

ORDER M-113

Appeal M-9200246

Halton Board of Education

ORDER

BACKGROUND:

The Halton Board of Education (the Board) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to:

A copy of the rationale which [a named individual] provided to the Board on January 15, 1992 regarding his three motions on the Key Communicator Program.

Pursuant to section 21 of the Act, the Board invited the named individual to make representations as to why the record, or parts thereof, should not be disclosed. Despite the named individual's objection to disclosure, the Board decided to grant access to the record. The named individual appealed the Board's decision.

The record identified as responsive to this request is a three-page document entitled, "Background to Key Communicator motion of January 15, 1992".

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

ISSUES:

The issues arising in this appeal are:

- A. Whether the information contained in the record qualifies as "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 information contained in the record qualifies as "personal

information', as defined in section 2(1) of the Act.

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

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

...

(d) the address, telephone number, fingerprints or blood type of the individual,

(e) the personal opinions or views of the individual except if they relate to another individual,

...

(g) the views or opinions of another individual about the individual, and

...

The Board submits that parts of the record consist of the personal opinions or views of the appellant about the Key Communicator program, and this information qualifies as the personal information of the appellant.

The appellant did not address the issue of whether the record contains his personal information. The appellant's submissions relate only to the issue of whether disclosure of the record would be an unjustified invasion of his personal privacy.

The appellant is an elected school trustee. Many of the opinions and views expressed by the appellant are in relation to a Board program, and are identified as background material to a motion the appellant, within his responsibilities as a trustee, made in a public Board meeting. Having reviewed the records, in my view, the appellant's views and opinions about the Board program were expressed in the appellant's capacity as a publicly elected official, and are not "personal" opinions or views. These views and opinions cannot be categorized as "personal information" as defined in section 2(1) of the Act.

Part of the record contains the appellant's home address and, in my view, only this part of the record qualifies as the appellant's personal information.

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

Once it has been determined that a record contains personal information, section 14(1) of the Act prohibits the disclosure of this information except in certain circumstances. Specifically, 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.

In Issue A, I found that the only personal information contained in the record is the appellant's home address. In order for me to find that the section 14(1)(f) exception applies, I must find that disclosure of the appellant's home address would **not** constitute an unjustified invasion of personal privacy.

In the circumstances of this appeal, the representations I have been provided with are focused on disclosure of the appellant's views and opinions, and do not address disclosure of the appellant's home address. Having found that the appellant's home address qualifies as personal information, and in the absence of any representations 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, and the appellant's home address is properly exempt from disclosure under section 14(1) of the Act.

ORDER:

1. I uphold the Board's decision to disclose the record, with the exception of the appellant's home address, and I order the Board to disclose this information to the requester within 35 days of the date of this order and **not** earlier than the thirtieth (30th) day following the date of this order.
2. In order to verify compliance with the provisions of this order, I order the Board to provide me with a copy of the record which is disclosed to the requester pursuant to Provision 1, **only** upon my request.

Original signed by: _____
 Holly Big Canoe
 Inquiry Officer

_____ March 31, 1993