



Information and Privacy
Commissioner/Ontario

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

ORDER M-752

Appeal M_9500621

The Corporation of the City of York



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NATURE OF THE APPEAL:

The Corporation of the City of York (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The requester sought access to copies of the complaints dated August 8 and 15, 1995 which had been filed against her property. She also requested the names of the complainants.

The City advised the requester that during the month of August, 1995, it had received only one complaint with respect to her property. This complaint was dated August 1, 1995. The City removed the information related to the name, address and telephone number of the complainant and disclosed the balance of the complaint to the requester. The City claimed that to release the information related to the complainant would disclose the identity of a confidential source of information with respect to a law enforcement matter (section 8(1)(d) of the Act).

The requester (now the appellant) appealed the decision of the City.

This office sent a Notice of Inquiry to the City, the appellant and the complainant. The appellant stated that her letter of appeal in this case, and the information she provided to this office in connection with Appeal M-9500448, were to constitute her submissions. Representations were also received from the City.

DISCUSSION:

LAW ENFORCEMENT

The City has denied access to the name, address and telephone number of the complainant pursuant to section 8(1)(d) of the Act which states:

A head may refuse to disclose a record if the disclosure could reasonably be expected to,

disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;

In order for this exemption to apply to the information concerning the complainant, the matter which generated the record must satisfy the definition of "law enforcement" found in section 2(1) of the Act. The definition reads:

"law enforcement" means,

- (a) policing,
- (b) investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings, and
- (c) the conduct of proceedings referred to in clause (b);

The City states that its by-law enforcement process falls within clause (b) of the above definition. I am satisfied that the investigations and inspections conducted by the City in response to complaints such as the one at issue satisfy this definition and thus qualify as “law enforcement” under the Act.

The City’s submissions go on to explain the circumstances under which it receives complaints requesting that it investigate possible by-law violations. The City states that such information is taken on the basis that the identity of the complainant will be kept confidential. It is the position of the City that the effectiveness of its by-law enforcement is dependent upon individuals reporting violations to the City enforcement staff and that this effectiveness would be undermined if the identity of the complainants was not kept confidential.

Given this description of the by-law enforcement process, I find that the complainant had a reasonable expectation of confidentiality when he/she provided information to the City. Therefore, I find that disclosure of the complainant’s name, address and telephone number would disclose the identity of a confidential source of information. Accordingly, this information is properly exempt under section 8(1)(d) of the Act.

ORDER:

I uphold the decision of the City.

Original signed by: _____ April 12, 1996
Anita Fineberg
Inquiry Officer