



### F15-01-MS

#### City councillor names FOI requester during public meeting

During a public meeting, a city councillor mentioned by name a citizen who had made a number of requests for information to the city. The disclosure led to several references to the requester in the local paper as well as a complaint to our office by the requester that the city had inappropriately disclosed his personal information in contravention of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”).

When an individual makes an access-to-information request, the responsibility for responding, in the language of FIPPA, falls to “the head of a public body.” The city told us that a municipal bylaw had designated council as the head of the public body for FIPPA purposes, consistent with the s. 77 provision authorizing a local public body to designate “a person or group of persons” as its head.

We concluded therefore that it was reasonable for council members to discuss a proposed release of information in a council meeting closed to the public; naming a FIPPA applicant in an open public meeting, however, would not be appropriate. Sections 33.1, 33.2 and 33.3 provide a detailed list of circumstances in which a public body may disclose personal information. None of those circumstances applied to the disclosure of personal information in an open council meeting.

We found the complaint to be substantiated. To help the municipality ensure future compliance with FIPPA requirements, we recommended that it:

1. reinforce existing procedures with respect to the disclosure of personal information by providing further training to both staff and council members on FIPPA requirements relating to the disclosure of personal information; and
2. revise its current practice of providing copies of requests made under FIPPA to all council members by removing the name of the requester prior to circulating the information to council.

The municipality accepted both recommendations and said it planned to implement them.