



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

# **FINAL ORDER M-790**

**Appeal M\_9500723**

**Metropolitan Toronto Police Services Board**



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## **NATURE OF THE APPEAL:**

This is my Final Order disposing of the one remaining issue which was initially addressed in Interim Order M-769.

## **BACKGROUND:**

Interim Order M-769 dealt with a number of issues arising from a request made to the Metropolitan Toronto Police Services Board (the Police), for copies of records pertaining to any investigation of the appellant's activities conducted between 1980 and 1982. In particular, the appellant sought information concerning investigations into street gang and/or organized crime involvement. The Police issued a decision letter which indicated, in part, that no records exist regarding investigations into the appellant's involvement in street gangs or organized crime.

The appellant's appeal of the decision of the Police raised a number of issues, most of which were disposed of in the interim order. The only issue which remains to be dealt with in this final order concerns the portion of the decision pertaining to investigations into the appellant's involvement in street gangs or organized crime.

During the mediation stage of this appeal, the appellant provided the name of, and further particulars about, the street gang in question as well as information regarding the identity of a police officer who might have some knowledge about the matter. As well, the Police issued a second decision letter in which they indicated that records responsive to the request appeared to have been expunged in accordance with the retention schedules applicable to police records.

Two Notices of Inquiry were sent to the parties prior to the issuance of Interim Order M-769. They collectively identified the issues which were to be addressed in this appeal. One of the issues raised concerned the "reasonableness of search" with respect to records regarding investigations into the appellant's involvement in street gangs or organized crime. The Police did not provide representations on this issue.

As a result, in Interim Order M-769, I directed the Police to conduct a further search and provide representations regarding the steps taken to search for records responsive to this part of the request. In conducting their search, the Police were to contact the appellant regarding the identity of the police officer identified by him. I also directed that the representations should address specific retention schedules as they pertain to the types of records requested and contain any retention schedules relied on by the Police.

## **DISCUSSION:**

### **REASONABLENESS OF SEARCH**

I have received the representations of the Police, which include copies of the retention schedules which are applicable to police records. The Police note that the events to which the appellant

refers occurred approximately 15 years ago, and point out that all retention periods for the types of records which would be responsive to such a request have been exceeded. For example, memorandum books and confidential crown briefs are to be retained for seven years, and occurrence and arrest reports are retained for five years.

The Police also detail the steps taken to search for records responsive to this request, which includes contact with officers from the investigating unit regarding their recollection of the investigations concerning the street gang and the record keeping procedures for such an investigation. In particular, the Police contacted the police officer identified by the appellant, who recalled the appellant, as he was known to the Police, but could not recall whether or not the appellant was questioned at any time specifically regarding the street gang. The named officer confirmed that the memorandum books containing his investigative notes pertaining to this matter no longer exist since they are subject to a seven year retention period.

The Police indicate further that a senior officer in the Records Unit searched through both microfiche and microfilm systems for any document which mentioned the appellant for the period 1978 to 1982. Except for the records which were previously located, no other records could be found.

In view of the above, I am satisfied that the steps taken by the Police to search for and locate records responsive to this request were reasonable.

**ORDER:**

The search conducted by the Police for records pertaining to investigations of the appellant's involvement in street gangs and/or organized crime was reasonable and this part of the appeal is dismissed.

Original signed by: \_\_\_\_\_  
Laurel Cropley  
Inquiry Officer

\_\_\_\_\_ June 18, 1996