

FILE NO. - 95/005

**REPORT WITH RESPECT TO THE APPLICATION
FOR REVIEW OF VILLAGE OF MARQUIS WITH RESPECT TO INFORMATION
REQUESTED FROM SASKATCHEWAN ENVIRONMENT
AND RESOURCE MANAGEMENT**

██████████, ██████████ of the Village of Marquis, applied to Saskatchewan Environment and Resource Management for information with respect to a complaint received by the Department from a resident of the Village. In its Access for Information Request Form the Village states that it received a telephone call from an officer of the Department advising that a complaint had been lodged by a resident of the Village regarding the operation of the Village waste disposal site. The complainant was not otherwise identified, and the request for information is for the name of the complainant.

The Department refused to disclose the name, and by letter dated December 9, 1994 advised the Village that the identity of the complainant (third party) was being withheld on the strength of Section 29(1) of *The Freedom of Information and Protection of Privacy Act* (the "Act"), which prohibits, subject to certain exemptions, the disclosure of "personal information".

By an earlier letter dated November 28, 1994 the Department had advised the Village that it was required to contact the third party before releasing the information, citing Section 34 of the Act. I mention this simply to observe that Section 34(1) of the Act does not require notice to be given to a third party unless the Department intends to give access to a record that contains confidential information described in subsection 19(1), which is not applicable in this case, or intends to provide information pursuant to Section 29(2)(o), i.e. information disclosed in the public interest or for the benefit of the individual, which is also not applicable in this case.

Accordingly, the only question is whether the identity of the complainant is personal information within the meaning of the Act as claimed by the Department.

The Department relies on the definition of "personal information" contained in Section 24 of the Act and in particular points to subsection 24(1)(k):

"24(1) Subject to subsection 2 "personal information" means personal information about an identifiable individual that is recorded in any form and includes:

- (k) the name of the individual where:
 - (i) it appears with other personal information that relates to the individual; or
 - (ii) the disclosure of the name itself would reveal personal information about the individual."

I am quite unable to conclude that the name of the complainant comes within the above mentioned provision of the Act since the name of the individual is not coupled with any other information of a personal nature or that disclosure of the name would reveal personal information about the individual.

Furthermore, there is nothing in the circumstances, and indeed there has been no suggestion to me by the Department that any other basis for a claim for confidentiality exists.

Accordingly, it is my recommendation that the identity of the complainant be disclosed to the Applicant in accordance with its request.

Dated at Regina, Saskatchewan this day of May, 1995.

**Derril G. McLeod, Q.C.,
Commissioner of Information and
Privacy for Saskatchewan**