



**Information and Privacy  
Commissioner/Ontario**

**Commissaire à l'information  
et à la protection de la vie privée/Ontario**

# **ORDER M-111**

**Appeal M-9200258**

**Regional Municipality of York Police Services Board**



80 Bloor Street West,  
Suite 1700,  
Toronto, Ontario  
M5S 2V1

80, rue Bloor ouest  
Bureau 1700  
Toronto (Ontario)  
M5S 2V1

416-326-3333  
1-800-387-0073  
Fax/Télééc: 416-325-9195  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

# ORDER

The Regional Municipality of York Police Services Board (the Police) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for:

All investigative writings/notes and documents dealt with, created by or received by [a named police officer] in relation to harassing phone calls to me/my residence commencing on or about April 17, 1989.

This response should include notes from [another named police officer's] notebook dated April 17, 1989 in which the original report was documented.

The Police identified 21 pages of responsive records, including excerpts from police officer's notebooks, various hand-written notations of meetings and telephone calls, additional hand-written notes, computer print-outs of various incidents, internal memoranda, and copies of correspondence. The records were released to the requester, subject to the severance of some parts of certain pages pursuant to sections 8(1)(l) and 14(3)(b) of the Act. The requester appealed the Police's decision.

During the course of mediation, the appellant confirmed that she was not appealing the severances made to the records; rather, the grounds for her appeal are that additional responsive records should exist.

Further mediation was not successful, and notice that an inquiry was being conducted to review the Police's decision was sent to the Police and the appellant. Written representations were received from both parties.

The only issue in this appeal is whether the Police have taken all reasonable steps to locate all records responsive to the request.

During the course of this appeal, the appellant was in contact with the Police, and the parties met to discuss the scope of the request. The appellant also provided the Police with some specific information regarding dates and times when she contacted the named police officer, and some dates and times for which she believes records should exist.

In her representations, the appellant provides a detailed outline of the dates and times she made contact with the named police officer, and when messages were left for him. In the appellant's view, "it is inconceivable that no notes were kept or that no record of these contacts were created by [the named police officer] beyond the few provided so far".

According to the appellant, she tape recorded her calls to the Police during the period covered by the request, and offered to make these tapes available for me to listen to. In my view, it is not necessary for me to listen to these tapes in order to dispose of this appeal. The issue is not whether the appellant contacted

the Police, or the number of times contact was made; rather, as identified above, the sole issue for me to determine is whether the Police have taken all reasonable steps to locate all records responsive to the request.

In their representations, the Police provide a detailed outline of the steps taken to locate all responsive records. The Police begin by listing the material which was provided to the appellant in response to her request, and the pages of records which were released to the appellant. The Police then provide a detailed outline of the efforts which were taken to confirm the scope of the request with the appellant, as well as the steps taken in responding to the request.

In their representations the Police make the following statements:

It is possible that records at one time in the form of unofficial notes appearing on loose leaf paper or on a computer generated occurrence report may have existed. Such records if they did exist would have been used only as a reference note to the investigative file. These documents could have been disposed of, if in the mind of the investigator no longer relevant. As an example, a telephone message pad slip to call someone. After making the call the note (document) could have been disposed of as there was no importance attached to it.

...

Entries in the nature of having called a complainant, or having received a call from a complainant would, in most instances, not be recorded in any great detail, and certainly not in a police notebook. The rough notes made by [the named police officer] and appearing in his investigative file are in the opinion of the organization appropriate given the nature of the investigation.

The representations submitted by the Police also identify the nature of the searches conducted to locate responsive records. These searches include computer data bases, record indexing cards, investigative files, police note books, and communication logging tapes.

Finally, the Police provide a sworn affidavit, which states that all records concerning the investigation for which the records are requested were maintained in one file folder, and that this folder was provided to the Freedom of Information and Privacy Co-ordinator in its entirety. The affidavit also confirms that the various searches conducted by the Police did not locate any additional responsive records.

Having carefully reviewed the representations, I am satisfied that the Police have taken all reasonable steps to locate any records responsive to the appellant's request, and that the search conducted by the Police was

reasonable in the circumstances of this appeal.

Original signed by: \_\_\_\_\_  
Tom Mitchinson  
Assistant Commissioner

\_\_\_\_\_ March 29, 1993