



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-305

Appeal M-9300490

City of Toronto



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ORDER

The City of Toronto (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for a copy of a letter written by a City surveyor to a named individual (the affected person).

The City denied access to the letter in its entirety pursuant to sections 14 and 38(b) of the Act.

The requester appealed the decision of the City.

During the course of mediation, the appellant stated that he was not interested in receiving access to the personal information of any individuals, other than himself, which might be contained in the record. Rather, he sought access to that information which specifically related to the long-standing property dispute between the appellant and the affected person.

Mediation was not successful and notice that an inquiry was being conducted to review the decision of the City was sent to the City, the appellant and the affected person. Representations were received from the appellant only.

The record is a two-page letter, dated September 7, 1993, from a City surveyor with the Department of Public Works and the Environment, to the affected party. It relates to a dispute over a fence between the properties of the appellant and the affected party.

The sole issue to be determined in this appeal is whether the record contains personal information as defined in section 2(1) of the Act, and if so, whether the exemptions provided by sections 14 and 38(b) apply.

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

The appellant's representations confirm that he is not interested in receiving access to the personal information of other individuals contained in the record. He only seeks access to his own personal information and the information about the property dispute.

I have carefully reviewed the record at issue. The content of the record deals with a matter involving a fence; it is primarily recorded information about a property, rather than an individual.

I am of the view that the few personal identifiers of other individuals referred to in the record can be severed in accordance with the principles set out in section 4(2) of the Act. Once the "personal identifiers" of these individuals are removed, the balance of the information contained in the record cannot be said to be about **identifiable individuals**.

Therefore, it does not constitute "personal information" as defined in the Act and the exemptions provided by sections 14 and 38(b) of the Act cannot apply.

The last paragraph of the letter contains a brief reference to the appellant only which constitutes his personal information. In the absence of any representations to the contrary, the appellant is entitled to receive access to this information.

I have highlighted the personal identifiers of other individuals on the copy of the record I have provided to the Freedom of Information Co-ordinator of the City with this order. These highlighted portions should not be disclosed to the appellant.

ORDER:

1. I order the City to disclose the record to the appellant in accordance with the highlighted copy I have provided to the Freedom of Information Co-ordinator of the City with a copy of this order. The highlighted portions should **not** be disclosed to the appellant.
2. I order the City to disclose the record to the appellant within thirty-five (35) days of the date of this order and not earlier than the thirtieth (30th) day following the date of the order.
3. In order to verify compliance with this order, I order the City to provide me with a copy of the record disclosed to the appellant pursuant to Provision 1, **only** upon request.

Original signed by: _____
Anita Fineberg
Inquiry Officer

_____ April 19, 1994