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Business Services Branch

September 9, 2020

Cathy Lennon
Ontario Federation of Agriculture
100 Stone Road West Unit 206
Guelph, ON
N1G 5L3

Sent by email via cathy.lennon@ofa.on.ca

**Re: FOI Request # 20-16
Notice of Decision**

Dear Ms. Lennon,

Under the *Freedom of Information and Protection of Privacy Act* (the Act), the Ministry of Agriculture, Food and Rural Affairs (the Ministry) received an access request from you on August 10, 2020 for the following information:

"The last name and first name of the party who submitted a Freedom of Information Request for:

"List of all Ontario businesses with a Farm Business Registration (FBR). If possible I would like their FBR number as well, but at the very least, I just need the names of the businesses that are registered.""

Responsive Record

A decision has been made to deny access to the last and first name of the access requester who made the access request #20-05, with a mandatory exemption being applied under section 21 (Personal Information) of the Act.

A copy of section 21 along with the definition of 'personal information' are enclosed for your information. The access decision is in accordance with the Act.



Application Fee

Although an application fee of \$5.00 is usually required to process a request, we have opted to waive your fee, as there are no records being released.

Right to Appeal

You may request an appeal of this decision by contacting the Information and Privacy Commissioner ("IPC") at <https://www.ipc.on.ca/access-individuals/filing-an-appeal/>.

The IPC has recently announced that the suspension order issued by the Ontario government under the *Emergency Management and Civil Protection Act* will end on September 14. This means that as of September 14, 2020, the time limits for submitting an appeal to the IPC will resume as normal.

Please direct all inquiries regarding deadlines for submission of appeals to the IPC at info@ipc.on.ca. For the most current information on the reopening of the IPC, please go to <https://www.ipc.on.ca/newsrelease/ipc-closure-during-covid-19-outbreak/>.

Should you file an appeal with the IPC, please advise the Ministry of this by email at FOIaccess.omafra@ontario.ca.

If you have any questions or would like to discuss any of the information contained in this Notice, please contact me at FOIaccess.omafra@ontario.ca or 519-826-3822.

Yours truly,



Natalie Ross
Business Services Consultant

Enclosures

Freedom of Information and Protection of Privacy Act

Definition of Personal Information:

2(1)

“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 where 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 where 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; (“renseignements personnels”)

Personal privacy

21 (1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

- (a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;
- (b) 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;
- (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;
- (d) under an Act of Ontario or Canada that expressly authorizes the disclosure;
- (e) for a research purpose if,

- (i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,
 - (ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and
 - (iii) the person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations; or
- (f) if the disclosure does not constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. F.31, s. 21 (1).

Criteria re invasion of privacy

(2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,

- (a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Ontario and its agencies to public scrutiny;
- (b) access to the personal information may promote public health and safety;
- (c) access to the personal information will promote informed choice in the purchase of goods and services;
- (d) the personal information is relevant to a fair determination of rights affecting the person who made the request;
- (e) the individual to whom the information relates will be exposed unfairly to pecuniary or other harm;
- (f) the personal information is highly sensitive;
- (g) the personal information is unlikely to be accurate or reliable;
- (h) the personal information has been supplied by the individual to whom the information relates in confidence; and
- (i) the disclosure may unfairly damage the reputation of any person referred to in the record. R.S.O. 1990, c. F.31, s. 21 (2).

Presumed invasion of privacy

(3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,

- (a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;
- (b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;
- (c) relates to eligibility for social service or welfare benefits or to the determination of benefit levels;
- (d) relates to employment or educational history;
- (e) was obtained on a tax return or gathered for the purpose of collecting a tax;
- (f) describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;
- (g) consists of personal recommendations or evaluations, character references or personnel evaluations; or
- (h) indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations. R.S.O. 1990, c. F.31, s. 21 (3).

Limitation

(4) Despite subsection (3), a disclosure does not constitute an unjustified invasion of personal privacy if it,

- (a) discloses the classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution or a member of the staff of a minister;
- (b) discloses financial or other details of a contract for personal services between an individual and an institution;
- (c) discloses details of a licence or permit or a similar discretionary financial benefit conferred on an individual by an institution or a head under circumstances where,
 - (i) the individual represents 1 per cent or more of all persons and organizations in Ontario receiving a similar benefit, and
 - (ii) the value of the benefit to the individual represents 1 per cent or more of the total value of similar benefits provided to other persons and organizations in Ontario; or
- (d) discloses personal information about a deceased individual to the spouse or a close relative of the deceased individual, and the head is satisfied that, in the circumstances, the disclosure is desirable for compassionate reasons. R.S.O. 1990, c. F.31, s. 21 (4); 2006, c. 19, Sched. N, s. 1 (2).

Refusal to confirm or deny existence of record

(5) A head may refuse to confirm or deny the existence of a record if disclosure of the record would constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. F.31, s. 21 (5).