



# Prince Edward Island Île-du-Prince-Édouard

## Legislative Assembly

Information and  
Privacy Commissioner  
PO Box 2000, Charlottetown PE  
Canada C1A 7N8

## Assemblée législative

Commissaire à l'information et  
à la protection de la vie privée  
C.P. 2000, Charlottetown PE  
Canada C1A 7N8

PRIVATE AND CONFIDENTIAL

August 14, 2023

Via Email

Dear [REDACTED]

**Re: Request for Review under the *Freedom of Information and Protection of Privacy Act***  
**Public Body: Department of Environment, Energy and Climate Action**  
**Ref. No.: 2022-261**  
**Our file No: FI-22-496**

An applicant requested access to export wildlife permits as per General Regulations in the *Wildlife Conservation Act* from January 1, 2010 to September 1, 2022. The Department of Environment, Energy and Climate Action (the "Public Body") consulted you about four pages:

Page 14 – Class 4 permit to keep wildlife in captivity, dated January 15, 2016

( [REDACTED] ),

Page 16 – Class 4 permit to keep wildlife in captivity, dated January 15, 2017

( [REDACTED] ),

Page 18 – Class 4 permit to keep wildlife in captivity, dated January 16, 2018

( [REDACTED] ), and

Page 20 – Class 4 permit to keep wildlife in captivity, dated April 17, 2019 ( [REDACTED] ).

These are responsive to the request because each of these permits includes a condition that says "this permit serves as your Import/Export permit."

The Public Body intended to disclose these records to the Applicant without any severing. You asked our office to conduct a review, claiming that the Public Body should not disclose any information based on section 14 of the *Freedom of Information and Protection of Privacy Act* (the "FOIPP Act") which relates to business information, and section 15 which deals with personal information.

### Section 14 of the FOIPP Act – business information

The records at issue in this review are the same as four of the fourteen pages at issue in file FI-22-462, the public body's reference EECA 2022-13, which was a request for wildlife licenses. In

file FI-22-462 we requested your submissions on section 14 of the *FOIPP Act*. We were not persuaded that the conditions of subsection 14(1) are applicable, but invited you to provide more information on the types of business information you believed could be revealed if the records were disclosed [clause 14(1)(a)], and whether the information was supplied in confidence [clause 14(1)(b)]. We did not receive any submissions from you in FI-22-462 and, after follow up, considered your request for review in FI-22-462 to have been withdrawn.

I also note, as mentioned above, that you have posted on your website a copy of your "Class 4 Permit to Keep Wildlife in Captivity" for the period of April 2022 to April 2025, which is essentially the same business document as those found at pages 14, 16, 18, and 20 of the responsive records and for which you had requested a review of the Public Body's decision to disclose.

Subsection 64.1(b) of the *FOIPP Act* states that I may refuse to conduct an inquiry if, in my opinion, the circumstances warrant refusing to conduct an inquiry. As the issues relate to the same records, and the same issues, and you are deemed to have withdrawn your request for review in FI-22-462, and you are now posting on your website the same type of record with the same information as the information in the records at issue, it is my opinion that the circumstances warrant refusing to conduct a review. For this reason, pursuant to subsection 64.1(b) of the *FOIPP Act*, I am refusing to conduct a review of the Public Body's decision under section 14 of the *FOIPP Act*.

#### **Section 15 of the *FOIPP Act* – personal information**

In your request for review you state:

Also, file EECA 2022-261 exposes my home address, business name, phone number and/or email address which is in violation of Section 15(4).

The records do not include your business name, phone number, and/or email address. They do however include your name and address. Your name and business address are your personal information, but the *FOIPP Act* does not prohibit a public body from disclosing any personal information. Section 15 only applies and prohibits disclosure of personal information if disclosure would be an unreasonable invasion of your personal privacy.

I am confident that disclosure of your name and address are not an unreasonable invasion of your personal privacy. Section 15(2) of the *FOIPP Act* lists circumstances under which disclosure of personal information is deemed not to be an unreasonable invasion of a third party's personal privacy. One of these provisions, subclause 15(2)(g)(i), says it is not an unreasonable invasion of personal privacy to disclose a person's name and the nature of a license or permit relating to a commercial or professional activity.

Further, you have participated in a CBC news story and other features in which you have identified yourself as a wildlife pet dealer known as [REDACTED] and you have posted

your name and address on the internet, including on your website and social media accounts, in association with your business. You have also posted your current class 4 permit to keep wildlife in captivity on your website, which contains the same information as the records at issue.

In these circumstances, it would be an absurd result to suggest that disclosure of this information by the Public Body could be expected to be an unreasonable invasion of your personal privacy when you have disclosed it publicly yourself in various media.

In light of the information set out above, on the face of it, there is no reasonable possibility of success for you to establish section 15 would apply to this information. For these reasons, it is my opinion that the circumstances warrant refusing to conduct an inquiry. Therefore, pursuant to subsection 64.1(b) of the *FOIPP Act*, I refuse to conduct a review of the Public Body's decisions regarding section 15 of the *FOIPP Act*.

As I am refusing to conduct an inquiry into the Public Body's decisions under section 14 and section 15 of the *FOIPP Act*, we will advise the Public Body they are free to disclose the records at issue to the Applicant and we will be closing our file.

Sincerely,



Denise N. Doiron

Information and Privacy Commissioner

c: APSO (via email)