OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
— for —
British Columbia

Order F05-20

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

Celia Francis, Adjudicator

July 5, 2005

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Summary: Applicant, an adult adoptee, requested records showing her birth father's name. Ministry refused access, on the basis that disclosure would unreasonably invade the privacy of third parties. In the circumstances of this case, s. 22 requires the Ministry to refuse disclosure of the third party's name to the applicant.

Key Words: invasion of personal privacy – exposure to unfair harm – personal information.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, 22(1), 22(2)(e); *Adoption Act*, ss. 63-71.

Authorities Considered: B.C.: Order 01-53, [2001] B.C.I.P.C.D. No. 56; Order 01-37, [2001] B.C.I.P.C.D. No. 38, Order 04-35, [2004] B.C.I.P.C.D. No. 36; Order No. 35-1995, [1995] B.C.I.P.C.D. No. 7; Order 04-22, [2004] B.C.I.P.C.D. No. 22; Order No. 239-1998, [1998] B.C.I.P.C.D. No. 32; Order No. 132-1996, [1996] B.C.I.P.C.D. No. 60; Order No. 307-1999, [1999] B.C.I.P.C.D. No. 20; Order No. 200-1997, [1997] B.C.I.P.C.D. No. 61.

1.0 INTRODUCTION

[1] The applicant in this case is an adult adoptee who made a request under the *Freedom of Information and Protection of Privacy Act* ("Act") to the Ministry of Children and Family Development ("Ministry") for information identifying her birth father. She stated the name of her birth mother (who, she said, had died a few months after her birth) and the names of her adoptive parents. She also provided copies of her original registration of birth, her adoption order and her current identification.

[2] The Ministry responded by providing the applicant with copies of records. It withheld identifying information regarding her birth father, as well as some identifying information and other personal information of other individuals under s. 22 of the Act. The Ministry also suggested that the applicant request the assistance of the Adoption Reunion Registry in a search for her birth father's relatives.

[3] The applicant requested a review by this office of the decision to sever the information identifying her birth father, saying she had been told that, because her birth father was not named on her birth registration, she could not receive identifying information. She pointed out that her birth father had signed a paternity admission and also suggested that, since it was 60 years since her adoption, he was likely now dead.

[4] Because the matter did not settle in mediation, a written inquiry was held under Part 5 of the Act. I have dealt with this inquiry, by making all findings of fact and law and the necessary order under s. 58, as the delegate of the Information and Privacy Commissioner under s. 49(1) of the Act.

2.0 ISSUE

[5] The issue before me in this case is whether the Ministry is required by s. 22 to withhold information. Under s. 57(2), the applicant has the burden of proof regarding third-party personal information.

3.0 DISCUSSION

[6] **3.1 Procedural Issue** – In her reply, the applicant argued that she should not have to pay a fee for the services of the Ministry's Adoption Reunion Registry to search for her birth father. She believes that charging her a fee is discriminatory under the human rights legislation of British Columbia and Canada and under the equality rights of the *Charter of Rights and Freedoms* respecting a public body's services, as non-adoptees do not have to pay high fees for information from the Vital Statistics Agency (p. 3, reply).

[7] The Ministry objected to this submission on the grounds that it is a new issue and that the British Columbia *Constitutional Question Act* makes it clear that notice must be given to the Attorneys General of British Columbia and Canada before the constitutional validity of any law can be challenged. As there has been no proper notice in this case, the Ministry concludes, this issue is not properly before me (letter of April 7, 2005).

[8] The *Charter* and human rights arguments were not listed as issues in the notice of inquiry this office sent to the parties. The applicant provides no detailed arguments on these points. Nor, assuming that the applicant is challenging the validity of a law, which must be the case before the *Constitutional Question Act* notice requirement is triggered, has the applicant shown that she has provided notice of her reliance on the *Charter* as required under the *Constitutional Question Act*.

[9] Moreover, the fees to which the applicant refers flow from an application under s. 71 of the *Adoption Act* to the Ministry for assistance in locating a birth relative. The applicant has apparently not made such an application and I do not in any case have any authority to deal with any issues arising from that process. It is not appropriate for me to consider the *Charter* and human rights arguments the applicant raises.

[10] **3.2 Application of Section 22** – The Information and Privacy Commissioner has considered the application of s. 22 in numerous orders, as have I. See, for example, Order 01-53[1]. I have applied here, without repeating it, the approach taken in those orders. The relevant provisions read as follows:

> **Disclosure harmful to personal privacy**
>
> 22(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.
>
> (2) In determining under subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether …
>
> (e) the third party will be exposed unfairly to financial or other harm, …
>
> (3) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if …
>
> (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,
>
> (b) the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation, …
>
> (d) the personal information relates to employment, occupational or educational history, …
>
> (i) the personal information indicates the third party's racial or ethnic origin, sexual orientation or religious or political beliefs or associations …

[11] I have kept in mind in this decision past orders involving adoption matters, for example, Order 01-37[2], and Order 04-35[3]. I am also mindful that the current *Adoption Act*, which postdates the Act, clearly seeks to balance the interests of both adoptees and birth parents. Sections 63 through 70 of the *Adoption Act* and the search process

[1] Order 01-53, [2001] B.C.I.P.C.D. No. 56.
[2] Order 01-37, [2001] B.C.I.P.C.D. No. 38.
[3] Order 04-35, [2004] B.C.I.P.C.D. No. 36.

authorized under s. 71 of that Act implement the Legislature's intentions on how adult adoptees and birth parents ought to be reunited, while also providing a mechanism for safeguarding the privacy and respecting the wishes of these individuals.

[12] **3.3 Nature of Information in Dispute** – The Ministry describes the withheld information as personal information concerning the applicant's birth father, including his name, address, telephone number, place of employment, schools attended and place of birth. It says it also withheld information regarding other individuals, including the birth mother, members of the birth father's family and members of the birth mother's family (para. 4.01, initial submission).

[13] The applicant's request for review took issue only with the severing of the birth father's identifying information and the parties' submissions deal primarily with this aspect of the withheld information. The applicant's reply submission clarifies that she wants only his name (see p. 2). Accordingly, I have only considered here whether the Ministry is required to refuse access to the birth father's name and have not found it necessary to consider whether the Ministry was correct to refuse access to the remaining withheld information.

[14] **3.4 The *Adoption Act*** – The Ministry referred in its submissions to a number of provisions of the *Adoption Act*, including: s. 63, under which an adult adoptee may apply for a copy of the adoptee's original birth registration and adoption order, unless a disclosure veto or no-contact declaration has been filed; s. 65, under which an adopted person or birth parent named on the original registration of birth may file a disclosure veto prohibiting disclosure of that person's identifying information; s. 66, which allows an adult adoptee or birth parent named on the original registration of birth to file a no-contact declaration; s. 70, which gives the adoption director the right to information in the custody of control of public bodies to locate a person for the purposes of the *Adoption Act*; and s. 71, under which an adult adoptee may request the adoption director's assistance in locating a birth parent of the adoptee, unless that person has filed a disclosure veto or no-contact declaration. Sections 71(7) through (11) of the *Adoption Act* say the following:

> 71 (7) No one is entitled to assistance under this section in locating a person who has filed a disclosure veto or a no-contact declaration.
>
> (8) Subject to the regulations, the director may provide the assistance requested by an applicant under subsections (1) to (6).
>
> (9) If a person located by the director wishes not to be contacted by an applicant, the director must not disclose any information identifying the name or location of the person.
>
> (10) If a person located by the director wishes to be contacted by an applicant, the director may assist them to meet or to communicate.

> (11) The director must inform an applicant if the person whom the applicant requested assistance in locating wishes not to be contacted, is dead or cannot be located.

[15] **3.5 Is it Personal Information?** – The Ministry argues that ss. 22(3)(a), (b), (d) and (i) apply to some of the withheld information about the birth father (paras. 5.29-5.32, initial submission). As noted above, the applicant wishes only the name of her birth father.

[16] The applicant advances the argument that her birth father is not a third party for the purposes of the Act (para. 35, initial submission; p. 2, reply submission). The Ministry responds by acknowledging that the information at issue is not only the applicant's personal information and that the birth father has a connection with the applicant but says that the birth father is a third party (para. 13, reply submission).

[17] The applicant may intend to suggest that her birth father's identity is both his personal information and hers, in the sense that his name appears in the records as her birth father and not as an unconnected individual. Nevertheless, the Act defines "third party" as follows:

> **"third party"**, in relation to a request for access to a record or for correction of personal information, means any person, group of persons or organization other than
>
> (a) the person who made the request, or
>
> (b) a public body;

[18] As a "person…other than…the person who made the request" for records (the applicant), the applicant's birth farther is a third party under the Act, as are any of his relatives. It is therefore necessary to determine whether disclosure of his name in this context would result in an unreasonable invasion of third-party privacy, not only of the birth father (whether or not he is still alive) but also of any of his relatives.

[19] The birth father's name is recorded information of an identifiable individual and is thus his personal information. Past orders have found that, in this context, a birth parent's name falls under s. 22(1) (see, for example, Order 01-37). The third party's name is undoubtedly his personal information, particularly in this context, where he is named as the father of an illegitimate child, and I find that it falls under s. 22(1) of the Act.

[20] Other information that could potentially identify the birth father (his address, schools, places of work and residence) falls under ss. 22(1) and 22(3)(d). The information that the Ministry says falls under ss. 22(3)(b) and (i) on pp. 12 and 13 does not appear to relate to the applicant's birth father. However, none of this information is in issue here.

[21] **Relevant Circumstances** – The parties provided arguments on a number of relevant circumstances that they contend apply here.

Information already disclosed

[22] The Ministry points out that the applicant has already received considerable information in non-identifying form about her birth father, including information about his medical history (para. 5.19, initial submission).

[23] I do not agree with the Ministry that the amount of information the applicant has already received is a relevant circumstance. As I have said in previous orders (see, for example, Order 04-22[4]), the issue here is whether s. 22 requires the Ministry to withhold the birth father's identifying information. The amount of information already disclosed has no bearing on this issue.

Availability of search and reunion services

[24] The Ministry also says that the applicant has the option of requesting assistance from the Adoption Reunion Registry ("ARR") to locate her birth father but has chosen not to do so (para. 5.19, initial submission). The applicant objects to the suggestion that she should ask the ARR to try to locate her birth father or his relatives. She asks why she should spend hundreds of dollars for information she believes she is entitled to receive without a fee (p. 3, reply submission).

[25] I do not doubt that the ARR has expertise and experience in locating birth relatives and in arranging reunions in a sensitive and discreet manner. However, while the Ministry may wish to be helpful in suggesting that the applicant use the ARR's services to trace her birth father or his relatives, I do not read the *Adoption Act* as prohibiting other methods of reuniting adoptees and birth parents. In any case, I do not consider the applicant's wish not to use the ARR is a relevant circumstance in this case, nor that it counts against her in a decision on her entitlement under the Act to the disputed information.

Unfair exposure to harm

[26] In the Ministry's view, the factor in s. 22(2)(e) is also relevant in this case. The Ministry says that it is concerned that disclosure of the birth father's identifying information could unfairly expose third parties, including the birth father if he is still alive, to mental or other harm. Disclosure of this information could, the Ministry argues, adversely affect the birth father and his relatives if they were unaware that he had fathered a child. The Ministry acknowledges that the applicant in this case has a good reason for wanting the information but in its view s. 22 of the Act requires a public body to withhold identifying information of birth parents of adopted people in almost every

[4] Order 04-22, [2004] B.C.I.P.C.D. No. 22.

case (paras. 5.13-5.18, initial submission). The Ministry did not cite any other specifics pertinent to this case but referred to Order 01-37:

> [42] It is important to remember that s. 22(2)(e) speaks to unfair exposure to financial or other harm. I have, in other cases, expressed the view that "harm" for the purpose of s. 22(2)(e) consists of serious mental distress or anguish or harassment. See, for example, Order 01-19, [2001] B.C.I.P.C.D. No. 20. Although I have no evidence before me as to the father's current personal situation – we do not even know if he is alive – it is appropriate to approach this situation on the basis that disclosure of this kind of information could expose the father or any family he may have to "harm" in the sense of sufficiently grave mental stress or anguish. Although a reunion between an adopted child and his biological parents can be a positive event, it is equally broadly known and accepted that such reunions can instead cause dissension, strife and anguish. It is not necessary for me to find or assume, for the purposes of this case, that a reunion or contact between the applicant and his father (or any family his father may have) would be positive or negative. It is sufficient that disclosure of the father's information would at least expose the father and any family to harm of a kind contemplated by s. 22(2)(e). It is the exposure to harm, not the likelihood of harm that matters. For this reason, I consider that s. 22(2)(e) is a relevant circumstance in this case and that it favours the view that disclosure would unreasonably invade the father's personal privacy.

[27] I note that the Commissioner made this finding in a context where there was uncertainty that the information about the father's identity was accurate and where the Ministry's other information about the father was minimal. The Commissioner was evidently influenced by the uncertainty over the father's identity in his finding, in the same order, on s. 22(2)(h) (disclosure may unfairly damage a person's reputation, which the Ministry has not argued applies in this case):

> [43] I consider the Ministry's position on unfair damage to reputation under s. 22(2)(h) to be somewhat more speculative. It may be that a man as old as the father would now be would consider his reputation unfairly damaged if the applicant correctly or wrongly identified him as his father. But that is not necessarily the case today, given how attitudes have changed, for the most part, towards fathering children outside marriage or a similar relationship. I conclude that disclosure "may unfairly damage the reputation" of the father if he turns out, in fact, not to be the father. Thus, s. 22(2)(h) favours the conclusion that disclosure would unreasonably invade personal privacy. I should say that, although both circumstances operate here, the s. 22(2)(h) circumstance is of less weight than that in s. 22(2)(e).

[28] Unlike the case discussed in Order 01-37, there appears to be more certainty here as to the applicant's paternity. There is certainly more information about the third party and his family in the records.

[29] Both commissioners have acknowledged in past orders dealing with adoption that the stigma of illegitimacy and of giving birth to, or fathering, an illegitimate child has lessened considerably with the passing decades (see, for example, para. 43, Order 01-37,

and p. 5, Order No. 35-1995[5]. This change does not seem in their view, however, to have outweighed the possible exposure to harm. Rather, the factor in s. 22(2)(e) appears to have weighed significantly in favour of withholding the disputed information in almost all orders involving adoption cases and identifying information of birth parents.

[30] Given the apparent greater certainty regarding paternity in this case and the other factors I discuss below, I do not consider that the factor in s. 22(2)(e) weighs as heavily in this case as it appears to have done in Order 01-37. I do not however know whether the third party (if he is still alive) would be pleased or embarrassed at encountering his 60 year-old daughter at this late stage of his life. I also do not know what if anything he may have said to his relatives about the applicant's existence since her adoption. While disclosure of his name to his daughter might expose him to embarrassment and bring him into disrepute in the eyes of his family, he and his relatives might equally be pleased to hear from her. It is also possible that he has no known relatives. I accept that the factor in s. 22(2)(e) is nevertheless present in this case, for much the reasons discussed in Order 01-37, and that it favours withholding the third party's name.

Admission of paternity and consent for disclosure

[31] The applicant says that the records show that the birth father was her birth mother's first and only boyfriend, he signed the paternity admission and he expressed a wish to help her birth mother. In her view, these things mean his name should be disclosed to her (paras. 16-17 & 20, initial submission). The Ministry responds by saying that the father's admission of paternity does not constitute consent to the disclosure of his name to the child in question. It also points out that we do not know whether the birth father might consent to the disclosure of his name to the applicant (paras. 1 & 6, reply submission).

[32] The Ministry added the following on this issue in a letter of June 6, 2005:

> 10. The Ministry notes that here have been several instances where individuals named on an adoption record as a birth father have later denied paternity, despite having verbally or formally acknowledged paternity at the time of adoption planning. In addition, there have also been cases where a named birth father has been reunited with an adoptee, had DNA testing done after the reunion which has established they were not in fact the child's father. As such, an admission of paternity cannot, in and of itself, constitute proof of paternity. For instance, in the past there have been occasions where there has been an admission of paternity in order to assist the birth mother in the adoption process despite the fact that the third party was not certain that he was really the birth father.

[33] The records show that the third party did and said the things the applicant says he did. I note however that the records also show that the birth father at first denied paternity (see p. 89) and only agreed to sign the admission of paternity after being assured by a social worker that it would not be used against him (see p. 77). He appears

[5] Order No. 35-1995, [1995] B.C.I.P.C.D. No. 7.

to have been misled in this regard as, under the *Children of Unmarried Parents Act*, in effect in the 1940s, the birth father, having admitted paternity, could have been required to provide financial support to the birth mother and her child (the applicant) (see p. 74). Indeed, the various officials involved in the applicant's care and adoption considered but rejected the idea of pursuing the birth father for financial support, principally because the birth mother did not wish it (see p. 91, for example).

[34] It is possible that the third party would still have signed the paternity admission, having been aware of the consequences, but he might also have refused. In any case, in light of the Ministry's comments as described above and the records themselves, I am not completely confident that the signed admission of paternity is proof of paternity. Moreover, the admission of paternity—even if authentic—certainly does not mean that the birth father would consent to disclosure of his name to the applicant in these circumstances.

[35] While the presence, refusal or—as in this case, absence—of consent is not determinative of the matter, consent and personal choice are important in a case such as this. I therefore requested the Ministry's assistance in locating the third party (if he is still alive), so that I might invite his views on disclosure of his name as the birth father to the applicant. In its letter of June 6, 2005, the Ministry pointed to ss. 60, 69, 70 and 71 of the *Adoption Act* and said that it did not believe it has the authority to undertake a search for the birth father without an application under s. 71 of the *Adoption Act* from the applicant. In its view, the *Adoption Act* is a comprehensive code and only the adoption director has the exclusive authority to undertake searches for birth relatives (sometimes requiring extensive investigation), and then only when triggered by an application under s. 71 of the *Adoption Act*. It also argues that a search outside the *Adoption Act* might deprive the birth father of his rights under s. 71 of the *Adoption Act* to refuse disclosure of his name to the applicant and not to be contacted at all.

[36] While I am not convinced that the *Adoption Act* is as restrictive in the area of searches as the Ministry suggests, I take its point to be that the current *Adoption Act* establishes a carefully constructed process for reuniting adoptees and birth relatives, while also allowing those individuals control and choice over contact and over disclosure of their identifying information. Such control is a crucial element of informational self-determination. In a case such as this, the lack of knowledge as to whether a birth parent might consent to disclosure of her or his name to an adult adoptee does not favour disclosure—rather, it has the opposite effect, in my view.

[37] In this case, despite the information as to admission of paternity, and other information in the disputed records, it is not absolutely certain that the third party is the birth father. I also do not have the benefit of the third party's views (if he is still alive) and thus do not know whether he might give or refuse consent for disclosure of his name to this applicant. I also do not know what if anything he may have told his relatives about the applicant's existence nor how they might view this revelation. The lack of knowledge in all these areas weighs heavily against disclosure.

Past practice

[38] The applicant says that she has learned (from an unidentified source) that, under a previous Director of Information and Privacy for the Ministry, the Ministry would allow the release of the birth father's name to adopted people where the father had signed a consent to adoption or admission of paternity form but was not named on the original registration of birth document (para. 18, initial submission).

[39] The Ministry denies that its practice was to automatically disclose a birth parent's identifying information in such cases. It says that it spoke with the previous director in question who said that, unless the father was named on the registration of birth and thus had an opportunity to file a veto, the Ministry's policy had been to protect the father's identity, "unless there were other reasons to conclude that the disclosure of the biological parent's identifying information would not be an unreasonable invasion of third party privacy" (para. 4, reply; paras 5-6, Morrison affidavit). The Ministry does not cite any authority for this policy. Nor does it explain what these "other reasons" might have been. I accept the Ministry's representations on this issue, however, and do not consider that the applicant's arguments assist her in light of the Act's provisions.

Absence of disclosure veto

[40] The applicant and the Ministry both discussed the absence of the birth father's name on the applicant's original birth registration and of a veto by the birth father under s. 65 of the *Adoption Act*. The applicant says that her original registration of birth shows no name for her father because, at the time she was born, the only way the birth father could be named on the birth certificate when the parents were not legally married was for them to make a joint request. She refers to s. 8(1) of the *Vital Statistics Act* which was in effect in the 1940s in this regard:

> 8. (1) In the registering of the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father, unless at the joint request of the mother and of the person acknowledging himself to be the father as evidenced by their signatures to the statement prepared for the purpose of registration of the birth period.

[41] The applicant speculates that her birth father was not aware of his right to have his name on the original registration of birth, saying there is no indication in the disclosed records that he was told. The applicant also points out that her birth father is not entitled under the 1996 *Adoption Act* to file a disclosure veto, as he is not named on the original birth registration (paras. 10-11 & 26-34, initial submission).

[42] The Ministry also points out that, under s. 65(1) of the *Adoption Act*, a birth father is not entitled to file a disclosure veto where he is not named on the original birth registration. In its view, therefore, the absence of a veto in such cases "sheds no light on the issue of whether or not the birth father consented to the disclosure of his identifying information" (para. 5, reply submission).

[43] The applicant is correct in saying that there is no indication in the records as to whether the third party was informed that he could be entered as the father of the child on the applicant's original registration of birth. In any case, the absence of the birth father's name on the original registration of birth and of a veto does not assist in determining whether the third party might consent to disclosure of his name in this case, nor in whether disclosure of his name to the applicant might result in an unreasonable invasion of third-party privacy in this case.

Applicant's views on privacy and reunion

[44] The applicant says that her reunion with her birth mother's relatives was successful and that, if her birth father did not wish contact, she would not press the matter. She also suggests, among other things, that privacy is subjective, that there have been changes in social mores and notions of privacy since her adoption and that her birth father's views on privacy may have changed as he aged (paras. 26-34, initial submission). The Ministry suggests that the reverse may also be true and that information that a person may not have considered sensitive when young may become intensely personal later in life (para. 6, reply submission).

[45] While I do not doubt the applicant's sincerity and her good intentions in wishing for a reunion, the fact that she had a happy reunion with her birth mother's relatives does not mean a reunion with her birth father or his relatives would be equally successful, nor that he would consent to having his name disclosed to her. This uncertainty does not assist the applicant in her quest for disclosure of her birth father's name.

Previous orders

[46] The Ministry takes the position that, given past orders, it is generally prohibited from disclosure of identifying information on birth parents in almost all cases (see para. 5. 17, initial submission and paras. 11-12, reply submission). It is therefore useful to summarize the circumstances in previous orders on adoption cases which confirmed that s. 22 of the Act prohibited disclosure of information about birth parents to applicants who were adult adoptees:

- non-identifying information of the birth mother of the applicant (Order No. 35-1995); the previous *Adoption Act* was then in effect;
- identifying information of a birth mother who had filed a non-disclosure veto with the vital statistics agency (Order No. 239-1998[6]); the current *Adoption Act* was in effect by this time, prohibiting disclosure of identifying information where there was a veto;
- identifying information of the applicant's father who had been adopted as a child; a major factor was the stigma for the grandmother having had an illegitimate child in the 1920s, as well as the possible injury to her reputation in the eyes of her family

[6] Order No. 239-1998, [1998] B.C.I.P.C.D. No. 32.

(Order No. 132-1996[7] and Order No. 307-1999[8]); the previous *Adoption Act* was then in effect;

- identifying information of the putative father of the applicant where there was some doubt that the information about the birth father's identity was accurate and the Ministry's files contained very little information about the father (Order 01-37); under current *Adoption Act*; and
- identifying information of a birth father (Order 04-35).

[47] In the only order to date resulting in disclosure of a birth parent's name, the birth father of the applicant (an adult adoptee) had been dead since 1951 and there were no other known relatives (Order No. 200-1997[9], under the current *Adoption Act*).

Conclusion

[48] I believe the applicant is sincere in her reasons for wanting to make contact with her birth father or his relatives and I have considered her arguments carefully and sympathetically. However, after detailed consideration of the factors and circumstances I have set out above, including, most importantly, the lack of knowledge as to what the birth father's wishes and views might be, I have concluded that, in this case, disclosure of the third party's name to the applicant would unreasonably invade third-party privacy for the purposes of s. 22 of the Act.

4.0 CONCLUSION

[49] For the reasons given above, under s. 58 of the Act, I find that s. 22 of the Act requires the ministry to refuse the applicant access to her birth father's name. I therefore require the ministry to refuse the applicant access to this information.

July 5, 2005

ORIGINAL SIGNED BY

Celia Francis
Adjudicator

[7] Order No. 132-1996, [1996] B.C.I.P.C.D. No. 60.
[8] Order No. 307-1999, [1999] B.C.I.P.C.D. No. 20.
[9] Order No. 200-1997, [1997] B.C.I.P.C.D. No. 61.