



Information and Privacy
Commissioner/Ontario

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

ORDER P-766

Appeal P-9400224

Ministry of the Solicitor General and Correctional Services



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NATURE OF THE APPEAL:

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The Ministry of the Solicitor General and Correctional Services (the Ministry) received a request for access to records pertaining to the background and qualifications of the three Provincial appointees to the Goderich Police Services Board.

The Ministry identified the résumés of the three appointees as the records responsive to the request. The Ministry determined that the release of these résumés might affect the interests of the appointees and, pursuant to section 28(1) of the Act, notified them that an access request had been made. The three individuals did not consent to the release of their personal information and the Ministry made the decision not to disclose these documents under the following exemption contained in the Act:

- invasion of privacy - section 21(1)

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

DISCUSSION:

INVASION OF PRIVACY

Under section 2(1) of the Act, personal information is defined to mean, in part, recorded information about an identifiable individual. I have reviewed the information contained in the three résumés and find that it qualifies as the personal information of the three Board members. The records include the names, addresses, telephone numbers and other background information about these individuals.

Section 21(1) of the Act is a mandatory exemption which prohibits the disclosure of personal information to any person other than the individual to whom the information relates. There are a number of exceptions to this rule, one of which is found in section 21(1)(f) of the Act. This section provides that a government institution must refuse to release the personal information of another individual except if the disclosure does not constitute an unjustified invasion of personal privacy.

Sections 21(2), (3) and (4) of the Act provide guidance in determining whether the disclosure of personal information would constitute an unjustified invasion of personal privacy. Section 21(3) lists the types of information whose disclosure is presumed to constitute an unjustified invasion of this sort.

The only way in which a section 21(3) presumption may be overcome is if the personal information in question falls within section 21(4) or where a finding is made under section 23 of the Act that there exists a compelling public interest in the disclosure of the record in which the personal information is contained, which clearly outweighs the purpose of the section 21 exemption.

In its representations, the Ministry submits that the records contain information relating to employment and

educational history (section 21(3)(d)) and also contain personal information which indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations (section 21(3)(h)). Therefore, the Ministry takes the position that a presumption exists that an unjustified invasion of the personal privacy of the Board members would result from the disclosure of the personal information contained in the records.

The appellant did not make any representations.

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

1. The information contained in the records consists of the employment and educational history of the three Provincial appointees. Accordingly, I find that the disclosure of this information would constitute a presumed unjustified invasion of personal privacy under section 21(3)(d).
2. I find that section 21(4) does not apply to any of the information contained in the records, nor is section 23 a relevant consideration.
3. Because I have found that disclosure of the information in the records would constitute a presumed unjustified invasion of personal privacy under section 21(3)(d), I find that the exemption in section 21(1) applies to the records in their entirety.

ORDER:

I uphold the decision of the Ministry.

Original signed by: _____
Donald Hale
Inquiry Officer

September 26, 1994