



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

ORDER M-857

Appeal M_9600243

Halton Regional Police Services Board



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NATURE OF THE APPEAL:

The Halton Regional Police Services Board (the Police) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to any previous reports filed with the Police of incidents involving attacks by dogs at a specified address. The requester had been attacked by a dog at the location named in the request in June 1996. The Police responded by advising the requester that any records which may be responsive to his request would be subject to the law enforcement (section 8(2)(c)) or personal information (section 14) exemptions contained in the Act.

The requester (now the appellant) appealed the Police's decision. After further discussions between the appellant, the Police and the Appeals Officer assigned to the file by this office, the Police provided the appellant with a second decision letter. In this letter, the Police advised the appellant that no records of dog attacks at the specified location exist, beyond the report which documents the incident involving the appellant. The appellant indicated that he wished to continue with his appeal. A Notice of Inquiry was provided to the appellant and the Police by this office. Representations were received from the Police only.

DISCUSSION:

REASONABLENESS OF SEARCH

Where a requester provides sufficient details about the records which he is seeking, it is my responsibility to ensure that the Police have made a reasonable search to identify any records which are responsive to the request. The Act does not require the Police to prove with absolute certainty that the requested record does not exist. However, in order to properly discharge its obligations under the Act, the Police must provide me with sufficient evidence to show that it has made a **reasonable** effort to identify and locate records responsive to the appellant's request.

The Police submit that one of its officers undertook a search of the "Halton Entry and Retrieval Telecommunications" system using the address provided by the appellant. All records relating to any police contact at any particular location within the Region of Halton since July 1985 are contained in this system. A search may only be conducted for older records using the name and birth date of an individual, but not with just an address.

As the requester only provided the address of the location of the attack, the Police submit that they are unable to undertake a search for records filed under the name of the dog's owner relating to incidents which may have occurred at other locations or prior to July 1985. The Police maintain that, with the information provided by the appellant, they were unable to locate any records which are responsive to his request, other than the report prepared following the attack against him.

As noted above, the appellant has not provided any submissions.

Based on the representations of the Police, I conclude that the search which they undertook for records responsive to the appellant's request was reasonable in the circumstances of this appeal.

ORDER:

I uphold the Police's decision and dismiss the appeal.

Original signed by: _____
Donald Hale
Inquiry Officer

_____ November 6, 1996