

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-4790

Appeal PA23-00138

Ministry of Public and Business Service Delivery and Procurement

February 23, 2026

Summary: The ministry received a request under the *Freedom of Information and Protection of Privacy Act* for records related to plans to replace blue Ontario license plates introduced in 2020. The ministry identified responsive records and withheld them, claiming they were advice or recommendations protected by section 13(1) and proposed plans, projects or policies protected by section 18(1)(g). The requester raised the application of the section 23 public interest override.

In this order, the adjudicator finds that the records are exempt from disclosure under sections 13(1) and 18(1)(g). However, he finds that there is a compelling public interest in their disclosure, and orders the records disclosed.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, sections 13(1), 18(1)(g), and 23.

Orders Considered: Order P-726.

OVERVIEW:

[1] The Ministry of Public and Business Service Delivery and Procurement (the ministry) received an access request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for information related to the ministry's replacement plans for blue Ontario drivers' license plates that were introduced in 2020.¹ Specifically, the requester

¹ In 2020, the Ontario government introduced blue drivers' license plates to replace the previous white ones. However, citing visibility issues in certain lighting conditions, the government reverted to the white

sought the following information for the period of January 1 to November 28, 2022:

Final and draft versions of reports, briefs, briefing notes and memos that deal with plans to replace blue licence plates provided to the minister's office.

[2] The ministry located records responsive to the request and issued a decision denying access to all of them. To withhold the records, the ministry relied on the discretionary exemptions in sections 13(1) (advice or recommendations) and 18(1) (economic and other interests), and the mandatory exemption in section 21(1) (personal privacy) of the *Act*. The ministry also withheld some information in the records that it claimed was non-responsive to the request.

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

[4] The IPC attempted to mediate the appeal. During mediation, the appellant advised the mediator that she was not pursuing access to the information withheld under section 21(1) or the non-responsive information. Accordingly, that information and those issues were removed from the scope of the appeal. For the remaining records withheld under sections 13(1) and 18(1), the appellant claimed that the public interest override at section 23 of the *Act* applies. As a result, section 23 was added as an issue in the appeal.

[5] No further mediation was possible, and the appeal was transferred to the adjudication stage of the appeal process. The adjudicator initially assigned to the appeal conducted an inquiry and received representations from the parties that she shared between them. The appeal was then assigned to me to complete the inquiry. I reviewed the representations of the parties and determined that I did not need to seek additional representations.

[6] For the reasons that follow, I uphold the ministry's exemption claims. However, I find that the section 23 public interest override applies to the records and I order them disclosed.

RECORDS:

[7] There are 15 records at issue that consist of PowerPoint slides (the slide decks) and related emails.

license plates later that year. This was reported on by multiple news outlets. See, for example: [Ford government's blue licence plates officially scrapped, 'Yours to Discover' is back](#), accessed February 23, 2026.

ISSUES:

- A. Does the discretionary exemption at section 13(1) for advice or recommendations given to an institution apply to the records?
- B. Does the discretionary exemption at section 18(1)(g) for economic and other interests of the institution apply to the records?
- C. Is there a compelling public interest in disclosure of the records that clearly outweighs the purpose of the sections 13(1) and 18(1) exemptions?

DISCUSSION:

Issue A: Does the discretionary exemption at section 13(1) for advice or recommendations given to an institution apply to the records?

[8] Section 13(1) of the *Act* exempts certain records containing advice or recommendations given to an institution. This exemption aims to preserve an effective and neutral public service by ensuring that people employed or retained by institutions are able to freely and frankly advise and make recommendations within the deliberative process of government decision-making and policy-making.²

[9] Section 13(1) states:

A head may refuse to disclose a record where the disclosure would reveal advice or recommendations of a public servant, any other person employed in the service of an institution or a consultant retained by an institution.

[10] "Advice" and "recommendations" have distinct meanings. "Recommendations" refers to a suggested course of action that will ultimately be accepted or rejected by the person being advised. Recommendations can be express or inferred.

[11] "Advice" has a broader meaning than "recommendations." It includes "policy options," which are the public servant or consultant's identification of alternative possible courses of action. "Advice" includes the views or opinions of a public servant or consultant as to the range of policy options to be considered by the decision maker even if they do not include a specific recommendation on which option to take.³ It involves an evaluative analysis of information. Neither "advice" nor "recommendations" include "objective information" or factual material.

[12] Section 13(1) applies if disclosure would "reveal" advice or recommendations, either because the information itself consists of advice or recommendations or the

² *John Doe v. Ontario (Finance)*, 2014 SCC 36, at para. 43.

³ See above at paras. 26 and 47.

information, if disclosed, would permit the drawing of accurate inferences as to the nature of the actual advice or recommendations.⁴

[13] Section 13(2) creates several exceptions to the advice or recommendations exemption, including for factual material:

13(2) Despite subsection (1), a head shall not refuse under subsection (1) to disclose a record that contains,

(a) factual material

[...]

[14] Factual material refers to a coherent body of facts separate and distinct from the advice and recommendations contained in the record.⁵ Where the factual information is inextricably intertwined with the advice or recommendations, section 13(2)(a) may not apply.⁶

Representations

[15] The ministry submits that section 13(1) applies to the records in their entirety. It states that the records contain both advice and recommendations from public servants in the relevant program area of the ministry to the minister's office to assist with decision making regarding how the blue license plates could potentially be replaced in the province. It submits that, as part of the deliberative process of governmental decision and policy making, the ministry put together various options and recommendations for the minister's office to consider regarding potential replacement processes; it then presented these as briefings to the minister's office. It submits the briefings were to provide advice and potential options on the possible approaches for license plate replacements, and the records therefore contain, on their face, advice and recommendations.

[16] The ministry also provides confidential representations regarding the specific advice and recommendations that the records contain, which I have considered but not reproduced. It submits that the options, along with their advantages and disadvantages, as set out in the briefing material and referenced in the email communications, constitute advice. It argues that they are squarely within the scope of what the Supreme Court affirmed to be part of the process of communicating advice in the form of options and

⁴ Orders PO-2084, PO-2028, upheld on judicial review in *Ontario (Ministry of Northern Development and Mines) v. Ontario (Assistant Information and Privacy Commissioner)*, [2004] O.J. No. 163 (Div. Ct.), aff'd [2005] O.J. No. 4048 (C.A.), leave to appeal refused [2005] S.C.C.A. No. 564; see also Order PO-1993, upheld on judicial review in *Ontario (Ministry of Transportation) v. Ontario (Information and Privacy Commissioner)*, [2005] O.J. No. 4047 (C.A.), leave to appeal refused [2005] S.C.C.A. No. 563.

⁵ Order P-24.

⁶ Order PO-2097.

the respective assessments of each of the options.⁷

[17] The ministry argues that the slide decks were an integral part of the iterative and deliberative process of decision making for a particular issue, which the section 13 exemption seeks to protect. It states that the back and forth of questions and responses between the minister's office and program area show that the decision making was an iterative process, as demonstrated by how the briefing decks evolved over time. The ministry provides confidential representations on the nature of the records, and states that it reveals the iterative and deliberative decision-making process, both of which are protected by section 13(1) of the *Act*. It further states that where the information in the records does not explicitly state options, its disclosure would still permit the drawing of accurate inferences as to the nature of the actual advice or recommendations, engaging the section 13(1) exemption.

[18] The ministry further states that none of the section 13(2) exceptions to the exemption apply. It references the section 13(2)(a) exception specifically. It states that to the extent that the records contain any factual material or background information, it is intertwined with the advice and recommendations and cannot be reasonably severed.

[19] The appellant submits that the ministry only claims in its representations that the records include options, rather than that the entirety of the records consist of options. She argues that, if this is the case, the section 13(1) exemption should not apply to the records in their entirety and there is a high probability that at least some of the records contain factual information that is not inextricably intertwined.

Analysis and finding

[20] I find that all of the records contain advice or recommendations within the meaning of section 13(1), and are therefore exempt from disclosure. I agree with the ministry's submission that the records consist of briefings created to provide advice and potential options on the possible approaches for license plate replacements. On their face, they consist of advice or recommendations. While there is some factual information in the records, I agree with the ministry's submissions that it is so intertwined with the advice or recommendations that its disclosure would permit the drawing of inferences regarding the nature of the advice or recommendations.

[21] Having found that the records are exempt under section 13(1), I do not need to consider if they are also exempt under section 18(1)(g). However, as the appellant claims that there is a public interest in disclosure of the records, I will consider the application of section 18(1)(g) for completeness, before I consider the application of section 23.

⁷ The ministry references *John Doe v. Ontario*, *supra* note 1.

Issue B: Does the discretionary exemption at section 18(1)(g) for economic and other interests of the institution apply to the records?

[22] The purpose of section 18 is to protect certain economic and other interests of institutions. It also recognizes that an institution's own commercially valuable information should be protected to the same extent as that of non-governmental organizations.⁸ The ministry claims section 18(1)(g) applies to all of the records.

[23] Section 18(1)(g) states:

A head may refuse to disclose a record that contains,

(g) information including the proposed plans, policies or projects of an institution if the disclosure could reasonably be expected to result in premature disclosure of a pending policy decision or undue financial benefit or loss to a person[.]

[24] As the institution resisting disclosure of a record on the basis of section 18(1)(g), the ministry cannot simply assert that the harms mentioned in that section are obvious based on the record. It must provide detailed evidence about the risk of harm if the record is disclosed. While harm can sometimes be inferred from the records themselves or the surrounding circumstances, the ministry should not assume that the harms are self-evident and can be proven simply by repeating the description of harms in the *Act*.⁹

[25] The ministry must show that the risk of harm is real and not just a possibility.¹⁰ However, it does not have to prove that disclosure will in fact result in harm. How much and what kind of evidence is needed to establish the harm depends on the context of the request and the seriousness of the consequences of disclosing the information.¹¹

[26] The term "pending policy decision" refers to a situation where a policy decision has been reached, but has not yet been announced.¹² In order for section 18(1)(g) to apply, the institution must show that:

1. the record contains information including proposed plans, policies or projects of an institution, and
2. disclosure of the record could reasonably be expected to result in

⁸ *Public Government for Private People: The Report of the Commission on Freedom of Information and Individual Privacy 1980*, vol. 2 (the Williams Commission Report) Toronto: Queen's Printer, 1980.

⁹ Orders MO-2363 and PO-2435.

¹⁰ *Merck Frosst Canada Ltd. v. Canada (Health)*, [2012] 1 S.C.R. 23.

¹¹ *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31 (CanLII) at paras. 52-4; *Accenture Inc. v. Ontario (Information and Privacy Commissioner)*, 2016 ONSC 1616.

¹² Order P-726.

- i. premature disclosure of a pending policy decision, or
- ii. undue benefit or loss to a person.¹³

[27] The ministry argues that the records contain information regarding a proposed plan within the meaning of section 18(1)(g). It submits that the potential replacement strategy and the specific options for replacing the blue license plates qualify as a proposed plan. It relies on Order P-772 which, it says, found that a proposed plan is a planned undertaking that has not already been completed. The ministry also provides confidential representations on the nature of the records at issue and how they reflect potential strategies considered by the government.

[28] The appellant submits that, based on the representations provided by the ministry, it is not clear whether the government has reached a policy decision on the blue license plates or if it is still weighing its options. She argues that if the documents do not contain a policy decision, section 18(1)(g) does not apply.

[29] Considering the information before me and the records at issue, I find that the records are exempt under section 18(1)(g). The records contain policy decisions relating to a specific proposed plan for the replacement of the blue license plates, which had not been implemented at the time of the ministry's access decision. I am satisfied that disclosure of the records would result in the premature disclosure of this pending policy decision, satisfying the two-part test outlined in Order P-726, discussed above. I also find that the records cannot be severed to provide any meaningful disclosure without also disclosing exempt information. Accordingly, I find that the records are exempt under section 18(1)(g) in their entirety.

Issue C: Is there a compelling public interest in disclosure of the records that clearly outweighs the purpose of the sections 13(1) and 18(1) exemptions?

[30] The "public interest override" at section 23 of the *Act* provides for the disclosure of records that would otherwise be exempt under certain provisions, including sections 13 and 18. As I have found that the records at issue are exempted under sections 13(1) and 18(1), I must now consider whether there is a compelling public interest in disclosing the records which clearly outweighs the purpose of those exemptions.

[31] Section 23 states:

An exemption from disclosure of a record under sections 13, 15, 15.1, 17, 18, 20, 21 and 21.1 does not apply where a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption.

¹³ Order PO-1709, upheld on judicial review in *Ontario (Minister of Health and Long-Term Care) v. Goodis*, [2000] O.J. No. 4944 (Div. Ct.).

[32] For section 23 to apply, two requirements must be met:

- there must be a compelling public interest in disclosure of the records; and
- this interest must clearly outweigh the purpose of the exemption.

[33] The *Act* does not state who bears the onus to show that section 23 applies. The IPC will review the records with a view to determining whether there could be a compelling public interest in disclosure that clearly outweighs the purpose of the exemption.¹⁴

[34] The ministry submits that there is not a compelling interest in disclosure. It refers to Order P-984, where the IPC determined that for there to be a compelling public interest in disclosure, the information contained in the record must serve the purpose of informing the citizenry about the activities of their government, adding in some way to the information the public has to make effective use of the means of expressing public opinion or to make political choices. The ministry also notes that the IPC has held that where there is a compelling public interest in non-disclosure, disclosure cannot be considered "compelling." Further, it notes the IPC has held that where there has already been significant disclosure made through another forum, a compelling public interest may not be found.¹⁵

[35] The ministry argues that the appellant has not identified the compelling public interest in the records at issue. It states that the records relate to the advice and recommendations that were put forward by the ministry to the minister's office for a decision to be made regarding a specific process and options for the potential replacement of license plates. It also states that the disclosure of the records could reasonably be expected to result in the premature disclosure of a pending policy decision.

[36] It submits that it carefully considered the nature of the information contained in the records and weighed the factors for and against disclosure. It states that it determined that there is significant importance to maintaining the exemption in order to preserve the candour and frankness of communications, including advice and recommendations, that take place between the public service and decision makers in government. It also notes that the government's potential plans would be announced in the future, at which time the public would be able to comment on the government's decision.

[37] In response, the appellant submits that in February 2020, prior to the COVID-19 pandemic, there was no more significant provincial news item than the blue license plates and their associated issues. She submits that important questions were raised about the true purpose of the license plate change, with some charging that the government was

¹⁴ Order P-244.

¹⁵ The ministry cites Orders PO-2072-F, PO-2098-R, P-1190, P-532, and P-568.

using taxpayer dollars to “send a sea of partisan blue out across the province every day.”¹⁶ She submits that real concerns, including issues with safety and visibility of the plates to law enforcement, were raised. She further submits that the public deserves to know why these errors were not fully corrected several years later.¹⁷ She submits that disclosing the records would serve the purpose of informing the citizenry about the activities of its government and may provide the public with valuable information about when the license plates will be taken out of service.

Analysis and finding

[38] In considering whether there is a “public interest” in disclosure of the records, the first question to ask is whether there is a relationship between the record and the *Act’s* central purpose of shedding light on the operations of government.¹⁸ In previous orders, the IPC has stated that to find a compelling public interest in disclosure, the information in the record must serve the purpose of informing or enlightening the citizenry about the activities of their government or its agencies, adding in some way to the information the public has to make effective use of the means of expressing public opinion or to make political choices.¹⁹

[39] A “public interest” does not exist where the interests being advanced are essentially private in nature.²⁰ However, if a private interest raises issues of more general application, the IPC may find that there is a public interest in disclosure.²¹ In the context of the present appeal, I find that there is a public interest in the disclosure of the records.

[40] The design and distribution of the blue license plates was a significant public project that ultimately ended up being abandoned, with the province returning to the previous white design after only a few months. Despite the limited visibility of the blue plates, they remain on the roads as of the date of this order, a situation that has drawn significant criticism from various media outlets.²² In my view, there is a clear public interest in disclosure of the records, which would provide significant information on the operations of government on an issue that affected not only those who received the blue license plates, but all drivers, cyclists, and pedestrians who use Ontario roads and continue to be affected by the limited visibility of the new plates.

[41] With respect to whether this public interest is “compelling,” the IPC has defined

¹⁶ The appellant references [Ontario facing criticism over visibility problems of new blue licence plates – The Globe and Mail](#), accessed February 23, 2026.

¹⁷ The appellant references [170,000 blue licence plates still on the roads 3 years after Ontario promised to pull them | CBC News](#), accessed February 23, 2026.

¹⁸ Orders P-984 and PO-2607.

¹⁹ Orders P-984 and PO-2556.

²⁰ Orders P-12, P-347 and P-1439.

²¹ Order MO-1564.

²² See, for example, [Ontario’s plan to get rid of blue licence plates is to sit back and wait](#), accessed February 23, 2026 and [About 170K drivers still using defective blue licence plates in Ontario](#), accessed February 23, 2026.

the word “compelling” as “rousing strong interest or attention.”²³ The IPC must also consider any public interest in not disclosing the record²⁴ since a public interest in the non-disclosure of the record may bring the public interest in disclosure below the threshold of “compelling.”²⁵

[42] A compelling public interest has been found to exist where, for example:

- the records relate to the economic impact of Quebec separation;²⁶
- the integrity of the criminal justice system is in question;²⁷
- there are public safety issues relating to the operation of nuclear facilities;²⁸
- disclosure would shed light on the safe operation of petrochemical facilities²⁹ or the province’s ability to prepare for a nuclear emergency;³⁰
- the records contain information about contributions to municipal election campaigns;³¹
- the records show how much Ontarians are paying for electricity generated by a nuclear power station over a 49-year period;³² and
- the records show the salaries of top administrators employed by a municipal institution.³³

[43] In contrast, a compelling public interest has been found not to exist where, for example:

- another public process or forum has been established to address public interest considerations;³⁴

²³ Order P-984.

²⁴ *Ontario Hydro v. Mitchinson*, [1996] O.J. No. 4636 (Div. Ct.).

²⁵ Orders PO-2072-F, PO-2098-R and PO-3197.

²⁶ Order P-1398, upheld on judicial review in *Ontario (Ministry of Finance) v. Ontario (Information and Privacy Commissioner)*, [1999] O.J. No. 484 (C.A.).

²⁷ Order PO-1779.

²⁸ Order P-1190, upheld on judicial review in *Ontario Hydro v. Ontario (Information and Privacy Commissioner)*, [1996] O.J. No. 4636 (Div. Ct.), leave to appeal refused [1997] O.J. No. 694 (C.A.), Order PO-1805.

²⁹ Order P-1175.

³⁰ Order P-901.

³¹ *Gombu v. Ontario (Assistant Information and Privacy Commissioner)* (2002), 59 O.R. (3d) 773.

³² Reconsideration Order PO-4044-R.

³³ Order MO-3844 and Interim Order MO-3684-I.

³⁴ Orders P-123/124, P-391 and M-539.

- a significant amount of information has already been disclosed and this is adequate to address any public interest considerations;³⁵
- a court process provides an alternative disclosure mechanism, and the reason for the request is to obtain records for a civil or criminal proceeding;³⁶
- there has already been wide public coverage or debate of the issue, and the records would not shed further light on the matter;³⁷ and
- the records do not respond to the applicable public interest raised by appellant.³⁸

[44] Considering the representations of the parties, the information in the records, and the context surrounding the records, I find that there is a compelling public interest in disclosure of the records. I find that the records would provide significant insight into the manner in which the Ontario Government proposed to remediate the issues caused by the blue license plates, significantly adding to the information the public has to make effective use of the means of expressing public opinion or to make political choices. I conclude that the public interest is particularly engaged by the fact that, despite the visibility and other safety issues identified by the government as a reason to discontinue the plates, they continue to be on the roads as of the date of this order.

[45] In my view, the continued presence of the blue license plates on Ontario roads provides a compelling public interest in the rationale for the government's decisions in this matter, including the options that it considered and ultimately ended up rejecting. There is nothing before me to suggest that, despite remaining on the road, the blue license plates' visibility issues referenced by the appellant in her representations have since abated, further supporting the public's interest in the government's response to the matter. The records at issue would provide significant information on the government's decision-making process, and the public's interest in fully understanding the reasoning behind these decisions therefore strongly supports disclosure.

[46] I acknowledge that there has already been significant public coverage and debate about this issue, with the Ontario Government providing multiple updates about the replacement of the blue license plates. Additionally, I agree with the ministry's submission that the public would be able to comment on the government's plans when they are announced. I note that since the access request was filed, many of the government's plans for replacing the blue license plates have already been announced. However, even when considering the information already available to the public, I continue to find that there is a compelling public interest in disclosure of the records, with the records providing detailed information on the Ontario Government's plans to replace the blue license plates, the different approaches that were considered, and the costs and benefits of each

³⁵ Orders P-532, P-568, PO-2626, PO-2472 and PO-2614.

³⁶ Orders M-249 and M-317.

³⁷ Order P-613.

³⁸ Orders MO-1994 and PO-2607.

approach. I find that this applies to all of the records at issue.

[47] I agree with the ministry's submission that the public interest in non-disclosure must also be considered. In support of non-disclosure, I particularly note the potential effects of the premature disclosure of a policy decision and the potential impacts on the implementation of government plans that have not already been announced, which the section 18(1)(g) exemption protects against. I also note the importance of free and frank discussions between government officials, which are protected by the section 13(1) exemption.

[48] However, while I find that these considerations weigh in favour of non-disclosure, they are outweighed by the public interest in disclosure. Specifically, the public interest in informing the public of the government's response to an ongoing safety issue that has affected millions of Ontarians since the introduction of blue license plates on Ontario roads outweighs the public interest in protecting advice or recommendations. It also outweighs the public interest in preventing the premature disclosure of a pending policy decision about the government's plans to address that safety issue. Based on all of the information before me and the surrounding context, I find that there is a compelling public interest in disclosure of the records that outweighs the purposes of the sections 13(1) and 18(1) exemptions.

[49] Accordingly, although I have found the records to be exempt from disclosure under these sections, I will order them disclosed under the section 23 public interest override.

ORDER:

1. I order the ministry to disclose the records at issue to the appellant by **March 25, 2026**.
2. In order to verify compliance with Order provision 1, I reserve the right to require the ministry to provide me with copies of the records disclosed to the appellant.

Original Signed by: _____
Chris Anzenberger
Adjudicator

February 23, 2026 _____