



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

ORDER P-523

Appeal P-9300164

Ministry of Health



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ORDER

BACKGROUND:

The Ministry of Health (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to the names and addresses of attendees and invitees of the Ministry's Medical Information/Computer Forum held on December 2, 1992 in London, Ontario. The Ministry located three records responsive to the request: Record 1 is a list of health care providers in the London area to whom an invitation to attend the forum was sent, Record 2 is a sign-in sheet for those health care providers who actually attended the forum and Record 3 is a list of Ministry staff who attended the forum. The Ministry granted total access to Record 3, and partial access to Records 1 and 2. The Ministry severed some of the addresses on these two records pursuant to section 21 of the Act. The requester appealed the Ministry's decision.

During the processing of the appeal, the Ministry reconsidered its decision and disclosed Record 2 to the appellant on the basis that the addresses in this record are only the office addresses of the health care providers.

Further mediation of the appeal was not successful and notice that an inquiry was being conducted to review the Ministry's decision was sent to the appellant and the Ministry. Representations were received from both parties.

THE RECORD AT ISSUE:

The only record which remains at issue is Record 1. This record is a 48-page computer printout entitled "Provider List - London." It contains the names and addresses of the health care providers in the London area. The names of all of the providers and some of the addresses have been disclosed to the appellant; however, the Ministry has withheld the remaining addresses pursuant to section 21 of the Act.

ISSUES:

The issues in this appeal are as follows:

- A. Whether the information contained in the record qualifies as "personal information" as defined in section 2(1) of the Act.
- B. If the answer to Issue A is yes, and the personal information relates solely to individuals other than the appellant, whether section 21 of the Act applies.

SUBMISSIONS/CONCLUSIONS:

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

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

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

...

(d) the address, telephone number, fingerprints or blood type of the individual,

...

(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;

In its representations, the Ministry states that the addresses severed from the record are the residential addresses of the health care providers, all of them physicians in the London area. It submits that this information, coupled with the names of the physicians already disclosed to the appellant, qualifies as the personal information of the physicians under the definition of personal information. It states the names were released so that the appellant can be provided with as much information as possible without disclosing the exempt information.

The appellant states that he believes the names and addresses that have been withheld from him pertain to business entities and not to identifiable individuals. He submits that the Ministry has no statutory authority to collect the residential addresses of the physicians, and therefore, the addresses in question should be the business rather than personal addresses of the physicians.

The Ministry states that the Ministry's Provider Services Branch maintains the provider registry database which contains a wide range of information regarding all physicians currently registered with the Ministry. According to the Ministry, this database "may contain several addresses for each physician: a practice address, a mailing address; and a billing address."

The Ministry indicates that upon registration, physicians fill out a form which requires that they provide a practice/business address, as well as a mailing address where cheques/remittance will be sent. According to the Ministry, although the practice address is clearly labelled on the form,

in many cases, this portion of the form is known to contain residential addresses. The Ministry explains:

The current Ministry requirements are that this field [the practice address field] must be completed for the computer system to generate a physician billing number. There are numerous instances where the practice address field of the registry form is left blank by the physician, and only the mailing address has been provided. In these cases, the alternative address information has been entered in the database by the Ministry in the practice address information data field.

It is also recognized that many physicians do not have a practice address upon registration. Some physicians may not have a practice set up yet. A number of physicians do not set up practice and act as locum tenens (i.e. substitute for another physician) instead. In these cases, a personal home address has [been] entered in this field and onto the database.

The Ministry confirms that the addresses that have been severed from the record are those addresses which fall in the above mentioned categories. The Ministry has provided me a sample registration form completed by a physician, which demonstrates its position.

Having reviewed the Ministry's representations, and based on the information available to me, I am satisfied that those addresses severed from the record are residential/ mailing addresses of the physicians. In my view, this information is recorded information about identifiable individuals which satisfies the definition of personal information under section 2(1) of the Act. I find this personal information relates solely to individuals other than the appellant.

ISSUE B: If the answer to Issue A is yes, and the personal information relates solely to individuals other than the appellant, whether section 21 of the Act applies.

In Issue A, I found that the addresses withheld from the appellant relate solely to individuals other than the appellant. Section 21(1) of the Act is a mandatory exemption which prohibits the disclosure of personal information to any person other than to the individual to whom the information relates, except in the circumstances listed in sections 21(1)(a) through (f) of the Act.

The Ministry's position is that there are no exceptions which could apply to the information at issue. It has also provided me with representations as to why it believes disclosure of the information would constitute an unjustified invasion of the privacy of the individuals named in the record.

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

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.

Because 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 this exception applies, I must find that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy.

The appellant's representations consist of arguments that only address the desirability of disclosing the business addresses of physicians. The representations I have been provided with by the Ministry raise considerations which weigh in favour of finding that the section 21(1)(f) exception does not apply.

Having carefully reviewed the contents of the record and the provisions of the Act, and in the absence of evidence that disclosure of the information would not constitute an unjustified invasion of personal privacy, I find that the mandatory exemption provided by section 21(1) of the Act applies to the information at issue.

ORDER:

I uphold the Ministry's decision.

Original signed by:
Asfaw Seife
Inquiry Officer

August 26, 1993