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

FINAL ORDER MO-1550-F

Appeal MA-000370-1

Toronto District School Board

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NATURE OF THE APPEAL:

This is an appeal under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) from a decision by the Toronto District School Board (the Board). The appellant, which is an organization, sought access to "the deputations received by the [Board]" on the matter of its proposed human rights policy and procedures from two named individuals.

The Board located three responsive records as follows:

Record 1a	Written submission to the Board from the first named individual dated January 25, 2000
Record 1b	Written submission to the Board from the second named individual dated January 28, 2000
Record 2	Written submission to the Board from the first named individual dated April 12, 2000

The Board notified the two named individuals of the request, seeking their views on disclosure. The first individual responded, advising the Board that he objected to disclosure of the two records he submitted to the Board, Records 1a and 2. The second individual did not respond with respect to the record he had submitted (Record 1b).

The Board then advised the appellant that it had decided to deny access to Records 1a and 1b on the basis of the exemption at section 15 (information available to the public) of the *Act*. The Board explained: "as you pointed out in your letter of November 16, 2000, they have been published on a web site and are, therefore, currently available to the public." The Board also advised that it was denying access to Record 2 on the basis of the personal privacy exemption at section 14 of the *Act*.

The appellant appealed the Board's decision.

During mediation, the appellant confirmed that it was seeking access only to Record 2. As a result, Records 1a and 1b, and section 15, are no longer at issue in this appeal.

This office initially sent a Notice of Inquiry to the Board and the author of Record 2 (the affected party), setting out the facts and issues in the appeal. Both the Board and the affected party submitted representations in response. The Notice was then sent to the appellant, together with the non-confidential portions of Board's representations. The affected party's representations were not shared with the appellant, due to confidentiality considerations. The appellant also made submissions. Finally, this office sent the representations of the appellant to the Board and the affected party, and both parties submitted representations in reply.

RECORD:

The record at issue in this appeal (Record 2) is the written submission of the affected party to the Standing Committee of the Board in respect of the Board's proposed human rights policy and procedures. Record 2 indicates on its cover page that it is "supplemental" to Record 1a. On the

cover page of the record, the affected party refers to himself by his name, followed by a title associated with a named organization (the organization).

DISCUSSION:

SCOPE OF THE REQUEST

The affected party takes the position that the record is not responsive to the appellant's request.

The affected party submits:

> As a preliminary issue, it has come to my attention that the Appellant is requesting a "presentation of a named individual (presumably myself) made to the [Board] at the April 12, 2000 Standing Committee of the [Board]." It is important to note that I did not provide a written version of my "presentation" to the Standing Committee. My presentation was given orally from rough hand written point form notes that I personally prepared. Accordingly, my "presentation" has never existed in printed form. On the same day I did offer to the [Board] a printed submission detailing my views relating to the Board's draft human rights policy. However, my oral presentation and my written submission were different from each other. Obviously this apparent confusion is a cause for concern and needs to be clarified. If the Appellant has not requested a copy of my written submission, then none should be provided.

Previous orders of the Commissioner have established that in order to be responsive, a record must be "reasonably related" to the request:

> In my view, the need for an institution to determine which documents are relevant to a request is a fundamental first step in responding to a request. It is an integral part of any decision by a head. The record itself sets out the boundaries of relevancy and circumscribes the records which will ultimately be identified as being responsive to the request. I am of the view that, in the context of freedom of information legislation, "relevancy" must mean "responsiveness." That is, by asking whether information is "relevant" to a request, one is really asking whether it is "responsive" to a request. While it is admittedly difficult to provide a precise definition of "relevancy" or "responsiveness," I believe that the term describes anything that is reasonably related to the request [Order P-880; see also Order P-1051].

Applying this reasoning, I find that Record 2 is responsive to the appellant's request. The appellant's July 28, 2000 request letter states that it is seeking "copies of the deputations" received by the Board from the two named individuals, including the affected party. It is implicit in the request and the surrounding circumstances that the appellant was seeking whatever written submissions the Board received from the two individuals on the topic of the human rights policy. In my view, the three records identified were all "reasonably related" to the request, as properly

interpreted by the Board. To construe the request narrowly as including only an exact written version of the oral presentation would be overly technical and contrary to the spirit of the *Act*.

PERSONAL INFORMATION

Introduction

The personal privacy exemption at section 14(1) of the *Act* applies only to personal information as defined in section 2(1). "Personal information" is defined, in part, to mean recorded information about an identifiable individual, including:

> (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
>
> (c) any identifying number, symbol or other particular assigned to the individual,
>
> (e) the personal opinions or views of the individual except if they relate to another individual,
>
> (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
>
> (h) the individual's name if 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;

Personal versus professional or official government capacity

Previous decisions of this office have drawn a distinction between an individual's personal, and professional or official government capacity, and found that in some circumstances, information associated with a person in his or her professional or official government capacity will not be considered to be "about" the individual within the meaning of the section 2(1) definition of "personal information" (see, for example, Orders P-257, P-427, P-1412 and P-1621).

The Commissioner's orders dealing with non-government employees, professional or corporate officers treat the issue of "personal information" in much the same way as those dealing with government employees. The seminal order in this respect is Order 80. In that case, the Ministry of Health had invoked the personal privacy exemption to withhold the names of officers of the Council on Mind Abuse (COMA) appearing on correspondence with the Ministry concerning COMA funding procedures. Former Commissioner Sidney B. Linden rejected the institution's submission:

> The institution submits that ". . . the name of the individual, where it is linked with another identifier, in this case the title of the individual and the organization of which that individual is either executive director, or president, is personal information defined in section of the *FIO/PPA* . . . All pieces of correspondence concern corporate, as opposed to personal, matters (i.e. funding procedures for COMA), as evidenced by the following: the letters from COMA to the institution are on official corporate letterhead and are signed by an individual in his capacity as corporate representative of COMA; and the letter of response from the institution is sent to an individual in his corporate capacity. In my view, the names of these officers should properly be categorized as "corporate information" rather than "personal information" under the circumstances.

In Reconsideration Order R-980015, Adjudicator Donald Hale reviewed the history of the Commissioner's approach to this issue and the rationale for taking such an approach. He also extensively examined the approaches taken by other jurisdictions and considered the effect of the decision of the Supreme Court of Canada in *Dagg v. Canada (Minister of Finance)* (1997), 148 D.L.R. (4th) 385 on the approach which this office has taken to the definition of personal information. In applying the principles that he described in that order, Adjudicator Hale came to the following conclusions:

> I find that the information associated with the names of the affected persons which is contained in the records at issue relates to them only in their capacities as officials with the organizations which employ them. Their involvement in the issues addressed in the correspondence with the Ministry is not personal to them but, rather, relates to their employment or association with the organizations whose interests they are representing. This information is not personal in nature but may be more appropriately described as being related to the employment or professional responsibilities of each of the individuals who are identified therein. Essentially, the information is not about these individuals and, therefore, does not qualify as their "personal information" within the meaning of the opening words of the definition.
>
> In order for an organization, public or private, to give voice to its views on a subject of interest to it, individuals must be given responsibility for speaking on its behalf. I find that the views which these individuals express take place in the context of their employment responsibilities and are not, accordingly, their personal opinions within the definition of personal information contained in section 2(1)(e) of the *Act*. Nor is the information "about" the individual, for the reasons described above. In my view, the individuals expressing the position of an organization, in the context of a public or private organization, act simply as a conduit between the intended recipient of the communication and the organization which they represent. The voice is that of the organization, expressed through its spokesperson, rather than that of the individual delivering the message.

> In the present situation, I find that the records do not contain the personal opinions of the affected persons. Rather, as evidenced by the contents of the records themselves, each of these individuals is giving voice to the views of the organization which he/she represents. In my view, it cannot be said that the affected persons are communicating their personal opinions on the subjects addressed in the records. Accordingly, I find that this information cannot properly be characterized as falling within the ambit of the term "personal opinions or views" within the meaning of section 2(1)(e).

This distinction between personal and non-personal information has been extended to situations involving groupings of individuals that are less formal and structured than, for example, a corporation, partnership or government agency. For example, in Order P-1409, former Adjudicator John Higgins found that information relating to an individual identified as a "spokesperson for the occupiers of [Ipperwash Provincial] Park", and other individuals identified as "native leaders", were not those individuals' personal information. Similarly, in Order P-300, I found that information submitted by a spokesperson for a local association did not qualify as "personal information".

Representations

The Board submits:

> . . . [T]he record contains the "personal information" of [the affected party], ie. it is recorded information about him as an identifiable individual pursuant to the definition of the term given in subsection 2(1) of [the *Act*].
>
> . . . [T]he record discloses the following categories of personal information listed in subsection 2(1) of [the *Act*]:
>
> *(a) "information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation, or marital or family status of the individual".*
>
> - the record discloses or may disclose [the affected party's] ethnic origin . . .
>
> *(c) "any identifying number or symbol or other particular assigned to the individual"*
>
> - the record shows the particular that [the affected party] is [specified title]
>
> *(e) "the personal opinions or views of the individual except if they relate to another individual"*
>
> - most of the content of the record is devoted to the expression of [the affected party's] personal opinions or views, including with respect to the following topics . . .

> In short, the record in question contains numerous and strong personal opinions of the author of the document, [the affected party].

With respect to the distinction between personal and professional or official government capacity, the Board submits:

> . . . [T]he document itself indicates quite clearly on its face (on the cover page) that it is prepared by [the affected party], without any modifier or qualifier that he is expressing views on behalf of a group or organization. In fact, on the cover page, the title of the record "Supplemental Critique: An [identified ethnic group] Perspective" does not specifically mention, refer to or allude to any particular group on whose behalf [the affected party] is speaking. Further, while the record does make reference to [the affected party's] involvement with an organization, the only reference made is to **a past**, rather than current affiliation with an organization . . . There is no express reference to [the affected party's] current status, if any, with respect to the [organization] or any other organization. Further, the name of the author . . . is not even listed on the same line as the reference to [his title]. Instead, the words [title] are given a separate line in smaller pitch print: there is no express or implied primacy or priority given to the reference to the [organization] over the larger and separate statement that the record is "by [the affected party]".
>
> Further, in neither the heading on the body of the document, nor the document itself, does [the affected party] indicate that he is speaking on behalf of the [organization] or other specific or readily ascertainable organization. Instead, when [the affected party] makes reference to his opinion about the beliefs of a group, he uses . . . generic terms . . . rather than making reference to any specific organization.
>
> While the record on p.4 contains references to [the organization], these references speak to actions or behaviours by the [organization] in response to specific instances of "attacks on the rights of [identified ethnic group]". These references do not reference or explain official positions or policy statements by the [organization] but rather denote or inform the reader of specific political steps or behaviours taken by this organization. By contrast, when [the affected party] returns to commentary on views he holds which he believes are shared by many people, he uses the generic and undefined term [identified ethnic group] . . . rather than making reference to or allusion to any particular ascertainable group or organization.
>
> More evidence of the fact that the document in question is generated by [the affected party], and not on behalf of a particular organization or group, is found in the document identification heading found on the bottom left-hand corner of pages 1 through 5 (inclusive) of the record. Each of these reads "*Submissions by [affected party]*". While sufficient space is left to type in the name of any

> organization (or the abbreviation of an organization) which [the affected party] might ostensibly be representing as acting as agent for the purposes of the submission, in fact no other descriptor is given in these document identification marks. It is noteworthy as well that these document identification marks do not even include the reference (found on the cover page) [title].
>
> In summary, the record contains the personal opinions or views of [the affected party] and therefore constitute his personal information. The fact that [the affected party] makes reference to his perceptions of the views or experiences of [identified ethnic group], does not render him a spokesperson giving voice to the views of an identifiable organization. Rather, these references are the expression of his personal opinions through the rhetorical device of making reference to the ostensible popular support of his views among [identified ethnic group].

In response to the Board's submissions, the appellant states:

> The Presentation was not made in the individual's personal capacity . . .
>
> . . . . .
>
> There are several factors that indicate the Presentation was not "about the individual":
>
> (a) the individual appeared as a delegate before the [Board];
>
> (b) the individual did not state that his views were made in his personal capacity;
>
> (c) the [Board] admits that on the cover page of the Presentation the name of the organization appears directly below the name of the individual;
>
> (d) the [Board] admits that the individual made numerous references to his involvement with an organization; and
>
> (e) the individual made representations about the views of the community, not his personal opinions.
>
> (a) Appearance Before the [Board]
>
> The [Board] web site sets out a Procedure for Public Input of delegations as required by bylaw. This procedure is designed to promote the advocacy of students, parents and communities. The individual would have requested, pursuant to this procedure, to appear before the April 12 Standing Committee of the [Board]. It should be noted that the individual has not claimed that he appeared as a student or parent. Further, the [Board] has not indicated how the individual represented himself to the Manager of Senior Administrative Services

in his request to appear. The Appellant submits that the Procedure for Public Input indicates that the individual would have appeared on behalf of a community or organization.

(b) Did Not State Views Were Personal

The [Board's] submission is clear that the individual at no time stated that the views were his personal views and not those of the organization.

(c) The Individual is Linked to the Organization

While the [Board] submits that the title of the Presentation does not "specifically mention, refer or allude to any particular group" on whose behalf the individual is speaking, the [Board] does admit that the Presentation makes reference to the individual's affiliation with that group. Specifically, the name of the individual is linked to the name of the organization on the cover page.

The references to formulating decisions and choice of language in the [Board's] submissions are not sufficient grounds to change information representing the opinions of an organization into "personal information". This would defeat the purpose of the definition of "personal information" in the *Act* by allowing organizations to shield their records from public scrutiny through aesthetic considerations.

In Order 80, Commissioner S.B. Linden reviewed the contents of the records and the circumstances surrounding their submission to an institution to determine if the records qualified as personal information. The Appellants submit that this type of purposive analysis is appropriate in determining whether a record is "about an individual". In this case, the intent of the Presentation was to represent the views of the organization not of the individual.

(d) References to an Organization

The [Board] admits in its submissions that the individual made references to his involvement with an organization. These references inevitably colour the Presentation and dilute any claim that it was made in a personal capacity. If the individual wanted this to be his presentation, and his presentation alone, he should have removed any and all reference to his association with the organization. Relating the Presentation to the organization would have given the Presentation additional weight in the eyes of the audience.

This is supported by the fact that the [Board] received a previous presentation from the same individual on January 25, 2000 in which he linked himself to the organization and represented the views of a specific organization . . . At the very least, the reference to his actions and behaviours of an organization on page 4 of

> the Presentation (admitted by the [Board]) indicates that the individual used knowledge gained in his official capacity. This information cannot be said to be "about the individual".
>
> (e) Reference to Community Views
>
> In the alternative, if the Adjudicator finds that the individual was not making representations on behalf of a specific organization, the Appellant submits that the individual was still speaking on behalf of a specific social group and not in his personal capacity. In the [Board's] submissions, the [Board] notes that the individual makes reference to "beliefs of a group", "the ostensible popular support of his views among [**deleted**]", and that his views "are shared by many people" in a specific community.
>
> In Reconsideration Order R-980015; Order P-1538, Adjudicator D. Hale states at paragraph 62, "In order for an organization, public or private, to give voice to its views on a subject of interest to it, individuals must be given responsibility for speaking on its behalf." Similarly, in order for a social group to give voice to its common views on a subject, the group must give responsibility to an individual to speak on its behalf.
>
> In Order P-1411, Inquiry Officer J. Higgins rules that the position of a native leader is analogous to his employment or profession with the result that references to such an individual in that capacity are not his personal information.
>
> Once an individual becomes a spokesperson for a social group before a public consultation, that person is no longer communicating personal information but is acting as a conduit between that group and the recipient of the communication. In this case, even if the individual was not representing a specific organization, he was still acting as a spokesperson for a social group and voicing the views of that group. It cannot be said that this information is "about the individual".

Responding to the appellant's submissions, the affected party submits that the information at issue qualifies as personal information under paragraphs (a), (e), (f) and (h) of the section 2(1) definition of "personal information", and further submits:

> The information as to my identity, background and racial/national/ethnic origin is personal information relating to me. The views expressed in the presentation are specifically "my views" and I believe that because they are "my views" they are of interest to the Appellant . . .
>
> . . . . .
>
> . . . I did not, and never have, represented myself to the [Board] as a representative of any organisation. My request to appear did not include a claim that I represented an organisation. I appeared purely in my personal capacity and presented my personal views. I have no knowledge of who is entitled to appear

before the [Board]. There were other individuals who spoke and made written submissions to the [Board] without claiming to represent any group. For example, there were individual teachers and individual members of many ethnic communities appearing in their own right and making submissions.

The grounds on which the [Board] agreed to hear me are not at issue in this appeal and whether I appeared as a student, parent, community member or other individual was not specifically asked of me. If an error on the part of the [Board] took place, this should not compromise my privacy rights . . .

Although I did not state specifically that my "views are personal", it may easily be inferred from the absence of a claim to any specific status as a delegate or member of any organisation. It would be rather unusual and certainly unnecessary for an individual to be required to state that "these views are my own". Such a statement would be obvious to the listener or reader.

Any mention of an organizational affiliation in my report was by way of personal background information (curriculum vitae) intended to tell the reader a little more about myself and my experiences. My personal history and affiliations are information protected by the *Act*. At no point did I purport to represent any organisation or group. Furthermore, the formatting of my submission is irrelevant as the words are clear. For example the footer of my written submission states that it is the submission of me by name. Nowhere and at no point did I claim to represent a group or organisation. I did not claim to be a delegate, office holder or official representative and did not appear as such. Indeed, at no time during the hearings or since have I held any title or role as spokesman for the organization.

The only references to my affiliation to an organization, whether it is in my oral presentation or written submission, clearly state that the affiliation is in the past. By the creative logic of the Appellant, if I identified myself as a former Catholic priest, the Appellant would claim that I was an official spokesman for the Vatican. Indeed, no one could make a credible argument that the designation of "former' Catholic priest would bestow on me any official authority with which I could speak even only on behalf of my old parish.

Any references to my prior involvement with any organisation were by way of personal background to add personal colour to my presentation.

Contrary to what the Appellant states, in my January 25, 2000 presentation and submission, I did not at any time claim to represent an organisation, act as a delegate or have any official capacity whatsoever.

The alleged references on page 4 of my "presentation" were made in the context of describing human rights case studies which have occurred in which an organisation played a part. I did not claim to have been involved with the cases in

> question or that I have played any role in the organisation mentioned at the time these events occurred. These are offered simply as "case studies" to illustrate my views expressed in the report.
>
> The Appellant relies on two cases in which adjudicators found, respectively, that organisations give authority to individuals to represent their views and that references to someone as a "native leader" can be interpreted as a profession and, as such, views expressed are not his personal information. I had not been given any such responsibility or authority. Furthermore, it should be noted that the case law cited did not say that "former native leaders" would permanently lose their privacy rights.
>
> Loose social groupings do *not* appoint individual spokespersons. It would appear that the [Board's] Standing Committee welcomed a variety of individuals to speak in their personal capacities about their personal experiences and I was one of those. By listening and reading the submissions of a variety of individuals, the Standing Committee perhaps felt that it could gain insight into the experiences of a community. Anyway, the views that I expressed were my own. In some cases I did state that I felt these views to be common among persons of a certain background. That did not mean that I spoke in any official or professional capacity or had been appointed as a "leader" or "spokesperson".
>
> If an individual were to state "I believe that Canadians would agree with me on this", would the individual thereby become an official spokesperson for all Canadians? The Appellant's theory is patently absurd. The [Board] Standing Committee was aware and continues to assert that I spoke in my personal capacity about my personal views.

Findings

Privacy expert Alan Westin defines privacy as the claim of individuals "to determine for themselves when, how, and to what extent information about them is communicated to others" [*Privacy and Freedom*, (New York: Atheneum, 1967), p. 7]. Thus, central to privacy is the notion of individual control. Based on this view of privacy, if an individual makes a conscious decision to communicate information in a manner that indicates he is speaking not on his own behalf, but on behalf of a group of individuals, and there is a credible basis for this claim, then he cannot later, in hindsight, hide his words behind the veil of privacy.

In my view, the evidence in this case strongly supports the conclusion that the affected party intended to communicate, through the record at issue in this appeal, on behalf of the organization. The evidence also indicates that the appellant was purporting to provide input to the Board on behalf of a specific social or ethnic group or community (the specified community), not on his own behalf.

I have reached this conclusion for a number of reasons.

Most significantly, the affected party prominently includes his past affiliation as the head of a community organization below his name on the cover page of both Records 1a and 2. Although I accept the affected party's submission that at the time he submitted the record he was no longer an official with this organization, I do not accept his statement that his past affiliation was used "by way of personal background information (curriculum vitae) intended to tell the reader a little more about myself and my experiences." The title used on the front page of the record is one frequently associated with a current official position in an organization, and it is reasonable for a reader of a record such as this to conclude that it was prepared on behalf of the identified organization, and not by the individual in a personal capacity. In my view, it is also reasonable to conclude in the circumstances that the affected party used his past position with the organization primarily as a way in which to add weight and authority to his claim that the Board should accept the views expressed in the submission as those of the specified community. In other words, the affiliation is included to provide an answer to the question, "how can this person claim to speak for this community?".

Closely related to this reason, the affected person also makes numerous references to actions taken by the organization of which he had been a member and former official. While it is unclear whether or not he was a member at the time of these actions, the connection between these references and his prominent use of his past affiliation with this organization cannot be ignored. In my view, it would be reasonable for one to conclude that either he was a member at the time, or that he has specific knowledge of the actions taken, and that the organization was mentioned because it lends further credibility to the views as being those of the organization and community that it represents.

The content of the record (as well as Record 1a, which too was submitted by the affected party) also includes strong indicators that the views expressed are those of the specified community, and not just the personal views and opinions of the affected party. The words that preface the affected party's first written submission to the Board perhaps make this point most compellingly. They position and set the tone for the affected party's initial and the supplementary submissions:

> The text below highlights the [specified] community's main areas of concern regarding the TDSB's draft Human Rights Policy and Procedures Document which is still to be finalized and adopted.

Throughout the documents, in places where one would expect the words "I" or "my" to appear if the records were intended to reflect personal views and opinions, the affected person consistently and regularly uses the words "the [specified] community". In so doing, in my view, the affected party framed the views as those of that community and not simply of himself.

It is also relevant to note that the affected party is an individual widely known in the specified community who has and continues to speak on behalf of this particular group, even outside the context of his leadership of the organization. This underscores the conclusion that the affected party had a credible basis for asserting that he was providing the views of the particular organization and the specified community.

The Board submits that the affected person used his past affiliation and references to the specified community as a "rhetorical device". In my view, it is one thing to communicate one's views, and suggest that they are widely held among a certain group, and quite another to say in clear terms, and in a variety of ways, that "this is what the group believes". There is little if any evidence to support the conclusion that the affected party was merely expressing his personal views, and this argument flies in the face of the strong evidence to the contrary.

The affected party submits that "loose social groupings do *not* appoint individual spokespersons", and that he had not been appointed as a "leader" or "spokesperson". With the exception of the affected party's association with the organization, which is both clear and direct, I accept that groups such as the broader specified community in question are not formally organized in such a way that they can and do appoint leaders or spokespersons. However, this does not mean that no person or organization can validly be taken as speaking on behalf of such a group, or at least on behalf of a significant number of its members, in some situations. For example, an organization such as the Council of Canadians with Disabilities (CCD) has been recognized as representing the views of people with disabilities, both within and outside the context of court hearings (see, for example, *Eaton v. Brant County Board of Education*, [1995] S.C.C.A. No. 168). This recognition has been granted, despite the fact that the CCD was not "appointed" by all or a majority of Canadians with disabilities, and despite the fact that it is only one among many organizations that represent persons with disabilities. Here, the Board set up a forum for receiving the views of the local community, in a relatively informal, flexible manner. It would not be necessary, in this circumstance, to provide a legal basis for one's claim to speak on behalf of a broadly defined group that, by definition, cannot have a single appointed or elected leader or spokesperson.

The affected party also submits "If an individual were to state 'I believe that Canadians would agree with me on this', would the individual thereby become an official spokesperson for all Canadians?" In the circumstance of a submission before the Board on its human rights policy, the answer is "no". What makes the affected party's example distinguishable is, first, that he used no such language, that is, he did not express the views as his own and state that the broader specified community would agree with him. Second, the affected person himself, as explained above, provided the Board with ample evidence of his ability to represent both the organization and the broader specified community group. It could hardly be said that, in these circumstances, an individual could reasonably lay claim to speaking on behalf of all Canadians. On the other hand, in quite different circumstances, an individual might validly lay claim to speaking on behalf of all Canadians, such as in a process undertaken in a foreign country, at least within the confines of that particular process.

For all of these reasons, I conclude that the record at issue in this appeal does not contain the affected party's personal information as that term it defined in section 2(1) of the *Act*. Accordingly, the record is not exempt under the section 14 personal privacy exemption.

ORDER:

1. I do not uphold the Board's decision to deny access to the record.

2. I order the Board to disclose the record to the appellant by **July 22, 2002**, but not earlier than **July 15, 2002**.

3. In order to verify compliance with Provision 2 of the order, I reserve the right to require the Board to provide me with a copy of the record sent to the appellant, upon request.

Original signed by: June 14, 2002
Tom Mitchinson
Assistant Commissioner