



**Information and Privacy
Commissioner/Ontario**

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

FINAL ORDER M-407

Appeal M-9400278

Metropolitan Toronto Police Services Board



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This is my Final Order disposing of the outstanding issue in Interim Order M-386, dated September 9, 1994.

In that order, I ordered the Metropolitan Toronto Police Services Board (the Police) to conduct a further search for responsive records and to provide me with a detailed affidavit sworn by an employee of the Police who has knowledge of and understands the subject matter of the request.

With respect to the area(s) of search, I indicated that the Police should focus their search with reference to the following areas:

- Red Squad
- New Left
- Communists
- Radical Lawyers
- Anti-war Demonstrators
- Labour Demonstrators
- Police Critics

If a search through the above subject areas was not possible, I ordered the Police to explain why in their affidavit.

I stated that at a minimum, the affidavit must contain the following:

- (a) information about the employee(s) swearing the affidavit describing his or her qualifications and responsibilities;
- (b) a statement describing the employee's knowledge and understanding of the subject matter of the request;
- (c) the date(s) the person conducted the search and the names and positions of any individuals who were consulted by the person, if any;
- (d) information about the type of files searched, the nature and location of the search.
With respect to this point, the affidavit should include:
 - (i) information specifying how the Police determine that information will be included in the Intelligence Services Unit data bank;
 - (ii) information relating to the Police's retention schedules for this category of personal information;
 - (iii) details of the steps taken in conducting the search.

In response to Interim Order M-386, the Police have provided me with an affidavit sworn by a detective assigned to the Intelligence Services Unit of the Police. The detective is responsible for liaising with the Freedom of Information and Privacy Unit regarding access requests relating to Intelligence Services. The affidavit complies with the requirements of the order and indicates that further searches conducted by the Police have failed to identify responsive records.

Specifically, the affidavit outlines the types of information contained in the Intelligence Services Unit data bank and the Police's retention practices. The affidavit also outlines the steps taken to search for responsive records.

The detective further states in his affidavit that the groups identified in Interim Order M-386 do not qualify for inclusion as an intelligence file in the data bank because such groups are not considered organized crime organizations.

Having carefully reviewed the Police's representations, and the affidavit evidence they submitted, I am satisfied that the Police have taken all reasonable steps to locate any responsive records, and I find that the search conducted by the Police was reasonable in the circumstances of this appeal.

ORDER:

I uphold the decision of the Police.

Original signed by: _____
Laurel Cropley
Inquiry Officer

_____ October 18, 1994