



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER M-475**

## **Appeal M-9400601**

### **Corporation of the City of Nepean**



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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 Corporation of the City of Nepean (the City) received a request for access to all information relating to a specific complaint of an alleged violation of a municipal by-law. In particular, the requester sought access to a copy of the by-law occurrence report and the name and address of the complainant.

The City identified the occurrence report as the responsive record and granted partial access to it. Access was denied to the name, address and telephone number of the complainant. The requester appealed the decision to deny access.

The City relies on the following exemptions to deny access to the above information:

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

A Notice of Inquiry was provided to the appellant, the City and the complainant. Representations were received from the appellant and the City.

## **DISCUSSION:**

### **LAW ENFORCEMENT**

Section 8(1)(d) of the Act states as follows:

A head may refuse to disclose a record if the disclosure could reasonably be expected to,

disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;

In order for a record to qualify for exemption under this section, the matter which generated the record must satisfy the definition of "law enforcement" as set out in section 2(1) of the Act. Previous orders have established that inspections or investigations which are part of a by-law enforcement process qualify as law enforcement matters (Orders M-4, M-16 and M-246).

Previous orders have also established that, for a source to be confidential, the municipality must provide evidence of the circumstances in which the information was given. In particular, the municipality must demonstrate that there was a reasonable expectation of confidentiality associated with the by-law enforcement process (Order M-147).

In its representations, the City states that, as a matter of policy and practice, complainant information (name, address and/or telephone number) received in law enforcement matters, has always been held in confidence. The City explains that in such situations, complainants have been assured of confidentiality by the City and

that this is necessary to maintain the integrity of its law enforcement process. The City submits that this practice and policy was followed in the present case.

Based on the evidence before me, I make the following findings:

- (1) The by-law enforcement process of the City qualifies as "law enforcement" under the Act.
- (2) The source of the information at issue in the record is a confidential source in respect of a law enforcement matter.
- (3) That disclosure of the information at issue could reasonably be expected to lead to the harm described in section 8(1)(d) of the Act.
- (4) The information at issue properly qualifies for exemption from disclosure under section 8(1)(d) of the Act.

Because of the manner in which I have disposed of the record, I do not need to address the application of section 14(1) of the Act.

**ORDER:**

I uphold the decision of the City.

Original signed by: \_\_\_\_\_  
Mumtaz Jiwan  
Inquiry Officer

\_\_\_\_\_ February 27, 1995