



F07-10-MS Accused Demands Accuser's Name on Bylaw Complaint

Tempers may flare when someone complains to city hall about bylaw infractions such as excessive noise or an unsightly mess on a property. Human nature being what it is, the accused very often demands the identity of the accuser, either to set the record straight or vent angry feelings. Almost without exception, municipalities refuse to provide information that would identify an informant on the ground that disclosing it would reveal the identity of a confidential source of law enforcement information (section 15(1)(d), *Freedom of Information and Protection of Privacy Act*) or that the personal information was supplied in confidence (section 22(2)(f)).

When a municipality refused to give a resident the name and contact information of a person who had reported him, the resident asked our office review that decision. On reviewing copies of the records in the complaint file, we noted that the municipality's standard complaint form stated: "The complainant has been informed that any information that could reasonably reveal their identity will be kept in confidence, pursuant to the *Freedom of Information and Protection of Privacy Act*."

The Portfolio Officer handling the file told the applicant that, under these circumstances, it seemed abundantly clear that the municipality had properly withheld the complainant's name and contact information. Dissatisfied with this conclusion, the applicant asked for an inquiry by an independent adjudicator appointed by the Commissioner. The municipality made an application under section 56 of FIPPA to request that an inquiry not be held, arguing that it was "plain and obvious" that the records were subject to a statutory exception to disclosure. The complainant responded that his human rights and privacy had been violated, even though the complainant's identity had not been revealed by anyone.

After considering the submissions of the accused and the municipality, and reviewing the records, one of our adjudicators ruled that the matter would not proceed to inquiry, given that the severed information was personal information that had clearly been supplied in confidence in a law enforcement context. Several previous orders have dealt with the same situation, making the outcome clear beyond doubt, so there was no point holding a formal inquiry.