



Information and Privacy
Commissioner/Ontario

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

ORDER M-358

Appeal M-9400270

Halton Regional Police Services Board



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NATURE OF THE APPEAL:

This is an appeal under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The Halton Regional Police Services Board (the Police) received a request for access to:

- (1) police reports relating to the requester for the period January 1 through February 28, 1994 (including reports for one specified occurrence number and another occurrence referred to by date), and
- (2) three other reports (or portions thereof) which were identified by occurrence number.

For the sake of convenience, I will refer to these as parts one and two of the request, although they were not so designated by the appellant.

The Police indicated that no reports were submitted in relation to the time period specified in part one of the request (including the particular occurrences referred to in the request) and therefore, no responsive records exist with respect to that part of the request.

Partial access was granted to two of the three reports set out in part two of the request, and the appellant was informed that no report was filed with respect to the third occurrence.

During mediation, the appellant indicated that in her view, a report should exist with respect to an occurrence which took place between January 16 and January 19, 1994. This would fall within part one of the request. She also believes that reports should exist for the two occurrences specifically referred to in part one of the request, and for the third occurrence mentioned in part two of the request. The sole issue in this appeal is whether the Police conducted a reasonable search to locate reports relating to these four occurrences.

A Notice of Inquiry was sent to the Police and the appellant. Representations were received from both parties.

DISCUSSION:

REASONABLENESS OF SEARCH

Where a requester provides sufficient details about the records to which she is seeking access and the Police indicate that no responsive records can be located, it is my responsibility to ensure that the Police have made a reasonable search to identify any records which are responsive to the request. In my view, the Act does not require that the Police prove to the degree of absolute certainty that such records do not exist.

The appellant believes that police reports exist in relation to the four specific incidents because the Police

were involved in the incidents, and she was told by various individuals that reports were submitted.

In their representations, the Police outline the steps taken to locate responsive records. The Police searched the files in their Records Bureau and the in-house computer system and determined that no reports were submitted for the four incidents in question. Three of the incidents were classified as either "unfounded" or "no report" and, with respect to the fourth, the Police have no record of the incident.

The Police have provided me with a copy of their "Regulations and General Orders" in respect of "Field Reports" which clearly indicates that calls for service which are classified as either "unfounded" or "no report" do not require the submission of a report by the attending officer.

In addition, the Freedom of Information and Privacy Analyst for the Police spoke with the police officers who were either involved in or familiar with these incidents and confirmed that no reports were submitted.

In the circumstances of this case, I believe that the Police have provided a reasonable explanation as to why the records do not exist.

I have carefully reviewed the representations of the appellant and the Police. I am satisfied that the search conducted by the Police was reasonable in the circumstances.

ORDER:

I uphold the decision of the Police.

Original signed by: _____

John Higgins
Inquiry Officer

July 22, 1994