

ONTARIO

SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT

SWINTON, THORBURN, and McCARTHY JJ.

BETWEEN:

LYNE BRASSARD

Appellant

- and -

CARLETON UNIVERSITY and
INFORMATION AND PRIVACY
COMMISSIONER OF ONTARIO

Respondents

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) Lyne Brassard, acting in person
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) *Poter Heffernan*, for the Respondent Carleton
) University

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) *Linda H. Chen*, for the Respondent
) Information and Privacy Commissioner
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) HEARD at Toronto: December 13, 2018

SWINTON J. (Orally)

[1] The applicant seeks judicial review of an order of the Information and Privacy Commissioner (“IPC”) dated June 23, 2017 that refused her request for access to records under the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F. 31 (the “Act”).

[2] The IPC found that the one document at issue was exempt from disclosure under s. 49(b) of the Act, as its disclosure would result in an unjustified invasion of an affected party’s privacy. The IPC further determined, when applying s. 49(a) in conjunction with s. 14(1)(e) of the Act, the disclosure of the document could reasonably be expected to endanger the physical safety of the affected party. The adjudicator therefore upheld the decision of the respondent Carleton University to exempt the document from disclosure.

[3] The standard of review on this application for judicial review is reasonableness.

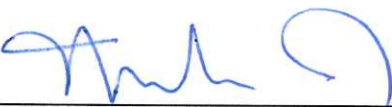
[4] The applicant raises issues of procedural fairness, bias and fettering of discretion in her factum. She provided no particulars to support these allegations and accordingly, we are not persuaded that there is any merit to these allegations.

[5] On the merits, the applicant has not demonstrated that the decision of the IPC is unreasonable. She states that she just seeks the document to obtain her personal information, and she suggests that the personal information of the other affected party contained in the document could be blacked out. However, the IPC made a finding at para. 70 of the reasons for decision that the information relating to the applicant and the affected party was so inextricably intertwined that the information relating to the affected party could not be blacked out.

[6] In our view, the decision of the IPC was reasonable. Accordingly, the application for judicial review is dismissed.

[7] I have endorsed the Application Record as follows: "This application is dismissed for oral reasons delivered today. Costs to the respondent Carleton University fixed at \$1,500.00 all in. The IPC does not seek costs."


Swinton J.

I agree 
Thorburn J.

I agree 
McCarthy J.

Date of Reasons for Judgment: December 13, 2018

Date of Release:

DEC 13 2018

CITATION: Brassard v. Carleton University, 2018 ONSC 7496
DIVISIONAL COURT FILE NO.: 67/18
DATE: 20181213

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ORAL REASONS FOR JUDGMENT

SWINTON J.

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