



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

# **ORDER P-488**

**Appeal P-9200766**

**The Ontario Native Affairs Secretariat**



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# ORDER

## BACKGROUND:

The Ontario Native Affairs Secretariat (ONAS) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for the Teme-Augama Anishnabai (TAA) 1992-1993 budget under the Contribution Agreement and the TAA Statement of Revenue and Expenditures for the 1991-1992 fiscal year. The request was referred to the Ministry of the Attorney General (the Ministry) as agent for the ONAS for processing.

The Ministry located the records responsive to the request and disclosed the Contribution Agreement which includes the 1992-1993 budget, in full, but denied access to portions of the Statement of Revenues and Expenditures pursuant to section 21 of the Act. The requester appealed the decision.

During mediation, the requester agreed to limit the scope of the appeal to three severed dollar figures on page six of the TAA Statement of Revenue and Expenditures for the 1991-1992 fiscal year. These can be described as, "Employment Costs" under the sub-heading "Forestry", and "Employment Costs" and "Consultants" under the sub-heading "Cultural Landscape" all of which appear in the "Salaries/Contracts" column of the record.

Further mediation was not possible, and a notice that an inquiry was being conducted to review the Ministry's decision was sent to the appellant, the Ministry, the ONAS, and the two Chiefs of the TAA (the affected parties). Written representations were received from the ONAS only.

## ISSUES:

The issues arising in this appeal are:

- A. Whether the information severed from 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 mandatory exemption provided by section 21 of the Act applies to any of the severed portions of the record.

## **SUBMISSIONS/CONCLUSIONS:**

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

"Personal information" is defined in section 2(1) of the Act in part, as, "... recorded information about an identifiable individual ..."

The ONAS maintains that "the severed information may describe an individual's finances and income ..." and therefore qualifies as "personal information" under section 2(1) of the Act as "there is evidence, as outlined above, that the severed information pertains to an individual who might be identifiable by the requester and citizens in the requester's community".

In its representations, ONAS argues that where a much smaller dollar figure is involved, the decision to sever was based on the fact that it is likely that the salary dollars are being paid to only one incumbent and therefore it would be possible for the requester to link the salary to an identifiable individual. However, ONAS admits that despite repeated efforts to determine if the severed information was the income of an identifiable individual, it has received no response from the TAA.

In the absence of this type of verification, any evidence provided by ONAS to substantiate its arguments are based on speculation. Accordingly, I find that there is insufficient evidence that the information severed from the record can be attributed to an identifiable individual for the purposes of satisfying the definition of "personal information" set out in section 2(1) of the Act.

Since I have found that the information severed from the record does not qualify as the personal information of an identifiable individual, it is not necessary to consider Issue B.

## **ORDER:**

1. I order the Ministry to disclose the three dollar figures on page six of the TAA Statement of Revenue and Expenditures for the 1991-1992 fiscal year within 35 days of the date of this order and not earlier than the thirtieth (30th) day following the date of this order. The information is described as, "Employment Costs" under the sub-heading "Forestry", and "Employment Costs" and "Consultants" under the sub-heading "Cultural Landscape" all of which appear in the "Salaries/ Contracts" column.
2. In order to verify compliance with the provisions of this order, I order the Ministry to provide me with a copy of the record which is disclosed to the appellant pursuant to Provision 1, **only** upon request.

Original signed by: \_\_\_\_\_  
Holly Big Canoe  
Inquiry Officer

\_\_\_\_\_ June 29, 1993