



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-465

Appeal M-9400576

Metropolitan Toronto 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 requested from the Metropolitan Toronto Police Services Board (the Police) a listing of the names and ranks of all sworn personnel of the Police, and a listing of the names and positions of all civilian personnel of the Police.

The Police issued a decision letter in response to this request, indicating that access to this information was denied. The Police rely on the following exemptions in the Act to justify this denial of access:

- invasion of privacy - section 14(1)
- danger to safety or health - section 13.

This decision was appealed to the Commissioner's office. A Notice of Inquiry was sent to the appellant and the Police. Representations were received from the Police only.

The record at issue in this appeal consists of a listing of all Police personnel, which contains the requested information.

DISCUSSION:

DANGER TO SAFETY OR HEALTH

Section 13 of the Act reads as follows:

A head may refuse to disclose a record whose disclosure could reasonably be expected to seriously threaten the safety or health of an individual.

To establish the application of the exemption in section 13, the Police must show that there is a reasonable expectation that disclosure could result in the specified harm, in this case a serious threat to the health or safety of an individual. The mere possibility of harm is not sufficient. At a minimum, the Police must establish a clear and direct linkage between the disclosure of the information and the harm alleged (Order M-315).

In their representations regarding this exemption, the Police state as follows:

A Police force is unique among institutions listed in the Directory of Institutions, as the employees can, and do, become involved in situations that are physically dangerous. Furthermore, the dangers often come deliberately from other human beings, as opposed to the real, but accidental dangers faced by electricians, construction workers and many others.

Police officers frequently identify themselves in the course of their duties, and include their names in offence notices and other documents. In my view this is often desirable and necessary, and access requests for

records which identify police officers in the context of a particular investigation would not usually attract the application of this exemption.

However, there are also many occasions when police officers are required to conceal their identity as such, either for their own protection, or to permit them to carry out their duties, or both. The representations of the Police cite examples of how disclosure of the requested information into the public domain could put police personnel and members of the public at risk, particularly where a police officer has concealed his or her identity.

It is clear that many aspects of police work are inherently dangerous to the physical safety of police officers, and I am satisfied that the identification of individuals as police officers could reasonably be expected to make their work more dangerous in many situations.

As noted above, in order to establish the application of this section, a clear and direct linkage must be established between disclosure and a serious threat to health or safety. In my view, in order to meet this standard, it is not necessary to demonstrate that actual injuries would occur as a result of disclosure; rather, the Police must establish that a serious **threat** to health or safety could reasonably be expected.

In the particular circumstances of this case, I am satisfied that this requirement has been met. Accordingly, I find that section 13 of the Act applies to exempt this information from disclosure.

Because of the way I have resolved this issue it is not necessary for me to consider the possible application of the exemption provided by section 14(1).

ORDER:

I uphold the decision of the Police.

Original signed by: _____
John Higgins
Inquiry Officer

_____ February 16, 1995