



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

ORDER M-73

Appeal M-9200282

Niagara Regional Board of Commissioners of Police



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ORDER

The Niagara Regional Board of Commissioners of Police (the Police) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) which read as follows:

I wish to be informed under the Freedom of Information Act why [a named individual] was not charged with possession when she was found not only in possession of my stolen belongings, but wearing items stolen from our home in August, 1987?

The Police responded by letter, stating: "access cannot be provided because no report of her being in possession of your property has ever been filed with us". The requester appealed the Police's decision.

Although various mediation possibilities were canvassed, settlement was not successful, and notice that an inquiry was being conducted to review the Police's decision was sent to the appellant and the Police. Written representations were received from the Police only.

The sole issue in this appeal is whether the Police's search for the requested records was reasonable in the circumstances.

In its representations, the Police provided a sworn affidavit which outlines the steps taken to locate any responsive records. These steps include:

- various searches of the Police's on-line records access database;
- searches of various incident reports which might have been relevant;
- conversations with officers responsible for the 1987 investigation into the break-in at the appellant's premises.

The Police also explained that any hard-copy records relating to a break-in investigation such as the one at the appellant's premises would have been destroyed, in accordance with the records retention by-law applicable to these type of records.

Having carefully reviewed the representations, I am satisfied that the searches conducted by the Police for records responsive to the appellant's request were reasonable in the circumstances, particularly in light of the fact that the request was made in the form of a question rather than a request for specific records.

Original signed by: _____
Tom Mitchinson
Assistant Commissioner

_____ December 21, 1992



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