



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

ORDER M-81

Appeal M-9200345

City of Etobicoke



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ORDER

The City of Etobicoke (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to the name of the individual or individuals who filed a complaint with the City regarding an alleged violation of a City by-law by the requester. The City granted access to the only responsive record, subject to the severance of information relating to the identity of any complainants, pursuant to section 8(1)(d) of the Act. The requester appealed the City's decision.

The record is a By-law Enforcement Officer's Report which contains the name, address and telephone number of any complainant(s) and the by-law officer's findings regarding the alleged violation.

Orders M-4, M-16, M-20, M-31, M-43, and M-70, (the last of which involved the City), all dealt with requests to a municipality for the same type of information. In those orders, the decision to deny access to the name of a complainant, pursuant to section 8(1)(d) of the Act, was upheld. In each case, it was found that the institution's by-law enforcement process qualified as "law enforcement" under the Act, and that there was "a reasonable expectation of confidentiality within the institution's process of by-law enforcement". In all of these orders the decision-makers found that the release of the record would disclose the identity of a confidential source of information.

Settlement of this appeal was not successful and notice that an inquiry was being conducted to review the City's decision was sent to the appellant and the City. During the course of mediation, the appellant had been provided with copies of Orders M-4, M-16, M-20 and M-31. The appellant was invited to make representations as to any circumstances which would distinguish this appeal from those resulting in these orders. Written representations were received from the appellant and the City.

In its representations, the City outlines the circumstances of the complaint and states that its practice has always been to ensure the confidentiality of complainants in its by-law enforcement process. It indicates that the by-law enforcement staff of the City gave the complainant verbal assurance of confidentiality.

Having reviewed the record and the representations, in my view, the same considerations that were addressed in the above-mentioned orders apply in the circumstances of this appeal. The information is identical to the information that was at issue in the appeals which resulted in each of those orders and the City has relied on the same exemption, section 8(1)(d), to deny access to the information. The appellant's representations do not identify any circumstances or raise any arguments which would distinguish this appeal from the others. Therefore, I am of the view that the information at issue qualifies for exemption under section 8(1)(d) of the Act.

I find nothing improper in the City's decision to exercise its discretion under section 8(1)(d) of the Act to deny access to the exempt information, in the circumstances of this appeal.

ORDER:

I uphold the City's decision.

Original signed by: _____ February 2, 1993
Asfaw Seife
Inquiry Officer