



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2020-030

December 23, 2020

City of Mount Pearl

Summary:

The City of Mount Pearl (the “City”) received a request for information regarding the locations of noise complaints within the City. It provided the Applicant some information, redacting the street addresses under section 40(1) (disclosure harmful to personal privacy). The Applicant objected to the redactions and filed a complaint with this Office. The Commissioner determined that some redactions pursuant to section 40(1) are appropriate.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), S.N.L. 2015, c. A-1.2, section 40.

Authorities Relied On:

NL OIPC Report [A-2019-025](#); Ontario Report [MO-3708](#).

I BACKGROUND

- [1] The City of Mount Pearl (the “City”) received an access request pursuant to the *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)*, seeking disclosure of information related to noise complaints within the City, including addresses or locations of occurrences.
- [2] The records responsive to the request included addresses consisting of street names and house numbers (“full addresses”), for which the City had received noise complaints. While processing the request, the City determined it was necessary to redact the full addresses before providing disclosure of the remainder of the information, in accordance with section 40(1) of *ATIPPA, 2015*. The Applicant filed a complaint with this Office opposing the City’s decision to redact that portion of the records.
- [3] As informal resolution was unsuccessful, the complaint proceeded to formal investigation in accordance with section 44(4) of *ATIPPA, 2015*.

II PUBLIC BODY’S POSITION

- [4] The City submitted that it determined that full addresses, that is, both street names and house numbers, should be withheld because *ATIPPA, 2015*, at section 40, protects information related to an “identifiable individual” from disclosure. While street names alone provide less information, in the context of this request, the City believed that the street names, taken in combination with other particulars of a noise complaint, could identify parties to the complaint.

III APPLICANT’S POSITION

- [5] The Applicant submitted that the full addresses should not be redacted pursuant to section 40, indicating similar information had been provided by another municipality upon request. The Applicant went on to note that they were not asking for names or any personal information, as they believed the full addresses do not constitute personal information.

IV DECISION

[6] Section 40(1) of *ATIPPA, 2015* states:

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

[7] At issue is whether the full addresses associated with the noise complaint information constitute personal information, therefore requiring redactions pursuant to section 40(1).

[8] Personal information is defined at section 2(u) as, “recorded information about an identifiable individual,” which includes a person’s address. However, even where an address is not associated directly with a specific individual, it may still implicitly identify an individual or their personal information. In the case of these records, individuals’ names or other personal information are not attached to the addresses associated with the noise complaints. However, one could use an address (along with other information contained in the noise complaint) and with a simple internet search potentially identify the residents. Therefore, the full address is personal information.

[9] A similar matter was heard in Ontario in 2018, where noise complaint information was requested and residential addresses of these were at issue for disclosure. In Ontario Order MO-3708, the Ontario Information and Privacy Commissioner assessed the issue of whether full addresses associated with noise complaints are personal information and therefore ought to be redacted from disclosure, finding:

[109] Based on my review of the records and the parties’ representations, I find that together, the street number and street name fall within paragraph (e) of the definition of personal information under section 2(1), as it relates to the views or opinions of individuals who could be identified if that information as disclosed. Namely, it relates to those individuals’ views or opinions regarding the sound levels emanating from the two music festivals.

[110] I find that if the street numbers are severed, the remaining information would no longer constitute personal information under the Act, as I am satisfied that it would no longer relate to any identifiable individual. Section 4(2) of the Act obliges institutions to disclose as much of any responsive record as can reasonably be severed without disclosing material which is exempt. Given my finding that the

street names alone do not constitute the personal information of the individuals who made noise complaints to the township, the street names cannot be exempt under the section 14(1) personal privacy exemption.

[10] This Office similarly finds that in the context of the request and disclosure of information, the full street addresses (street number and street name) fall within the definition of personal information under *ATIPPA, 2015*. However, the street names alone do not. By withholding the specific street numbers, the remaining information – the street names – would generally cease to be personal information within the meaning of the legislation.

[11] In some instances, information which would not normally be about an identifiable individual can be if the population size is small enough that it could be possible to guess the identity of otherwise de-identified data or use other publicly-available information to identify an individual. An often-cited general threshold is a population of five or fewer and we consider that number to be appropriate in the within case. Accordingly, a street name alone, when that street contains only five or fewer residential addresses, would be identifiable information even if the street number were to be withheld.

V RECOMMENDATIONS

[12] Under the authority of section 47 of *ATIPPA, 2015*, I recommend that the City of Mount Pearl release the records in question to the Applicant, withholding only the street numbers. In cases where a street contains five or fewer residential addresses, the City of Mount Pearl should continue to withhold both street name and street number.

[13] As set out in section 49(1)(b) of *ATIPPA, 2015*, the head of City of Mount Pearl must give written notice of his or her decision with respect to these recommendations to the Commissioner and any person who was sent a copy of this Report within 10 business days of receiving this Report.

[14] Dated at St. John's, in the Province of Newfoundland and Labrador, this 23rd day of December 2020.



Michael Harvey
Information and Privacy Commissioner
Newfoundland and Labrador