



## Privacy Commissioner Orders Toronto to Release Claims Information

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A recent Order of the Privacy Commissioner may lead to an increase in access-to-information requests of Municipalities for records regarding civil claims under the *Municipal Freedom of Information and Protection of Privacy Act* ("the Act").

On July 22, 2005, the Privacy Commissioner Ordered the City of Toronto ("the City") to release its records on all civil lawsuits involving four departments (Finance, Emergency Medical Services, Toronto Fire Services and Transportation Services) that were settled between 1998 and 2004. The records included information on the date of loss, number of claims and settlement amount. The decision was on an appeal from the City's denial of four access-to-information requests.

The Privacy Commissioner rejected the City's argument that the disclosure of its claims history falls under an exemption in the Act for information which could "reasonably be expected to prejudice the economic interests" and/or be "injurious to the financial interests" of the Municipality (Sections 11 (c) and (d)). The City argued that the disclosure of its claims records can reasonably be expected to cause a sharp increase in the number of civil lawsuits (sparked from public debate and discussion), while leading to higher insurance premiums and a loss of insurance coverage. The City would then be forced to cover current deductibles, raise reserves and possibly increase taxes.

The Privacy Commissioner was not convinced that the City had adduced sufficient "fact-based" evidence to support its argument.

The Privacy Commissioner's comments on the taxpayers' right to disclosure of claims information, indicate that she would have ordered the City to release its claims records under the "public interest" override provision of the Act (Section 16), even if it had proffered sufficient fact-based evidence.

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