



**Information and Privacy
Commissioner/Ontario**
**Commissaire à l'information
et à la protection de la vie privée/Ontario**

ORDER P-300

Appeal 900630

Ministry of Community and Social Services



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O R D E R

A request was submitted to the Ministry of Community and Social Services (the "institution") from a local organization (the "requester"), for correspondence containing allegations of impropriety on the requester's part. The request specified correspondence from three named parties.

The institution identified the responsive records, and determined that release might affect the interests of certain individuals (the "affected persons"). Consequently, notices were sent to the affected persons, pursuant to section 28(1) of the Freedom of Information and Protection of Privacy Act (the "Act"). After receiving representations from the affected persons, the institution decided to release the records to the requester, and notified the affected persons accordingly. The affected persons were provided with 30 days to appeal the institution's decision prior to the release of the records. This Order deals with the appeal brought to this office by one of the affected persons (the "appellant").

Because settlement could not be achieved, the matter proceeded to an inquiry. Notice that an inquiry was being conducted to review the decision of the head was sent to the appellant, the institution and the requester's agent. Enclosed with each notice was a report prepared by an Appeals Officer, which is intended to assist the parties in making their representations concerning the subject matter of the appeal. Written representations were received from the appellant only.

The record at issue is three lines of one paragraph of a letter submitted to the institution by a local organization named in the original request. The appellant submits that the record is personal information, and objects to its disclosure on the basis that it would be an unjustified invasion of her personal privacy.

The issues arising in this appeal are whether the portion of the record is "personal information", as defined by section 2(1) of the Act, and if so, whether its disclosure would be an unjustified invasion of personal privacy under section 21 of the Act.

"Personal information" is defined under section 2(1) of the Act to mean recorded information about an "identifiable individual". The meaning of the term "individual" in the context of the Act has been considered in previous orders and found not to include

a sole proprietorship, partnership, unincorporated association or corporation (Orders 16, 113); a trade union, corporation or law firm (Order 42); or the names of officers of a corporation writing in their official capacity (Orders 80, 113).

In my view, correspondence submitted to an institution by a representative of a group or association such as the body represented by the appellant in this appeal, is not the personal information of the author of the correspondence. The correspondence was submitted to the institution by the local organization on the letterhead of the organization, and signed by the appellant in her capacity as a spokesperson of the organization. Consequently, I find that the record does not qualify as the appellant's "personal information", and it not necessary for me to consider the possible application of section 21 of the Act.

ORDER:

1. I order the institution to disclose the record (three lines) to the requester.
2. I order that the institution not make this disclosure until thirty (30) days following the date of the issuance of the Order. This time delay is necessary to give any party to the appeal sufficient opportunity to apply for judicial review of my decision before the record is actually disclosed. Provided that notice of an application for judicial review has not been served on the Information and Privacy Commissioner/Ontario and/or the institution within this thirty (30) day period, I order that the record be disclosed within thirty-five (35) days of the date of this Order.
3. The institution is ordered to advise me in writing within five(5) days of the date on which disclosure was made. Any notice should be forwarded to my attention c/o Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario M5S 2V1.
4. In order to verify compliance with the provisions of this Order, I order the head to provide me with a copy of the record which was disclosed to the requester pursuant to provision 1, upon my request.

Original signed by: _____ May 21, 1992
Tom Mitchinson
Assistant Commissioner