



Information and Privacy  
Commissioner/Ontario

Commissaire à l'information  
et à la protection de la vie privée/Ontario

# ORDER PO-1785

Appeal PA-990411-1

Ministry of Finance



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## **NATURE OF THE APPEAL:**

The Ministry of Finance (the Ministry) received a request pursuant to section 47(2) of the Freedom of Information and Protection of Privacy Act (the Act) for the correction of personal information contained in two letters sent by the Ministry to the requester. These letters are dated January 9, 1996 and January 28, 1997. The first letter responded to complaints made by the requester to the Ministry concerning the processing of his request for access to records relating to his property assessment; and the second letter responded to information provided by the requester to the Ministry regarding the Ombudsman's review of his property assessment.

In its decision letter to the requester, the Ministry stated:

You are advised that section 47(2) of the Freedom of Information and Protection of Privacy Act relates exclusively to the correction of "personal information" as defined in the Act and not to information of a general nature (non-personal) as contained in the record.

Because your request is somewhat ambiguous we are unable to identify exactly what "personal information" is at issue. You may wish to clarify your request. You are also advised that assessment roll information is information about a property and does not qualify as personal information about an individual. The maintenance of assessment roll information is no longer a responsibility of the Ministry of Finance, but rather the Ontario Property Assessment Corporation.

The requester (now the appellant) appealed the Ministry's decision.

During mediation, the appellant's request was clarified as follows:

### **January 9, 1996 letter**

1. One of the paragraphs in the letter states that the appellant had filed complaints with both the Ombudsman and the Assessment Review Board (ARB). The appellant claims that at the time of this letter, there was no matter before the ARB - it was completed on December 17, 1993. Therefore, according to the appellant, the incorrect information is that he had a matter before the ARB at the time the letter was written.
2. The appellant claims that his access request was registered by the Ministry on October 2, 1995 - not September 29, 1995 as stated in the Ministry's letter.
3. The appellant claims that Investigation Report I95-081P issued by this Office refutes a statement in the letter referring to a Ministry official's intent in contacting the appellant's wife's supervisor.

4. The appellant claims that the statement referred to in Item 1 is also incorrect in that the ARB matter was not being addressed at the time the letter was written.

**January 28, 1997 letter**

5. The appellant takes issue with the statement in this letter that “With respect to the ministry’s assessment records, they remain as you recall them”, claiming that the information provided by the Ministry to the Ombudsman concerning the appellant’s assessment records was incorrect. According to the appellant, the actual assessment figure and the figure provided to the Ombudsman by the Ministry were different.

I sent a Notice of Inquiry, initially, to the Ministry. After reviewing the representations provided by the Ministry, I sent the Notice of Inquiry to the appellant, together with a copy of the Ministry’s representations, in their entirety. Representations were received from the appellant.

**DISCUSSION:**

**PERSONAL INFORMATION OF THE APPELLANT**

“Personal information” is defined in section 2(1) of the Act to mean, in part, recorded information about an identifiable individual. As noted above, both letters are responses from the Ministry addressing complaints made by the appellant to the Ministry with respect of an access request and the results of a review of his property assessment by the Ombudsman.

The Ministry agrees that Item 2 constitutes the appellant’s personal information. However the Ministry submits that all other items are not his personal information, specifically, that Items 1 and 4 refer to information about the hearings, not the appellant; Item 3 refers to the intent of a Ministry official, not the appellant; and Item 5 relates to a property value figure which is contained on a public roll.

Both letters were written by Ministry officials to the appellant personally, in an attempt to answer questions he had raised concerning his access request and his property assessment. In my view, these records relate to dealings between the Ministry and the appellant and are “about” him in the sense contemplated by the definition of “personal information” in section 2(1) of the Act. Therefore, I find that the records in their entirety, including the items identified by the appellant, consist of the appellant’s personal information.

**IS THERE AN ERROR OR OMISSION IN THE PERSONAL INFORMATION WHICH SHOULD BE CORRECTED?**

Sections 47(2)(a) and (b) of the Act state:

Every individual who is given access under subsection (1) to personal information is entitled to,

- (a) request correction of the personal information where the individual believes there is an error or omission therein;
- (b) require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made;

In Order 186, former Commissioner Tom Wright set out the requirements necessary for granting a request for correction as follows:

1. the information at issue must be personal and private information; **and**
2. the information must be inexact, incomplete or ambiguous; **and**
3. the correction cannot be a substitution of opinion.

I have already found that the records consist of the appellant's personal information, which is sufficient to satisfy the first requirement.

### **Submissions of the parties**

#### **Items 1 and 4**

The Ministry states that it does not have a record of the dates of the hearings in question because the relevant files have been transferred to the Ontario Property Assessment Corporation. The Ministry submits:

The Ministry cannot confirm or deny any inaccuracy of the hearing date in question as a point of information. Nonetheless, even if only one hearing was pending, the substance of the Minister's point is correct, and any effect personal to the appellant remains the same, notwithstanding any such inaccuracy of event concurrency. Nothing personal to the Appellant would change by such a correction, if indeed there was an inaccuracy.

The appellant simply reiterates his position that this statement is not accurate.

#### **Item 2**

The Ministry submits that the September 29, 1995 date is accurate, and has provided me with a copy of an October 3, 1995 letter addressed to the appellant that acknowledges receipt of the request on September 29, 1995.

While the appellant disputes this claim, he provides no evidence to support his position.

### **Item 3**

The Ministry submits:

The intention of an official is not by nature exact enough to be directly knowable, but information in the nature of an opinion, as it can be inferred differently by different individuals from certain behaviour. The Minister stated in his letter the Minister's inference about the behaviour, which he is entitled to do. If the appellant wishes to substitute his own or another opinion about the intent of another person, he may do so in his own letter, but not in the Minister's letter.

The appellant states that the reference is inaccurate and argues that it is not consistent with the findings of IPC Investigation Report I95-081P. On this basis, the appellant submits that the statement should be corrected so that it accurately reflects these findings. However, as the appellant himself acknowledges, Report I95-081P was not issued until April 2, 1996, almost three months **after** the record in question was sent by the Ministry to the appellant.

### **Item 5**

The Ministry submits:

... The appellant wants to see a particular assessed dollar value of this property for 1981 in the letter; this value is drawn from a particular roll for a particular year, 1981. The appellant does not object to the official assessment properly displayed on the official public assessment roll for the year 1981.

...

As I understand the request, the appellant is not calling for a change to his personal information as stored in the Ministry, he is calling for an addition to the letter. He has no objection to the Minister's words; he wants more detail. He wants a confirmation of his 1981 assessment as it appeared on the public assessment roll. There is no right under [the Act] to have the Minister add or confirm any particular detail in a letter.

The appellant submits that the Ministry's position is wrong, and reiterates his disagreement with the dollar figure, despite the fact that the dollar figure itself is not mentioned in this record.

### **Findings**

Items 1 and 4 deal with the timing of the appellant's matters before the Ombudsman and the ARB. Based on the information provided by the appellant, I am not persuaded that the information referred to in these items is either inexact, incomplete or ambiguous. Even if it were, I agree with the Ministry that the substance of the letter would remain unchanged regardless of whether the date is inaccurate. Therefore, I find that the second requirement of section 47(2) has not been established with respect to Items 1 and 4.

The Ministry has provided evidence to establish that the date in Item 2 is correct. Therefore, I find that the second requirement of section 47(2) does not apply to this item.

With respect to Item 3, the appellant is, in essence, asking that the correction be made retroactively based on information that came to light some three months later. This is clearly not the intention of section 47(2). I find that the information in Item 3 is properly characterized as the opinion of the author of the letter based on information available to him at that time, and it is not inexact, incomplete or ambiguous. Therefore, the second requirement of section 47(2) has not been established for this item.

Finally, as far as Item 5 is concerned, I accept the Ministry's position. There is no dollar figure contained in the record, and nothing that would require the Ministry to provide one. The information contained in the record is not inexact, incomplete or ambiguous, and I find that the second requirement of section 47(2) has not been established.

In summary, I find that the requirements of the appellant's correction request have not been established.

As the appellant is well aware, he is entitled by virtue of section 47(2)(b) of the Act to file a statement of disagreement if he so chooses, in order to ensure that his views on the accuracy of all of the information contained in the records are on file with the Ministry.

**ORDER:**

I dismiss this appeal.

Original signed by: \_\_\_\_\_  
Tom Mitchinson  
Assistant Commissioner

\_\_\_\_\_ May 16, 2000