



Information and Privacy  
Commissioner/Ontario

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

# ORDER 77

Appeal 880252

Ministry of Health



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July 18, 1989

VIA PRIORITY POST

Appellant

Dear Appellant:

**Re: Order 77**  
**Ministry of Health**  
**Appeal No. 880252**

This letter constitutes my Order in your appeal from the decision of the Ministry of Health (the "institution") regarding your request for access to "a copy of the existing telephone directory (in-house) of Oak Ridge and Penetanguishene Mental Health Centre" (the "record").

Your request to the institution was dated May 26, 1988. The institution responded to your request by a letter dated May 30, 1988. In its response, the institution stated that it did not have custody of the record and suggested that you forward your request directly to the facility involved.

You followed the institution's suggestion and by letter dated June 9, 1988, you were advised, by the Associate Administrator, Oak Ridge Division, that your request had been forwarded to the institution's Freedom of Information Office for processing. The institution acknowledged receipt of your request and responded to your request by letter dated July 28, 1988.

The institution denied access to the requested record, pursuant to subsections 14(1)(e), 14(1)(k) and 21(1)(b) and section 20 of the Freedom of Information and Protection of Privacy Act, 1987 (the

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"Act").

As you are aware, as soon as your appeal was received by my Office, an Appeals Officer was assigned to investigate the circumstances of the appeal and attempted to mediate a settlement.

The Appeals Officer obtained and reviewed the record. The record includes the names and telephone numbers of the staff and lists departments within the Penetanguishene Mental Health Centre (including the Oak Ridge Division), fire and Code Blue telephone numbers. This record is not normally made available to anyone outside the staff of the Centre.

As a settlement in this appeal could not be achieved, a Notice of Inquiry and an Appeals Officer's Report was sent to both parties to assist in making representations to me concerning the subject matter of the appeal.

I have reviewed the institution's decision not to disclose the record, and I have also reviewed the record and considered both your representations and those of the institution. I am satisfied that the institution has properly applied subsection 14(1)(k) of the Act to withhold the record.

Section 14(1)(k) of the Act states that:

14.--(1) A head may refuse to disclose a record where the disclosure could reasonably be expected to,

(k) jeopardize the security of a centre for lawful detention;...

In my view, the release of this record in the circumstances of this case could reasonably be expected to jeopardize the security of the Penetanguishene Mental Health Centre (including the Oak Ridge Division) which is a Centre for Lawful Detention.

Normally I would set out a more detailed explanation of my decision. However, in this case, my concern for possible infringement of your personal privacy, has caused me to limit my explanatory remarks to those deemed necessary.

I am also satisfied that the institution corrected the problems that resulted in confusion and some delay in their response to your request.

As I have decided to uphold the decision of the institution not to grant access to this record pursuant to subsection 14(1)(k) of the

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Act, it is not necessary for me to deal with the other exemptions claimed by the Ministry.

Yours truly,

Sidney B. Linden  
Commissioner

cc. The Honourable Elinor Caplan, Minister of Health  
Mr. Andrew Parr, FOI Co-ordinator