ALBERTA

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

ORDER FOIP2026-10

February 18, 2026

CALGARY POLICE SERVICE

Case File Number 012683

Office URL: www.oipc.ab.ca

Summary: An Applicant, a documentary film maker, made an access request under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to the Calgary Police Service (the Public Body) for

> All records - which may include or be known as investigative, disclosure, occurrence and/or incident reports, as well as chain-of-custody records related to Calgary Police Service case file numbers #138481962, #13481794, and #1381940, and Provincial Court Docket# 131518011P1, which may include, but are not limited to, materials such as: CPS Event Chronologies, CPS communication logs/ recordings/videos (e.g. HAWC1 Video #11358), Violation Tickets (e.g. #A14970594R), taser download records, use of force reports, and notes and/or correspondence from officers with the following badge numbers: #4865, #3528, #3210, #3888, #11760, #4972, #4185, #5098

The Public Body located responsive records, but refused access to the records in their entirety under section 17(1) (disclosure harmful to personal privacy).

The Public Body disclosed the Third Party's personal information to the Applicant's colleague on the documentary, as the Third Party consented to the disclosure.

During the inquiry, the Third Party whose personal information was contained in the records consented to the disclosure of personal information to the Applicant. The Public Body refused to

disclose the Third Party's personal information despite the consent, as it viewed an inquiry to be limited to the review of its original decision.

The Adjudicator determined that the Commissioner's inquiry is de novo and that the Commissioner is required to determine whether a public body is authorized or required to refuse access. The Commissioner may obtain evidence in the course of determining whether a public body is authorized or required to refuse access. The consent of the Third Party was evidence in this case.

The Adjudicator also noted that a public body has an obligation under section 30 of the FOIP Act to give notice to a third party when the Public Body becomes aware of evidence that indicates the third party is likely to consent to disclosure of the third party's personal information. The Third Party's consent to disclosure of personal information to the Applicant's colleague for the purpose of making the documentary, was evidence that the Third Party would likely consent to disclosure of personal information to the Applicant as well.

The Adjudicator directed the Public Body to give the Applicant access to the personal information of the Third Party to which it had refused access.

Statutes Cited: AB: *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1, 17, 30,72

Authorities Cited: AB: Order F2007-023, F2013-51. F2021-14, External Adjudication Order #2

I. BACKGROUND

[para 1] An Applicant, a documentary film maker, made an access request under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to the Calgary Police Service (the Public Body) for

> All records - which may include or be known as investigative, disclosure, occurrence and/or incident reports, as well as chain-of-custody records related to Calgary Police Service case file numbers #138481962, #13481794, and #1381940, and Provincial Court Docket# 131518011P1, which may include, but are not limited to, materials such as: CPS Event Chronologies, CPS communication logs/ recordings/videos (e.g. HAWC1 Video #11358), Violation Tickets (e.g. #A14970594R), taser download records, use of force reports, and notes and/or correspondence from officers with the following badge numbers: #4865, #3528, #3210, #3888, #11760, #4972, #4185, #5098
>
> *Please note that a number of these materials are already in the public record via previous FOIPP requests and/or via their use at trial.*

[para 2] The requested records contain information regarding the arrest of someone other than the Applicant. The Public Body refused access to the records citing section 17 of the FOIP Act (disclosure harmful to personal privacy). The Public Body stated:

> We are denying access to these records as per section 17(1) of the *Freedom of Information and Protection of Privacy Act* which states:

> 17(1) *The head of a public body must refuse to disclose personal Information to an applicant If the disclosure would be an unreasonable invasion of a third party's personal privacy.*
>
> You state "that a number of these materials are already in the public record via previous FOIPP requests and/or via their use at trial. The Act requires us to protect the personal information of individuals regardless of any previous disclosures that have been made.

[para 3] The Applicant requested review by the Commissioner of the Public Body's decision to refuse access to the records in their entirety.

[para 4] During the inquiry, the Applicant obtained the consent of the individual whose arrest is documented in the records for the Public Body to disclose the individual's personal information to the Applicant. The Applicant provided the consent to the Public Body. The Public Body refused to disclose the personal information of the individual to the Applicant. The Public Body takes the position that its original decision is under review and that the subsequent consent of the third party is irrelevant.

[para 5] In its initial submissions, the Public Body stated:

> In determining whether the disclosure would be considered an unreasonable invasion of personal privacy, the Act lends itself to sections 17(2), 17(4) and 17(5) as relevant circumstances to consider. In addition, CPS also considered section 40. With regards to 17(2), there were no relevant factors to consider as none of the provisions of 17(2) applied as the Applicant did not have consent. We would like to note, that once we received the Authorized Representative form from the Applicant under the subsequent Access Request 19-3802, we did consider and apply section 17(2)(a) and provided the records requested with minor redactions applied.

[para 6] When the Applicant's colleague on the same project provided the Third Party's consent to the Public Body to disclose the Third Party's personal information, the Public Body apparently did so. Now that the Applicant has provided the Third Party's consent, the Public Body refuses.

II. RECORDS AT ISSUE

[para 7] The records the Public Body identified as responsive to the access request are at issue in the inquiry.

III. ISSUE: Does section 17(1) of the Act (disclosure an unreasonable invasion of personal privacy) apply to the information to which the Public Body applied this provision?

[para 8] Section 17(1) of the FOIP Act requires a public body to refuse access to personal information if disclosure would be an invasion of a third party's personal privacy.

[para 9] Personal information within the terms of the FOIP Act is defined in section 1(n) of the Act. Section 1(n) states:

1 In this Act,

(n) "personal information" means recorded information about an identifiable individual, including

(i) the individual's name, home or business address or home or business telephone number,

(ii) the individual's race, national or ethnic origin, colour or religious or political beliefs or associations,

(iii) the individual's age, sex, marital status or family status,

(iv) an identifying number, symbol or other particular assigned to the individual,

(v) the individual's fingerprints, other biometric information, blood type, genetic information or inheritable characteristics,

(vi) information about the individual's health and health care history, including information about a physical or mental disability,

(vii) information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given,

(viii) anyone else's opinions about the individual, and

(ix) the individual's personal views or opinions, except if they are about someone else […]

[para 10] Section 17 sets out the circumstances in which a public body may or must not disclose the personal information of a third party in response to an access request. It states, in part:

17(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a) the third party has, in the prescribed manner, consented to or requested the disclosure […]

[…]

[…]

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

[…]

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,

[…]

(g) the personal information consists of the third party's name when

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party […]

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or the protection of the environment,

(c) the personal information is relevant to a fair determination of the applicant's rights,

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,

(e) the third party will be exposed unfairly to financial or other harm,

(f) the personal information has been supplied in confidence,

(g) the personal information is likely to be inaccurate or unreliable,

(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and

(i) the personal information was originally provided by the applicant.

[para 11] Section 17 does not say that a public body is *never* allowed to disclose third party personal information. It is only when the disclosure of personal information would be an unreasonable invasion of a third party's personal privacy that a public body must refuse to disclose the information to an applicant (such as the Applicant in this case) under section 17(1). Section 17(2) (not reproduced) establishes that disclosing certain kinds of personal information is not an unreasonable invasion of personal privacy.

[para 12] When the specific types of personal information set out in section 17(4) are involved, disclosure is presumed to be an unreasonable invasion of a third party's personal privacy. To determine whether disclosure of personal information would be an unreasonable invasion of the personal privacy of a third party, a public body must consider and weigh all relevant circumstances under section 17(5) (unless section 17(3), which is restricted in its application, applies). Section 17(5) is not an exhaustive list and any other relevant circumstances must be considered.

[para 13] The Public Body argues that I must review the correctness of its original decision to refuse? access and may not consider any intervening factors, such as the consent of the third party to the Applicant receiving the third party's personal information.

[para 14] The Public Body does not provide support for its argument that review by the Commissioner is restricted to reviewing its original access decision.

[para 15] Section 71 of the FOIP Act states:

71(1) If the inquiry relates to a decision to refuse an applicant access to all or part of a record, it is up to the head of the public body to prove that the applicant has no right of access to the record or part of the record.

(2) Despite subsection (1), if the record or part of the record that the applicant is refused access to contains personal information about a third party, it is up to the applicant to prove that disclosure of the information would not be an unreasonable invasion of the third party's personal privacy.

(3) If the inquiry relates to a decision to give an applicant access to all or part of a record containing information about a third party,

(a) in the case of personal information, it is up to the applicant to prove that disclosure of the information would not be an unreasonable invasion of the third party's personal privacy, and

(b) in any other case, it is up to the third party to prove that the applicant has no right of access to the record or part of the record.

[para 16] Section 71 describes the burden of proof in an inquiry. Section 71(3)(a) is engaged in this inquiry. It does not require an applicant to prove past entitlement, but entitlement in the present. The onus is on the Applicant to prove that disclosure of the information at issue would not be an unreasonable invasion of a third party's privacy, not that it was not at the time the Public Body made its decision. That being said, if nothing has changed between the time the Public Body made its decision and the time the Commissioner is conducting the inquiry then review of the evidence before the Public Body and how the evidence was evaluated in its decision, may decide the matter.

[para 17] Section 72 of the FOIP Act, states, in part:

72(1) On completing an inquiry under section 69, the Commissioner must dispose of the issues by making an order under this section.

(2) If the inquiry relates to a decision to give or to refuse to give access to all or part of a record, the Commissioner may, by order, do the following:

(a) require the head to give the applicant access to all or part of the record, if the Commissioner determines that the head is not authorized or required to refuse access;

(b) either confirm the decision of the head or require the head to reconsider it, if the Commissioner determines that the head is authorized to refuse access;

> *(c) require the head to refuse access to all or part of the record, if the Commissioner determines that the head is required to refuse access.*

[para 18] Section 72 describes the orders with which the Commissioner may conclude an inquiry. When the head of the public body has refused access to records under section 17, as here, the Commissioner will determine whether the head *is* required to refuse access, and will require the head to refuse access if the evidence establishes that it would be an unreasonable invasion of a third party's personal privacy to disclose personal information.

[para 19] An inquiry before the Commissioner is not solely an adjudication of whether a public body's initial decision was correct, although the correctness of that decision may also be reviewed as part of the Commissioner's supervisory role. An inquiry before the Commissioner is de novo. This means that evidence relevant to the question of whether the Public Body is required by the FOIP Act to refuse access to information may be considered, even if it was not before the head of the Public Body at the time the initial decision to refuse access was made. The Commissioner makes the final decision as to whether access will be granted or refused, and bases the decision on the evidence available to the Commissioner. In some cases, the Commissioner will have the benefit of additional evidence weighing against disclosure, while in other cases, the evidence may weigh in favor of disclosure.

[para 20] It is conceivable that there are situations where a risk arising from disclosure may arise only after the public body made its decision, just as risks taken into consideration in the original decision may be negated afterwards. If the Commissioner's review were limited to asking whether the Public Body's original decision was correct, the Commissioner could be required to order the disclosure of information that would be harmful to the public if disclosed, simply because the Public Body was unaware of the risk, or failed to take it into consideration, when it made its original decision.

[para 21] The Commissioner's jurisdiction to review decisions regarding fee waivers was described in Order F2007-023 (at paras. 23-25):

> When deciding whether a public body has properly refused to grant a fee waiver, the decision-maker must look at all of the circumstances, information and evidence that exists at the time when the Public Body denied the fee waiver and also at the time of the inquiry (Order 2001-042 (para 19)). A decision-maker may consider all information and evidence at the inquiry, even if that information and evidence was not available to the public body at the time it made its fee waiver decision.
>
> Section 72 of FOIP does not merely authorize the decision-maker to confirm a public body's decision or to require a public body to reconsider its own decision. Section 72(3)(c) of FOIP gives decision-makers the authority to render their own decision about whether to waive all or part of the fee or to order a refund. Under section 72(3)(c), the decision-maker has the authority to hear

> the case “de novo” as a new proceeding and to make a “fresh decision” (Order F2007-020 (para 30), OIPC External Adjudication Order #2 (May 24, 2002) Justice McMahon (para 45), Order 2001-023 (para 32)).
>
> I must review a public body’s decision on a case-by-case basis, and consider all of the information before me. Therefore, if I reach a different conclusion than a public body and find that a fee should be reduced or completely waived, I may make a “fresh decision” and substitute my own decision for the public body’s decision. However, if I reach the conclusion that a public body properly applied section 93(4) when denying a fee waiver, I may confirm that decision.

[para 22] In the foregoing case, the Commissioner reviewed the orders that could be made under section 72 in relation to fee waivers, and determined that the Commission makes a de novo or “fresh” decision to conclude an inquiry.

[para 23] In External Adjudication Order #2 (May 24, 2002) McMahon J. stated at paragraphs 45 - 46:

> Lastly, I note that the public body in its submission says:
>
> > It is accepted that you have the authority in the course of your inquiry to:
>
> 72(3)(c) confirm or reduce a fee or order a refund, in the appropriate circumstances, including if a time limit is not met.
>
> The public body argues that that authority does not extend to granting a waiver "de novo ". On a plain reading of that section, if the adjudicator has the authority to confirm a fee, then surely the adjudicator must also have the authority to decline to confirm a fee, which would appear to equate to a waiver. Similarly, if the adjudicator has the authority to order a refund without limitation, then a full refund surely equates to a waiver. Therefore I do not consider that an adjudicator's authority, as argued by the public body, is limited to a review of the improper exercise of a public body's discretion.

In the foregoing case, McMahon J. acting as an External Adjudicator under section 75 of the FOIP Act determined that fee decisions are decided de novo, given the scope of the Commissioner’s powers to dispose of the issues for inquiry under section 72(3).

[para 24] In Order F2021-14, the Adjudicator held the following:

> Whether or not the records show any impropriety, it seems to me that the general issue – the Chief’s response to citizen complaints about police conduct – is an issue in the public eye today. I do not require any particular evidence from either party to know that police conduct, specifically when dealing with vulnerable and marginalized groups, is a live issue. It follows that whether the

> Chief is taking such complaints seriously and/or dealing with them in an appropriate manner, would also be of interest to the public.
>
> Possibly, this issue was not front and centre in 2017, when the Public Body communicated its decision regarding the fee waiver to the Applicant. However, as I am deciding this matter *de novo* and making a 'fresh decision' as discussed in Order F2007-023 (reproduced above), it makes sense for me to consider the current circumstances, rather than the circumstances four years ago.
>
> In my view, the above factors are sufficient to show that the public would have an interest in this topic.

In the foregoing case, the Adjudicator found that the Commissioner was not confined to reviewing whether the public interest was served in 2017 when the Public Body made its decision, but could determine whether a fee waiver served the public interest in the present. I agree with the Adjudicator's analysis.

[para 25] In all cases, the Commissioner is required under section 72(2) to determine whether the head of the Public Body *is* authorized or required to refuse access. I conclude that the Commissioner's inquiry is de novo and the Commissioner is not limited to considering whether a public body's decision was reasonable or not at the time the decision was made. The direction in section 72(2) is to review whether access may be refused or granted in the present, rather than the past.

[para 26] As discussed above, the question before the Commissioner is not whether the decision of a Public Body was correct or reasonable, but whether the Public Body is authorized or required to refuse access to information. If circumstances have changed since the original decision, then the Commissioner may consider that change and decide whether the new circumstance supports finding that the head of the public body is authorized or required to refuse access

[para 27] The Commissioner, like a public body, must consider the public interest, as well as any private interests that the FOIP Act requires to be taken into consideration in arriving at the conclusion that a public body is authorized or required to refuse access, or not.

[para 28] The consent of a third party to the release of personal information is clearly relevant to that decision as to whether it would be an unreasonable invasion of the third party's personal privacy to disclose the records. Moreover, if there is evidence that the third party would be likely to consent to disclosure if asked, such evidence is also relevant to the determination to be made.

[para 29] If I were to confine the issue for inquiry to the correctness of the Public Body's decision to refuse access of March 7, 2019 I would be unable to confirm its decision. The decision that was communicated to the Applicant contains few details as to the factors the Public Body considered relevant in making the decision. The Public Body withheld the information in the records in its entirety, for the sole reason that the Public Body is required to "protect the personal information of individuals regardless of any previous disclosures." Given the facts of the case, it also unclear why the Public Body dismissed the argument that there was a public interest component to the case that may have weighed in favor of disclosure of at least some of the information in the records. It is also unclear why the Public Body dismissed the Applicant's argument regarding the public nature of the information and other FOIP requests.

[para 30] I note, too, that the Public Body appears to expand the reasons for its decision in its submissions. The decision to refuse access reflects the view that if a third party does not consent to disclosure, the entire file must be withheld despite any public interest in the subject matter of the records or the public nature of information.

[para 31] In its submissions, the public body states:

> If the Applicant had requested records that contained information deemed "general" about policies, practices, training, or other information that was not contextual in nature to the requested records, CPS would have provided it. As this information all pertained to the investigation and interactions with the involved third parties, there was no "general" information to provide.
>
> The public body must disclose personal information only in accordance with section 40(1) of the FOIP Act. Section 40(1)(a) says that it must be in accordance with Part 1. We have identified how we determined the denial under section 17(1) as outlined above. The Calgary Police Service took into account sections 6, 17(2), 17(4) and 17(5) in determining whether or not to release the records to the Applicant without any consents. Additionally, the Calgary Police Service reviewed section40(1)(b), which outlines that information may be disclosed if it would not be an unreasonable invasion under section 17. As the CPS deemed the records an unreasonable invasion of personal privacy, 40(1)(b) did not apply. Regarding 40(1)(c), the disclosure of the records was not for the purpose for which the records were collected, nor for a use that was consistent with that purpose. In reviewing 40(1)(d), the individual the information pertained to did not consent and as such this section did not apply. The remaining sections were reviewed and it was determined that a disclosure without consent was not applicable under the remaining sections 40(1)(e) through to 40(1)(gg). We have addressed the issue of records being publicly available under section 40(1)(bb) above.

While the Public Body argues that it conducted the foregoing analysis in making its March 7, 2019 decision, the decision itself does not refer to the process by which it made its determinations or the factors described in the excerpt above. If my analysis were confined to

reviewing the Public Body's access decision, I would be unable to consider the Public Body's submissions as to its rationale, given that this rationale is not expressed in the decision.

[para 32] It is unclear from the Public Body's decision and the records at issue why the Public Body considered all the information in the records to be "personal information" within the terms of section 1(n) of the FOIP Act. As discussed above, the FOIP Act defines "personal information" as "information about an identifiable individual". While I agree with the Public Body that the records contain the personal information of a third party, I do not agree that *all* the information in the records is personal information. Records 4 – 25, for example, do not appear to contain recorded personal information about an identifiable individual.

[para 33] It is also unclear from the March 7, 2019 decision how the Public Body weighed factors under section 17(5) of the FOIP Act. While it is clear that the records form part of a police file, and that the presumption created by section 17(4)(b) applies to the personal information in the police file, the Act is also clear that a public body must weigh all relevant considerations under section 17(5) when making decisions under section 17(1).

[para 34] The Public understood that the third party consented to disclosure of the Third Party's personal information when the Applicant's colleague / representative requested the third party's personal information for the purpose of creating the same documentary for which the Applicant requested the Third Party's personal information. For this reason, it is unclear why the Public Body takes the view that severing the Third Party's personal information would serve to protect the Third Party's personal privacy or why it discounted the public interest component of the access request.

[para 35] In Order F2013-51, the Director of Adjudication said the following regarding the application of section 17(1) in the situation where it seems likely that a third party would consent to disclosure if asked:

> This matter is closely tied with the duty of public bodies under section 30 of the Act, to give notice to third parties if it is considering disclosing their personal information. If there appears from the face of the records or other information in the possession of the public body the distinct possibility that an individual would consent to disclosure of their personal information if consulted, and the public body fails to determine whether this is so, it is failing to properly make the determination under section 30 of whether to "consider giving access", with its associated duty to notify third parties and obtain their views. A recent Supreme Court of Canada decision supports this conclusion. In *Merck Frosst Canada Ltd. v. Canada (Health)* 2012 SCC 3 (CanLII), [2012] S.C.J. No. 3, the Court made the following comments about a public body's duty to give notice under the parallel provision of the federal Access to Information Act:

> (i) With respect to third party information, the institutional head has equally important duties to disclose and not to disclose and must take both duties equally seriously
>
> (ii) The institutional head:
>
> …
>
> • should refuse to disclose third party information without notice where the information is clearly exempt, that is, where there is no reason to believe that the information is subject to disclosure.
>
> (iii) The institutional head must give notice if he or she:
>
> • is in doubt about whether the information is exempt, in other words if the case does not fall under the situations set out in point (ii); …
>
> While this obligation has not always been enforced in previous orders of this office, I believe the Supreme Court of Canada's directive in the *Merck Frosst* case must be adopted and observed going forward.
>
> Here, the circumstances were such that for some of the information there was a reasonable possibility that consent would be given if third parties were asked, and thus there was some "reason to believe that the information is subject to disclosure". This is clearly the case for any information provided to the investigator by the Applicant's husband, and would likely be the case for information provided by any persons interviewed who may have been sympathetic to the Applicant's position or personally close to her. There could also have been persons interviewed who would have no objection to her knowing their views and accounts of events whether in favour of her allegations or not. Contacting third parties would have the added advantage that notified parties could assist with determining whether disclosure of the notes that recorded their statements would identify them as the providers of the recorded information (i.e., whether the information was their "personal information".

[para 36] In the foregoing case, the Director of Adjudication determined that it is an error for a public body to rely on the lack of consent to disclosure to refuse access to personal information, when there is evidence before it to the effect that the third party would likely consent to disclosure, if the third party were asked under section 30 of the FOIP Act.

[para 37] As the Public Body had knowledge of the fact that the Third Party consented to the disclosure of the Third Party's personal information for the purpose of making the same documentary for which the Applicant sought the records, it should have considered whether the Third Party would also consent to disclosure to the Applicant and asked the Third Party. Its response to the Applicant indicates that it was aware that the Third Party's personal information had been released in other access requests.

[para 38] In its submissions for the inquiry, the Public Body stated:

> We are of the view that the public's trust and confidence in the CPS would be seriously undermined if we provided police reports and records to film companies and other organizations, that create publicly available content about people in crisis without their consent. If an individual chooses to make their involvement public by providing their consent, CPS will take that into account in accordance with Part 1 and Part 2 of the Act, as we did in the Applicant's subsequent request in 19- G-3802. [my emphasis]

In the foregoing excerpt, the Public Body indicates that it considered consent to be determinative of the issues. It also indicates that the subsequent request was linked to the Applicant's request, given that it refers to the Applicant as having made it. The Public Body appears to have had information before it suggesting that the Third Party would consent to disclosure if asked. Section 30 of the FOIP Act permits a public body to learn the position of a third party regarding disclosure so that it can make its decision based on evidence.

[para 39] I do not wish to be taken as saying that a public body must always consult third parties under section 30 when making access decisions regarding their personal information. I agree with the Public Body's general submissions regarding personal information contained in police records. Where I disagree with the Public Body's submissions is that it is unclear how it discounted the public interest in disclosure in this case, and that it appears to have disregarded evidence that the Third Party would likely consent if asked for their position on granting access to the Applicant.

[para 40] Had my inquiry been restricted to consideration of whether the Public Body's decision to refuse access in 2019 was correct, I would have found that it was not, given that it withheld information as personal information that is not about an identifiable individual and that the factors it considered relevant were not clearly indicated. I would then have directed the Public Body to reconsider its decision based on the restriction that only personal information may be withheld under section 17(1) and also that it must consider all relevant factors under section 17(5) of the FOIP Act when determining whether section 17(1) of the FOIP Act applies. I would also have directed it to contact the Third Party under section 30 of the FOIP Act to obtain the Third Party's views. As the inquiry is not limited in that way, I will instead direct the Public Body to give the Applicant access to all the information it withheld on the basis that it was the personal information of the Third Party.

[para 41] To conclude, I find that the Public Body is not authorized or required to refuse access to the personal information of the Third Party as the Third Party has consented to the disclosure in the form required by the FOIP Act.

IV. ORDER

[para 42] I make this order under section 72 of the FOIP Act.

[para 43] As it would not be an invasion of the Third Party's personal privacy to disclose the information in the records to the Applicant, given that the Third Party consents to the disclosure, I order the Public Body to give the Applicant access to the information it severed under section 17(1) on the basis that it was the Third Party's personal information.

[para 44] I further order the Public Body to notify me in writing, within 50 days of receiving a copy of this order, that it has complied with the order.

_____

Teresa Cunningham
Adjudicator
/rm