



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

## **ORDER M-1010**

**Appeals M-9700181 and M-9700182**

**Metropolitan Licensing Commission**



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 THESE APPEALS:

The appellant, a newspaper reporter, made a request under the Municipal Freedom of Information and Protection of Privacy Act the (Act) to the Metropolitan Licensing Commission (the Commission). The request was for "a list of cab plates [taxi licenses], along with the brokerage they are assigned to" and the name of the agent, if any, who represents each plate. A second request was received from the same appellant for a list of all owners of taxi licenses issued by the Commission, the number of each plate, the address and phone numbers of each owner, the names of the company officers (if owned by a company), the date the licenses were issued, whether or not the plate is leased and if so, to whom.

The Commission responded to the first request by providing the appellant with a listing of the cab plates along with the brokerages assigned to each. However, because the agents who represent each plate are natural persons and not corporations or partnerships, access to their names was denied, based on the following exemption contained in the Act:

- invasion of privacy - section 14(1)

The Commission responded to the second request by providing access to a list of the corporations and partnerships which hold taxi owner's licences, including the plate numbers, business addresses, business phone numbers, the names of corporate officers (where available), the date the licence was issued and the plate's leasing status. Access was denied to the requested information for those plates which are owned by natural persons, as opposed to corporations or partnerships, based on the invasion of privacy exemption in section 14(1).

The appellant appealed these decisions to the Commissioner's office. This office sent Notices of Inquiry to the Commission and the appellant, soliciting their submissions in response to the issues raised in each appeal. Representations were received from both parties.

## DISCUSSION:

### PERSONAL INFORMATION/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.

In Order M-448, which addressed a similar request to the Commission, I found that the names of corporate and partnership licence holders, as well as their addresses, licence number, date of issue and leasing status, do not relate to identifiable individuals and as such, do not constitute personal information within the meaning of the Act. The Commission relied upon this order in making its decision not to disclose information which relates to natural persons.

In my view, the Commission was correct in finding that the names of licence holders and agents who are natural persons, along with their addresses, telephone numbers, licence numbers, leasing status and the

date their licences were issued, constitute the personal information of these individuals within the meaning of section 2(1). I further find that none of this information relates to the appellant.

Once it has been determined that a record contains personal information, section 14(1) prohibits the disclosure of this personal information to any person other than the individual to whom it relates, except in certain circumstances. One such circumstance is contained in section 14(1)(f), which reads:

A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

if the disclosure does not constitute an unjustified invasion of personal privacy.

The effect of this exception is that the section 14 exemption does not apply if disclosure of the personal information would not result in an unjustified invasion of another individual's privacy.

Sections 14(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 14(3) applies to the personal information found in a record, the only way such a presumption can be overcome is if the personal information at issue falls under section 14(4) of the Act or where a finding is made that section 16 of the Act applies to the personal information. I find that none of the circumstances described in section 14(4) are applicable to the personal information at issue in these appeals.

If none of the presumptions in section 14(3) apply, the Commission must consider the application of the factors listed in section 14(2), as well as all other relevant considerations which are present in the circumstances of the case.

The Commission submits that the information at issue, which relates only to natural persons who are licence holders or agents, describes the finances, assets, net worth and financial history or activities of these individuals. As such, the Commission suggests that this information falls within the presumption in section 14(3)(f), which reads:

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,

describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;

The Commission goes on to add that taxi licenses have a particular market value and while that rate may fluctuate, at any given time there exists a "going-rate" for them which is well-known in the taxi-cab business community. Consequently, the Commission argues, the disclosure of the identity of an individual licensee reveals a significant aspect of that individual's assets and financial worth, which will

vary depending on the number of licenses held. Similarly, the Commission indicates that the disclosure of the names of agents and license lessees who are natural persons would also reveal information about their financial activities.

The appellant submits that the disclosure of the information contained in the records is desirable for the purpose of subjecting the activities of the Commission to public scrutiny, pursuant to section 14(2)(a). As noted above, the appellant is a newspaper reporter who has recently been investigating various aspects of the taxi industry in Metropolitan Toronto. One of the issues of particular interest to him is the concentration of ownership of taxi licenses and how this affects the industry. In order to meaningfully assess this issue and acquire the most accurate possible information regarding the concentration of ownership, the appellant argues that he requires the names of all license holders, lessees and agents. The appellant suggests that he requires this information in order to properly scrutinize the activities of both the taxi industry and the Commission.

In my view, the undisclosed information pertaining to taxi licence holders, lessees and agents describe the assets, net worth and financial activities of these individuals. As such, I find that the information falls within the presumption in section 14(3)(f) and its disclosure would, accordingly, constitute an unjustified invasion of personal privacy. As noted above, the only way a presumption under section 14(3) can be rebutted is if the information falls within section 14(4) or if a finding is made that section 16 applies to it. I have found above that section 14(4) has no application. I will now address the public interest aspect of the appellant's submissions.

### **COMPELLING PUBLIC INTEREST**

The appellant relies on section 16 of the Act, arguing that there exists a compelling public interest in the disclosure of the personal information contained in the records relating to license holders, lessees and agents.

Section 16 states:

An exemption from disclosure of a record under sections 7, 9, 10, 11, 13 and **14** does not apply if a compelling public interest in [emphasis added]

It has been established in a number of orders of the Commissioner's office that in order for section 16, "the public interest override", to apply, two requirements must be met. First, there must exist a compelling public interest in the disclosure of the records. Second, this interest must clearly outweigh the purpose of the personal information exemption.

In Order P-984, Inquiry Officer Holly Big Canoe described the criteria for the first requirement mentioned in the preceding paragraph, as follows:

In order to find that there is a compelling public interest in disclosure, **the information contained in a record must serve the purpose of informing the citizenry about**

**the activities of their government**, adding in some way to the information the public has to make effective use of the means of expressing public opinion or to make political choices. [emphasis added]

Inquiry Officer Big Canoe went on to address the second component of the “public interest override” as follows:

Once a compelling public interest is established, it must be balanced against the purpose of the exemption which has been found to apply. Section 23 (the equivalent provision to section 16 in the provincial Act) recognizes that each of the exemptions listed therein, while serving to protect valid interests, must yield on occasion to the public interest in access to government information. Important considerations in this balance are the principle of severability and the extent to which withholding the information is consistent with the purpose of the exemption.

I adopt the approach to the interpretation of the “public interest override” articulated by Inquiry Officer Big Canoe for the purposes of these appeals.

The appellant submits:

The taxi industry is a matter of public concern which has attracted much attention in the media. ... My analysis and examination of the taxi industry will further this public interest by scrutinizing the role of the Commission and the operators it regulates.

The appellant has also provided me with a number of newspaper articles which have addressed issues relating to the taxi industry in Metropolitan Toronto in general, and the role of the Commission in particular. In my view, these articles reflect a compelling public interest in the question of the manner in which the taxi industry is organized and regulated in Metropolitan Toronto. I am not satisfied, however, that there exists a compelling public interest in the disclosure of the personal information which is at issue in these appeals. In my view, the disclosure of the names, addresses, telephone numbers, license numbers, lease status and date of license issue of owners and agents will not assist the appellant to inform the public about the Commission's regulation of the taxi industry. Accordingly, I find that the public interest in the disclosure of this personal information is not sufficiently “compelling” so as to bring it within the ambit of section 16.

In addition, I find that the purpose of the mandatory section 14(1) exemption, the protection of individual privacy, is not sufficiently outweighed by any public interest in scrutinizing the activities of the Commission which may exist in the disclosure of this personal information.

In conclusion, I find that section 16 does not apply in the circumstances of these appeals. The personal information relating to agents and license holders who are natural persons which was not disclosed to the appellant is, accordingly, properly exempt under section 14(1).

**ORDER:**

I uphold the decisions of the Commission.

Original signed by: \_\_\_\_\_  
Donald Hale  
Inquiry Officer

September 30, 1997