



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

# **ORDER P-1079**

**Appeal P-9500527**

**Ministry of Finance**



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## **NATURE OF THE APPEAL:**

The appellant submitted a request under the Freedom of Information and Protection of Privacy Act (the Act) to the Ministry of Finance (the Ministry). The request was in the form of five questions related to the employment of a named Ministry employee (the employee).

The Ministry provided the appellant with some information, but denied access to one record on the basis of section 21 of the Act, invasion of privacy.

The appellant filed an appeal of the Ministry's decision.

During mediation, the appellant narrowed the scope of his appeal to the following information:

- (1) the date the employee was appointed to a job in Ottawa-Carleton;
- (2) the date the employee commenced his duties; and
- (3) an indication of whether the movement to this job was a transfer or a new appointment.

All of this information is contained in the one record at issue, a letter dated March 24, 1982 from the Regional Assessment Commissioner to the employee.

A Notice of Inquiry was sent to the Ministry, the appellant and the employee. Representations were received from all three parties.

## **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 and the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

I have reviewed the information at issue and conclude that it all constitutes the personal information of the employee.

Once it has been determined that a record contains personal information, section 21(1) of the Act prohibits the disclosure of this information except in certain circumstances.

Sections 21(2), (3) and (4) of the Act provide guidance in determining whether disclosure of personal information would result in an unjustified invasion of personal privacy. Where one of the presumptions in section 21(3) applies to the personal information found in a record, the only way such a presumption against disclosure can be overcome is if the personal information falls under section 21(4) or where a finding is made that section 23 of the Act applies to the personal information.

If none of the presumptions in section 21(3) apply, the institution must consider the application of the factors listed in section 21(2) of the Act, as well as all other circumstances that are relevant in the circumstances of the case.

The Ministry submits that the requested information falls within the presumption found in section 21(3)(d) of the Act in that it relates to the employment history of the employee.

Past orders of the Commissioner's office have concluded that the dates on which employees were hired and started their employment with an institution constitute part of their employment history for the purposes of the Act (Orders M-173 and P-921). I agree with this approach and adopt it for the purposes of this appeal.

On this basis, I am of the view that the date on which the employee was appointed to a job in Ottawa-Carleton and the date on which he commenced his duties fall within the presumption in section 21(3)(d) of the Act. Similarly, I am of the view that information related to an employee's movements within an organization, such as a transfer or a new appointment, as is requested in the present appeal, is also related to employment history.

None of this personal information falls within section 21(4) of the Act. Nor does the appellant maintain that there is a public interest in the disclosure of this information under section 23 of the Act. Accordingly, I find that the presumption in section 21(3)(d) has not been rebutted. To disclose the requested information would result in an unjustified invasion of the personal privacy of the employee under section 21 of the Act.

**ORDER:**

I uphold the decision of the Ministry.

Original signed by: \_\_\_\_\_  
Anita Fineberg  
Inquiry Officer

\_\_\_\_\_ December 8, 1995