

NUNAVUT INFORMATION AND PRIVACY COMMISSIONER

Review Decision 03-09
March 19, 2003
Review File: 02-270-5

A. BACKGROUND

By faxed memorandum dated October 1st, 2002, the Applicant requested from Gary Pinto, apparently an employee of the Government of Nunavut, copies of

any and all records relating to your communications about me with

- a) the Department of Education,
- b) the Department of Human Resources;
- c) the Federation of Nunavut Teachers; and
- d) Risk Management

The request was responded to by the Department of Human Resources by letter dated October 30th, 2002 and forty one (41) pages of records were provided. Some information in two of the records was edited and sections of the records were severed from the information provided to the Applicant. An explanation was provided to the Applicant for the severing. By letter dated November 17th, 2002, the Applicant asked that I review the department's "failure to disclose documents". I took this as a request that I review the Department's decision to sever certain parts of the records which were provided in response to his request. The Department was asked to provide their explanation and copies of the records in both edited and unedited form so that I could complete my review. The Department's submissions were received on December 5th, 2002. A copy of those submissions was provided to the Applicant by letter dated January 10th, 2003 and he was given the opportunity to respond and reply to the Department's submissions by January 31st. On February 3rd, the date for the Applicant's response was extended to February 14th. The Applicant chose not to respond.

B. ISSUES AND DISCUSSION

The records in question are copies of e-mail correspondence from Lou Budgell to “Gary” or “Garry” at a Government of Nunavut e-mail address, one dated September 19th, 2002 and the other dated September 22nd. In the copy provided to the Applicant, portions of the e-mails have been edited.

I have had the benefit of reviewing unedited version of the e-mails in full so that I can assess the application of the exemptions. The Department takes the position that the edited items are non-responsive to the request for information, that they are the personal information of third parties and that it would be an unreasonable invasion of the privacy of those individuals to provide the Applicant with that information.

The September 19th record appears to be an agenda for a meeting scheduled for the next day about a number of labour relations issues. It includes a salutation, an acknowledgment of the receipt of a reply regarding the Applicant and one more line of text, followed by a numbered list of items, each one preceded by a name. After each name is a discussion of what appear to be ongoing labour relations matters about the named individual. One of the named individuals is the Applicant. That portion of the e-mail which follows his name has not been severed. Nor has the reference to the Applicant at the beginning of the record. In fact, the only things that have been severed from the record are the enumerated paragraphs about other individuals.

Having reviewed this record, I concur with the Department’s assertion that those portions of the record that have been severed have nothing to do with the Applicant and, to that extent, they are not responsive to the Applicant’s request. Furthermore, those portions that have been severed contain references and discussions about other individual Third Parties. Section 23 of the *Access to Information and Protection of Privacy Act* provides that a public body must refuse to disclose information where the disclosure would be an unreasonable invasion of a third party’s individual privacy. The section goes further to provide that an unreasonable invasion of privacy is presumed where the information in question relates to “employment, occupational or educational

history". It is my opinion that the severed information relates to the individual third parties' employment and severing was appropriately done by the Department.

The second record, dated September 22nd, similarly contains first a line of greeting, followed immediately by an enumerated list of items, each headed by the name of individuals who apparently have ongoing labour relations dealings with the Government of Nunavut. One of those individuals is the Applicant. That portion of the record relating to the Applicant has not been severed. All of the other enumerated items have been severed. For the same reasons outlined above, I am satisfied that the severed portions are not responsive to the Applicant's request for information and, in any event, constitute individual third party information, the disclosure of which would constitute an unreasonable invasion of those third parties' privacy.

C. RECOMMENDATION

Having reviewed the records in question, it is my opinion that the Department properly severed portions of the two pieces of e-mail correspondence in question which related to individual Third Parties. I therefore recommend that the Head of the Public Body take no further steps with respect to the Applicant's request for information.

Elaine Keenan Bengts
Nunavut Information and Privacy Commissioner