



Information and Privacy  
Commissioner/Ontario  
Commissaire à l'information  
et à la protection de la vie privée/Ontario

# ORDER M-584

Appeal M\_9500261

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 all files regarding a specific occurrence. The Police identified an occurrence report, follow-up reports and identification bureau reports as the records responsive to the request. The Police granted access to the information sought with the exception of information pertaining to the two individuals suspected of breaking and entering into the requester's business premises. The requester appealed the decision to deny access.

The portion of the record withheld by the Police consists of the names, addresses, fingerprint number, criminal identification dossier number and dates of births of the suspects (the affected persons) contained in one of the follow-up reports. The Police rely on the following exemption to deny access to the record:

- invasion of privacy - section 14

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

## **DISCUSSION:**

### **INVASION OF PRIVACY**

Under section 2(1) of the Act, "personal information" is defined, in part, to mean recorded information about an identifiable individual. I have reviewed the information contained in the record and I find that it satisfies the definition of personal information. In my view, the personal information relates to individuals other than the appellant, i.e. the affected persons.

Once it has been determined that a record contains personal information, section 14(1) of the Act prohibits the disclosure of this information except in certain circumstances.

Sections 14(2), (3) and (4) of the Act provide guidance in determining whether the disclosure of personal information would constitute an unjustified invasion of personal privacy. Where one of the presumptions found in section 14(3) applies to the personal information found in a record, the only way such a presumption against disclosure can be overcome is where the personal information falls under section 14(4) or where a finding is made under section 16 of the Act.

If none of the presumptions contained in section 14(3) apply, the Police must consider the application of the factors listed in section 14(2), as well as all other considerations that are relevant in the circumstances of the case.

The Police submit that the personal information of the affected persons contained in the record was compiled and is identifiable as part of an investigation into a possible violation of law (the Criminal Code). The Police submit that disclosure of the personal information would constitute

a presumed unjustified invasion of the personal privacy of the affected persons (section 14(3)(b)).

I have reviewed the record together with the representations of the parties and I make the following findings:

- (1) The personal information contained in the record was compiled and is identifiable as part of an investigation into a possible violation of the Criminal Code. Accordingly, the presumed unjustified invasion of personal privacy under section 14(3)(b) applies.
- (2) Section 14(4) does not apply to the personal information. Section 16 of the Act also does not apply.
- (3) Accordingly, disclosure of the personal information in the record would constitute an unjustified invasion of personal privacy of individuals other than the appellant and is properly exempt under section 14(1) of the Act.

**ORDER:**

I uphold the decision of the Police.

Original signed by: \_\_\_\_\_  
Mumtaz Jiwan  
Inquiry Officer

\_\_\_\_\_ August 23, 1995