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

ORDER PO-2099

Appeal PA-010421-1

Ministry of Natural Resources

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NATURE OF THE APPEAL:

The Ministry of Natural Resources (the Ministry) received a request under *the Freedom of Information and Protection of Privacy Act* (the *Act*) for the following information:

> All logs detailing the use of the two Ministry of Natural Resources Gulfstream King Air turboprops by Premier Mike Harris and/or government ministers since March 1, 2000. Also the approximate cost of such flights and how long the trips lasted.

The Ministry identified a number of responsive records consisting of Aircraft Journey Logs, Manifests and Manifest Summaries. The Ministry denied access to all of the records pursuant to one or more of the following exemptions contained in the *Act*:

section 14	-	law enforcement
section 20	-	danger to safety or health
section 21	-	invasion of privacy

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

During mediation, the Ministry realized that it had misconstrued the request to encompass records relating to the use of turboprops by "Premier Harris and/or government **ministries**" rather than by "Premier Mike Harris and/or government **ministers**." Accordingly, the Ministry reduced the number of responsive Aircraft Journey Logs and Manifests. The appellant did not take issue with the Ministry narrowing the number of responsive records in this manner.

Also during mediation, the Ministry indicated that the Manifest Summaries were not responsive to the request. The appellant disagreed with this position, and the Ministry reversed its position and agreed to include these records within the scope of the appeal.

The appeal was not settled at the mediation stage, and was transferred to adjudication. This office sent a Notice of Inquiry to the Ministry, initially, setting out the facts and issues and asking for written representations. The Ministry provided representations, which also included an affidavit from the Ontario Provincial Police (OPP) in support of the Ministry's arguments that the disclosure of the information contained in the records could reasonably be expected to result in the harms contemplated by sections 14(1)(e), (i) and (l) of the *Act*. This office then sent the Notice, together with the non-confidential portion of the Ministry's representations to the appellant.

The appellant submitted an application to vary the adjudicative process by being allowed to make oral rather than written representations. Assistant Commissioner Tom Mitchinson provided the appellant with a ruling denying his application, for reasons outlined in writing to the appellant. The appellant subsequently submitted brief written representations in response to the Notice.

RECORDS:

There are approximately 195 records at issue in this appeal. They consist of Aircraft Journey Logs, Manifests and Manifest Summaries.

The Ministry claims that the exemptions apply to the records as follows:

Section 14(1)(e):	Manifest	(Approximately 40 records)
Section 14(1)(i):	Manifest	(Approximately 40 records)
Section 14(1)(l):	Manifest	(Approximately 40 records)
Section 20:	Aircraft Journey Log	(Approximately 82 records)
	Summary of Manifest	(Approximately 7 records)
	Manifest	(Approximately 101 records)
Section 21:	Manifest	(Approximately 10 records)

DISCUSSION:

ENDANGER LIFE OR SAFETY/SECURITY/FACILITATE COMMISSION OF AN UNLAWFUL ACT

Introduction

Section 14 of the *Act* requires that the expectation of one of the enumerated harms coming to pass, should a record be disclosed, not be fanciful, imaginary or contrived, but rather one that is based on reason. An institution relying on the section 14 exemption bears the onus of providing sufficient evidence to substantiate the reasonableness of the expected harm(s) by virtue of section 53 of the *Act*. [Order P-188]

The requirement in Order 188 that the expectation of harm must be "based on reason" means that there must be some logical connection between disclosure and the potential harm which the institution seeks to avoid by applying the exemption. [Order P-948]

In Order PO-1747, Senior Adjudicator David Goodis stated the following with respect to the words "could reasonably be expected to" in the law enforcement exemption:

> The words "could reasonably be expected to" appear in the preamble of section 14(1), as well as in several other exemptions under the *Act* dealing with a wide variety of anticipated "harms". In the case of most of these exemptions, in order to establish that the particular harm in question "could reasonably be expected" to result from disclosure of a record, the party with the burden of proof must provide

> "detailed and convincing" evidence to establish a "reasonable expectation of probable harm" [see Order P-373, two court decisions on judicial review of that order in *Ontario (Workers' Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)* (1998), 41 O.R. (3d) 464 at 476 (C.A.), reversing (1995), 23 O.R. (3d) 31 at 40 (Div. Ct.), and *Ontario (Minister of Labour)* v. *Big Canoe*, [1999] O.J. No. 4560 (C.A.), affirming (June 2, 1998), Toronto Doc. 28/98 (Div. Ct.)].

Section 14(1)(e)

In Order PO-1747, Senior Adjudicator David Goodis stated the following with respect to the words "could reasonably be expected to" in the context of section 14(1)(e):

> In *Ontario (Minister of Labour)*, the Court of Appeal for Ontario drew a distinction between the requirements for establishing "health or safety" harms under sections 14(1)(e) and 20, and harms under other exemptions. The court stated (at p. 6):
>
> > The expectation of harm must be reasonable, but it need not be probable. Section 14(1)(e) requires a determination of whether there is a reasonable basis for concluding that disclosure could be expected to endanger the life or physical safety of a person. In other words, the party resisting disclosure must demonstrate that the reasons for resisting disclosure is not a frivolous or exaggerated expectation of endangerment to safety . . . Where there is a reasonable basis for believing that a person's safety will be endangered by disclosing a record, the holder of that record properly invokes [section 14(1)(e)] to refuse disclosure.

In my view, despite this distinction, the party with the burden of proof under section 14(1)(e) still must provide "detailed and convincing evidence" of a reasonable expectation of harm to discharge its burden. This evidence must demonstrate that there is a reasonable basis for believing that endangerment will result from disclosure or, in other words, that the reasons for resisting disclosure are not frivolous or exaggerated.

Section 14(1)(i)

Section 14(1)(i) states:

> A head may refuse to disclose a record where the disclosure could reasonably be expected to,
>
> > endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;

Section 14(1)(l)

Section 14(1)(l) provides:

> A head may refuse to disclose a record where the disclosure could reasonably be expected to,
>
> > facilitate the commission of an unlawful act or hamper the control of crime.

Discussion

The Ministry submits that the events of September 11, 2001 resulted in a heightened awareness of security concerns, particularly surrounding air travel, with respect to public officials. It has provided me with evidence of the steps taken to ensure the safety and security of the users of government aircraft. In particular, it expresses concern with respect to those portions of the records which reflect the identity of passengers and crew and the arrival and departure locations and dates. The disclosure of this information would make it possible to determine the number and identity of the law enforcement officers who provide security to the government officials who travel on these particular aircraft. For these reasons, it argues that the information contained in the records falls within the ambit of the exemption in section 14(1)(e).

In addition, the Ministry submits that:

> . . . release of the manifests and logs which identify the crew . . . would also create a reasonable expectation of harm. By identifying the names of the crews, they or their families could be threatened or coerced in order to put their passengers in a compromising position from a safety or security point of view. Thus, release of the information would create a reasonable expectation of harm or danger to the aircraft, or could reasonabl[y] [be] expected to facilitate the commission of an unlawful offence. Thus the records revealing this information are exempt under subclauses 14(1)(i) and (l) of the *Act*.
>
> Release of the arrival and departure locations and the passengers would allow the unscrupulous to establish the travel patterns of the senior government officials. The individuals would be able to identify when the aircraft and their passengers would be at smaller airports where there would likely be lower security environments. This would [facilitate] attempts to commandeer the aircraft or attack senior government officials. Thus the records revealing this information are exempt under subclauses 14(1)(i) and (l) of the *Act*.

The affidavit evidence tendered by the Ministry reiterates these arguments and provides further detail as to why the scenarios discussed in the Ministry's representations are reasonably likely to follow the disclosure of the information contained in the records. I am unable to refer to these submissions in any greater detail due to their confidential nature.

In Order PO-1944, issued on September 6, 2001, Assistant Commissioner Tom Mitchinson made certain findings with respect to the application of section 14(1)(e) to records relating to the expense claims submitted on behalf of the security detail provided to the Premier. In that decision, the Assistant Commissioner upheld the institution's decision to deny access to portions of these records on the basis that they were exempt under section 14(1)(e). In response to the institution's arguments that the disclosure of the expense records would reveal information about the make-up of the security detail provided to the Premier and thereby give rise to a reasonable expectation of the type of harm described in section 14(1)(e), the Assistant Commissioner held that:

> As far as the size of the security detail is concerned, in my view, different considerations apply depending on the type of record. Because the expense claim forms were submitted individually by different OPP officers, I find that disclosing them would necessarily reveal the number of OPP officers accompanying the Premier on a particular trip. Even if the information provided on the forms is not identical in each case, there is sufficient similarity in content and format to enable accurate inferences to be drawn regarding the size of the security detail on each trip. Because each of these records was submitted individually by a specific OPP officer, I also find that it is not possible to sever them in a way which would avoid revealing the size of the security detail on each trip. As far as the itemized breakdown is concerned, because of the way it is structured, I find that disclosing it would also reveal the number of OPP officers assigned to the security detail for each of the Premier's trips.
>
> Further, based on the evidence and representations provided by the Ministry, including the specific incidents identified in the affidavit submitted by the officer in charge of the OPP's Investigations Support Bureau, I find that disclosing the size of the security detail could reasonably be expected to endanger the life or physical safety of the Premier and the officers assigned to his security detail. The evidence provided by the Ministry is both detailed and convincing. Applying the standard established by the Court of Appeal in *Ontario (Ministry of Labour)*, I find that the reasons for applying the section 14(1)(e) exemption claim to records that would reveal the size of the Premier's security detail, cannot accurately be described as a frivolous or exaggerated expectation of endangerment to safety. On the contrary, the Ministry has persuaded me that there is a reasonable basis for believing that the Premier's safety could be endangered by disclosing records that would reveal the size of his security detail, as well as the safety of the officers themselves. My conclusion in this regard certainly does not imply that the appellant himself would be the source of any such harm. However, as has been established in many past orders, disclosure of records to a particular requester is tantamount to disclosing the information contained in the records to the public generally, and this is the basis for my finding that the section 14(1)(e) exemption applies to the various expense claim forms and the itemized breakdown.
>
> However, I find that different considerations are relevant with respect to the responsive portions of the summary report. This record does not list expenses by

> individual OPP officer, nor can the size of the security detail supporting the Premier be ascertained through the disclosure of the summarized expense information listed in this record. In my view, substantiating the section 14(1)(e) exemption claim in the circumstances of this appeal is dependent on the existence of information that would establish the size of the Premier's security detail. Because the summary report does not meet this threshold requirement, I find that the risks of harm through disclosure of the responsive portions of this record are not reasonable and, therefore, it does not qualify for exemption under section 14(1)(e) of the *Act*.

I agree with the findings of the Assistant Commissioner for the purposes of the present appeal. In my view, the disclosure of the names of the security officers assigned to government officials making use of government aircraft which are reflected in the manifests could reasonably be expected to give rise to the harms contemplated by section 14(1)(e). I find that the evidence provided by the Ministry in support of this position is detailed and convincing and the disclosure of this information could reasonably be expected to endanger the life of the governmental officials who use the aircraft and the law enforcement officers who provide security services to these individuals. In accordance with the findings in Order PO-1944, I find that the names of the law enforcement officers which are included in the manifest records qualify for exemption under section 14(1)(e).

As noted above, the Ministry takes the position that the disclosure of the manifests and logs would reveal a pattern of conduct with respect to regular travel by government officials on the aircraft in question. It submits that knowledge of these patterns by the "unscrupulous" could reasonably be expected to facilitate the commission of a crime against the officials. In Order PO-1944, Assistant Commissioner Mitchinson addressed similar arguments as follows:

> Turning first to the question of whether disclosure of the records would reveal the routines followed by the security detail and the Premier while travelling in the United States, I do not accept the Ministry's position on this aspect of the exemption claim. Although the expense claim forms contain specific information concerning out-of-pocket expenses incurred by various OPP officers while on travel status - flights to and from cities/states, hotel charges, toll fees, gratuities, etc. - they do not contain the type of specific information necessary to reveal any routines or travel patterns. For example, no specific hotel or restaurant is identified on any of the records, and in many cases only the state visited and not even the city, is listed on the claim form. The information contained on the summary report and the itemized breakdown is even less specific. Similar to the situation faced by former Adjudicator Fineberg in Order M-333, I find that the information contained on the various records at issue in this appeal would not reveal a pattern of activity on the part of the OPP security detail or the Premier sufficient to bring the records within the scope of section 14(1)(e) of the *Act* .

I find that the information contained in the manifest summary and the manifests themselves do not establish a routine or pattern of travel on the part of any governmental officials which could be used by an individual to facilitate the commission of a crime. I find that the records do not

reveal any consistent travel arrangements which could be used to assist the undertaking of a criminal act, despite the inclusion of the arrival and departure airports. I find that no set patterns of travel by any individual or individuals would be revealed by the disclosure of the records. Accordingly, I cannot agree that the information contained in the records (other than that relating to the security personnel discussed above) qualifies for exemption under sections 14(1)(e), (i) or (l) on this basis.

DANGER TO SAFETY OR HEALTH

The Ministry has claimed the application of section 20 of the *Act* to all of the records remaining at issue in this appeal. Section 20 is the only exemption claimed by the Ministry to apply to the log documents. This section states:

> A head may refuse to disclose a record where the disclosure could reasonably be expected to seriously threaten the safety or health of an individual.

The words "could reasonably be expected to" appear in the preamble of section 20, as well as in several other exemptions under the *Act* dealing with a wide variety of anticipated "harms". In the case of most of these exemptions, in order to establish that the particular harm in question "could reasonably be expected" to result from disclosure of a record, the party with the burden of proof must provide "detailed and convincing" evidence to establish a "reasonable expectation of probable harm" [see Order P-373, two court decisions on judicial review of that order in *Ontario (Workers' Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)* (1998), 41 O.R. (3d) 464 at 476 (C.A.), reversing (1995), 23 O.R. (3d) 31 at 40 (Div. Ct.), and *Ontario (Minister of Labour) v. Big Canoe*, [1999] O.J. No. 4560 (C.A.), affirming (June 2, 1998), Toronto Doc. 28/98 (Div. Ct.)].

As noted above, in *Ontario (Minister of Labour)*, the Court of Appeal for Ontario drew a distinction between the requirements for establishing "health or safety" harms under sections 14(1)(e) and 20, and harms under other exemptions. The court stated (at p. 6):

> The expectation of harm must be reasonable, but it need not be probable. Section 14(1)(e) requires a determination of whether there is a reasonable basis for concluding that disclosure could be expected to endanger the life or physical safety of a person. In other words, the party resisting disclosure must demonstrate that the reasons for resisting disclosure is not a frivolous or exaggerated expectation of endangerment to safety. Similarly [section] 20 calls for a demonstration that disclosure could reasonably be expected to seriously threaten the safety or health of an individual, as opposed to there being a groundless or exaggerated expectation of a threat to safety. Introducing the element of probability in this assessment is not appropriate considering the interests that are at stake, particularly the very significant interest of bodily integrity. It is difficult, if not impossible, to establish as a matter of probabilities that a person's life or safety will be endangered by the release of a potentially inflammatory record. Where there is a reasonable basis for believing that a person's safety will be

> endangered by disclosing a record, the holder of that record properly invokes [sections] 14(1)(e) or 20 to refuse disclosure.
>
> [D]espite this distinction, the party with the burden of proof under section 20 still must provide "detailed and convincing evidence" of a reasonable expectation of harm to discharge its burden. This evidence must demonstrate that there is a reasonable basis for believing that endangerment will result from disclosure or, in other words, that the reasons for resisting disclosure are not frivolous or exaggerated. [Orders MO-1262 and PO-1747]

The Ministry relies on the submissions made under sections 14(1)(e), (i) and (l) in support of its contention that the information in the records is exempt under section 20.

I note that the flight logs do not contain any information as to the identity of the government officials or security personnel who made use of the aircraft on these occasions. Rather, they refer only to the identities of the crew members serving on each of the flights documented in the logs. I accept the submissions of the Ministry with respect to the security concerns it has raised for the safety of the crew members and their families. I agree that the disclosure of the names of the flight crews which are contained on each page of the logs could reasonably be expected to seriously threaten the safety of these individuals. In my view, the Ministry has established a reasonable basis for taking the position that section 20 applies to exempt the names of the crew members from disclosure and that the reasons it has expressed in its public and confidential representations for resisting the disclosure of this information are not frivolous or exaggerated.

However, the disclosure of the remaining information contained in the logs could not reasonably be expected to seriously threaten the health or safety of any individuals. With the names of the crew members removed, the records do not contain information about any individuals whose health or safety could be put at risk. Instead, the information relates only to the aircraft, their servicing and the locations and dates when they were in use. The Ministry's representations focus on the potential for harm to the crew members and their families only and relate a scenario whereby this harm may come to pass. I find that the evidence tendered by the Ministry does not support a finding in favour of the application of section 20 to the remaining information contained in the flight logs. Rather, the evidence which it has submitted in support of this argument is neither detailed nor is it convincing. Therefore, I conclude that the remaining information, other than the names of the crew members, does not qualify for exemption under section 20.

I have found that the names of the security personnel contained in the manifests are exempt from disclosure under section 14(1)(e). Accordingly, I need not address these portions of the manifests in my discussion of section 20. The remaining information describes the identity of the other passengers on the aircraft, the destinations and other flight details for each trip which is recorded. For the reasons set out in my discussion of sections 14(1)(e), (i) and (l), I find that section 20 also does not apply to the remaining information in the manifests. Specifically, I find that the Ministry has failed to provide me with the sufficient evidence to demonstrate "that disclosure could reasonably be expected to seriously threaten the safety or health of an individual, as opposed to there being a groundless or exaggerated expectation of a threat to

safety." I find that the Ministry has failed to establish "a reasonable basis for believing that a person's safety will be endangered by disclosing" the manifests, following the removal of the names of the security personnel. As a result, I find that section 20 has no application to this information.

PERSONAL INFORMATION/INVASION OF PRIVACY

Do the Records Contain "Personal Information"?

The section 21 personal privacy exemption applies only to information which qualifies as "personal information", as defined in 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 [paragraph (c)] 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 [paragraph (h)].

The Ministry submits that ten of the manifests included in the records contain the names of individuals who are not government officials who travelled on the aircraft. The Ministry takes the position that the names of these individuals, taken together with the travel destinations indicated on the manifests, constitutes the personal information of these individuals within the meaning of the definition of "personal information" contained in section 2(1).

It is clear from the wording of the statute that the list of examples of personal information under subsection 2(1) is not exhaustive. This leaves it open for me to decide whether or not information contained in the records which does not fall under subsections (a) to (h) ... constitutes personal information. [Order 11]

I agree with the position taken by the Ministry with respect to the information on the ten manifests to which it has applied the section 21(1) exemption. I find that the names of the individuals who are not government officials, taken along with the travel destination information on the manifests, constitutes the personal information of these individuals within the meaning of the definition of that term in section 2(1)(h).

Is the Personal Information Exempt from Disclosure under Section 21(1)?

Section 21(1)

Where a requester seeks personal information of another individual, section 21(1) of the *Act* prohibits an institution from releasing this information unless one of the exceptions in paragraphs (a) through (f) of section 21(1) applies. In the present circumstances, the only exception which might possibly apply is that contained in section 21(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.

Sections 21(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 21(2) provides some criteria for the institution to consider in making this determination. Section 21(3) lists the types of information the disclosure of which is presumed to constitute an unjustified invasion of personal privacy. Section 21(4) refers to certain types of information the disclosure of which does not constitute an unjustified invasion of personal privacy. 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 21(2) [*John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767].

A section 21(3) presumption can be overcome if the personal information at issue falls under section 21(4) of the *Act* or if a finding is made under section 23 of the *Act* that a compelling public interest exists in the disclosure of the record in which the personal information is contained which clearly outweighs the purpose of the section 21 exemption. [See Order PO-1764]

If none of the presumptions in section 21(3) apply, the institution must consider the application of the factors listed in section 21(2), as well as all other considerations that are relevant in the circumstances of the case. Section 21(2) lists various criteria which must be considered in determining whether the disclosure of personal information would constitute an unjustified invasion of personal privacy within the meaning of section 21(1)(f). [Order P-239]

The subsection lists some of the criteria to be considered; however, the list is not exhaustive. By using the word "including" in its opening paragraph, I believe it requires the head to consider the circumstances of a case that do not fall under one or more of the listed criteria. [Order P-99]

In its decision to the appellant, the Ministry did not rely on any of the presumptions of an unjustified invasion of personal privacy in section 21(3) of the *Act*, or on any of the factors listed under section 21(2). In the Notice of Inquiry provided to the Ministry, it was asked to make representations on the application of sections 21(2)(a), 21(2)(e), 21(2)(f) and 21(2)(i) as well as any of the other factors listed in section 21(2) or any of the presumptions in section 21(3).

In its representations, the Ministry submits that "The manifests contain the names of individuals who travelled on government aircraft who are not government officials... the names when combined with their travel destinations are the personal information of those individuals. Furthermore, the Ministry takes the position that release of the information would constitute an unjustifiable invasion of privacy." The Ministry indicates that it balanced the interests set out in sections 21(2)(a) and (e) and "found that the latter prevailed."

In order for section 21(2)(a) to apply in the circumstances of an appeal, it must be established through evidence provided by the appellant, and following a review of the relevant records, that disclosure of the personal information found in these records is desirable for the purpose of subjecting the activities of the institution to public scrutiny. [Order P-828]

With respect to the application of section 21(2)(a), a factor favouring the disclosure of the information, the Ministry submits that:

> Subsection 21(2)(a) provides the Ministry must consider disclosure of personal information where it is necessary for the purpose of subjecting the Government of Ontario to scrutiny. There must be a public demand for scrutiny of the institution, not one person's personal view or opinion is necessary. The requester must demonstrate that the activities of the institution to which the record relates have been called into question. In this instance, there have been no allegations of misuse or questionable use of government aircraft, nor any question of the conduct of the Ministry or the government with respect to the use of the aircraft in question. Accordingly, while the Ministry considered subsection 21(2)(a), it concluded that it did not apply or had a very limited application.

The appellant's submissions indicate that information of the sort requested has been provided to him in the past. He argues that information relating to the use of aircraft owned by the federal government by federal politicians is public information. The appellant also points out that he is seeking access to information relating to flights that have already taken place, not those about to be undertaken.

The Ministry's submissions go on to comment on the possible application of section 21(2)(e) to the personal information contained in the records which relates to individuals who are not government officials. It states that:

> . . . identifying individuals who travelled on government aircraft would allow one to establish their travel patterns. For the reasons discussed above with respect to the application of the aforementioned subsections 14(1), knowledge of such travel patterns would facilitate those who wished to harm the named individuals in less secure airport environments. The affidavit provided by the Ontario Provincial Police suggest[s] that there is a reasonable expectation of such harm. Accordingly, it is the position of the Ministry that release of the information could be expected to expose some of the individuals unfairly to harm. It is the position of the Ministry that this factor tilts the balance to the conclusion that disclosure of this information would constitute an unjustifiable invasion of privacy.

I find the consideration listed in section 21(2)(a) to be of no significance when weighing the factors favouring disclosure against those favouring privacy protection. The appellant has not provided me with any evidence in support of a finding "that disclosure of the personal information found in these records is desirable for the purpose of subjecting the activities of the institution to public scrutiny". While this information may have once been made available to the public, the events of September 11, 2001 have made the Government of Ontario more aware of security issues and caused a revision in its policy of disclosing this type of information. I find that the appellant has not provided me with any evidence to support a finding that the disclosure of this information is desirable for reasons of public scrutiny of the government and section 21(2)(a) has no application.

I further find that the Ministry's contention that section 21(2)(e) applies to the information contained in the manifests relating to travel undertaken by individuals who are not government officials, is also without foundation. In my view, it is not reasonable to conclude that the disclosure of this information will unfairly expose these individuals to harm. As I concluded in my discussion of section 14(1), the information contained in the manifests does not establish a pattern of travel which could be used for the purpose of harming these, or any other, individuals. As a result, I find that section 21(2)(e) has no application to this information.

I have found that there are no considerations favouring the disclosure of the personal information in ten of the manifests which relate to those individuals who are not government officials. Accordingly, I conclude that the disclosure of this personal information would constitute an unjustified invasion of their personal privacy. As a result, this information is properly exempt from disclosure under section 21(1) and the exception in section 21(1)(f) does not apply.

ORDER:

1. I order the Ministry to disclose all of the information contained in the Manifest Summary, the Manifests, with the exception of the names of the individuals who are not government officials and the security personnel, as well as the Flight Logs, with the exception of the names of the aircrew, by providing the appellant with a copy by **February 21, 2003** but not before **February 17, 2003**.

2. I uphold the Ministry's decision not to disclose the names of the security personnel and the individuals who are not government officials contained in the Manifests and the names of the aircrew contained in the Flight Logs.

3. I reserve the right to require the Ministry to provide me with copies of the records which are disclosed to the appellant pursuant to Order Provision 1.

Original signed by: January 17, 2003
Donald Hale
Adjudicator