



Information and Privacy  
Commissioner/Ontario

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

# ORDER 66

Appeal 880294

Ministry of Municipal Affairs



80 Bloor Street West,  
Suite 1700,  
Toronto, Ontario  
M5S 2V1

80, rue Bloor ouest  
Bureau 1700  
Toronto (Ontario)  
M5S 2V1

416-326-3333  
1-800-387-0073  
Fax/Télééc: 416-325-9195  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

June 27, 1989

VIA PRIORITY POST

Appellant

Dear Appellant:

**Re: Order 66**  
**Appeal Number 880294**  
**Ministry of Municipal Affairs**

I am writing to you about your appeal of the decision of the Ministry of Municipal Affairs (the "institution"), to grant partial access to records requested under the Freedom of Information and Protection of Privacy Act, 1987.

The request was for the following information:

- 1) "Letter from Ray Haggerty, M.P.P. to Hon. B. GrandMaitre Minister of Municipal Affairs dated August 21, 1986.

Subject of letter: Helena Street Road Closing in support of Rate Payers opposing closing of road allowance.

- 2) Letter from Ray Haggerty, M.P.P. to Mrs. Genevieve Gareau Mosse, Office Manager Administrative Assistant dated August 26, 1986.

Subject of letter: Erie Beach property purchase

- opposing town purchase of property, i.e. not beach property
- purchase over burden taxpayer
- \$2,000,000 required for shore protection
- indicates M.N.R. did not find property suitable for Provincial acquisition

[IPC Order 66/June 27, 1989]

- requests Ministry to stop town purchase
- suggests bonus to developer contrary to Bill 79
- request Ministry move with haste."

The Ministry notified you of the request pursuant to subsection 28(1)(b) of the Act, and afforded you the opportunity of making representations on the matter. Having considered your representations, the institution's decision was to give the requester partial access to the records, with severances.

You appealed the decision of the head to this Office under subsection 50(1) of the Act, on the ground that you objected to the disclosure of any part of the records.

As you know, as soon as your appeal was received in my office, an Appeals Officer was assigned to investigate the circumstances of the appeal, and to attempt a mediated settlement.

The Appeals Officer obtained a copy of the records in question, and contacted you, the Freedom of Information and Privacy Co\_ordinator and the requester. I understand that the Appeals Officer discussed with you the issues involved in this appeal. She also explained to you the provisions of the Freedom of Information and Protection of Privacy Act, 1987 relevant to the records in question.

When it appeared that no settlement could be achieved on the matter, the Appeals Officer prepared a report which was sent to you, the institution and the requester, with my letter requesting representations on the matter.

I have received and reviewed representations from you, the requester and the institution, and have considered them in making my decision.

You have indicated your objection to the disclosure of the letters on the grounds that to do so would disclose personal information.

I have reviewed the records, and in my view, the severances proposed by the institution do contain personal information as defined by the Act. This personal information consists of your opinion as to events occurring in the Town of Fort Erie. However, these events have clearly been publicly debated, and are not of a private or confidential nature. I therefore find

that to disclose these opinions would not constitute an unjustified invasion of your personal privacy.

You have indicated that you wish to protect the confidences of constituents who have given you information. However, these constituents are nowhere identified in the records, and I see nothing before me which would lead me to believe that there is anything in the record, the disclosure of which would lead to an unjustified invasion of the privacy of your constituents.

My conclusion, reached after reviewing the circumstances of this appeal, the provisions of the Act and the representations of the parties, is that there is nothing in the records the disclosure of which would lead to an unjustified invasion of any individual's privacy.

I would like to point out that while the letters were written in your capacity as a member of the provincial legislature, the subject matter is clearly of a public nature and does not relate to the private concerns of one individual.

Accordingly, I hereby order the institution to disclose the records in their entirety to the requester. I also order that the institution not release these records until 30 days following the date of the issuance of this order. This time delay is necessary in order to give you, the appellant, sufficient opportunity to apply for judicial review of my decision before the records are actually released. Provided notice of an application for judicial review has not been served on the institution within this 30-day period, I order that the records be released within 35 days of the date of this Order. The institution is further ordered to advise me in writing within five (5) days of date on which disclosure was made.

Yours truly,

Sidney B. Linden  
Commissioner

cc: The Honourable John Eakins  
Minister of Municipal Affairs  
Mr. Hans Jahr, FOI Co\_ordinator