NEWFOUNDLAND AND LABRADOR

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

REPORT 2007-006

College of the North Atlantic

Summary: The Applicant applied to the College of the North Atlantic ("CNA") under the *Access to Information and Protection of Privacy Act* for copies of letters of equivalency involving four students identified by name. Even though the Applicant named the four individuals, she indicated that she would expect the names and other identifying information to be removed from any records disclosed to her. CNA responded by applying section 12(2)(b), which states that a public body may refuse to confirm or deny the existence of a record containing personal information, if disclosure of the existence of the information would have the effect of disclosing personal information which is protected under section 30. The Commissioner agreed with CNA in its decision, indicating that there was a reasonable expectation upon CNA's part that the Applicant would gain knowledge of personal information of the four individuals if CNA were to confirm the existence or non-existence of the records. The Commissioner also indicated that the information itself clearly qualifies as personal information, because it is about the educational status or history of four identified individuals.

Statutes Cited: *Access to Information and Protection of Privacy Act*, S.N.L. 2002, c. A-1.1, as am, ss. 2(o), 12(2)(b), 30, 31; *Freedom of Information and Protection of Privacy Act,* R.S.B.C. 1996, c. 165, s. 8(2)(b); *Freedom of Information and Protection of Privacy Act,* R.S.A. 2000, c. F-25, as am; *Freedom of Information and Protection of Privacy Act*, C.C.S.M. 1997 c. F 175; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, Chapter F. 31, as am, ss. 21, 23.

Authorities Cited: Newfoundland and Labrador OIPC Reports 2005-005; 2007-003; 2007-004; Ontario OIPC Order [2006] no. 97; Ontario OIPC Order [2006] no. 176 *;* Ontario OIPC Order [2006] no. 79**;** British Columbia OIPC Order [2002] no. 02-35.

Other Resources: Government of British Columbia's *Freedom of Information and Protection of Privacy Policy and Procedures Manual*, *available at* *http://www.mser.gov.bc.ca/privacyaccess/manual/toc.htm*

I BACKGROUND

[1] On 21 December 2006 the following request for information was received from the Applicant by the College of the North Atlantic (CNA):

> *I wish to obtain a copy of the letter of equivalency provided to CNA-Qatar from the Ministry of Education, Equivalency Section, for the following students:*
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> *[four students identified by name]*
>
> *Specifically I would like to know if the letters exist; if so, who they were addressed to; who signed the letter; if they are in English or Arabic; the date of the letter.*

[2] In a letter dated 12 January 2007, the College responded to the Applicant by citing section 12(2)(b) of the *Access to Information and Protection of Privacy Act* (the "*ATIPPA*") in its decision to refuse this request in its entirety. Section 12(2)(b) allows a public body to refuse to confirm or deny the existence of a record containing personal information if the disclosure of the existence of the information would have the effect of disclosing personal information of a third party. The College indicated that a record involving a person's educational status or history would meet the definition of personal information as found in the *ATIPPA*, and simply by confirming or denying the existence of such a record, the College would be communicating information about the educational status or history of these individuals.

[3] On 25 January 2007 a Request for Review was received by this Office from the Applicant in relation to this matter. As the matter was not resolved informally, the Applicant and the College were notified in a letter dated 5 April 2007 that this file had been referred to the formal investigation process, and each was given the opportunity to provide written representations to this Office under authority of section 47 of the *ATIPPA*. Both parties chose to provide submissions, which are summarized in this report.

II PUBLIC BODY'S SUBMISSION

[4] CNA provided a formal submission to this Office on 25 April 2007, in which it confirmed that its response to the Applicant was based on section 12(2)(b):

> *12. (2) Notwithstanding paragraph (1)(c), the head of a public body may in a response refuse to confirm or deny the existence of*
>
> > *(b) a record containing personal information of a third party if disclosure of the existence of the information would disclose information the disclosure of which is prohibited under section 30;*

[5] Section 30(1) states:

> *30. (1) The head of a public body shall refuse to disclose personal information to an applicant.*

[6] CNA says that by confirming or denying whether these records exist, CNA would be disclosing personal information as defined in section 2(o) of the *Act*. CNA points out that the *ATIPPA* definition of personal information includes a person's educational status and history. CNA highlighted section 2(o)(vii) in relation to this particular point:

> *2. (o) "personal information" means recorded information about an identifiable individual, including*
>
> > *(vii) information about the individual's educational, financial, criminal or employment status or history,*

[7] CNA indicates in its submission that by confirming or denying whether the requested records exist, CNA would in effect be disclosing information about whether the individuals were attending CNA, had applied to CNA, or had attended CNA at some time in the past.

[8] CNA proposes that while the burden of proof in relation to a decision to refuse access to a record rests with the public body, the onus is not clearly established in the *ATIPPA* in relation to a decision to confirm or deny the existence of such a record. Despite this, based on its reading of Commissioner's decisions in British Columbia, Alberta, and Ontario, CNA accepts the burden of proof, because those Commissioners determined that the onus for defending the use of their

respective equivalents of section 12(2)(b) of the *ATIPPA* should be on the public body simply because the public body is in the best position to discharge the burden of proof in such a situation.

[9] CNA then undertook a survey of corresponding language in legislation similar to the *ATIPPA* in other jurisdictions in relation to sections similar or equivalent to sections 12(2)(b) and 30 of the *ATIPPA*. CNA says that section 12(2)(b) of the *ATIPPA* states that the public body may refuse to confirm or deny the existence of a record if disclosure would mean the disclosure of personal information as set out in section 30.

[10] CNA notes that other access legislation across Canada reads differently. Section 8(2)(b) of the British Columbia *Freedom of Information and Protection of Privacy Act* is as follows:

> *8(2)(b)Despite subsection (1)(c)(i), the head of a public body may refuse in a response to confirm or deny the existence of*
>
> *(a) a record containing information described in section 15 (information harmful to law enforcement) or*
>
> *(b) a record containing personal information of a third party if disclosure of the existence of the information would be an unreasonable invasion of the party's personal privacy.*

[11] CNA says that Alberta's *Freedom of Information and Protection of Privacy Act* uses the same wording as section 8(2)(b) from the British Columbia *Act* above. CNA points out that the distinction between how our section 12(2)(b) operates versus these other jurisdictions is that

> *Newfoundland's ATIPPA accepts that the public body may confirm or deny the existence of a record if so doing would* ***disclose personal information*** *whereas these other provinces require that confirmation or denial of the record's existence hinges on the fact that disclosure of its existence would be* ***an unreasonable invasion of personal privacy***. [emphasis added by CNA]

[12] CNA also notes some other differences between section 12(2)(b) of the *ATIPPA* and similar provisions in other Canadian access legislation. For example, the corresponding section in Manitoba's *Freedom of Information and Protection of Privacy Act*, section 12(2)(b), refers to a

"record" rather than "information" as in the *ATIPPA*. It states that the head of a public body may refuse to confirm or deny the existence of

> *(b) a record containing personal information of a third party if disclosure of the existence of the* ***record*** *would be an unreasonable invasion of the party's personal privacy.* [emphasis added by CNA]

[13] As a further example, CNA notes that Ontario's *Freedom of Information and Protection of Privacy Act* contains significant differences in its language and structure when compared to the *Acts* discussed above. Section 21(5) of Ontario's *Act* states that "a head may refuse to confirm or deny the existence of a record if disclosure of the record would constitute an unjustified invasion of personal privacy." CNA notes that Ontario's *Act*, like Manitoba's, refers to disclosure of a "record" rather than "personal information." Unlike similar provisions in Manitoba, British Columbia, and Alberta however, CNA points out that "Ontario's *Act* refers to disclosure of 'a record,' not disclosure of '**the existence** of a record' or disclosure of '**the existence** of personal information'" [emphasis added by CNA]. CNA also points out that these three provinces use the term "unreasonable invasion," while Ontario uses the term "unjustified invasion," neither of which is found in the *ATIPPA*.

[14] CNA concludes this portion of its submission as follows:

> *It is our submission that section 12(2)(b) of ATIPPA contains language that is unique in Canada. However, the structure of the equivalent sections of the British Columbia and Alberta legislation parallels that of the Newfoundland legislation. Like these jurisdictions, the language in section 12(2)(b) of ATIPPA refers to the existence of the information, rather than to the record (Ontario) or to the existence of the record (Manitoba). The only significant difference between ATIPPA and the legislation in British Columbia and Alberta lies in the reference to "invasion of personal privacy" in these Acts and disclosure of personal information in ATIPPA.*

[15] CNA then undertook a survey of tests established in other provincial jurisdictions to determine if a public body has correctly exercised its discretion to refuse to confirm or deny the existence of a record. CNA began with Ontario, where it identified a two part test, citing Ontario OIPC Orders 79, 97 and 176, all published in 2006, as recent examples of the use of this test.

[16] CNA says that the test relied upon by the Ontario Information and Privacy Commissioner in those cases suggests that a public body has exercised its discretion to refuse to confirm or deny the existence of a record correctly if both of the following conditions are met:

> *1. Disclosure of the record (if it exists) would constitute an unjustified invasion of personal privacy; and*
>
> *2. Disclosure of the fact that the record exists (or does not exist) would in itself convey information to the requester, and the nature of the information conveyed is such that disclosure would constitute an unjustified invasion of personal privacy.*

[17] CNA notes that Ontario's legislation, in section 21(3)(d), says that "a disclosure of personal information is presumed to be an unjustified invasion of personal privacy where the personal information … relates to employment or educational history." CNA also states that there is a provision in Ontario's legislation which overrides the protection available in a number of exceptions, including section 21, "where a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption." CNA further observes, however, that there is no exact equivalent to the Ontario public interest override provision in the *ATIPPA*. The most similar provision would be section 31 of the *ATIPPA*, which is much narrower in scope.

[18] As noted earlier in CNA's submission, there are certain differences in language between the Ontario and British Columbia legislation which are relevant. CNA says that the British Columbia Commissioner in his order number 02-35 (2002) rejects the Ontario test due to those differences. Paragraph 36 of that decision says that "our *Act* focuses on the impact of disclosure of the existence of the information, while the Ontario *Act* looks at the consequences of disclosure of the requested record itself." CNA says that this difference in wording between the Ontario and British Columbia legislation is comparable to the difference between the Ontario *Act* and the *ATIPPA*.

[19] CNA refers again to the same British Columbia Commissioner's decision at paragraph 33 wherein the comparable British Columbia test is stated:

> *[33] Consistent with previous British Columbia decisions regarding s. 8(2)(b), the following principles apply in s. 8(2)(b) cases:*

> *1. A public body that seeks to rely on s. 8(2)(b) must do two things. First, it must establish that disclosure of the mere existence or non-existence of the requested records would convey third party personal information to the applicant and the disclosure of the existence of that information would itself be an unreasonable invasion of that third party's personal privacy.* […].
>
> *2. Sections 22(2) and 22(3) of the Act are relevant in determining what constitutes an unreasonable invasion of personal privacy for the purposes of s. 8(2)(b).* […] *In my view, s. 22(4) may also be relevant in determining what constitutes an unreasonable invasion of personal privacy for the purposes of s. 8(2)(b).*

[20] CNA notes that section 22 of the British Columbia *Act* (referenced in point number two of the above noted principles for applying section 8(2)(b)) is the section which further defines and gives examples of what constitutes an "unreasonable invasion of personal privacy."

[21] CNA reiterates that there is a parallel between the *Freedom of Information and Protection of Privacy Act* in British Columbia and the *ATIPPA*, and the language is similar with one notable exception. CNA therefore submits that the British Columbia *Act* and the test outlined above come "closer in spirit and intent to *ATIPPA*," in comparison to the Ontario legislation and test, which, "because of the significant differences in language between Ontario's legislation and Newfoundland's, must be rejected as non-applicable." However, CNA does not propose that the British Columbia test can be adopted here. Instead, because of the difference between the legislation in this province and British Columbia, CNA considers the British Columbia test to have "limited use in the Newfoundland context and is not determinative but rather, instructive," and

> *Accordingly, we submit that the guidelines for determining whether section 12(2)(b) has been correctly applied in this case must be found within ATIPPA, bearing in mind the general principles espoused by the British Columbia test.*

[22] Following on these conclusions, CNA proposes that a modification of the British Columbia test would establish an appropriate test for use with the *ATIPPA*, as follows:

1. *A public body which seeks to rely on s. 12(2)(b) must do two things. First, it must establish that disclosure of the mere existence or non-existence of the requested record would convey third party personal information to the applicant and the disclosure of the existence of that information would itself disclose information the disclosure of which is prohibited under section 30.*

2. *Section 30 of the Act is relevant in determining what constitutes disclosure of personal information for the purposes of section 12(2)(b).*

[23] After completing this comparative analysis of the legislation and case law and presenting its proposal for a test in relation to the appropriate exercise of discretion for section 12(2)(b) of the *ATIPPA*, CNA then provides some commentary as to the application of that provision to the particular records at issue. CNA explains that it holds records of "every person who has formally come into contact with CNA," including all present and former students. CNA says it also holds records of applications on file and maintains wait lists of prospective students. CNA argues that the mere existence of a record in its custody means that the person named in the record has at some point formally contacted the College.

[24] In further support of its position in relation to the requested records, CNA refers to the British Columbia *Freedom of Information and Protection of Privacy Policy and Procedures Manual*, which provides examples for the use of public bodies in that province of how to interpret their equivalent of section 12(2)(b). The example used in their manual is that of a journalist requesting information on psychiatric treatment given to a politician. Any acknowledgement of the existence of the records would lead to the conclusion that the politician had sought out and likely received psychiatric treatment. CNA says that this example parallels the situation at issue with this request, because:

> *To confirm or deny the existence of records relating to the four named individuals would be to confirm or deny that these individuals have either applied (or not) to CNA, have attended (or not) CNA or graduated (or not) from CNA. In short it would be giving information about the educational status or history of these individuals. As we have noted above, the educational status or history of an individual is personal information as defined in section 2(o)(vii) of ATIPPA.*

It is CNA's submission that given the foregoing, "it is clear that disclosure of the existence of the records would convey personal information of the four individuals to the applicant."

[25] CNA also chose to briefly address two pieces of correspondence forwarded to it by the Applicant subsequent to the Applicant filing her Request for Review with this Office. These pieces of correspondence were forwarded by the Applicant to the Interim President of CNA in an attempt to persuade the Interim President to release the requested records. CNA says that in the case of both pieces of correspondence, a response was issued to the Applicant in which the Applicant was advised that the matter was already in the hands of this Office and it was best to let the Review process take its course.

[26] CNA refers to one of the points made in one of the pieces of correspondence it received from the Applicant, dated 18 February 2007:

> *… the Applicant attempts to demonstrate her knowledge of the educational status/history of the individuals mentioned in her request. She asserts 'I attended the graduation of* [*named student*] *in June 2005…' and 'One or more of the students referenced in my ATIPPA request* [*named students*] *told me that they had been admitted to CNA-Q without a letter of equivalency….'*

[27] CNA then states that the Applicant "has not produced any proof of her claims." On the other hand, CNA says that any such proof would be a moot point, because "regardless of what the applicant claims to know about the named individuals, CNA is bound by section 30(1) of *ATIPPA* to refuse to disclose personal information to an applicant." To support this position, CNA refers to OIPC Report 2007-004:

> *[91] Section 30(1) is a mandatory provision of the ATIPPA. Once a public body determines that this section applies,* ***no discretion*** [emphasis added by CNA] *lies with the public body to decide to release the record that has been requested, unless one of the conditions indicated in section 30(2) applies.*

[28] CNA says that none of the specific circumstances listed in section 30(2) apply to the requested records, and "accordingly, CNA decided that section 12(2)(b) was appropriate given the parameters of section 2(o)(vii) and 30 of *ATIPPA*…." CNA concluded its submission by reiterating its position that it has correctly applied section 12(2)(b) in responding to the Applicant's request.

III APPLICANT'S SUBMISSION

[29] The Applicant's Request for Review puts forward some additional comments in relation to the requested information. Specifically, the Applicant indicated that:

> *I am requesting that OIPC review CNA's decision to refuse to confirm or deny the existence of the records and their refusal to release the records subject to appropriate severing, if any records exist. I am already aware of the admissions status of the students and I am trying to determine if one or more students have been admitted to the College without proper documentation.*

Also, in addition to the specific wording of the Applicant's request, the Applicant commented that "I would anticipate that all the personal information of the students would be severed, such that I would not be able to identify which letter belongs to a named student."

[30] The Applicant also forwarded to this Office a copy of a letter to CNA dated 18 February 2007, in which the Applicant outlines the purpose of her request as well as reasons why she believes access to the requested records should be granted. In her response, the Applicant says that the position put forward by CNA as to why section 12 of the *ATIPPA* was used by CNA in refusing to confirm or deny the existence of the requested records is an invalid one. For reasons outlined in her formal submission to this Office, the Applicant says that she is already aware of the educational status of the individuals named. The Applicant says that she attended the graduation of one individual in June 2005, and she further states that the other three had been scheduled to graduate in June of 2006. The Applicant says that the names of the four students were published in graduation ceremony programs. The Applicant also forwarded to this Office a copy of a CNA-Qatar Graduation Ceremony Program listing as a graduate one of the four students named in her access request. The Applicant further reiterated her position that the names of the students and any other personal information could be severed if the requested material were to be released.

[31] The Applicant's formal submission was forwarded to this Office by the Applicant on 26 April 2007, in which she notes that reliance on section 12 by public bodies is discretionary. She expressed her wish that CNA would exercise its discretion to release the records, subject to

appropriate severing of personal information. The Applicant takes the position that "it is entirely possible to fill this request without identifying a particular student."

[32] The Applicant also reviews in her submission some of the circumstances which led her to make this request, including whether the students in question were admitted to programs of study at CNA-Qatar without the proper qualifications. Her purpose in exploring this aspect of the matter is her contention that the release of the requested information is a matter of public interest. The Applicant indicates that the public interest resides in the potential ramifications for students in relation to careers and future educational opportunities for those who allegedly were allowed to graduate from CNA-Qatar after being admitted into their programs without proper documentation. The Applicant alleges that this could constitute "a risk of significant harm to a group of people, the disclosure of which is clearly in the public interest."

[33] The Applicant's submission also proposes that the students whose records she requested should not be considered third parties by CNA, in that they "are actually … a very essential and intricate part of the College community."

[34] Another aspect of this issue proposed for consideration by the Applicant involves reference to a CNA Operational Policy and Procedure number SS-206, dated September 1997. In an e-mail to this Office, the Applicant points out provisions in that policy relating to access to and release of student information which she believes would allow CNA to release the requested information to her. A copy of the policy was provided by the Applicant to this Office.

IV DISCUSSION

[35] Before getting to the heart of the matter, there are some issues raised by both parties in their submissions which warrant comment. The Applicant suggests consideration of, and CNA briefly comments on, the issue of public interest, sometimes referred to as a "public interest override" provision, in the disclosure of personal information. CNA acknowledges that a provision in Ontario's legislation, (namely section 23), would allow for the disclosure of information

protected by certain exceptions, including personal information, if a compelling public interest in the disclosure of the record clearly outweighs the purpose for applying the exception. Section 23 of the Ontario legislation is as follows:

> *23. An exemption from disclosure of a record under sections 13, 15, 17, 18, 20, 21 and 21.1 does not apply where a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption. R.S.O. 1990, c. F.31, s. 23; 1997, c. 41, s. 118 (2).*

[36] If there is a matter of public interest here, of which I am not convinced despite the Applicant's comments in this regard, the *ATIPPA* sets a very high standard to override an exception and require disclosure. Section 31 of the *ATIPPA* is the closest equivalent to Ontario's section 23. Section 31 is as follows:

> *31.(1) Whether or not a request for access is made, the head of a public body shall, without delay, disclose to the public, to an affected group of people or to an applicant, information about a risk of significant harm to the environment or to the health or safety of the public or a group of people, the disclosure of which is clearly in the public interest.*
>
> *(2) Subsection (1) applies notwithstanding a provision of this Act.*
>
> *(3) Before disclosing information under subsection (1), the head of a public body shall, where practicable, notify a third party to whom the information relates.*
>
> *(4) Where it is not practicable to comply with subsection (3), the head of the public body shall mail a notice of disclosure in the form set by the minister responsible for this Act to the last known address of the third party.*

[37] It is clear to me that records relating to whether or not someone was admitted as a student to CNA, and the procedure which may or may not have been followed for any such admission, do not qualify as "a risk of significant harm to the environment or to the health or safety of the public or a group of people." The circumstances simply do not warrant the use of this override provision as suggested by the Applicant. I dealt with this issue in my Report 2007-003, and I quote:

> *[141] A number of provisions of the ATIPPA provide for a reasonable expectation of harm. I have discussed this issue in this Report and in several previous Reports. However, the harm anticipated by section 31 must be shown to be "significant." I believe the language in this provision clearly sets the bar considerably higher than in other provisions of the legislation. This is similar to the term "compelling" … in the context of section 30(2)(c).*

[38] It is equally clear to me that the information requested comprises the personal information of the four students identified by name in the request. Even if the names of the students were to be severed in any disclosure, the existence or non-existence of the information itself would reveal personal information. Section 30(1) of the *ATIPPA* says that "the head of a public body shall refuse to disclose personal information to an applicant." None of the exceptions found in section 30(2) apply in this case. Further, personal information, as defined in section 2(o), "includes recorded information about an identifiable individual," including information about a person's educational status or history. Information about the admissions channels used by a student to gain entry to an educational institution clearly falls within these parameters. The Applicant has named the four individuals, so even confirming or denying the existence of records in this case, where the number of individuals is only four, would allow for a reasonable expectation that the Applicant would gain knowledge of the personal information of the students. For example, if CNA were to confirm the existence of letters of equivalency for the four students, even if it denied access to them, the Applicant would gain personal information about the educational status or history of these individuals. The same would apply if CNA were to say that no letters of equivalency exist for these four individuals.

[39] Another issue raised by the Applicant involves a set of policies and procedures covering the access and release of student information to persons other than the individual student. Any policies regarding the internal sharing of such information between faculty or staff are irrelevant to the issue now before me. As an access request under the *ATIPPA*, I must view the Applicant's request as I would a request from any member of the public, and any affiliation which the Applicant may or may not have with CNA is irrelevant. In terms of the present matter, which is a request under the *ATIPPA*, it must be recognized that this set of policies and procedures referenced by the Applicant dates from 1997. Since the access provisions of the *ATIPPA* came

into force in January 2005, any such policies and procedures have now been superceded by the *ATIPPA.*

[40] The Applicant also forwarded a Graduation Ceremony Program, which names one of the four students. While this would establish that this particular student graduated, it does not negate CNA's responsibility to refuse to disclose personal information to an applicant other than the person to whom the information relates. Furthermore, the fact that a student may or may not have graduated is not necessarily relevant to the existence or non-existence of letters of equivalency, which is information about how or why or the procedures under which they were or were not admitted to CNA. This is the personal information of those students.

[41] It is important to note that the example used by CNA from the British Columbia *Policy and Procedures Manual* (involving the politician and the psychiatric treatment) is interesting as an illustration, but I must take care to emphasize that in this province it is not necessary that the information be embarrassing in nature or be an unreasonable invasion of privacy. Under the *ATIPPA*, it is enough that the information be personal information about an identifiable individual. In this province, public bodies are required to refuse to disclose personal information unless one of the conditions in section 30(2) are met. Whether the disclosure of the information may or may not harm the affected individual is not a consideration under the *ATIPPA*. I dealt with a similar issue in my Report 2005-005, where I noted in relation to section 30

> *[77] … that this section of the ATIPPA does not include a harms test. Unlike some other jurisdictions, there is no test of reasonableness when dealing with the release of personal information. In the absence of any discretion, a public body simply has to determine if information meets the definition set out in section 2(o) and, if so, they must not release it. While exceptions to this general rule are set out in section 30(2), none of them are relevant to the case at hand.*

V CONCLUSION

[42] I am satisfied that there was a risk of disclosure of personal information if CNA had not exercised its discretion to apply section 12(2)(b). The fact that the information was requested

about four students by name, in my view, means that even if CNA were to acknowledge the existence or non-existence of the records, there was a reasonable expectation on CNA's part that the Applicant was in a position to gain knowledge about the educational history or status of the four students involved. The test proposed by CNA for use in assessing whether a public body has correctly exercised its discretion in applying section 12(2)(b) is a reasonable one in this case. I further accept that this situation meets the threshold set by that test.

[43] Stepping back from the specific provision of the *ATIPPA* relied on by CNA, my feeling is that members of the public should not be able to obtain the personal information of others without their consent. Some Commissioners have spoken of a "mosaic" effect, whereby information can be gathered in seemingly innocuous pieces, and later put together to reveal the personal information of others. When an Applicant is already starting with the names of the four individuals, and the number of individuals is so small, the risk of disclosure of personal information is unacceptable.

[44] Having found that the College of the North Atlantic acted appropriately in relation to these records, it is not necessary for me to make a recommendation. Accordingly, I hereby notify the Applicant, in accordance with section 49(2) of the *ATIPPA*, that she has a right to appeal the decision of the College to the Supreme Court of Newfoundland and Labrador Trial Division in accordance with section 60. The Applicant must file this appeal within 30 days after receiving a decision of the head of the Department as per paragraph 45 of this Report.

[45] Under authority of section 50 of the *ATIPPA*, I direct the head of the College of the North Atlantic to write to this Office and to the Applicant within 15 days after receiving this Commissioner's Report to indicate the College's final decision with respect to this Report.

[46] Dated at St. John's, in the Province of Newfoundland and Labrador, this 23rd day of May, 2007.

Philip Wall
Information and Privacy Commissioner
Newfoundland and Labrador