



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

# **ORDER P-1068**

**Appeal P-9500397**

**Archives of Ontario**



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/Téléco: 416-325-9195  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

## **NATURE OF THE APPEAL:**

The Archives of Ontario (the Archives) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to information concerning the admission of the requester's mother to the Ontario Hospital in Cobourg in 1948. The requester wished to obtain information about the diagnosis which resulted in her mother's admission to the hospital, the medicine prescribed, psychological tests completed and other information. The requester is not acting as her mother's personal representative under section 66(a) of the Act in seeking access to the information. The requester's mother is recently deceased.

The Archives located records responsive to the request and provided a summary of some of the information which they contained but denied access to the remaining information based on the following exemption in the Act:

- invasion of privacy - section 21(1)

The requester appealed the Archives' decision to deny access. A Notice of Inquiry was provided to the appellant and the Archives. Representations were received from the Archives only.

The records at issue consist of the information withheld in whole or in part from 20 documents including a Registration Form, Certificates of Admission, Patient History, "Clinical Records" and the Notice of Discharge which describe the requester's mother's stay at the Ontario Hospital at Cobourg.

## **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. I have reviewed the records and find that they contain the personal information of the appellant's mother and her family. The records do not contain any personal information which relates to the appellant. I find that the responsive information contained in these records falls within the definition of personal information found in section 2(1) of the Act.

Section 21(1) of the Act prohibits the disclosure of personal information to any person other than the individual to whom the information relates, except in certain circumstances listed under the section. In my view, the only exception to the section 21(1) mandatory exemption which has potential application in the circumstances of this appeal is section 21(1)(f), which states:

A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

if the disclosure does not constitute an unjustified invasion of personal privacy.

Because section 21(1)(f) is an exception to the mandatory exemption which prohibits the disclosure of personal information, in order for me to find that section 21(1)(f) applies, I must find that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy. Sections 21(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.

The appellant did not make representations in response to the Notice of Inquiry. Having found that the records contain information which qualifies as personal information of an individual other than the appellant, and in the absence of any representations weighing in favour of finding that disclosure of the personal information would **not** constitute an unjustified invasion of personal privacy, I find that the exception contained in section 21(1)(f) does not apply, and the records are properly exempt from disclosure under section 21 of the Act.

**ORDER:**

I uphold the Archives' decision.

Original signed by: \_\_\_\_\_

Donald Hale  
Inquiry Officer

\_\_\_\_\_  
November 29, 1995