



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

# **ORDER P-1076**

## **Appeal P-9500521**

### **Ministry of the Solicitor General and Correctional 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/Télééc: 416-325-9195  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

## **NATURE OF THE APPEAL:**

The Ministry of the Solicitor General and Correctional Services (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to the requester's interview results and the interview scores of the other candidates in a job competition. The requester was an unsuccessful candidate in this competition.

The Ministry located a number of responsive records and granted partial access to them. Access to information pertaining to the five other candidates was denied pursuant to section 49(b) of the Act (invasion of privacy). The requester appealed this decision.

During mediation, the appellant narrowed the scope of her request to only the "Total Score" for each of the other five candidates, with their names severed.

A Notice of Inquiry was provided to the Ministry, the appellant and the five other candidates in the job competition (the affected persons). Representations were received from the appellant only.

The information which remains at issue in this appeal is the "Total Score" of the five affected persons found in the last column at the right-hand side of a one-page record identified as "Competition SGCS-3502-95". The appellant was provided with access to the portion of this record which contains her own name and test scores.

## **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 any identifying number assigned to the individual.

The appellant submits that, because she is only requesting the scores of the candidates and not their names or other personal identifiers, the scores alone could not be related to identifiable individuals and, therefore, would not qualify as personal information. The appellant contends that she would be unable to identify the names of the other five candidates based on these scores. She also submits that, because the top scoring candidate does not necessarily win the competition, the highest score on the list would not necessarily be associated with the successful candidate. Finally, the appellant points out that she was provided with precisely this same type of information by the Ministry in a previous competition where she was an unsuccessful candidate, and can see no rationale for denying her request in this case.

It is clear from the definition of personal information in section 2(1) of the Act that a number such as a test score would only constitute an individual's personal information if that number could be linked to the identity of that individual. Whether or not such a linkage exists is a factual determination which must be made in the circumstances of an individual appeal, based on representation provided by the parties and an independent review of the record by the Commissioner's officer. In this appeal, no representations were received from the Ministry or any of the affected persons. I have reviewed the record and, in the absence of any evidence which would establish a reasonable likelihood

that a particular test score could be linked to one of the five other candidates in the competition, I find that these test scores alone are not recorded information about any identifiable individual, and fail to satisfy the definition of personal information under section 2(1) of the Act.

Therefore, I find that section 49(b) of the Act does not apply, and the "Total Score" of the five affected persons should be disclosed.

**ORDER:**

1. I order the Ministry to disclose to the appellant the "Total Score" of the five affected persons found in the last column at the right-hand side of the record identified as "Competition SGCS-3502-95", within thirty-five (35) days after the date of this order but not earlier than the thirtieth (30th) day after the date of this order.
2. In order to verify compliance with the provisions of this order, I reserve the right to require the Ministry to provide me with a copy of the record which is disclosed to the appellant pursuant to Provision 1.

Original signed by: \_\_\_\_\_  
Tom Mitchinson  
Assistant Commissioner

\_\_\_\_\_  
December 5, 1995