TO: Chair and Members
Planning Committee

WARD(S) AFFECTED: CITY WIDE

COMMITTEE DATE: March 21, 2011

SUBJECT/REPORT NO: Releasing Names of Pet Owners of Pets Involved in Attacks
PED11053 (City Wide)

RECOMMENDATION
(a) That Report PED11053 be received for information; and,
(b) That the item respecting sharing the names of owners whose dogs are involved in attacks be removed from the Planning Committee’s Outstanding Business List.

EXECUTIVE SUMMARY

This Report responds to the Planning Committee’s January 18, 2011 direction for staff “to bring a report on the sharing of names of pet owners of dogs involved in attacks, and other incidents, to the Committee as soon as possible.”

Legal staff have reviewed the matter and advise that disclosing the name and other personal information of a dog owner whose dog has been involved in an attack would be an unjustified invasion of personal privacy under the Municipal Freedom of Information and Protection Act (MFIPPA).
The current practice of sharing no information while an investigation is underway and only information with respect to Court dates after a charge has been laid complies with MFIPPA.

**Alternatives for Consideration – N/A**

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

Financial/Staffing: N/A

Legal: The Municipal Freedom of Information and Protection Act (MFIPPA) governs the City with respect to access to information and, in particular, personal information such as the name and address of a dog owner.

**HISTORICAL BACKGROUND** (Chronology of events)

At the January 18, 2011 meeting, the Planning Committee directed staff “to bring a report on the sharing of names of pet owners of dogs involved in attacks, and other incidents, to the Committee as soon as possible.”

**POLICY IMPLICATIONS**

N/A

**RELEVANT CONSULTATION**

Legal Services were consulted in the preparation of this Report.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

The long-standing practice of Animal Services, developed in consultation with Legal Services and the City’s Freedom of Information Officer, is that no information concerning a dog attack is disclosed during the course of an investigation by Animal Services, as disclosure could be detrimental to proceeding with enforcement. Once a charge is laid, staff does provide information related to Court dates, but not the name, address or other personal information of any individual charged.

Staff have again reviewed this practice with Legal Services and the City’s Freedom of Information Officer and conclude that it complies with MFIPPA which, with few exceptions, prohibits the City from disclosing personal information, such as a dog owner’s name and address, to a third party.
In decisions upholding the similar practices of several municipalities and Police Services, the Information and Privacy Commissioner has found that disclosure of the dog owner’s personal information is an unjustified invasion of his or her personal privacy. These municipalities and police services include Town of Caledon, Durham Regional Police Service, Halton Regional Police Service, City of London, City of Thunder Bay, City of Toronto and Toronto Police Service.

Some of the Information and Privacy Commissioner’s decisions noted that: the name of an individual who has been charged can be obtained from a court docket; and the name and other personal information including an address can be obtained by using the disclosure mechanism available in a civil proceeding. To paraphrase these decisions, a civil proceeding can be commenced by using a pseudonym such as “John Doe” and noting the address as unknown. Once this is done, a court order can be obtained requiring the enforcement agency with this information to disclose it. Section 51 of MFIPPA provides:

1. MFIPPA does not impose any limitation on the information otherwise available by law to a party to litigation.

2. MFIPPA does not affect the power of a court or a tribunal to compel a witness to testify or compel the production of a document.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


*Healthy Community*

- Protecting safety and privacy of all citizens

**APPENDICES / SCHEDULES**

SO/dt