



**OFFICE OF THE
INFORMATION and PRIVACY COMMISSIONER
for Prince Edward Island**

Public Body	Department of Transportation and Infrastructure
Public Body Ref. No.	TI 2024-468
OIPC File No.	C/25/00055 and C/25/00068
Statute and Sections for Review	<i>Freedom of Information and Protection of Privacy Act</i> Sections: 15(1) [The head of a public body shall refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy]
Decision #	D-25-001
Decision-Maker	Denise N. Doiron Information and Privacy Commissioner
Date of Decision	May 7, 2025

Summary:

The Department of Transportation and Infrastructure (the "Public Body") decided to release records in response to an access request. Two third-party individuals (the "Third Parties") asked the Commissioner to review the Public Body's decision to disclose records, on the grounds that they contained personal information about the Third Parties. The Commissioner refused to conduct an inquiry pursuant to clause 64.1(b) of the *Freedom of Information and Protection of Privacy Act* (the "FOIPP Act"), as the Public Body had decided not to disclose any personal information of the Third Parties that was contained in the records.

Analysis:

The Public Body received a request for access to certain records. The Public Body located and retrieved 434 pages of records responsive to the access request, which appear to have many duplicates in email strings. When processing the records, the Public Body determined that there was personal information about individuals other than the applicant contained in the records.

The Public Body wrote to the Third Parties, pursuant to section 28 of the *FOIPP Act*, notifying them that they were considering whether to disclose records that included the Third Parties' personal information. The Public Body invited the Third Parties to either consent to the disclosure of their personal information or give the Public Body their position about whether the Public Body should disclose the Third Parties' personal information to the applicant. The Third Parties opposed disclosure.

The Public Body notified the Third Parties in decision letters, both dated March 14, 2025, that they had decided to refuse to give the applicant any of the Third Parties' personal information. The Public Body provided the Third Parties with copies of the records showing the Third Parties' personal information redacted (severed) from the records. In total, 374 pages of records were either redacted in part or withheld in full, pursuant to section 15(1) of the *FOIPP Act* [disclosure harmful to personal privacy]. The Public Body's decision letters also advised the Third Parties that they could ask the Commissioner to review this decision, within 20 days of the decision.

Decision:

Not all requests for review proceed to inquiry. Section 64.1 of the *FOIPP Act* authorizes the Commissioner to refuse to conduct an inquiry if, in the opinion of the Commissioner:

- (a) the subject matter of a request for review has been dealt with in an order or investigation report of the Commissioner; or
- (b) the circumstances warrant refusing to conduct an inquiry.

The Public Body's decision letters advised the Third Parties that they had considered the Third Parties' views on disclosure and had decided to give the applicant access to the records, with personal information about the Third Parties protected (severed) under section 15(1) [disclosure harmful to personal privacy] of the *FOIPP Act*. The records that the Public Body included with their decision letters show that they intended to redact all personal information about the Third Parties from those pages. I examined the redacted records the Public Body gave to the Third Parties and confirmed that there is no personal information about the Third Parties being disclosed to the applicant in the records.

In my opinion, the circumstances do not warrant conducting an inquiry in this matter. The Public Body decided not to disclose personal information about the Third Parties. Because the Public Body did not intend to disclose any personal information about the Third Parties, the

Third Parties' requests for review are without basis and have no possibility of success.
Therefore, I am refusing to conduct an inquiry, pursuant to clause 64.1(b) of the *FOIPP Act*.



Denise N. Doiron
Information and Privacy Commissioner