

Application Under the Judicial Review Procedure Act, R.S.O. 1990, C. J.1

Ministry of Community Safety and Correctional Services (applicant/appellant) v. Information and Privacy Commissioner, and John Doe, Requester (respondents/respondent in appeal)
(C54647; 2012 ONCA 393)

Indexed As: Ontario (Minister of Community Safety and Correctional Services) v. Information and Privacy Commissioner (Ont.) et al.

Ontario Court of Appeal
Laskin, Sharpe and Epstein, J.J.A.
June 4, 2012.

Summary:

The Information and Privacy Commissioner (Ont.) ordered the Ministry of Community Safety and Correctional Services to publicly disclose information contained in the Ontario Sex Offender Registry, specifically the first three digits of postal codes known as Forward Sortation Areas and the number of sexual offenders in each Forward Sortation area. The Ministry applied for judicial review.

The Ontario Divisional Court, in a decision reported 282 O.A.C. 199, dismissed the application. The Ministry appealed.

The Ontario Court of Appeal dismissed the appeal.

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Examination of public documents - Freedom of information - Bars - Reasonable expectation of probable harm - The Information and Privacy Commissioner (Ont.) ordered the Ministry of Community Safety to publicly disclose information contained in the Ontario Sex Offender Registry, specifically the first three digits of postal codes known as Forward Sortation Areas and the number of sexual offenders in each Forward Sortation area - The Ministry applied for judicial review - The Ministry submitted that the Commissioner erred in its interpretation of the law enforcement exemptions in s. 14(1)(e) (endangerment) and s. 14(1)(l) (reasonable expectation of harm) under the Freedom of Information and Protection of Privacy Act - The Ontario Divisional Court dismissed the application, holding that the Commissioner's decision was not unreasonable - The Ministry appealed - The Ontario Court of Appeal dismissed the appeal, agreeing with the Divisional Court that the Commissioner's conclusion was reasonable.

Cases Noticed:

Workers' Compensation Board (Ont.) v. Information and Privacy Commissioner (Ont.) (1998), 112 O.A.C. 121; 41 O.R.(3d) 464 (C.A.), reld to. [para. 7].

Counsel:

Sara Blake, for the appellant;
William S. Challis, for the respondent.

This appeal was heard and an endorsement released orally on June 4, 2012, by Laskin, Sharpe and Epstein, J.A., of the Ontario Court of Appeal.

Appeal dismissed.

Editor: Elizabeth M.A. Turgeon