



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-350

Appeal M-9300565

City of Toronto



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>

NATURE OF THE APPEAL:

This is an appeal under the Municipal Freedom of Information and Protection of Privacy Act (the Act).

The City of Toronto's Planning and Development Department held a public meeting to provide a forum for residents to discuss a development proposed for their neighbourhood. The appellant's request to the City of Toronto (the City) was for copies of a mailing list compiled by the City from sign-in sheets completed at the meeting. The appellant also requested copies of "comment" sheets about the development completed by various individuals. The appellant is co-chair of the neighbourhood residents' association and indicates that she is requesting the information on behalf of the association.

The records consist of:

- An 11-page list of names and addresses; and
- Twelve comment sheets, four of which are unsigned.

The City relies on the following exemption to withhold the list and the comment sheets:

- invasion of privacy - section 14(1)

A notice of inquiry was provided to the parties to the appeal. Representations were received from the City and the appellant.

DISCUSSION:

INVASION OF PRIVACY

In order for section 14 to apply, I must first determine if the information at issue is "personal information" as defined in section 2(1) of the Act. Having reviewed the records I find that:

- The names and addresses in the list and the names, addresses and phone numbers which appear on the comment sheets are "personal information" and they are the "personal information" of individuals other than the appellant.
- The comments themselves, with names, addresses and phone numbers removed, are not personal information.
- The appellant's name and address are her own personal information.

Accordingly, section 14 cannot apply to the comments alone as they are not personal information. As well, section 14 cannot apply to the appellant's own personal information. Since no other exemption applies to

the comments alone or to the appellant's own personal information, this information should be disclosed to her.

Section 14 of the Act is a mandatory exemption and provides that personal information, such as names, addresses and phone numbers, shall not be disclosed except in certain circumstances. In my view, the only exception which might apply in this appeal is section 14(1)(f). The effect of this exception is that the section 14 exemption doesn't apply if disclosure of the personal information would not be an unjustified invasion of another individual's privacy.

Section 14(2) of the Act provides guidance in determining whether section 14(1)(f) applies. It contains a list of factors, some of which favour disclosure of the personal information and others which favour protection of privacy.

Since the personal information will not be disclosed to the appellant unless the section 14(1)(f) exception applies, I will first consider whether any of the factors which favour disclosure apply. These factors include those listed in section 14(2) and any other relevant circumstances.

In her representations, the appellant refers to two of the four factors listed in section 14(2) which favour disclosure. They are:

- desirable for the purpose of subjecting the institution's activities to public scrutiny - section 14(2)(a);
- fair determination of rights affecting the requester - section 14(2)(d).

In addition, the appellant raises her belief that no guarantees of confidentiality were given at the meeting and the fact that the meeting was public. According to the City, a City official gave a verbal assurance that the comments would be held in confidence.

Having reviewed the information before me, including the records and the circumstances under which they came into existence, and taking into consideration that one of the central purposes of the Act is to protect the privacy of individuals with respect to personal information about themselves held by government organizations, I have reached the following conclusions:

- The appellant has failed to establish that any of the listed factors in section 14 (2) which favour disclosure apply. In my view, her submissions relate primarily to the planning and development process of which the public meeting was a part.
- Even assuming that guarantees of confidentiality were not provided at the meeting, this is not a circumstance which weighs in favour of disclosure of
[IPC Order M-350/July 13,1994]

personal information.

- The fact that it was a public meeting does not mean that an individual has no interest in limiting further disclosure or dissemination of his/her personal information [Orders 180 and M-68]. Accordingly, for the purposes of this appeal, the public nature of the meeting is not a circumstance which weighs in favour of disclosure.

Although anyone attending the meeting might have been able to determine the identity of the other individuals who were present, this does not mean that the names and addresses and phone numbers of those attending should subsequently be disclosed to the appellant in the form of a list.

Since I have found that no factors or circumstances which support the application of section 14(1)(f) exception apply, the names, addresses and phone numbers contained in the records are exempt from disclosure under section 14(1) of the Act.

ORDER:

1. I order the city to disclose the comments only and the appellant's own personal information within 15 days of the date of this order.
2. I uphold the decision of the City not to disclose the names, addresses and phone numbers of the other individuals contained in the mailing list and comment sheets.
3. I reserve the right to require the City to provide me with a copy of the records which are disclosed to the appellant pursuant to provision 1.

Original signed by: _____
Tom Wright
Commissioner

July 13, 1994