



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

ORDER M-827

Appeal M_9600168

City of Ottawa



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NATURE OF THE APPEAL:

This appellant made a request for access to records under the Municipal Freedom of Information and Protection of Privacy Act (the Act) to the City of Ottawa (the City). The request was for copies of records relating to a by-law complaint made against the appellant's company. The City provided partial access to the records. The City withheld the name and telephone number of the complainant pursuant to the following exemptions.

- invasion of privacy - section 14
- law enforcement - section 8(1)(d)

The appellant appealed the decision to deny access. No mediation was possible and a Notice of Inquiry was provided to the appellant and the City. Representations were received from the City.

DISCUSSION:

LAW ENFORCEMENT

The City claims that section 8(1)(d) of the Act applies to the name and telephone number of the complainant. This section states:

A head may refuse to disclose a record if the disclosure could reasonably be expected to,

disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source.

The City submits that its by-law enforcement system routinely receives complaints and it is their practice to inform complainants that their names will be kept confidential.

Previous orders of the Commissioner have determined that a municipality's by-law enforcement process qualifies as a "law enforcement" matter for the purposes of section 2(1) of the Act (Orders M-16 and M-582). I agree with the reasoning in those orders and adopt their findings for the purposes of this appeal. The record in this appeal concerns the alleged infraction of the City's sign by-law and I find, therefore, that it relates to a law enforcement matter.

I have reviewed the record and representations of the City and find that the disclosure of the name and telephone number of the complainant would reveal the identity of a confidential source of information in respect of a law enforcement matter. Accordingly, I find that the severed portion of the record at issue is exempt under section 8(1)(d) of the Act.

Because of the manner in which I have addressed the application of section 8(1)(d) to this information, it is not necessary for me to determine whether it is exempt from disclosure under the invasion of privacy exemption.

ORDER:

I uphold the City's decision.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

_____ August 28, 1996