



**Information and Privacy
Commissioner/Ontario**
**Commissaire à l'information
et à la protection de la vie privée/Ontario**

ORDER P-947

Appeal P-950022

Ministry of Community and Social Services



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Téléc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

NATURE OF THE APPEAL:

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The Ministry of Community and Social Services (the Ministry) received a request for the correction of personal information contained within the requester's employee portfolio. The Ministry denied the request for correction and the requester appealed this decision.

The record at issue consists of Part 2.2 "Portfolio Skills Assessment" contained in the employee portfolio dated June 22, 1994. The appellant lost her job as a result of downsizing at a certain regional centre. If she wished to continue employment with the Provincial government, she was required to complete an employee portfolio which outlined her educational background, work experience and skills. The portfolio is used to match employees to vacancies within the Provincial civil service. The appellant now wishes to amend this information on the basis that she was given the wrong advice at the time that she completed the form in June 1994.

Therefore, the record at issue in this appeal is the information in the appellant's employee portfolio, dated and completed on June 22, 1994 which the appellant wishes to have corrected by substituting a new Part 2.2 dated September 5, 1994.

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

DISCUSSION:

Section 47(2)(a) of the Act states:

Every individual who is given access under subsection (1) to personal information is entitled to,

request correction of the personal information where the individual believes there is an error or omission therein.

Three requirements must be met in order for an institution to grant a request for correction of personal information:

1. the information at issue must be personal and private information; **and**
2. the information must be inexact, incomplete or ambiguous; **and**
3. the correction cannot be a substitution of opinion.

The information at issue consists of an assessment of the appellant's skills completed by the appellant. This

is the appellant's personal information and is private in nature. Therefore, the first requirement of the section 47(2)(a) test has been met.

In order to determine if the second requirement noted above has been satisfied, I must determine if the information is "inexact, incomplete or ambiguous".

The appellant acknowledges that she completed the employee portfolio dated June 22, 1994. She states that she was given misleading advice at employee workshops on how to complete the forms. This advice caused her to rank herself higher in certain skill areas. Subsequent to completing the portfolio, she was sent on interviews for jobs and she realized that she was not qualified for the positions for which she was being interviewed.

The appellant then requested that her employee portfolio be returned to her. The Ministry advised her that they would not do so as she had certified that the information in the employee portfolio was correct. The appellant then submitted a correction to her portfolio, a new Part 2.2 "Portfolio Skills Assessment" dated September 5, 1994, to be substituted for the original Part 2.2.

The Ministry submits that after receiving the request for correction, it reviewed the documentary evidence on file including the appellant's original employee portfolio, dated June 22, 1994, her resume, educational certificates and other correspondence. It concluded that the information in the appellant's original employee portfolio more accurately reflects the appellant's level of skills than the correction desired by the appellant. The Ministry states that the appellant, by signing the June 22, 1994 employee portfolio, indicated that she had been consulted and that the information outlined in the portfolio was accurate. It advised the appellant that it would attach a statement of disagreement to the employee portfolio according to section 47(2)(b) of the Act.

In the circumstances of this appeal, the appellant completed an employee portfolio and now desires to change it. The Ministry reviewed the appellant's original employee portfolio and believes it to be correct. The Ministry has provided me with copies of all the documentary evidence in this matter including the appellant's resume, educational certificates, volunteer appointments and correspondence from a redeployment advisor regarding the appellant's skills. Although I am sympathetic to the desire of the appellant to change the information in the record, it is not within the mandate of this Office to assess the appellant's skills and decide which employee portfolio more accurately reflects her skills.

The information in the original portfolio was recorded by the appellant and reflects what she thought was accurate at the time. Although the appellant has now changed her position, it does not undermine the validity of the original record.

In order to meet the second requirement, the appellant must establish that the information at issue is "inexact, incomplete or ambiguous". I have reviewed the evidence before me and, in my view, the record is an evaluation by the appellant of her own skills as at June 22, 1994. I find that the record is not "inexact,

incomplete or ambiguous" and, therefore, the second part of the test has not been satisfied. The remedy provided by section 47(2)(a) of the Act is not applicable to this appeal.

As the second requirement for the correction of this personal information has not been met, I accept the position of the Ministry that this request for correction of personal information cannot be granted.

Previous orders have found that where a party who has been granted access to a record disagrees with non-factual, evaluative or opinion information contained in the document, the appropriate remedy is provided by section 47(2)(b) of the Act (Order M-201). The requester may require an institution to attach a statement of disagreement to the information, reflecting any correction requested by the requester but not made by the institution. It is my view, therefore, that the remedy available to the appellant under section 47(2) to request the Ministry to attach a statement of disagreement to the record is an appropriate one, in the circumstances of this appeal. Under section 47(2)(c), the appellant is also entitled to require the Ministry to notify any person or body to whom the record has been disclosed, within the year before the time that a statement of disagreement is required, of the statement of disagreement.

ORDER:

I uphold the decision of the Ministry.

Original signed by: _____
Mumtaz Jiwan
Inquiry Officer

_____ June 30, 1995