

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER PO-3396

Appeal PA13-342

University of Ottawa

September 18, 2014

Summary: The appellant submitted an access request to the University of Ottawa (the university) under the *Freedom of Information and Protection of Privacy Act* for the contact information for each member of the University's Board of Governors. The university denied access to the personal email addresses, home telephone numbers, personal cell phone numbers, and home addresses of the Board of Governors members, citing the mandatory personal privacy exemption in section 21(1) of the *Act*.

This order upholds the university's decision that the home addresses, home telephone numbers, personal cell phone numbers, and personal email addresses are the personal information of the university's Board of Governors members and are exempt under section 21(1). This order also determines that the honorary Board of Governors members are members of the Board and that their information is responsive to the request.

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(1), 21 (2)(a), 21(2)(e), 21(2)(h), and 24; and *University of Ottawa Act*, sections 9 and 10.

Orders and Investigation Reports Considered: Orders PO-3153 and PO-3259.

OVERVIEW:

[1] The University of Ottawa (the university) received the following request under the *Freedom of Information and Protection of Privacy Act* (*FIPPA* or the *Act*):

Pursuant to s. 2(3) of *FIPPA*, send the name, title and all contact information for each member of the University's Board of Governors [the Board], including all email and postal addresses and phone and fax number possessed by the University in the event of contacting these persons on scheduled or unscheduled official business. It is not sufficient to provide the contact information of the University Secretariat.

[2] The University of Ottawa denied access, based on sections 22 and 21 of the *Act*. It stated in the following in its access decision to the appellant:

Access to the records you have requested is denied pursuant to section 22(1) of Freedom of Information and Protection of Privacy Act. You may consult the University of Ottawa's Board of Governors web page at <http://www.uottawa.ca/governance/governors.html> which publishes the Board email address established specifically in the event of contacting Board members; the list of members at <http://www.uottawa.ca/governance/governors-members.html>; and the university's directory is found at <http://www.uottawa.ca/search/>.

For contact information that is not publicly available this information was supplied in confidence to the University and access is denied pursuant to section 21 of the Act.

[3] The requester, now the appellant, appealed the university's access decision.

[4] The university then issued a revised decision, granting partial access to the records requested. It indicated that it was denying access to the personal contact information of the Board of Governors members, pursuant to the mandatory personal privacy exemption in section 21(1) of the *Act*. It also indicated that certain portions of the records were not disclosed on the basis that they are not responsive to the request.

[5] The university subsequently confirmed that it was withdrawing its section 22 claim. With respect to the non-responsive information, it advised that this information relates to honorary members, whom it does not consider to be Board of Governors members, based on section 9 of the *University of Ottawa Act*.

[6] Following the revised decision, the appellant raised the application of sections 2(3) and 2(4) of the *Act*, asking whether the University of Ottawa sent correspondence to the home addresses of the Board of Governors members, as means of contacting the Board members with respect to official business.¹ The mediator followed up with the University of Ottawa, who noted that the records consist of a mailing list (i.e. individual's name and mailing address) and a contact list (i.e. individual's name, email

¹ Sections 2(3) and 2(4) relate to the definition of personal information and exclude business contact information from the definition of personal information.

address, phone number and fax). It advised that if the mailing or contact list contained a home address or a personal email address/fax number/phone number, that this information would be used to communicate with an individual Board member.

[7] As mediation did not resolve the issues in this appeal, the file was transferred to the adjudication stage where an adjudicator conducts an inquiry. I sent a Notice of Inquiry, setting out the facts and issues in this appeal, to the appellant seeking his representations, initially. In response, the appellant provided representations through his representative, the Association of Professors of the University of Ottawa (the APUO). The APUO's representations were sent to the university, less one confidential paragraph in the appellant's affidavit, along with a Notice of Inquiry. I received representations from the university.

[8] I then decided to seek the representations of the non-honorary (regular) Board of Governors members (the affected persons) whose contact information had not been disclosed, as to whether their email addresses, addresses and phone numbers were their personal information. The affected persons that responded to the Notice of Inquiry objected to the disclosure of their personal information in the records.

[9] In this order, I determine that the home addresses, home telephone numbers, personal cell phone numbers and personal email addresses are the personal information of the university's Board of Governors members. I also determine that the honorary Board of Governors members are members of the Board and that their information is responsive to the request.

RECORDS:

[10] The records consist of the personal email addresses, home telephone numbers, personal cell phone numbers, and home addresses of the affected persons severed from a mailing list and a contact list.

ISSUES:

- A. Do the records contain "personal information" as defined in section 2(1) and, if so, to whom does it relate?
- B. Does the mandatory personal privacy exemption at section 21(1) apply to the information at issue?
- C. Is the information that relates to honorary members in the records responsive to the request?

DISCUSSION:

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

[11] In order to determine which sections 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.²

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

(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.³

[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.⁴

[16] To qualify as personal information, it must be reasonable to expect that an individual may be identified if the information is disclosed.⁵

[17] The APUO⁶ states that the records do not contain personal information, only business information. Although the names of the Board members are public information, the APUO disagrees that their contact information, that is used to carry out business, professional or official functions, is "personal information".

[18] The APUO states that the university has conceded that it uses the contact information it has on file for official business, including in some cases personal email addresses, phone numbers or home addresses.

² Order 11.

³ Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

⁴ Orders P-1409, R-980015, PO-2225 and MO-2344.

⁵ Order PO-1880, upheld on judicial review in *Ontario (Attorney General) v. Pascoe*, [2002] O.J. No. 4300 (C.A.).

⁶ On behalf of the appellant.

[19] APUO states that the request for contact information in this appeal can be distinguished from the decision in Order PO-3153 where the adjudicator ruled that the information was not disclosed since:

...there [was] no indication in the record or the representations provided by the parties that the home contact information of the affected parties is related to the affected parties' professional or business activities.

[20] The APUO states that the same conclusion cannot be drawn in the University of Ottawa's case and that sections 2(3) and 2(4) apply. It points out that the university's admission is further corroborated by the affidavit⁷ of a current Board member, who advises that it is usual for the university and Board members to correspond for business purposes via the contact information the university has on file. In that affidavit, a Board member states that:

The University collects and uses the contact information of Board members for business purposes, including even their home addresses, phone numbers and email addresses - it is the usual way of doing Board business. Typically the University communicates with me around the time of upcoming Board meetings, and oftentimes between Board meetings for other reasons, using the contact information that it has on file.

[21] The APUO states that its conclusion is further bolstered by Order PO-3259, where the adjudicator ruled at paragraph 42 that names, titles and contact information of persons at McMaster University serving in a professional capacity are not classified as "personal information".

[22] It is also the APUO's position that the Board members who elected to receive business communications at their home address, made that choice freely despite having alternatives (e.g. use a work address or a P.O. Box).

[23] The university states that the records contain personal information, namely the home addresses, home telephone numbers, personal mobile numbers and home email addresses of members of the Board, as set out in paragraph (d) of the definition of personal information in section 2(1).

[24] The university refers to Order PO-3153 where if Brock University only held the home contact information for a member, it had offered that correspondence for these individuals could be forwarded to the Secretary of the University for distribution to the Board of Trustees through the Chair. The university states that:

⁷ The affidavit was an attachment to the APUO's representations.

Clearly, the decision to declare the members' home contact information personal information within the meaning of the *Act* was made in the context of it being used by Brock University to contact members regarding Board matters...

The ruling in Order PO-3153 has conclusively determined that home contact information of institution Board members used to contact those members on Board business does not fall within s. 2(3) and (4) of the Act, but rather constitutes personal information within the meaning of s. 2(1)...

As noted in Order PO-3153, University Board members are volunteers who receive no compensation for their membership on the Board, Additionally, as was the case in just Order PO-3153, the home contact information provided to the University by the Members and Honorary Members of the Board of Governors was done so in confidence and should not be treated as information that identifies them in a business capacity...

For s. 2(3) and 2(4) to apply, the home contact information must identify the individual in a business, professional or official capacity to someone other than just their employer, or in this case, the institution for whom they volunteer their time. It must, in some manner, publicly identify the individual in that capacity. As set out below, the University has consistently treated the home contact information of Board Members as confidential personal information. It has never held the information out as "identifying" the individuals in their official capacity to the public or the broader University community. Even absent Order PO-3153, the IPC should still find that ss. 2(3) and 2(4) do not apply.

[25] In reply, the APUO states that, unlike the situation in Order PO-3153, the university does not simply "forward" information from individuals to the Secretary of the university; instead the Secretariat vets what information should be presented to the Chair of the Board.

[26] The APUO also states that, unlike the situation in Order PO-3153, there is evidence in this appeal to support that the contact information was used for professional or business activities.

[27] In surreply, the university states that even if the university is engaging in censorship and vetting, that has no bearing on whether the contact information in question is personal information. It states that the use to which the information is put does not change the nature of the information.

Analysis/Findings

[28] In Order PO-3153, the requester sought the contact information for all Brock University Board of Trustees members. At issue in the record were the members' home and/or business addresses, phone numbers (both home and cell), fax numbers or email addresses.

[29] In Order PO-3153, Assistant Commissioner Brian Beamish⁸ found that that the first and second columns of the record, titled "NAME" and "BUSINESS ADDRESS", did not qualify as personal information within the meaning of section 2(1), but relates to the affected parties in a professional, official or business capacity.

[30] Assistant Commissioner Beamish found that the third column in the record, titled "HOME ADDRESS", contained information that qualifies as the affected parties' "personal information" within the meaning of paragraph (d) of the definition of personal information in section 2(1) of the *Act*. This column contained the affected parties' home addresses, home telephone, fax and mobile numbers and home email addresses. In making this finding, Assistant Commissioner Beamish noted that there was no indication in the record or the representations provided by the parties that the home contact information of the affected parties was related to the affected parties' professional or business activities.

[31] In Order PO-3259, Adjudicator Daphne Loukidelis determined that the contact information in university emails related to employees or prospective employees in an employment context. She stated that, as this information did not the reveal something of a personal nature about them, but was their professional information for the purpose of section 2(3) of the *Act*.

[32] In this appeal, at issue is the home address and personal phone and emails addresses of certain Board of Governors members (the affected persons). The information at issue is the same information that was at issue in Order PO-3153 and which Assistant Commissioner Beamish found was personal information.

[33] Unlike the situation in Order PO-3259, where at issue were the email addresses used in the records that were internal university emails, I find that the information at issue in this appeal reveals something of a personal nature about the affected persons.

[34] Although the affected persons are involved with the university in an official capacity, I find that their personal contact information reveals something of a personal nature about them.

⁸ Brian Beamish is currently the Acting IPC Commissioner.

[35] I agree with the university that even if the university is engaging in censorship and vetting, that has no bearing on whether the contact information in question is personal information.

[36] Having regard to the above, I find that the information at issue meets the definition of personal information as set out in section 2(1) of the *Act*.

[37] The affected persons carry on their official business as Board of Governors members at the university. Although the university may contact the affected persons through their home email, phone or mailing address, this does not mean that they carry on official business at their homes.

[38] I will now consider whether the mandatory personal privacy exemption at section 21(1) applies to the personal information in the records.

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

[39] Where a requester seeks 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.

[40] The section 21(1)(a) to (e) exceptions are relatively straightforward. The section 21(1)(f) exception, allowing disclosure if it would not be an unjustified invasion of personal privacy, is more complex, and requires a consideration of additional parts of section 21.

[41] If the information fits within any of paragraphs (a) to (e) of section 21(1), or if any of paragraphs (a) to (d) of section 21(4) apply, disclosure is not an unjustified invasion of personal privacy and the information is not exempt under section 21(1). The information at issue does not fit within paragraphs (a) to (e) of section 21(1) or section 21(4).

[42] Under section 21(1)(f), if disclosure would not be an unjustified invasion of personal privacy, it is not exempt from disclosure.

[43] Sections 21(2) and (3) help in determining whether disclosure would or would not be an unjustified invasion of privacy.

[44] If any of paragraphs (a) to (h) of section 21(3) apply, disclosure of the information is presumed to be an unjustified invasion of personal privacy under section 21(1). Once established, a presumed unjustified invasion of personal privacy under section 21(3) can only be overcome if section 21(4) or the "public interest override" at

section 23 applies.⁹ The university does not submit that any of the presumptions in section 21(3) applies, nor is the application of this section apparent from my review of the records.

[45] 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.¹⁰

[46] The list of factors under section 21(2) is not exhaustive. The institution must also consider any circumstances that are relevant, even if they are not listed under section 21(2).¹¹

Section 21(2)(h)

[47] In this appeal, the university relies in the factor that favours privacy protection in section 21(2)(h). This section reads:

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,

the personal information has been supplied by the individual to whom the information relates in confidence.

[48] The university relies on the findings in Order PO-3153 where it was found that the disclosure of home addresses and contact information provided in confidence would constitute an unjustified invasion of privacy, and that there were no factors in section 21(2) that weighed in favour of disclosing such information. The university submits that:

...the personal information has been provided by the Board Members in confidence. The University has always provided the University Secretariat's contact information as the contact information for communicating with the Board of Governors. Consequently, both the University and the Board Members had every intention that the contact information provided to the University would be kept confidential.

There are many reasons why an individual may wish to have his or her home address remain confidential. In many cases, they may simply wish to retain a degree of anonymity and privacy at home separate and apart from their public life. This is particularly true in the case of prominent

⁹ *John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767 (Div.Ct.).

¹⁰ Order P-239.

¹¹ Order P-99.

members of the community, such as the Members of the Board in this case. The right of everyone, including public figures, to some measure of a private life lies at the core of the *Act*. Where the University and Board Members have consistently treated the Members' contact information as confidential, this should not be lightly overturned by the IPC.

[49] This factor at section 21(2)(h) applies if both the individual supplying the information and the recipient had an expectation that the information would be treated confidentially, and that expectation is reasonable in the circumstances. Thus, section 21(2)(h) requires an objective assessment of the reasonableness of any confidentiality expectation.¹²

[50] The APUO states in its reply representations that the records do not contain personal information. In the alternative, it states that the university's submissions are not factually correct and that, unlike in the Order PO-3153, the university does not have a policy supported by a resolution of the Board claiming that contact information used for official business purposes would be treated confidentially and section 21(2)(h) does not apply.

[51] In surreply, the university states that it has policies on the protection of privacy and personal information, including *Policy 90 - Access to Information and Protection of Privacy*. The university states that it is bound to protect the confidentiality of personal information such as the home addresses of Board members.

[52] Based on my review of the objections of the affected persons that responded to the Notice of Inquiry and the representations of the university and the APUO, I find that the personal information at issue in the records has been supplied by the affected persons in confidence. I find that both the affected persons who supplied the contact information and the recipient of this information, the university, in the circumstances of this appeal, had a reasonably held expectation that the information would be treated confidentially. Accordingly, I find that the factor favouring privacy protection in section 21(2)(h) applies.

Section 21(2)(e)

[53] One of the affected persons provided specific representations stating that they are concerned about possible risks to security and harassment which could result from open access to their personal contact information. They state that while this can be the case in any institution, these risks are probably higher in a high profile public institution such as a university.

¹² Order PO-1670.

[54] As such, it appears that this affected person is raising the application of the factor favouring privacy protection in section 21(2)(e), which reads:

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,

the individual to whom the information relates will be exposed unfairly to pecuniary or other harm.

[55] In order for this section to apply, the evidence must demonstrate that the damage or harm envisioned by the clause is present or foreseeable, and that this damage or harm would be "unfair" to the individual involved. In its representations, the APUO states that the responsibility of the Board of Governors includes the power to hire and fire employees, to set salaries and benefits, and to make by-laws and rules for nearly all aspects of the University's operations.

[56] Given the sensitive nature of the Board's work, I find that a Board of Governors member whose personal contact information is disclosed may be exposed unfairly to harm and that this factor weighs in favour of privacy protection. Accordingly, I find that the factor favouring privacy protection in section 21(2)(e) applies.

Section 21(2)(a)

[57] The APUO indirectly raised the application of the factor favouring disclosure in section 21(2)(a). It submits that the university, by channeling all communications with the Board through its Secretariat and chair of the Board who act as gatekeepers, is acting inconsistently with the wording of *FIPPA* and contrary to the purpose served by freedom of information laws. The APUO provided an affidavit from a Board member who is concerned about the confidentiality of her messages to other Board members, as well as the possibility of censorship of her messages. She believes it interferes with her ability to carry out her fiduciary duties as an informed and productive Board member.

[58] The APUO also provided an affidavit of the appellant indicating that he wishes to communicate directly with Board members. Attached to this affidavit is an email to the appellant from the university's Vice-President, Governance, who is the Secretary of the Board. In this email, the Secretary of the Board advises the appellant that he could send any communication he wants to her attention in a sealed envelope marked "confidential to be opened only by the Chair" and she would pass his sealed envelope onto the Chair.

[59] Section 21(2)(a) reads:

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,

the disclosure is desirable for the purpose of subjecting the activities of the Government of Ontario and its agencies to public scrutiny.

[60] This section contemplates disclosure in order to subject the activities of the government (as opposed to the views or actions of private individuals) to public scrutiny.¹³

[61] In order for this section to apply, it is not appropriate to require that the issues addressed in the records have been the subject of public debate; rather, this is a circumstance which, if present, would favour its application.¹⁴

[62] Simple adherence to established internal procedures will often be inadequate, and institutions should consider the broader interests of public accountability in considering whether disclosure is desirable for the purpose outlined in section 21(2)(a).¹⁵

[63] Based on my review of the APUO's representations, I find that I do not have sufficient evidence to find that disclosure of the personal contact information of individual Board members is desirable for the purpose of subjecting the activities of the university to public scrutiny. The university has set up a mechanism for individuals to contact the Board directly. In addition, the university has disclosed to the appellant all of the non-personal contact information of the individual Board members. Therefore, the majority of the university's Board members can be individually contacted directly.

[64] In order to support a finding that section 21(2)(a) applies to the disclosure of the personal information at issue, it must be shown that the activities of the university have been called into question publicly and that the information sought will contribute materially to the scrutiny of those specific activities.¹⁶ I find that I don't have sufficient evidence to support a finding that disclosure of the personal contact information of the Board members would serve to promote the objective of greater scrutiny of the university's activities by the public at large.¹⁷ Accordingly, I find that section 21(2)(a) does not weigh in favour of disclosure of the personal information at issue.

¹³ Order P-1134.

¹⁴ Order PO-2905.

¹⁵ Order P-256.

¹⁶ Order MO-3059.

¹⁷ See Order P-1014.

Conclusion

[65] In conclusion, I find that there are no relevant factors weighing in favour of the disclosure of the personal information at issue, but there are two relevant factors weighing against its disclosure. In order to find that disclosure does not constitute an unjustified invasion of personal privacy, one or more factors and/or circumstances favouring disclosure in section 21(2) must be present. In the absence of such a finding, as is the case in this appeal, the exception in section 21(1)(f) is not established and the mandatory section 21(1) exemption applies.¹⁸

C. Is the information that relates to honorary members in the records responsive to the request?

[66] The university has relied on section 9 of the *University of Ottawa Act* in determining that the information that is related to the honorary members in the records is not responsive to the request. This section reads:

There shall be a Board of governors of the University of not more than thirty-two members, consisting of,

(a) The Rector;

(b) the following twelve persons: [names]

(c) four persons appointed by the Lieutenant Governor in Council who, in the first instance, shall be, [names]

(d) two persons appointed by the Senate from among those of its members elected under clause *d* of subsection 1 of section 15;

(e) two persons appointed by the Alumni Association from among its own members;

(f) eight persons appointed by the Council of Administration of Saint Paul University who, in the first instance, shall be, [names]

(g) such other persons appointed by the Board for such terms as the Board may determine by by-law.

¹⁸ Orders PO-2267 and PO-2733.

[67] Section 24 of *FIPPA* imposes certain obligations on requesters and institutions when submitting and responding to requests for access to records. This section states, in part:

- (1) A person seeking access to a record shall,
 - (a) make a request in writing to the institution that the person believes has custody or control of the record;
 - (b) provide sufficient detail to enable an experienced employee of the institution, upon a reasonable effort, to identify the record;
- (2) If the request does not sufficiently describe the record sought, the institution shall inform the applicant of the defect and shall offer assistance in reformulating the request so as to comply with subsection (1).

[68] Institutions should adopt a liberal interpretation of a request, in order to best serve the purpose and spirit of the *Act*. Generally, ambiguity in the request should be resolved in the requester's favour.¹⁹

[69] To be considered responsive to the request, records must "reasonably relate" to the request.²⁰

[70] The APUO states that Board members are appointed pursuant to sections 9 and 10 of the *University of Ottawa Act*, and by-laws thereunder. It states that calling a person an "honorary member" is immaterial to the legal question of whether they are statutorily appointed as a member.

[71] The university states that honorary members of the Board of Governors are distinct from other Board members in several crucial ways. It states that:

Regular Members of the Board are appointed pursuant to s. 9 of the *University of Ottawa Act* and exercise the powers granted to Board Members under s. 11 thereof. While s. 9(g) of the *University of Ottawa Act* vests the Board with the power to appoint any person to the Board, Board By-Law A2.1 governs the actual appointment of Honorary Members. The By-Law stipulates that in order to be made an Honorary Member of the Board, a person must have rendered extraordinary services to the University, shown particular excellence in the community or possess abilities and knowledge that will be of outstanding value to the Board.

¹⁹ Orders P-134 and P-880.

²⁰ Orders P-880 and PO-2661.

Further, s. 1(b) of the By-Law removes from Honorary Members certain crucial powers and rights held by regular Board Members, including the right to vote, to count towards quorum at a meeting of the Board and to be appointed to the Executive Committee. The Honorary Member is there to advise and consult, not as a decision maker.

Given these significant differences in roles, rights and responsibilities, the University submits that Honorary Members of the Board are not true members of the Board for the Requestor's stated purpose of contacting members regarding scheduled and unscheduled Board business. As such, their contact information held on record by the University is not responsive to the request.

In the alternative, if the IPC should determine that the contact information of Honorary Board Members is in fact responsive to the request, the University submits that the home contact information should nonetheless be withheld, on the same basis as regular Board Members, detailed above.

[72] In reply, the APUO states that honorary members are still appointed as per the *University of Ottawa Act*, and that *FIPPA* does not make a distinction between those who are decision-makers and those who give advice to a government body, unless the advice or recommendations exemption in section 13 of the *Act* applies.

Analysis/Findings

[73] Section 9(g) of the *University of Ottawa Act* allows the Board to appoint Board of Governors members as may be determined by by-law. By-law A2.1 allows the Board, by resolution, to appoint honorary members.

[74] Based on my review of sections 9 and 10 of the *University of Ottawa Act* and Board By-law A2.1, I find that a honorary member of the Board of Governors of the university is a member of the Board.

[75] Based on my review of the appellant's request, which was for the name, title and all contact information for each member of the University's Board of Governors, I find that the contact information of the honorary members of the Board is information responsive to the appellant's request.

[76] The university has already disclosed to the appellant the non-personal contact information of the non-honorary Board of Governors members. Therefore, I will order the university to issue a decision letter concerning disclosure of the contact information of the honorary Board members to the appellant.

ORDER:

1. I order the university to issue a decision respecting access to the appellant with respect to the contact information of the honorary Board members, treating the date of this order as the date of the request.
2. I uphold the university's decision to not disclose to the appellant the personal contact information of the non-honorary (regular) Board of Governors members.

Original Signed By:
Diane Smith
Adjudicator

September 18, 2014