



**Information and Privacy
Commissioner/Ontario**

**Commissaire à l'information
et à la protection de la vie privée/Ontario**

ORDER M-25

Appeal M-910261

City of Toronto



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télééc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

ORDER

The City of Toronto (the institution) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to:

1. Any and all information relating to myself personally;
2. Any and all information or correspondence relating to the management or policies of the Toronto Fire Department ...

The institution granted partial access to the requester's personnel file held by the Personnel Services Division of the Management Services Department, and partial access to two letters held by that department, severing personal information relating to other individuals under section 14 of the Act. The requester appealed the institution's decision to deny access to the severed portions of the two letters.

As settlement of the appeal 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 authors of the two letters (the affected parties). 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, the institution and the two affected parties.

The issues arising in this appeal are whether the severed portions of the letters contain "personal information", as defined in section 2(1) of the Act, and if so, whether their disclosure would be an unjustified invasion of personal privacy under section 14 of the Act.

"Personal information" is defined under section 2(1) of the Act as "recorded information **about** an identifiable individual".

The letters at issue in this appeal were exchanged between two employees of the institution. Each of the two letters was submitted on the letterhead of the institution and was signed by an individual in his capacity as an employee of the institution. The letters relate to institution policy, and do not relate personally to the authors. Consequently, I find that the two records at issue do not contain the "personal information" of the affected parties, and it is therefore not necessary for me to consider the application of section 14 of the Act.

ORDER:

1. I order the institution to disclose the two letters to the appellant.

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 letters are 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 letters 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 letters which were disclosed to the appellant pursuant to Provision 1, only upon request.

Original signed by: _____
Tom Wright
Commissioner

_____ July 8, 1992