

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-3224

Appeal PA11-411

Infrastructure Ontario

June 26, 2013

Summary: A request was made to the Ontario Infrastructure and Lands Corporation (IO) for access to information related to a Request for Qualifications for a non-profit housing relocation project. IO identified responsive records and decided to grant the requester partial access to them, severing portions pursuant to the mandatory exemptions at sections 17(1) (third party information) and 21(1) (personal privacy) as well as the discretionary exemption at section 19 (solicitor-client privilege) of the *Act*. The requester did not appeal IO's decision. However, the affected party appealed IO's decision to release portions of the records, taking the position that they were exempt pursuant to sections 17(1) and 21(1).

In this decision, the adjudicator upholds IO's decision to grant partial access to the records and dismisses the appeal.

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", 17(1) and 21(1).

OVERVIEW:

[1] The Ontario Realty Corporation (ORC) received a request under the *Freedom of Information and Protection of Privacy Act* (the *Act* or *FIPPA*) for information related to a specific Request for Qualifications (RFQ) for a non-profit housing relocation project. Specifically, access was sought to the following records:

1. Emails and records of telephone conversation or other communications held by ORC with prospective respondents.
2. Responses submitted by all respondents.
3. Notes and scoring sheets for all evaluations of responses conducted in connection with the RFQ.
4. Communications of the evaluation committee in connection with the RFQ.
5. List of all respondents who received a debriefing.

[2] On June 6, 2011, pursuant to the *Ontario Infrastructure and Lands Corporation Act 2011*, ORC continued as a corporation under the name Ontario Infrastructure and Land Corporation (IO).

[3] IO identified responsive records related to the request and, pursuant to section 28, notified a number of affected parties of the request and provided them with an opportunity to provide representations on the disclosure of the records. One affected party provided IO with submissions identifying portions of the records that it believed should not be disclosed pursuant to the application of the mandatory exemption at section 17(1) (third party information) of the *Act*.

[4] After considering the representations of the affected party, IO issued a decision to the requester, granting partial access to the records, including some portions of the records that the affected party believes should be withheld. IO claims that the mandatory exemption at section 17(1), the mandatory exemption at section 21(1) (personal privacy) and the discretionary exemption at section 19 (solicitor-client privilege) apply to the withheld portions.

[5] IO advised the affected party that it could appeal its decision to disclose the portions of the records to which it objected to disclosure, to the Information and Privacy Commissioner (IPC). The affected party, now the appellant, chose to file an appeal.

[6] The requester, who was also advised that he could appeal IO's decision to withhold portions of the records, chose not to appeal the decision. Accordingly, the only portions of the records that remain at issue in this appeal are those that IO is prepared to disclose.

[7] As mediation could not resolve the appeal, it was transferred to the adjudication stage of the appeal process, where an adjudicator conducts an inquiry. An adjudicator provided the appellant, initially, with the opportunity to provide written representations in response to a notice of inquiry. Representations were received from the appellant. Subsequently, the notice of inquiry was provided to IO and the requester, together with a copy of the appellant's complete representations which were shared in accordance with section 7.07 of this office's *Code of Procedure and Practice Direction Number 7*. IO

provided representations in response. The requester chose not to submit representations.

[8] The appeal was transferred to me for a decision. For the reasons that follow, I uphold IO's decision that neither of the mandatory exemptions at sections 17(1) or 21(1) of the *Act* apply to the information that remains at issue, and I dismiss the appeal.

RECORDS:

[9] The records at issue in this appeal consist of email correspondence between IO and the appellant. They include attachments, a request for qualifications, a mandatory requirements checklist, the evaluations scoring matrix and a list of all proponents who pre-qualified. The information that remains at issue is that which IO has indicated that it is prepared to disclose to the requester.

ISSUES:

- A. Do the records contain "personal information" as defined in section 2(1) of the *Act* and, if so, to whom does it relate?
- B. Are portions of the records exempt from disclosure pursuant to the mandatory exemption at section 21(1) of the *Act*?
- C. Are some of the records or portions of the records exempt from disclosure pursuant to the mandatory exemption at section 17(1) of the *Act*?

DISCUSSION:

A. Do the records contain "personal information" as defined in section 2(1) of the *Act* and, if so, to whom does it relate?

[10] The appellant submits that the records at issue contain "personal information" as defined in section 2(1) of the *Act* and that its disclosure amounts to an unjustified invasion of personal privacy pursuant to the mandatory exemption at section 21(1) of the *Act*.

[11] In order to determine whether section 21(1) of the *Act* may apply, it is necessary to decide whether the record contains "personal information" and, if so, to whom it relates. That term 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,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (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;

[12] 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

[13] Sections 2(3) and (4) also relate to the definition of personal information. These sections state:

¹ Order 11.

(3) Personal information does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity.

(4) For greater certainty, subsection (3) applies even if an individual carries out business, professional or official responsibilities from their dwelling and the contact information for the individual relates to that dwelling.

[14] 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

[15] 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

[16] To qualify as personal information, it must be reasonable to expect that an individual may be identified if the information is disclosed.⁴

Representations

[17] The appellant submits that the records "contain the personal and confidential résumés of certain personnel employed by the appellant." It submits:

Although the personal résumés disclose information about identifiable individuals in a business capacity, the recorded information contained in the personal résumés includes information that, if disclosed, would reveal information of a personal nature about the affected individuals, including:

- (a) photographs that would enable third parties to ascertain race, sex and approximate age of the individuals;
- (b) information relating to the education and employment history of the individuals;
- (c) contact information for the individuals; and

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

³ Orders P-1409, R-980015, PO-2225 and MO-2344.

⁴ Order PO-1880, upheld on judicial review in *Ontario (Attorney General) v. Pascoe* [2002] O.J. No. 4300 (C.A.).

(d) names of the individuals, the disclosure of which would enable third parties to obtain other personal information about the individuals.

[18] IO submits that in its access decision, it decided to withhold all personal résumés contained in the appellant's proposal. Accordingly, IO submits that personal résumés are no longer at issue.

Analysis and findings

[19] In response to the access request that lead to this appeal, IO issued a decision advising that it was prepared to grant the requester partial access to the responsive records. The requester did not appeal IO's decision. Accordingly, the portions of the responsive records that IO decided to withhold from the requester are not at issue in this appeal. However, the appellant, a third party with an interest in the disclosure of the information, did appeal IO's decision. Therefore, the information that is at issue in the current appeal is only the information that IO decided to disclose to the requester.

[20] In its decision, IO claims that section 21(1) applies to portions of the majority of the records that are responsive to the request, and therefore, that these portions contain the personal information of identifiable individuals. Based on my review of the portions of the records that are at issue in this appeal, I accept IO's submission in its representations that given that it intends to withhold all personal résumés from disclosure pursuant to section 21(1) of the *Act*, this information is not at issue in this appeal.

[21] Although the appellant does not claim that any of the other information at issue qualifies as "personal information," as section 21(1) is a mandatory exemption, in addition to reviewing the portions that contain personal résumés, I have reviewed all of the portions of the records that IO is prepared to disclose to the requester. From that review, I have not identified any other information that might qualify as "personal information" as that term is defined in the *Act*. Accordingly, I find that the portions of the records at issue do not contain personal information within the definition of that term in section 2(1) of the *Act*.

B. Are portions of the records exempt from disclosure pursuant to the mandatory exemption at section 21(1) of the *Act*?

[22] As I have found that the portions of records at issue do not contain any "personal information," as that term is defined in section 2(1) of the *Act*, the mandatory exemption at section 21(1) cannot apply.

C. Are some of the records or portions of the records exempt from disclosure pursuant to the mandatory exemption at section 17(1) of the *Act*?

[23] The appellant takes the position that the mandatory exemption at section 17(1) of the *Act* applies to the information that IO decided to disclose. It submits that disclosure of the information “might give rise to a reasonable expectation that one of the harms specified in paragraphs (a), (b), (c), or (d) of section 17(1) will occur,” specifically, significantly prejudice its competitive position (section 17(1)(a)) and cause it to suffer an undue loss and a correlative unfair gain to its competitors (section 17(1)(c)).

[24] The relevant portions of section 17(1) state:

A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, where the disclosure could reasonably be expected to,

- (a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (c) result in undue loss or gain to any person, group, committee or financial institution or agency; or

[25] Section 17(1) is designed to protect the confidential “informational assets” of businesses or other organizations that provide information to government institutions.⁵ Although one of the central purposes of the *Act* is to shed light on the operations of government, section 17(1) serves to limit disclosure of confidential information of third parties that could be exploited by a competitor in the marketplace.⁶

[26] For section 17(1) to apply, the institution and/or the third party must satisfy each part of the following three-part test:

1. the record must reveal information that is a trade secret or scientific, technical, commercial, financial or labour relations information; and

⁵ *Boeing Co. v. Ontario (Ministry of Economic Development and Trade)*, [2005] O.J. No. 2851 (Div. Ct.), leave to appeal dismissed, Doc. M32858 (C.A.).

⁶ Orders PO-1805, PO-2018, PO-2184 and MO-1706.

2. the information must have been supplied to the institution in confidence, either implicitly or explicitly; and
3. the prospect of disclosure of the record must give rise to a reasonable expectation that one of the harms specified in paragraph (a), (b), (c) and/or (d) of section 17(1) will occur.

Part 1: type of information

[27] The appellant submits that the information at issue in the circumstances of this appeal contains “commercial,” “financial,” or “labour relations” information. Those terms have been defined in prior orders as follows:

Commercial information is information that relates solely to the buying, selling or exchange of merchandise or services. This term can apply to both profit-making enterprises and non-profit organizations, and has equal application to both large and small enterprises.⁷ The fact that a record might have monetary value or potential monetary value does not necessarily mean that the record itself contains commercial information.⁸

Financial information refers to information relating to money and its use or distribution and must contain or refer to specific data. Examples of this type of information include cost accounting methods, pricing practices, profit and loss data, overhead and operating cost.⁹

Labour relations information has been found to include:

- discussions regarding an agency’s approach to dealing with the management of their employees during a labour dispute;¹⁰ and
- information compiled in the course of the negotiation of pay equity plans between a hospital and the bargaining agents representing its employees.¹¹

but not to include:

- names, duties and qualifications of individual employees;¹²

⁷ Order PO-2010.

⁸ Order P-1621.

⁹ Order PO-2010.

¹⁰ Order P-1540.

¹¹ Order P-653.

¹² Order MO-2164.

- an analysis of the performance of two employees on a project;¹³
- an account of an alleged incident at a child care centre;¹⁴ or,
- the names and addresses of employers who were the subject of levies or fines under workers' compensation legislation.¹⁵

Representations

[28] In its representations, the appellant points to seven specific portions of the responsive records as containing information of the types identified above. Specifically, the appellant submits that the following portions of the records contain information that is commercial, financial, and pertaining to labour relations:

- (a) approximate annual values of construction work executed by the appellant during the five year period prior to responding to the RFQ;
- (b) correspondence from an insurance brokerage and risk management firm disclosing the appellant's financial capacity to support the construction project that was the subject of the RFQ;
- (c) Workplace Safety and Insurance Board CAD-7 calculation;
- (d) annual consolidated corporate revenues;
- (e) previous project construction costs;
- (f) corporate organizational chart identifying shareholders and subsidiaries;
- (g) health and safety guidelines.

[29] The appellant does not identify or provide any representations on which specific type of information it believes that each portion contains.

[30] In its representations, IO points out that its access decision was to withhold portions of the records pursuant to section 17(1), including information that consists of items c) (Workplace Safety and Insurance Board CAD-7 calculation) and e) (previous project construction costs) identified by the appellant in its representations. As the requester has not appealed IO's decision to withhold portions of the records from

¹³ Order MO-1215.

¹⁴ Order P-121.

¹⁵ Order P-373, upheld in *Ontario (Workers' Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)* (1998), 41 O.R. (3d) 464 (C.A.).

disclosure, the information referred to in items c) and e) is no longer at issue and will not be disclosed.

[31] With respect to the information that remains at issue, IO agrees that it can be considered to amount to commercial information and/or financial information as those terms are contemplated by section 17(1).

Analysis and finding

[32] I have reviewed the information at issue in this appeal and conclude that all of it consists of information that relates to the buying and selling of services for the completion of the project identified by the RFQ and falls within the definition of "commercial information" as that term is defined above.

[33] Portions of the records also relate to money and its use or distribution. Specifically, the information includes correspondence from an insurance brokerage and risk management firm confirming the appellant's financial capacity to support the value of the construction project that was the subject of the RFQ, as well as figures detailing annual construction values and annual consolidated corporate revenues. As this information relates to money and its use or distribution, I find that it consists of "financial information" as contemplated by the definition of that term.

[34] Therefore, I find that the information at issue consists of "commercial" and "financial information" and that the first part of the test under section 17(1) has been satisfied.

Part 2: supplied in confidence

Supplied

[35] The requirement that it be shown that the information was "supplied" to the institution reflects the purpose in section 17(1) of protecting the informational assets of third parties.¹⁶

[36] Information may qualify as "supplied" if it was directly supplied to an institution by a third party, or where its disclosure would reveal or permit the drawing of accurate inferences with respect to information supplied by a third party.¹⁷

[37] The contents of a contract involving an institution and a third party will not normally qualify as having been "supplied" for the purpose of section 17(1). The provisions of a contract, in general, have been treated as mutually generated, rather than "supplied" by the third party, even where the contract is preceded by little or no

¹⁶ Order MO-1706.

¹⁷ Orders PO-2020 and PO-2043.

negotiation or where the final agreement reflects information that originated from a single party. This approach was approved by the Divisional Court in *Boeing Co. v. Ontario (Ministry of Economic Development and Trade)*.¹⁸

[38] There are two exceptions to this general rule which are described as the “inferred disclosure” and “immutability” exceptions. The “inferred disclosure” exception applies where disclosure of the information in a contract would permit accurate inferences to be made with respect to underlying non-negotiated confidential information supplied by the affected party to the institution. The “immutability” exception applies to information that is immutable or is not susceptible of change, such as the operating philosophy of a business, or a sample of its products.¹⁹

In confidence

[39] In order to satisfy the “in confidence” component of part two, the parties resisting disclosure must establish that the supplier had a reasonable expectation of confidentiality, implicit or explicit, at the time the information was provided. This expectation must have an objective basis.²⁰

[40] In determining whether an expectation of confidentiality is based on reasonable and objective grounds, it is necessary to consider all the circumstances of the case, including whether the information was:

- communicated to the institution on the basis that it was confidential and that it was to be kept confidential;
- treated consistently in a manner that indicates a concern for its protection from disclosure by the affected person prior to being communicated to the government organization;
- not otherwise disclosed or available from sources to which the public has access; and
- prepared for a purpose that would not entail disclosure.²¹

¹⁸ *Supra*, note 5. See also Orders PO-2018, MO-1706, PO-2496, upheld in *Grant Forest Products Inc. v. Caddigan*, [2008] O.J. No. 2243 and PO-2497, upheld in *Canadian Medical Protective Association v. John Doe*, [2008] O.J. No. 3475 (Div. Ct.).

¹⁹ Orders MO-1706, PO-2384, PO-2435, PO-2497 upheld in *Canadian Medical Protective Association v. John Doe*, *supra*, note 18.

²⁰ Order PO-2020.

²¹ Orders PO-2043, PO-2371 and PO-2497.

Representations

[41] The appellant submits that it supplied the information to IO for “the singular purpose of enabling [IO] to evaluate the appellant’s qualifications to complete the scope of work more particularly described” in the RFQ. It submits that “the information is not ‘mutually generated’ in any way and does not form any part of a contract between the appellant and [IO].”

[42] The appellant also submits that as the information was submitted as part of a “confidential and highly competitive RFQ process,” it had an “objectively reasonable expectation that [IO’s] care and control of the confidential information would be limited to the RFQ process, without disclosure to third persons unrelated to [IO’s] assessment of the appellant’s qualifications to complete the project.”

[43] IO submits generally that it agrees that the information at issue can be considered to be information that was supplied, in confidence, to IO by the appellant.

Analysis and finding

[44] Having considered the representations of the parties and having reviewed the information at issue, I am satisfied that the information was supplied by the appellant to IO with a reasonably-held expectation that it would be treated in a confidential fashion by IO. In my view, this expectation was implicitly understood by IO and the appellant given that nature and type of information that is at issue. As a result, I find that the parties have satisfied me that the information at issue was supplied in confidence to IO, in accordance with the requirements of the second part of the test under section 17(1).

[45] Accordingly, I find that the second part of the section 17(1) test has been met.

Part 3: harms

[46] To meet this part of the test, the party resisting disclosure (in this appeal, the appellant), must provide “detailed and convincing” evidence to establish a “reasonable expectation of harm.” Evidence amounting to speculation of possible harm is not sufficient.²²

[47] The need for public accountability in the expenditure of public funds is an important reason behind the need for “detailed and convincing” evidence to support the harms outlined in section 17(1).²³

²² *Ontario (Workers’ Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)* (1998), 41 O.R. (3d) 464 (C.A.).

²³ Order PO-2435.

[48] The failure of a party resisting disclosure to provide detailed and convincing evidence will not necessarily defeat the claim for exemption where harm can be inferred from other circumstances. However, only in exceptional circumstances would such a determination be made on the basis of anything other than the records at issue and the evidence provided by a party in discharging its onus.²⁴

[49] Parties should not assume that harms under section 17(1) are self-evident or can be substantiated by submissions that repeat the words of the *Act*.²⁵

Representations

[50] The appellant states that the construction industry in which it conducts business "is one of the most competitive of all industries, with the failure rate for construction companies being among the highest of any business." It submits:

The confidential information was supplied to [IO] in response to the RFQ, which is the initial step in a competition based on many different criteria, such as contractors' record of successful projects completed in the past, the quality of work performed, quality assurance programs, safety records, qualifications and credentials of the contractors' personnel, and so forth. With project contracts being awarded based on the lowest price for which a contractor is willing to enter a contract and fulfill the contract requirements as established by [IO], contractors continually are in quest of some means of achieving a competitive advantage, so as to maximize their prospects for the award of construction contracts.

[51] More specifically, the appellant submits that it is reasonable to expect that the disclosure of the information at issue would significantly prejudice its competitive position as contemplated by section 17(1)(a) for the following reason:

Within the highly competitive industry in which the appellant operates, any disclosure of the confidential information would significantly prejudice the competitive position of the appellant and undermine its ability to participate in the pursuit of competitive construction contracts in the future.

[52] The appellant also submits disclosure of the information at issue could reasonably be expected to result in undue loss to itself and a correlative undue gain to its competitors as contemplated by section 17(1)(c). It explains that its response to the RFQ involves a significant investment of funds, time, human resources and strategic analysis, and, as a result, disclosure of the information at issue could reasonably be expected to "offer an unfair advantage to the appellant's competitors who stand to

²⁴ Order PO-2020.

²⁵ Order PO-2435.

acquire this privileged information without any corresponding application of their own resources.

[53] IO submits that the portions of the records that include the annual construction values and the annual consolidated corporate revenues are general information "lacking any sort of specificity necessary to cause harm to the appellant or provide the appellant's competitors with any useful information to undercut or undermine the appellant's business."

[54] IO also submits that the portions of the correspondence from the insurance brokerage and risk management firm that remain at issue is not information that is particular to the appellant but is information that identifies a pre-qualification requirement of specific insurance minimums that all respondents had to meet in order for their submissions to be considered and evaluated. As a result, it submits that this information does not give the appellant any competitive edge. IO also points out that it has severed from the letter a portion that does contain specific insurance information about the appellant, specifically, the total amount for which the appellant is insured and how much of that total has been utilized. This information, therefore, is not at issue.

[55] Finally, with respect to the corporate organizational chart and the health and safety guidelines, IO states that the appellant has not provided evidence to support its claim that disclosure of the information in these documents would prejudice its competitive position or cause undue loss or gain and submits that such harms are merely speculative.

[56] IO concludes its representations by stating:

IO greatly values its business relationship; yet, as a government agency and an institution subject to *FIPPA*, IO has a legislated responsibility to operate in an open and transparent manner, as well as be accountable to the taxpaying public for the use of public funds relating to services procured by IO.

IO acknowledges that section 17 is designed to protect confidential "informational assets" of businesses or other organizations that provide information to government institutions and the section serves to limit disclosure of third party confidential information. However, IO must continually balance that protection with one of the central purposes of *FIPPA* which is to support the transparency of and shed light on the operations of government.

Analysis and findings

[57] After considering the submissions made by the parties and reviewing the information that is at issue, I find that I have not been provided with sufficient evidence to conclude that its disclosure could reasonably be expected to result in either prejudice significantly the appellant's competitive position (section 17(1)(a)) or give rise to an undue harm for the appellant or an undue gain to its competitors (section 17(1)(c)).

[58] The information at issue includes the approximate annual values of construction work executed by the appellant during the five year period prior to responding to the RFQ as well as the annual consolidated corporate revenues. I note that these figures are global figures that are very general in nature. They do not identify the number of projects completed in a year, the value of those projects or any other information. They are simply overall figures. Without further evidence detailing how the disclosure of these amounts could reasonably be expected to prejudice significantly the appellant's competitive position or result in it experiencing an undue loss, I find that neither the harms at section 17(1)(a) nor (c) have been established for this information.

[59] In my view, the information at issue in the correspondence from an insurance brokerage and risk management firm is general in nature. Although it confirms that the appellant has the ability to meet a project with a specific monetary value, I accept IO's submission that this value is a pre-qualification requirement of specific insurance minimums that all respondents had to meet in order for their submissions to be considered and evaluated. In my view, I have not been provided with evidence to suggest that the disclosure of the information could reasonably be expected to prejudice significantly the appellant's competitive position or cause it undue harm. As a result, I find that this information is not exempt under either of sections 17(1)(a) or (c).

[60] The corporate organizational chart details the reporting relationships between key team members that would be put into place if the appellant were awarded the project subject to the identified RFQ. In my view, this is factual information and I have not been provided with evidence that demonstrates how it could be used by a competitor to undercut the appellant in future projects and, as such, be reasonably expected to prejudice significantly its competitive position. I also have not been provided with evidence to suggest that its disclosure could reasonably be expected to result in either undue harm to the appellant or gain to another entity. As a result, I find that this information is not exempt under either of sections 17(1)(a) or (c).

[61] Finally, with respect to the health and safety guidelines, these guidelines appear to be general information outlining safety requirements and procedures that the employees and sub-contractors of the appellant and its affiliated companies must abide by in the workplace. I find that I have not been provided with sufficient evidence to conclude that their disclosure could reasonably be expected to prejudice significantly the appellant's competitive position or result in an undue loss to the appellant or an

undue gain to its competitors. Therefore, I find that this information is not exempt under either section 17(1)(a) or section 17(1)(c).

[62] Accordingly, I find that the third part of the section 17(1) test has not been established for any of the information that remains at issue.

Conclusion

[63] I have found that I have not been provided with sufficient evidence to conclude that, were the information at issue disclosed, the appellant could reasonably be expected to suffer any of the harms contemplated by section 17(1). As all three parts of the test must be met for the exemption to apply, I find that section 17(1) does not apply to the information at issue. Accordingly, I will uphold IO's decision to disclose this information to the requester.

ORDER:

I uphold IO's decision to grant partial access to the records and dismiss the appeal.

Original Signed By: _____
Catherine Corban
Adjudicator

_____ June 26, 2013