



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

ORDER P-299

Appeal 900616

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 a portion of one paragraph of a letter submitted by the appellant to the institution.

The issues arising in this appeal are whether the record contains "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.

With respect to the first issue, the record was contained in confidential correspondence submitted to the institution by the appellant and, in my view, it is properly characterized as the appellant's personal information [paragraph (f) of the definition]. I also find that the record does not contain the personal information of any other individual.

Sections 21(2) and (3) of the Act provide guidance in determining whether disclosure of personal information would

constitute an unjustified invasion of privacy. I have reviewed the considerations outlined in section 21(3) and find that none of them are relevant in the circumstances of this appeal.

The appellant submits that disclosure of the record would be an unjustified invasion of her privacy, and provides detailed representations in support of her position. She states that the correspondence containing the record was submitted to the institution in confidence [s.21(2)(h)]; that the information is highly sensitive [s.21(2)(f)]; that the paragraph in isolation would be taken out of context and thus would be unreliable and inaccurate [s.21(2)(g)]; that disclosure of the record could expose her unfairly to pecuniary or other harm [s.21(2)(e)]; and that the correspondence outlines the appellant's general views of systemic problems, rather than the views of any particular organization.

As stated above, neither the institution nor the requester provided representations. However, I note that the institution's rationale for deciding to release the record to the requester was that disclosure would help to foster open discussion of various concerns which existed at the time the request was made.

I have reviewed the contents of the record and it is clear that it was submitted to the institution in confidence. In the circumstances of this appeal, I find that disclosure of the record could constitute an unjustified invasion of the appellant's personal privacy.

ORDER:

I order the institution not to disclose the record.

Original signed by: _____
Tom Mitchinson
Assistant Commissioner

_____ May 21, 1992