



**Information and Privacy
Commissioner/Ontario**

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

ORDER PO-2198

**Appeals PA-020247-2, PA-020249-1, PA-020250-1,
PA-020251-1, PA-020252-1, PA-020253-1, PA-020254-1,
PA-020255-1, PA-020256-1, PA-020257-1, PA-020258-1,
PA-020259-1, PA-020260-1 and PA-020261-1**

Ministry of Consumer and Business Services

NATURE OF THE APPEALS:

The Ministry of Consumer and Business Services (the Ministry) received a total of 14 requests from the same requester under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for access to copies of the death registrations (Statement of Death) for 14 named individuals who had died in the year 2000.

The Ministry located the requested Statement of Death forms and denied access to them under the mandatory exemption in section 21(1) (invasion of privacy) of the *Act*. The Ministry issued separate decision letters to the requester for each of the named individuals.

The requester, now the appellant, appealed the decisions to deny access.

During the mediation stage of the appeal, the appellant narrowed the scope of his requests and the appeals to include only the following information contained on the death registration forms:

. . . date of birth, place of birth, date of death, place of death, usual or last known residence address, marital status and parental information including names and places of birth.

In discussions with the Ministry, the Mediator reviewed earlier decisions of the Commissioner, which had addressed the application of section 21(1) to the same type of records. The Ministry agreed to disclose the year of birth, date of death, town and municipality of death, marital status, gender, age at death and the name and address of the funeral home and funeral director who completed the Statement of Death. The Ministry also agreed to disclose the names of parents, where available, for those named deceased who were born in 1910 or earlier. In the circumstances, there are only two appeals in which the deceased were born in 1910 or earlier (Appeals PA-020250-1 and PA-020260-1) and in both of these, the names of the parents are not contained on the records as they are not known.

Further mediation was not possible and the appeals were moved to the adjudication stage of the appeal process. I decided to seek representations from the Ministry, initially. I received its submissions in response to the Notice of Inquiry, and shared the non-confidential portions of them with the appellant, along with a copy of the Notice of Inquiry. The appellant also provided me with representations, which I shared, in their entirety, with the Ministry. The appellant indicates that he is further limiting the scope of part of his appeal to include only the last known addresses for the deceased individuals that are residential, as opposed to institutional, addresses. I also sought and received representations by way of reply from the Ministry.

RECORDS:

The information that remains at issue in each appeal consists of the day and month of birth, place of birth and the usual or last known residential address of each of the deceased persons, along with their parents' names and birthplaces, where available, that are contained on the Statement of Death forms.

DISCUSSION:

PERSONAL INFORMATION

There is no dispute that the information sought by the appellant qualifies as the personal information of the deceased persons within the meaning of section 2(1) of the *Act*. As these individuals died in 2000, the exception in section 2(2) of the *Act*, which removes information about persons who have been dead for more than 30 years from the definition of personal information, cannot apply to information relating to them.

Six of the appeals concern records that also contain information about the deceased person's parents. The Ministry argues that information relating to the parents also qualifies as the personal information of the deceased persons who are the subject of these requests and the subsequent appeals. In my view, the information relating to the parents qualifies as their personal information only. The records include, in some cases, the name and birthplace of the parent or parents of the deceased person. This is information about the parents only. I do not agree with the position taken by the Ministry that this information also qualifies as the personal information of the deceased persons and find that it relates solely to the parents.

I will now determine whether the information relating to the parents falls within the ambit of the exception in section 2(2) to the definition of "personal information" because it relates to individuals who have been dead for more than 30 years. In Order PO-1886, Assistant Commissioner Mitchinson reviewed earlier decisions of this office in which certain assumptions about life expectancy were made to assist in establishing dates of death for individuals where this fact could not be determined from the records. He found that:

It is clear from the comments and findings of Adjudicator Jiwan [in Order P-1232] that, absent proof establishing the dates of death, a determination of the probable dates can only be made on the basis of reasonably applied assumptions. Given the context in which this finding must be made, and the fact that the *Act* specifically provides for the retention of privacy rights for 30 years following death, I agree that these assumptions should be conservative. However, it is also relevant to point out that this Office in past orders has determined that privacy rights do diminish after death (see, for example, Orders M-50, PO-1717 and PO-1736). In my view, the longer a person has been dead, the more their privacy rights diminish, culminating in an elimination of these rights after 30 years.

If the two individuals identified by the appellant were alive today, they would be 97 and 93 years of age. Clearly, the parents of these individuals have all been dead for a considerable period of time. The question is whether or not it is reasonable to assume that they have been dead for the full 30 years required in order for section 2(2) to apply.

In estimating the dates of death, the Ministry has used more conservative assumptions than those advocated by the appellant. The Ministry also points out

that the appellant has inaccurately interpreted the documentation provided by him in support of his assumptions.

I agree with the Ministry that the Statistics Canada print-out supplied by the appellant does not support his position that the life expectancy of individuals born in the time period of the parents in these cases was approximately 71 years. The 71-year figure referred to by the appellant appears to refer to the life expectancy at birth of people born between 1960 and 1962. That being said, the theory put forward by the appellant is sound. Although in the closing years of the 20th century it was not unusual, as Adjudicator Jiwan pointed out in Order P-1232, for someone still alive to live to the age of 95, the same cannot be said of people born in earlier times. The fact that life expectancy has increased over time would appear to me to be a commonly accepted fact, and applying current life expectancy assumptions to people born in the 1800s would, in my view, not be reasonable. For this reason, I do not accept the so-called "125 year rule" applied by the Ministry in these appeals.

In the case of the parents in appeal #1, if it is conservatively assumed that they were both 20 at the time of their daughter's birth, that would place their year of birth as 1884. In order for these parents to have been dead for at least 30 years, they would have to have died earlier than 1971 or, in other words, at an age not older than 87. Applying the same assumptions to the parents in appeal #2, they would have been born in 1888 and, if they lived until 1971, would have died at the age of 83.

According to Statistics Canada, the life expectancy of individuals who had attained the age of 20 in the first decade of the 20th century was 68. In my view, in circumstances where the actual dates of death are not known, as is the case in these appeals, the figure available from Statistics Canada is a reasonable one to apply in making assumptions regarding the life expectancy of the parents. Even if five years are added to this figure bringing the life expectancy to 73, in order to ensure that the assumptions are sufficiently conservative, the parents in appeal #1 would have died in 1957 and the parents in appeal #2 in 1961.

In the circumstances of these appeals, I find that it is reasonable to conclude that the parents of the individuals identified by the appellant have all been dead for at least 30 years. Accordingly, pursuant to section 2(2), their names and places of birth do not qualify as their personal information, and cannot qualify for exemption under section 21(1) of the *Act*.

I adopt the approach taken by the Assistant Commissioner for the purposes of the present appeals, six of which contain information relating to the deceased person's parents. As was the case in Order PO-1886, I will assume a life expectancy for the parents of the deceased persons of 73 years and, also assume that the parents were 20 years of age at the time the deceased persons were born.

In the case of Appeal Number PA-020249-1, the deceased person was born in 1926. Completing the calculation set out in Order PO-1886, I find that the parents can be assumed to have died in 1979, less than 30 years ago, and that section 2(2) cannot apply to information relating to them.

In Appeal Number PA-020252-2, the deceased person was born in 1921. Accordingly, this individual's parents are assumed to have died in 1974, less than 30 years ago, and the exception in section 2(2) cannot apply to information about them.

In Appeal Number PA-020254-1, the deceased was born in 1927 and the parents are assumed to have died in 1980, which is less than 30 years ago. Again, the exception in section 2(2) cannot apply to the information of the parents in this case.

In Appeal Number PA-020255-1, the deceased was born in 1912 and the parents can be assumed to have died in 1965. Therefore, the personal information relating to the parents, the father's last name and birthplace and the mother's birthplace, falls within the ambit of section 2(2) as it relates to a person who has been dead for at least 30 years. As a result of the operation of section 2(2), this information does not qualify as "personal information" and is not subject to the exemption in section 21(1).

Similarly, in Appeal Number PA-020256-1, the deceased was born in 1911. The parents, therefore, can be assumed to have died in 1964. As more than 30 years have elapsed since that date, the personal information of the parents which is contained in this record, their names and birthplaces, does not qualify as personal information and is not, therefore, exempt under section 21(1).

Insofar as Appeal Number PA-020261-1 is concerned, the deceased was born in 1947 and this individual's parents are assumed to have died relatively recently, in 2000. Personal information relating to the parents of this individual would not, therefore, be subject to section 2(2) until the year 2030.

INVASION OF PRIVACY

The invasion of privacy exemption in section 21(1) applies only to information which qualifies as personal information within the definition of section 2(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. The only exception having any application in the present circumstances is 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. [Orders PO-2017, PO-2033-I and PO-2056-I]

If none of the presumptions in section 21(3) applies, 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.

The appellant argues that the considerations listed in sections 21(2)(a) and (c), which favour the disclosure of personal information, as well as two unlisted factors described as “benefit to unknown heirs” and “diminished privacy rights after death”, apply in the present appeals.

The Ministry relies on the presumptions in sections 21(3)(a), (c) and (h) of the *Act*. In addition, the Ministry argues the application of an unlisted factor under section 21(2) which it describes as “the prevention of identity theft”, and the listed considerations under sections 21(2)(f), (h) and (i) of the *Act*. These sections state:

- (2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,
 - (a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Ontario and its agencies to public scrutiny;
 - (c) access to the personal information will promote informed choice in the purchase of goods and services;
 - (f) the personal information is highly sensitive;

- (h) the personal information has been supplied by the individual to whom the information relates in confidence; and
 - (i) the disclosure may unfairly damage the reputation of any person referred to in the record.
- (3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,
- (a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;
 - (c) relates to eligibility for social service or welfare benefits or to the determination of benefit levels;
 - (h) indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations.

The Ministry's representations

The Ministry refers to the decision of Assistant Commissioner Mitchinson in Order PO-1923 in which he found that information about an individual's birthplace "is information about an individual's ethnicity". It argues that the presumption in section 21(3)(h) applies to this information.

The Ministry also takes the position that "for people close to death their last place of residence often provides an indication of medical history, diagnosis, condition or treatment or evaluation" or that it might reveal the fact that the individual was residing in subsidized housing or treatment facility. As a result, the Ministry suggests that this information falls within the ambit of the presumptions in sections 21(3)(a) or (c).

The Ministry has also made extensive submissions with respect to the application of an unlisted consideration under section 21(2) which it refers to as "the prevention of identity theft". It states that the Ministry has "become increasingly concerned that false documents could be used to assist in acts of terror". It refers to a publication of the Commissioner's office which addresses the problem of identity theft in the context of credit reports. The Ministry argues that:

A person's name, combined with their date of birth, last known address and parent's names, is data that is particularly sensitive to being used for identity theft. Institutions often use a mother's maiden name and birthdate as so-called 'shared secrets' to verify the identity of individuals. In 1997 the Information and Privacy Commissioner released a paper entitled 'Identity Theft: Who's Using Your Name'. The paper states that organizations should 'Avoid using date of birth or mother's maiden name as passwords for financial accounts.' While one

would hope that many organizations have heeded this warning, the mere fact that [the] Commissioner had to highlight this issue is an indication that organizations are using this information to verify identity.

The Ministry makes similar arguments against the disclosure of information relating to the last known address of the deceased persons. It states that a person's mail could be stolen or re-directed if addresses were to be disclosed.

The Ministry also suggests that "in the current climate", information such as a mother's maiden name, birth date and last known address is "highly sensitive" information for the purposes of section 21(2)(f) and that the "issue of identity theft raises concerns relating to section 21(2)(i)" as "a person can damage the reputation of a deceased person by engaging in fraudulent or other criminal acts while using a deceased's name." The Ministry also submits that the information in the Statement of Death document should also be considered to have been provided to it with an expectation of confidentiality within the meaning of section 21(2)(h).

With respect to the unlisted factor referred to as a "diminished privacy right after death", the Ministry argues that this consideration should only be applied "with care", as was the case in Order PO-1936. It suggests that because the individuals to whom the information relates have only been dead for a relatively short period, this factor ought not to be given any significant weight.

The Ministry also made submissions on the application of the unlisted factor known as "benefit to unknown heirs". It states:

In this case, the Public Guardian and Trustee is the estate trustee for the estates of all the deceased individuals. The Public Guardian and Trustee also seeks out unknown heirs, and performs this service for a fee that is considerably lower than most commercial heir tracers. The Public Guardian and Trustee is a publicly accountable institution that has a fiduciary duty with regard to the estate. No such duty or accountability applies to private heir tracers. It is submitted that in light of the harm that can be done by releasing the personal information in question, it is preferable that heir searches be done by an institution that is public and accountable. Moreover, because the Public Guardian and Trustee is governed by the *Freedom of Information and Protection of Privacy Act* there are legislative safeguards to ensure that they do not improperly use or disclose the personal information.

The Appellant's representations

The appellant reiterates that he is not seeking access to information relating to the addresses of the deceased persons unless they are residential addresses. In this way, he argues, the presumptions in sections 21(3)(a) and (c) would be unlikely to come into play as these addresses would not reveal that the deceased person had been a patient in a hospital or other care facility

and would not disclose information relating to the deceased having been in receipt of social assistance of some kind.

The appellant also takes the position that the presumption in section 21(3)(h) has no application to information relating to the deceased person's birthplace. He submits that:

. . . the information at issue does not indicate the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations.

. . . the Institution has confused place of birth with race and ethnicity. For example, a person known to be born in a city in Poland, could be Polish, Ukrainian, German, Prussian, Ruthenian, Jewish, Lithuanian, Slovakian, Austrian, and may accordingly have any one or none of the following religious affiliations: Catholic, Greek Orthodox, Christian or Jewish.

The appellant also submitted representations that certain considerations, listed and otherwise, under section 21(2) apply. He submits that the disclosure of the information will permit the public to "monitor the efficiency of the OPGT [Office of the Public Guardian and Trustee] in dealing with" matters respecting the administration of estates [section 21(2)(a)]. The appellant suggests that the disclosure of the records will promote informed choice by consumers when determining whether to retain the services of an heir tracer or to rely on the services provided by the PGT [section 21(2)(c)].

The appellant relies on the unlisted considerations under section 21(2) which are described as "benefit to unknown heirs" and "diminished privacy rights after death". He relies specifically on the findings in Order PO-1936 where Assistant Commissioner Mitchinson found that the privacy interests of individuals who had only been dead for two years were only "moderately reduced, and not eliminated." The appellant also relies on the findings of the Assistant Commissioner in Orders P-1493 and PO-1936 where he held that the unlisted factor described as "benefit to unknown heirs" was a relevant consideration favouring the disclosure of information relating to deceased persons.

Reply representations of the Ministry

The Ministry indicates that it would be difficult for it to discern whether an address given in the Statement of Death form is that of a residence or some care facility. I note that on the Statement of Death (Form 15), there are boxes to be ticked indicating precisely that information. The majority of the records at issue in these appeals include this information. Accordingly, I give little credence to this argument from the Ministry.

With respect to the application of the presumption in section 21(3)(h), the Ministry submits that "geographic place of origin is often used to determine ethnic origin" and relies on the reasoning of Assistant Commissioner Mitchinson in Order PO-1923, where he found that the presumption in section 21(3)(h) applies to an individual's place of birth.

The Ministry also relies on the reasoning in Orders PO-1717, PO-1736 and PO-1936, where little or no relevance was attached to the considerations in sections 21(2)(a) and (c) when balancing the privacy interests in personal information against an appellant's right of access to this information. The Ministry also made additional arguments supporting its contention that the disclosure of the information in the records will result in an increased risk of identity theft.

Determining the relevance and weight to be given the listed and unlisted considerations under section 21(2)

I find that the factors listed in sections 21(2)(a) and (c) are only marginally relevant and should be afforded very little weight in the balancing of the privacy rights of the deceased and their parents against the appellant's right of access to this information. I find that the appellant has failed to demonstrate in any cogent fashion how the disclosure of the personal information in the records could be expected to assist in "subjecting the activities of the Government of Ontario and its agencies to public scrutiny", as is required by section 21(2)(a). Similarly, I find that the appellant has not drawn any meaningful correlation between the disclosure of the personal information in the records and the promotion of "informed choice in the purchase of goods and services" for the purposes of section 21(2)(c).

In my view, the information contained in the records cannot be described as "highly sensitive" as that term has been interpreted in previous orders. In order to be considered "highly sensitive" for the purpose of section 21(2)(f), it must be determined that disclosure of the information could reasonably be expected to cause "excessive personal distress to the subject individual (Orders M-1053, P-1681, PO-1736 and PO-1978). I find that there is nothing inherently sensitive about the information remaining at issue; nor could its disclosure be reasonably expected to cause "excessive personal distress" to any individual. As a result, I find that section 21(2)(f) is not applicable in the circumstances of this appeal.

The Ministry also relies on the listed consideration in section 21(2)(h) which speaks to information "supplied by the individual to whom the information relates in confidence". This consideration only applies to information supplied by the person to whom it relates. In the present appeals, the information relating to the individuals who supplied it to the Ministry [the informants] is not at issue. The information relating to the deceased persons and their parents was provided to the Ministry by the informants listed on the records. It was not provided by the individuals to whom the information relates, the deceased persons or their parents. Accordingly, I find that section 21(2)(h) has no application to the information remaining at issue in this appeal.

The Ministry indicates that, in its view, the consideration listed in section 21(2)(i) is also applicable because if the information at issue is used to perpetrate "identity theft", the reputation of the deceased persons could be unfairly damaged. In my view, the Ministry has failed to establish an evidentiary link between the disclosure of the information contained in the records and the risk of damage to a person's reputation. I find that the Ministry has not provided me with sufficient evidence to demonstrate that damage to a person's reputation could reasonably be expected to flow from the disclosure of the type of information sought in these appeals.

Accordingly, I will attach little weight to this consideration in balancing the appellant's right of access against the privacy interests of the deceased persons and their parents.

The Ministry has placed a great deal of emphasis on the notion that the disclosure of the information contained in these records could be used to assist in the commission of a crime such as what the Commissioner's office has referred to as "identity theft". I note, however, that for the most part, the personal information contained in these records relating to the deceased persons and their parents is, to say the least, sparse. In my view, the information contained in the records at issue in these appeals is not such that it could reasonably be used to assist in perpetrating "identity theft" or some other fraudulent activity. Accordingly, I will afford little significant weight to this factor with respect to the information remaining at issue in these appeals. However, in different circumstances involving different types of information, this consideration may have greater relevance and be afforded greater weight.

The appellant relies on the unlisted consideration under section 21(2) referred to as "benefit to unknown heirs" in support of his contention that the disclosure of the personal information of the deceased and their parents would not constitute an unjustified invasion of privacy under section 21(1). In Orders PO-1717, PO-1736, PO-1923 and PO-1936, this factor was found to be a relevant consideration favouring the disclosure of personal information. In Order PO-1936, Assistant Commissioner Mitchinson found that:

The possibility that disclosure of personal information about the deceased might result in individuals successfully proving their entitlement to assets of estates is a relevant factor favouring disclosure.

...

Considering the particular circumstances of this appeal and the contents of the specific records being requested by the appellant, I find that the potential for disclosure of certain information contained on the Statement of Death form to assist individuals to prove their entitlement to assets of estates which they may not have been able to otherwise is a relevant factor. The weight of this factor varies according to the extent to which a particular item of personal information assists in the identification of potential heirs. In the circumstances of this appeal, the names of the deceased's parents and husband, as well as the date of death, place of death, age, date of birth, marital status and occupation of the deceased could reasonably be expected to assist in the identification of potential heirs. Applying similar reasoning to that followed by Senior Adjudicator Goodis in Order PO-1736 and by me in Order PO-1923, I find that this unlisted factor applies to a high degree as it relates to the date of death; to a moderate to high degree to the place of death, date of birth, age, marital status and occupation of the deceased, and to the names of the deceased's husband and parents; and not at all to the deceased's social insurance number or any personal information of the informant.

I adopt the reasoning of the Assistant Commissioner for the purposes of the present appeals and find that the unlisted factor “benefit to unknown heirs” applies to a moderate to high degree with respect to the deceased’s date of birth, the names of the deceased’s parents and to the deceased’s last known or usual residential address.

The appellant also relies on the unlisted consideration described as the “diminished privacy interest after death”. In Order PO-1936, the Assistant Commissioner also addressed this factor and found that:

Consistent with the past orders identified by the PGT, I have determined in this case that, because the deceased has not been dead for 30 years, the information about her and others contained in the records falls within the scope of section 2(2). I also accept that the unlisted factor “diminished privacy interest after death” should be applied with care, given the wording of this section. Each case must be carefully considered on its particular facts and circumstances.

In the present case, the deceased died in 1999, which means that she has only been dead for approximately two years. This is similar to the situation faced by Senior Adjudicator David Goodis in Order PO-1736, where he was dealing with individuals who were dead for a relatively short period of time. Orders PO-1717 and PO-1923, on the other hand, dealt with situations where the deceased had been dead for more than 20 years. As far as the deceased is concerned, in my view, the unlisted factor of “diminished privacy interest after death” is relevant in this appeal, as it was in Order PO-1736. However, unlike Orders PO-1717 and PO-1923, where this factor reduced the privacy interests of the deceased significantly, in this case, I find that the privacy interests of the deceased, like those in Order PO-1736, are only moderately reduced, and not eliminated. Given that the husband and the parents of the deceased have likely been dead for longer, I find that their privacy interests have been reduced to a more significant degree but, in the absence of any evidence to establish that any of them has been dead for 30 years, these interests have also not been eliminated.

I adopt this reasoning for the purposes of the present appeals and find that this consideration, while relevant, ought to be afforded only little weight as the deceased persons have been dead for a relatively short time.

Applying the factors to the information at issue

In my analysis of the considerations, listed and unlisted, under section 21(2), I have found that none of the factors relied upon by the Ministry have any significant application to the personal information contained in the records at issue in these appeals.

I have also found that the only significant consideration under section 21(2) referred to by the appellant is the unlisted factor “benefit to unknown heirs”.

Places of birth of the deceased and their parents

I adopt the reasoning of Assistant Commissioner Mitchinson in Order PO-1923 with respect to the application of the presumption in section 21(3)(h) to the birthplace information for both the deceased persons and their parents. In that decision, the Assistant Commissioner found that:

Having reviewed the record, I find that the information concerning the deceased's birthplace and the birthplace of his parents indicates their "ethnic origins" and therefore falls within the scope of section 21(3)(h), regardless of the fact that this information may already be known by the appellant.

The appellant has not argued the application of the public interest override provision in section 23 and I find that section 21(4) does not apply. Accordingly, I conclude that the disclosure of information relating to the birthplace of the deceased persons and their parents, except the information relating to the parents described in the records for Appeals PA-020255-1 and PA-020256-1 which I have found does not qualify as personal information, would constitute a presumed unjustified invasion of personal privacy under section 21(3)(h). This information is, therefore, exempt from disclosure under section 21(1).

Day and month of birth of the deceased

In my view, the disclosure of information relating to the birth date of the deceased person would assist the appellant in his efforts to locate potential heirs. Accordingly, the "benefit to unknown heirs" consideration applies to this information. As the only relevant factor present with respect to this information favours the release of the birth date information, I find that the disclosure of the date of birth of the deceased person would not constitute an unjustified invasion of their personal privacy under section 21(1). I will, therefore, order that the complete dates of birth for each of the deceased persons be disclosed.

Names of the parents of the deceased persons

The information at issue in Appeal Number PA-020256-1 includes the name of the deceased person's father and the deceased's mother's maiden name. I have found above that this information falls outside the ambit of the definition of "personal information" due to the operation of section 2(2). As a result, I will order this information to be disclosed as it cannot be subject to the section 21(1) exemption. Similarly, and for the same reasons, the last name of the deceased person's father which appears in the record relating to Appeal Number PA-020255-1 is not personal information. I will, therefore, order that this be disclosed as well.

The records responsive to the requests in Appeal PA-020252-1 and PA-020254-1 contain references to the deceased persons' father's last name. In the record responsive to the request in Appeal Number PA-020261-1, the first name of the deceased person's mother also appears. I found this information to qualify as personal information in my discussion above. I find that the disclosure of the names may assist the appellant in locating potential heirs and that the unlisted factor referred to above applies to this information. As the disclosure of this information would

not constitute an unjustified invasion of personal privacy, the exception in section 21(1)(f) applies. I will, accordingly, order that this information be disclosed to the appellant.

Last known or usual address of the deceased

Again, in my view, the disclosure of the last known or usual *residential* address of the deceased person would assist the appellant in his efforts to locate potential heirs. I find that the disclosure of this information would not constitute an unjustified invasion of personal privacy under section 21(1)(f) and I will order that it be disclosed.

ORDER:

1. I uphold the Ministry's decision to deny access to the place of birth of the deceased persons and their parents which are contained in the Statement of Death forms that represent the records at issue in these appeals.
2. I order the Ministry to disclose to the appellant the dates of birth, last known or usual residential address and parents' names which are contained on the Statement of Death forms by providing him with copies by **December 1, 2003** but not before **November 26, 2003**.
3. In order to verify compliance with Order Provision 2, I reserve the right to require the Ministry to provide me with copies of the records which are disclosed to the appellant.

Original signed by: _____
Donald Hale
Adjudicator

_____ October 24, 2003