

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4779

Appeal MA24-01007

Municipality of Kincardine

March 19, 2026

Summary: The appellant sought access under the *Municipal Freedom of Information and Protection of Privacy Act* to information about the method of destruction and location of the rubble of a monument. The municipality granted partial access and withheld some information under section 14(1) (personal privacy). In this order, the adjudicator finds that information other than the location is not responsive to the request and therefore falls outside the scope of the appeal. The adjudicator also finds that the withheld location information is not personal information and cannot be withheld under section 14(1). She orders the municipality to disclose the location name.

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") and 14(1).

OVERVIEW:

[1] The appellant made a request to the Municipality of Kincardine (the municipality) under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for access to information relating to the destruction of a monument. The request stated:

On September 11, 2024, Council voted to destroy the Second monument. I would like to know the method of destruction and location of the rubble.

[2] The municipality issued a decision stating that it had located responsive records relating to the method of destruction, and was granting partial access to them. It withheld some information under the mandatory personal privacy exemption in section 14(1) of

the *Act*. The municipality also wrote that no responsive records exist regarding the location of the rubble.

[3] The appellant appealed the municipality's decision to the Office of the Information and Privacy Commissioner of Ontario (IPC). A mediator was appointed to explore resolution. During mediation, the appellant confirmed that, in addition to information about the destruction of the monument and the location of the rubble, he seeks access to the information the municipality withheld as personal information.¹

[4] As the appeal was not resolved in mediation, it moved to the adjudication stage of the appeal process. I began an inquiry by inviting the municipality, as the party bearing the onus of supporting its decision, to submit representations. Although the municipality acknowledged receipt of the Notice of Inquiry, it did not submit representations. In these circumstances, and because the onus rests with the municipality, I decided it was not necessary to seek representations from the appellant.

[5] In this order, I find that information other than a location in the records at issue is not responsive to the request and falls outside the scope of the appeal. I find that the withheld location information is not personal information within the meaning of section 2(1) of the *Act* and cannot be withheld under section 14(1). I order the municipality to disclose the location name.

RECORDS:

[6] The records consist of two screenshots of text messages, identified by the municipality as Screenshot 1 and Screenshot 2.

DISCUSSION:

[7] To be responsive to a request, records or information must reasonably relate to it.² A request defines the boundaries of what is responsive and sets the parameters of an institution's search, so that the question is whether the information at issue is reasonably related to the request, as framed by the requester.³

[8] In this case, the appellant's request is for information about the method of destruction of the monument and the location of the rubble. Given the wording of the request, information other than information about those matters is not reasonably related to the request and is therefore not responsive to it. Accordingly, that information is not

¹ On the basis that information withheld as personal information is close to the information being sought, according to the Mediator's Report issued at the conclusion of mediation.

² Orders P-880 and PO-2661.

³ Order P-880.

at issue in this appeal.

[9] The remaining withheld information is the name of a location, contained in Screenshot 1, which the municipality withheld under section 14(1).

[10] Section 14(1) is a mandatory personal privacy exemption that protects the personal privacy of identifiable individuals by prohibiting disclosure of their personal information, except in the circumstances set out in the *Act*.⁴ Under section 2(1) of the *Act*, "personal information" means recorded information about an individual. Information is "about" an individual where it refers to them in their personal capacity or reveals something of a personal nature about them.

[11] In this case, disclosure of a place or location would not disclose recorded information about an identifiable individual. As the location name is not "personal information" within the meaning of that term in section 2(1), it cannot be exempt under section 14(1).

[12] For these reasons, I find that the withheld location name is not personal information. I order the municipality to disclose it.

ORDER:

1. I order the municipality to disclose to the appellant the second redaction in Screenshot 1, consisting of a location name.
2. The municipality shall disclose this information to the appellant by **April 27, 2026**, but not before **April 22, 2026**.
3. In order to verify compliance with Order Provision 1, I reserve the right to require the municipality to provide me with a copy of the record disclosed to the appellant.

Original Signed by: _____
Jessica Kowalski
Adjudicator

_____ March 19, 2026

⁴ Subject to limited and enumerated exceptions in section 14. None apply here to the responsive location information.