



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-445

Appeal M-9400605

The Corporation of the City of London



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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 requester asked the Corporation of the City of London (the City) for the address and telephone number of an individual who had been his former employer.

The City identified four taxi cab licensing documents as the records which contained this information. The City decided, however, not to release the address and telephone number based on the invasion of privacy exemption found in section 14(1) of the Act. The requester appealed this decision to the Commissioner's office.

During the mediation stage of the appeal, the appellant indicated that he was no longer interested in receiving the telephone number of his former employer.

A Notice of Inquiry was provided to the City, the requester/appellant and the former employer. No formal representations were received. The City advised the Commissioner's office, however, that it wished to rely on the position taken in its original decision letter.

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 his or her address. Based on this definition, the address of the former employer constitutes his personal information for the purposes of the Act. I also find that the four records which the City has identified do not contain any personal information relating to the appellant.

Section 14(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 14(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 14(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. If none of the presumptions against disclosure outlined in section 14(3) apply, the government institution must consider the application of the factors listed in section 14(2) of the Act, as well as all other circumstances that are relevant to the case.

In its decision letter, the City indicated that none of the factors listed in sections 14(2), (3) or (4) applied to the personal information in question. For this reason, and based on the wording of section 14(1)(f) of the Act, the City's position was that the disclosure of the former employer's address must constitute an unjustified invasion of his personal privacy.

In his letter of appeal, the appellant submitted that his ability to obtain the address of his former employer was relevant to a fair determination of his rights under section 14(2)(d) of the Act. He pointed out that, once the address was released to him, he could approach his former employer so that both parties could complete a Workers' Compensation Board (WCB) questionnaire. This survey related to insurance coverage for self-employed taxi drivers.

The appellant also took the position that the release of his former employer's address would promote public health and safety under section 14(2)(b) of the Act. He felt that this result would occur if (1) he was able to obtain coverage under the Workers' Compensation Act and (2) this decision was applied to all taxi drivers in the London area. Finally, the appellant indicated that there exists a compelling public interest under section 16 of the Act to release the information in question.

Based on the evidence before me, I have made the following findings:

- (1) None of the presumptions outlined in section 14(3) of the Act apply to the personal information at issue.
- (2) The appellant has not established in sufficient detail that the personal information which he seeks has some bearing on or is significant to a WCB proceeding or that the information is required in order to prepare for the proceeding or to ensure an impartial hearing. On this basis, I find that section 14(2)(d) of the Act is not a relevant consideration in the present case.
- (3) I find that the evidence provided by the appellant does not establish a sufficiently clear relationship between the release of his former employer's address and the promotion of public health and safety under section 14(2)(b) of the Act.
- (4) There does not exist a compelling public interest in the release of the individual's address which clearly outweighs the purpose of the invasion of privacy exemption.
- (5) Since there are no considerations which weight in favour of disclosing the personal information in this appeal, the result is that the release of the former employer's address would constitute an unjustifiable invasion of this individual's personal privacy under section 14(1) of the Act. This information must not, therefore, be released to the appellant.

ORDER:

I uphold the City's decision.

Original signed by: _____
Irwin Glasberg
Assistant Commissioner

_____ January 19, 1995