



Information and Privacy
Commissioner/Ontario

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

INVESTIGATION REPORT

INVESTIGATION I93-018P

MINISTRY OF SOLICITOR GENERAL AND CORRECTIONAL
SERVICES

July 16, 1993



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INTRODUCTION

Background of the Complaint

This investigation was initiated as a result of a complaint concerning the Ministry of the Solicitor General and Correctional Services (the Ministry).

In his letter of complaint, the complainant stated:

After a visit to my Probation Officer (the named Probation Officer) my ex wife told my son that she had received a call from (the named Probation Officer) and she divulged information to her that his daddy wanted to kill all women. I want action taken on this matter as my rights have been VIOLATED.

Issues Arising from the investigation

The following issues were identified as arising from the investigation:

- (A) Was the information in question "personal information", as defined in section 2(1) of the Freedom of Information and Protection of Privacy Act (the Act)?
- (B) Did the Ministry disclose the personal information, in accordance with section 42 of the Act?

RESULTS OF THE INVESTIGATION

Issue A: Was the information in question "personal information", as defined in section 2(1) of the Act?

Section 2(1) of the Act defines "personal information", in part, as:

recorded information about an identifiable individual, including,

...

(g) the views or opinions of another individual about the individual, and

...

In our view, if the Probation Officer was of the view or opinion that the complainant wanted to kill all women, this would constitute the complainant's personal information, in accordance with paragraph (g) of the definition of personal information, in section 2(1) of the Act.

Conclusion: If the Probation Officer was of the view or opinion that the complainant wanted to kill all women, this would constitute the complainant's "personal information", as defined in section 2(1) of the Act.

Issue B: Did the Ministry disclose the personal information, in accordance with section 42 of the Act?

Section 42 of the Act prohibits the disclosure of personal information by an institution, except in certain circumstances. (For the full text of section 42, please refer to Appendix A.)

As previously mentioned, the complainant believed that the Probation Officer told his ex-wife that he wanted to kill all women.

We contacted the Probation Officer. She denied that she told the complainant's ex-wife that the complainant wanted to kill all women.

We also reviewed the documents in the complainant's case supervision file, as they pertained to the Probation Officer's supervision of the complainant. We found no evidence of the Probation Officer having made this statement.

Conclusion: We found no evidence of the Probation Officer having disclosed the information, in question.

SUMMARY OF CONCLUSIONS

- If the Probation Officer was of the view or opinion that the complainant wanted to kill all women, this would constitute the complainant's personal information, as defined in section 2(1) of the Act.
- We found no evidence of the Probation Officer having disclosed the information, in question.

Original signed by: _____
John J. Brans
Manager of Compliance

July 16, 1993

Date

APPENDIX A

42. An institution shall not disclose personal information in its custody or under its control except,
- (a) in accordance with Part II;
 - (b) where the person to whom the information relates has identified that information in particular and consented to its disclosure;
 - (c) for the purpose for which it was obtained or compiled or for a consistent purpose;
 - (d) where disclosure is made to an officer or employee of the institution who needs the record in the performance of his or her duties and where disclosure is necessary and proper in the discharge of the institution's functions;
 - (e) for the purpose of complying with an Act of the Legislature or an Act of Parliament or a treaty, agreement or arrangement thereunder;
 - (f) where disclosure is by a law enforcement institution,
 - (i) to a law enforcement agency in a foreign country under an arrangement, a written agreement or treaty or legislative authority, or
 - (ii) to another law enforcement agency in Canada;
 - (g) where disclosure is to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
 - (h) in compelling circumstances affecting the health or safety of an individual if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;
 - (i) in compassionate circumstances, to facilitate contact with the next of kin or a friend of an individual who is injured, ill or deceased;
 - (j) to a member of the Legislative Assembly who has been authorized by a constituent to whom the information relates to make an inquiry on the constituent's behalf or, where the constituent is incapacitated, has been authorized by the next of kin or legal representative of the constituent;
 - (k) to a member of the bargaining agent who has been authorized by an employee to whom the information relates to make an inquiry on the employee's behalf or, where the employee is incapacitated, has been authorized by the next-of-kin or legal representative of the employee;
 - (l) to the responsible minister;

- (m) to the Information and Privacy Commissioner; and
- (n) to the Government of Canada in order to facilitate the auditing of shared cost programs.