



Information and Privacy  
Commissioner/Ontario

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

# ORDER P-764

Appeal P-9400235

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 appellant has requested a copy of the service record of a named OPP officer (the officer) from the Ministry of the Solicitor General and Correctional Services (the Ministry). The records at issue are the contents of the officer's personnel file.

The Ministry relies on the following exemptions to deny access to the records:

- solicitor-client privilege - section 19
- invasion of privacy - section 21(1)

In reaching its decision, the Ministry notified the officer, who did not consent to the disclosure of the requested records.

A Notice of Inquiry was sent to the Ministry and the appellant. Representations were received from the Ministry 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. I have reviewed the records and I find that most of their contents consist of recorded information about the officer, including details of his educational and employment history, and therefore constitute his personal information. The records also contain some information which pertains to other identifiable individuals, and constitutes their personal information. In summary, I find that the records in their entirety consist of the personal information of individuals other than the appellant.

Once it has been determined that a record contains personal information, section 21(1) of the Act prohibits the disclosure of this information except in certain circumstances.

Sections 21(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 21(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 21(4) or where a finding is made that section 23 of the Act applies to the personal information.

If none of the presumptions in section 21(3) apply, the institution must consider the application of the factors listed in section 21(2) of the Act, as well as all other circumstances that are relevant in the circumstances of the case.

The appellant has not submitted representations outlining any factors which favour the disclosure of the personal information in the circumstances of this appeal. Accordingly, I find that the mandatory exemption provided by section 21(1) of the Act applies to the information contained in the officer's personnel file.

**ORDER:**

I uphold the Ministry's decision.

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

\_\_\_\_\_ September 26, 1994