



Information and Privacy
Commissioner/Ontario

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

ORDER M-421

Appeal M-9400416

Sault Ste. Marie Police Services Board



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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 Sault Ste. Marie Police Services Board (the Police) received a request for access to information regarding an incident in which the requester was charged by the Police with an offence under the Highway Traffic Act.

The Police located records responsive to the request and denied access to some of them pursuant to the following exemptions contained in the Act:

- law enforcement - section 8(1)(b)
- invasion of privacy - section 14

The requester appealed the decision of the Police to deny access to the records. During the course of the mediation of the appeal, the appellant agreed to limit the scope of the appeal to certain undisclosed information contained in Record 85. This information consists of the names of four individuals who were working as duty officer and dispatchers at the time the appellant was charged.

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

DISCUSSION:

INVASION OF PRIVACY

In order to determine whether the invasion of privacy exemption applies to the subject information, I must first decide if the four individual's names in Record 85 may be characterized as "personal information" within the meaning of the Act. Record 85 does not contain any personal information of the appellant.

The Police submit that the names of the duty officer and dispatchers constitute information about their employment history which falls within the definition of "personal information".

Under section 2(1) of the Act, "personal information" is defined, in part, to mean recorded information about an identifiable individual, including the education or employment history of the individual.

I find that the names of the individual employees contained in Record 85 cannot be characterized as information relating to their employment history within the meaning of the Act. Accordingly, the names of the four individual employees of the Police alone, as they appear in this record, do not qualify as their "personal information" within the meaning of the Act.

Because the invasion of privacy exemption only applies to exempt **personal information** from disclosure, it follows that this section is not applicable to exempt the names contained in Record 85 from disclosure. To disclose such information would not constitute an unjustified invasion of privacy. Since the Police have not claimed that any other exemptions apply to this portion of Record 85, and no other mandatory exemptions are applicable, it should be disclosed to the appellant.

ORDER:

1. I order the Police to disclose the names of the duty officer and dispatchers contained in Record 85 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.
2. In order to verify compliance with this order, I reserve the right to require the Police to provide me with a copy of the record which is disclosed to the appellant pursuant to Provision 1.

Original signed by: _____

Donald Hale
Inquiry Officer

_____ November 16, 1994

Note: The decision in this order was subsequently reconsidered in Order M-510.