



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-448

Appeal M-9400422

Metropolitan Licensing Commission



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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 Metropolitan Licensing Commission (the Commission) received a request for the names and addresses of all taxi licence holders, as well as the licence numbers and the date each licence was issued by the Commission. The Commission responded by providing the requester with a list of all corporations and partnerships which hold taxi licences along with the licence numbers and the date each was issued. The Commission denied access to the addresses of corporate and partnership licence holders and to the names, addresses, licence numbers and issuance date for all licence holders who are natural persons, claiming the application of the following exemption contained in the Act:

- invasion of privacy - section 14(1).

The requester appealed the Commission's decision to deny access. A Notice of Inquiry was provided to the appellant and the Commission. Representations were received from both parties.

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.

In Order M-430, Inquiry Officer Anita Fineberg canvassed the definition of the term "identifiable individual" in the context of a record which contained information relating to a corporation. Inquiry Officer Fineberg held that:

As section 14 of the Act applies only to personal information as defined under section 2(1), I must be satisfied that the records for which the section 14 exemption is sought contain recorded information about an identifiable individual. In this instance, I must determine whether the vendor is an identifiable individual for the purposes of the Act.

In Order 16, former Commissioner Sidney B. Linden stated that:

"Individual" is defined in Black's Law Dictionary, (fifth edition), as follows:

As a noun, this denotes a single person as distinguished from a group or class, and also, very commonly a private or natural person as distinguished from a partnership,
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corporation, or association; but it is said that this restrictive signification is not necessarily inherent in the word, and that it may, in proper cases, include artificial persons.

The use of the term "individual" in the Act makes it clear that the protection provided with respect to the privacy of personal information relates only to natural persons. Had the legislature intended "identifiable individual" to include a sole proprietorship, partnership, unincorporated associations or corporation, it could and would have used the appropriate language to make this clear. The types of information enumerated under subsection 2(1) of the Act as "personal information" when read in their entirety, lend further support to my conclusion that the term "personal information" relates only to natural persons.

I agree with the interpretation of former Commissioner Linden, and for that reason I have concluded that the vendor, identified only through its corporate designation during the course of this appeal, is not an "identifiable individual" under the Act. Accordingly, section 14 of the Act has no application in the circumstances of this appeal.

I also adopt the reasoning of former Commissioner Linden and find that the lists of corporate and partnership licence holders, including the addresses, licence number and date of issue, do not relate to identifiable individuals and as such, do not constitute personal information within the meaning of the Act. As no other exemptions have been claimed for the information contained in the corporate and partnership licence holders lists, they should be disclosed to the appellant in their entirety.

It is my view, however, that the names of licence holders who are natural persons, along with their addresses, licence numbers and the date their licences were issued, considered together, constitutes the personal information of those individuals. I further find that none of this information relates to the requester.

Once it has been determined that a record contains personal information, section 14(1) of the Act prohibits the disclosure of this personal information to any person other than the individual to whom it relates, except in certain circumstances. One such circumstance is contained in section 14(1)(c) of the Act, which reads:

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

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

In his representations, the appellant indicates that the personal information sought in this appeal is available to the public by virtue of Schedule 8 of Municipality of Metropolitan Toronto By-law 20-85 which requires,
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at section 14, that certain personal information concerning the driver and owner of each licenced taxi be displayed for the benefit of passengers in the vehicle.

I cannot agree that the public display of the personal information at issue in this appeal in this manner triggers the operation of the exception to the exemption created by section 14(1)(c). In the circumstances of this appeal, I find that the personal information about individual taxi licence holders contained in the records requested was not collected and maintained specifically for the purpose of creating a record available to the public. Rather, it was collected for the purpose of assisting the Commission in the regulation and licensing of the taxi industry. For this reason, I find that the exception provided by section 14(1)(c) has no application to the personal information contained in the records.

A further exception is contained in section 14(1)(f) of the Act. The effect of this exception is that the section 14 exemption does not apply if disclosure of the personal information would not be an unjustified invasion of another individual's privacy.

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. I find that none of the circumstances described in section 14(4) are applicable to the personal information at issue in this appeal.

The appellant has not made reference to any listed factors in section 14(2) or to any other circumstances which would weigh in favour of the disclosure of the personal information contained in the record. In the absence of any factors weighing in favour of disclosure, I find that the mandatory exemption provided by section 14(1) of the Act applies to the personal information contained in the records at issue in this appeal and it should not be disclosed.

ORDER:

1. I uphold the decision of the Commission to deny access to the personal information contained in the list of natural persons who are taxi licence holders.
2. I order the Commission to disclose to the appellant the addresses, licence numbers and date of issue for those licence holders named in the corporate and partnership licence holders lists within thirty-five (35) days of the date of this order, but not earlier than the thirtieth (30th) day following the date of this order.
3. In order to verify compliance with this order, I reserve the right to require the Commission to provide me with a copy of the records disclosed to the appellant pursuant to Provision 2.

Original signed by: _____

Donald Hale
Inquiry Officer

_____ January 23, 1995