



Information and Privacy
Commissioner/Ontario

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

ORDER M-141

Appeal M-9200306

Town of Parkhill



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 Town of Parkhill (the Town) received a nine-part request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to information relating largely to the Town's staff matters.

The Town provided the requester with records relating to eight of the nine items but refused access to the record responsive to item 5 of the request relating to "vacation times and sick days already taken by the [Town Clerk] in 1992". Access to this record was refused pursuant to section 14 of the Act. The requester appealed the Town's decision.

Mediation was unsuccessful, and the matter proceeded to inquiry. The Notice of Inquiry was sent to the appellant, the Town and the Town Clerk (the affected person). Representations were received from the Town and the affected person only.

The record at issue is entitled "Employee Attendance Record" and contains the vacation time and sick days taken by the affected person in 1992.

ISSUES:

The issues arising in this appeal are as follows:

- A. Whether any of 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 record qualifies for exemption pursuant to the mandatory exemption provided by section 14 of the Act.

SUBMISSIONS/CONCLUSIONS:

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

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

... recorded information about an identifiable individual, including:

...

- (h) the individual's name where 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;

I have reviewed the record, and in my view, vacation and sick days actually taken by the affected person is information which satisfies the definition of personal information under section 2(1) of the Act, and relates solely to the affected person.

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

Under Issue A, I found that the record contains the personal information of the affected person.

Section 14(1) of the Act prohibits the disclosure of personal information to any person other than to the individual to whom the information relates, except in certain circumstances listed under the section.

In my view, the only exception to the section 14(1) mandatory exemption which has potential application in the circumstances of this appeal is section 14(1)(f), which reads as follows:

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.

Because 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 section 14(1)(f) 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 representations I have been provided with weigh in favour of finding that the section 14(1)(f) exception does not apply, and in the absence of evidence to the contrary, I find that the mandatory exemption provided by section 14(1) applies to the record.

ORDER:

I uphold the decision of the Town.

Original signed by: _____
Asfaw Seife
Inquiry Officer

_____ June 10, 1993