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

ORDER M-982

Appeal M_9700023

Metropolitan Toronto Police Services Board

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BACKGROUND:

In 1985 and 1986, a series of sexual assaults were committed in a neighbourhood in the City of Toronto. A suspect was eventually arrested and convicted of each of these offences. In 1987, one of the victims initiated a legal action against the Metropolitan Toronto Board of Commissioners of Police, now known as the Metropolitan Toronto Police Services Board (the Police). The plaintiff in the legal action seeks damages based on her allegations that the Police failed to notify potential victims in the neighbourhood of the presence of a serial sexual offender and failed to ensure the personal safety of the residents who may have been at risk from this offender. The civil action is scheduled to go to trial in the near future.

NATURE OF THE APPEAL:

The Police received a request on behalf of a newspaper reporter under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to any records relating to its investigation of the sexual assaults. In addition, the requester sought access to information relating to the apprehension of the perpetrator, whether and what type of consideration was given to a warning being issued to local residents, any planned or actual stakeouts, neighbourhood canvasses, policies concerning serial sexual assault investigations since 1985, any profile of the suspect and any reports prepared on the performance of the investigators involved. The requester specified that he was not seeking access to any records which relate to any on-going investigations, any information which may tend to identify any of the victims of the sexual assaults or any personal information of any of the "victims, sources or witnesses".

The Police located 481 pages of responsive records and granted access to 16 pages, in their entirety, and partial access to a further 11 pages, which I have numbered S-1 to S-11. The Police denied access to 454 remaining pages, claiming the application of the following exemptions contained in the Act:

- right to a fair trial - section 8(1)(f)
- economic and other interests - section 11(d)

The Police denied access to the undisclosed portions of Records S-1 to S-11 (orders of the day including amendments to various policies and procedures) under the law enforcement exemptions contained in sections 8(1)(a) and (c) of the Act. The Police also claimed that other undisclosed portions of these records were not responsive to the request.

The requester, now the appellant, appealed the decision of the Police.

Within the time frame prescribed by the Confirmation of Appeal, the Police advised the appellant that they were claiming the application of the following additional exemptions to the records:

- closed meeting - section 6(1)(b)
- advice or recommendations - section 7(1)

- law enforcement - sections 8(1)(g) and 8(2)(b)
- facilitate the commission of an unlawful act - section 8(1)(l)
- solicitor-client privilege - section 12
- invasion of privacy - section 14(1)
- information published or available - section 15(a)
- discretion to refuse requester's own information - section 38(a)

In addition, the Police claimed that several of the responsive records fall outside the scope of the Act under sections 52(3)1, 2 and 3 as they relate to the "performance of the investigators involved". The Police also advised the appellant of the location of the records to which it applied the section 15(a) exemption.

During the mediation of the appeal, the appellant agreed that he was no longer seeking access to those records for which section 15(a) had been claimed, as well as any non-responsive information which may be contained in the records. Based on my review of the records, Record P-65 does not contain any information which is responsive to the appellant's request. I will, accordingly, not address it further in this order.

A Notice of Inquiry was provided to the appellant and the Police. Representations were received from both parties. In their submissions, the Police withdrew their reliance on section 38(a) as the records do not contain any information which relates to the appellant. In addition, the Police identified a large number of additional records responsive to the request which are in the possession of their counsel in the legal action. The Police have not made any submissions on the application of section 11(d) to the records. Based on my review of the records, I am not satisfied that this exemption applies to them. As this is a discretionary exemption, I will not consider its possible application to the records at issue any further.

The records which are in the possession of the Police consist of correspondence, e-mails, meeting minutes, memoranda, exhibit lists, pleadings, police reports, police officers' notes and various notes. I have designated the police records with the prefix P, followed by the page number of each of the records which was assigned to it by the Police. The records in the possession of counsel include Police Intelligence records, correspondence, investigation reports and records, news releases and press clippings, witness statements, release forms, trial transcripts, meeting minutes and various notes. I have designated the law firm's records with the prefix L, followed by the record number which was assigned to it by the law firm. There is some overlap between the two groups of records which I will note as I refer to them individually in this order.

PRELIMINARY ISSUE:

OPERATION OF A PUBLICATION BAN

Since the commencement of the legal action against the Police in 1988, there have been a number of court orders which restrict the publication of certain information contained in the pleadings and the documents exchanged through the discovery process. In particular, the publication of information which may tend to identify the plaintiff in the action and records which were exchanged by the parties to the litigation has been prescribed by an Order of Mr.

Justice Lane of the Ontario Court (General Division), dated October 18, 1996. A further order by Mr. Justice Adams of the Ontario Court (General Division), dated November 21, 1996, prohibited the publication of any information which might reasonably be expected to lead to the disclosure of the identity of any of the sexual assault victims, including the plaintiff in the action.

An application to vary the terms of these Orders was made by the newspaper represented by the appellant on June 3, 1997. Mr. Justice Lane amended his October 18, 1997 Order by adding the following sentence:

> This Order does not restrict the jurisdiction of the Information and Privacy Commissioner/Ontario under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 to direct the production of documents or information even though such documents or information may have been subject to discovery in this action.

The Court agreed with the submissions of counsel for the Commissioner's office that the access provisions provided by the Act operate as a separate and distinct access regime from that provided through the discovery process in a legal proceeding. In his endorsement, Mr. Justice Lane held that:

> It may be that much information given on discovery would also be available to anyone applying under the Act; if so, then so be it. The Rules of Civil Procedure do not purport to bar publication or use of information obtained otherwise than on discovery, even though the two classes of information may overlap or even be precisely the same.

As a result of this application to vary the terms of the October 18, 1996 court order, I find that I am able to proceed with the appeal and adjudicate on the application of the exemptions claimed for each of the identified records, despite the fact that they may also fall within the ambit of the publication ban. I note that the appellant is not seeking any information which may lead to the disclosure of the identity of the plaintiff in the legal proceeding or any of the other victims so as to bring the requested information within the ambit of the November 21, 1996 Order.

DISCUSSION:

JURISDICTION

The interpretation of sections 52(3) and (4) is a preliminary issue which relates to the Commissioner's jurisdiction to conduct an inquiry. Sections 52(3) and (4) state:

> (3) Subject to subsection (4), this Act does not apply to records collected, prepared, maintained or used by or on behalf of an institution in relation to any of the following:
>
> 1. Proceedings or anticipated proceedings before a court, tribunal or other entity relating to labour relations or to the employment of a person by the institution.

2. Negotiations or anticipated negotiations relating to labour relations or to the employment of a person by the institution between the institution and a person, bargaining agent or party to a proceeding or an anticipated proceeding.

3. Meetings, consultations, discussions or communications about labour relations or employment_related matters in which the institution has an interest.

(4) This Act applies to the following records:

1. An agreement between an institution and a trade union.

2. An agreement between an institution and one or more employees which ends a proceeding before a court, tribunal or other entity relating to labour relations or to employment_related matters.

3. An agreement between an institution and one or more employees resulting from negotiations about employment_related matters between the institution and the employee or employees.

4. An expense account submitted by an employee of an institution to that institution for the purpose of seeking reimbursement for expenses incurred by the employee in his or her employment.

Section 52(3) is record and fact specific. If this section applies to a specific record, and none of the exceptions listed in section 52(4) are present, then the record is excluded from the scope of the Act and is not subject to the Commissioner's jurisdiction.

The Police submit that Pages P-429 to P-438 are outside the ambit of the Act because of the operation of sections 52(3)1, 2 and 3. These pages consist of evaluations related to the job performance which were received by several police officers following the completion of the investigation into the sexual assaults in 1985 and 1986. The Police argue that these documents were collected, prepared, maintained or used by the Police in relation to communications about employment-related matters in which the Police have an interest. They indicate that section

41(1)(b) of the Police Services Act (the PSA) obliges the Chief of Police to ensure that members of the police service carry out their duties in accordance with the PSA in a manner which reflects the needs of the community and that discipline is maintained in the police force. In my view, Record L-4, a letter from a Crown Attorney to the Chief of Police commending the two investigating officers must be considered in a similar fashion to Pages P-429 to P-438.

For this reason, they argue that it is incumbent upon the management of the Police to not only censor inadequate performance, but also commend outstanding performance and that because these records clearly concern the performance of the officers, they relate to their employment by the Police and, therefore, fall outside the jurisdiction of the Act.

The appellant submits that it is inconceivable that any of the documents requested could be said to relate to labour relations, negotiations or employment-related matters.

In my view, Pages P-429 to P-438 and Record L-4 do not contain any information which was collected, prepared, maintained or used by the Police in relation to proceedings, negotiations, anticipated proceedings or negotiations within the meaning of sections 52(3)1 or 2. Accordingly, I find that these parts of section 52(3) have no application to the records.

In order to for records to fall within the scope of section 52(3)3, the Police must establish the following:

1. the records were collected, prepared, maintained or used by the Police or on its behalf; **and**

2. this collection, preparation, maintenance or usage was in relation to meetings, consultations, discussions or communications; **and**

3. these meetings, consultations, discussions or communications are about labour relations or employment-related matters in which the Police have an interest.

I agree that the records were prepared or used by the Police within the meaning of the first requirement of section 52(3) and that this preparation and usage was in relation to discussions or communications, thereby satisfying the second requirement as well. Finally, I agree that the communications were about employment-related matters, the job performance of the officers involved in the investigation, and that the Police have an interest, under section 41(1)(b) of the PSA, in maintaining discipline and ensuring that members of the police service carry out their duties in accordance with the requirements of the PSA.

I find, therefore, that all of the requirements of section 52(3)3 have been established with respect to Pages P-429 to P-438 and Record L-4, and that none of the exceptions in section 52(4) apply to them. Pages P-429 to P-438 and Record L-4 are, accordingly, outside the jurisdiction of the Act.

PERSONAL INFORMATION

Section 2(1) of the Act defines "personal information", in part, as recorded information about an identifiable individual. As noted above, the appellant indicates that he is not seeking access to any personal information which relates to the "victims, sources or witnesses". Accordingly, the personal identifiers of these individuals, such as their names, addresses, telephone numbers, employment information, date of birth or place of origin are no longer at issue.

It must be noted, however, that even with the personal identifiers of these individuals removed, much of the information contained in the records qualifies as their personal information within the meaning of section 2(1) of the Act. Following my review of the records, I find that in many situations, even where the personal identifiers have been removed, the records may still contain information which relates only to an identifiable individual, such as the person who was convicted following his arrest for the sexual assaults or one of his victims.

I have reviewed each of the records at issue and have made the following findings:

1. Parts of the undisclosed portions of Pages S-1 (top part only), S-2 (top of the page only), S-6, S-8 and S-11 contain the personal information of various uniformed and civilian employees of the Police. Because this information consists only of their personal identifiers, I find that it is outside the scope of the appellant's narrowed request and is, therefore, not responsive.

   The remaining undisclosed information on Pages S-1 (bottom of the page), S-2 (middle of the page), S-3, S-4, S-7, S-9 and S-10 contain only information relating to Police policies and procedures which do not pertain to sexual assault investigations. As the appellant narrowed the scope of his request to include only this type of policy or procedure, I find that this portion of the severed records is also not responsive to his request.

   I will not, accordingly, address the application of the exemptions to the severed information contained in the "S" records.

2. With respect to the records which I have designated as "P" records, I find that Pages 20-23 (which is the same as Record L-474), 24-28 (which is the same as Records L-188 and L-504), 29, 69, 126, 152-153, 159-167 (which is the same as Records L-31, L-32 and L-34), 168-169, 170-171 (which is the same as Records L-8 and L-36), 172-173, 174, 188-218, 219-221, 222-225, 226-323, 324 (which is the same as 424) and 329-378 contain the personal information of the offender, the victims, various witnesses and other identifiable individuals. Further, in my view, even with their personal identifiers removed, the information remains the personal information of these individuals as the events described in the records relate only to these persons.

3. With respect to the "L" records, I find that Records 1, 2, 3, 9 to 26, 27, 28, 29, 30, 33, 37, 38, 39, 40, 41, 203-468, 469-473, 485 (which is the same as Record L-501), 489, 493, 506 and 507 contain the personal information of the offender, the victims, witnesses and other identifiable individuals. Again, I find that even with the personal identifiers of these individuals removed, the information remains their personal information within the meaning of section 2(1).

4. Pages 76-79, 80-94, 95-96, 99-125, 127-147, 175-177, 178-187, 327-328 and 379-423 from the "S" records are court documents such as motion records, statements of claim and other pleadings from the legal proceeding commenced by one of the victims. As such, I find the information contained in these records to be her personal information. In addition, these records also contain, in part, the personal information of the offender and other identifiable individuals.

5. "L" Records 45, 46, 47, 49-187, 189-202, 448, 475 and 508-548 consist of news releases issued by the Police, press clippings and newspaper and magazine stories pertaining to police investigations of sexual assaults over a period of several years. Most of these records do not contain the personal information of the victims of such crimes, as they are rarely identified by name in press stories. Several of the records do, however, contain information relating to offenders and victims, particularly certain other high-profile crimes which occurred at that time.

INVASION OF PRIVACY

Where a record contains the personal information of individuals other than the appellant, section 14(1) of the Act prohibits an institution from disclosing it except in the circumstances listed in sections 14(1)(a) through (f). Of these, only section 14(1)(f) could apply in this appeal. Section 14(1)(f) permits disclosure if it "does not constitute an unjustified invasion of personal privacy."

Sections 14(2), (3) and (4) provide guidance in determining whether disclosure of personal information would constitute an unjustified invasion of personal privacy. Disclosing the types of personal information listed in section 14(3) is presumed to be an unjustified invasion of personal privacy. If one of the presumptions applies, the Police can disclose the personal information only if it falls under section 14(4) or if section 16 applies to it. If none of the presumptions in section 14(3) apply, the Police must consider the factors listed in section 14(2), as well as any other relevant circumstances.

The Police state that the personal information contained in the majority of the records was compiled as part of a number of investigations into possible violations of law, specifically the commission of sexual assaults. Accordingly, they argue that the presumption in section 14(3)(b) applies to exempt this information from disclosure. This section provides:

> A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,
>
> > was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

I have reviewed the records contained in the "P" and "L" series of documents and make the following findings:

1. Pages 24-28 (which is the same as Records L-188 and L-504), 126, 152-153, 155-158, 159-167, 168-169, 170-171 (which is the same as Records L-8 and L-36), 172-173, 188-218, 219-221, 222-225, 227-323 and 329-378 of the "P" documents were compiled and are identifiable as part of the Police investigation of the sexual assaults. The disclosure of the personal information contained in these records would constitute a presumed unjustified invasion of the personal privacy of the individuals who are identified in them, under section 14(3)(b). Further, I find that section 14(4) does not apply in the circumstances and there does not exist a public interest in the disclosure of this information under section 16. These pages are, accordingly, exempt under section 14(1).

2. The disclosure of Pages 76-79, 80-94, 95-96, 127-147, 175-177, 178-187, 327-328 and 379-423 from the "P" documents, following the removal of any personal identifiers, would not constitute an unjustified invasion of the personal privacy of any individuals under section 14(1)(f). These records are court documents and, following the severance of any information which may serve to identify the plaintiff in the action, they are not exempt from disclosure under section 14(1).

3. Page 29 from the "P" records, a letter from the offender to counsel for the plaintiff victim, is highly sensitive. Pages P-20 to P-23 are a petition signed by a number of individuals expressing their concern with the manner in which the Police handle sexual assault investigations. Page 69 is an internal Police memorandum in which a potential witness in the civil proceeding is identified. In the absence of any considerations under section 14(2) favouring their release, I find that the disclosure of each of these documents would constitute an unjustified invasion of the offender, the victim, the witness and the signatories' personal privacy. These records are, therefore, exempt under section 14(1).

4. Records 1, 2, 3, 9-26, 27, 28, 29, 30, 32, 33, 40, 41, 203-409, 411-447, 448-454, 456-468 and 507 of the "L" documents were compiled and are identifiable as part of the Police investigation into the serial sexual assaults. As such, I find that their disclosure would constitute a presumed unjustified invasion of the personal privacy of the victims, witnesses and the offender under section 14(3)(b). These records are, therefore, exempt from disclosure under section 14(1).

5. Records L-37 to L-41 contain personal information pertaining to the employment, as well as the medical and psychological history of the offender. As such, I find that the disclosure of this information would result in a presumed unjustified invasion of personal privacy under sections 14(3)(a) and (d). These records are, therefore, exempt from disclosure under section 14(1).

6. Record L-410 contains a personal evaluation from a member of the Police to the Probation and Parole Services concerning the job performance of a probation officer. I find that the disclosure of this information would result in a presumed unjustified invasion of personal privacy under section 14(3)(g). Record L-410 is, therefore, exempt under section 14(1).

7. The disclosure of Records 45, 46, 47, 49-187, 189-202, 448, 475 and 508-548 from the "L" list of documents would not constitute an unjustified invasion of the personal privacy

of any identifiable individuals. These records consist of press releases and press clippings covering the period of time during which the Police were conducting their investigation of the serial sexual assaults. In my view, because the information contained in these records were publicly released and received widespread distribution via the media, they are not exempt from disclosure under section 14(1).

8. However, in my view, the disclosure of Records 469 to 473 from the "L" documents, even with the personal identifiers of the victims, offender and any other identifiable individuals removed, would constitute an unjustified invasion of their personal privacy under section 14(1)(f). These records consist of five volumes of transcripts from the trial of the offender. I find that the information is highly sensitive (section 14(2)(f)) and its disclosure may unfairly damage the reputation of the individual victims named therein (section 14(2)(I)). These records are, accordingly, exempt from disclosure under section 14(1).

9. Records 485 (which is the same as Record 501), 489 and 493 from the "L" group of documents are communications from one of the victims of a sexual assault to the Chief and the Police Services Board. I find that even with the personal identifiers removed from these records, because of their content, they remain "highly sensitive" within the meaning of section 14(2)(f). I find, therefore, that these records are also exempt under section 14(1).

CLOSED MEETING

The Police claim that Pages 30-31, 32-33, 70-71, 72-73, 74-75, 425, 426 and 427 from the "P" document group are exempt under section 6(1)(b) of the Act. This section states:

> A head may refuse to disclose a record,
>
> > that reveals the substance of deliberations of a meeting of a council, board, commission or other body or a committee of one of them if a statute authorizes holding that meeting in the absence of the public.

To qualify for exemption under this section, the Police must establish that:

1. a meeting of the Police Services Board or one of its committees took place; **and**

2. that a statute authorizes the holding of this meeting in the absence of the public; **and**

3. that disclosure of the record at issue would reveal the actual substance of the deliberations of this meeting.

It is clear that meetings of the Metropolitan Toronto Police Services Board or its predecessor, the Metropolitan Toronto Board of Commissioners of Police, took place on May 2, 1991 (Pages

30-31), August 22, 1991 (Pages 32-33), January 18, 1990 (Pages 70-71), February 23, 1989 (Pages 72-73) and January 14, 1988 (Pages 425, 426 and 427). On this basis, I find that the first part of the section 6(1)(b) test has been satisfied with respect to these records.

Pages 74 and 75 are a letter from the Metropolitan Toronto solicitor to the Chair and members of the Board of Commissioners dated November 10, 1988. I am not satisfied that the disclosure of this record would reveal the substance of the deliberations of the Board of Commissioners of Police and as such, it does not qualify for exemption under section 6(1)(b). I will discuss this record further in my consideration of section 12.

Pages 32 and 33 are minutes of a Police Services Board meeting which took place in public. As such, these pages do not qualify for exemption under section 6(1)(b). The Police advise, and I accept, that the other meetings described above were held in the absence of the public. The Police rely on the provisions of the Police Services Act which allow a police services board to hold in camera meetings in order to discuss certain matters, in this case, the pending legal action against the Police by one of the sexual assault victims. In my view, the second part of the test has also been met with respect to these records.

I have reviewed the contents of the remaining records to which section 6(1)(b) has been applied and find that their disclosure would reveal the actual substance of the deliberations of the in camera meetings of the Board of Commissioners of Police and the Police Services Board. As all three parts of the section 6(1)(b) test have been satisfied, I find that Pages 30-31, 70-71, 72-73, 425, 426 and 427 are exempt under this section.

SOLICITOR-CLIENT PRIVILEGE

The Police claim the application of section 12 to a number of records which contain evidence of an oral or a written communication between themselves and the solicitors retained to defend the civil action brought by the sexual assault victim.

This section consists of two branches, which provide a head with the discretion to refuse to disclose:

1. a record that is subject to the common law solicitor-client privilege; (Branch 1) and

2. a record which was prepared by or for counsel employed or retained by an institution for use in giving legal advice or in contemplation of or for use in litigation (Branch 2).

The Police submit that both branches apply to the records.

In order for a record to be subject to the common law solicitor-client privilege (Branch 1), the Police must provide evidence that the record satisfies either of the following tests:

1. (a) there is a written or oral communication, **and**

(b) the communication must be of a confidential nature, **and**

(c) the communication must be between a client (or his agent) and a legal advisor, **and**

(d) the communication must be directly related to seeking, formulating or giving legal advice;

OR

2. the record was created or obtained especially for the lawyer's brief for existing or contemplated litigation.

[Order 210]

A record can be exempt under Branch 2 of section 12 regardless of whether the common law criteria relating to Branch 1 are satisfied. Two criteria must be satisfied in order for a record to qualify for exemption under Branch 2:

1. the record must have been prepared by or for counsel employed or retained by the Police; and

2. the record must have been prepared for use in giving legal advice, or in contemplation of litigation, or for use in litigation.

I have reviewed the records to which the Police have applied section 12 and make the following findings:

1. Pages 2-4, 8-13, 32-33, 66, 68, 74-75, 97, 226, 324 (which is the same as Page 424) and 325 from the "P" record group represent confidential communications between a client and their counsel, directly related to the giving, seeking or formulating of legal advice. As such, these records are exempt from disclosure under the first part of Branch one of the section 12 exemption (the common law solicitor-client privilege).

2. Pages 14-16 were prepared by the Police for counsel retained to defend the civil litigation involving the victim of a sexual assault. As such, they are exempt from disclosure under Branch 2 of the section 12 exemption.

RIGHT TO A FAIR TRIAL

The Police have claimed the application of section 8(1)(f) to all of the records at issue. This section states:

A head may refuse to disclose a record if the disclosure could reasonably be expected to,

deprive a person of the right to a fair trial or impartial adjudication;

In their submissions, the Police object to the disclosure of the records on the basis that the dissemination to a newspaper of information which pertains to the civil action about to go to trial invites "political pressure and 'a trying the case in public' before the Judge has had opportunity to do so." The Police contend that the disclosure of the records prior to the completion of the civil suit could jeopardize the defence of the action by the police and each of the individual defendants, as well as the rights of the plaintiff.

I find that I have not been provided with sufficient evidence to establish that the disclosure of any of the remaining documents would deprive a person of their right to a fair trial or an impartial adjudication. I find that section 8(1)(f) has no application in the present appeal.

LAW ENFORCEMENT

The Police have claimed that certain investigation records which contain police intelligence information, as well as internal and external communications with other police agencies, are exempt from disclosure under section 8(1)(c). This section states:

> A head may refuse to disclose a record if the disclosure could reasonably be expected to,
>
> > reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;

I have reviewed the remaining records at issue and find that the disclosure of Pages 17 to 19 (which are the same as Record L-43) and 154 of the "P" record group could reasonably be expected to reveal investigative techniques which are currently in use in law enforcement. Accordingly, these records are exempt from disclosure under section 8(1)(c).

I have found above that the records to which the Police have applied sections 8(1)(g) and (l), 8(2)(b) are exempt under section 14(1). Accordingly, it is not necessary for me to address the application of these exemptions to these records.

Similarly, I have found that the records for which the Police have claimed the application of section 7(1) are exempt under section 12. It is not necessary for me to address this exemption in the circumstances of this appeal.

ORDER:

1. I order the Police to disclose Pages 1, 5-6, 7, 34 to 39, 40 to 46, 76 to 79, 80 to 94, 95-96, 99 to 125, 127 to 147, 174, 175 to 177, 178 to 187, 326, 327-328, 329 to 423 and 428 from the "P" record group and Records 43 to 202, 475 to 484, 486 to 488, 490 to 492, 494 to 506, 508 to 573 and an unnumbered record containing minutes of a meeting of the Board of Commissioners of Police dated May 19, 1988 from the "L" record category, with the deletion of the personal identifiers of any individuals, to the appellant by **September 4, 1997** but not before **August 30, 1996**.

2. I uphold the decision of the Police to deny access to the remaining records.

3. In order to verify compliance with the terms of this order, I reserve the right to require the Police to provide me with a copy of the records which are disclosed to the appellant pursuant to Provision 1.

July 31, 1997

Donald Hale
Inquiry Officer