



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-154

Appeal M-9200184

Halton Board of Education



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ORDER

BACKGROUND:

This appeal arises from a request made to the Halton Board of Education (the Board) for access to: "[a] copy of all records containing personal information about me ..., in the custody or control of the Halton Board [o]f Education".

The Board identified a number of records which were responsive to the request and it invited several persons (the affected persons) who are mentioned in the records to make representations as to the disclosure of the records, or parts thereof.

The Board decided to grant access to the records and the affected persons were advised of this decision. One of the affected persons appealed the Board's decision. The records relating to the other affected persons have been disclosed.

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 Board only.

The only record at issue is a seven-page document entitled, "A Report on the Key Communicator Program of the Halton Board of Education" and is identical to one of four records which were dealt with in Order M-114, dated March 31, 1993. The appellant in this appeal was also the appellant in Order M-114.

The outcome of this appeal turns on whether the record contains the appellant's personal information. If the information is not the appellant's personal information that is the end of the matter. At page three of Order M-114, Inquiry Officer Holly Big Canoe stated:

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.

I agree with Inquiry Officer Big Canoe and I find that the record at issue does not contain the personal information of the appellant.

ORDER:

1. I uphold the Board's decision and order the Board to disclose the record 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 request.

Original signed by: _____
Tom Wright
Commissioner

_____ June 28, 1993