

Information and Privacy Commissioner,  
Ontario, Canada



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

---

## PRIVACY COMPLAINT REPORT

PRIVACY COMPLAINT MC18-6

The Corporation of the Township of Tay

September 23, 2021

**Summary:** The Office of the Information and Privacy Commissioner of Ontario received a privacy complaint alleging that the Township of Tay (the township) contravened the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) when it published council meeting minutes with the complainants' personal information online and made a hard copy of those minutes available to the public. The IPC opened a privacy complaint to review the township's disclosure of the information at issue. During the early stages of the complaint, the township removed the complainants' names and address from the version of the meeting minutes available online.

This report finds that the some of the information contained in the meeting minutes is personal information. This report also finds that the township's disclosure of the personal information in the meeting minutes was not in accordance with section 32 of the *Act*.

**Statutes Considered:** *Municipal Act, 2001*, S.O. 2001, c. 25; *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1

**Orders and Investigation Reports Considered:** Investigation Reports I96-001M and I94-023P; Privacy Complaint Reports MC17-48 and MC18-23.

### BACKGROUND:

[1] The Office of the Information and Privacy Commissioner of Ontario (the IPC) received a privacy complaint under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act* or *MFIPPA*) relating to the Township of Tay (the township) posting minutes of a council meeting. Specifically, the complainant states

that the township published her personal information, and that of her partner (collectively, the complainants), to its website and made a hard copy of that information publicly available. She believes the township disclosed their personal information in contravention of the *Act*.

[2] The complainants made a by-law complaint to the township regarding their neighbour. During the investigation of the by-law matter, the township states that the complainants behaved in an unacceptable way to its staff. The township brought the matter of the complainants' conduct to the township council so that it could determine if it would sanction the complainants.

[3] The council held a meeting (the council meeting) in which part of the session was closed to the public pursuant to section 239(2)(b) of the *Municipal Act*. When it returned to open session, the council voted in favour of the sanction against the complainants and read in the report of the committee of the closed session. This report was published in the publicly available meeting minutes.

[4] This report described the behaviour of the complainants, stating that they had communicated with township employees using "unacceptably aggressive communications and abusive behaviours (bullying)". The report also noted that this behaviour was "ongoing and frequent over many months." The report stated that the council resolved that the township cease communication with the complainants for a six-month period, after which the township's CAO would receive all communications and determine the appropriate response. The report included the names of both complainants, as well as their home address.

[5] The township posted the meeting minutes online and made a hard copy of the minutes available at its town hall. The complainants filed this privacy complaint with the IPC, objecting to their personal information, including their names and address, being published online and otherwise being made publicly available.

[6] During the intake stage of this complaint, the township advised the IPC analyst that it had an existing process under which an individual can request redaction of their personal information from township documents posted to its website. The township stated that if such a request is made and granted, the online version of the document is redacted, but the original hard copy kept at the town hall is not.

[7] The complainants asked for the redaction of their personal information under this process. The township agreed to redact the complainants' names and address from the council meeting minutes posted online, but did not redact this information from the hard copy. As such, members of the public were still able to access the unredacted hard copy containing the complainants' names and address.

## **ISSUES:**

[8] The following issues were identified as arising from this investigation:

1. Does the information at issue qualify as "personal information" under section 2(1) of the *Act*?
2. Was the township's disclosure of the information at issue in accordance with section 32 of the *Act*?

## **DISCUSSION:**

### **Does the information at issue qualify as "personal information" under section 2(1) of the *Act*?**

[9] In order to determine whether the township has complied with the *Act*, it is first necessary to decide whether the information contained in the record at issue is personal information.

[10] The information at issue are the complainants' names, their address, and allegations regarding their behaviour, as set out in the minutes of the meeting. The minutes refer to the township's Harassment and Violence Policy, which states that employees have the right to work in an environment free from "discrimination, harassment and violence which includes psychological harassment such as verbally abusive behaviours." The minutes go on to describe the complainants' behaviour as aggressive and abusive, including referring to the behaviour as bullying. The minutes state that the resolution adopted by council was a six-month communication ban, followed by communications being responded to at the decision of the township CAO.

[11] The township posted the minutes in full on its website, but later redacted the names and address. The hard copy of the minutes, available upon request at the town hall, was not redacted.

[12] Section 2(1) of the Act states:

"personal information" means recorded information about an identifiable individual, including,

(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 that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,

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

(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 exhaustive. Therefore, information that does not fall under paragraphs (a) to (h) may still qualify as personal information.

[14] To qualify as personal information, the information must be about the individual in a personal capacity and it must be reasonable to expect that an individual may be identified if the information is disclosed.

[15] The township agrees that the complainants' names and home address are personal information pursuant to section 2(1) of the *Act*. The township does not consider the remainder of the information at issue to be personal information, stating as follows:

The Township takes the position that the statement in the Council resolution at issue in this case, "using unacceptably aggressive communications and abusive behaviours (bullying)", which refers to the complainants' conduct, does not express a view or opinion, but rather a specific finding of fact flowing from an investigation into the complainants' improper conduct toward Township staff. Accordingly, the Township is not of the view that this information falls under the definition of "personal information" in clause (g) of the definition in section 2(1) of the *Act*.

### ***Analysis***

[16] I find, and the township does not dispute, that the names and address of the complainants are personal information pursuant to section 2(1) of the *Act*. The question is whether the remainder of the information in the minutes is also personal information.

[17] That information includes statements that the complainant and her partner "frequently communicate with Township employees using unacceptably aggressive

communications and abusive behaviours (bullying)” and that “the aggressive and abusive behaviour is ongoing and frequent over many months.”

[18] The township’s position is that the above description is wholly factual, and as such, cannot be “the views or opinions of another individual about the individual” as personal information is defined in section 2(g) of the *Act*.

[19] The town’s interpretation of section 2(1)(g) of the *Act* is overly restrictive. The information at issue does not solely set out “specific findings of fact” as the township has claimed. It also includes assessments regarding the conduct of the complainants, including descriptors such as “unacceptably aggressive”, “abusive”, and “bullying”. Assessments or judgments of this nature qualify as views or opinions about the described individuals.

[20] Further, even if the description at issue was limited to factual findings, this does not preclude it from being “personal information” as defined under the *Act*. As I noted above, the types of information listed in sections 2(1)(a)-(g) is not exhaustive. Personal information may also include “recorded information about an identifiable individual” that does not fit into any of the enumerated categories, per the preamble in section 2(1) of the *Act*.

[21] In the hard copy of the minutes, the description of the conduct of the complainants is linked to their names and address, information that clearly identifies the complainants. As such, the description of their conduct is recorded information about identifiable individuals. I find that the description of the complainants’ conduct contained in the hard copy minutes is personal information, pursuant to section 2(1) of the *Act*.

[22] The online copy of the minutes contains the same description of the complainants’ conduct, but does not include the complainants’ names and address. Without this information, the description does not contain information about the complainants that would lead to them being identifiable. The redaction of the online minutes effectively anonymizes the remaining information, such that in their redacted online form, the minutes do not include personal information as defined in section 2(1) of the *Act*. It is therefore not necessary for me to address the township’s posting of the redacted version of the minutes, as these do not include personal information.

**Was the township’s disclosure of the information at issue in accordance with section 32 of the *Act*?**

[23] Under the *Act*, personal information in the custody or under the control of an institution cannot be disclosed except in the specific circumstances outlined in section 32.

[24] Section 32 of the Act reads in part as follows:

An institution shall not disclose personal information in its custody or under its control except,

- (a) in accordance with Part I;
- (b) if 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) if the disclosure is made to an officer, employee, consultant or agent of the institution who needs the record in the performance of their duties and if the 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, an agreement or arrangement under such an Act or a treaty;

[25] The complainants' personal information was disclosed when the township posted the unredacted minutes on the township's website and made the hard copy publicly available at the town hall.

[26] Regarding the publication of the complainants' personal information, the township stated:

In this case, it was necessary for the complainants' names and address, together with a description of Council's findings on their conduct, to be disclosed in Council's resolution:

- To properly identify them as the subject of Council's ban on communication with staff.
- To ensure that that the public was kept apprised of the actions taken by Council to protect its staff and to seek to put an end to the complainants' inappropriate behaviour.
- To ensure that the public was made aware that Council would not tolerate harassment of its employees and would take action when appropriate.

[27] The township has stated that the disclosure of the complainants' personal information was authorized under subsections 32(a), (c), (d), and (e) of the *Act*. I will address each of these in turn.

***Section 32(a)***

[28] The township submits that it disclosed the complainants' names, address, and description of their conduct in accordance with section 16 of the *Act*, as there was a compelling public interest served in disclosing the information.

[29] Section 16 is found within Part I of the *Act*, which is the part of the *Act* that sets up the process for freedom of information accesses, allowing individuals to request access to records in the custody or control of a municipal institution. In order to rely on section 32(a) of the *Act* as authority for a disclosure pursuant to Part I, an institution must demonstrate that the disclosure took place in response to an access to information request and that, in disclosing the personal information, it met all of the procedural requirements set out in Part I. An institution can only rely on section 32(a) if it is disclosing the information in response to an access request for records.

[30] The township has not stated that any access request was made which led to the disclosure. Rather, the township seems to be taking the position that section 16 of the *Act* provides an independent path to disclosure, even in the absence of an access request. That is not the case. Section 32(a) only applies to disclosures made in response to an access request. As the township has not demonstrated that it disclosed the minutes in response to an access request, the disclosure of the personal information was not in accordance with section 32(a) of the *Act*.

***Section 32(c)***

[31] For a disclosure to be authorized under section 32(c), it must be either for the purpose for which the personal information was obtained or compiled, or for a consistent purpose. The township takes the position that there is consistency between the reason the personal information was collected and why it was ultimately disclosed in the council minutes. As the township describes, "the collection, compilation and disclosure of the complainants' personal information is directly tied to the individuals' continuous, disruptive and bullying behaviour related to their property standards by-law complaint."

[32] The township states that an Enforcement Officer collected the complainants' names and addresses during the by-law enforcement investigation. The names and address were then later compiled, together with a description of their conduct, with the purpose of seeking direction from council on how to respond to the complainants' behaviour towards staff.

[33] To determine whether a given disclosure of personal information is in accordance with section 32(c), it is first necessary to determine the original purpose of the collection.

*Purpose for which it was obtained or compiled*

[34] There is no dispute that the township originally collected the complainants'

names and address because the complainants initiated a by-law complaint. This is permitted under section 28(2) of the *Act*, which allows for collection of personal information for the purposes of law enforcement.

[35] The township has also stated that it subsequently compiled the names and address of the complainants, as well as the details of their conduct, for the purpose of addressing the allegations that they harassed township staff. Section 28(2) of the *Act* permits collection of personal information that is "necessary to the proper administration of a lawfully authorized activity." Managing its staff is a lawfully authorized activity for the township.<sup>1</sup> This includes ensuring that staff members are not subject to harassment. The subsequent compilation of the complainants' names, address, and descriptions of their conduct is permitted under section 28(2) of the *Act*.

[36] Having determined the purpose for which the information was obtained or compiled, the remaining question is whether the disclosure of the complainants' personal information was for that purpose or for a consistent purpose, as described in section 33 of the *Act*.

[37] The township states that it needed to publish the complainants' names and address in the resolution for multiple reasons: 1) to identify the complainants as the subjects of the communication ban, so that they would not be confused with any other residents of that address; 2) to ensure that the public was apprised of council's efforts to protect its staff and seek to end the complainants' inappropriate behaviour; and 3) to ensure that the public was made aware that council would not tolerate harassment of its employees.

[38] I accept the township's reasoning that publishing the description of the complainants' conduct achieved two of its three stated objectives. Including the description in the council minutes demonstrates to the public both the efforts the township made to protect its staff, and the council's corresponding intolerance for harassment of township staff.

[39] I do not accept the township's contention that it needed to publish the complainants' names in order to avoid confusion with others who lived at their same address. First, the township could have avoided this specific confusion by not publishing the address. Second, the township enforces the communication ban, not the public. Council could have ensured the communication ban was implemented by providing the complainants' names and address to a town official for enforcement. As it was not necessary for the township to publish the complainants' personal information to implement the staff protection measures, I find that the disclosure of the complainants' names and address was not for the purpose for which this information was obtained or compiled.

---

<sup>1</sup> See Privacy Complaint Report I95-033M.



*Consistent purpose*

[40] Despite the above finding, the disclosure of the complainants' names and address could still be permitted pursuant to section 32(c) of the *Act* if this disclosure was for a consistent purpose. Section 33 of the *Act* defines consistent purpose as follows:

The purpose of a use or disclosure of personal information that has been collected directly from the individual to whom the information relates is a consistent purpose under clauses 31 (b) and 32 (c) only if the individual might reasonably have expected such a use or disclosure.

[41] Applying section 33 to the present matter, the question is whether the complainants might reasonably have expected to be that they would be identified by both name and address in published council minutes.

[42] This office has dealt with disclosures by municipal councils in the past, though these often involve written communications sent directly to the municipality from the complainant. Most recently, Privacy Complaint Report MC18-23 addressed the disclosure of an email from an individual with complaints about an event hosted by a municipality. A current council member and two former town officials sent the email to the event's outside organizers, and one of the former town officials also discussed the email in the media. Investigator John Gayle found that the letter writer's complaint was general in nature and did not require that the municipality address his concerns by disclosing it to the organizers. By making the general complaint to the municipality, the writer was not addressing these matters in the public arena, and therefore had a reasonable expectation of privacy regarding that email.

[43] In the case at hand, the township focusses on the through line of events, starting with the by-law investigation, continuing through addressing the alleged harassment by the complainants, and ending with the township taking measures to address that conduct. The township views all of the events as part of a single piece, such that the consequence of publishing the sanction in the council minutes, including the complainants' identifying information, would be reasonably expected.

[44] I accept that the complainants may have reasonably anticipated that the council might implement a communication ban or similar sanction, if it determined that the allegations against them were proven to its satisfaction. Given that the township's process that this type of sanction could only be put in place by council, it may have also been reasonable for the complainants to expect that a description of the allegations would be included in the council minutes.

[45] However, I do not find that the complainants could have had a reasonable expectation that their names and address would have been included for publication in council minutes, together with the description of the allegations and the sanction. The potential sanction council was deciding on was a communication ban between the township and the complainants. The complainants would not have reasonably expected

that the township would need to publish their names and address in order to accomplish this type of restriction. Throughout their interactions with the township, starting with the by-law complaint, through the harassment investigation, and ending with the council's sanction decision, the complainants had a reasonable expectation of privacy regarding their names and address.

[46] For these reasons, I find that the disclosure of the complainants' names and addresses by the municipality, through their inclusion in the hard copy of the town's minutes of the meeting, was not for a "consistent purpose" under sections 32(c) and 33 of the *Act* and therefore not in accordance with section 32(c).

### ***Section 32(d)***

[47] Alternatively, the township states that its disclosure of the complainants' names and addresses was authorized under section 32(d) of the *Act*, as it was done to ensure that its staff members were protected. The township states that it has an obligation under section 25(2)(h) of the *OHS Act* to "take every precaution reasonable in the circumstances to protect its workers". The township outlined its view of this obligation as follows:

In order to discharge its duties under the OHS Act in this instance, Council was required to pass a resolution that contained sufficient particulars, including the complainants' names, address and the details of their conduct, in order to protect its staff from workplace harassment. It was furthermore necessary for the full resolution to be made in open session because the information contained in the resolution is not subject to one of the exceptions for a vote in a closed session. Accordingly, the only way for Council to fully discharge its duty under the OHS Act was to pass a resolution containing sufficient details about the communications ban in open session.

[48] Section 32(d) of the *Act* permits a disclosure of information if the disclosure is made to an officer, employee, consultant, or agent of the institution who needs the record in the performance of their duties and if the disclosure is necessary and proper in the discharge of the institution's functions.

[49] The IPC has considered this section in several Privacy Complaint Reports, and these decisions identify three criteria, all of which are necessary for the application of this exception:

1. The disclosure must be made to an officer, employee, consultant or agent;<sup>2</sup>
2. Who needs the information in the performance of their duties;<sup>3</sup> and

---

<sup>2</sup> Investigation Report I96-113P.

3. The disclosure must be necessary and proper in the performance of the institution's functions, which includes the administration of statutory programs and activities necessary to the overall operation of the institution.<sup>4</sup>

[50] The first part of this test narrows the application of section 32(d) to circumstances where personal information is disclosed only to an employee or other agent of the institution. The township failed to meet this first part of the test, as the publication of the council minutes was a disclosure to the public at large.

[51] This is consistent with the finding in Investigation Report I96-001M, which addressed circumstances in which an individual's complaint letter was read aloud in a public committee meeting. This office rejected the town's claim that this disclosure was authorized under section 32(d), stating as follows:

Section 32 (d) of the Act applies only if a disclosure is made to an "officer" or "employee" of an institution. In this case, the complainant was concerned that the letter was disclosed at an open Committee meeting to the press and public. Since members of the press and the public are not officers or employees of the Town, it is our view that section 32 (d) of the Act did not apply.

[52] It is clear that the township was concerned about the treatment of its employees, to the extent that it implemented a communication ban to address these concerns. Had they disclosed the complainants' personal information to township staff in order to implement this ban, the disclosure may well have been authorized under section 32(d). However, the disclosure was made to the public at large, and thus fails the first requirement of the section 32(d) test. I find that the disclosure of the complainants' personal information in the council minutes is not authorized under section 32(d) of the *Act*.

### ***Section 32(e)***

[53] Finally, the township states that the disclosure of the complainants' personal information was also permitted under section 32 (e) of the *Act*, which states:

An institution shall not disclose personal information in its custody or under its control except...for the purpose of complying with an Act of the Legislature or an Act of Parliament, an agreement or arrangement under such an Act or a treaty;

[54] In Investigation Report I94-023P, our office found that for section 42(e) of the *Freedom of Information and Protection of Privacy Act* (which mirrors section 32(e) of

---

<sup>3</sup> Privacy Complaint Report MC-050034-1 and Order PO-1998.

<sup>4</sup> Investigation Report I95-007M.

the *Act* ) to apply, the statute in question must impose a duty on the institution to disclose the individual's personal information; a discretionary ability to disclose is not sufficient. The report stated that "the word 'complying' indicates that the requirement in question must be mandatory in nature."

[55] This interpretation has been adopted and consistently applied in many investigations since, including in recent reports addressing disclosures by municipal council<sup>5</sup> or council members.<sup>6</sup>

[56] I accept and adopt the view that section 32(e) of the *Act* means that there must be a specific requirement for the disclosure at issue.

[57] The township has stated that it disclosed the complainants' personal information in accordance with employee health and safety provisions in *OHSa*, and provisions addressing the well-being of the community and transparency to the public, found in the *Municipal Act, 2001*. Throughout its submissions, the township has also referred to its obligation to address matters in public during council meetings, except when certain circumstances are present. I will address each of these separately.

#### *Occupational Health and Safety Act*

[58] The township cited its obligations under section 25(2)(h) of *OHSa* as authority for its disclosure of the complainants' personal information. Section 25 of *OHSa* addresses duties of employers, with section 25(1) setting out physical safety requirements. Section 25(2) puts in place additional requirements, addressing matters such as training, notice, and guidance. Section 25(2)(h) states that "without limiting the strict duty imposed by subsection (1), an employer shall ... take every precaution reasonable in the circumstances for the protection of a worker."

[59] Section 25(2)(h) of *OHSa* does not include any mention of a mandatory disclosure, nor is one cited by the township.

[60] The township seems to be saying that a communication ban was a reasonable precaution that was necessary to protect their employees, pursuant to section 25(2)(h) of *OHSa*. According to the township, only council could impose this ban.<sup>7</sup> To do so, they would need to pass a resolution in open session disclosing the complainants' names, address, and details of their conduct.

[61] While I appreciate the township's position, this chain of events does not meet the requirements imposed by section 32(e) of the *Act*. For that section to apply, the

---

<sup>5</sup> Privacy Complaint Report MC17-48.

<sup>6</sup> Privacy Complaint Report MC17-35.

<sup>7</sup> The reason for this restriction is unclear. The township did not state whether that restriction is based in statute or township by-law or policy.

institution must make the disclosure in order to satisfy a specific duty to do so under the statute. In this case, there is no such requirement, and I find that the disclosure of the complainants' personal information was not authorized under section 32(d) of the *Act*, acting in conjunction with *OHSA*.

*Municipal Act – Section 224(a)*

[62] The township also stated that the disclosure of the personal information was disclosed in accordance with section 224(a) of the *Municipal Act*. This section states that "it is the role of council to represent the public and consider the well-being and interests of the municipality." Like the section of *OHSA* discussed above, this is a general provision, and therefore cannot be the basis for the type of required disclosure referred to in section 32(e) of the *Act*.

*Municipal Act – Closed Meeting Rules*

[63] The township did not explicitly cite closed meeting rules under the *Municipal Act* as a reason for disclosure under section 32(e). However, when addressing other provisions of section 32, the township stated why it determined it was necessary to publish the complainants' personal information in the resolution. I will briefly address whether this rationale satisfies the section 32(e) requirements.

[64] The township states that council went into a closed session during its meeting to discuss the allegations against the complainants and whether a communication ban was merited. It went back into an open session to hold the vote on this matter.

[65] The township states that council was required to go into open session to hold the vote on this matter, and did so. Section 239(5) of the *Municipal Act, 2001* states that subject to some specified exceptions, a meeting shall not be closed to the public during the taking of a vote. Section 239(6) states that those exceptions only apply if "the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality..."

[66] The township's position is that because only council could impose a communications ban, and because it could only hold the vote to do so in open session, it had no choice but to publish the complainants' personal information in the meeting minutes.

[67] The township's contention that the disclosure was inevitable, based on the chosen remedy and the public voting requirement of the *Municipal Act, 2001*, does not meet the standard set out in section 32(e) of the *Act*. Council has not provided any specific requirements mandating the disclosure in question, and has therefore failed to satisfy the requirements for disclosure under section 32(e).

[68] Furthermore, based on the township's submissions, I am not satisfied that this disclosure was inevitable. The township has not adequately addressed why it needed to publish the complainants' names within the minutes in order to impose a

communication ban. Section 239(6) of the *Municipal Act, 2001* allows for exceptions to voting in public session when the vote is for giving directions or instructions to employees of an institution. This leaves open the possibility that council could have determined the appropriate measure and advised township staff without voting in an open session.

[69] If council determined that these exceptions did not apply, there were other options available. The township could have put the matter to council without including the names of those involved, or alternatively, voted on the matter of the communication ban without including the names of the individuals who they were sanctioning. The township appears to have options available to it, under which it could have imposed the sanction it found appropriate, without disclosing the names and address of the complainants.

#### *Continuing Breach*

[70] Having found that the disclosure of the complainants' names and address was not authorized under section 32 of the *Act*, the next question is whether the township has taken steps to adequately address this complaint.

[71] As discussed above, the online copy of the council minutes redacts the complainants' names and address. Without this information, the complainants are not identifiable. The information remaining in that copy is not personal information, as defined under section 2(1) of the *Act*.

[72] The hard copy of the minutes, kept at the town hall, was unredacted. These minutes, which include the complainants' names and address, remain available to members of the public upon request. The township describes this hard copy as the official record, stating as follows:

The Township does not keep two sets of official Council meeting records. The Township keeps only one official set of Council meeting records in hard copy at the Town Hall. The minutes available online are not official copies as they are not signed. The online version of the minutes are simply provided to the public as an easily accessible reference tool.

[73] When asked about the ability to redact the hard copy minutes, the township stated:

The Township would need to follow a more formal procedure and conduct a full assessment of its obligations under the Act prior to redacting any official versions of its records, i.e. the hard copies kept at the Town Hall.

[74] This present case is not the first situation in which a municipal council has disclosed personal information in its minutes contrary to the *Act*. In Privacy Complaint Report MC17-48, Investigator Alanna Maloney recommended that all street numbers and street names be redacted from publicly available council meeting minutes, as the

disclosure of this personal information was not in compliance with section 32 of the *Act*.

[75] In order to de-identify the record at issue, I recommend that the township redact the complainants' names and address contained in the hard copy council minutes that are available to the public. This would bring the hard copy accessible to the public in line with the copy available online, from which the identifying information has already been removed.

## **CONCLUSION:**

1. The complainants' names, address, and description of the complainants' behaviour, as set out in the unredacted hard copy of the meeting minutes qualifies as personal information in accordance with section 2(1) of the *Act*.
2. The description of the complainants' behaviour, without the inclusion of other information identifying the complainants, as set out in the redacted online copy of the meeting minutes, does not qualify as personal information in accordance with section 2(1) of the *Act*.
3. The disclosure of personal information in the hard copy meeting minutes was not in compliance with section 32 of the *Act*.

## **RECOMMENDATIONS:**

I provided the township and the complainants with a draft of this report, in which I recommended that the township redact the names and address contained in the publicly available hard copy of the meeting minutes.

The township agreed to implement the above recommendation, and provided confirmation that it has done so.

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

Jennifer Olijnyk  
Investigator

September 23, 2021 \_\_\_\_\_