them to comment on disclosure of the records.

[4] The county issued a decision to the requester granting partial access to the records, withholding some information. The county explained that the withheld information consisted of personal identifiers.

The appeal

[5] The property owner (now the appellant) appealed the county's decision to disclose portions of the records to the Information and Privacy Commissioner of Ontario (the IPC).

[6] The IPC attempted to mediate the appeal and during mediation the county advised that it relied on the mandatory personal privacy exemption in section 14(1) of the *Act* for withholding the personal identifiers in the records. The requester did not appeal the county's decision and the application of section 14(1) to the withheld portions of the records is therefore not an issue to be determined in this appeal.

[7] A mediated resolution was not possible. The appeal was then transferred to the adjudication stage of the appeal process, in which an adjudicator may conduct an inquiry.

[8] As the adjudicator assigned to this appeal, I have the discretion under section 41(1) of the *Act* to conduct, or not to conduct, an inquiry to review the county's decision. The IPC's *Code of Procedure* for appeals under the *Act* (the *Code*) sets out the procedure to be followed where an adjudicator, under the delegated authority of the Commissioner, decides to decline to conduct an inquiry. Section 8.04 of the *Code* provides that before deciding to dismiss an appeal without conducting an inquiry, an adjudicator may invite an appellant to make representations.

Preliminary assessment not to conduct an inquiry

[9] I have reviewed the file, specifically the portions of the records that the county has decided to disclose, the relevant law and the reasons for the appellant's objection to disclosure. The appellant's position is that disclosure would be an unjustified invasion of their personal privacy under section 14(1) of the *Act*.

[10] From my review of the records, I formed a preliminary view that the information

at issue is not “personal information” as defined in section 2(1) of the *Act* so that the mandatory personal privacy exemption in section 14(1) cannot apply to it. Accordingly, I decided that conducting an inquiry to determine the issue in the appeal is not warranted.

[11] In accordance with section 8.04 of the *Code*, before deciding to dismiss the appeal without conducting an inquiry, I sent the appellant written notice of my preliminary assessment and invited them to make representations.

Is the information at issue “personal information” as defined in section 2(1) of the Act?

[12] In my letter to the appellant, I explained that the exemption in section 14(1) of the *Act* can only apply to information that is “personal information” as defined in section 2(1) of the *Act*. I explained that in section 2(1) “personal information” is defined as “recorded information about an identifiable individual” and that 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. I also explained that section 2(1) gives a list of examples of personal information and the list is not exhaustive so that information that does not fall within one of the types listed may still qualify as personal information. I appended a copy of section 2(1) to my letter.

[13] I told the appellant that I had carefully reviewed the information in the records. As already noted, the county has decided to withhold some of the information consisting of personal identifiers and this information is not at issue in the appeal.

[14] The records comprise a building permit, a permit application, topographic sketch, inspection records and by laws. I explained to the appellant that in my view, the information in the records to be disclosed to the requester relates to the property at the address specified in the request, not identifiable individuals.

[15] I noted that the records do reveal the property address and that I had considered whether the address is the appellant’s personal information. Previous orders of the IPC have held that in certain circumstances, it is reasonable to expect that an individual may be identified from a disclosed address.¹ An address can be linked with an owner, resident or tenant through searches in reverse directories, and municipal property assessment rolls. Accordingly, I explained that the appellant may be identifiable from the property address in the records.

[16] Notwithstanding that the appellant may be identifiable from the property address in the records, I advised the appellant that in my view the information at issue is not *about* them but is information *about* a property. Previous orders of the IPC have held that information about a property does not qualify as personal information as defined in

¹ See Orders PO-2322, PO-2265 and MO-2019.

section 2(1) of the *Act* if it does not reveal information *about* an identifiable individual.²

[17] I advised the appellant that from my review of the records, the information at issue is information relating to a building permit and the application for that permit, the related topographical sketch, inspection records and the applicable bylaw. Accordingly, my preliminary view was that the information at issue is information about the appellant's property and is not about the property owners. As it is my view that the information at issue is not personal information as defined in section 2(1) of the *Act*, the mandatory personal privacy exemption in section 14(1) cannot apply.

[18] In my letter, I explained to the appellant that section 41(1) of the *Act* provides that the IPC may conduct an inquiry to review an institution's decision and the relevant procedure in section 8 of the *Code*.

[19] I informed the appellant that I was giving them an opportunity to make representations before reaching a final decision to dismiss the appeal without conducting an inquiry. Specifically, I advised the appellant that if they disagreed with my preliminary assessment, they should provide their reasons for disagreeing.

Should the appeal proceed to an inquiry under the Act?

[20] The appellant has not responded to my letter. The appellant has therefore not provided me with any reasons why, despite my preliminary assessment, the information in the records should be withheld from the requester under the mandatory personal privacy exemption in section 14(1). In my view and in the absence of any representations from the appellant, the determination of whether the information the county has decided to disclose is "personal information" as defined in section 2(1) of the *Act* does not warrant an inquiry. I have decided the issue based on my review of the records, the relevant case law and the circumstances of the appeal. I have provided the appellant an opportunity to address the issue and they have declined to do so. For these reasons, I have decided to exercise my discretion not to conduct an inquiry into this appeal. Moreover, in these circumstances, to conduct an inquiry would delay the county releasing the records to the requester in accordance with its decision.

[21] Accordingly, in accordance with the procedure set out in section 8 of the *Code*, I exercise my discretion under section 41(1) to decline to conduct an inquiry and dismiss the appeal.

NO INQUIRY:

For these reasons, no inquiry of this matter will be conducted under the *Act*. I dismiss the appeal.

² See Orders P-23, M-175, MO-2053, MO-2081, PO-2322, MO-2695, MO-2792, MO-2994, MO-3066, MO-3125 and MO-3321.

Original Signed by: _____

Katherine Ball
Adjudicator

August 15, 2025 _____