



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-382

Appeal M-9300549

City of Toronto



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NATURE OF THE APPEAL:

This is an appeal under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The request was for the names of all persons who lodged complaints with the City of Toronto (the City) in respect of a particular property. Pursuant to a request for clarification by the City, the appellant indicated that she was interested in complaints held by the Health Department's Animal Control Services section.

The record at issue consists of the undisclosed portions of the City's "Dispatch Complaint Record", which contain the complainant's name, address and telephone number.

The City denied access to this information pursuant to the following exemption:

- invasion of privacy - section 14(1).

A Notice of Inquiry was provided to the City and the appellant. Representations were received from the City only.

DISCUSSION:

INVASION OF PRIVACY

Under section 2(1) of the Act, "personal information" is defined, in part, to mean recorded information about an identifiable individual, including any identifying number assigned to the individual and the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

I have reviewed the undisclosed portions of the record and I find that they constitute the personal information of the complainant. None of the personal information in the record relates to the appellant.

Once it has been determined that a record contains personal information, section 14(1) of the Act prohibits the disclosure of this information except in certain circumstances.

Sections 14(2), (3) and (4) of the Act provide guidance in determining whether disclosure of personal information would result in an unjustified invasion of personal privacy. Where one of the presumptions in section 14(3) applies to the personal information found in a record, the only way such a presumption against disclosure can be overcome is if the personal information falls under section 14(4) or where a finding is made that section 16 of the Act applies to the personal information.

If none of the presumptions in section 14(3) apply, the City must consider the application of the factors listed in section 14(2) of the Act, as well as all other circumstances that are relevant in the circumstances of the case.

In its representations, the City submits that the personal information in the record was compiled as part of its investigation into an alleged contravention of the City's animal control by-law, and therefore, that the presumption of an unjustified invasion of personal privacy under section 14(3)(b) of the Act applies.

It has been previously established that personal information relating to investigations of alleged violations of municipal by-laws falls within the scope of the presumption provided by section 14(3)(b) of the Act (Order M-181).

I have carefully reviewed the evidence before me and I make the following findings:

1. The record was compiled and is identifiable as part of an investigation into a possible violation of law and, accordingly, I find that the presumed unjustified invasion of personal privacy provided by section 14(3)(b) applies.
2. I find that section 14(4) does not apply to the personal information in the record. The appellant has not claimed that section 16 of the Act applies in this appeal.
3. I find that the disclosure of the personal information in the record which has been withheld from disclosure would constitute an unjustified invasion of personal privacy and that the undisclosed portions of the record are properly exempt from disclosure under section 14(1) of the Act.

ORDER:

I uphold the decision of the City.

Original signed by: _____
John Higgins
Inquiry Officer

_____ August 26, 1994