



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

ORDER M-888

Appeal M_9600331

Municipality of Metropolitan Toronto



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NATURE OF THE APPEAL:

The Municipality of Metropolitan Toronto (the Municipality) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for a copy of its files concerning grants made in 1995 and 1996 to a named organization.

In accordance with section 21 of the Act, the Municipality notified the organization, seeking its views on the disclosure of the information identified as responsive to the request. The organization objected to the disclosure of the information. The Municipality decided to grant partial access to the records, severing any information which it considered to be "personal information" as defined in section 2(1) of the Act. The organization (now the appellant) appealed the Municipality's decision, claiming that the remaining information sought by the requester is exempt from disclosure under section 10 of the Act.

This office provided a Notice of Inquiry to the requester, the appellant and the Municipality. Representations were received from the requester only.

The records at issue are as follows:

Records relating to the 1995 grant:

- correspondence to and from the organization and the Municipality
- Statement of Payee Detail and Amounts
- grant application
- list of members of the organization's District Administrative Board and Members-At-Large Board of Governors
- [the organization's] Staff Directory, dated February 20, 1995
- [the organization's] Regional Staff Directory
- general information regarding [the organization]
- Legislative Initiatives by the organization
- [the organization's] Combined Financial Statements, dated December 31, 1993
- proposal from [the organization], dated February 24, 1995
- student testimonials
- training symposium information
- newspaper clippings

Records relating to the 1996 grant:

- grant questionnaire and fax cover page
- correspondence to and from the organization and the Municipality
- a paragraph regarding the grant application from the organization's Minutes of Ontario Executive Committee Meeting, March 13, 1996
- grant proposal, dated April 16, 1996, with covering note
- letters of support
- biography of the organization's National Director
- partial list of workshops and speaking engagements by the organization

- lists of the organization's Board of Directors - Ontario Regional Cabinet Executive Committee, dated February and April, 1996
- grant application and proposal, dated February 23, 1996, with covering notes
- general information regarding the organization
- [the organization's] Staff Directories (national and regional offices)
- resolution by the organization's Board of Governors
- list of members of the organization's District Administrative Board and Members-At-Large Board of Governors
- [the organization's] Combined Financial Statements, dated December 31, 1994
- Registered Charity Information and Public Information Return form
- Letters Patent
- news release/clippings

DISCUSSION:

THIRD PARTY INFORMATION

Sections 10(1)(a), (b) and (c) of the Act state:

- (1) A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to,
- (a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (b) result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied;
 - (c) result in undue loss or gain to any person, group, committee or financial institution or agency;

For a record to qualify for exemption under section 10(1)(a), (b) or (c) the appellant, who is the party resisting disclosure, 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 Municipality 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 subsection 10(1) will occur.

[Orders 36, M-29 and M-37]

As noted above, the appellant has not submitted any representations. I have independently reviewed the information contained in the severed version of the subject records and find that it consists of financial information within the meaning of section 10 of the Act. I have not, however, been provided with any evidence to indicate that this information was supplied to the Municipality in confidence, either explicitly or implicitly. Nor have I been supplied with any evidence of a reasonable expectation that the harms described in sections 10(1)(a), (b) or (c) will occur should the information be disclosed. As all three parts of the section 10 test must be satisfied, I find that section 10 has no application to the information which remains at issue in this appeal.

PERSONAL INFORMATION

Under section 2(1) of the Act, "personal information" is defined, in part, to mean recorded information about an identifiable individual. The Municipality has severed those portions of the record which it believes qualify as personal information, relying on the mandatory exemption contained in section 14(1) of the Act. I have reviewed the information which the Municipality is proposing to disclose to the requester and find that it does not contain any personal information within the meaning of section 2(1). The mandatory exemption provided by section 14 cannot, therefore, have any application to the remaining information.

ORDER:

1. I uphold the Municipality's decision to disclose the severed version of the records to the requester and order it to do so by **February 19, 1997** but not before **February 14, 1997**.
2. I reserve the right to order the Municipality to provide me with a copy of the records which are disclosed to the requester pursuant to Provision 1.

Original signed by: _____
 Donald Hale
 Inquiry Officer

 January 15, 1997