



F07-22-MS Tempers Flare over Building Encroachment on Parkland

The renovation of a rural house left the neighbours up in arms when it was discovered that a corner of the building encroached on parkland and blocked a trail to the beach. Several people wrote to the ministry administering the park to complain about the infringement and demanded that the owner of the house relocate the portion of the structure that had strayed outside her property. She responded that the encroachment was entirely accidental.

Furious about the letter-writing campaign, the woman asked the ministry for copies of the correspondence. The ministry gave her copies of emails with the identities of the authors removed, and withheld several handwritten letters in their entirety on the basis that the handwriting would reveal the identities of the writers and that some of the complainants had specifically asked that their identities be kept confidential. Consistent misspelling of her name in the emails led her to believe that most had been written by one person, and she assumed the same to be the case with the handwritten letters. Believing she was the target of a malicious campaign by one or two people, she asked us to review the ministry's decision.

We concluded that the decision was justified under section 22(1) of the *Freedom of Information and Protection of Privacy Act*. Under section 22(2)(f), a decision made under section 22(1) must take into account whether the personal information has been supplied in confidence, and the content of the letters led us to believe that this was generally so. In addition, section 22(3) provides that a disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if the personal information was compiled and is identifiable as part of an investigation into a possible violation of law. This provision includes the investigation of municipal bylaw infractions. Finally, in a small rural community, disclosure of handwritten letters might reveal the identities of their writers almost as surely as would the release of their names.

After reviewing all of the letters, we confirmed to the applicant that the differences in script among the letters was so distinct that it was clear to us that each letter had been written by a different person. We also obtained from the ministry a commitment to summarize the contents of the letters for her, as they were about her and summaries could be prepared, as required by section 22(5), without disclosing third parties' identities. As she could imagine the gist of the contents of the letters and was interested only in knowing who wrote them, she declined this offer.