



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER M-227**

**Appeal M-9300274**

**City of Toronto**



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# ORDER

## BACKGROUND:

The City of Toronto (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for correction of information found in a Supervisor's Temporary Employee Evaluation form concerning the requester. The requester disagreed with the supervisor's evaluation of her in general, and in particular with an entry which indicates that her supervisor had shared the evaluation with her.

In its decision letter, the City informed the requester that corrections would not be made to the record. The City advised the requester that her statement of disagreement had been attached to the record held by the City and that the requester was entitled to require that the statement of disagreement be sent to any person who had access to the record during the previous twelve months.

The requester appealed the City's decision not to correct the record. During the course of mediation, the issues were narrowed so that the sole matter remaining at issue in this appeal is the appellant's supervisor checking "yes" to the question, "Have you shared this evaluation with the employee?" in the Supervisor's Temporary Employee Evaluation form. The appellant maintains that her supervisor had not shared the evaluation with her.

Notice that an inquiry was being conducted to review the City's decision was sent to the City and the appellant. Written representations were received from the City and the appellant.

## ISSUES:

The issues arising in this appeal are:

- A. Whether the information in respect of which a correction request has been made qualifies as the appellant's "personal information" as defined in section 2(1) of the Act.
- B. If the answer to Issue A is yes, whether the City properly denied the request for correction of personal information under section 36(2)(a) of the Act.

## SUBMISSIONS/CONCLUSIONS:

**ISSUE A: Whether the information in respect of which a correction request has been made qualifies as the appellant's "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 ...

In their representations, both the City and the appellant express the view that the information at issue is the personal information of the appellant. I agree.

**ISSUE B: If the answer to Issue A is yes, whether the City properly denied the request for correction of personal information under section 36(2)(a) of the Act.**

Section 36(2)(a) of the Act provides:

Every individual who is given access under subsection (1) to personal information is entitled to,

request correction of the personal information if the individual believes there is an error or omission;

In Order 186, Commissioner Tom Wright set out the requirements necessary for granting a request for correction under section 47(2)(a) of the provincial Freedom of Information and Protection of Privacy Act, which corresponds to section 36(2)(a) of the Act. These requirements are:

1. the information at issue must be personal and private information; **and**
2. the information must be inexact, incomplete or ambiguous; **and**
3. the correction cannot be a substitution of opinion.

In Issue A, I found that the information at issue is the appellant's personal information. I find, therefore, that the first requirement has been satisfied in the circumstances of this appeal.

The appellant indicated that an affidavit in support of her position was forthcoming. Subsequently, she indicated that an affidavit would not be provided and that she would rely on the representations she previously submitted. In her representations, the appellant states:

I believe that adequate and compelling reasons exist for a correction to be made. The information in question is not merely "inexact, incomplete or ambiguous". It is quite simply false ...

The City, in its representations, states:

The information is not inexact, incomplete or ambiguous. The statement is one of fact - precise, complete, and with a single meaning; the Supervisor is stating that he shared the evaluation with the requester on 29 May 1990 ... The second part of the "correction" test is therefore not met.

In support of this position, the City has submitted an affidavit sworn by the supervisor in question, attesting to the fact that on May 29, 1990, he completed the evaluation to which the disputed information relates and that on the same date, he shared the contents of the evaluation with the appellant.

Having reviewed the record and considered the representations, in my view, there is insufficient evidence to lead me to conclude that the entry by the supervisor is false or inaccurate. In my view, an individual who requests correction of personal information must establish that there is an error or omission in the information contained in the record. In the circumstances of this appeal, I find that the appellant has failed to establish these requirements and her appeal fails on that basis.

**ORDER:**

I uphold the City's decision to deny the appellant's request for correction.

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

\_\_\_\_\_  
November 30, 1993