



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

# **ORDER MO-1358**

**Appeal MA-000114-1**

**Guelph Police Services Board**



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## **NATURE OF THE APPEAL:**

The appellant, on behalf of the Guelph Police Association, wrote to the Guelph Police Service (the Police) seeking access under the *Municipal Freedom of Information and Protection of Privacy Act* (the Act) to the “current employment contract” of a named Police employee (the affected person).

The Police responded to the request by indicating to the appellant that the responsive record was identified and reviewed, and the Police had notified the affected person of the request and sought his/her views on disclosure.

The Police later advised the appellant that the affected person had consented to partial disclosure of the record and, therefore, the Police were granting partial access to the record. The Police further advised that the remaining portions of the record were being withheld on the basis of section 14(1)(f) (unjustified invasion of personal privacy). The Police stated:

Under section 2(1) of the [Act] employment contracts are deemed to be personal information. Furthermore, section 14(1) prohibits the disclosure of personal information unless specifically exempted. The applicable exemption is found in section 14(4) which states that the release of the following information does not constitute an unjustified invasion of personal privacy, namely:

The classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution.

I have reviewed a number of decisions that have interpreted this provision and believe that the matters deleted comply with the balance between public accountability and protection of privacy. In particular I have deleted specific reference to [the] exact salary [figure] and length of contract [term] for [the affected person] . . .

The appellant then appealed the decision of the Police to this office. In particular, the appellant asked this office to review “the reasoning for deleting the term of the agreement in Article 2 and the information deleted in Article 14” (although the appellant appears to be maintaining the appeal with respect to the severance in Article 3 as well). The appellant further stated:

Article 4 deals specifically with training and development. There are specific training requirements in the Police Services Act governing the initial period of training of a police officer. [The affected person] . . . has no formal police training. Our intent is to determine the parameters of [the affected person’s] training as set out in [his/her] contract of employment. Since certain training requirements are legislated . . . , we feel it is not an invasion of privacy and we should be provided the information from the contract.

## **RECORD:**

The record at issue in this appeal is an employment contract between the Police and the affected  
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person. The Police withheld all of the information comprising articles 2.01, 3.01 and 14.02. Subsequent to the appeal, the Police provided this office with more detailed reasons for withholding the information in these three articles:

Article 2.01 The paragraph deals with the term of the contract. Under section 2(1) of [the *Act*] employment contracts are considered personal information. Furthermore, section 14(1) prohibits an institution from [disclosing] personal information. While section 14(4) deems the release of certain information as not constituting an unjustified invasion of privacy, the “term” of the contract is not mentioned.

. . . . .

The term of a contract of employment has not been exempt [under section 14(4)]. Therefore the release of the term would constitute an unjustified invasion of personal [privacy]. Furthermore, publication of the term of an executive officer’s contract of employment may signal increased political activity within an association desirous of change. The resulting pressure on such an executive officer and potential agitation within the organization is potentially detrimental to the policing of a community.

Article 3.01 Paragraph 3.01 provided the exact salary for the [affected person] at the time of the creation of this contract. The orders released by the Commission have clearly held that the release of exact salary figures is an unjustified invasion of personal privacy for employees.

Article 14.02 Paragraph 14.02 . . . was interpreted as falling outside of the term “employment responsibilities” [in section 14(4)].

In summary, it is submitted that the information deleted was personal information and that there is no overwhelming public interest in its release.

I sent a Notice of Inquiry setting out the issues in the appeal initially to the appellant. The appellant made no representations to me. In the circumstances, I determined that it was not necessary for me to seek representations from the Police or the affected person.

## ISSUES:

### PERSONAL INFORMATION

For section 14(1) to apply, the information contained in the severances must be personal information as defined in section 2(1) of the *Act*. That term is defined, in part, as “recorded information about an identifiable individual”.

I have reviewed the three clauses in question. These portions of the employment contract reveal the term of the affected person’s employment, the exact salary to be paid under the contract and a term respecting training. Each of these severances reveals information which is “about” the affected person, an identifiable individual in this context, and thus qualifies as “personal information”.

### INVASION OF PRIVACY

Where a requester seeks access to records which contain the personal information of other individuals, but not himself or herself, section 14(1) of the *Act* prohibits the disclosure of this information unless one of the exceptions listed in the section applies. The only exception which might apply in the circumstances of this appeal is section 14(1)(f), which permits disclosure if “the disclosure does not constitute an unjustified invasion of personal privacy.”

Sections 14(2) and (3) of the *Act* provide guidance in determining whether disclosure of personal information would result in an unjustified invasion of the personal privacy of the individual to whom the information relates. Section 14(2) provides some criteria for the institution to consider in making this determination. Section 14(3) lists the types of information the disclosure of which is presumed to constitute an unjustified invasion of personal privacy. Section 14(4) refers to certain types of information the disclosure of which does not constitute an unjustified invasion of personal privacy. In particular, section 14(4)(a) states:

Despite subsection (3), a disclosure does not constitute an unjustified invasion of personal privacy if it,

discloses the classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution . . .

The Divisional Court has stated that once a presumption against disclosure has been established, it cannot be rebutted by either one or a combination of the factors set out in 14(2) [Order P-1456, citing *John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767].

In my view, none of the information at issue can be characterized as classification, salary range and benefits, or employment responsibility information and, therefore, section 14(4)(a) does not apply.

This office has previously found that information relating to an employee's term or duration of employment (Order MO-1272), exact salary (Orders P-61, M-5, P-183 and P-924) and professional training (Order P-1124) is exempt under section 14 of the *Act* or its provincial equivalent. In the circumstances, including the absence of any submissions from the appellant indicating that any of the factors favouring disclosure at section 14(2) apply, I find that disclosure of the withheld personal information would constitute an unjustified invasion of the affected person's personal privacy. Therefore, this information is exempt under section 14 of the *Act*.

**ORDER:**

1. I uphold the decision of the Police to withhold the information at issue in this appeal under section 14 of the *Act*.

Original signed by: \_\_\_\_\_

David Goodis  
Senior Adjudicator

\_\_\_\_\_  
October 31, 2000