



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

# **ORDER M-1045**

**Appeals M-9700277 and M-9700278**

**City of Toronto**



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## **NATURE OF THE APPEALS:**

The City of Toronto (the City) received two identical requests under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The requests were made by the same individual, but involved different time periods. The requests were for a copy of pages 1 to 9 of the application forms or any other applications and the supporting documentation submitted by a named organization for the following grants:

- General or Recreational Grants, including any type of Grant, Seed, Project, Sustaining or Emergency Grants
- “Breaking the Cycle of Violence” Grants, including Prevention Grants and Demonstration Project Grants.

Before making its final decision, the City notified the organization of the requests. The organization objected to the disclosure of the responsive information. The City decided to grant access to the records.

The organization appealed the City's decision to grant access to the records on the basis that section 10(1) applies to exempt the information from disclosure.

During mediation, the City clarified that those parts of the responsive records containing the home addresses and telephone numbers of volunteers with the organization would be severed from the records. Access was denied to this information pursuant to section 14 of the Act. However, the requester advised that she is not pursuing access to the severed information. Accordingly, section 14 is not an issue in these appeals.

This office sent a Notice of Inquiry to the appellant (the named organization), the City and the original requester. Representations were received from the original requester only.

## **RECORDS:**

The records at issue in the appeal consist of 112 pages of applications for various grants and the supporting documentation.

## **DISCUSSION:**

### **THIRD PARTY INFORMATION**

For a record to qualify for exemption under section 10(1)(a), (b) or (c) the party resisting disclosure, in this case the appellant, 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**

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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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As noted above, the appellant has not submitted any representations. I have independently reviewed the information contained in the severed version of the records and find that it consists of financial information within the meaning of section 10(1) of the Act. I have not, however, been provided with any evidence to indicate that this information was supplied to the City 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(1) test must be satisfied, I find that section 10(1) has no application to the information which remains at issue in this appeal.

**ORDER:**

1. I uphold the City's decision to disclose the records to the original requester.
2. I order the City to disclose the records to the requester by sending her a copy by **January 2, 1997** but not earlier than **December 29, 1997**.
3. In order to verify compliance with this order, I reserve the right to require the City to provide me with a copy of the records which are disclosed to the requester pursuant to Provisions 1 and 2.

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

\_\_\_\_\_ November 27, 1997