



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

ORDER P-296

Appeal 900184

Ministry of the Solicitor General



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O R D E R

The Ministry of the Solicitor General (the "institution") received a request under the Freedom of Information and Protection of Privacy Act (the "Act") for access to a copy of an Ontario Provincial Police (OPP) report relating to an incident at an OPP detachment. The record is a ten page report completed by a detective inspector of the Criminal Investigations Branch of the OPP.

The institution denied access to the entire record under subsection 14(2)(a) of the Act. The requester, on behalf of his client, appealed the institution's decision, and notice of the appeal was given to the institution and the appellant.

Attempts to mediate this appeal were not successful, and the matter proceeded to an inquiry. Notice that an inquiry was being conducted to review the institution's decision was sent to the institution, and the appellant. Enclosed with the notice was a report prepared by the Appeals Officer, intended to assist the parties in making representations concerning the subject matter of the appeal.

Written representations were received from the appellant and the institution.

During the course of the inquiry, the institution withdrew its exemption claim under section 14(2)(d), and granted partial access to the record, with severances pursuant to section 21.

The appellant informed the Appeals Officer that he was not interested in receiving the personal information of individuals other than his client, but was not satisfied with the institution's new decision as he felt that "... much more has been deleted from the document than is reasonably necessary to protect the identity of other persons".

The sole issue arising in this appeal is whether the information severed from the record qualifies as "personal information" as defined in section 2(1) of the Act.

Subsection 2(1) of the Act states in part:

"personal information" means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
...
- (d) the address, telephone number, fingerprints or blood type of the individual,
...
- (h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

I have reviewed the information severed from the record and, in my view, portions of it do qualify as "personal information" as defined in the Act. Specifically, the information relating to the age, sex and family status of identifiable individuals; information relating to the criminal history of identifiable individuals; the address of identifiable individuals; and the names of identifiable individuals where they appear with other personal information of the individuals. I have identified this information by "highlighting" it on the copy of the record which is being sent to the institution with this Order.

The portions of the severed information which, in my view, do not consist of personal information of individuals other than the appellant's client do not qualify for exemption under section 21. In my view, no other mandatory exemption applies to this information, and it should be released to the appellant.

ORDER:

1. I order the institution to disclose to the appellant the portions of the record which are not highlighted in the copy of the record which is being forwarded to the institution with this order.
2. I order that the institution not make this disclosure until thirty (30) days following the date of the issuance of this 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 portions of the record referred to in provision 1 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. This 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 is disclosed to the appellant pursuant to provision 1, upon my request.

Original signed by: _____
Tom Mitchinson
Assistant Commissioner

_____ May 13, 1992