



Information and Privacy  
Commissioner/Ontario

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

# ORDER P-889

Appeal P-9400529

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 Ministry of the Solicitor General and Correctional Services (the Ministry) received a request for all information and correspondence relating to the requester with respect to his appointment, and the subsequent denial of his re-appointment, to a named Police Services Board (the Board), as well as any references to him made during his tenure as a member of the Board.

The Ministry located responsive records and initially granted partial access to them. Portions of the records were withheld under section 49(b) of the Act. The requester appealed the Ministry's decision and Appeal Number P-9400310 was opened. The Appeals Officer assigned to that file identified one individual (the affected person) as potentially having an interest in one of the records at issue, and this person was notified.

During the mediation and inquiry stages of this appeal, however, the Ministry indicated that it had reconsidered its decision and was prepared to grant full access to the records. The file in Appeal Number P-9400310 was accordingly, closed.

The affected person objected to the Ministry's decision to disclose portions of a one-page record which he believes contains his personal information, and filed an appeal with the Commissioner's office. This order will dispose of the issues arising in the affected person's (now the appellant) appeal of the Ministry's decision to disclose portions of the one-page record.

A Notice of Inquiry was provided to the appellant, the Ministry and the requester. Representations were received from the requester and the appellant only.

The record at issue consists of portions of a one-page document which contain handwritten notes made by a Ministry employee recording a conversation with the appellant.

## **DISCUSSION:**

### **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 views or opinions of another individual about the individual.

I have carefully reviewed the portions of the record at issue and have considered the representations of the parties. The portions of the record at issue contain critical comments about the requester.

It has been established in a number of previous orders that information provided by an individual in a professional capacity or in the execution of employment responsibilities is not "personal information" (Orders P-326, P-333 and P-377). Upon careful review of the contents of this record, I am of the view that these comments were provided by the appellant in his professional capacity. The portions of the record at issue do not, therefore, contain his personal information.

I find that the portions of the record at issue contain only the personal information of the requester.

Because I have found that the portions of the record at issue only contain the personal information of the requester, section 49(b) cannot apply to it. This information should, therefore, be disclosed to the appellant.

**ORDER:**

1. I uphold the Ministry's decision to release the portions of the record at issue.
2. I order the Ministry to disclose the portions of the record at issue to the requester within thirty-five (35) days after the date of this order and 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 Ministry to provide me with a copy of the portions of the record disclosed to the appellant pursuant to Provision 2.

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

\_\_\_\_\_ March 13, 1995