



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

ORDER P-432

Appeal P-9200621

Ministry of the Solicitor General and Correctional Services



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ORDER

The Ministry of the Solicitor General and Correctional Services (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to the reason why a named individual other than the requester terminated his service with the Ontario Provincial Police (the OPP).

The record identified by the Ministry as being responsive to the request consists of a two-page OPP report dealing with the resignation of a former member of the OPP (the affected person). The requester was provided with access to portions of this record, and was denied access to other portions, either because they were not responsive to the request, or were exempt by the Ministry under section 21(1) of the Act. The requester appealed the Ministry's decision. The only portion of the record which remains at issue in this appeal is a four-line section on page 1 of the record which outlines the affected person's reasons for resigning from the OPP.

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

The sole issue arising in this appeal is whether the four-line section of the record which was severed under section 21(1) contains "personal information" as defined by section 2(1) of the Act and, if so, whether the mandatory exemption provided by section 21(1) applies.

The definition of "personal information" in section 2(1) of the Act provides, in part, as follows:

"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.

...

The Ministry and the affected person both submit that the four-line section of the record contains recorded information about the affected person, including information regarding his marital status and employment history, and thereby satisfies the requirements of the definition of "personal information" under section 2(1) of the Act. I agree.

The Ministry and the affected person also submit that disclosure of this information would constitute an unjustified invasion of the affected person's personal privacy and, therefore, qualifies for exemption under section 21(1) of the Act.

In my view, the only exception to the section 21(1) mandatory exemption which has potential application in the circumstances of this appeal is section 21(1)(f), which reads as follows:

A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

if the disclosure does not constitute an unjustified invasion of personal privacy.

Because section 21(1)(f) is an exception to the mandatory exemption which prohibits the disclosure of personal information, in order for me to find that section 21(1)(f) applies, I must find that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy.

In the circumstances of this appeal, the only representations I have been provided with weigh in favour of finding that the section 21(1)(f) exception does not apply. In the absence of any evidence or argument to the contrary, I find that the exception provided by this section is not present, and that the mandatory exemption provided by section 21(1) of the Act applies.

ORDER:

I uphold the Ministry's decision.

Original signed by: _____
Tom Mitchinson
Assistant Commissioner

_____ March 15, 1993