

**ONTARIO COURT (GENERAL DIVISION)  
DIVISIONAL COURT**

Saunders J.

**ONTARIO FEDERATION OF ANGLERS AND HUNTERS**

- and -

**DONALD HALE, INQUIRY OFFICER, OFFICE OF THE  
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO et al.**

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E N D O R S E M E N T

Order to go in terms of paragraph (a) of notice of motion. Balance of motion is adjourned *sine die* to be brought on on proper notice not before November 15, 1994.

In my opinion the statute (*Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31) does not provide confidentiality for the identity of the requester if he seeks to be a party before the court on a judicial review application. The court may provide anonymity to a known party but only in rare and special circumstances. I am not persuaded that such circumstances exist in this case.

In this proceeding the requester is a proper party as he has the greatest interest in upholding the decision under review. Counsel for the applicant submits that as he does not know the identity of the requester he is unable to fully deal with his request for status a year after the application was launched. He may wish to question the *bona fides* of the requester. The statute does not provide any condition on which a request may be made and does not deal with the *bona fides* of the requester. The recipient of a request can give no consideration to the motive for it and neither can the Commissioner. It seems to me that if it is an issue at all, it should be raised in the context of the application or perhaps on any argument on access in preparation for the hearing. The requester should have status if identity is revealed.

The requester seeks an adjournment to consider whether to provide identity. If the requester becomes a party, the issue of access to his counsel will have to be determined.

Dated: October 14, 1994

“E. Saunders J.”