



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

# ORDER P-448

Appeal P-9200658

Ministry of Transportation



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# ORDER

## BACKGROUND:

The Ministry of Transportation (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for correction of personal information relating to the requester. The Ministry wrote to the requester seeking clarification of the request, to determine which records and which statements within the records were to be corrected and the nature of the corrections sought by the appellant. In a letter to the Ministry, the appellant identified the record as a two-page excerpt from a Special Investigation Report dated April 1990 prepared by a Senior Enforcement Investigator for the Ministry. The appellant also listed five requested corrections to the excerpt from the Special Investigation Report. References to requested correction numbers in this order relate to these numbered correction requests.

In its decision letter, the Ministry advised the appellant that his personal information in the Special Investigation Report had been corrected. An amended copy of the two-page excerpt was attached to the decision, with an internal memo explaining the Ministry's position on the requested corrections.

The requester appealed the decision. Attempts to resolve this appeal through mediation were not successful and notice that an inquiry was being conducted to review the decision of the Ministry was sent to the appellant and the Ministry. Written representations were received from both parties.

The record at issue consists of the title page and part of pages 14 and 15 of the Special Investigation Report. The Report concerns an investigation into complaints about the mechanical conditions of certain public transit buses. The excerpt from pages 14 and 15 of the report relates to the investigation of a particular incident involving a bus driven by the appellant in the course of his employment.

## ISSUES:

The issues arising in this appeal are as follows:

- A. Whether the information in respect of which a correction request has been made qualifies as the appellant's personal information under section 2(1) of the Act.
- B. Whether the Ministry's processing of the appellant's request for correction of personal information is in accordance with the Act.

## SUBMISSIONS/CONCLUSIONS:

**ISSUE A: Whether the information in respect of which a correction request has been made qualifies as the appellant's personal information under section 2(1) of the Act.**

Section 2(1) of the Act reads, in part, as follows:

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

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except where they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (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 in its entirety and in particular the information which the appellant wished corrected. I find that only the information relating to the requested corrections numbers 4

and 5 satisfies the definition of personal information under section 2(1) of the Act and relates to the appellant. Request 4 is a reference to a possible operating error committed by the

appellant while applying the brakes of the bus he was driving. Request 5 concerns a reference to the existence of a letter of reprimand against the appellant. The remaining information in the record is not personal information about the appellant, rather it is general information concerning the investigation of complaints conducted by the Ministry regarding certain mechanical defects on vehicles owned by the appellant's employer. Specifically, I find that the information relating to the requested corrections 1, 2 and 3 is not personal information and does not relate to the appellant.

**ISSUE B: Whether the Ministry's processing of the appellant's request for correction of personal information is in accordance with the Act.**

Section 47(2) of the Act provides:

Every individual who is given access under subsection (1) to personal information is entitled to,

- (a) request correction of the personal information where the individual believes there is an error or omission therein;
- (b) require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made; and
- (c) require that any person or body to whom the personal information has been disclosed within the year before the time a correction is requested or a statement of disagreement is required be notified of the correction or statement of disagreement.

Under section 47(2), an individual's entitlement to request corrections is limited to personal information that relates to the individual. Since I have found that the information relating to requested correction numbers 1, 2 and 3 is not personal information, the appellant has no right to request correction of this information pursuant to section 47(2) of the Act. Therefore, the only items remaining at issue are requested correction numbers 4 and 5.

With regard to the requested correction 4, the Ministry states that it "has no authority to open the investigation in order to evaluate the proposed correction. Therefore, the decision ... was to clarify the record by deleting all reference to whether the requester engaged or disengaged the brakes." With regard to request 5, the Ministry stated that it was unable to ascertain whether a letter of reprimand was issued to the appellant and agreed to correct the Special Investigation Report by deleting the statement which referred to the letter. The Ministry's position is that it has corrected the appellant's personal information and has complied with the requirements of section 47(2).

The appellant states that deletion of the information from the record is not an acceptable method of correction; however, he does not indicate the method he prefers.

In my view, the appropriate method of correction of personal information should be determined by taking into account the nature of the record, the method indicated by the requester, if any, and what would be the most practical and reasonable method in the circumstances. In the circumstances of this appeal, in the absence of any specific method of correction requested by the appellant, the Ministry chose to delete the disputed statements from the record. The Ministry also advised the appellant that the amended version of the Special Investigation Report could, upon his request, be distributed to persons who had been given access to the original version within the 12 months before the time the correction request was made.

I find that the Ministry has corrected the personal information and in my view, the deletion of the disputed statement from the record was an appropriate method of correction in the circumstances of this appeal. I am satisfied that the Ministry's processing of the appellant's request for correction of personal information is in accordance with the provisions of section 47(2) of the Act.

**ORDER:**

I uphold the Ministry's decision.

Original signed by: \_\_\_\_\_  
Asfaw Seife  
Inquiry Officer

\_\_\_\_\_  
April 23, 1993