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

ORDER PO-2066

Appeal PA-010286-1

Ministry of the Solicitor General

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BACKGROUND AND NATURE OF THE APPEAL:

In October 2000, an explosion and fire occurred at an insured property consisting of a business and two basement apartments. The Office of the Fire Marshal (the OFM) and the Ontario Provincial Police (the OPP) conducted investigations into the circumstances of the explosion and fire. The appellant is a consulting engineering firm retained by the insurer of the property.

The appellant submitted a request to the Ministry of the Solicitor General, now the Ministry of Public Safety and Security (the Ministry) under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for access to records relating to the OFM investigation into the fire. In particular, the appellant sought access to the notes, colour photographs, and final report prepared by a named investigator and any other representative of the OFM involved with this incident.

The Ministry denied access to the responsive records pursuant to sections 14(1)(a), (b), (f), (l) and 14(2)(a) (law enforcement), 19 (solicitor-client privilege), and 21(1) (invasion of privacy) with reference to the factor in section 21(2)(f) (information is highly sensitive) and the presumption in section 21(3)(b) (information compiled and identifiable as part of an investigation into a possible violation of law) of the *Act*. In its decision letter, the Ministry noted that the records concern a matter that is before the courts.

The appellant appealed the Ministry's decision.

During mediation, the Ministry prepared an Index of Records containing a description and the exemptions that they are relying on to deny access to each record. A copy of the Index of Records was provided to the appellant.

The appellant advised the mediator that he did not wish to pursue access to the names and other identifying information of individuals contained in the records other than those acting in their professional capacity. However, section 21 of the *Act* remains at issue as the Ministry claims that this exemption applies to all of the records in their entirety.

Further mediation could not be effected and this appeal was moved into adjudication. I decided to seek representations from the Ministry, initially. The Ministry submitted representations in response. In them, the Ministry indicates that it is withdrawing its reliance on the discretionary exemptions in sections 14(1)(b) and (l) and 14(2)(a).

I decided to seek representations from the appellant, but only with respect to the possible application of the discretionary exemptions in sections 14(1)(a) and (f) and the mandatory exemption in section 21(1) of the *Act*. I attached to the Notice of Inquiry that I sent to the appellant, the non-confidential portions of the Ministry's representations that address these issues.

The appellant submitted representations in response. The appellant's representations raised certain issues, to which I subsequently invited the Ministry to reply, and provided it with the complete representations of the appellant. The Ministry provided representations in reply.

RECORDS:

There are 132 pages of records at issue in this appeal consisting of reports, notes, administrative forms, a memo, and photographs. The pages are numbered 1 to 98, 98A, and 99 to 131. These records were created/prepared by either the OFM or the Centre of Forensic Sciences (also a part of the Ministry).

DISCUSSION:

PERSONAL INFORMATION

Under section 2(1) of the *Act*, "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,
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> (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
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> …
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> (d) the address, telephone number, fingerprints or blood type of the individual,
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> …
>
> (g) the views or opinions of another individual about the individual, and
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> (h) 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.

The Ministry submits that the responsive records contain recorded information about identifiable individuals in their personal capacity in accordance with the above-noted sections.

The appellant has indicated that he does not wish to pursue access to the names or other identifying information of individuals acting in their personal capacity. He takes the position that the records at issue do not contain personal information on the basis that once the names and other identifying information are removed, the remaining information is only about individuals in their professional capacity.

In Order P-230, former Commissioner Tom Wright commented on the approach to be taken in determining whether information qualifies as personal information within the meaning of section 2(1) of the *Act*:

> I believe that provisions of the *Act* relating to protection of personal privacy should not be read in a restrictive manner. If there is a reasonable expectation that the individual can be identified from the information, then such information qualifies under subsection 2(1) as personal information.

On review of the records, I find that they all relate to the investigation into the circumstances of the explosion and fire and that this information is inextricably linked to the individuals identified in the records as being in some way personally involved in or connected to the matter being investigated. Based on information provided by the appellant, I am satisfied that he is aware of the identities of the individuals referred to in the records. Therefore, even with the names and other personal identifiers removed, these individuals would be identifiable through the remaining information. Accordingly, I find that all of the records contain recorded information about these individuals and thus qualifies as their personal information.

The records also identify the individuals who responded to the fire (from the fire department) and who conducted the investigation (from the OFM and the OPP). It has been established in a number of previous orders that information provided by, or relating to, an individual in a professional capacity or in the execution of employment responsibilities is not "personal information" (Orders P-257, P-427, P-1412, P-1621, M-262). On this basis, I conclude that the names of these individuals and offices at which they are employed do not qualify as personal information.

None of the records contain the appellant's personal information or the personal information of any party he is representing.

INVASION OF PRIVACY

Introduction

Where a requester seeks access to records which contain the personal information of other individuals, but not of himself or herself, section 21(1) of the *Act* prohibits the disclosure of this information except in certain circumstances. Section 21(1)(f), which is particularly relevant here, states:

> 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.

Section 21(1)(f) is an exception to the section 21(1) prohibition against the disclosure of personal information. In order to establish that section 21(1)(f) applies, it must be shown that disclosure

of the personal information at issue in this appeal would **not** constitute an unjustified invasion of personal privacy (see, for example, Order MO-1212).

In applying section 21(1)(f), sections 21(2), (3) and (4) 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 Ministry to consider in making this determination. Section 21(3) lists the types of information whose disclosure is presumed to constitute an unjustified invasion of personal privacy. Section 21(4) refers to certain types of information whose disclosure 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) applies, the Ministry 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.

The Ministry has relied on the "presumed unjustified invasion of personal privacy" in section 21(3)(b) of the *Act* and the factor listed under section 21(2)(f) of the *Act*.

Section 21(3)(b)

This section reads:

> A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,
>
> > was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.

The Ministry states that the records contain highly sensitive personal information that was compiled and is identifiable as part of the OFM and OPP investigations into a possible violation of law.

Referring to Orders P-1150, P-1449, PO-1650 and PO-1719, the Ministry takes the position that OFM investigations are "law enforcement investigations" pursuant to the definition of "law

enforcement" in section 2(1) of the Act. Subsequent orders of this office have concluded otherwise (see: Orders PO-1833, PO-1921 and PO-1983).

In the Notice of Inquiry, I referred the Ministry to Orders PO-1833 and PO-1921 and asked it to comment on them in addressing this issue. In these orders, Senior Adjudicator David Goodis concluded that in conducting its investigation into the cause of a fire, the OFM is not carrying out the function of enforcing or regulating compliance with a law. Although recognizing that OFM investigations may reveal possible violations of law, the Senior Adjudicator noted in Order PO-1833 that any criminal investigation or prosecution would be conducted by the local police and the Crown Law Office - Criminal of the Attorney General for Ontario, not the OFM.

The Ministry's representations do not address either of these orders, but rather, as I noted above, argue that the findings in the earlier orders support its position that OFM investigations qualify as "law enforcement investigations".

In Order PO-1833, Senior Adjudicator Goodis commented on this earlier line of orders as follows:

> The Ministry refers to previous orders of this office in which it states that investigations by the OFM were found to fall under the definition of "law enforcement" (Orders P-1150, P-1449, PO-1650 and PO-1719). These decisions are distinguishable from this case. Each of these orders applied sections 14(1)(a) and (b), but did not consider section 14(2)(a), and also involved a concurrent police investigation. Sections 14(1)(a) and (b) contain a "harms test", requiring that disclosure interfere with a law enforcement matter or a law enforcement investigation. In those cases, it was found that disclosure would interfere with an on-going police investigation. Unlike section 14(2)(a), these sections do not require that the agency in question be one which has the function of "enforcing and regulating compliance with a law."

Although Senior Adjudicator Goodis distinguished the role of the OFM from that of the police and the Crown, he recognized that the OFM may share information with them, stating:

> By this finding I do not suggest that the OFM cannot or does not routinely cooperate with the police and the Crown in certain cases, by sharing information at various stages throughout the criminal investigation and prosecution, and by providing expert testimony. However, the fact remains that, in this role, the OFM does not carry enforcement or regulatory responsibility. As in Order P-352, upon completion of its investigation, the OFM was not in a position to enforce or regulate compliance with the *FMA*, the *FPPA* or any other law in these circumstances.

I agree with the reasoning and conclusions of the latter orders of this office and find that the OFM investigation does not qualify as law enforcement. In this case, however, it would appear from the records that the OPP also conducted an investigation into possible violations of law concurrently with that of the OFM and that information was shared between them.

In Order P-666, former Assistant Commissioner Irwin Glasberg had occasion to consider whether personal information, which was originally prepared for a non-law enforcement purpose, could be said to have been **compiled** as part of an investigation into a possible violation of law under section 21(3)(b). Former Assistant Commissioner Glasberg concluded:

> To summarize, based on the dictionary definitions for the word "compile" and the interpretation placed on this term in the *John Doe Agency* case, the ordinary meaning of compile for the purposes of section 21(3)(b) of the *Act* is to collect, gather or assemble together. Stating the matter differently, to compile does not mean to create at first instance.
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> The result of this interpretation is that, for personal information to be compiled and identifiable as part of an investigation into a possible violation of law under section 21(3)(b), it is not necessary for this information to have been originally created or prepared for that specific investigation. Rather, the section 21(3)(b) presumption will apply as long as the personal information was, at some point in time, assembled or gathered together as part of this investigation. [see also: Order P-1168]

I adopt this interpretation for the purposes of the present appeal. As I indicated above, the OFM investigation does not qualify as a "law enforcement" investigation in the circumstances of this appeal. Therefore, it cannot be said that the records were originally created by the OFM for law enforcement purposes.

However, the Ministry has provided detailed representations on the nature of the OPP investigation and I am satisfied that the OFM records were collected and used by the OPP as part of their investigation. Accordingly, I find that the records were compiled and are identifiable as part of the OPP's investigation into possible violations of law (pursuant to various provisions of the *Criminal Code*).

The appellant's submissions

The appellant does not specifically address this issue, in part, because he believes the records do not contain personal information, and, in part, because he agrees with the findings in Orders PO-1833 and PO-1921 that OFM investigations do not qualify as "law enforcement" investigations.

I have already addressed both of these issues and will not repeat my findings here. However, the appellant's submissions and the documentary evidence he provided to this office raise issues to be considered with respect to the application of the presumption in section 21(3)(b).

The appellant generally takes the position that the exemptions claimed by the Ministry are not applicable in the circumstances because much of the information at issue is already publicly available in the form of the "Information to Obtain Search Warrant", which the appellant obtained from a court office on request (and attached to his representations). The appellant submits that even if the records do contain personal information, because of the public availability of the information, it should not be exempt.

In addition, the appellant provides copies of several court decisions that address the preservation of and access to evidence, suggesting that the principles enunciated in these court decisions support a conclusion that the exemptions do not apply in the current appeal. In particular, the appellant relies on a recent decision of the Ontario Superior Court of Justice, (*Optimum Frontier Insurance Co. v. Ministry of the Solicitor General, et al.* (September 26, 2002) Cobourg Doc. No. 5671/02) issued in regard to a motion for disclosure to an insurer of information compiled by a police force as part of an on-going investigation into a fire. In its endorsement, the Court stated:

> Application under s. 490(15) [of the *Criminal Code*] by insurer to allow it to obtain information for purposes of making a decision on coverage of insured. Insurer is required by *Insurance Act* to make a decision on coverage within a certain period of time. Insurer has a duty to act in utmost good faith towards its insureds [*sic*]. However, extent of information requested by insurer may compromise ongoing police investigation re: arson. These competing interests must be balanced … Insurer should not be expected to wait indefinitely for the Crown to complete its investigation. That could cause damage to an innocent insured.

Section 490(15) of the *Criminal Code*, which provides for relief in circumstances where a lawful owner is legally entitled to possession of a thing seized by the police or Crown, provides:

> Where anything is detained pursuant to subsections (1) to (3.1), a judge of a superior court of criminal jurisdiction, a judge as defined in section 552 or a Provincial court judge may, on summary application on behalf of a person who has an interest in what is detained, after three clear days notice to the Attorney General, order that the person by or on whose behalf the application is made be permitted to examine anything so detained.

In that case, the court granted the relief requested, in part, in order to allow the insurer to make the required decisions regarding coverage, but adjourned other relief to a later date to allow the police "to complete their investigation uncompromised".

With respect to the application of the other court decisions relating to the Crown's obligations to disclose and the decision in *Optimum Frontier Insurance* to the facts in the current appeal, I note that the comments made in these decisions relate to the disclosure/discovery processes in court actions or to requests for relief made to the court pursuant to section 490(15) of the *Criminal Code*. They do not address disclosure under the *Act*.

Previous orders of this office have pointed out that the *Act* establishes a regime and process for obtaining access to records which is separate and distinct from the discovery or disclosure mechanisms related to court actions (Orders 48, P-609, PO-1688, M-982, M-1109, MO-1192 and MO-1477). Sections 64(1) and (2) of the *Act* clearly contemplate that access may be considered under the two separate regimes. These sections provide:

> (1) This Act does not impose any limitation on the information otherwise available by law to a party to litigation.

> (2) This Act does not affect the power of a court or a tribunal to compel a witness to testify or compel the production of a document.

I am not persuaded, by the appellant's arguments or the evidence he has produced in this inquiry, that the findings of various courts vis-à-vis disclosure within the context of a court action or application can necessarily be applied or equated to disclosure under the *Act*.

That is not to say, however, that the principles and rationale that underlie the courts' considerations of the issue should not be taken into account in requests under the *Act*. Previous orders of this office have found that "fairness" at times is a relevant circumstance favouring disclosure which may support a conclusion that disclosure under the *Act* would not constitute an unjustified invasion of privacy. In my view, the court's rationale and conclusions in *Optimum Frontier Insurance* may support the consideration of this unlisted circumstance (although I note that this decision does not indicate whether the information being sought by the insurer contains personal information and does not appear to address the competing interests in this regard).

Section 21(2)(d) of the *Act*, which is a factor favouring disclosure, also recognizes that a requester may require information in order to ensure a fair determination of rights.

However, as I noted above, even if I were to find this factor and the unlisted circumstance to be applicable in this instance, the presumption in section 21(3)(b) cannot be rebutted by any of the factors or circumstances under section 21(2), such as section 21(2)(d) or fairness concerns. Therefore, it is not necessary for me to consider their relevance in the circumstances of this appeal.

With respect to the "public availability" of the information contained in the record, the Ministry suggests that the appellant is raising the exception to the personal privacy exemption in section 21(1)(c). Referring to my findings in Order P-994 relating to a request for "court records", the Ministry submits that section 21(1)(c) clearly does not apply to the records at issue because the personal information in them was not collected and maintained specifically by the Ministry for the purpose of creating a record that is available to the general public.

In Order P-994, I found that records relating to a court action, which are located in a court file, fall outside the application of the *Act*. In my view, the fact that the appellant was able to obtain information relating to this matter from the court does not negate the application of the *Act* to the records at issue for the same reasons as discussed above, nor does this fact support a conclusion that the exception in section 21(1)(c) applies in the circumstances.

Section 21(1)(c), provides that:

> a head shall refuse to disclose personal information to any person other than the individuals to whom the information relates except,
>
> > personal information collected and maintained specifically for the purpose of creating a record available to the general public.

In Order MO-1366, Assistant Commissioner Tom Mitchinson made the following comments on the interpretation and application of this exception in relation to law enforcement investigations:

> This Office has examined the application of section 14(1)(c) of the *Act* and the equivalent section 21(1)(c) of the provincial *Act* on a number of occasions. In Order PO-1736, Senior Adjudicator David Goodis stated:
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> > In previous orders this office has stated that in order to satisfy the requirements of section 21(1)(c), the information must have been collected and maintained specifically for the purpose of creating a record available to the general public (for example, Order P-318). Section 21(1)(c) has been found to be applicable where, for example, a person files a form with an institution as required by a statute, and where that statute provides any member of the public with an express right of access to the form (Order P-318, regarding a Form 1 under the *Corporations Information Act*). On the other hand, this office has found that where information in a record may be available to the public from a source other than the institution receiving the request, and the requested information is not maintained specifically for the purpose of creating a record available to the general public, section 21(1)(c) does not apply. For example, in Order M-170, former Commissioner Tom Wright stated the following with respect to records in the custody of a police force:
> >
> > > The various witness statements and the officer's statement were prepared and obtained as part of a police investigation into a possible violation of law. In my view, the specific purpose for the collection of the personal information was to assist the Police in determining whether a violation of law had occurred and, if so, to assist them in identifying and apprehending a suspect. The records are not currently maintained in a publicly available form, and it is my view that section 14(1)(c) [the municipal equivalent to section 21(1)(c) of the Act] does not apply.
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> Similarly, in Order M-527, former Adjudicator Holly Big Canoe stated:
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> > In my view, while some of the same personal information may be available elsewhere, the specific purpose for collecting and maintaining this personal information was to investigate the accident, not to create a record available to the general public, and section 14(1)(c) does not apply.

In my view, none of the information before me suggests that the personal information in the records at issue was collected and maintained specifically for the purpose of creating a record available to the general public. Rather, the appellant's arguments are essentially premised on the preservation of and access to information within the framework of a court action. I find that this exception has no application to the records at issue in this appeal.

It appears to me, however, that in arguing that the presumption in section 21(3)(b) should not apply because the information is already publicly available, the appellant has implicitly raised the possible application of the "absurd result principle".

In Order MO-1323, I commented on the rationale for the application of the absurd result principle as follows:

> As noted above, one of the primary purposes of the *Act* is to allow individuals to have access to records containing their own personal information unless there is a compelling reason for non-disclosure (section 1(b)). Section 1(b) also establishes a competing purpose which is to protect the privacy of individuals with respect to personal information about themselves. Section 38(b) was introduced into the *Act* in recognition of these competing interests.
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> In most cases, the "absurd result" has been applied in circumstances where the institution has claimed the application of the personal privacy exemption in section 38(b) (or section 49(b) of the provincial *Act*). The reasoning in Order M-444 has also been applied, however, in circumstances where other exemptions (for example, section 9(1)(d) of the *Act* and section 14(2)(a) of the provincial *Act*) have been claimed for records which contain the appellant's personal information (Orders PO-1708 and MO-1288).
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> In my view, it is the "higher" right of an individual to obtain his or her own personal information that underlies the reasoning in Order M-444 which related to information actually supplied by the requester. Subsequent orders have expanded on the circumstances in which an absurdity may be found, for example, in a case where a requester was present while a statement was given by another individual to the Police (Order P-1414) or where information on a record would **clearly** be known to the individual, such as where the requester already had a copy of the record (Order PO-1679) or where the requester was an intended recipient of the record (PO-1708).

I stated further in that order:

> In Order M-444, former Adjudicator Higgins also noted that it is possible that, in some cases, the circumstances would dictate that the "absurd result" principle should not be applied even where the information was supplied by the requester to a government organization. I agree and find that all of the circumstances of a particular case must be considered before concluding that withholding

> information to which an exemption would otherwise apply would lead to an absurd result.

In Order MO-1323, I considered whether this principle should be applied in circumstances where the appellant provided a cassette tape from her son's answering machine to the police during their investigation into his death. The appellant in that case submitted that she knew what was on the tape although she had not actually heard it herself. I found that the cassette tape did not contain her personal information. After considering the rationale for the application of the absurd result principle, I concluded:

> In all cases, the "absurd result" has been applied **only** where the record contains the appellant's personal information. In these cases, it is the contradiction of this higher right of access which results from the application of an exemption to the information. In my view, to expand the application of the "absurd result" in personal information appeals beyond the clearest of cases risks contradicting an equally fundamental principle of the *Act*, the protection of personal privacy. In general, I find that the fact that a record does not contain the appellant's personal information weighs significantly against the application of the "absurd result" to the record. However, as I indicated above, all of the circumstances must be considered in determining whether this is one of those "clear cases" in which the absurdity outweighs the privacy protection principles.

In the circumstances of that appeal, I found that having indirect knowledge about the contents of the cassette tape was very different from having listened to it first hand. Consequently I did not apply the principle in that case.

The appellant's client, by virtue of its unique position as insurer of the property in question, may well have information pertaining to the fire and the identities of the individuals involved, as well as other information about them. In my view, while perhaps a circumstance to be considered in determining whether disclosure would constitute an unjustified invasion of privacy (which as I indicated above cannot rebut the presumption in section 21(3)(b)), the availability of information elsewhere does not necessarily support a conclusion that withholding it under the *Act* would result in an absurd application of the *Act*.

In Reconsideration Order PO-1762-R, I commented on the presumption in section 21(3)(b) in this way:

> In discussing how best to balance the interests in disclosure against the privacy interests of individuals about whom the information relates, the Williams Commission Report [*Public Government for Private People: The Report of the Commission on Freedom of Information and Individual Privacy 1980*, vol. 2 (Toronto: Queen's Printer, 1980)] recognized that a general balancing test should be established and applied in making this determination. However, it also noted that:

> personal information which is generally regarded as particularly sensitive should be identified in the statute and made the subject of a presumption of confidentiality.
>
> By including the category of information referred to in section 21(3)(b), the legislature has clearly identified records compiled and identifiable as part of the "law enforcement" process as particularly sensitive.
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> ...
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> Moreover, as I noted above, the inclusion of the presumption in section 21(3)(b) recognizes the heightened importance of protecting individual privacy in these circumstances.

[see also: Orders PO-2156-I and PO-1706, upheld on judicial review (March 5, 2001), Toronto Doc. 666/99 (Ont. Div. Ct.)].

The appellant is essentially a "stranger" to the parties identified in the records, and the records do not contain his personal information. His client's interests may or may not coincide with those of these other individuals and, in my view, the information at issue (information compiled as part of an investigation into a possible violation of law) would, as I noted above, likely be considered particularly sensitive.

I am not persuaded that disclosure under the *Act* in these circumstances is justified on the basis of the absurd result principle. Accordingly, I conclude that disclosure of the personal information in the records would constitute a presumed unjustified invasion of privacy pursuant to section 21(3)(b).

I find that none of the circumstances outlined in section 21(4) which would rebut a section 21(3) presumption are present in this appeal. The appellant has not raised the application of the public interest override and I find, in the circumstances of this appeal, that it does not apply. As a result, the records at issue are exempt under section 21(1) of the *Act*.

Severance

Where a record contains exempt information, section 10(2) requires a head to disclose as much of the record as can reasonably be severed without disclosing the exempt information. A head will not be required to sever the record and disclose portions where to do so would reveal only "disconnected snippets", or "worthless", "meaningless" or "misleading" information. Further, severance will not be considered reasonable where an individual could ascertain the content of the withheld information from the information disclosed [Order PO-1663, *Ontario (Minister of Finance) v. Ontario (Information and Privacy Commissioner)* (1997), 102 O.A.C. 71 (Div. Ct.)].

It is arguable that the names of individuals involved in their professional capacity contained in the records are not, taken in isolation, exempt under section 21. However, in my view, the record cannot reasonably be severed, since to do so would reveal only "disconnected snippets", or "worthless", "meaningless" or "misleading" information. As a result, I uphold the Ministry's

decision not to sever information from the records for the purpose of disclosing it to the appellant. In addition, in the circumstances, it appears that no useful purpose would be served by disclosing the names and/or titles of individuals in the records acting in their professional capacity since the appellant clearly has this information (as evidenced by documents he produced during this inquiry) (generally on this issue, see orders: PO-1727 and PO-1878, for example).

Because of these findings, it is not necessary to consider the possible application of the other exemptions claimed by the Ministry.

ORDER:

I uphold the Ministry's decision.

Original signed by: November 12, 2002
Laurel Cropley
Adjudicator