



**Information and Privacy
Commissioner/Ontario**
**Commissaire à l'information
et à la protection de la vie privée/Ontario**

ORDER M-9

Appeal M-910405

Durham Regional Police Service



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O R D E R

On October 8, 1991, the appellant submitted a request to the Durham Regional Police Service (the "institution") for information relating to calls for assistance made by the appellant to the Pickering Police. The institution was able to clarify that the request related to calls for assistance made by the appellant to the Pickering Township Police during 1965.

The institution informed the appellant that it was unable to grant access as no records existed which responded to her request.

On October 24, 1991, the appellant appealed the institution's decision. In her letter of appeal, the appellant indicated that, at the time she needed police assistance, the telephone lines for the Police and Fire Department were the same. She suggested that the Fire Department may have had archives of emergency calls.

In an attempt to assist the appellant, the institution's Freedom of Information and Privacy Co-ordinator contacted the Co-ordinator for the Town of Pickering to determine whether a record might exist within the Fire Department records. The institution's Co-ordinator was advised that all calls for the Fire Department were dispatched through the Police Department during the time period in question, and the Fire Department therefore, would have no record of a call to the Police.

An Appeals Officer was assigned to the appeal. In an attempt to mediate this appeal, the Appeals Officer contacted the institution to determine the procedures employed in searching for records and the reason why the institution claimed that no records existed. At the Appeals Officer's request, the institution outlined, in a letter to the Appeals Officer, the steps taken by its officials to locate the records. The institution also provided the Appeals Officer with the history of the development of the Durham Regional Police Service in order to assist in explaining the reasons for the non-existence of records.

The Appeals Officer discussed this information with the appellant, but the appellant was not satisfied with the explanation.

As mediation was not successful, the appeal proceeded to an inquiry. A Notice of Inquiry, accompanied by an Appeals Officer's Report, was sent to the institution and the appellant, outlining the issues in the appeal and inviting representations. Written representations were received from both the institution and the appellant.

The sole issue to be determined in this appeal is whether the institution's search for records responsive to the request was reasonable.

During a number of telephone conversations with the Appeals Officer and in her representations, the appellant indicated that many of the people who might have known of the problems she was experiencing in 1965 could still be located. She, therefore,

felt that records of her calls for assistance should still exist.

In order to provide the Appeals Officer with an understanding of the location and retention of records at the institution, extensive background information was provided by the institution's Freedom of Information and Privacy Co-ordinator. The Co-ordinator explained that the institution was created on January 1, 1974 as a result of the amalgamation of seven area municipal police departments into one. One of the police departments that became part of the institution was the Pickering Township Police Department.

During the early and mid 1960's, requests for police assistance in Pickering Township were recorded by hand in ledger type books. By the late 1960's and into the 1970's, calls for police assistance were recorded on occurrence forms.

Shortly after the institution was created, many records belonging to the various police departments that ceased to exist were destroyed. At that time, retention periods for records of the institution or the former Pickering Township Police Department did not exist.

The first records retention by-law for the institution was created in 1976. At present, the retention period for calls for assistance is 15 months from the date the call is received.

With respect to the search for records in response to the appellant's request, the institution stated in its representations, and in a previous detailed letter written to the Appeals Officer, that in its efforts to locate records, the

Freedom of Information and Privacy Co-ordinator contacted a former Pickering Township police officer who confirmed that the police did attend at the appellant's residence on more than one occasion during the 1960's.

However, the institution maintains that, as there were no retention schedules, it could not be determined if records existed in 1974 when the Durham Regional Police Service was created, whether records had been destroyed prior to that date, or whether records had been destroyed following amalgamation.

In searching for the records, the following steps were taken by the institution:

1. Historical records located in the Records Branch of the institution were searched to determine whether any ledger books from the previous police departments which were kept for historical purposes might have contained the information requested.
2. A search was conducted in the institution's automated records system.
3. The microfilm records file for microfilm records relating to the Pickering Township Police were searched.
4. The former location of the Pickering Township Police Department station was searched to determine whether old records may have been inadvertently stored there.

5. A former police officer referred to by the appellant as a person who should know about the record in question was contacted to check his personal records.

Taking into consideration all of the circumstances I have outlined, I am satisfied that the search conducted by the institution was reasonable and I uphold the decision of the head.

Original signed by: _____
Tom Wright
Commissioner

_____ April 10, 1992