



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-195

Appeal M-9300285

City of Toronto



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ORDER

On September 20, 1993, the undersigned was appointed Inquiry Officer and received a delegation of the power and duty to conduct inquiries and make orders under the provincial Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act.

BACKGROUND:

The City of Toronto (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to "a list of the Residential Care Facilities licensed by the City of Toronto" including "the facility's name, address, phone number, and its type, i.e., a home for the developmentally handicapped, etc." The City located records responsive to the request and denied access to them, relying on the exemptions provided by section 14 of the Act. The requester appealed the City's decision.

As mediation was unsuccessful, notice that an inquiry was being conducted to review the City's decision was sent to the appellant and the City. Representations were received from the City only.

ISSUES:

The issues arising in this appeal are:

- A. Whether the records contain 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 14 of the Act applies.

SUBMISSIONS/CONCLUSIONS:

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

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

"personal information" means recorded information about an **identifiable individual** ... [emphasis added]

I have examined a representative sample of the records, which consist of individual forms for each facility entitled "Residential Care Facility Registry". The forms contain information including the name, address and operator of the facility, the licensed number of residents, as well as information regarding the funding, supervision and building structure of the facility. As the appellant has not requested access to the majority of the information contained in these forms, this information is not responsive to the request and is outside of the scope of this appeal. The only responsive information contained in the records is the address, name, telephone number and "client" for each facility. The "client" describes the type of facility, i.e., children's or young offenders residence.

In Order 16, former Commissioner Sidney B. Linden canvassed the meaning of personal information as it relates to business entities. He stated that:

The use of the term "individual" in the Act makes it clear that the protection provided with respect to the privacy of personal information relates only to natural persons. Had the legislature intended "identifiable individual" to include a sole proprietorship, partnership, unincorporated associations or corporation, it could and would have used the appropriate language to make this clear. The types of information enumerated under subsection 2(1) of the Act as "personal information" when read in their entirety, lend further support to my conclusion that the term "personal information" relates only to natural persons.

I agree with the distinction made by former Commissioner Linden. The proposition that information about a business entity cannot be considered personal information within the meaning of section 2(1) of the Act was further canvassed in Orders 23, 53, 80, 113, P-369, P-394 and P-418 and is now well-established.

The representations made by the City are unclear but appear to suggest that the disclosure of the records could enable an individual to discern personal information about the residents of such facilities. The City submits that the information sought is traceable to "identifiable individuals" since such things as the observation of a named property or the review of a telephone directory could lead to the identification of a specific individual or provide personal information about an identifiable individual.

In my view, information respecting the name, address, phone number and type of the facility relate solely to a service provided by a business entity and do not contain any information about an "identifiable individual".

Therefore, I find that the portions of the records which are responsive to the request do not qualify as personal information.

Because of this finding, it is not necessary for me to consider Issue B.

ORDER:

1. I order the City to disclose to the appellant the names, addresses, telephone numbers and types of facilities described in the "Residential Care Facility Registry" forms maintained by the City within 15 days of the date of this order. A highlighted copy of the representative record is appended to the City's copy of this order. The information which is highlighted indicates the parts of the registry form which are responsive to the request and is to be disclosed. Further disclosure is to be made of the information requested in each of the 100 such forms in the custody or control of the City.
2. In order to verify compliance with this order, I order the City to provide me with a copy of the record which is disclosed to the appellant pursuant to Provision 1, **only** upon request.
3. In the event that the City has any questions respecting the portions of the records which should be disclosed, I may be approached for further direction.

Original signed by: _____
Donald Hale
Inquiry Officer

_____ September 29, 1993