

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4745

Appeal MA22-00749

City of Toronto

December 19, 2025

Summary: An individual asked the City of Toronto for records that document a “mock inspection” of the Toronto Zoo that was carried out by an American zoo executive. The city denied access to 45 pages of notes and other records under the personal privacy exemption in section 14(1) of the *Municipal Freedom of Information and Protection of Privacy Act*.

The personal privacy exemption at section 14(1) only applies to “personal information.” In this order, the adjudicator finds that the information in the records about the American zoo executive and several Toronto Zoo staff is associated with them in their professional capacity, not their personal capacity. Because this information is not “personal information,” he finds that it is not exempt from disclosure under section 14(1). He orders the city to disclose the records to the appellant.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, sections 2(1) (definition of “personal information”), 2(2.1) and 14(1).

OVERVIEW:

[1] The Toronto Zoo became an accredited member of the Association of Zoos and Aquariums (AZA) in 2023.¹ The accreditation process included an onsite inspection that rated and reviewed all elements of the zoo’s operations and processes. Prior to the AZA inspection, the Toronto Zoo asked the president and CEO of an American zoo (the

¹ <https://tinyurl.com/4938yeaa>

American zoo executive) to conduct a “mock inspection” of its facilities and operations.

[2] The appellant submitted a request to the City of Toronto (the city)² under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for access to the following records:

Information – results and deficiencies found during the mock AZA inspection done by [name of American zoo executive]. A list of all deficiencies found and needing correction prior to the true AZA inspection.

[3] The city located 45 pages of notes and other records that document the “mock inspection” conducted by the American zoo executive. It notified the American Zoo executive about the request for these records and asked for his views as to whether they should be disclosed. The American zoo executive did not consent to the information about him in the records being disclosed to the appellant.

[4] The city then sent a decision letter to the appellant denying access to the records in full under the personal privacy exemption in section 14(1) of the *Act*. The letter stated that the American zoo executive “was not contracted or compensated by the Toronto Zoo. The records are considered his personal opinion rather than his professional opinion.”

[5] The appellant appealed the city’s decision to the Information and Privacy Commissioner of Ontario (the IPC), which assigned a mediator to assist the parties in resolving the issues in dispute. During mediation, the appellant cited the public interest override in section 16 of the *Act* and claimed that there is a compelling public interest in disclosure of the records.

[6] This appeal was not resolved during mediation and was moved to the adjudication stage of the appeal process, where an adjudicator may conduct an inquiry to review an institution’s access decision.

[7] The adjudicator initially assigned to this appeal decided to conduct an inquiry and sought representations from the city, the American zoo executive and the appellant on the issues to be resolved. She received brief representations from the city and the American zoo executive and no representations from the appellant. Despite the city’s position taken in its access decision, the city stated in its representations that the Toronto Zoo has no opinion regarding disclosure of the records and will disclose them if ordered to do so by the IPC.

[8] This appeal was then transferred to me to complete the inquiry process. I determined that it was not necessary to seek additional information from the parties

² The Toronto Zoo (officially the Board of Management of the Toronto Zoo) is an agency (board) of the City of Toronto. See *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sched. A, section 409(1).

before making my decision.

[9] In this order, I find that the information in the records about the American zoo executive and several Toronto Zoo staff is associated with them in their professional capacity, not their personal capacity. I find that this information is not their "personal information," as that term is defined in section 2(1) of the *Act*, and therefore cannot be found exempt from disclosure under the personal privacy exemption in section 14(1). I order the city to disclose the records to the appellant.

RECORDS:

[10] The records at issue in this appeal are 45 pages of notes and other records that document the "mock inspection" conducted by the American zoo executive.

DISCUSSION:

[11] Both the city and the American zoo executive claim that the information in the records is exempt from disclosure under the personal privacy exemption in section 14(1) of the *Act*. The sole issue to be determined in this appeal is whether that exemption applies.

[12] Section 14(1) 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 in sections 14(1)(a) to (f). The only exception that could potentially apply here is section 14(1)(f), which states:

A head shall refuse to disclose *personal information* to any person other than the individual to whom the information relates except,

if the disclosure does not constitute an unjustified invasion of personal privacy.

[Emphasis added]

[13] The American zoo executive claims that the information about him in the records is exempt from disclosure under section 14(1) because disclosing it would constitute an unjustified invasion of his personal privacy.

[14] However, the section 14(1) exemption only applies to "personal information." Consequently, it must first be determined whether the 45 pages of records that document the "mock inspection" conducted by the American zoo executive contain his personal information or that of any other individuals. If the information in these records does not qualify as "personal information," it cannot be found exempt from disclosure under section 14(1).

[15] "Personal information" is defined in section 2(1) of the *Act*, and this definition provides a list of examples. Those that might be relevant to the information in the records at issue in this appeal include the following:

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

...

(e) the personal opinions or views of the individual except if they relate to another individual,

...

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

...

[16] Section 2(2.1) of the *Act* excludes certain information that identifies an individual in a business, professional or official capacity, from the definition of "personal information." It states:

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.

[Emphasis added]

[17] In addition, the IPC has found that to qualify as personal information, the information must be about the individual in a personal capacity. As a general rule, information associated with an individual in a professional, official or business capacity will not be considered to be "about" the individual.³ 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 something of a personal nature about the individual.⁴

[18] For the reasons that follow, I find that the information in the records about the American zoo executive and several Toronto Zoo staff is not their "personal information," as that term is defined in section 2(1) of the *Act*.

[19] The records contain the names of the American zoo executive and several staff from the Toronto Zoo. These individuals' names identify them in a professional capacity

³ Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

⁴ Orders P-1409, R-980015, PO-2225 and MO-2344.

in the records. I find, therefore, that these names fall within section 2(2.1) and do not constitute their "personal information," as that term is defined in section 2(1), including paragraph (h).

[20] The records also include the American zoo executive's opinions about the operations and processes at the Toronto Zoo. The American zoo executive argues that he was on a personal trip to Toronto to visit a friend, who happens to be the CEO of the Toronto Zoo. He submits that he provided his opinions in his personal capacity, which appears to be a reference to paragraph (e) of the definition of "personal information" in section 2(1) of the *Act*. He states:

. . . [A]s part of the personal trip, I went to the Toronto Zoo where I visited portions of the Toronto Zoo. It is wholly unreasonable and erroneous to describe my visiting portions of the Toronto Zoo as conducting a "mock" AZA inspection. I did not conduct a "mock" AZA inspection of the Toronto Zoo, which would entail a detailed inspection of the entire Toronto Zoo. During my visit to the Toronto Zoo, I may have at times shared my personal opinions with my friend.

Any statement I may have made during my visit to Toronto were solely personal opinions. I consider the records at issue to be my personal opinion. My opinions were not provided in any official capacity nor did the Toronto Zoo contract with me to provide any professional opinion.

[21] I am not persuaded by the American zoo executive's arguments. Many pages of the 45 pages of notes and other records contain the heading, "Mock Inspection" followed by his name, which indicates that the Toronto Zoo perceived that he was conducting a "mock inspection." In addition, even though he claims that he may at times have shared his "personal opinions" with his friend, the records themselves show that he in fact met with numerous staff at the Toronto Zoo during his visit, including a roundtable, where he provided his opinions on various matters.

[22] Even if I were to accept that he did not provide his opinions to the Toronto Zoo in his official capacity as the CEO of an American zoo, he clearly provided them in his professional capacity as a senior zoo executive with expertise in zoo management. He is not a random private citizen who was called in to provide his views on the conditions at the Toronto Zoo in advance of an upcoming AZA inspection. The opinions that he expressed, which are documented in the records, were derived from his professional expertise and knowledge as a senior executive at a large American zoo. These are his professional opinions and I find that they do not reveal something of a personal nature about him.

[23] In these circumstances, I find that the American zoo executive's professional opinions in the records do not fall within the definition of "personal information" in section 2(1) of the *Act*, including paragraph (e).

[24] In short, I find that the information about the American zoo executive and several Toronto Zoo staff in the records is not their “personal information.” As noted above, the personal privacy exemption in section 14(1) exemption only applies to “personal information.” Because none of the information in the responsive records is the “personal information” of any individuals, it cannot be found exempt from disclosure under the personal privacy exemption in section 14(1) and must be disclosed to the appellant.

[25] Finally, the city states in its representations that references to the workings and staffing of an American zoo in the records should be considered as non-responsive to the appellant’s access request, which is for records regarding the Toronto Zoo and not the American zoo.

[26] In its decision letter, the city did not claim non-responsiveness as a basis for withholding information from the records. Responsiveness of information was not an issue that was identified in the IPC mediator’s report, nor was it identified as an issue by the American zoo executive, who is the head of this zoo, in the representations that he submitted at adjudication.

[27] The city also does not specifically identify where in the records the information that it says is non-responsive is located. In these circumstances, I find that the city has failed to provide sufficiently detailed evidence to show that there is information in the records that should be withheld because it is not responsive to the appellant’s access request.

ORDER:

1. The appeal is allowed. I order the city to disclose the 45 pages of records to the appellant by January 23, 2026 but not before January 18, 2026.
2. In order to verify compliance with order provision 1, I reserve the right to require the city to provide me with a copy of the correspondence and records disclosed to the appellant.

Original Signed by: _____
Colin Bhattacharjee
Adjudicator

December 19, 2025 _____