



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

ORDER M-97

Appeal M-9200203

Belleville Board of Commissioners of Police



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 Belleville Board of Commissioners of Police (the Police) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to the name of a deceased person whose body was found in a field. The Police provided the requester with partial access to a record titled "Sudden Death Report", which set out particulars of the discovery of the body, but denied access to the name and other identifying particulars of the deceased, the individuals who discovered the body, and the officers who attended the scene. The Police severed this information on the grounds that disclosure of the severed portions of the record would constitute an unjustified invasion of personal privacy under section 14 of the Act.

The requester appealed the decision of the Police to deny access to the name of the deceased. The appellant is interested only in the name of the deceased, and not in other personal information of the deceased or of other persons identified in the record.

Mediation was unsuccessful, and notice that an inquiry was being conducted to review the decision of the Police was sent to the appellant, the Police and a member of the deceased person's family. The appellant and the Police both chose not to make representations, stating that they were prepared to accept whatever decision was made. The member of the deceased person's family submitted representations supporting the decision of the Police.

ISSUES:

The issues in this appeal are:

- A. Whether the record contains 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 14 of the Act applies.

SUBMISSIONS/CONCLUSIONS:

ISSUE A: Whether the record contains personal information as defined in section 2(1) of the Act.

"Personal information" is defined in section 2(1) of the Act, in part, as follows:

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

...

- (h) the individual's name if 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 only information at issue in this appeal is the name of the deceased person. In this instance, the name of the deceased person appears with other personal information of the individual which has previously been disclosed to the appellant. This includes the date, time and place of discovery of the death of the deceased person. Disclosing the deceased person's name would, therefore, have the effect of revealing other personal information about the individual. In the circumstances of this appeal, I find that the name of the deceased person qualifies as personal information within the meaning of section 2(1) of the Act.

Section 2(2) of the Act states:

Personal information does not include information about an individual who has been dead for more than thirty years.

Section 2(2) has no application in the circumstances of this appeal, as the death occurred within the past thirty years.

ISSUE B: If the answer to Issue A is yes, whether the mandatory exemption provided by section 14 of the Act applies.

Section 14(1)(f) of the Act reads:

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.

Section 14(1)(f) is an exception to the mandatory exemption which prohibits the disclosure of personal information. In order for me to find that the section 14(1)(f) exception 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 section 14(1)(f) does not apply. Having found that the name of the deceased person qualifies as personal information, and in the absence of any evidence or argument weighing in favour of finding that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy, I find that the exception contained in section 14(1)(f) does not apply.

ORDER:

I uphold the decision of the Police not to disclose the name of the deceased person.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

_____ March 9, 1993