Information and Privacy Commissioner,
Ontario, Canada

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

ORDER PO-4797

Appeal PA23-00637

Ministry of the Solicitor General

March 13, 2026

Summary: The ministry received a request under the *Freedom of Information and Protection of Privacy Act* for investigation documents related to a specified dog breeder. The ministry located responsive records and initially withheld them in their entirety, claiming they were exempt from disclosure under sections 21(1) (personal privacy) and 14(1) (law enforcement). Some records were also withheld as non-responsive to the request. During the inquiry, the ministry released a large portion of the records, but continued to withhold the rest. The requester also raised the application of the section 23 public interest override.

In this order, the adjudicator upholds the majority of the ministry's claims, but finds that section 14(1) does not apply to some of the records. He orders these records disclosed.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, sections 2(1), 14(1)(g), 14(1)(l), 21(1), 23, and 24; IPC's *Code of Procedure*, section 12.

Orders Considered: Orders PO-2216.

OVERVIEW:

[1] A requester submitted the following access request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to the Ministry of the Solicitor General

(the ministry):

> I, [named individual], as legal counsel on behalf of an anonymous requester, hereby request the following records:
>
> > All complaints, correspondence, materials, memoranda, notes, photographs, reports, video surveillance, and other materials in relation to [named dog breeder] for the period September 1, 2018 to present date;
> >
> > All complaints, correspondence, materials, memoranda, notes, photographs, reports, video surveillance, and other materials in relation to [named individual] for the period September 1, 2018 to present date.

[2] In response, the ministry located 256 pages of records from Animal Welfare Services (AWS), which is a part of the ministry and is responsible for enforcing the *Provincial Animal Welfare Services Act, 2019* (*PAWS*).[1] The records include incident reports, orders, an intelligence report, an overview of recent action document, photographs, handwritten notes, and emails. The ministry denied access to the records in full under the discretionary exemption in section 14(1)(l) (facilitate commission of an unlawful act or hamper the control of crime) and the mandatory exemption in section 21(1) (personal privacy) of the *Act*. It also claimed that some of the information in the records is not responsive to the appellant's access request.

[3] The requester (now the appellant) appealed the ministry's decision to the Information and Privacy Commissioner of Ontario (IPC). During mediation of the appeal, an affected party was contacted but the mediator was unable to obtain their consent to disclose the records related to them. The appellant continued to seek access to the records and the ministry maintained its position. The appellant claimed that there is a compelling public interest in disclosing the records that clearly outweighs the purpose of the exemptions claimed by the ministry, and the public interest override in section 23 of the *Act* was therefore added as an issue in the appeal.

[4] The adjudicator initially assigned to the appeal received representations from the ministry. The ministry issued a revised access decision with its representations, releasing several pages in full and granting partial access to other pages. The appeal was then assigned to me to complete the inquiry. I sought and received representations from the appellant.

[5] For the reasons that follow, I partially uphold the decision of the ministry. I find that the majority of the records are exempt from disclosure under section 21(1) and the section 23 public interest override does not apply. I also uphold the ministry's claim that some of the information in the records is not responsive to the request. However, I find that a small number of records are not exempt from disclosure under section 14(1), and

[1] S.O. 2019, c. 13.

order these disclosed.

RECORDS:

[6] There were originally 256 pages of records at issue in the appeal. After the revised decision that the ministry issued with its representations during the inquiry, the following pages remain at issue:[2]

Exemption	Page numbers
14(1)(d)	2, 32, 144-146, 180, 200-203
14(1)(g)	53-69
14(1)(l)	2, 7, 23, 25, 27, 29, 32, 37, 53-98, 100-158, 160-199, 204-240, 243-256
21(1)	2, 3, 7, 10, 23, 25, 27, 29, 32, 33, 37, 53, 56-71, 80, 90, 92-158, 160-240, 243-256
Non-responsive	92, 94, 96, 97, 98, 100, 102-105, 113-114, 116, 117, 121-123, 126-128, 132, 135, 137, 138, 140-143, 158, 159-161, 166-168, 174, 179, 180, 186, 189-190, 241-242

ISSUES:

A. Do the records contain "personal information" as defined in section 2(1) and, if so, whose personal information is it?

B. Does the mandatory personal privacy exemption at section 21(1) apply to the information in the records?

C. The ministry raised the discretionary 14(1)(g) exemption outside the 35-day period for doing so. Should the IPC consider this claim?

D. Do the discretionary exemptions at section 14(1)(l) and 14(1)(g) related to law enforcement apply to the records?

E. Is there a compelling public interest in disclosure of the records that clearly outweighs the purpose of the section 21(1) exemption?

[2] The page numbers and claimed exemptions are as outlined in the ministry's revised decision to the appellant.

F. Is some of the information in the records not responsive to the appellant's access request?

DISCUSSION:

Issue A: Do the records contain "personal information" as defined in section 2(1) and, if so, whose personal information is it?

[7] The ministry has claimed section 21(1) for many of the records, as described in the above table. Before I consider this exemption, I must first determine if the records contain "personal information" and if so, whether the personal information belongs to the appellant, other identifiable individuals, or both. "Personal information" is defined in section 2(1) of the *Act* as "recorded information about an identifiable individual."

[8] Information is "about" the individual when it refers to them in their personal capacity, which means that it reveals something of a personal nature about the individual. Information is about an "identifiable individual" if it is reasonable to expect that an individual can be identified from the information either by itself or if combined with other information.[3] The definition of "personal information" in section 2(1) of the *Act* gives a list of examples of personal information.

[9] Generally, information about an individual in their professional, official or business capacity is not considered to be "about" the individual.[4] See also sections 2(3) and 2(4), which state:

> (3) 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.
>
> (4) For greater certainty, subsection (3) applies even if an individual carries out business, professional or official responsibilities from their dwelling and the contact information for the individual relates to that dwelling.

[10] In some situations, even if information relates to an individual in a professional, official, or business capacity, it may still be "personal information" if it reveals something of a personal nature about the individual.[5]

Representations, analysis, and finding

[11] The ministry submits that the records contain personal information, specifically the names, addresses, phone numbers, and personal views of individuals involved in law

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[3] Order PO-1880, upheld on judicial review in *Ontario* (*Attorney General*) *v. Pascoe*, [2002] O.J. No. 4300 (C.A.).
[4] Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.
[5] Orders P-1409, R-980015, PO-2225 and MO-2344.

enforcement investigations involving AWS. The appellant did not provide specific representations on whether the records contain personal information.

[12] Reviewing the records at issue, I find that they contain information related to the individual named in the request, along with the named business. As described above, business information is not generally considered personal information under section 2(3). However, I find that although the records relate to the inspection of a business they also relate to individuals inspected under *PAWS* and could have led to charges against the individuals if an offence were found to have been committed. In Order PO-2216, the adjudicator held that references to the officers and directors of a company that could be personally liable under the *Environmental Protection Act*[6] qualified as personal information for the purposes of section 2(1) of the *Act*. I adopt and apply this reasoning to the present appeal, where *PAWS* similarly provides penalties for both individuals and corporations.[7] As such, I will consider the application of section 21(1) to this information.

Issue B: Does the mandatory personal privacy exemption at section 21(1) apply to the information in the records?

[13] One of the purposes of the *Act* is to protect the privacy of individuals with respect to personal information about themselves held by institutions. Section 21(1) of the *Act* 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.

[14] The section 21(1)(a) to (e) exceptions are relatively straightforward. If any of the five exceptions covered in sections 21(1)(a) to (e) exist, the institution must disclose the information. The section 21(1)(f) exception is more complicated. It requires the institution to disclose another individual's personal information to a requester only if this would not be an "unjustified invasion of personal privacy." Other parts of section 21 must be looked at to decide whether disclosure of the other individual's personal information would be an unjustified invasion of personal privacy.

[15] If any of the five exceptions in sections 21(1)(a) to (e) apply, the section 21(1) exemption does not apply. I find that none of these exceptions apply.

[16] Under section 21(1)(f), if disclosure of the personal information would not be an unjustified invasion of personal privacy, the personal information is not exempt from disclosure. Sections 21(2), (3) and (4) provide guidance in determining whether disclosure would or would not be an unjustified invasion of personal privacy. Section 21(2) provides a list of factors for the ministry to consider in making this determination, while section 21(3) lists the types of information whose disclosure is presumed to

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[6] R.S.O. 1990, c. E.19. Section 194(3) of the Act specifies that directors and officers of corporations are liable to conviction whether or not the corporation has been prosecuted or convicted.

[7] See, for example, sections 49(3) and 49(4) of *PAWS*, where penalties against individuals are specified. This approach was also adopted in Order PO-4770.

constitute an unjustified invasion of personal privacy.

[17] If a presumption applies, the personal information cannot be disclosed unless there is a reason under section 21(4) that disclosure of the information would not be an "unjustified invasion of personal privacy," or there is a "compelling public interest" under section 23 that means the information should nonetheless be disclosed (the "public interest override").[8] The appellant claims that section 23 applies to the records at issue, and I consider its application below.

[18] In its representations, the ministry relies on the presumption in section 21(3)(b):

> (3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,
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> > (b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

Representations, analysis, and finding

[19] The ministry submits that the records relate to a presumption into a possible violation of law, engaging the section 21(3)(b) presumption against disclosure. It argues that the records fall within the scope of this presumption because the names in the records are identifiable as having been created due to an investigation, on the belief that an offence may have been committed. It states that the records indicate the status of the investigation, and submit that due to the subject matter of the records, they cannot be severed to remove the personal information, as to do so would still identify the individuals.

[20] The appellant submits that the public interest in transparency and accountability, especially in cases involving public safety or animal welfare, may outweigh the privacy concerns. She argues that the information is necessary to understand the actions and decisions of public bodies, such as AWS, and to promote public confidence in the institution.

[21] As the ministry submits, the presumption requires only that there be an investigation into a possible violation of law.[9] So, even if criminal proceedings were never started against the individual, the section 21(3)(b) presumption can still apply.[10] The IPC has also consistently held that the presumption can apply to different types of investigations, including those relating to by-law enforcement,[11] and enforcement of

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[8] *John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767 (Div.Ct.).
[9] Orders P-242 and MO-2235.
[10] The presumption can also apply to records created as part of a law enforcement investigation where charges were laid but subsequently withdrawn (Orders MO-2213, PO-1849 and PO-2608).
[11] Order MO-2147.

environmental laws,[12] occupational health and safety laws,[13] or violations of the Ontario *Human Rights Code*.[14]

[22] I find that the records are, on their face, compiled and identifiable as part of an investigation into a possible violation of law, specifically a possible violation of *PAWS*. Accordingly, I find that the section 21(3)(b) presumption against disclosure applies to the entirety of the personal information in the records. I also agree with the ministry's submission that this information cannot be reasonably severed in a manner that protects personal privacy: the nature of the records is such that any meaningful disclosure would reveal the personal information of those in the records, specifically their interactions with AWS in the investigation.

[23] As the section 21(3)(b) presumption cannot be overcome by any of the factors in 21(2), I do not need to consider them. I uphold the ministry's decision to withhold the records containing personal information under section 21(1), but will consider the application of section 23 to this information below under Issue E.

Issue C: The ministry raised the discretionary 14(1)(g) exemption outside the 35-day period for doing so. Should the IPC consider this claim?

[24] The section 14(1)(g) exemption is discretionary (the institution "may" refuse to disclose). This means that the ministry can choose to withhold the information, but could also choose to disclose it. Here, the institution did not claim the discretionary section 14(1)(g) exemption in a timely way, and the question is whether the ministry should still be permitted to rely on it.[15]

[25] The IPC's *Code of Procedure* (the *Code*) provides basic procedural guidelines for parties involved in appeals before the IPC. Section 12 of the *Code* addresses circumstances where institutions seek to raise new discretionary exemption claims during an appeal. Sections 12.01 and 12.02 state:

> 12.01 In an Appeal, an Institution may make a new discretionary exemption claim only within 35 days after the Institution is notified of the Appeal by the IPC. A new discretionary exemption claim made within this period shall be contained in a revised written decision sent to the person making the Request and to the IPC.

[12] Order PO-1706.
[13] Order PO-2716.
[14] R.S.O. 1990, c. H19; Orders PO-2201, PO-2419, PO-2480, PO-2572 and PO-2638.
[15] The ministry also late-raised the section 14(1)(d) exemption. However, as I have found that the information for which it claimed this exemption is exempt from disclosure under section 21(1), I have not disclosed this further.

> 12.02 If the Appeal moves to Adjudication, the Adjudicator may decide in exceptional circumstances to consider a new discretionary exemption claim made after the 35-day period.

[26] The purpose of the 35-day rule is to provide an opportunity for institutions to raise a new discretionary exemption without compromising the integrity of the appeal process. Where an institution is aware of the 35-day rule, disallowing a discretionary exemption claimed outside the 35-day period is not a denial of natural justice.[16]

[27] In deciding whether to allow an institution to claim a new discretionary exemption outside the 35-day period, I must also balance the relative prejudice to the institution and to the requester.[17] The specific circumstances of the appeal must be considered in making this decision.[18]

Representations, analysis, and finding

[28] The ministry submits that in the circumstances it is both appropriate and imperative to claim the exemption at a late stage. It submits that there are important public policy reasons for the records being exempt under section 14(g), and these should be given due consideration. It notes that it already claimed other law enforcement exemptions for the records for which it is now claiming section 14(1)(g), and submits that this claim will not prejudice the conduct of the appeal.

[29] The appellant submits that the ministry has failed to demonstrate "exceptional circumstances" as required by the *Code*, and it has not provided a compelling justification for why the claims were not raised earlier. Last, she submits that allowing these claims at this stage could undermine procedural fairness and the integrity of the appeals process.

[30] Having considered the circumstances of the appeal, I find that the ministry's late claim should be allowed. While I agree with the appellant's submission that the ministry provided minimal reasons for why it could not have raised this claim earlier, I find that, in the circumstances, where the appellant was given the opportunity to respond to the ministry's representations regarding the claim, allowing this discretionary exemption does not compromise the integrity of the appeal process. I also find that there may be prejudice to the ministry if the late-raised claim is not allowed, as records that may otherwise be exempt from disclosure could be ordered disclosed. I address the ministry's late raised claim below.

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[16] *Ontario (Ministry of Consumer and Commercial Relations v. Fineberg)*, Toronto Doc. 220/95 (Div. Ct.), leave to appeal dismissed [1996] O.J. No. 1838 (C.A.). See also *Ontario Hydro v. Ontario (Information and Privacy Commissioner)* [1996] O.J. No. 1669 (Div. Ct.), leave to appeal dismissed [1996] O.J. No. 3114 (C.A.).
[17] Order PO-1832.
[18] Orders PO-2113 and PO-2331.

Issue D: Do the discretionary exemptions at sections 14(1)(g) and (l) related to law enforcement apply to the records?

[31] The ministry also applied section 14 to many of the records at issue, as outlined in the above table. Having upheld the ministry's section 21(1) exemption claim, the following pages remain at issue:[19]

> 54, 55, 72-79, 81-89, and 91.

[32] Section 14 contains several exemptions from a requester's right of access, mostly related to the context of law enforcement. The ministry relies on section 14(1)(g) and (l):

> (1) A head may refuse to disclose a record if the disclosure could reasonably be expected to,
>
> > (g) interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons;
> >
> > (l) facilitate the commission of an unlawful act or hamper the control of crime.

[33] The law enforcement exemption generally applies where a certain event or harm "could reasonably be expected to" result from disclosure of the record. For section 14(1)(l) specifically, there must be a reasonable basis for concluding that disclosure of the information at issue could be expected to facilitate the commission of an unlawful act or hamper the control of crime.

[34] For section 14(1)(g) to apply, there must be a reasonable basis for concluding that disclosure of the information at issue could be expected to interfere with the gathering of or reveal law enforcement intelligence information.

[35] The term "intelligence information" has been defined in the caselaw as:

> Information gathered by a law enforcement agency in a covert manner with respect to ongoing efforts devoted to the detection and prosecution of crime or the prevention of possible violations of law. It is distinct from information compiled and identifiable as part of the investigation of a specific occurrence.[20]

[36] The law enforcement exemption must be approached in a sensitive manner, because it is hard to predict future events in the law enforcement context, and so care

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[19] The ministry claims section 14(1)(g) and (l) for pages 54 and 55, and only section 14(1)(l) for the remainder of the pages.

[20] Orders M-202, MO-1261, MO-1583 and PO-2751; see also Order PO-2455, confirmed in *Ontario (Community Safety and Correctional Services*), 2007 CanLII 46174 (ON SCDC).

must be taken not to harm ongoing law enforcement investigations.[21]

[37] However, parties resisting disclosure of a record cannot simply assert that the harms under these sections are obvious based on the record. They 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, parties should not assume that the harms under section 14 are self-evident and can be proven simply by repeating the description of harms in the *Act.*[22]

[38] The ministry must show that the risk of harm is real and not just a possibility.[23] 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.[24]

Representations

[39] The ministry submits that one of the functions of AWS is law enforcement, and the responsive records were created and used by the ministry in relation to investigating the potential commission of an unlawful act. It references *Ontario (Public Safety and Security) v. Criminal Lawyers' Association*,[25] stating that it sets out foundational principles regarding law enforcement records. It submits that there is a strong public interest in protecting the records at issue because their disclosure could harm the proper functioning of Animal Welfare Services.

[40] The ministry further argues that it has acted in consideration of the principle cited in *Ontario (Attorney General) v. Fineberg*,[26] that the law enforcement exemption must be approached in a sensitive manner, recognizing the difficulty of predicting future events in a law enforcement context. The ministry provides confidential representations regarding the future harms that it submits may occur if the records are disclosed. It also notes that the appellant would be free to disseminate the records to anyone, without restrictions. It argues that this could result in others who are the subject of law enforcement activities being "tipped off" and states that this could jeopardize the utility of these activities.

[41] The ministry provides confidential representations on why section 14(1)(g) applies to the records, which I have considered but not reproduced.

[42] With respect to section 14(1)(l) specifically, the ministry provides confidential representations on the possible outcomes following disclosure of the records. It submits

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[21] *Ontario* (*Attorney General*) *v. Fineberg* (1994), 19 O.R. (3d) 197 (Div. Ct.).
[22] Orders MO-2363 and PO-2435.
[23] *Merck Frosst Canada Ltd.* v. *Canada* (*Health*), [2012] 1 S.C.R. 23.
[24] *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.
[25] 2010 SCC 23(CanLII).
[26] (1994), 19. O.R. (3d) 197 (Div. Ct.).

that these outcomes could be expected to either facilitate the commission of crime or hamper its control. It further argues that disclosure of the records would undermine the confidentiality necessary for the effective operations of AWS, including the gathering of intelligence, both internally and from external sources. Last, its submits that if the information in the records is made available to the public, it would expose the types of information that law enforcement agencies use, which is integral to the control of crime.

[43] The appellant provides general submissions for sections 14(1)(d), (g), and (l), stating that the exemptions should not be applied broadly and that the ministry must demonstrate specific harm that would result from disclosure. She argues that the records do not contain sensitive law enforcement techniques or confidential informant information that would justify such exemptions.

Analysis and finding

[44] I agree with the ministry's submission that the law-enforcement exemption should be treated in a sensitive manner, acknowledging that the effects of the disclosure of law enforcement records on future events can be difficult to predict. However, even adopting this approach, I find that the records that remain at issue are not exempt under either section 14(1)(l) or 14(1)(g).

[45] Pages 72-79 and 81-89 are photos related to the AWS investigation into the specified business, and page 91 is an officer's note relating to the investigation. While these records form part of the investigation file, they provide minimal, if any, insight into the actual investigation conducted by AWS. To the extent that they provide information about the types of information AWS collects, it is so general that any risk of harm following disclosure is merely speculative. Considering the nature of the records and the circumstances of the appeal, I find that their disclosure cannot be said to be reasonably expected to facilitate the commission of an unlawful act or hamper the control of crime, and the section 14(1)(l) exemption therefore does not apply.

[46] The ministry claims sections 14(1)(g) and (l) for pages 54 and 55, which are photos in an AWS report. The photos consist of publicly available satellite and street-level images of a facility. As with the above pages, while these records are part of the investigation file, the ministry has not established that the harms contemplated by section 14(1)(l) could reasonably be expected to occur following disclosure, and the section 14(1)(l) exemption does not apply. Similarly, with respect to section 14(1)(g), the ministry has not established that the disclosure of these records, which were obtained from publicly available sources, would reveal law enforcement intelligence information that is not already widely known, nor could their disclosure be reasonably expected to interfere with the gathering of law enforcement intelligence. Accordingly, I will order these records disclosed.

Issue E: Is there a compelling public interest in disclosure of the records that clearly outweighs the purpose of the section 21(1) exemption?

[47] Section 23 of the *Act*, the "public interest override," provides for the disclosure of records that would otherwise be exempt under another section of the *Act*. It 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.

[48] For section 23 to apply, there must be a compelling public interest in disclosure of the records, and this interest must clearly outweigh the purpose of the exemption. In this case, the public interest in disclosure must outweigh the purpose of the section 21(1) exemption.

[49] 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.[27]

[50] In considering whether there is a "public interest" in disclosure of the record, 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.[28] In previous orders, the IPC has stated that in order 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.[29] A "public interest" does not exist where the interests being advanced are essentially private in nature.[30] However, if a private interest raises issues of more general application, the IPC may find that there is a public interest in disclosure.[31]

[51] With respect to the second criterion, the IPC has defined the word "compelling" as "rousing strong interest or attention".[32] The IPC must also consider any public interest in not disclosing the record.[33] A public interest in the non-disclosure of the record may bring the public interest in disclosure below the threshold of "compelling."[34]

[52] The existence of a compelling public interest is not enough to trigger disclosure

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[27] Order P-244.
[28] Orders P-984 and PO-2607.
[29] Orders P-984 and PO-2556.
[30] Orders P-12, P-347 and P-1439.
[31] Order MO-1564.
[32] Order P-984.
[33] *Ontario Hydro v. Mitchinson,* [1996] O.J. No. 4636 (Div. Ct.).
[34] Orders PO-2072-F, PO-2098-R and PO-3197.

under section 23. This interest must also clearly outweigh the purpose of the exemption in the specific circumstances. An important consideration in balancing a compelling public interest in disclosure against the purpose of the exemption is the extent to which denying access to the information is consistent with the purpose of the exemption.[35]

Representations, analysis, and finding

[53] The ministry submits that the public interest override is not applicable to the records at issue. It argues that the records do not shed light on the operations of government and instead contain highly sensitive personal information belonging to individuals, contained in law enforcement records. It states that the records are not related to the activities of government, and therefore would not serve the purpose of section 23.

[54] The appellant submits that the records could contribute to public understanding of government actions, particularly in areas of public concern such as animal welfare. She refers to new legislation that was passed to regulate dog breeders and deter puppy mill operations. She further argues that there is a compelling public interest as unsuspecting members of the public may attend the specific facility that the records relate to. She also states that transparency in these types of matters is crucial for public trust and accountability in institutions charged with ensuring animal welfare.

[55] I agree with the appellant's general submission that transparency in investigations is important. However, I do not agree that this is sufficient to outweigh the purpose of the section 21(1) exemption, which specifically contemplates protecting the personal information of individuals who are investigated by law enforcement.

[56] Even if the transparency provided by disclosure was sufficient to outweigh the section 21(1) exemption, the records at issue are essentially private in nature. They are limited to the investigation of specific individuals and businesses, and would provide minimal information on the ministry's overall enforcement efforts. Based on the information before me, it is not clear how disclosure of these particular records would serve the public interest. As such, I find that there is not a public interest in disclosure that outweighs the purpose of the section 21(1) exemption.

Issue F: Is some of the information in the records not responsive to the appellant's access request?

[57] Section 24 of the *Act* imposes certain obligations on requesters and institutions when submitting and responding to requests for access to records. This section states, in part:

[58] (1) A person seeking access to a record shall,

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[35] Order P-1398, upheld on judicial review in *Ontario v. Higgins,* 1999 CanLII 1104 (ONCA), 118 OAC 108.

> (a) make a request in writing to the institution that the person believes has custody or control of the record, and specify that the request is being made under this Act;
>
> (b) provide sufficient detail to enable an experienced employee of the institution, upon a reasonable effort, to identify the record;
>
> . . .
>
> (2) If the request does not sufficiently describe the record sought, the institution shall inform the applicant of the defect and shall offer assistance in reformulating the request so as to comply with subsection (1).

[59] To be considered responsive to the request, records must "reasonably relate" to the request.[36] Institutions should interpret requests generously, in order to best serve the purpose and spirit of the *Act*. Generally, if a request is unclear, the institution should interpret it broadly rather than restrictively.[37]

Representations, analysis, and finding

The ministry submits that it has withheld records that are not reasonably related to the request. It states that it withheld portions of records that relate to the search that was conducted in response to the request, such as the date that the records at issue were printed following the access request. It also states that it withheld information that relates to the actual response to the request, such as when ministry employees were asked to search for responsive records. Last, it submits that it withheld records where, despite there being an identifying number that is responsive to the request, it determined that they related to completely different subject matter.

[60] The appellant submits that the ministry has withheld records that are relevant to the request and the ministry's interpretation of responsiveness is too narrow. She submits that the ministry should be required to provide a more detailed explanation.

[61] Reviewing the records, I agree with the ministry's interpretation of the scope of the request, and I find that it appropriately withheld the records as non-responsive. The appellant generally submits that the ministry's interpretation is too narrow, but there is no evidence before me to suggest that this is the case: none of the withheld portions of the records relate to the actual request made by the appellant. Accordingly, I uphold the ministry's decision for these records.

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[36] Orders P-880 and PO-2661.
[37] Orders P-134 and P-880.

ORDER:

1. I order the ministry to disclose pages 54, 55, 72-79, 81-89, and 91 to the appellant by **April 14, 2026**.

2. In order to verify compliance with Order provision 1, I reserve the right to require the ministry to provide me with a copy of the records disclosed to the appellant.

Original Signed by: March 13, 2026

Chris Anzenberger
Adjudicator