Information and Privacy Commissioner,
Ontario, Canada

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

ORDER PO-4688

Appeal PA23-00304

Ministry of the Solicitor General

July 25, 2025

Summary: An individual requested access, under the *Freedom of Information and Protection of Privacy Act*, to information about Ontario Provincial Police (OPP) staff who accessed his information in an OPP database. The ministry provided him a record containing some information but did not provide him with the remaining information stating that disclosure would endanger the security of the OPP database (section 49(a), read with section 14(1)(i)).

In this order, the adjudicator upholds the ministry's decision not to disclose the information it withheld, agreeing that disclosure would endanger the security of the OPP database. She dismisses the appeal.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, sections 2(1) (definition of "personal information"), 14(1)(i) and 49(a).

Orders Considered: Order PO-2583 and Interim Order MO-3561-I.

OVERVIEW:

[1] The Ministry of the Solicitor General (the ministry) received a request, under the *Freedom of Information and Protection of Privacy Act* (the *Act*), for access to the following:

> … a copy of all persons who accessed my personal information in [Ontario Provincial Police (OPP)] Police databases from [specified time period]. I

require name, date, time, computer used, search criteria, and any other relevant information.

[2] The ministry issued a decision granting access to the responsive information, in part, and denying access to portions of the record based on section 49(a) (discretion to refuse requester's own information), read with the law enforcement exemptions at sections 14(1)(c) (reveal investigative techniques and procedures), 14(1)(i) (security), and 14(1)(l) (facilitate commission of an unlawful act) of the *Act*.[1]

[3] Dissatisfied with the ministry's decision, the requester (now the appellant) appealed it to the Information and Privacy Commissioner of Ontario (IPC). A mediator was assigned to explore the possibility of resolution.

[4] As a mediated resolution was not reached, the appeal was transferred to the adjudication stage, where an adjudicator may conduct an inquiry under the *Act*. I commenced an inquiry in which I sought and received representations from the parties about the issues in the appeal.[2]

[5] In this order, I find that section 49(a), read with section 14(1)(i) applies to the portions of the record for which it was claimed. I uphold the ministry's decision not to disclose the withheld information and dismiss the appeal.

RECORDS:

[6] The record at issue is a 3-page form generated from an OPP database. The information at issue is query information and coded information identifying the workstations used by the OPP staff who conducted the searches.

[7] The ministry has disclosed the names of the OPP staff and the dates and times each OPP staff searched the appellant's name on the OPP database.

ISSUES:

A. Does the record contain "personal information" as defined in section 2(1) and, if so, whose information is it?

---

[1] Initially, the ministry relied on section 14(3) (refusal to confirm or deny) in response to the request. The requester appealed. As a result, Order PO-4369 was issued, where the adjudicator did not uphold the ministry's refusal to confirm or deny claim. The ministry was ordered to issue another access decision. In its access decision, the ministry relied on section 49(b) (personal privacy). However, during mediation, the appellant confirmed he was not interested in the personal information of other individuals. As such, section 49(b) is no longer at issue in this appeal.

[2] The parties' representations were shared in accordance with the confidentiality criteria in the IPC's *Practice Direction Number 7*.

B. Does the discretionary exemption at section 49(a), allowing an institution to refuse access to a requester's own personal information, read with the exemptions in sections 14(1)(c), (i) and/or (l) apply to the information at issue?

DISCUSSION:

Issue A: Does the record contain "personal information" as defined in section 2(1) and, if so, whose information is it?

[8] In order to decide whether section 49(a) applies, I must first decide whether the record contains "personal information," and if so, to whom this personal information relates.

[9] Section 2(1) of the *Act* defines "personal information" as "recorded information about an identifiable individual." Recorded information is information recorded in any format, including paper and electronic records.[3]

[10] Information is "about" the individual when it refers to them in their personal capacity, meaning that it reveals something of a personal nature about them. Generally, information about an individual in their professional, official, or business capacity is not considered to be "about" the individual if it does not reveal something of a personal nature about them.[4]

[11] Information is about an "identifiable individual" if it is reasonable to expect that an individual can be identified from the information either by itself or if combined with other information.[5]

[12] Section 2(1) of the *Act* gives a list of examples of personal information. The example that is relevant to this appeal is set out below:

> "personal information" means recorded information about an identifiable individual, including,
>
> …
>
> (h) the individual's name if 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.

[13] The list of examples of personal information under section 2(1) is not a complete

---

[3] The definition of "records" in section 2(1) includes paper records, electronic records, digital photographs, videos and maps. The record before me is a paper record located by searching a police database.
[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.).

list. This means that other kinds of information could also be "personal information."[6]

[14] It is important to know whose personal information is in the records. If the records contain the requester's own personal information, their access rights are greater than if it does not.[7] Also, if the records contain the personal information of other individuals, one of the personal privacy exemptions might apply.[8]

[15] Although both the ministry and the appellant provided representations, neither party's representations addressed whether the record at issue contains personal information.

[16] On my review of the record at issue, I find that it contains information that qualifies as the personal information of the appellant as well as that of another identifiable individual, an affected party whose information was caught by the searches. I find that the personal information of both the appellant and the affected party would fall under paragraph (h) of the definition of "personal information" under section 2(1) of the *Act*. Specifically, the record at issue contains the name of these individuals along with other personal information about them. The appellant has confirmed that he is not interested in access to information about the affected party.

[17] The record also contains the names of OPP staff who conducted the searches which in this context of this record is their professional information because it does not reveal anything personal about them. I note that the ministry has disclosed the information about the OPP staff to the appellant.

[18] As I have found that the record at issue contains the personal information of the appellant along with another identifiable individual, I will consider the appellant's access to the record under Part III of the *Act*.

Issue B: Does the discretionary exemption at section 49(a), allowing an institution to refuse access to a requester's own personal information, read with the exemptions in sections 14(1)(c), (i) and/or (l) apply to the information at issue?

[19] The ministry relies on section 49(a), read with the law enforcement exemptions in sections 14(1)(c), 14(1)(i) and 14(1)(l). As I find below that the information at issue is exempt under section 49(a), read with section 14(1)(i), it is not necessary for me to discuss the other two exemptions claimed by the ministry.

[20] Section 49(a) of the Act reads:

---

[6] Order 11.
[7] Under sections 47(1) and 49 of the *Act,* a requester has a right of access to their own personal information, and any exemptions from that right are discretionary, meaning that the institution can still choose to disclose the information even if the exemption applies.
[8] See sections 21(1) and 49(b).

> A head may refuse to disclose to the individual to whom the information relates personal information,
>
> > where section 12, 13, **14**, 14.1, 14.2, 15, 15.1, 16, 17, 18, 19, 20 or 22 would apply to the disclosure of that personal information. [Emphasis added]

[21] The discretionary nature of section 49(a) recognizes the special nature of requests for one's own personal information and the desire of the Legislature to give institutions the power to grant requesters access to their own personal information.[9]

[22] Section 14(1)(i) states:

> 14(1) A head may refuse to disclose a record if the disclosure could reasonably be expected to,
>
> > (i) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;

[23] The law enforcement exemption must be approached in a sensitive manner, because it is hard to predict events in the law enforcement context, and so care must be taken not to harm ongoing law enforcement investigations.[10]

[24] The parties resisting disclosure of a record cannot simply assert that the harms under section 14 are obvious based on the record. They must provide detailed evidence about the risk of harm if the record is disclosed. While harm can sometimes be inferred from the records themselves and/or the surrounding circumstances, it is not enough, however, for an institution to take the position that the harms under section 14(1) are self-evident from the records and can be proven by simply repeating the description of harms in the *Act*.[11]

[25] Section 14(1)(i) applies where a certain event or harm "could reasonably be expected to" result from disclosure of the record. Parties resisting disclosure must show that the risk of harm is real and not just a possibility.[12] However, they do not have to prove that disclosure will in fact result in harm. How much and what kind of evidence is needed to establish the harm depends on the context of the request and the seriousness of the consequences of disclosing the information.[13]

---

[9] Order M-352.
[10] *Ontario (Attorney General) v. Fineberg* (1994), 19 O.R. (3d) 197 (Div. Ct.) (*"Fineberg"*).
[11] Orders MO-2363 and PO-2435.
[12] *Merck Frosst Canada Ltd. V. Canada (Health)*, [2012] 1 S.C.R. 23.
[13] *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31 (CanLII) at paras. 52-4; *Accenture Inc. v. Ontario (Information and Privacy Commissioner)*, 2016 ONSC 1616.

Representations

[26] The ministry submits that disclosure of the information at issue would endanger the security of the OPP database by revealing how it is searched and how records of searches are documented. It explains that the information at issue contains coded, technical working information including the coded results of searches. It submits that this information was intended for internal communications only, to document the type of search that was conducted. The ministry submits that its disclosure would reveal aspects of the database that could jeopardize its security, which might permit use by unauthorized individuals for unauthorized purposes.

[27] The ministry relies on Order PO-2582 and Interim Order MO-3561-I. In Order PO-2582, the adjudicator found that some of the records were exempt under section 49(a), read with section 14(1)(i), as it could reasonably be expected to endanger the security of the building and the integrity of the Canadian Police Information Centre system (CPIC). The adjudicator also specifically stated that the CPIC coding information contained in the records was exempt under section 49(a), read with section 14(1)(i). The ministry submits that the circumstances of this case are similar to those considered in Order PO-2582.

[28] In Interim Order MO-3561-I, the adjudicator found that the CPIC access/transmission codes and query information falls within the scope of section 8(1)(i) (the municipal equivalent of section 14(1)(i)). The ministry submits that the information at issue in this appeal is similar to the information considered in Interim Order MO-3561-I and its disclosure would endanger the security of the OPP database.

[29] The appellant disagrees with the ministry that disclosure of the record would endanger the security of the OPP database. He submits that from a reasonable person's standpoint, this is ridiculous at best given the context of the request and the years the ministry has dragged this on.

Analysis and findings

[30] For section 14(1)(i) to apply, there must be a reasonable basis for concluding that disclosure of the information at issue could be expected to endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required.

[31] In this case, the ministry argues that disclosure of the information at issue could reasonably be expected to endanger the security of a system, the OPP database system.

[32] Previous orders of the IPC have established that CPIC, a computer database system managed by the Royal Canadian Mounted Police, and its security is reasonably required protection.[14] In this case, the ministry claims that the remaining information at issue is from the OPP database system and similarly requires protection. From my review

[14] See Orders PO-2582, MO-3025-I and MO-4632.

of the representations and the record itself, I accept that the OPP database system is similar to CPIC and requires similar protections as the CPIC system.

[33] The information at issue is query information and coded information identifying the workstations used by OPP staff to access the OPP database system.

[34] In Interim Order MO-3561-I, the adjudicator found that the CPIC access/transmission codes and query information fell within the scope of section 8(1)(i). I agree with and adopt the findings made in that interim order and find that they are relevant to this appeal.

[35] Having considered the ministry's representations and the record itself, I am satisfied that disclosure of the information at issue could reasonably be expected to endanger the security of the OPP database system. I accept that the information at issue consists of highly technical language, such as coded results of searches, disclosure of which could reasonably be expected to jeopardize the security of the OPP database. As a result, I find that, subject to my findings regarding the ministry's exercise of discretion, the information at issue qualifies for exemption under section 49(a), read with section 14(1)(i).

[36] The section 49(a) exemption is discretionary, meaning that the ministry can decide to disclose information even if the information qualifies for exemption. On appeal, I may conclude that the institution did not exercise its discretion at all or that it did so improperly.

[37] The ministry submits that it properly exercised its discretion to apply the exemptions in this case, stating that it weighed the appellant's interest in access to withheld information against the purpose of the law enforcement exemptions and withheld only minimal information, applying the claimed exemptions narrowly.

[38] The appellant did not address the ministry's exercise of discretion in his representations.

[39] I am satisfied that the ministry exercised its discretion properly. The ministry disclosed the information that was reasonably severable to the appellant. Based on the ministry's representations, I am also satisfied it considered the appellant's greater right of access to his own personal information and weighed that right against the purpose of the law enforcement exemption at section 14(1)(i). Accordingly, I find that the ministry's exercise of discretion to withhold the information at issue under section 49(a), read with section 14(1)(i), was reasonable.

ORDER:

I uphold the ministry's decision.

Original Signed by: July 25, 2025

Lan An
Adjudicator