



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

ORDER P-461

Appeal P-9200583

Northern College of Applied Arts and Technology



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ORDER

Northern College of Applied Arts and Technology (the College) received a request for copies of final examinations for courses taken by the requester at the College, including copies of the correct answers. The College responded to the requester by providing him with copies of the exams he wrote, including his answers, but withheld the correct answers pursuant to section 18(1)(h) of the Freedom of Information and Protection of Privacy Act (the Act). The requester appealed the decision not to provide him with the correct answers.

Notice that an inquiry was being held to review the decision was sent to the College and the appellant. Representations were received from the College.

The record at issue consists of the correct answers for examinations in seven courses.

The sole issue arising in this appeal is whether the discretionary exemption provided by section 18(1)(h) applies to the record. Section 18(1)(h) of the Act provides as follows:

A head may refuse to disclose a record that contains,

questions that are to be used in an examination or test for an educational purpose;

In its representations, the College states:

There is a finite number of questions and answers related to any particular course. Collège Northern College intends to administer these exams, or part thereof, on a continuing basis. It is important that the correct answers not be in the public domain.

While I can appreciate the position of the College, in my view, it is clear that section 18(1)(h) applies to "questions" only. I also note that the exam questions have already been disclosed to the appellant. The record at issue does not contain "questions", but rather contains the correct answers to questions. Therefore, I find that the record does not qualify for exemption under section 18(1)(h) of the Act.

ORDER:

1. I order the College to disclose the record to the appellant within fifteen (15) days from the date of this order.
2. In order to verify compliance with this order, I order the College to provide me with a copy of the record which is disclosed to the appellant in accordance with Provision 1, **only** upon request.

Original signed by: _____
Tom Wright

_____ May 19, 1993

Commissioner