



Office of the
Saskatchewan Information
and Privacy Commissioner

REVIEW REPORT 156-2015

Rural Municipality of Keys No. 303

September 8, 2015

Summary:

The Applicant requested a copy of a petition from the Rural Municipality of Keys No. 33 (the R.M.). The R.M. provided a copy of the record to the Applicant, however, severed personal information. The Commissioner considered the petition to be a public document and recommended the personal information be released pursuant to subsection 28(2)(a) of *The Local Authority Freedom of Information and Protection of Privacy Act*.

I BACKGROUND

- [1] On June 5, 2015, the Rural Municipality of Keys (the R.M.) received an access to information request for a “petition and copy of signatures opposing [Amsterdam South Creek Watershed Association] No 12” among other information. On July 2, 2015, the R.M. provided the Applicant with a copy of the petition; however, it severed personal information from the petition.
- [2] The Applicant was dissatisfied with the R.M.’s decision to sever the personal information. He requested a review by my office on August 10, 2015. On August 11, 2015, my office provided notification to both the Applicant and the R.M. of our intention to undertake a review.

II RECORDS AT ISSUE

- [3] The record is a seven page petition. It was signed by 42 ratepayers in the R.M. For each ratepayer, the petition contains its name, signature and legal land description. Additionally, a witness has signed for each ratepayer. All of this information has been severed.

III DISCUSSION OF THE ISSUES

1. Does the severed material constitute personal information?

- [4] Section 23 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) defines personal information. The relevant portions are as follows:

23(1) Subject to subsections (1.1) and (2), “**personal information**” means personal information about an identifiable individual that is recorded in any form, and includes:

...

- (d) any identifying number, symbol or other particular assigned to the individual;
- (e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;
- (f) the personal opinions or views of the individual except where they are about another individual;

- [5] The R.M. has severed the name, signature and legal land description of 42 ratepayers who have signed the petition. Its submission indicates that this data qualifies as personal information for two reasons:

- 1) The legal land descriptions qualify as personal information as it is the home or business address of individuals pursuant to subsection 23(1)(e) of LA FOIP.
- 2) The signatures of the ratepayers are an identifying symbols and qualify as personal information pursuant to subsection 23(1)(d) of LA FOIP.

- [6] Information regarding ownership of land is publically available information. Also, in the past, my office has determined that signatures do not constitute personal information when made in a work-related capacity. However, a signature may be personal in nature

outside of a professional context. The signatures of the witnesses would not be personal in nature and would not qualify as personal information.

[7] Subsection 23(1)(f) of LA FOIP is relevant in this situation. By signing this petition, these individuals are indicating that they agree with the petition. This expresses an opinion or a view and would qualify as personal information. The names, signatures and legal land description would reveal the views and opinions of these individuals.

[8] The severed information, with exception to the signatures of the witnesses, qualifies as personal information pursuant to subsection 23(1)(f) of LA FOIP.

2. Do subsections 28(1) or (2)(a) of LA FOIP apply to the record?

[9] Section 28 of LA FOIP states:

28(1) No local authority shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 29.

(2) Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:

(a) for the purpose for which the information was obtained or compiled by the local authority or for a use that is consistent with that purpose;

...

[10] In its submission, the R.M. indicated that it should not disclose personal information without consent except for very specific reasons set out in subsection 28(2) of LA FOIP. It is relying on subsection 28(1) of LA FOIP to withhold the records.

[11] However, in my opinion, petitions in general should be publically available. For example, petitions presented to the Legislative Assembly of Saskatchewan are public documents. Rule 16(8) of *The Rules and Procedures of the Legislative Assembly of Saskatchewan* states that any petition in proper form and content is read and received and recorded as a sessional paper. By parliamentary convention sessional papers are considered to be open to the public. The Legislative Assembly has clearly concluded that petitions should be public.

[12] I believe that a basic tenant of democracy is that citizens have a right to file petitions in an attempt to persuade their leaders in a particular direction. Leaders in a democracy need to know what citizens think. One way of telling them is by signing a petition. I believe this democratic custom applies to R.Ms.

[13] I note Ontario Information and Privacy Commissioner Order 171 which stated:

Petitions by their very nature, are not documents that have an aura of confidentiality. The signatories to a petition do so voluntarily. By including their name on a petition, a signatory takes a public stand with respect to the issue being petitioned for. Petitioners are aware that they are revealing personal information about themselves when they add their names to a petition. They also realize that the petition will be circulated and used in whatever manner is necessary in order to further the cause which is the subject of the petition.

[14] The individuals who signed this petition did so to let the R.M. know that it supported the views expressed on the petition. The R.M. obtained the petition for the purpose of assessing the level of support and making a decision. The decision making process of a local authority should be open which would include petitions being made publicly available to the public.

[15] Subsection 28(2)(a) of LA FOIP states that personal information can be disclosed for the purpose for which the information was obtained or compiled by the local authority or for a use that is consistent with that purpose. Disclosure of the personal information in this petition would be consistent with the purpose for which it was obtained by the R.M. Therefore, subsection 28(2)(a) of LA FOIP applies.

[16] In my view, petitions should be publically available unless there are specific circumstances that would not support disclosure.

IV FINDINGS

[17] I find the material severed from the record, with the exception of the signatures of the witnesses, qualifies as personal information pursuant to subsection 23(1)(f) of LA FOIP.

[18] I find subsection 28(2)(a) of LA FOIP applies in these circumstances.

V RECOMMENDATIONS

[19] I recommend the R.M. release the entire record to the Applicant.

Dated at Regina, in the Province of Saskatchewan, this 8th day of September, 2015.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner