

Information and Privacy Commissioner,  
Ontario, Canada



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

---

## ORDER MO-4221

Appeal MA19-00678

City of Peterborough

June 27, 2022

**Summary:** The City of Peterborough received a request for access to records relating to permits, permit applications and correspondence regarding a specified residential address. The city notified the appellants as affected parties who objected to the disclosure of the records. The city decided to grant the requester partial access to responsive records withholding portions of the records pursuant to the mandatory personal privacy exemption in section 14(1). The appellants appealed the city's decision on the basis that disclosure of any of the records would be an unjustifiable invasion of their personal privacy. In this order, the adjudicator finds that the information at issue does not contain personal information so it is not exempt from disclosure under section 14(1). The adjudicator dismisses the appeal and upholds the city's decision to grant access to the unsevered portions of the records.

**Statutes Considered:** *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, section 2.

**Orders Considered:** Orders P-23, PO-2225.

### OVERVIEW:

[1] This appeal resolves the issues arising from a request made to the City of Peterborough (the city) under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for access to the following:

All permit applications and issued permits regarding [a specified address] between the dates of January 1, 2016 and July 3, 2019.

All internal and external correspondence regarding the Avenues and Neighbourhood Heritage Conservation District and [a specified address] between the dates of January 1, 2016 and July 3, 2019.

[2] The city identified 33 responsive records related to the request, which included permit applications, issued permits and email correspondence pertaining to the specified address. Before making an access decision, the city notified parties whose interests may be affected by disclosure of the records (the affected parties) to obtain their views. The affected parties objected to the disclosure of the records, which they considered to be their “personal information.”

[3] The city issued a decision to the requester granting access, in full, to four of the responsive records and partial access to the remaining 29 records, withholding portions of the records pursuant to the mandatory personal privacy exemption in section 14(1) of the *Act*. The city withheld the names of the property owners and their personal contact information.

[4] The affected parties (now the appellants) appealed the city’s decision to the Information and Privacy Commissioner of Ontario (the IPC). The original requester did not appeal the city’s decision and the application of section 14(1) of the *Act* to the withheld portions of the records is therefore not an issue in this appeal.

[5] A mediator was appointed to explore resolution of the appeal. During mediation, the appellant confirmed that they object to disclosure of any of the responsive records.<sup>1</sup> The requester confirmed that they are no longer pursuing access to pages 18 and 20 of the responsive records and these pages have been removed from the scope of the appeal.

[6] As a mediated resolution was not achieved, the appeal was moved to the adjudication stage. The adjudicator initially assigned to this appeal decided to conduct an inquiry and sought and received representations from the city in the first instance. The city’s representations were shared with the appellants, who were invited to provide representations addressing the issues in the appeal and to respond to the city’s representations, which were shared in accordance with the IPC *Code of Procedure* and Practice Direction 7. The appellants referred to correspondence submitted to the IPC during the mediation stage in which they set out their objection to the disclosure of any records.

[7] The appeal was then transferred to me to continue the adjudication of the

---

<sup>1</sup> The appellants advised the mediator that they believed they knew the requester’s identity. As this information is not relevant to my determination of the issues on appeal, I did not pursue this submission further.

appeal. I have reviewed the complete file material, including the representations from the parties, and have concluded that I do not need any further information before rendering a decision. For the reasons that follow, I find that the records at issue do not contain personal information so that the mandatory personal privacy exemption in section 14(1) cannot apply. I uphold the city's decision and dismiss the appeal.

## **RECORDS:**

The information at issue consists of the information that the city decided to disclose on pages 1-8, 10-12, 14-17, 19, 21-24, 26-41, 49 and 50 in the 29 records. These records comprise permit applications, issued permits and email correspondence pertaining to the specified address and the Avenues and Neighbourhood Heritage Conservation District.

## **DISCUSSION:**

[8] As the appellants object to the city's decision to disclose the responsive records on the basis that their disclosure would be an unjustified invasion of their personal privacy, the sole issue in this appeal is whether section 14(1) applies to the records. The mandatory personal privacy exemption in section 14(1) can only apply to personal information and I must therefore first decide whether the information at issue contains "personal information."

[9] Section 2(1) of the *Act* defines "personal information" as "recorded information about an identifiable individual." Information is "about" an individual when it refers to them in their personal capacity, which means that it reveals something of a personal nature about the individual. Section 2(1) gives a list of examples of personal information:

- 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 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.

[10] This 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.<sup>2</sup>

[11] To qualify as personal information, it must be reasonable to expect that an individual may be identified if the information is disclosed.<sup>3</sup>

[12] Generally, information about an individual in their professional, official or business capacity is not considered to be "about" the individual.<sup>4</sup> Also relevant on this point are sections 2(2.1) and (2.2), which state:

(2.1) 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.

(2.2) For greater certainty, subsection (2.1) 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.

[13] When the appellants received notification of the request giving rise to this appeal, they provided representations to the city setting out their objection to the disclosure of any responsive records. The appellants stated that disclosure of the responsive records would be an unjustified invasion of their personal privacy. As noted above, the appellants were invited to make representations on the issues in the context of this appeal, including the issue of whether the records at issue contain personal information. The appellants did not provide representations addressing this issue but rely upon their earlier correspondence setting out their objection to disclosure of any responsive records by the city.

[14] The city submits that the records at issue in this appeal do not contain personal information and relies upon a number of orders in which the IPC has held that

---

<sup>2</sup> Order 11.

<sup>3</sup> Order PO-1880, upheld on judicial review in *Ontario (Attorney General) v Pascoe*, [2002] O.J. No. 4300 (C.A.).

<sup>4</sup> Orders P-257, P-427, P-1412 and PO-2225.

information relating to properties does not constitute personal information.<sup>5</sup> It is the city's position that the appellant's personal information is contained only in the severed portions of the records, which it has decided not to disclose.

### **Analysis and findings**

[15] The city has removed the names and contact information of the property owners from the records. However, the property address is in the information that the city has decided to disclose and I must decide whether the property address is personal information of identifiable individuals.

[16] Previous orders of the IPC have held that in certain circumstances, it is reasonable to expect that an individual may be identified from a disclosed address.<sup>6</sup> An address can be linked with an owner, resident or tenant through searches in reverse directories, and municipal property assessment rolls. Therefore, I find that the property owners are identifiable from the property address, notwithstanding the fact that the city has removed their names and contact details from the records.

[17] However, there is a distinction between information *about* an identifiable individual, which may be personal information and information *about* a property. Previous orders of the IPC have held that information about a property does not qualify as personal information as defined in section 2(1) of the *Act* if it does not reveal information *about* an identifiable individual.<sup>7</sup>

[18] In Order P-23, former Commissioner Sidney B. Linden considered the distinction between "personal information" and information concerning residential property in an appeal arising from a request for market value estimations for properties in Metropolitan Toronto. The records at issue in that appeal contained municipal property addresses and corresponding property market values. One of the issues to be decided was whether information in the records qualified as the individual property owners' "personal information." The commissioner held that:

In considering whether or not particular information qualifies as "personal information" I must also consider the introductory wording of section 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 ... **about** an identifiable individual? In my view, the answer is "no"; the information is **about a property** and not **about an identifiable individual**. [emphasis in original]

---

<sup>5</sup> Orders P-23, M-175, PO-1847, MO-2735 and MO-2994.

<sup>6</sup> PO-2322, PO-2265 and MO-2019

<sup>7</sup> Orders P-23, M-175, MO-2053, MO-2081, PO-2322, MO-2695, MO-2792, MO-2994, MO-3066, MO-3125 and MO-3321.

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 sub-paragraph (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 the 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.

[19] I agree with the former commissioner's approach that distinguishes information about a property from information about an identifiable individual. The records before me in this appeal consist of building permits and permit applications and correspondence relating to a specified address. I find that these records contain information that is predominantly *about* the property specified in the request and the information is not *about* an individual. I find, therefore, that the withheld information does not contain information "about" the property owners.

[20] The information at issue also includes the name and contact details and signature of the contractor authorised to act as agent for the property owner in the permit application process. In addition, the information includes the name and contact details of the designer and the name of the building inspector.

[21] As noted above, section 2(2.1) and (2.2) of the *Act* provides that "personal information" does not include information about an individual in their professional or business capacity. In Order PO-2225, former Assistant Commissioner Tom Mitchinson set out a two-step analysis for determining whether information should be characterized as "personal" or "professional":

1. In what context do the names of the individuals appear? Is it in a context that is inherently personal, or is it one such as a business, professional or official government context that is removed from the personal sphere?
2. Is there something about the particular information at issue that, if disclosed, would reveal something of a personal nature about the individual? Even if the

information appears in a business context, would its disclosure reveal something that is inherently personal in nature?

[22] Adopting this two-step analysis, in my view, the contractor, the building inspector and the designer's names and contact information, as they appear in the records, are properly characterized as their professional information.

[23] Considering step one, the contractor's name is associated with the name of two contracting companies. These details appear on permit documents, site plans and in correspondence regarding the property and the building work being undertaken. The designer's details and business logo similarly appear in the permit application and on site plans pertaining to the proposed works, which are the subject of the permit applications. The designer's details also appear in correspondence with the city with the site plans attached. Therefore, the context of the names of the contractor and the designer is their involvement in the building permit processes. I find this context is not inherently personal.

[24] Considering the second step, notwithstanding that the building permit process is a business context, I am satisfied that the disclosure of the contractor, building inspector and the designer's names and contact details would not reveal something inherently personal in nature. I find that this information is associated with their businesses and professions.

[25] I must now consider whether the contractor's signature, which appears in an unsevered portion of a record authorising them to act as agent in a permit application, constitutes personal information for the purposes of the definition in section 2(1) of the *Act*. The IPC has previously held that whether handwriting and signatures are to be treated as personal information depends upon context and the circumstances.<sup>8</sup> As I have already noted, the context of the contractor's signature in the records at issue in this appeal is an application for a municipal building permit. This application is not pursued by the contractor in their personal capacity, but as a business entity acting as agent for the property owner. I therefore find that the contractor's signature, as it appears in the records at issue does not qualify as their personal information.

[26] The names and personal contact information of identifiable individuals in the records are not in issue in this appeal. Of the non-severed portions of the records, for the reasons set out above, I find that they do not contain "personal information" within the meaning of the definition in section 2(1) of the *Act*.

[27] As I have found that the portions of the records at issue do not contain personal information, the mandatory personal privacy exemption in section 14(1) of the *Act* cannot apply to them.

[28] Accordingly, I uphold the city's decision and dismiss this appeal.

---

<sup>8</sup> Order MO-1194.

**ORDER:**

1. I dismiss this appeal and uphold the city's decision to grant access to the information at issue.
2. By **August 1, 2022** but not before **July 27, 2022**, I order the city to disclose the responsive records except for the information it withheld pursuant to section 14(1).

Original Signed by: \_\_\_\_\_

Katherine Ball  
Adjudicator

\_\_\_\_\_ June 27, 2022