

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

ORDER PO-3092

Appeal PA11-103

Ministry of Natural Resources

June 19, 2012

Summary: The ministry received a request for access to copies of the registered delivery confirmation receipts and registered letter confirmation receipts sent to the ministry by the purchaser of a parcel of Crown land at a specified location. The ministry granted the requester access to his own personal information in the record, upon payment of a fee. The ministry denied access to other portions of the records, relying on the personal privacy exemption in section 21(1). The requester appealed the ministry's decision, claiming that there was a compelling public interest in the disclosure of the records, as contemplated by section 23. This order decides that the addresses contained in the receipts are not "personal information" as defined in section 2(1) of the *Act*, and should therefore be disclosed to the appellant. However, the ministry's decision to exempt the names and signatures of the addressees of the letters under section 21(1) is upheld. In addition, the decision finds no compelling public interest in the disclosure of the records which would outweigh the purpose of the section 21(1) exemption.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, sections 2(1) (definition of "personal information"), 21, and 23.

Orders and Investigation Reports Considered: Orders 23, MO-2053, MO-2153, MO-2555, P-1398

OVERVIEW:

[1] The Ministry of Natural Resources (the ministry) received a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for access to the following information:

1. Copies (electronic pdf are ok) of all the registered delivery confirmation receipts sent to the MNR as required by the February 3rd 2009 letter from [named ministry staff member] to [named individual], regarding notification of intent to purchase the ROW [right-of-way] at a [specified location].
2. Above should include the registered letter confirmation receipts for the parcels 0022, 0066 and 0061 that were penciled in on the original MNR request letter.
3. Above should also include a copy of the registered letter confirmation receipt sent to [appellant], as noted in the e-letter sent to [appellant] by [a named individual] on 19th January 2011.

[2] The ministry identified the records responsive to the request and issued a decision advising that partial access to them had been granted. It went on to add that the records would be forwarded to the requester upon payment of a \$10.30 fee. The ministry further advised that access to some portions of the records had been denied pursuant to the personal privacy exemption at section 21(1) of the *Act*.

[3] The requester, now the appellant, appealed the ministry's decision to this office.

[4] During mediation, the appellant took the position that there is a public interest in the disclosure of the information withheld under the personal privacy exemption, raising the possible application of the public interest override at section 23 of the *Act*. The appellant also indicated that while he does not dispute the fee charged for processing the request, he will not pay the fee to the ministry at this time. Accordingly, the appellant has not received the severed versions of the requested records from the ministry.

[5] The ministry confirmed that the withheld information consists of the names, addresses and signatures of eleven individuals acknowledging receipt of the registered letters, as well as ten customer receipts. The ministry granted full access to the acknowledgement of receipt and customer receipt relating to the appellant.

[6] No further mediation of this appeal was possible and it was transferred to the adjudication stage, where a written inquiry is conducted by an adjudicator. During the inquiry into this appeal, this office sought and received representations from the appellant and the ministry. Representations were shared in accordance with section 7 of the IPC's *Code of Procedure* and *Practice Direction Number 7*. The file was then transferred to me to complete the inquiry.

[7] In the discussion that follows, I find that those portions of the records which refer to addresses withheld under section 21(1) are not exempt. However, the ministry's application of the exemption to the addressee's names and signatures under section 21(1) is upheld.

RECORDS:

[8] The portions of the records remaining at issue consist of the names, signatures and addresses severed from the acknowledgement of receipt and customer receipts.

PRELIMINARY ISSUE

The Lack of Concordance in the Records

[9] During her initial review of the records, the adjudicator originally assigned to this appeal identified a lack of concordance between several of the acknowledgements of receipt and customer receipts. For example, the individual identified in the bottom portion of page 13 of the records appears to be the individual who is named on page 10, and the signature is a third person entirely. In addition, the name of the individual identified as the recipient in the bottom portion of page 12 appears to match the surname and, perhaps the signature, on page 14.

[10] Due to the discrepancies in the record, this office asked the ministry to review the records and to provide clarification in its representations. The ministry acknowledges the lack of concordance between several of the acknowledgements of receipt and customer (or "received") receipts. However, the ministry noted that when one looks at the "Item No." set out on the "received receipt" from Canada Post, it is clear that the ministry compiled the receipts according to Canada Post "Item No." and many do not match. The ministry states that this problem arose with Canada Post, as they produced the records in response to the appellant's original request. As well, the ministry notes that individuals other than the named addressee were allowed to receive and sign for the registered mail.

[11] With regard to the individual named on the bottom of page 13 on the "sent receipt", it appears that this individual is named on the "received receipt" on page 10. The ministry states that the receipts were correlated on the basis of Canada Post's item numbering system, which resulted in slight discrepancies in the records.

[12] In his representations, the appellant argues that the lack of concordance on the records is "very important and is absolutely central" to his request. The appellant argues that he needs to view the records to verify that the comment request process was fair, correct and free of potential fraud. The appellant also alleges that it was the ministry's responsibility to verify the records and that it was disingenuous of the ministry to "blame" Canada Post for the lack of concordance. The appellant suggests in

his representations that the lack of concordance in the records is the result of a "poorly-executed" consultation and notification process by the ministry.

[13] After carefully reviewing the ministry's comments on this issue in conjunction with the records, I find that it has provided me with a reasonable explanation for the discrepancies. I find that the lack of concordance was caused by Canada Post's numbering system and not the result of tampering by the ministry. In other words, the ministry has provided this office with copies of the records as received from Canada Post. As I find that there has been no wrongdoing on the part of the ministry in relation to the creation of the records, I will now consider the issues originally raised by the appellant in this appeal.

ISSUES:

- A. Does the record contain "personal information" as defined in section 2(1) and, if so, to whom does it relate?
- B. Does the mandatory exemption at section 21(1) apply to the information at issue?
- C. Is there a compelling public interest in disclosure of the records that clearly outweighs the purpose of the section 21(1) exemption?

DISCUSSION:

A. Does the record contain "personal information" as defined in section 2(1) and, if so, to whom does it relate?

[14] In order to determine whether the exemption at section 21(1) of the *Act* applies, it is necessary to decide whether the records contain "personal information" and, if so, to whom it relates.

"Personal information" is defined in section 2(1) as follows:

"personal information" means 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,
- (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,

- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if they relate to another individual,
- (g) the views or opinions of another individual about the individual, and
- (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;

[15] The list of examples of personal information under section 2(1) is not exhaustive. Therefore, information that does not fall under paragraphs (a) to (h) may still qualify as personal information.¹

[16] To qualify as personal information, the information must be about the individual in a personal capacity. As a general rule, information associated with an individual in a professional, official or business capacity will not be considered to be "about" the individual.²

[17] Even if information relates to an individual in a professional, official or business capacity, it may still qualify as personal information if the information reveals something of a personal nature about the individual.³

[18] In its representations, the ministry submits that this office has held that the names of individuals, when taken with other personal information about them, is considered to be personal information. The ministry refers to Order M-109, which held that the names of individuals who had entered into service contracts with an institution to provide home child care qualified as their personal information. In addition, the ministry also refers to Order P-755, in which the name, certificate number, home address and home telephone number of electricians and apprentice electricians satisfied the definition of personal information.

¹ Order 11.

² Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F, PO-2225.

³ Orders P-1409, R-980015, PO-2225.

[19] The appellant did not make representations on whether the information at issue is "personal information" as defined in section 2(1).

[20] After carefully reviewing the records at issue, I find the names and signatures of addressees to be their personal information under section 2(1). The names and signatures of the addressees are their personal information under section 2(1)(h) since they appear with other personal information relating to the individuals and identify them as recipients of the registered correspondence. Further, if the signatures were disclosed on their own, they would reveal other personal information of the addressees (i.e. their names).

Municipal Addresses

[21] In the Notice of Inquiry, this office asked the ministry to comment on Order MO-2153, which found that municipal addresses alone do not constitute personal information, given that these addresses alone do not contain an individual's name or any other identifying information about an individual.

[22] In its representations, the ministry argues that the circumstances of this appeal are distinguishable from those in Order MO-2153. The ministry claims that the requester in that appeal was only seeking municipal addresses and not both addresses and names of individuals. As the requester in MO-2153 was only seeking municipal addresses, the ministry claims that there was no link to an identifiable individual or person. The ministry argues that the addresses in this appeal are linked to an actual individual, that is, the person who signed the receipt. As such, the ministry claims that the information at issue should be considered the personal information of the addressees.

[23] I have carefully reviewed the records at issue and the representations of the parties and find that, once the names and signatures of the addressees are severed, the addresses alone are not "personal information" within the meaning of that term in section 2(1).

[24] In Order 23, former Commissioner Sidney B. Linden addressed the distinction between "personal information" and information concerning residential properties, specifically, the estimated market value of properties identified by their municipal address. In his analysis, he wrote:

The municipal address of a property is a description identifying the location of the property in a municipality. Typically, a municipal address consists of the name of the street on which the property is located, the number assigned to the property on the street, and the municipality in which the street is located. In most cases, the name of the street and the

number of the property are affixed at locations on the street, and the property is clearly visible to the public.

An individual's address, on the other hand, is his or her "place of residence". The owner of a property may or may not be an individual, and individual property owners may or may not reside in the property they own. In many cases an individual's address may have nothing whatsoever to do with property ownership, as is the case with the large proportion of properties occupied by tenants. It is clear to me that the municipal location of a property cannot automatically be equated with the address of its owner, notwithstanding that many individuals do reside in the properties they own. For this reason, I have reached the conclusion that the recorded information sought by the appellants is not "the address... of the individual", and therefore does not qualify as "personal information" under subparagraph (d) of the definition in section 2 of the *Act*.

[25] In Order MO-2053, former Senior Adjudicator John Higgins discussed Order 23 in his examination of the distinction between information about residential properties and "personal information". At issue in the appeal before the Senior Adjudicator was whether municipal addresses of the locations of septic systems that were found in applications submitted by individuals was the "personal information" of those individuals. He wrote:

The distinction between "personal information" and information concerning residential properties was first addressed by Commissioner Sidney B. Linden in Order 23. The Commissioner made the following findings, which have been applied in a number of subsequent orders of this office (e.g. Orders MO-188, MO-189, PO-1847):

In considering whether or not particular information qualifies as "personal information" I must also consider the introductory wording of subsection 2(1) of the *Act*, which defines "personal information" as "...any recorded information about an identifiable individual...". In my view, the operative word in this definition is "about". The *Concise Oxford Dictionary* defines "about" as "in connection with or on the subject of". Is the information in question, i.e. the municipal location of a property and its estimated market value, **about** an identifiable individual? In my view, the answer is "no"; the information is **about a property** and not **about an identifiable individual**.

The institution's argument that the requested information becomes personal information about an identifiable

individual with the addition of the names of the owners of the property would appear to raise the potential application of subparagraph (h) of the definition of "personal information".

Subparagraph (h) provides that an individual's name becomes "personal information" where it "...appears with other personal information **relating to the individual** or where the disclosure of the name would reveal other information **about the individual**" (emphasis added). In the circumstances of these appeals, it should be emphasized that the appellants did not ask for the names of property owners, and the release of these names was never at issue. However, even if the names were otherwise determined and added to the requested information, in my view, the individual's name could not be said to "appear with other personal information relating to the individual" or "reveal other personal information about the individual", and therefore subparagraph (h) would not apply in the circumstances of these appeals. [emphasis in original]

Subsequent orders have further examined the distinction between information about residential properties and "personal information". Several orders have found that the name and address of an individual property owner together with either the appraised value or the purchase price paid for the property are personal information (Orders MO-1392 and PO-1786-I). Similarly, the names and addresses of individuals whose property taxes are in arrears were found to be personal information in Order M-800. The names and home addresses of individual property owners applying for building permits were also found to be personal information in Order M-138. In addition, Order M-176 and Investigation Report I94-079-M found that information about individuals alleged to have committed infractions against property standards by-laws was personal information. In my view, the common thread in all these orders is that the information reveals something of a personal nature about an individual or individuals.

[26] That said, the Senior Adjudicator concluded that the information at issue in that appeal, specific property addresses, did not qualify as personal information. He explained:

The information at issue in this case bears a much closer resemblance to information which past orders have found to be about a property and not about an identifiable individual. For example, in Order M-138, the names

and home addresses of individual property owners who had applied for building permits were found to be personal information, but the institution in that case did not claim that the property addresses themselves were personal information, and the addresses were disclosed. In Order M-188, the fact that certain properties owned by individuals were under consideration as possible landfill sites was found not to be personal information. Similarly, in Order PO-2322, former Assistant Commissioner Tom Mitchinson found that water analysis and test results concerning an identified property were information about the property, not personal information.

The record at issue in this case contains several fields, and those which contain responsive information are the fifth and sixth columns titled "street no" and "street name". This information is analogous to what was at issue in Orders M-188 and PO-2322, and I find that it is "about" the properties in question and not "about" an identifiable individual. As such, it falls outside the scope of the definition of "personal information" in section 2(1) of the *Act*. Because only "personal information" can qualify for exemption under section 14(1), this exemption has no application in the circumstances of this appeal.

[27] The above analysis was adopted in Order MO-2153, where the City of Toronto received a request under the *Municipal Freedom of Information and Protection of Privacy Act* for a list of all the municipal addresses that received ballots for a front yard parking pad poll relating to a specific municipal address (the subject property), conducted within a specified date range. These ballots were sent to residents within a specified polling area and were sent to each person listed on the assessment roll as tenants or owners of assessed land within the polling area. The adjudicator found that where a person enumerated on the current assessment roll as owner of the addressed land did not reside there, notice was also sent to the non-resident owner's mailing address. Therefore, the factor determining the receipt of ballots was whether the municipal address of the assessed lands falls within a certain radius of the subject property. After carefully considering the matter, the adjudicator found:

... that the remaining municipal addresses set out in the record do not contain "personal information" as that term is defined in section 2(1). Given that these addresses would not contain an individual's name or any other identifying information, and are targeted to receive a ballot because of their physical location, I find that these addresses neither relate to identifiable individuals nor do they disclose information of a personal nature. In my view, these municipal addresses constitute information that is more "about" the assessed lands, or properties in question, than "about" an identifiable individual.

Finally, the fact that the names of individuals could be determined by reverse directories or some other way does not convert the municipal addresses from information about a property to personal information. In Order PO-1847, Adjudicator Katherine Laird note that, in the context of a discussion about correspondence concerning possible land use, "... where records are about a property, and not about an identifiable individual, the records may be disclosed, with appropriate severances, notwithstanding the possibility that the owners of the property may be identifiable through searches in land registration records and/or municipal assessment rolls".

[28] I find that the circumstances in this appeal are analogous to those in MO-2153 and will adopt this analysis for the purposes of the present appeal. Like the ballots in MO-2153, the notifications in this appeal were sent to the addressees because of their properties' physical proximity to a specified location. I find that because these records are about a property and not about the addressees as identifiable individuals, the addresses alone do not represent "personal information" as that term is defined in section 2(1). While the identities of the owners of the properties may be identifiable to the appellant through land registration records, the addresses themselves are not "personal information" for the purposes of section 2(1) and are not, therefore, exempt under section 21(1) of the *Act*. As no other exemptions have been claimed and no other mandatory exemptions apply to the addresses, they should be disclosed to the appellant.

[29] Having found that the records at issue contain the personal information of identifiable individuals other than the appellant, as defined in section 2(1) of the *Act*, I will now consider whether the names and signatures of these identifiable individuals are exempt from disclosure under section 21(1).

B. Does the mandatory exemption at section 21(1) apply to the information at issue?

[30] Where a requester seeks the personal information of another individual, section 21(1) prohibits an institution from releasing this information unless one of the exceptions in paragraphs (a) to (f) of section 21(1) applies.

[31] If the information fits within any of paragraphs (a) to (f) of section 21(1), it is not exempt under disclosure under section 21. The ministry submits that the disclosure of the records would lead to an unjustified invasion of the addressees' personal privacy under section 21(1)(f), which 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.

[32] The factors and presumptions in sections 21(2), (3) and (4) help in determining whether disclosure would or would not be an unjustified invasion of privacy under section 21(1)(f).

[33] The information remaining at issue in this appeal consists of the names and signatures of the addressees. None of the presumptions in section 21(3) of the *Act* apply to this information. If no section 21(3) presumption applies, section 21(2) lists various factors that may be relevant in determining whether disclosure of personal information would constitute an unjustified invasion of personal privacy.⁴

[34] The factors in paragraphs (a), (b), (c) and (d) of section 21(2) generally weigh in favour of disclosure, while those in paragraphs (e), (f), (g), (h) and (i) weigh in favour of privacy protection.⁵

[35] The ministry states that, in deciding whether the disclosure of the requested information would constitute an unjustifiable invasion of privacy, it took into account the considerations listed in section 21(2) of the *Act*. Based on the ministry's representations, and my review of the records, the relevant factors in section 21(2) are:

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,

- (e) the individual to whom the information relates will be exposed unfairly to pecuniary or other harm;
- (f) the personal information is highly sensitive;
- (g) the personal information is unlikely to be accurate or reliable.

[36] In its representations, the ministry argues that it took into account sections 21(2)(e) and (f) and found that the personal information in the records is highly sensitive and could result in unfair harm to the addressees. The ministry maintains that these individuals submitted comments and concerns to it about the proposed sale and that these comments are highly sensitive as their disclosure could adversely affect the relations between neighbours and create animosity that could lead to a great deal of stress for these people.

⁴ Order P-239.

⁵ Order PO-2265.

[37] After reviewing the ministry's representations with regard to the factors section 21(2), I find that there are no relevant factors that favour privacy protection. Disclosure of the identity of the addressees will only disclose that they received a notice through registered delivery and not whether they in fact provided comments, or the nature of those comments. In fact, the ministry acknowledges that it has "no specific knowledge of whether any of the individuals to whom the information relates will be exposed unfairly to pecuniary or other harm or if it is highly sensitive."

[38] In addition, the ministry argues that, due to the lack concordance in the records, the personal information may not be accurate or reliable as it relates to the actual delivery and receipt of the registered mail items and, therefore, section 21(2)(g) is relevant. However, I do not accept this argument. As discussed earlier, the lack of concordance in the records is explained by the manner in which the records were organized, and does not render this information inaccurate or unreliable for the purposes of section 21(2)(g).

[39] With regard to the factors favouring disclosure, the ministry states that the disclosure of the names and addresses in the record is not desirable for the purpose of subjecting the activities of the Government of Ontario under section 21(2)(a). The ministry states that, in view of the public discussion and the degree of involvement in the ministry's ultimate decision that took place subsequent to the registered mailing, providing the requester with the names and addresses of the addressees is unlikely to subject the government's activities to any further scrutiny, as contemplated by section 21(2)(a). I agree with the ministry's submission in this regard. In my view, the disclosure of the names and signatures of the addressees in the records would not subject the activities of the Government of Ontario to public scrutiny. While the appellant alleges that the records would shed light on the ministry's consultation process, obtaining access to the addresses on the records at issue will adequately serve this purpose. I find that the disclosure of the names and signatures of the addressees of the letters will not add further clarity with regard to the ministry's consultation process.

[40] In addition, I find that sections 21(2)(b) and (c) do not apply as the disclosure of the personal information of the addressees will not promote public health and safety or the informed choice in the purchase of goods and services. Also, I find that the personal information sought is not relevant to a fair determination of the rights affecting the appellant, as required by section 21(2)(d).

[41] The appellant did not provide evidence to demonstrate that sections 21(2)(a), (b), (c) and (d) apply in favour of disclosure. Instead, he argues that he already has the information of the addressees and that his main concern is whether the notifications were sent, received and commented on by the identified individuals, as required by the consultation and notification process.

[42] After a careful review of his representations, I find that the appellant has not provided me with sufficiently compelling evidence which demonstrates that the application of any considerations listed in section 21(2) lead to a finding that disclosure of the names and addresses of the addressees would not result in an unjustified invasion of their personal privacy. Furthermore, as the appellant will obtain access to the addresses on the records at issue as a result of this order, he will receive sufficient information to determine whether the notifications were sent and received as required by the comment process. With regard to the appellant's concerns regarding whether the notifications were commented on, this would not be clarified by the receipt of the acknowledgement and received receipts regardless of whether the names and addresses of the recipients are disclosed.

[43] As section 21(1) is a mandatory exemption and there are no relevant factors favouring disclosure, I find that disclosure of the names and signatures of the addressees would result in unjustified invasion of their personal privacy. Accordingly, I find the exemption in section 21(1) applies to the information and will order it severed from the records which are disclosed to the appellant as a result of this order.

C. Is there a compelling public interest in disclosure of the records that clearly outweighs the purpose of the section 21(1) exemption?

[44] As I have determined that section 21(1) operates to exempt the names and addresses of the addressees identified in the records from disclosure, I will now consider whether there exists a compelling public interest in the disclosure of the records that clearly outweighs the purpose of the section 21(1) exemption.

[45] In his representations, the appellant claims that the "public interest override" in section 23 of the *Act* applies in this case. This section reads:

An exemption from disclosure of a record under sections 13, 15, 17, 18, 20 and 21 does not apply where a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption.

[46] In Order P-1398⁶, former Inquiry Officer John Higgins outlined the requirements for the application of section 23 of the *Act*. He stated:

An analysis of section 23 reveals two requirements which must be satisfied in order for it to apply: (1) there must be a compelling public interest in disclosure, and (2) this compelling public interest must clearly outweigh the purpose of the exemption.

⁶ Upheld on judicial review in *Ontario (Ministry of Finance) v. Ontario (Information and Privacy Commissioner)* (1999), 118 O.A.C. 108 (C.A.), leave to appeal refused (January 20, 2000), Doc. 27191 (S.C.C.).

If a compelling public interest is established, it must then be balanced against the purpose of any exemptions which have been found to apply. Section 23 recognizes that each of the exemptions listed, while serving to protect a valid interest, must yield on occasion to the public interest in access to information which has been requested. An important consideration in this balance is the extent to which denying access to the information is consistent with the purpose of the exemption.

[47] The *Act* is silent as to who bears the burden of proof in respect of section 23. This onus cannot be absolute in the case of an appellant who has not had the benefit of reviewing the requested records before making submissions in support of his or her contention that section 23 applies. To find otherwise would be to impose an onus which could seldom if ever be met by an appellant. Accordingly, the IPC will review the records with a view to determining whether there could be a compelling public interest in disclosure which clearly outweighs the purpose of the exemption.⁷

[48] The ministry submits that there is no compelling public interest in the disclosure of the records that would outweigh the importance of the personal privacy exemption in section 21 of the *Act*. Referring to Order PO-2014-I, the ministry argues that the need for public debate in and of itself is not sufficient to outweigh the purpose of the exemption. The Ministry noted that the IPC has, in the past, stated that public debate may be restricted when access to government records is denied, but as long as the reasons for denying access fall within the scope of one of the exemptions in the *Act*, such restrictions are not inconsistent with the principles of the legislation. The ministry also notes that in Order P-128, "the Commission did not accept that the need for government to receive full and frank advice and recommendations was outweighed by the difficulties an individual might have in challenging the powers of a board."

[49] In addition, the ministry states that a significant amount of information has already been disclosed about its decision-making process and its justification for disposing of the parcel of Crown land. As such, the ministry argues that the disclosure of the remaining personal information from the records at issue will not shed further light on the issues involved in this sale.

[50] In response, the appellant argues that the property sale at issue raised a "huge" amount of media interest locally, which demonstrates that there is a compelling public interest in the disclosure of the records at issue. The appellant also states that while the media coverage of the property sale did not focus on the issue in this appeal, "the information in the requested records are an important part of the so called 'public' consultation". The appellant states that the purpose of his request is to confirm that a consultation process to solicit comments from neighbouring property owners was carried out as required.

⁷ Order P-244.

[51] In considering whether there is a “public interest” in disclosure of a record, the first question to ask is whether there is a relationship between the record and the *Act's* central purpose of shedding light on the operations of government.⁸ Previous orders have stated that in order to find a compelling public interest in disclosure, the information in the record must serve the purpose of informing the citizenry about the activities of their government, adding in some way to the information the public has to make effective use of the means of expressing public opinion or to make political choices.⁹

[52] A public interest does not exist where the interests being advanced are essentially private in nature.¹⁰ Where a private interest in disclosure raises issues of more general application, a public interest may be found to exist.¹¹

[53] The word “compelling” has been defined in previous orders as “rousing strong interest or attention.”¹²

[54] In addition to considering whether there is a public interest in disclosure, any public interest in *non*-disclosure that may exist must also be considered.¹³

[55] After carefully reviewing the information remaining at issue and the representations of the parties, I find that any public interest in the disclosure of the names and signatures of the addressees that are contained in the records is not sufficiently compelling. Although the sale of the Crown land may have attracted public attention locally, the disclosure of the names and signatures on acknowledgment and received receipts will not shed further light on the issues involved in the sale. Further, as the appellant will have access to the addresses on the acknowledgement and received receipts as a result of this order, I find that he will have sufficient information to assist him in determining whether the consultation process to solicit comments was carried out as required, thereby addressing his public interest concerns. I find that the disclosure of the names and addresses will not shed more light on whether this was the case.

[56] Therefore, I find that the names and signatures of the addressees are exempt from disclosure under section 21(1) of the *Act* and are not subject to the application of section 23.

⁸ Order P-984.

⁹ *Ibid.*

¹⁰ Orders P-12, P-347 and P-1439.

¹¹ Order MO-1564.

¹² Order P-984.

¹³ *Ontario Hydro v. Michinson*, [1996] O.J. No. 4636 (Div. Ct.)

ORDER:

1. I uphold the ministry's decision to deny access to the highlighted information in the copy of the records which I have provided to it, along with a copy of this order.
2. Following the ministry's receipt of the \$10.30 fee from the appellant, I order the ministry to disclose the remaining information in the records to the appellant by providing him with a copy of the severed records. This disclosure is to take place no later than **July 24, 2012** after receipt of the fee, but not before **July 18, 2012** after receipt of the fee.
3. In order to verify compliance with provision 2 of this order, I reserve the right to require the ministry to provide me with a copy of the information disclosed to the appellant.

Original Signed By: _____ June 19, 2012 _____
Brian Beamish
Assistant Commissioner