



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

# **ORDER M-894**

**Appeal M\_9600266**

**City of Toronto**



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

## **NATURE OF THE APPEAL:**

The City of Toronto (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for information pertaining to incidents involving problems with quarantine procedures or the mishandling of rabies specimens by the Toronto Humane Society for the period from 1990-1995. The appellant indicated that she was not interested in receiving any personal information that might be contained in any information relating to her request.

The City prepared a record which was responsive to the appellant's request and notified the Toronto Humane Society. Following receipt of representations from the Toronto Humane Society, the City decided to deny the appellant access to the record, based on the following exemption:

- section 10(1)(c) - third party information

The appellant appealed the City's decision to deny access. The appellant contends that section 10 does not apply to the record and that in the event that section 10 were found to apply, the public interest override provision (section 16) should prevail.

Further mediation was not successful and the Commissioner's office provided a Notice of Inquiry to the City, the appellant and the Toronto Humane Society. Representations were received from the appellant only.

## **RECORD:**

The record is a draft letter dated June 17, 1996 from the City's Acting Medical Officer of Health to the appellant.

## **DISCUSSION:**

For a record to qualify for exemption under section 10(1)(a), (b) or (c) the City and/or the Toronto Humane Society must satisfy each part of the following three-part test:

1. the record must reveal information that is a trade secret or scientific, technical, commercial, financial or labour relations information; **and**
2. the information must have been supplied to the institution in confidence, either implicitly or explicitly; **and**
3. the prospect of disclosure of the record must give rise to a reasonable expectation that one of the harms specified in (a), (b) or (c) of section 10(1) will occur.

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In all cases where a claim for exemption is made under section 10 of the Act, an onus rests with the institutions and/or affected third parties to demonstrate the harms envisioned by these sections are present or reasonably foreseeable. No submissions have been received from the City or the Toronto Humane Society. I have reviewed the record, and it does not appear to me to contain, nor would its disclosure reveal, information which would qualify as a trade secret or scientific, technical, commercial, financial or labour relations information. Accordingly, I find that the first part of the test has not been met. Further, there is no evidence before me which would suggest that the other two parts of the test have been satisfied. In the absence of evidence to support any such claims, the onus has not been satisfied, and the information in question should be disclosed to the appellant.

**ORDER:**

1. I order the City to disclose the record to the appellant by sending her a copy by **March 10, 1997**, but not earlier than **March 3, 1997**.
2. In order to verify compliance with the provisions of this order, I reserve the right to require the City to provide me with a copy of the records which are disclosed to the appellant pursuant to Provision 1.

Original signed by: \_\_\_\_\_  
Holly Big Canoe  
Inquiry Officer

\_\_\_\_\_ February 3, 1997