

**NUNAVUT
INFORMATION AND PRIVACY COMMISSIONER**

Review Recommendation 13-068

December 2, 2013

Review File: 13-151-5

BACKGROUND

The Applicant sought access to certain records from the Department of Human Resources in connection with a complaint which he had filed concerning harassment within his workplace. He referred specifically to a report prepared by an employee of the Department of Justice as a result of an investigation into the Applicant's allegations. The public body provided the Applicant with 131 pages in response to the request for information, but much of what was provided was heavily edited. Another package of 42 pages was identified but the Applicant was denied access completely to those pages. The department relied on Section 23(1)(i) of the *Access to Information and Protection of Privacy Act* for all items to which they refused access.

The Applicant asked me to review the response received and comment on whether or not the severed portions were properly withheld pursuant to the Act.

THE RESPONSE FROM THE PUBLIC BODY

The department was asked to provide copies of all the records identified as being responsive, both in their original form and in the form they were provided to the Applicant in response to his request. They were also asked to provide my office with a detailed explanation as to those portions of the records which were edited.

The public body provided me with the records as requested. They also provided the following explanation:

The records withheld are part of the typed interview notes that were collected in response to a complaint lodged by the applicant. The complaint involved matters related to his employment with During the information gathering stage of the investigation, the interviewer outlined to those interviewed that the materials collected were done so in confidence. The collected interview notes themselves were not produced by the applicant, not his property, and were considered

exempt under Section 23(2)(i) of the *Access to Information and Protection of Privacy Act*.

THE APPLICANT'S RESPONSE

The Applicant argues that the "third parties" whose personal information the public body is purporting to protect are not third parties at all, but are all individuals who were involved in the harassment complaint. He knows who they are - they were all involved in the events leading up to his complaint of harassment. He says that "just as the respondents had the right to respond to his charges, he should be able to respond to their statements". He says that in order for him to have a "fair determination of his rights", he is entitled to know what others said about him.

THE RECORDS

The first set of pages (131 pages) is a report prepared in response to the Applicant's complaints about harassment within the workplace. The second set of records appears to be the notes of the investigator of his interviews with the parties involved.

THE RELEVANT SECTIONS OF THE ACT

As always, it is appropriate to review the most relevant provisions of the *Access to Information and Protection of Privacy Act* in relation to the issues before me. The starting point should always be Section 1 which sets out the purposes of the Act:

1. The purposes of this Act are to make public bodies more accountable to the public and to protect personal privacy by
 - (a) giving the public a right of access to records held by public bodies;
 - (b) giving individuals a right of access to, and a right to request correction of, personal information about themselves held by public bodies;
 - (c) specifying limited exceptions to the rights of access;
 - (d) preventing the unauthorized collection, use or disclosure of personal information by public bodies;

Section 23 of the Act prohibits the disclosure of personal information to an applicant where the disclosure would constitute an unreasonable invasion of a third party's personal privacy.

Section 23(2) provides for situations in which the disclosure of personal information is presumed to be an unreasonable invasion of the third party's privacy. The subsection being relied on by the public body in this case is 23(2)(i) which raises the presumption of an unreasonable invasion of privacy where:

- (i) the disclosure could reasonably be expected to reveal that the third party supplied, in confidence, a personal recommendation or evaluation, character reference or personnel evaluation;

Section 23(3) outlines some of the matters which must be considered in determining whether a disclosure of personal information would constitute an unreasonable invasion of a third party's privacy. These include:

- (a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Nunavut or a public body to public scrutiny;
- (b) the personal information is relevant to a fair determination of the applicant's rights;
- (c) the third party will be exposed unfairly to financial or other harm;
- (d) the personal information has been supplied in confidence;
- (e) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant.

Also of relevance, is section 23(5) which provides as follows:

- (5) On refusing, under this section, to disclose personal information supplied in confidence about an applicant, the head of the public body shall give the applicant a summary of the information unless the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information.

Section 2 of the Act provides a definition for the term “personal information”.

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

- (a) the individual's name, home or business address or home or business telephone number,
- (b) the individual's race, colour, national or ethnic origin or religious or political beliefs or associations,
- (c) the individual's age, sex, sexual orientation, marital status or family status,
- (d) an identifying number, symbol or other particular assigned to the individual,
- (e) the individual's fingerprints, blood type or inheritable characteristics,
- (f) information about the individual's health and health care history, including information about a physical or mental disability,
- (g) information about the individual's educational, financial, criminal or employment history,
- (h) anyone else's opinions about the individual,
- (i) the individual's personal opinions, except where they are about someone else.

Section 33 of the Act provides that the onus is on the head of the public body to establish that an application has no right of access to a record. If the information is third party information, the onus is on the applicant to establish that the disclosure of the information would not be subject to the Act.

DISCUSSION

Firstly, it is to be noted that under section 33 of the Act, the public body has the burden of proving that the Applicant has no right of access to the information that it has withheld. In the context of section 23, this means that the public body must establish that the withheld information is the personal information of a third party and that disclosure would be an unreasonable invasion of the third party's personal privacy. Only then does the burden change

to the Applicant to show that the information is either not personal information or the disclosure of the information would not constitute an unreasonable invasion of the third party's privacy.

To begin, we must determine whether the other parties involved in this case are "third parties". The Applicant argues that there are no third parties in this case because he knows the identity of all involved. In this respect, I cannot agree with the Applicant. Section 2 of the Act defines a "third party" as 'a person other than an applicant or a public body'. While all of the named individuals in this case are known to the Applicant, they are still "third parties" as defined in the Act.

This, however, is not determinative of the matter. In order for section 23(1) to apply, the disclosure of the personal information also has to constitute an unreasonable invasion of the third party's privacy. Having determined that there are third parties involved, we must now determine whether the information withheld is

- a) the personal information of the third parties involved; and
- b) if so, whether the disclosure would constitute an unreasonable invasion of the privacy of those individuals

It appears that most of the information which has been edited or not disclosed at all relates to comments made by the Applicant's co-workers in the context of an investigation of a harassment complaint that the Applicant made. Some of the deleted portions consist of the opinions expressed by the Applicant's co-workers about the Applicant. Those opinions are the personal information of the Applicant, not of the person who expressed the opinion. (See the definition of "personal information" above).

I am also not convinced that section 23(2)(i) applies in this case. For this section to apply to raise a presumption that the disclosure of the information in question would be an unreasonable invasion of the privacy of the third parties, the information must be such that it is likely that

- a) it would reveal that a third party supplied
- b) in confidence
- c) a personal recommendation or evaluation, character reference or personnel evaluation

Most of the redacted portions of these records would not “reveal” the names of the parties involved. The statements were made in response to complaints made by the Applicant. He knows who the other parties are and who the investigator would have spoken with in undertaking the investigation. No identities would, therefore, be “revealed”. Furthermore, in my opinion, many of the statements made by the third parties in response to the Applicant’s harassment complaint cannot constitute a personnel evaluation, evaluation or character reference about the Applicant or any other person. The subject of the investigation was not the Applicant’s behaviour, but the behaviour of the third parties. In my opinion, section 23(2)(i) was intended to allow public bodies to interview references to consider an individual for a position with or promotion within, the Government of Nunavut. It was not intended to apply to an investigation in which co-workers are in conflict and making statements about one another in that context. That is not an “evaluation” or “character reference”.

I note as well that there are going to be circumstances in which the personal information of the Applicant and the personal information of a third party are intertwined so that it is impossible or almost impossible to disclose the personal information belonging to the Applicant without disclosing the personal information about the third party, in which case, a determination has to be made with reference to the considerations set out in section 23(3). This was acknowledged by the Office of the Information and Privacy Commissioner of Alberta in Order 2013-003 discussing a similar situation:

As just suggested by the reference to complaints about the Applicant, the foregoing records also consist, in part, of views or opinions about her, which constitute her own personal information within the terms of section 1(n)(viii). However, I find that the nature of the views and opinions would also serve to identify the individual who provided them, and the particular individual's identity is his or her personal information. A fact, observation, view or opinion about someone else can simultaneously reveal the identity of the individual who provided it (Order F2006-006 at para. 117). Where an applicant's personal information (such as views and opinions about him or her) is intertwined with the personal information of a third party (including contextual information that identifies that third party), it becomes necessary to decide whether some or none of the personal information can be disclosed (Order 2000-019 at para. 76; Order F2006-006 at para. 112). A public body must make this decision regarding

disclosure by weighing the applicant's right of access to information against the third party's right to protection of privacy (Order 98-008 at para. 35; Order 99-027 at para. 134).

In this case, some of the information which has been deleted from the response provided to the Applicant relate to observations made by the third parties about matters which took place in the workplace, and in relation to the day to day business of the public body. To the extent that the edited items refer to a recollection of the employee's work or work product, the disclosure of the information, or the name of the person who made the comments, would not constitute an unreasonable invasion of the third party's privacy. Section 23(4)(e) of the Act specifically states that there is no unreasonable invasion of a third party's personal privacy where the personal information relates to the third party's employment responsibilities as an officer, employee or member of a public body. So, when a supervisor comments that he had a conversation with one of his employees about an evaluation, the disclosure of that information is not considered an unreasonable invasion of privacy. The disclosure of the result of that evaluation, however, might well be an unreasonable invasion of privacy. As noted in Order F2013 - 03 made by the Alberta Information and Privacy Commissioner's Office:

Conversely, when the Applicant's supervisors and the human resources coordinator provided their views or opinions about the Applicant and her work performance, they were doing so in a work-related capacity without any personal dimension, as part of their roles and responsibilities were to evaluate, or assist in the evaluation, of the Applicant.

When that same supervisor, however, comments about the results of that evaluation, the disclosure of that information would be an unreasonable invasion of the privacy of the person being evaluated.

The public body has argued that the edited portions of the records all originate from interviews done by the investigator in the context of a workplace harassment complaint filed by the Applicant. They say that those interviewed were all given assurances of confidentiality. As noted above, a promise of confidentiality is but one of the factors that must be considered when considering whether or not the disclosure of the information would be a breach of the personal privacy of an individual. All other relevant issues must also be considered, including whether

or not anything is being “disclosed” to the Applicant. In this case, for instance, the Applicant is clearly aware of the parties involved. The names of the individuals involved would not reveal anything that the Applicant did not already know. It is to be noted that the investigation was undertaken at the behest of the Applicant, so even if the information is the personal information of the third parties, that information is relevant to a fair determination of the Applicant’s rights and it could, as well, be argued that the disclosure is desirable for the purpose of subjecting the activities of the department to public scrutiny. That said, the third parties were, apparently, advised that their statements were being made in confidence. Promises of confidentiality are not going to trump legislation and should not, therefore, be made routinely. Even if such a promise were not contraindicated by the Act, in this case I’m not sure, in light of the fact that the interviews were as a result of a complaint made by the Applicant, that the promised confidence extends to him. It seems to me that he has the right to know the outcome of the investigation and how the investigator reached his conclusions.

The public body did not refer me to Section 23(2)(g) of the Act which raises a presumption of an unreasonable invasion of a third party’s privacy where “the personal information consists of personal recommendations or evaluations about the third party, character references or personnel evaluations”. In some instances, this section does apply to the redacted portion of the records in question.

Finally, and as a general statement about the portions of these records that have been withheld, Sections 26 and 27 of the Act require that, where a public body is considering giving access to a record that may contain information, the disclosure of which would be an unreasonable invasion of the third party’s personal privacy under section 23, the public body shall, where possible, give written notice to the third party that:

- a request has been made for access to a record that may contain information the disclosure of which may invade the personal privacy of the third party;
- describes the contents of the record;
- states that the third party may, within 60 days after the notice is given, consent in writing to the disclosure or make representations to the public body explaining why the information should not be disclosed; and
- includes a copy of the record or part of it containing the information in question.

To the extent that my comments and recommendations below recommend the disclosure of third party personal information, those recommendations are subject to the proper notice being given the third parties and those parties will have 60 days to to make representations on the issue. Should the head of the public body received any input from the third parties, that input must be considered when the public body makes the decision whether or not to disclose the information and sections 26 and 27 must be complies with before disclosure.

1. The Report

With these general comments in mind, it is necessary to review the deleted parts of the report (the first record with 131 pages) line by line.

I will start with a **recommendation** that the names of the third parties and their initials remain undisclosed, so that only those involved will likely be able to identify who said what. This recommendation applies to both the report and the interview notes.

Pages 11 (paragraphs 6, 7, 8 and 9) and 12 (paragraphs 1, 2, 3, 4 and 5)

This is the first instance in which information has been edited. The last four paragraphs on page 11 and the first four paragraphs on page 12 have been deleted from the package provided to the Applicant.

None of the deleted information on these pages would, if disclosed, constitute an unreasonable invasion of any person's privacy. There is no "personal recommendation or evaluation, character reference or personnel evaluation" contained in these paragraphs, about any third party. These paragraphs are statements made about something that happened in the workplace as part of the day to day work of the public body. As such, section 23(4)(e) applies and there can, therefore, be no unreasonable invasion of any person's privacy. Furthermore, to the extent that these paragraphs do contain personal information, it is the personal information of the Applicant (opinions held by others about him).

I recommend that these paragraphs be disclosed.

Page 14 (paragraphs 3, 4, 5 and 6)

The only information in these paragraphs which might constitute an unreasonable invasion of anyone's privacy is information about the Applicant and he is not a third party. I **recommend** that these paragraphs be disclosed.

Page 16 (paragraphs 4 and 8)

There is nothing in these paragraphs which might constitute an unreasonable invasion of anyone's privacy. I **recommend** that these paragraphs be disclosed.

Page 18 (paragraphs 2 and part of 6)

Based on the discussion above, nothing in these paragraphs would constitute an unreasonable invasion of a third party's personal privacy if disclosed. I **recommend** that these paragraphs be disclosed.

Page 20 (paragraphs 6, 7, 9 and 10)

Nothing in these paragraphs would constitute an unreasonable invasion of a third party's personal privacy if disclosed. I **recommend** that these paragraphs be disclosed.

Page 21 (paragraphs 1,2 and 3)

Nothing in these paragraphs would amount to an unreasonable invasion of a third party's personal privacy if disclosed. I **recommend** that these paragraphs be disclosed.

Page 22 (paragraphs 7 and 8)

With respect to paragraph 7, to the extent that it contains personal information, it is the personal information about the Applicant and he is entitled to receive it. I **recommend** that this paragraph be disclosed.

Paragraph 8 contains the personal information of a third party in the form of an opinion about him/her voiced by another third party. I therefore agree that the disclosure of this information might effect an unreasonable invasion of the privacy of a Third Party.

Page 23 (paragraphs 1 and 3)

To the extent that these paragraphs contain personal information, it is the personal information of the Applicant. I **recommend** that these two paragraphs be disclosed.

Page 25 (paragraphs 6, 7 and 8)

Nothing in these paragraphs would amount to an unreasonable invasion of a third party's personal privacy if disclosed. I **recommend** that these paragraphs be disclosed.

Page 26 (paragraphs 1 and 2)

Nothing in these paragraphs would amount to an unreasonable invasion of a third party's personal privacy if disclosed. I **recommend** that these paragraphs be disclosed.

Page 27 (paragraph 8)

Nothing in this paragraph would amount to an unreasonable invasion of a third party's personal privacy if disclosed. I **recommend** that this paragraph be disclosed.

Page 28 (paragraphs 1 and 2)

Nothing in these paragraphs would amount to an unreasonable invasion of a third party's personal privacy if disclosed. I **recommend** that these paragraphs be disclosed.

Page 29 (paragraphs 9 and 10)

Paragraph 9 contains one third party's opinion about another third party. It was, therefore, properly withheld.

Paragraph 10 contains a statement by a third party about his/her recollection of an incident involving the Applicant and another individual in the workplace. Because the statement is about something that happened within the normal day to day work of the group, I do not believe that it's disclosure would amount to an unreasonable invasion of any person's privacy. I **recommend** that it be disclosed.

Page 30 (paragraphs 2,3,5 and 6)

Paragraph 2 contains the opinion of one third party about another third party. It is the personal information of the person the opinion is about. As such it was properly edited.

Paragraph 3 contains a statement about the Applicant and another third party. The name of the second third party was properly redacted. The rest of the paragraph, however, **should be disclosed**.

The first part of paragraph 5 contains nothing which, in my opinion, would constitute an unreasonable invasion of any person's privacy and **it should be disclosed**. The words in the second and third lines of this paragraph after the word "and" however, are one third party's opinion about another third party and are more than just statements about day to day work in the office. Those words are, therefore, properly severed.

Paragraph 6 contains a statement by one third party about the Applicant and another co-worker. I cannot, however say that the disclosure of the information in the statement would be an unreasonable invasion of the privacy of any person. I therefore **recommend** that the paragraph be disclosed.

Page 31 (paragraphs 6, 7, 8, 9 and 10)

The end of paragraph 6 contains an observation by one third party co-worker about the behaviour of another third party co-worker. It is not an opinion about the co-worker and relates to activities in the workplace. Without more, I cannot conclude that the disclosure of the words would constitute an unreasonable invasion of the third party's privacy. I **recommend** that this paragraph be disclosed.

The remaining paragraphs involve a third party's opinions about the Applicant. As such, if this information is personal information at all, it is the personal information of the Applicant and I **recommend** it be disclosed.

Page 32 (paragraphs 1,2, 3, 4 and 5)

Once again, these paragraphs contain observations made by various third parties about an event in the workplace. Based on the discussion outlined above, I cannot conclude that the disclosure of any of the information in these paragraphs would constitute an unreasonable invasion of any person's privacy, particularly in light of what has been disclosed in other parts of the record. I **recommend** that these paragraphs be disclosed.

Page 34 (paragraphs 5, 8, 9, 10, 11 and 12)

Paragraph 5 on this page contains a statement about the Applicant made by one of his co-workers. There is nothing in the paragraph which, if disclosed, would result in an unreasonable invasion of any person's privacy. I **recommend** that it be disclosed.

Paragraph 8 constitutes an allegation made by a co-worker against the Applicant about an incident in the workplace. There is nothing in the paragraph that would, if disclosed, amount to an invasion of privacy. I **recommend** that it be disclosed.

Paragraph 9 is a statement by a third party about how the incident made him feel. It is the third party's own personal information and has been properly withheld.

Paragraph 10, up until the word "and" in the first line, is simply an observation made by a third party that he saw something happen. There is nothing in this statement that could be classified as any person's personal information. The last part of the sentence is a statement about how the incident affected him. This part of the sentence is the third party's own personal information and I am satisfied that the disclosure would constitute an unreasonable invasion of his privacy. It has been properly severed.

Paragraph 11 constitutes an opinion of a third party about the incident. It is, therefore, the third party's own personal information and I am satisfied that the disclosure of the information would constitute an unreasonable invasion of the third party's privacy. It has been properly withheld.

Paragraph 12 is a statement about steps take by the third party after the incident. It does not contain any person's personal information and **should be disclosed**.

Page 35 (paragraph 1)

Again, the first part of this paragraph is merely a statement of what a third party said he did after the incident in the workplace. There is no personal information in this part of the paragraph. However, after the word "and" in the first line, the information is a statement of opinion made by one third party about another third party and I am satisfied that its disclosure would constitute an unreasonable invasion of the privacy of the third party and it should remained masked.

Page 36 (paragraphs 8 and 9)

These two statements are opinions held by the Applicant's co-workers about the Applicant. They are his personal information and he is entitled to receive his own personal information. I **recommend** that these paragraphs be disclosed.

Page 37 (paragraphs 2 and 3)

These two paragraphs, once again, contain opinions held by co-workers of the Applicant about the Applicant and I **recommend** that these, too, be disclosed.

Page 38 (paragraphs 4, 5, 6, 7, 8)

To the extent that these paragraphs contain any personal information, it is the personal information of the Applicant. I **recommend** that all of these paragraphs be disclosed.

Page 40 (paragraphs 1, 2, 3 and 4)

These paragraphs all relate to the use of software in the office and the nature of a work assignment given to the Applicant in the course of his employment. In my opinion, the disclosure of the information in these paragraphs would not constitute an unreasonable invasion of any person's privacy. I **recommend** that they be disclosed.

Page 41 (paragraphs 8, 9, and 10) and Page 42 (paragraph 1)

Once again, the information in these paragraphs all relate to the day to day work of the public body and management of the public body's staff. There is nothing in these paragraphs which would, in my opinion, constitute an unreasonable invasion of any person's privacy, if disclosed. I **recommend** that these paragraphs be disclosed.

Page 43 (paragraphs 5 and 6)

The only personal information in these paragraphs is the Applicant's own personal information. I **recommend** that the paragraphs be disclosed.

2. The Interview Notes

In addition to the 131 pages of the report which were provided in whole or in part to the Applicant, there were another 42 pages identified as being responsive to the Applicant's Request for Information, but which were withheld in their entirety.

These 42 pages appear to be the notes of the investigator, taken during his interviews with the various parties involved in the Applicant's complaint. These notes have been withheld in full, again pursuant to section 23(2)(i) on the basis that the disclosure would constitute an unreasonable invasion of the privacy of the parties being interviewed. For the same reasons above, I am not convinced that all of these notes have been properly withheld. Once again, a page by page, line by line reading is necessary.

Interview #1 (11 pages)

Page 1

Lines 1-7 - These lines contain information only about the interviewee's role within the public body. As such, section 23(4)(e) declares that the disclosure of the information is not an unreasonable invasion of the privacy of the individual involved. To this end, I **recommend** that these lines be disclosed.

Lines 8-13 - These lines contain statements about the interviewee's intentions and plans when taking the job. These lines constitute the interviewee's personal information and I am satisfied that the disclosure would constitute an unreasonable invasion of privacy (section 23(2)(h)(i)).

Line 14 - This line reveals personal information about the Applicant and I **recommend** that this line be disclosed.

Lines 15-16 - These lines contain a recollection about the first time the Applicant and the interviewee met. It is her recollection of something that was said. To the extent that these lines include personal information, the information is more about the Applicant than it is about the interviewee. I **recommend** that these lines be disclosed.

Line 17 - This line contains an opinion held by the interviewee about the Applicant. As such, it is the Applicant's personal information and I **recommend** that it be disclosed.

Lines 18-20 - The first and last sentences of these lines are statements about the Applicant. As such, these sentences are his personal information. The middle sentence is a statement about the interviewee's intentions. It does not really contain any personal information about her. I **recommend** that these lines be disclosed.

Lines 21-23 - The first sentence in this paragraph relates to the Applicant's statement of his own strengths and weaknesses. As such, it is his own personal information and I **recommend** that it be disclose. The second sentence constitutes the interviewee's own opinion about

something (not another person). As such, it her personal information. It is, however, about her assessment of the qualities required for a particular position within the workplace in which she was the supervisor. As such, it is an opinion about the workplace and the ordinary day to day work of the public body and do not believe the disclosure would constitute an unreasonable invasion of the interviewee's privacy.

Lines 24-28 - These lines contain statements about the interviewee's day to day work. There is nothing in these statements that would constitute an unreasonable invasion of this person's personal privacy if disclosed. I **recommend** they be disclosed.

Line 29 - This paragraph is a statement about the relationship between the interviewee and the Applicant and includes an opinion about the Applicant as an employee. To that extent, the opinion is the Applicant's personal information and I **recommend** it be disclosed. This paragraph extends to the first line of the second page.

Page 2

Lines 2-5 - These lines all deal with the interviewee's opinions about the Applicant. As such, the information is the Applicant's own personal information. I **recommend** these lines be disclosed.

Lines 4 - 5- Again, these lines consist mostly of the Applicant's own personal information. I would **recommend** they be disclosed except for the four words after the Applicant's initials in line four after the word "from".

Lines 8 and 9 - This paragraph deals with the interviewee's opinions about the Applicant. As such, the information is the Applicant's own personal information. I **recommend** these lines be disclosed.

Lines 10 and 14 - These lines all either relate to the interviewee's responsibilities as a manager or constitute her opinions about the Applicant. I **recommend** that these lines be disclosed.

Line 15 - There is nothing in this line which contains any personal information . I **recommend** it be disclosed.

Lines 16 - 24 - These lines all relate to the interviewee's job responsibilities as manager and to the extent that they contain any personal information at all, it is the personal information of the Applicant. I **recommend** that they be disclosed.

Line 25 - This line includes an opinion of the interviewee about other third parties. It has been properly edited.

Lines 26 and 27 - These lines, once again, deal with the interviewee's opinions about the Applicant and, as such, the information is the Applicant's own personal information. I **recommend** these lines be disclosed.

Page 3

Line 1 - This line is an expression of the interviewee's opinions about the Applicant and, as such, the information is the Applicant's own personal information. I **recommend** it be disclosed.

Line 2 - This line is, once again, an expression of the interviewee's opinions but the opinion is not strictly about the Applicant, but about a meeting the Applicant was involved in. This makes the comment the interviewee's own personal information and I am satisfied that the disclosure of the information would be an unreasonable invasion of her privacy. It was, therefore, properly withheld.

Lines 3 and 4 - To the extent that these lines include any personal information, it is the personal information of the Applicant. I **recommend** that they be disclosed.

Lines 5 and 6 - The first line of this paragraph is the interviewee's own personal information. I would say that the second sentence, though it refers to the Applicant is not "about" the Applicant but is more about the interviewee. I am satisfied that the disclosure of either of these

sentences would constitute an unreasonable invasion of the personal privacy of the interviewee and, for this reason, these lines were properly withheld.

Line 7 - This line contains no personal information at all. I **recommend** that it be disclosed.

Lines 8 - 11 - These lines appear to be a statement of some basic day to day activities of the public body. There is nothing in these lines which would, if disclosed, constitute an unreasonable invasion of the privacy of any employee. I **recommend** that they be disclosed.

Lines 12 - 17 - To the extent that there is anything in these lines which constitute anyone's personal information, it is the personal information of the Applicant. I **recommend** that the lines be disclosed.

Lines 18-21 - The first line of this paragraph (except for the last word on the line) constitute the personal information of the interviewee and the line has, therefore, been properly withheld. The last word on the first line to the end of the sentence relates to day to day office activities and does not contain any personal information. I **recommend** it be disclosed. The last sentence of this paragraph is an explanation from the interviewee about why she took certain steps in the workplace, as part of her day to day responsibilities. I see no reason why this information should not be disclosed and I **recommend** it be disclosed.

Lines 22 and 23 - These constitute an explanation from the interviewee as to why she took a certain step in the workplace as part of her day to day office activities. I see nothing in that explanation which, if disclosed, would amount to an unreasonable invasion of her privacy. I **recommend** this paragraph be disclosed.

Lines 24 and 25 - The first sentence is about the Applicant and should be disclosed. The next sentence is the interviewee's opinion involving a third party. The opinion, while it mentions a third party, is not really "about" the third party. I do not believe that the disclosure would be an unreasonable invasion of the privacy of the third party. I **recommend** that these lines be disclosed.

Lines 26 to 29 - Again, these lines are about things which happened in the workplace in the normal course of the business of the public body. As such, the disclosure of the information is not considered to be an unreasonable invasion of privacy of any of the parties involved. I **recommend** that these lines be disclosed.

Page 4

Line 1 - This contains no personal information and I **recommend** that it be disclosed.

Lines 2 - 18 - To the extent that these lines contain personal information, it is the personal information of the Applicant. Most of what is in this section deals with the normal, day to day issues in the workplace with respect to process and procedures. I **recommend** these lines be disclosed.

Line 19 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 20- 25 - These lines all relate to an incident involving email exchanged between the interviewee and the Applicant in the course of the general day to day work of the department. To the extent that there is any personal information in these lines, it is the personal information of the Applicant. I **recommend** that these lines be disclosed.

Page 5

Line 1 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 2 and 3 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 4 to 8 - These lines contain no personal information and I **recommend** that they be disclosed.

Lines 9 and 10 - These two lines indicate an assumption under which the interviewee proceeded. It is in relation to an issue which arose in the ordinary course of business within the

workplace. As such, I do not think that the disclosure would constitute an unreasonable invasion of the interviewee's privacy. I **recommend** that these lines be disclosed.

Lines 11 to 17 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 18 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 19-27 - These lines all deal with a specific office protocol/policy. They really contain no personal information, the disclosure of which would constitute an unreasonable invasion of privacy. I **recommend** that these lines be disclosed.

Page 6

Line 1 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 2 to 4 - These lines contain the Applicant's personal information and I **recommend** they be disclosed.

Lines 5 to 27 - To the extent that there is any personal information in these lines, it is the personal information of the Applicant. I therefore **recommend** that the lines be disclosed.

Line 28 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 29 and 30 - These lines contain no personal information and I **recommend** that they be disclosed.

Page 7

Lines 1 to 5 - These lines contain no personal information and I **recommend** that they be disclosed.

Line 6 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 7 to 11 - These lines all deal with the day to day work of the public body. They contain no personal information, the disclosure of which would constitute an unreasonable invasion of privacy. I **recommend** that these lines be disclosed.

Line 12 - This line represents the interviewee's opinion about a third party. It's disclosure would constitute an unreasonable invasion of that person's privacy and it has, therefore, been properly withheld.

Line 13 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 14 to 16 - These lines are not about the day to day work in the office and the information contained includes the personal information of the interviewee. I am satisfied that the disclosure of these lines would constitute an unreasonable invasion of the interviewee's privacy.

Lines 17 and 18 - These lines reveal an opinion held by the interviewee about the Applicant. As such, the information is the personal information of the Applicant. I **recommend** these lines be disclosed.

Line 19 - While there is a name included in this line, it really contains nothing other than the name. As such, the disclosure of the line would not constitute an unreasonable invasion of any person's privacy. I therefore **recommend** that it be disclosed.

Lines 20 - 26 - These lines all relate to the day to day work done by the office in question. While there is personal information contained in these lines, the disclosure of the information would not be considered to be an unreasonable invasion of privacy. I therefore **recommend** that these lines be disclosed.

Page 8

Lines 1 and 2 - To the extent that these lines contain personal information, it is the personal information of the Applicant. I **recommend** they be disclosed.

Lines 3 to 5 - The first nine words in line 3 appear to be a statement of opinion about a third party and the disclosure might constitute an unreasonable invasion of the third party's privacy. These words, therefore, were properly withheld. The balance of these lines outlines things done by certain people in the workplace as part of the day to day work of the department. I am not convinced that the disclosure of these words would constitute an unreasonable invasion of any person's privacy. I **recommend** these words be disclosed.

Lines 6 and 7 - To the extent that these lines contain personal information, it is the personal information of the Applicant. I **recommend** they be disclosed.

Lines 8 and 9 - These two lines contain the personal information of a third party, and I am satisfied that the disclosure would be an unreasonable invasion of that third party's privacy.

Lines 10 to 14 - These lines relate to the day to day operations of the public body and are not protected from disclosure. I **recommend** they be disclosed.

Line 15 - This line constitutes the personal information of a third party and has been properly withheld.

Lines 16 and 17 - These lines contain the personal information of two individuals. This is a case in which it is impossible to provide the Applicant with information about himself without breaching the privacy of a third party. I therefore agree that the words after "too far" were properly withheld. I **recommend** that the balance of these lines be disclosed.

Line 18 - This line constitutes the personal information of a third party and has been properly withheld.

Line 19 - The words after "when" in this line are the personal information of a third party and has been properly withheld. Other than that, I **recommend** that the line be disclosed.

Lines 20 to 23 - These lines are about the interviewee and amount to personal information about herself. These lines were properly withheld.

Line 24 - While there is a name included in this line, it really contains nothing other than the name. As such, the disclosure of the line would not constitute an unreasonable invasion of any person's privacy. I therefore **recommend** that it be disclosed.

Line 25 - To the extent that this line contains personal information, it is the personal information of the Applicant. I **recommend** it be disclosed.

Lines 26 and 27 - These two lines are not about day to day work related matters but are about matters in the workplace. The content of these two lines is really about what the interviewee heard from others. I am satisfied that the disclosure of these lines would constitute an unreasonable invasion of one or more third parties.

Page 9

Lines 1 to 4 - These lines constitute the personal information of a third party and I am satisfied that the disclosure of these lines would constitute an unreasonable invasion of that third party's privacy.

Lines 5 to 9 - To the extent that these lines have any personal information, it is the personal information of the Applicant. I **recommend** that they be disclosed.

Line 10 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 11 to 22 - To the extent that these lines have any personal information, it is the personal information of the Applicant. I **recommend** that they be disclosed.

Line 23 - This line contains no personal information and I **recommend** that it be disclosed.

Line 24 - This line contains no personal information and I **recommend** that it be disclosed.

Line 25- This line contains the personal information about an unrelated third party and has been properly withheld.

Page 10

Line 1 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 2 to 14 - there is no personal information contained in these lines. I **recommend** they be disclosed.

Lines 15 - 18 - to the extent that these lines contain the personal information about any person, it is in relation to the responsibilities of their jobs and the disclosure of the information would not constitute an unreasonable invasion of any person's privacy. I **recommend** that they be disclosed.

Line 19 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 20 to 28 - To the extent that there is any personal information in these lines that, if disclosed, would constitute an unreasonable invasion of any person's privacy, that information is about the Applicant. I **recommend** that the information be disclosed.

Line 29 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 30 and 31 - These lines appear to be an exchange of information about the day to day work done in the office between two managers. To the extent that the disclosure of these lines contain personal information, the information is about the Applicant. I **recommend** they be disclosed.

Page 11

Lines 1 - 11 - To the extent that there is any personal information in these lines that, if disclosed, would constitute an unreasonable invasion of any person's privacy, that information is about the Applicant. I **recommend** that the information be disclosed.

Interview #2 (3 pages)

Page 1

Lines 1 to 8 - These lines provide information about the interviewee's position within the department and his job duties. As such, section 23(4)(e) declares that the disclosure of the information is not an unreasonable invasion of the privacy of the individual involved. To this end, I **recommend** that these lines be disclosed.

Line 9 - This line contains the personal information of two third parties and the information is not job related. I am satisfied that it was properly deleted.

Lines 10 to 17 - Much of the content of these lines is opinion about the Applicant as expressed by the interviewee. As such, it constitutes the personal information of the Applicant and I **recommend** it be disclosed.

Lines 18 to 23 - The content of these lines is opinion about a third party held by the interviewee. It is not job related information. I therefore agree that the information was properly withheld.

Lines 24 and 25 - Again, these lines are the stated opinions of the interviewee. In this case, however, the opinion is not about a person. It is therefore the interviewee's own personal information and I am satisfied that it was properly withheld.

Line 26 - This line is, once again, an expression of opinion held by the interviewee about a third party, not the Applicant. I am satisfied that it was properly withheld.

Line 27 - This line is an observation made by the interviewee which contains no personal information. I **recommend** that it be disclosed.

Page 2

Line 1 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 2 to 10 - In these lines, the interviewee describes a departmental meeting. To the extent that the content of these lines contain personal information, it is the personal information of the Applicant and I **recommend** that these lines be disclosed.

Line 11 - This line is an opinion about the Applicant as expressed by the interviewee. I **recommend** it be disclosed.

Line 12 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 13 - 18 - These lines are mostly a statement of day to day work done in the office and contain no personal information. To the extent that they do contain personal information, it is the personal information of the Applicant and I **recommend** the information be disclosed.

Lines 19 and 20 - The first sentence of the first line of this paragraph is the interviewee's personal information and it has been properly withheld. To the extent that the balance of these two lines contain personal information, it is the personal information of the Applicant and I **recommend** that the remaining part of these two lines be disclosed.

Lines 21 and 22 - These lines reveal personal information about the interviewee and I am satisfied that they were properly withheld.

Lines 23 and 24 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** the information be disclosed.

Line 25 - This line reveals personal information about the interviewee and I am satisfied that it was properly withheld.

Line 26 - To the extent that this line contains personal information, it is the personal information of the Applicant and I **recommend** the information be disclosed.

Lines 27 and 28 - These lines merely repeat something that was said to the interviewee in the workplace, apparently within the day to day work of the department. There is no personal information in the lines, except as it relates to the Applicant. I **recommend** that these lines be disclosed.

Page 3

Lines 1 to 6 - These lines describe a meeting held between the interviewee and others, including the Applicant. To the extent that these lines involve any person's personal information, it is the personal information of the Applicant. I therefore **recommend** that these lines be disclosed.

Lines 7 and 8 - The first sentence and the first five words of the second sentence of this paragraph contain the personal information of the interviewee and this section has been properly withheld. The balance of the second sentence is an opinion about the Applicant held by the interviewee and it is therefore the Applicant's personal information and I **recommend** it be disclosed.

Line 9 - This line contains no personal information and I **recommend** that it be disclosed.

Line 10 - To the extent that this line contains personal information, it is the personal information of the Applicant and I **recommend** it should be disclosed.

Lines 11 and 12 - These lines are the personal information of the interviewee and have been properly withheld.

Line 13 - There is nothing in this line which would attract an exemption from disclosure under Section 23. I **recommend** it be disclosed.

Interview #3 (8 pages)

Page 1

Line 1 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 2 and 3 - These lines provide information about the interviewee's position within the department and his job duties. As such, section 23(4)(e) declares that the disclosure of the information is not an unreasonable invasion of the privacy of the individual involved. To this end, I **recommend** that these lines be disclosed.

Lines 4 to 6 - These lines contain the personal information of the interviewee and the information is not job related. I am satisfied that they were properly deleted.

Lines 7 to 10 - These lines provide information about the interviewee's and others positions within the department and corresponding job duties. As such, section 23(4)(e) declares that the disclosure of the information is not an unreasonable invasion of the privacy of the individual involved. I **recommend** that these lines be disclosed.

Lines 11 and 12 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 13 - 15 - These lines simply refer to the interviewee's work as part of his duties with the public body. I **recommend** they be disclosed.

Lines 16-18 - These lines reflect the interviewee's personal opinions about something other than another individual. As such, the opinion is his personal information and I am satisfied that its disclosure would be an unreasonable invasion of his privacy.

Lines 19 - 21 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 22 - 25 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 26 - 28 - The first two sentences of this paragraph reflect the interviewee's opinion about a third party, not the Applicant. As such, they are the personal information of the third party and I am satisfied that the disclosure of these two sentences would constitute an unreasonable invasion of that person's privacy. The last sentence, however, is about the Applicant and I **recommend** that this sentence be disclosed.

Page 2

Lines 1 - 8 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 9 - 12 - The first five words at the beginning of these lines are the personal information of a third party, the disclosure of which would, I am satisfied, constitute an unreasonable invasion of that person's privacy. These words have been properly withheld. The balance of the sentence is about the Applicant and I **recommend** it be disclosed. The last three words of line 10 and the first six words of line 11 are the personal information of a third party, the disclosure of which would, I am satisfied, constitute an unreasonable invasion of that person's privacy. These words have been properly withheld. The last sentence is the personal information of the Applicant and I **recommend** it be disclosed.

Line 14 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 15 to 19 - With the exception of the fourth word in line 16, there is nothing in these lines that constitutes the personal information of anyone other than the Applicant and, I **recommend** that these lines be disclosed with the one word blacked out.

Line 20 - This line is the personal information of a third party, the disclosure of which would be an unreasonable invasion of that person's privacy and has, therefore, been properly withheld.

Lines 21 and 22 - These lines deal with the job responsibilities of a third party. As such, section 23(4)(e) declares that the disclosure of the information is not an unreasonable invasion of the privacy of the individual involved. I **recommend** that these lines be disclosed.

Line 23 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 24 to 26 - These lines deal with the job responsibilities of a third party and the general policies and practices of the public body. As such, section 23(4)(e) declares that the disclosure of the information is not an unreasonable invasion of privacy. I therefore **recommend** that these lines be disclosed.

Page 3

Line 1 - This line relates to the policies and practices of the public body. I **recommend** it be disclosed.

Line 2 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 3 to 12 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 13 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 14 to 18 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 19 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 20 - 25 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Page 4

Line 1 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 2 to 6 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 7 and 8 - These lines contain the personal information of a third party, the disclosure of which would be an unreasonable invasion of that person's privacy and they have, therefore, been properly withheld.

Lines 8 and 9 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 11 - 13 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 14 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 15 and 16 - the six (6) words following the word "heard" in line 15 are the personal information of a third party and have been properly withheld. The rest of these two lines, to the extent that they contain personal information, are the personal information of the Applicant. I **recommend** that these lines be disclosed with the exception of the five words noted above.

Lines 17 to 19 - These lines reflect the interviewee's opinion about a third party, not the Applicant. As such, they are the personal information of the third party and I am satisfied that the disclosure of these two lines would constitute an unreasonable invasion of that person's privacy.

Line 20 - This line contains no personal information and I **recommend** that it be disclosed.

Line 21 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 22 and 23 - These lines reflect the interviewee's opinion about a third party, not the Applicant. As such, they are the personal information of the third party and I am satisfied that the disclosure of these two lines would constitute an unreasonable invasion of that person's privacy.

Lines 24 and 25 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 26 - This line contains no personal information and I **recommend** that it be disclosed.

Page 5

Lines 1 and 2 - These lines deal with the job responsibilities of a third party and the general policies and practices of the public body. As such, section 23(4)(e) declares that the disclosure of the information is not an unreasonable invasion of privacy. I therefore **recommend** that these lines be disclosed.

Lines 3 to 7 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 9 to 11 - These lines contain the personal information of a third party, the disclosure of which would be an unreasonable invasion of that person's privacy and have, therefore, been properly withheld.

Line 12 - This line constitutes the interviewee's personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. I find that this line was properly withheld.

Lines 13 and 14 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 15 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 16 - 20 - The last three words of line 16 are the personal information of a third party and have been properly withheld. The rest of the content of these lines, to the extent that they contain personal information, are the personal information of the Applicant. I **recommend** that these lines be disclosed with the exception of the three words noted above.

Line 21 - The 7th and 8th words in this line are the personal information of a third party and should be edited. The balance of the line, however, is the personal information of the Applicant and I **recommend** that it be disclosed.

Lines 22 and 23 - These two lines are the personal information of a third party and have been properly withheld.

Line 24 - This line constitutes the interviewee's personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. I find that this line was properly withheld.

Line 25 - This line contains no personal information and I **recommend** that it be disclosed.

Line 16 - This line contains no personal information and I **recommend** that it be disclosed.

Page 6

Lines 1 to 3 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 4 - This line contains the personal information of a third party and has been properly withheld.

Lines 5 to 8a - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 9 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 10 to 18 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 19 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 20 - 23 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 24 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 25 to 27 - These lines contain no personal information and I **recommend** that they be disclosed.

Page 7

Lines 1 and 2 - These lines contain the personal information of a third party, and the disclosure would be an unreasonable invasion of that person's privacy. They have, therefore, been properly withheld.

Lines 3 and 4 - These lines reflect the interviewee's personal opinions about something other than another individual. As such, the opinion is his personal information and I am satisfied that its disclosure would be an unreasonable invasion of his privacy.

Lines 5 and 6 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 7 - This line contains no personal information and I **recommend** that it be disclosed.

Line 8 - To the extent that this line contains personal information, it is the personal information of the Applicant and I **recommend** that it be disclosed.

Line 9 - To the extent that this line contains personal information, it is the personal information of the Applicant and I **recommend** that it be disclosed.

Lines 10 and 11 - With the exception of the first two words on line 10, to the extent that these lines contain personal information, it is the personal information of the Applicant. I **recommend** the disclosure of these lines with the exception of the two words noted.

Line 12 - With the exception of the first three words on line 12, to the extent that this line contains personal information, it is the personal information of the Applicant. I **recommend** the disclosure of this line with the exception of the three words noted.

Line 13 - With the exception of the first three words on this line, to the extent that it contains personal information, it is the personal information of the Applicant. I **recommend** the disclosure of this line with the exception of the three words noted.

Line 14 - With the exception of the first three words on this line, to the extent that it contains personal information, it is the personal information of the Applicant. I **recommend** the disclosure of this line with the exception of the three words noted.

Lines 15 and 16 - With the exception of the first two words on line 15, to the extent that these lines contain personal information, it is the personal information of the Applicant. I **recommend** the disclosure of these lines with the exception of the two words noted.

Lines 17 and 18 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 19 and 20 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 21 - 29 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Page 8

Lines 1 - 5 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Interview #4 (4 pages)

Page 1

Line 1 - This line contains no personal information and I **recommend** that it be disclosed.

Line 2 - This line provides information about the interviewee's position within the department and his job duties. As such, section 23(4)(e) declares that the disclosure of the information is not an unreasonable invasion of the privacy of the individual involved. To this end, I **recommend** that the line be disclosed.

Lines 3 - 12 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 13 - This line contains no personal information and I **recommend** that it be disclosed.

Line 14 - This line contains an opinion about a third party, the disclosure of which would constitute an unreasonable invasion of the third party's privacy. It has been properly withheld.

Lines 15 and 16 - Line 15 up to the words "but that" is the personal information of the Applicant and I **recommend** this part of the paragraph should be disclosed. The balance of these two lines contain an opinion about a third party, the disclosure of which would constitute an unreasonable invasion of the third party's privacy. This part of the paragraph has been properly withheld.

Lines 17 and 18 - Everything in these two lines, with the exception of the five (5) words following the initials at the beginning of line 17, are the personal information of the Applicant and I **recommend** that they be disclosed, with the noted words edited out.

Lines 19 to 22 - These lines contain an opinion about a third party, the disclosure of which would constitute an unreasonable invasion of the third party's privacy. They have been properly withheld.

Lines 23 to 25 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 26 and 27 - These lines reflect the interviewee's personal opinions about something other than another individual. As such, the opinion is his personal information and I am satisfied that its disclosure would be an unreasonable invasion of his privacy.

Line 28 - This line contains no personal information and I **recommend** that it be disclosed.

Line 29 - To the extent that this line contains personal information, it is the personal information of the Applicant and I **recommend** that it be disclosed.

Page 2

Line 1 - But for the first three words of this line, any personal information contained in this line constitutes the Applicant's own personal information. I **recommend** that this line be disclosed with the first three words edited.

Lines 2 and 3 - These lines contain no personal information and I **recommend** that they be disclosed.

Line 4 - This line contains the personal information of a third party, and the disclosure of the line would constitute an unreasonable invasion of that person's privacy and it has been properly withheld.

Lines 5 to 8 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 9 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 10 to 16 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 17 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 18 and 19 - These lines contain no personal information and I **recommend** that they be disclosed.

Line 20 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 21 to 23 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 24 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 25 to 28 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Page 3

Line 1 - To the extent that this line contains personal information, it is the personal information of the Applicant and I **recommend** that it be disclosed.

Line 2 - This line contains the personal information of a third party, and the disclosure of the line would constitute an unreasonable invasion of that person's privacy. It has, therefore, been properly withheld.

Line 3 - This line contains no personal information and I **recommend** that it be disclosed.

Line 4 - But for the second last word of this line, to the extent that there is personal information in this line, it is the personal information of the Applicant and I **recommend** it be disclosed, subject to the one word being edited.

Line 5 - This line contains the personal information of two third parties, the disclosure of which would be an unreasonable invasion of those individual's privacy and these words have been properly withheld.

Line 6 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 7 to 12 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed, with the exception of the last five words on line 11 and first word on line 12, which are the personal information of a third party and were properly withheld.

Lines 13 and 14 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 15 and 16 - These lines contain the personal information of a third party, and their disclosure would constitute an unreasonable invasion of that person's privacy. They have been properly withheld.

Line 17 - This line contains no personal information and I **recommend** that it be disclosed.

Line 18 - This line contains no personal information and I **recommend** that it be disclosed.

Line 19 - This line contains the personal information of a third party, the disclosure of which would be an unreasonable invasion of that person's privacy. These words have been properly withheld.

Line 20 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 21 to 23 - These lines contain the personal information of a third party, the disclosure of which would be an unreasonable invasion of that person's privacy. These words have been properly withheld.

Lines 24 to 26 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 27 - This line contains no personal information and I **recommend** that it be disclosed.

Page 4

Lines 1 and 2 - The first line, up to the words "know that", contains no personal information and I **recommend** that this portion of the paragraph be disclosed. The balance of these two lines contain the personal information of a third party, the disclosure of which would be an unreasonable invasion of that person's privacy and has been properly withheld.

Line 3 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 4 to 10 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 11 and 12 - Any personal information in the first sentence of this paragraph would be the personal information of the Applicant and I **recommend** that this sentence be disclosed. The second sentence is the personal information of a third party, the disclosure of which would constitute an unreasonable invasion of that person's privacy and it has, therefore, been properly withheld.

Line 13 - This line contains the personal information of a third party, the disclosure of which would be an unreasonable invasion of that person's privacy. This line has been properly withheld.

Line 14 - To the extent that this line contains personal information, it is the personal information of the Applicant and I **recommend** that it be disclosed.

Line 15 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 16 to 18 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Interview #5 (2 pages)

Page 1

Line 1 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 2 and 3 - These lines provide information about the interviewee's position within the department. As such, section 23(4)(e) declares that the disclosure of the information is not an unreasonable invasion of the privacy of the individual involved. To this end, I **recommend** that the line be disclosed.

Line 4 - This line contains the personal information of a third party, the disclosure of which would be an unreasonable invasion of that person's privacy and these words have been properly withheld.

Line 5 - This line is the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. It has, therefore, been properly withheld.

Line 6 - This line contains no personal information and I **recommend** that it be disclosed.

Line 7 - This line is the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. It has, therefore, been properly withheld.

Lines 8 and 9 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 10 and 11 - The first five words of Line 10 reflect information about the Applicant and I **recommend** that these words be disclosed. The remainder of these two lines are the personal information of the interviewee and I am satisfied that the disclosure of them would constitute an unreasonable invasion of his privacy.

Lines 12 and 13 - These lines contain the personal information of both the interviewee and the Applicant and it is impossible to disclose any part of them without disclosing the personal information of the interviewee. I am satisfied, in the circumstances, that these lines have been properly withheld.

Lines 14 and 15 - To the extent that this line contains personal information, it is the personal information of the Applicant and I **recommend** that it be disclosed.

Lines 16 to 19 - With the exception of the sentence in the middle of line 18, to the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that the lines be disclosed. The sentence referred to above is the personal information of the interviewee and has been properly withheld.

Lines 20 to 22 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 23 and 24 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 25 and 26 - These lines contain the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. They have, therefore, been properly withheld.

Page 2

Lines 1 - 4 - These lines contain the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. They have, therefore, been properly withheld.

Line 5 - To the extent that this line contains personal information, it is the personal information of the Applicant and I **recommend** that it be disclosed.

Line 6 - This line is the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. It has, therefore, been properly withheld.

Lines 7 and 8 - The first 9 words of line 7 are a statement of fact. To the extent that any personal information is contained in these words, it is the personal information of the Applicant and I **recommend** that these words be disclosed. The balance of these two lines, however, is the personal information of the interviewee and they have been properly withheld.

Lines 9 and 10 - These lines contain the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. They have, therefore, been properly withheld.

Line 11 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 12 to 15 - These lines contain the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. They have, therefore, been properly withheld.

Email Correspondence (5 pages)

These pages show an exchange between the investigator and one of the third parties involved in the investigation with respect to the statement he gave. There is nothing in the email exchange which would, in my opinion, constitute personal information, the disclosure of which would be an unreasonable invasion of the privacy of any person. The public body has not referred me to any other section of the Act as being applicable. In the circumstances, therefore, I **recommend** that this exchange be disclosed to the Applicant.

Interview #6 (9 pages)

Page 1

Line 1 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 2 to 4 - These lines contain the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. They have, therefore, been properly withheld.

Lines 5 and 6 - These lines contain no personal information and I **recommend** that they be disclosed.

Lines 7 to 11 - These lines involve the personal information of the interviewee as well as of a third party. As such, they have been properly withheld.

Lines 12 and 13 - These lines contain the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. They have, therefore, been properly withheld.

Lines 14 to 17 - The first sentence of this paragraph constitutes the interviewee's opinion about a third party's management style. As such I am prepared to accept that it is personal information, the disclosure of which would constitute an unreasonable invasion of the third party's privacy. The remainder of the paragraph, however, relates to the work of the public body and there is no personal information, the disclosure of which would constitute an unreasonable invasion of privacy. I **recommend** that this paragraph be disclosed with the exception of the first sentence.

Lines 18 to 32 - These lines all deal with the work of the public body on a day to day basis. There is nothing in these paragraphs which would amount to personal information, the disclosure of which would be an unreasonable invasion of any person's privacy. I **recommend** that these lines be disclosed.

Page 2

Lines 1 to 13 - These lines all deal with the work of the public body on a day to day basis. There is nothing in these paragraphs which would amount to personal information, the disclosure of which would be an unreasonable invasion of any person's privacy. I **recommend** that these lines be disclosed.

Lines 14 to 16 - The first sentence of this paragraph constitutes the opinion of the interviewee about a third party. As such, it is the personal information of the third party and I am satisfied that the disclosure would be an unreasonable invasion of that person's privacy. The second sentence, however, deals with the work of the public body on a day to day basis and there is nothing in this sentence that would constitute an unreasonable invasion of privacy if disclosed. I therefore **recommend** that the second sentence of this paragraph be disclosed.

Lines 17 to 20 - These lines involve the personal information of the interviewee as well as of a third party. As such, they have been properly withheld.

Lines 21 to 31 - These lines all deal with the work of the public body on a day to day basis. There is nothing in these paragraphs which would amount to personal information, the disclosure of which would be an unreasonable invasion of any person's privacy. I **recommend** that these lines be disclosed.

Lines 32 and 33 - These lines contain the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. They have, therefore, been properly withheld.

Page 3

Lines 1 to 5 - The first sentence of this paragraph is the interviewee's own personal information and has been properly withheld. However, the balance of the paragraph deals with the work of the public body on a day to day basis. There is nothing in these paragraphs which would amount to personal information, the disclosure of which would be an unreasonable invasion of any person's privacy. I **recommend** that these lines be disclosed.

Lines 6 to 8 - These lines all deal with the work of the public body on a day to day basis. There is nothing in these paragraphs which would amount to personal information, the disclosure of which would be an unreasonable invasion of any person's privacy. I **recommend** that these lines be disclosed.

Lines 9 to 18 - These lines all deal with the work of the public body on a day to day basis. There is nothing in these paragraphs which would amount to personal information, the disclosure of which would be an unreasonable invasion of any person's privacy. I **recommend** that these lines be disclosed.

Lines 19 to 26 - These lines contain the interviewee's opinions about one or more third parties, and their disclosure would constitute an unreasonable invasion of those person's privacy. They have been properly withheld.

Line 27 - These lines contain the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. They have, therefore, been properly withheld.

Lines 28 and 29 - These lines contain the interviewee's own personal information, the disclosure of which would constitute an unreasonable invasion of his privacy. They have, therefore, been properly withheld.

Line 30 - This line constitute's the Applicant's personal information and I **recommend** that it be disclosed.

Page 4

Lines 1 to 4 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 5 - This line contains the interviewee's opinion about a third party, and its disclosure would constitute an unreasonable invasion of that person's privacy. It has been properly withheld.

Lines 6 and 7 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 8 to 13 - These lines reflect the interviewee's personal opinions about something other than another individual. As such, the opinion is his personal information and I am satisfied that its disclosure would be an unreasonable invasion of his privacy.

Line 14 and 15 - These lines reflect an observation about relationships in the workplace. I am not satisfied that the information constitutes personal information the disclosure of which would constitute an unreasonable invasion of any person's privacy. I **recommend** that these lines be disclosed.

Lines 16 and 17 - These lines include a third party's opinion about another third party. As such, I am satisfied that the disclosure would constitute an unreasonable invasion of privacy.

Lines 18 to 20 - These lines reflect the opinion of the interviewee about a third party. As such, I am satisfied that the disclosure would constitute an unreasonable invasion of privacy.

Lines 21 and 22 - These lines contain a third party's personal information, the disclosure of which would constitute an unreasonable invasion of the third party's privacy.

Lines 23 to 25 - These lines include a third party's opinion about another third party. As such, I am satisfied that the disclosure would constitute an unreasonable invasion of privacy.

Line 26 - This line reflects the opinion of the interviewee about a third party. As such, I am satisfied that the disclosure would constitute an unreasonable invasion of privacy.

Lines 27 to 29 - These lines reflect the opinion of the interviewee about a third party. As such, I am satisfied that the disclosure would constitute an unreasonable invasion of privacy.

Page 5

Line 1 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 2 to 28 - These lines all deal with the work of the public body on a day to day basis. There is nothing in these paragraphs which would amount to personal information, the disclosure of which would be an unreasonable invasion of any person's privacy. I **recommend** that these lines be disclosed.

Lines 29 and 30 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Page 6

Line 1 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 2 to 4 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 5 to 12 - These lines contain an opinion about a day to day workplace issue. It is not about any individual. I do not believe that the disclosure of these lines would constitute an unreasonable invasion of any person's privacy. I **recommend** they be disclosed.

Lines 13 to 32 - These lines contain only information about the day to day work of or within the public body. There is no personal information involved or to the extent that there is, it is the Applicant's personal information. I **recommend** that these lines be disclosed.

Page 7

Lines 1 to 3 - These lines contain only information about the day to day work of or within the public body. There is no personal information involved or to the extent that there is, it is the Applicant's personal information. I **recommend** that these lines be disclosed.

Line 4 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 5 to 19 - These lines outline an incident in the day to day work of the public body. There is no personal information the disclosure of which would constitute an unreasonable invasion of any person's privacy. I **recommend** that the lines be disclosed.

Lines 20 to 22 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Lines 23 to 25 - These lines contain only information about the day to day work of or within the public body. There is no personal information involved or to the extent that there is, it is the Applicant's personal information. I **recommend** that these lines be disclosed.

Lines 26 to 29 - These lines contain the personal opinion of the interviewee. As such it is his personal information and I am satisfied that the disclosure of the lines would be an unreasonable invasion of his privacy. The lines have, therefore, been properly withheld.

Page 8

Lines 1 to 6 - These lines contain the personal opinion of the interviewee about a third party. As such it is the personal information of the third party and I am satisfied that the disclosure of the lines would be an unreasonable invasion of his privacy. The lines have, therefore, been properly withheld.

Line 7 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 8 to 16 - These lines contain the personal opinion of the interviewee about a third party and about a particular workplace situation. To the extent that there is an opinion about a third

party, the opinion is the information of the third party and I am satisfied that the disclosure of the lines would be an unreasonable invasion of his privacy. I am satisfied that these lines have all been properly withheld.

Line 17 - This line contains no personal information and I **recommend** that it be disclosed.

Lines 18 to 20 - These lines contain the interviewee's own personal information and I am satisfied that the disclosure would constitute an unreasonable invasion of her privacy. These lines have been properly withheld.

Lines 21 and 22 - To the extent that these lines contain personal information, it is the personal information of the Applicant and I **recommend** that they be disclosed.

Line 23 - This line contains the interviewee's own personal information and I am satisfied that the disclosure would constitute an unreasonable invasion of her privacy. It has been properly withheld.

Lines 24 to 29 - These lines contain the personal opinion of the interviewee about a third party and about a particular workplace situation. To the extent that there is an opinion about a third party, the opinion is the information of the third party and I am satisfied that the disclosure of the lines would be an unreasonable invasion of his privacy. I am satisfied that these lines have all been properly withheld.

Page 9

Lines 1 to 15 - These lines contain the personal opinion of the interviewee about a third party and about a particular workplace situation. To the extent that there is an opinion about a third party, the opinion is the information of the third party and I am satisfied that the disclosure of the lines would be an unreasonable invasion of his privacy. I am satisfied that these lines have all been properly withheld.

CONCLUSION

My individual recommendations and the reasoning for those recommendations are set out above. I note, once again, that in the event that the public body determines that it is necessary, Sections 26 and 27 of the Act must be complied with before the disclosure of any information which might constitute an unreasonable invasion of a third party's privacy.

Elaine Keenan Bengts

Nunavut Information and Privacy Commissioner

