



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER P-719**

**Appeal P\_9400125**

**Ministry of Finance**



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 Freedom of Information and Protection of Privacy Act (the Act). The appellant has requested a copy of a record from the Ministry of Finance (the Ministry). The record is the annual examination report completed in the summer of 1993, relating to a named credit union. This examination was conducted under section 138 of the Credit Unions and Caisses Populaires Act (the CU & CPA).

The Ministry relies on the following sections of the Act to deny access to this record:

- Third party information - section 17
- Invasion of privacy - section 21(1)

A notice of inquiry was provided to the Ministry, the appellant and the credit union named in the record (the credit union). Representations were received from the Ministry only.

## **DISCUSSION:**

### **THIRD PARTY INFORMATION**

The Ministry submits that disclosure of the information contained in the record could reasonably be expected to result in one of the harms set out in sections 17(1)(a) and (c).

For a record to qualify for exemption under these provisions, the Ministry and/or the credit union must satisfy each part of the following three-part test:

1. the record must reveal information that is a trade secret or scientific, technical, commercial, financial or labour relations information; **and**
2. the information must have been supplied to the institution in confidence, either implicitly or explicitly; **and**
3. the prospect of disclosure of the record must give rise to a reasonable expectation that one of the harms specified in section 17(1)(a) or (c) will occur.

The Ministry submits that the examination report at issue in this appeal consists of a review of the compliance of the business and operations of the credit union with the requirements of the CU & CPA, and contains both financial and commercial information relating to this organization. In my view, the information contained in the record qualifies as both financial and commercial information and part one of the test has been met.

With respect to part two of the test, I am satisfied that the information contained in the record would reveal information which was supplied to the Ministry by the credit union implicitly in confidence.

With respect to part three of the test, the Ministry states that disclosure of the information contained in the record would place the credit union at a competitive disadvantage in the market

place, which would result in undue loss to the credit union. The Ministry provides detailed evidence to demonstrate how disclosure of the information could be used by the credit union's competitors to design competitive strategies to the detriment of this organization. The Ministry further outlines the negative impact such disclosure would have on negotiations between the credit union and its individual and commercial customers. I am satisfied that disclosure of the information contained in the examination report could reasonably be expected to result in one of the harms set out in section 17(1) of the Act. As I have found that all three parts of the section 17(1) test have been satisfied, the provision applies to exempt the report from disclosure.

Because of the manner in which I have dealt with section 17(1), it is not necessary for me to consider section 21.

**ORDER:**

I uphold the Ministry's decision.

Original signed by: \_\_\_\_\_  
Laurel Cropley  
Inquiry Officer

\_\_\_\_\_ July 8, 1994