



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

ORDER M-101

Appeal M-910422

Nipissing Board of Education



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ORDER

This is my Final Order disposing of the one outstanding issue in Interim Order M-71, dated December 10, 1992.

In Interim Order M-71, I ordered the Nipissing Board of Education (the Board) to properly exercise its discretion under section 38(a) of the Municipal Freedom of Information and Protection of Privacy Act (the Act) with respect to the records which I found satisfied the requirements of section 6(1)(b) of the Act.

In the Interim Order, I found that the Board had not properly exercised its discretion because, given the facts of this particular case, it had clearly not considered factors personal to the requester.

The Board provided written representations, most of which deal with issues other than the proper exercise of discretion under section 38(a). However, in my view, the final portion of the representations do comply with the terms of Order M-71 and, taking into consideration the factors referred to in this portion of the representations, I feel that the Board's exercise of discretion is in compliance with section 38(a) of the Act and should not be altered on appeal.

ORDER:

I uphold the Board's decision to withhold the records from disclosure under section 38(a) of the Act.

Original signed by: _____
Tom Mitchinson
Assistant Commission

_____ March 10, 1993