



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-440

Appeal M-9400349

Peel 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 appellant made a request to the Peel Regional Police Services Board (the Police) for the correction of his personal information found in portions of an occurrence report. The Police corrected one portion of the record, but refused to make the other correction requested by the appellant. The appellant appealed the decision of the Police.

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

DISCUSSION:

Section 36(2)(a) of the Act states:

Every individual who is given access under subsection (1) to personal information is **entitled** to,

request correction of the personal information if the individual believes there is an error or omission;

Three requirements must be met in order for an institution to grant a request for correction of personal information:

1. the information at issue must be personal and private information; **and**
2. the information must be inexact, incomplete or ambiguous; **and**
3. the correction cannot be a substitution of opinion.

The information at issue consists of a complainant's description of the appellant's actions. The appellant maintains that the description is incorrect, contradicts a subsequent description of his actions made by the complainant to another agency and should be deleted. The Police maintain that the record is an accurate description of what the complainant reported at the time and, though it does contradict a later description made by the complainant, it should not be corrected or deleted.

The information is the appellant's personal information, and is private in nature. Therefore, the first requirement of the section 36(2) test has been met.

In order to determine if the second requirement noted above has been satisfied, I must determine if the information is "inexact, incomplete or ambiguous".

The basis for the appellant's correction application appears to be that the complainant gave a false description of his actions to the Police, which he believes is evidenced by a later description the complainant gave to another agency.

The Police acknowledge that the complainant has contradicted herself, and have clarified in synopsis the different versions related by the complainant so that the record accurately reflects the appellant's concerns with the occurrence report. However, the Police submit that to correct the record as requested would require police officers to establish the veracity of allegations made before recording them in an investigation report.

I find that the description is not inexact, incomplete or ambiguous in the context of this case. In my view it is unreasonable to require the Police to delete all false statements made to them. I am satisfied that the Police accurately recorded the information as it was provided to them and, as the second requirement for the correction of this personal information has not been met, I accept the position of the Police that this request for correction of personal information need not be granted.

ORDER:

I uphold the decision of the Police.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

January 6, 1995