



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

ORDER P-587

Appeal P-9200777

Archives of Ontario



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télééc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

ORDER

BACKGROUND:

The Archives of Ontario (the Archives) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to a specific file containing the details of a 1972 investigation into allegations of abuse by a Christian Brother at St. John's Training School in Uxbridge, Ontario (St. John's).

The Archives stated that no records existed as described in the original request but located a single file which it considered responsive, entitled "St. John's Training School Investigation", containing two separate investigations which were undertaken in 1971 and 1973 by the Inspection and Standards Branch of what was then the Department of Correctional Services.

The Archives granted the requester access in part to the records, and denied him access to the remaining information pursuant to the mandatory exemption provided by section 21 of the Act. The requester appealed the decision.

During mediation, the scope of the request was reduced to the following records:

Record 2	Memorandum dated March 12, 1973
Record 7	Correspondence dated April 5, 1973
Record 12	Correspondence dated January 6, 1973
Record 14	Memorandum dated October 29, 1971
Record 15	Memorandum dated October 26, 1971

The Archives then reconsidered their original decision and disclosed additional parts of the records to the appellant.

The appellant indicated that he was not satisfied with the Archives' new decision as he felt that much more had been deleted from the document than would be reasonably necessary to protect the identity of individuals.

Further mediation was not possible and notice that an inquiry was being conducted to review the decision was sent to the Archives, the appellant, and two individuals named in the records. The subject of the allegations investigated in the report was not notified as this individual is deceased, and the other individuals named in the records could not be located. Representations were received from the Archives and the appellant.

ISSUES:

The issues arising in this appeal are:

[IPC Order P-587/November 26, 1993]

- 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 21 of the Act applies.
- C. If the answer to Issues A and B is yes, whether there is a compelling public interest in the disclosure of the records which clearly outweighs the purpose of section 21 of the Act.

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 defines "personal information", in part, "as recorded information about an **identifiable** individual" [emphasis added].

The appellant submits that he is not seeking access to information which would lead to the identity of any individual referred to in the record. Accordingly, this information is not responsive to the request, and is not at issue in this appeal.

I have reviewed the information severed from the records and, in my view, only portions of it would lead to the identity of an individual. Specifically, this information is the name; "nickname"; age; date of birth; information relating to the location, address or place of origin of individuals; file numbers; work assignments; duration of stay at St. John's; details of individual situations; and family status of individuals. I have identified this information by "highlighting" it on the copy of the records which is being sent to the institution with this order.

The remaining portions of the records do not, in my view, contain information which relates to identifiable individuals, and, therefore, do not qualify as personal information.

Having determined that the information at issue does not qualify as personal information, it is not necessary for me to consider Issues B and C.

ORDER:

1. I order the Archives to disclose the portions of the records which are not highlighted in the copy of the records which is being forwarded to the Archives with this order. The parts of the records that should **not** be disclosed to the appellant are highlighted in yellow.

2. I order the Archives to disclose the records as referred to in Provision 1 within 35 days of the date of this order, and not before the thirtieth (30th) day following the date of this order.
3. In order to verify compliance with the provisions of this order, I order the Archives to provide me with a copy of the records which are disclosed to the appellant pursuant to Provision 1, **only** upon request.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

_____ November 26, 1993