



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

# ORDER P-427

Appeal P-910952

Ministry of Natural Resources



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/Télé: 416-325-9195  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

# ORDER

## BACKGROUND:

The Ministry of Natural Resources (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to names which the Ministry had severed from the Crown Land Disposition Policies Review when this record was made available to the public. The Ministry denied access to the names severed from the record pursuant to section 21 of the Act. The requester appealed the Ministry's decision.

Mediation of the appeal was not successful and notice that an inquiry was being conducted to review the Ministry's decision was sent to the Ministry and the appellant. Written representations were received from the Ministry and the appellant.

The severed information consists of the names and titles or affiliations of individuals consulted during the study, including Ministry employees, members of various client groups of the Ministry, members of general interest groups and employees of various federal departments and provincial ministries. The name of a Ministry employee whose advice and cooperation were acknowledged by the consultants has also been severed from the record.

## ISSUES:

The issues arising in this appeal are:

- A. Whether the information contained in the record qualifies as "personal information" as defined in section 2(1) of the Act.
- B. If the answer to Issue A is yes, whether the mandatory exemption provided by section 21 of the Act applies.

## SUBMISSIONS/CONCLUSIONS:

**ISSUE A: Whether the information contained in the record qualifies as "personal information" as defined in section 2(1) of the Act.**

Section 2(1) of the Act states, in part:

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

...

- (e) the personal opinions or views of the individual except where they relate to another 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;

The Ministry submits that the names and titles of the individuals, combined with the fact that these people provided input to the consultants, constitute the personal opinions of those individuals for the purpose of section 2(e). The Ministry submits:

In this instance, individuals were not expressing the opinions of the Ministry nor were they explaining Ministry policies or practices within the context of their professional responsibilities. They were expressing their personal opinion concerning the Ministry's policies and practices. Their answers did not represent nor were they intended to represent the opinions or views of the Ministry.

The Ministry employees were senior land management staff and policy officers. The members of the client groups and general interest groups were generally group presidents, managing directors, or their delegates. The employees of federal departments and provincial ministries were identified by the Ministry through discussions with each agency.

Having reviewed the record, in my view, the views and opinions were expressed in each individual's professional or business capacity, and are not "personal" opinions or views. The names and titles or affiliations of these individuals cannot be categorized as "personal information" as defined in section 2(1).

Additionally, in my view, the name of the Ministry employee whose advice and cooperation were acknowledged by the consultants cannot be categorized as "personal information" as defined in section 2(1).

Having found that the names contained in the record do not meet the requirements of section 2(1), it is not necessary for me to consider Issue B.

## **ORDER:**

1. I order the Ministry to disclose the record to the appellant.
2. In order to verify compliance with the provisions of this order, I order the Ministry to provide me with a copy of the record which is disclosed to the appellant pursuant to Provision 1, **only** upon my request.

Original signed by: \_\_\_\_\_  
Holly Big Canoe  
Inquiry Officer

\_\_\_\_\_ March 2, 1993