



**Information and Privacy  
Commissioner/Ontario**

**Commissaire à l'information  
et à la protection de la vie privée/Ontario**

# **ORDER M-100**

**Appeal M-9200154**

**The Carleton Roman Catholic Separate School Board**



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# ORDER

## BACKGROUND:

The Carleton Roman Catholic Separate School Board (the School Board) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to all personal information in the custody or under the control of the School Board and St. Francis of Assisi School pertaining to the requester, his wife and his three children.

The School Board contacted the requester to clarify his request and confirmed to him in writing that the request "... pertains to only those school and/or Board records which document, explain or report incidents in which your children, yourself or your wife were involved".

The School Board granted partial access to a 108 page record which it identified as being responsive to the request. Access was denied to information contained in four pages of the record pursuant to section 13 of the Act. The requester appealed the School Board's decision to deny access to the information severed from the record, and believes that additional records responsive to his request exist.

During mediation of the appeal, the School Board located and granted access to six additional pages.

Mediation was not successful, and notice that an inquiry was being conducted to review the School Board's decision was sent to the appellant and the institution. Representations were received from the School Board and the appellant.

The appellant's children are less than 16 years of age. Section 54(c) of the Act states:

Any right or power conferred on an individual by this Act may be exercised,

if the individual is less than sixteen years of age, by a person who has lawful custody of the individual.

The School Board did not indicate that any personal information of the appellant's children was severed from the records disclosed to the appellant. It is apparent, therefore, that the School Board was satisfied that it was appropriate to consider the request under section 54(c). I agree.

## ISSUES:

The issues arising in this appeal are:

[IPC Order M-100/March 10, 1993]

- A. Whether the School Board has conducted a reasonable search for responsive records.
- B. Whether the information contained in the record qualifies as "personal information" as defined in section 2(1) of the Act.
- C. If the answer to Issue B is yes, whether the discretionary exemption provided by section 38(a) of the Act applies.

## **SUBMISSIONS/CONCLUSIONS:**

### **ISSUE A: Whether the School Board has conducted a reasonable search for responsive records.**

The School Board submits that extensive searches for responsive records were carried out initially by the Freedom of Information Coordinator who received the request, and, subsequently, by the new Freedom of Information Coordinator in response to inquiries by the Appeals Officer during mediation. The School Board has provided a written summary of all steps taken in response to the appellant's request, and indicated that searches were carried out for the following types of records: Ontario Student Records, teacher day books, teacher anecdotes and teacher records, school office files and departmental student files.

The School Board wrote that "... the Carleton Roman Catholic School Board operates as a decentralized system which includes satellite offices", and that searches were conducted of the Board office files, Student Services Department files, Program Department files, Transportation Department files, and St. Francis of Assisi School including the Special Education files and classroom teacher anecdotes. The School Board identified 15 persons who were responsible for conducting a search. These included two Freedom of Information Coordinators, the School Board Psycho-Educational Consultant, the Education Consultant, the Board Social Worker, the Elementary Program Co-ordinator and former Principal of St. Francis of Assisi School, the Manager of the Transportation Department, the Principal of St. Francis of Assisi School, and 7 other persons.

I have considered the representations submitted by the appellant and the School Board and I am satisfied that the School Board's search for responsive records was reasonable in the circumstances of this appeal.

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

"Personal information" is defined in section 2(1), in part, as "recorded information about an identifiable individual ...". I have reviewed the record and, in my view, it contains recorded information about identifiable individuals and thereby satisfies the requirements of the definition of personal information. The four pages of the record which are at issue contain the personal information of the appellant and his children.

**ISSUE C: If the answer to Issue B is yes, whether the discretionary exemption provided by section 38(a) of the Act applies.**

Under Issue B, I found that the information contained on the four pages of the record which are at issue in this appeal contain the personal information of the appellant and his children.

Section 38(a) provides an exception to the general right of access to personal information by the person to whom the information relates. This section reads:

A head may refuse to disclose to the individual to whom the information relates personal information,

if section 6, 7, 8, 9, 10, 11, 12, **13** or 15 would apply to the disclosure of that personal information; [emphasis added]

The information to which the appellant has been denied access consists of excerpts from notes made by two teachers regarding remarks made about the appellant by his children. The School Board submits that this information qualifies for exemption under section 13 of the Act, because disclosure of these portions of the record could seriously threaten the health and safety of the appellant's children. Section 13 of the Act states:

A head may refuse to disclose a record whose disclosure could reasonably be expected to seriously threaten the safety or health of an individual.

I have carefully reviewed the teachers' notes and considered the submissions of both parties. I have also

considered that the subject matter of the teachers' notes was discussed at a meeting attended by the principal, the appellant, and the Children's Aid Society, and that the appellant is already aware of the children's remarks. I am not satisfied that disclosure of the children's remarks to the appellant could reasonably be expected to seriously threaten the safety or health of the children and, in my view, the information does not qualify for exemption under section 13 of the Act. Accordingly, I find that section 38(a) of the Act is not available.

**ORDER:**

1. I order the School Board to disclose the information severed from the record to the appellant within fifteen (15) days of the date of this order.
2. In order to verify compliance with this order, I order the School Board to provide me with a copy of the pages of the record which are disclosed to the appellant pursuant to Provision 1, **only** upon my request.

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

\_\_\_\_\_ March 10, 1993