

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-4789

Appeal PA23-00590

Mohawk College of Applied Arts and Technology

February 20, 2026

Summary: The appellant made a request under the *Freedom of Information and Protection of Privacy Act* to the college for emails containing his name that were exchanged between identified individuals on a specific date. The college granted partial access to the responsive emails, withholding portions under the personal privacy exemption (section 49(b)). The appellant appealed the college's decision and claimed the college violated his rights under the *Charter* by denying access to the withheld information.

In this decision, the adjudicator upholds the college's decision not to disclose the withheld information because its disclosure would be an unjustified invasion of another individual's personal privacy. She also finds the appellant's *Charter* claim does not have merit. She dismisses the appeal.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, section 2(1) (definition of "personal information"), 21(1), 21(2)(a), (f), (h), and (i), and 49(b). *The Constitution Act, 1982*, Schedule B to the *Canada Act 1982* (UK), 1982, c 11; *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

Orders Considered: Order PO-4534.

Cases Considered: *Ontario (Public Safety and Security) v. Criminal Lawyers' Association*, 2010 SCC 23; *Doré v. Barreau du Québec*, 2012 SCC 12; *James v. Ontario (IPC)*, 2019 ONSC 6995.

OVERVIEW:

[1] The appellant made a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to Mohawk College of Applied Arts and Technology (the college) for email records containing his name or variations of his name that were sent, received, or exchanged between identified individuals on or about May 20, 2023, and between January 1 and September 1, 2023.

[2] The college located responsive email records and granted the appellant partial access to them. The college withheld some information under the discretionary personal privacy exemption in section 49(b)¹ of the *Act*.²

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

[4] Mediation did not resolve the appeal, and it was transferred to the adjudication stage of the appeal process, where an adjudicator may conduct an inquiry. I decided to conduct an inquiry and sought and received representations from the appellant and the college. In his representations, the appellant claimed that in denying access to the withheld information, the college violated his rights under the *Canadian Charter of Rights and Freedoms* (the *Charter*).³

[5] In this order, I uphold the college's decision to withhold information under section 49(b) as its disclosure would be an unjustified invasion of personal privacy. I also find the appellant's *Charter* rights have not been infringed by the college.

RECORD:

[6] Remaining at issue in this appeal is the information on page 1 of a three-page email the college withheld under section 49(b).

ISSUES:

- A. Does the record contain "personal information" as defined in section 2(1) and, if so, whose personal information is it?
- B. Does the discretionary personal privacy exemption at section 49(b) apply to the information at issue?

¹ The college originally claimed the personal privacy exemption in section 21(1) of the *Act*, but amended its exemption claim to section 49(b) because the records contain the appellant's personal information.

² I note the college also identified information as not responsive to the request but disclosed it to the appellant during mediation.

³ Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

- C. Did the college exercise its discretion under section 49(b)? If so, should the IPC uphold the exercise of discretion?
- D. Has the appellant established the college infringed his *Charter* rights in denying him access to the information at issue?

DISCUSSION:

Issue A: Does the record contain “personal information” as defined in section 2(1) and, if so, whose personal information is it?

[7] In order to decide whether section 49(b) of the *Act* applies to the information the college withheld from the email, I must first decide whether the email contains *personal information* and, if so, to whom it relates. If the email contains the requester’s personal information, their access rights are greater than if they do not.⁴ Also, if the email contains the personal information of other identifiable individuals, one of the personal privacy exemptions might apply.⁵ The term *personal information* is defined in section 2(1) as “recorded information about an identifiable individual.”

[8] To qualify as personal, the information must be about the individual in a personal capacity, and it must be reasonable to expect an individual will be identified if the information is disclosed.

[9] As a general rule, information associated with an individual in a professional, official or business capacity will not be *about* the individual.⁶ Therefore, any information relating to college employees in their professional capacities is not their personal information. 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 something of a personal nature about the individual.⁷

[10] The college submits the email was created following a “Request for Review of Final Grade” submitted by the appellant. The college submits the Request for Review contains allegations of “discrimination (various ways), retaliation, and unfair grading” against an employee of the college (the affected party). The affected party forwarded an email from the appellant enclosing his Request for Review of Final Grade to another employee at the college with their reaction and comments about the appellant’s Request for Review. The college submits the information in the email between the two employees is entirely the personal information of the affected party. The college submits the email was not

⁴ Under sections 47(1) and 49 of the *Act*, a requester has a right of access to their own personal information, and any exemptions from that right are discretionary, meaning that the institution can still choose to disclose the information even if the exemption applies.

⁵ Sections 49(b) and 21(1), discussed below.

⁶ See sections 2(3) and (4) of the *Act* and Orders P-257, P-427, P-1621, R-98005, MO-1550-F and PO-2225.

⁷ Orders P-1409, R-980015, PO-2225 and MO-2344.

prepared in the context of their employment responsibilities. Rather, the college submits the affected party prepared the email in their personal capacity and contains their personal feelings and beliefs on the appellant's complaint. The college further submits the affected party expresses their "candid feelings" with respect to the student's comments in his Request for Review.

[11] The appellant submits the email contains information about his academic grievance, which is therefore his "education history", which is considered his personal information under paragraph (b) of the definition. The appellant refutes the college's claim the information relating to the affected party relates to them in a personal capacity. The appellant submits the email was sent in response to a formal student complaint and therefore relates to a "core professional duty" of the affected party.

[12] I agree with the parties the email relates to the Request for Review filed by the appellant with the college. I also agree the information at issue, which is a portion of an email written by the affected party, relates to the appellant's complaint. I further agree the appellant's complaint relates to the affected party's professional conduct. Therefore, I find the information in the record relates to the affected party in a professional capacity.

[13] However, even though the information at issue relates to the affected party in their professional capacity, it does not appear the email record was created in response to the appellant's Request for Review or as part of the college's formal review process. Rather, the email contains the affected party's personal reflections about the appellant's complaint. It is not a formal response to the appellant's Request for Review or as part of the affected party's professional duties. Reviewing the information at issue, I find it reveals something of a personal nature about the affected party. Specifically, I find the information at issue contains their personal views and opinions (considered to be personal information under paragraph (e)); they are not strictly related to their professional duties. As the college submits, the information at issue contains the affected party's personal feelings about the appellant and the complaint. Therefore, I find the information at issue is the affected party's personal information.

[14] In addition, I find the email contains the appellant's personal information. The email contains recorded information about the appellant, which is considered personal information under the introductory wording of the definition. Specifically, I find the email contains the affected party's views and opinions about the appellant, which is considered the appellant's personal information under paragraph (g) of the definition. Finally, I accept the email contains information relating to the appellant's educational history, which is considered personal information under paragraph (b) of the definition.

[15] Therefore, I find the email contains personal information belonging to both the appellant and the affected party. As the email contains personal information belonging to the appellant, I will consider whether he is entitled to access the withheld information under the discretionary personal privacy exemption at section 49(b) of the *Act*.

Issue B: Does the discretionary personal privacy exemption at section 49(b) apply to the information at issue?

[16] Under section 49(b), where a record contains the personal information of both the requester (here, the appellant) and another individual and disclosure of the record would be an unjustified invasion of another individual's personal privacy, that information may be exempt from disclosure. Section 49(b) states,

A head may refuse to disclose to the individual to whom the information relates personal information,

where disclosure could constitute an unjustified invasion of another individual's personal privacy.

[17] Even if the personal information falls within the scope of section 49(b), an institution may exercise its discretion to disclose the information to the requester after weighing the appellant's right of access to their own personal information against the other individual's right to protection of their privacy.⁸

[18] Therefore, to determine whether the withheld information is exempt under section 49(a), I must determine whether disclosing the information relating to the affected party would constitute an unjustified invasion of their personal privacy.

[19] Section 21 provides guidance in determining whether disclosure would be an unjustified invasion of personal privacy under section 49(b). If the information fits within any of the paragraphs of sections 21(1) or 21(4), disclosure is not an invasion of personal privacy and the information is not exempt under section 49(b). None of the parties claim that any of the exceptions in sections 21(1) or (4) apply and I find none do.

[20] In determining whether the disclosure of the personal information relating to the affected party would be an unjustified invasion of personal privacy under section 49(b), I must consider and weigh the factors and presumptions in sections 21(2) and (3) and balance the interests of the parties.⁹

[21] Neither the college nor the appellant claimed the application of any of the presumptions in section 21(3) and I find none apply.

[22] The college claims the factors weighing against disclosure in sections 21(2)(f), (h) and (i) apply to the personal information at issue. The appellant submits the factor weighing in favour of disclosure in section 21(2)(a) applies to the personal information at issue. These sections state,

⁸ See Issue C, below.

⁹ Order MO-2954.

A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Ontario and its agencies to public scrutiny;

...

(f) the personal information is highly sensitive;

...

(h) the personal information has been supplied by the individual to whom the information relates in confidence; and

(i) the disclosure may unfairly damage the reputation of any person referred to in the record.

[23] The college submits the disclosure of the personal information at issue would reveal the affected party's candid feelings that they expressed privately to a colleague about a student's allegations about them, and the course of action they plan to take in their personal capacity with respect to the allegations. The college submits this information is inherently personal, subjective, and sensitive to the affected party. The college affirms this information is not connected to their professional duties or responsibilities. Given the type of information at issue, the college submits it is highly sensitive and could reasonably be expected to result in significant emotional distress on the part of the affected party if it is disclosed.

[24] The college also submits the disclosure of the information at issue could result in unfair harm to the affected party's reputation because it may lead to an inaccurate perception of them as unprofessional, prejudiced, or incapable of maintaining impartiality in their role. The college submits the affected party communicated their feelings to their colleague in confidence, and such confidence ought to be maintained to allow employees at a public institution to candidly discuss their feelings relating to sensitive issues.

[25] The appellant submits the college did not provide sufficient evidence to demonstrate the disclosure of the information may unfairly damage the reputation of the affected party and therefore failed to establish the factor weighing against disclosure in section 21(2)(i) applies. The appellant submits an employee of a public institution should be held accountable for how they handle student grievances.

[26] The appellant submits the college should disclose the information at issue for the purpose of subjecting the college's decision-making to public scrutiny as considered in the factor at section 21(2)(a). The appellant submits the college has a legal duty to demonstrate fairness in academic grievance resolution.

[27] I have reviewed the information at issue and the parties' representations. Based on this review, I find that because the information is highly sensitive and was supplied to the college in confidence, the factors weighing against disclosure in sections 21(2)(f) and (h) have significant weight. I make this decision given the nature of the information at issue, which is a candid expression of the affected party's feelings about the complaint the appellant filed against them. The information at issue is deeply personal and relates to a complaint with strong allegations of misconduct and unprofessional behaviour. Given the context of this email and the opinions expressed, I find it reasonable to expect the affected party would experience significant personal distress if the information at issue was disclosed to the appellant. Further, I accept the affected party supplied this information to their colleague in confidence given the sensitive and deeply personal nature of the exchange. Therefore, I give the factors in sections 21(2)(f) and (h) significant weight against the disclosure of the personal information that remains at issue.

[28] With regard to section 21(2)(i), I am not satisfied the information at issue could unfairly damage the affected party's reputation. While I acknowledge the complaint and the allegations made against the affected party may cause some harm to their reputation, the college has not provided me with sufficient evidence to demonstrate the disclosure of the affected party's comments regarding the complaint may harm their reputation and if so, that such harm is unfair. Given the context of the record, I give this factor weighing against disclosure minimal weight.

[29] Finally, with regard to section 21(2)(a), I find the appellant did not provide me with sufficient evidence to demonstrate the disclosure of the information at issue would subject the college's decision-making process in relation to the complaint to public scrutiny. The information at issue is limited to the affected party's personal feelings and opinions regarding the complaint and would not provide any insight into the college's decision-making regarding these types of complaints, particularly since the affected party is the subject of the complaint and would not be reviewing or investigating the complaint. In the circumstances, I give this factor weighing in favour of disclosure no weight.

[30] I acknowledge the appellant's interest in obtaining access to information relating to him, specifically information the affected party provided in relation to his complaint. I acknowledge the appellant's interest in understanding the college's process of reviewing and investigating a "Request for Review of Final Grade." However, this is not a relevant consideration that weighs in favour of or against disclosure of another person's personal information.

[31] In my review, I have considered the appellant's interest in access to his own personal information and the affected party's right to personal privacy. I have also considered and weighed the factors in sections 21(2)(a), (f), (h), and (i) and found that, on balance, the factors weigh against the disclosure of the affected party's personal information. In light of these considerations, I find the disclosure of the affected party's personal information would be an unjustified invasion of personal privacy under section 49(b).

Absurd Result

[32] In his representations, the appellant states, “the absurd result doctrine bars withholding information the requester already knows.” The appellant submits he filed the complaint and is aware of its content. Therefore, he submits the college denying him access to the affected party’s response “defies logic and undermines procedural fairness.”

[33] The appellant is correct to say the absurd result principle applies to information that is known to the requester, such as their own witness statement.¹⁰ Other instances where the IPC has applied the absurd result principle include when the requester was present when the information was provided to the institution,¹¹ and when the information was or is clearly within the requester’s knowledge.¹² However, if disclosure is inconsistent with the purpose of the exemption, the absurd result principle may not apply.¹³

[34] Upon review of the circumstances, the content of the email, and the appellant’s representations, I find the absurd result principle does not apply to the information I found exempt under section 49(b). The appellant asserts he filed the complaint and is therefore aware of the contents of the information at issue. However, the information at issue contains the affected party’s personal feelings or opinions about the complaint and not the complaint itself. I find the appellant has not provided any evidence to demonstrate that any of the information at issue was or is clearly within his knowledge or that he was present at the time the information was sent by the affected party. The personal information at issue consists of the affected party’s opinions or views. There is no clear evidence to demonstrate this information is within the appellant’s knowledge. Accordingly, I find the absurd result principle has no application to the personal information at issue.

[35] Therefore, I find the personal information the college withheld from the email is exempt from disclosure under the personal privacy exemption in section 49(b) of the *Act*. I have considered whether some of the personal information of the appellant, such as the opinions of the affected party about him, may be severed from the email and disclosed to him. However, I find the appellant’s personal information is inextricably intertwined with the affected party’s and cannot be severed and disclosed without resulting in an unjustified invasion of their personal privacy.

[36] In conclusion, I uphold the college’s application of section 49(b) to withhold the personal information that remains at issue, subject to my review of its exercise of discretion below.

¹⁰ Orders M-444 and M-451.

¹¹ Orders M-444 and P-1414.

¹² Orders MO-1196, PO-1679 and MO-1755.

¹³ Orders M-757, MO-1323 and MO-1378.

Issue C: Did the college exercise its discretion under section 49(b)? If so, should the IPC uphold the exercise of discretion?

[37] The exemption in section 49(b) is discretionary and permits an institution to disclose the information subject to it even though it could withhold it. An institution must exercise its discretion. On appeal, the IPC may determine whether the institution failed to do so. The IPC may find the institution erred in exercising its discretion where, for example, it does so in bad faith or for an improper purpose, it considers irrelevant considerations or fails to consider relevant considerations. In either case, this office may send the matter back to the information for an exercise of disclosure based on proper considerations.¹⁴ However, the IPC may not substitute its own discretion for that of the institution.¹⁵

[38] The college submits it exercised its discretion properly. The college submits it assessed the general purpose and principles of the *Act*, the nature of the information at issue, and the specific purpose of section 49(b) in its exercise of discretion. The college submits it weighed the appellant's right of access to his personal information against the other individual's right to privacy. The college submits it also considered the highly sensitive nature of the personal information that remains at issue.

[39] The appellant submits the college's "inconsistent position – initially denying access, then partially reversing post-mediation" suggests the college improperly exercised its discretion.

[40] I have reviewed the parties' representations and the personal information at issue. Based on this review, I am satisfied the college considered relevant factors in exercising its discretion and did not consider irrelevant factors.

[41] Specifically, I am satisfied the college considered the sensitivity of the personal information, the context in which the record was created, and balanced the appellant's right of access to his personal information with the privacy interests of the affected party, whose personal information is contained in the record. There is no evidence before me to suggest the college considered irrelevant considerations or that it exercised its discretion in bad faith or for an improper purpose.

[42] With regard to the college's revised access decision, I do not agree it supports a finding that the college exercised its discretion improperly. Rather, it appears the college decided to apply the exemption in section 49(b) because it determined this was the appropriate exemption to claim because the records contain the appellant's personal information. A revised access decision does not demonstrate "arbitrariness" in the college's decision-making, as the appellant suggests.

[43] Therefore, I am satisfied the college did not err in exercising its discretion to

¹⁴ Order MO-1573.

¹⁵ Section 43(2) of the *Act*.

withhold information exempt under section 49(b) and I will not interfere with it on appeal.

Issue D: Has the appellant established the college infringed his *Charter* rights in denying him access to the information at issue?

[44] The appellant submits the college violated his *Charter* rights. Specifically, the appellant submits

- The college's refusal to disclose the information at issue restricts the appellant's ability to challenge academic decisions, violating his section 2(b) right to freedom of expression
- The college's refusal to disclose the information at issue deprives the appellant of the ability to challenge his academic standing, violating his section 7 right to procedural fairness
- The college's refusal to disclose the information at issue "disproportionately affects students with disabilities who require full transparency in grievance procedures", which creates systemic barriers violating section 15(1) of the *Charter*

[45] The appellant submits he should have access to "administrative communications" to challenge the college's accountability, discrimination, and systemic barriers. As a "marginalized, vulnerable, and disabled student", the appellant submits procedural fairness dictates that he should have access to the information that remains at issue. The appellant submits the information at issue is "central" to his formal academic appeal.

[46] I note the appellant did not file a Notice of Constitutional Question. Nonetheless, I will consider the *Charter* arguments raised by the appellant.

[47] In *Doré v. Barreau du Québec*,¹⁶ the Supreme Court of Canada (the SCC) held that administrative decision-makers can and should consider whether their decisions engage relevant *Charter* rights and values and balance these *Charter* values with the statutory objectives.¹⁷ However, in order for a *Charter* right or value to be engaged, there must be a "clear link" between the *Charter* right or value and the administrative decision in question.¹⁸ Although it is clear the appellant believes strongly in the relevance of his *Charter* claims, I am not convinced he has established a sufficient link between the referenced *Charter* rights and values and the college's decision in this case.

[48] With regard to section 2(b) in particular, the SCC in *Doré* adopted the approach taken to freedom of expression claims under the *Act* in its earlier decision in *Ontario (Public Safety and Security) v. Criminal Lawyers' Association*.¹⁹ In this decision, the SCC

¹⁶ 2012 SCC 12. (*Doré*)

¹⁷ *Doré, Loyola High School v. Quebec (Attorney General)*, 2015 SCC 12; *Commission scolaire francophone des Territoires du Nord-Ouest v. Northwest Territories (Education, Culture and Employment)*, 2023 SCC 31.

¹⁸ *Commission scolaire*.

¹⁹ 2010 SCC 23. (*CLA*)

noted, "Access is a derivative right which may arise where it is a necessary precondition of meaningful expression on the functioning of government"²⁰ and articulated the following criteria for a finding that section 2(b) of the *Charter* has been breached in relation to an access-to-information request:

... the scope of the s. 2(b) protection includes a right to access documents only where access is necessary to permit meaningful discussion on a matter of public importance, subject to privileges and functional constraints.

...

To demonstrate that there is expressive content in accessing such documents, the claimant must establish that the denial of access effectively precludes meaningful commentary. If the claimant can show this, there is a prima facie case for the production of the documents in question. But even if this prima facie case is established, the claim may be defeated by factors that remove s. 2(b) protection, e.g. if the documents sought are protected by privilege or if production of the documents would interfere with the proper functioning of the governmental institution in question. If the claim survives this second step, then the claimant establishes that s. 2(b) is engaged.²¹

[49] The IPC has followed this approach, such as in Order PO-4534, in which the adjudicator found that, to establish that section 2(b) of the *Charter* has been breached in relation to a request under the *Act*, two requirements must be satisfied:

1. Access to the information must be necessary for the meaningful exercise of free expression on matters of public or political interest; and
2. There are no countervailing considerations inconsistent with disclosure, such as privileges and/or evidence that disclosure would impair the proper functioning of the college.

[50] I will follow the approach proposed by *CLA*, advocated in *Doré* and followed by this office. I note the appellant claims *CLA* is "factually distinguishable" because the issue before me is not whether the information is subject to the law enforcement exemption or solicitor-client privilege. Rather, the appellant submits he seeks access to "administrative communications, and internal records that do not fall within such privileged exemptions." While the exemption claimed is different, the principle remains the same: the appellant must demonstrate the information at issue is necessary for the meaningful exercise of free expression on matters of public or political interest.

[51] In this case, I find the appellant has not demonstrated the information is necessary

²⁰ *CLA* at para 30.

²¹ *Doré*, para 31 to 33.

for the meaningful exercise of free expression on matters of public or political interest. In other words, the appellant has not demonstrated that disclosure of the information at issue is necessary for “meaningful expression on the functioning of government.”²² Rather, I find the appellant seeks access to the information at issue for personal reasons; that is, the appellant seeks access to the information to support his complaint against the college. While the appellant claims the information is requested to challenge systemic barriers at the college, I find the information at issue relates to a personal academic matter between the appellant and the college. Therefore, I find the first requirement for a finding that section 2(b) of the *Charter* has been breached has not been met.

[52] Even if the first requirement were met, I find the second requirement for a finding that section 2(b) of the *Charter* has been breached would not be. I agree with the appellant that the law enforcement exemption and solicitor-client privilege are not at issue in this appeal. However, there are “countervailing considerations inconsistent with disclosure”, specifically the personal privacy of another identifiable individual, namely, the affected party. The information at issue does not merely contain “administrative communications” as the appellant claims. Rather, the information at issue contains sensitive personal comments and opinions regarding the affected party and the appellant’s complaint. Considering the specific information sought (the affected party’s personal comments regarding the appellant’s complaint) and the right to privacy that section 49(b) is meant to protect, I am unable to conclude there has been a breach of the appellant’s section 2(b) rights.

[53] Further, I note the application of section 49(b) to the specific information at issue has not impacted the appellant’s ability to challenge the college’s academic decision. The appellant was able to file his complaint and provide information to support his complaint. The appellant was also provided with most of the information responsive to his request; the only information at issue in the emails before me is a discrete portion of an email in which the affected party provided a colleague with their personal opinions regarding the appellant’s complaint. Finally, the information at issue was sent by the affected party after the appellant filed his complaint; therefore, I do not agree with the appellant that it can be “central” to the complaint itself.

[54] Therefore, upon consideration of the appellant’s arguments and the circumstances before me, I find there is no basis for finding that the denial of access to the information the appellant seeks under section 49(b) would constitute a breach of section 2(b) of the *Charter*.

[55] With regard to sections 7 and 15(1) of the *Charter*, I do not find there is a sufficient link between the denial of the affected party’s personal opinions and the *Charter* rights claimed by the appellant. I find support for this decision in *James v. Ontario (IPC)*,²³ in which the Ontario Divisional Court considered whether the municipal equivalent of section

²² *CLA* at para 30.

²³ 2019 ONSC 6995. (*James*)

49(b) violated section 15(1) of the *Charter*.

[56] In *James*, the Divisional Court found the applicant did not establish a basis for her constitutional arguments and therefore, the adjudicator's decision to dismiss them was reasonable. While the court acknowledged that *Charter* arguments are "easily raised", it stated that a tribunal is not required to "complete a full-blown hearing on unfounded *Charter* claims."²⁴

[57] I agree with and follow these principles for the purposes of my review of the appellant's *Charter* arguments. I find there is not a sufficient link between the effect of section 49(b) to withhold the information at issue and the appellant's *Charter* rights under sections 7 and 15(1). I acknowledge the appellant's claim that he is vulnerable to discrimination as a marginalized and disabled individual. I also acknowledge the appellant's right to file a "Request for Review of Final Grade" with the college. However, the appellant has not provided sufficient evidence to demonstrate that these *Charter* rights were hampered or violated by the college's decision to withhold highly sensitive personal information relating to another identifiable individual. Further, the appellant has not provided evidence to demonstrate how the affected party's personal opinions about the complaint are necessary to support his complaint with the college. Therefore, it is unclear how withholding the specific information at issue would hamper the appellant's *Charter* rights under sections 7 and 15(1).

[58] Overall, I find the appellant has not provided evidence to support his allegations. Accordingly, I dismiss his claim that his *Charter* rights were infringed by the college's decision to withhold portions of the records under section 49(b).

ORDER:

I dismiss the appeal.

Original Signed by: _____
Justine Wai
Adjudicator

February 20, 2026 _____

²⁴ *James*, para 42 to 46.