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April 5, 2012

Ms. Suzanne Legault
Information Commissioner of Canada
Place de Ville, 3rd Floor, Tower B
112 Kent Street
Ottawa, Ontario
K1A 1H3

Ms. Legault,

Recently I submitted an Access to Information Request to the Office of the Public Sector Integrity Commissioner of Canada asking for:

“The names, titles, and positions of the Manager and Chief Executive of Human Resources and Skills Development Canada (HRSDC) named in the case report filed March 8 2012.

Link to report: http://www.psic-ispc.gc.ca/pre-prod/docs/crmarch2012_rcmars2012-eng.aspx (PSIC file: PSIC-A-2011-2012-009).

I was informed that this information could not be disclosed in accordance with the exemption under Section 19(1) of the *Access to Information Act* which states:

19(1) “The head of a government institution shall refuse to disclose any record under this *Act* that contains personal information as defined in section 3 of the *Privacy Act*”

As advised in the document outlining the decline of my request I am submitting a complaint to the Information Commissioner. I believe that Section 8(1) of the *Privacy Act* applies to this situation as the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure. This is especially the case in this situation as the identity of the manager found guilty has already been made public (<http://www.winnipegfreepress.com/local/disgraced-ex-bureaucrat-hired-at-school-143286176.html>).

Section 8(1) of the *Privacy Act* reads:

Subsection 8(1) of the *Privacy Act* reads:

"8. (1) Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section."

Subsection 8(2) reads:

“Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed

(a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose;

(b) for any purpose in accordance with any Act of Parliament or any regulation made thereunder that authorizes its disclosure;

...

(m) for any purpose where, in the opinion of the head of the institution,

(i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure," (emphasis added).

I ask that you look into this matter and please inform me as to whether the aforementioned section of the *Privacy Act* applies to this situation and more broadly under which situations this section applies.

Kindest regards,

Tyler Sommers
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