



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

# **ORDER P-1298**

**Appeal P-9600261**

**Ministry of Natural Resources**



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 Natural Resources (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for information pertaining to two specified property lots. The requester specified that relevant information would likely be found in Ministry correspondence or letter files with the property owners of the two lots. The Ministry located records responsive to the request and determined that the interests of a number of individuals would be affected by disclosure of the information. The Ministry notified these individuals pursuant to section 28 of the Act, and requested their comments regarding disclosure of the records.

Two individuals consented to disclosure of the records pertaining to them. Two objected to the disclosure of any information pertaining to them, and two did not respond. The Ministry subsequently issued a decision in which it granted partial access to the records. Access was denied in full or in part to the remaining records on the basis of section 21(1) of the Act (invasion of privacy).

The requester (now the appellant) appealed this decision.

During mediation, the appellant indicated that he was not interested in pursuing access to the severed portions of the records which were disclosed. Therefore, only those records which were withheld in full are at issue in this appeal. These records consist of notes made by a Ministry staff (Records 1 - 4), and correspondence between the Ministry and two of the individuals referred to above (the affected persons) (Records 5 - 9).

This office provided a Notice of Inquiry to the Ministry, the appellant and the two affected persons. Representations were received from the Ministry and the appellant.

## **DISCUSSION:**

### **INVASION OF PRIVACY**

Section 2(1) of the Act defines personal information, in part, as “recorded information about an identifiable individual”. I have reviewed the information contained in the records at issue and I find that it concerns the two affected persons, and thus qualifies as their personal information. None of the information in the records pertains to the appellant.

Once it has been determined that a record contains personal information, section 21(1) of the Act prohibits the disclosure of this information unless one of the exceptions listed in the section applies. The only exception which might apply in the circumstances of this appeal is section 21(1)(f). In order for this section to apply, 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 result in an unjustified invasion of personal privacy. Where one of the presumptions in section 21(3) applies to the personal information contained 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 it.

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

In his representations, the appellant refers to a number of events regarding one of the property lots identified by him in his request. He expresses concern that these events may have some impact on the value of the properties in the vicinity of the named property lot. He believes that the records at issue pertain to these events and that they may contain information relevant to his concerns. The appellant does not specifically refer to any of the listed factors in section 21(2) and I find that none are relevant in the circumstances.

The Ministry submits that the records that remain at issue in this appeal have nothing to do with the events identified or concerns raised by the appellant. Rather, they pertain to a matter personal to the affected persons and as such, their disclosure would constitute an unjustified invasion of the personal privacy of the affected persons.

I have reviewed the contents of the records and I find that they pertain to matters completely unrelated to the concerns raised by the appellant regarding the property lot in question. I have also considered the appellant's representations regarding his belief as to the contents of these records and his reasons for seeking access to them in this context. I find that the circumstances raised by him are not relevant to this information in the circumstances of this appeal.

Having found that the records contain information which qualifies as personal information of individuals other than the appellant, and in the absence of any factors or circumstances 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. Accordingly, the records at issue in this appeal are properly exempt from disclosure pursuant to section 21(1) of the Act.

**ORDER:**

I uphold the Ministry's decision.

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

Laurel Cropley  
Inquiry Officer

\_\_\_\_\_  
November 21, 1996