



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

ORDER P-563

Appeal P-9300157

Management Board Secretariat



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ORDER

BACKGROUND:

The Management Board of Cabinet (now Management Board Secretariat) (the Secretariat) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to information relating to members and employees of ministries and bodies for which the Secretariat is responsible. The Secretariat subsequently clarified the request with the requester and granted him partial access to the records. Portions of the records were withheld from disclosure pursuant to section 21 of the Act. The requester appealed.

Mediation was not successful and notice that an inquiry was being conducted to review the Secretariat's decision was sent to the appellant and the Secretariat. Representations were received from the Secretariat only.

ISSUES:

- A: Whether the information in the records 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 21 of the Act applies.

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

Section 2(1) of the Act states, in part:

"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,

...

The information at issue is the home address and telephone number, date of birth, prior work experience and Social Insurance Number (the S.I.N.) of employees and members of ministries and bodies for which the Secretariat is responsible. In my view, this information clearly falls within the definition of "personal information" pursuant to section 2(1) of the Act, and relates to individuals other than the appellant.

ISSUE B: If the answer to Issue A is yes, whether the mandatory exemption provided by section 21 of the Act applies.

Section 21(1) of the Act prohibits the disclosure of personal information to any person other than the individual to whom the information relates, except in certain circumstances listed under the section.

In my view, the only exception to the section 21(1) mandatory exemption which has potential application in the circumstances of this appeal is section 21(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.

Section 21(1)(f) is an exception to the mandatory exemption which prohibits the disclosure of personal information. In order for me to find that section 21(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 only representations I have been provided with weigh in favour of finding that section 21(1)(f) does not apply. Having found that the information at issue qualifies as personal information, and in the absence of any evidence or argument 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 21(1)(f) does not apply.

ORDER:

I uphold the decision of the Secretariat.

[IPC Order P-563/October 22, 1993]

Original signed by: _____
Anita Fineberg
Inquiry Officer

_____ October 22, 1993