



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER M-336**

## **Appeal M-9400059**

### **Metropolitan Toronto Police Services Board**



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 appellant asked to receive information about vehicle registration (licence plate) numbers from the Metropolitan Toronto Police Services Board (the Police). The registration numbers sought were those assigned to individuals who, together with the appellant, received Parking Infraction Notices (parking tags) while parked at a named location at a specific time and date. In his request, the appellant indicated that he had filed a complaint about the conduct of the officer who had issued the parking tags. The appellant then stated that he wished to match the licence plate numbers to the names and addresses of the registered car owners and contact the individuals in an attempt to find someone who could corroborate his complaint.

The Police identified 12 parking tags as containing information responsive to the request. I have reviewed each of these tags and I find that the ones identified as FI0000 and FI0001 do not contain information which is responsive to the request. The records at issue in this appeal comprise the remaining ten parking tags.

The Police rely on the following exemption to deny access to these records:

- invasion of privacy - section 14(1)

A notice of inquiry was sent to the Police and the appellant. Representations were received from both parties.

## **DISCUSSION:**

### **INVASION OF PRIVACY**

I must first determine whether the vehicle registration information in the parking tags qualifies as personal information. Under section 2(1)(c) of the Act, "personal information" is defined to mean recorded information about an identifiable individual and includes any identifying number, symbol or other particular assigned to that individual. Because vehicle registration numbers are unique identifiers which are assigned to individuals, I find that they fall within the definition of personal information for the purposes of the Act. I also find that this personal information relates to individuals other than 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 to any person other than the individual to whom the information relates, except in certain circumstances. Three such exceptions are outlined in sections 14(1)(c), (e) and (f) of the Act as follows:

A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

- (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;

- (e) for a research purpose if,
  - (i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,
  - ...
- (f) if the disclosure does not constitute an unjustified invasion of personal privacy.

The appellant submits that personal information such as the names, addresses and vehicle licence plate numbers are collected by the Police for the purpose of creating a record that is available to the general public. The appellant claims that the very fact that a parking tag is displayed on the windshield of a car makes the information on it available to the general public. I do not agree.

In my view, parking tags are issued for law enforcement purposes and not for the purpose of creating a record available to the general public. On this basis, I find that the exception in section 14(1)(c) of the Act does not apply in the circumstances of this appeal.

With respect to section 14(1)(e), the appellant states that he requires the personal information because he is researching possible wrongdoing in the conduct of a Parking Enforcement Officer. In Order P-666, Assistant Commissioner Irwin Glasberg defined "research" in the following fashion:

... the systemic investigation into and study of materials, sources, etc. in order to establish facts and reach new conclusions [and] ... an endeavour to discover new or to collate old facts etc. by the scientific study or by a course of critical investigation ...

I adopt this interpretation for the purposes of this appeal. I have carefully reviewed the records and the representations of the appellant. I find that the appellant has not established that the personal information being sought will be used for a research purpose as this term is commonly defined. On this basis, I find that the section 14(1)(e) exception to the section 14(1) mandatory exemption is not applicable in the present case.

In order to establish that section 14(1)(f) applies, it must be shown that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy. Sections 14(2), (3) and (4) provide guidance in determining whether the disclosure of personal information would constitute an unjustified invasion of personal privacy.

The Police submit that the presumption against disclosure found in section 14(3)(b) of the Act applies to the

personal information at issue in this appeal. This provision states that:

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,

was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

The Police state that the personal information on the parking tags was compiled for the purpose of enforcing compliance with municipal by-laws governing street parking. The Police point out that the tag is, in fact, a summons to the offending registered vehicle owner of the alleged infraction. The tag lists the specific infraction and the corresponding penalty or fine. If the owner chooses to dispute the contents of this record, he or she has the right to be heard in a court of law.

I have reviewed the evidence before me and find that the personal information found on the tags was compiled by the Police as part of an investigation into a possible violation of law. On this basis, I find that the disclosure of the personal information in the records would constitute a presumed unjustified invasion of the personal privacy of other individuals under section 14(3)(b) of the Act.

The appellant submits that the factors in sections 14(2)(a), (d), (e), (f), (g), (h) and (i) of the Act weigh in favour of disclosing the personal information in the records to him. As I have indicated above, once a presumption under section 14(3) of the Act has been established, it may only be rebutted by the considerations outlined in section 14(4) or the public interest override found in section 16 of the Act (Order M-170).

I have considered section 14(4) of the Act and find that the personal information found in the record does not come within the scope of this provision.

The appellant also claims that there exists a compelling public interest under section 16 of the Act which favours disclosure of the records. The appellant states that his investigation into the conduct of "an officer of the law" is a matter of public interest and, as such, should outweigh the protection of the personal privacy of other individuals. The appellant submits that he personally has nothing to gain from the disclosure of the records and that his interest is a public interest in trying to establish whether a Parking Enforcement Officer was acting in accordance with the law.

I have carefully reviewed the personal information in the records in conjunction with the representations of

the appellant. While I can appreciate the appellant's reasons for seeking access to these records, I find that there does not exist a compelling public interest in the disclosure of these records which outweighs the purpose of the section 14 exemption.

Therefore, I find that the presumption under section 14(3)(b) of the Act has not been rebutted and that the disclosure of the personal information in the record would constitute an unjustified invasion of the personal privacy of other individuals.

**ORDER:**

I uphold the decision of the Police.

Original signed by: \_\_\_\_\_  
Mumtaz Jiwan  
Inquiry Officer

\_\_\_\_\_ June 23, 1994