



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

ORDER M-1039

Appeal M-9700233

Halton Regional Police Services Board



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NATURE OF THE APPEAL:

The appellant made a request to the Halton Regional Police Services Board (the Police) under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The request was for access to records relating to the investigation of the suicide of the appellant's son at the appellant's home on June 3, 1997. In particular, the appellant asked for 911 tapes of calls made to the Police regarding the incident, documents pertaining to "information/ambulance times", police report and fire department's report.

The Police located responsive records and denied access to them based on the exemptions contained in sections 8(2)(a) (law enforcement) and 14 (invasion of privacy) of the Act. The Police also advised the appellant that she should contact the Ministry of the Solicitor General and Correctional Services for a copy of the fire department's report.

The appellant appealed this decision to the Commissioner's office. The portion of the access request relating to the fire department's report is not at issue as the appellant has agreed to contact the Ministry of the Solicitor General and Correctional Services for this record.

This office provided a Notice of Inquiry to the appellant and the Police. Representations were received from both parties. In her representations, the appellant focuses on her need to hear the 911 tapes to help her put closure to her grieving for her son.

RECORDS:

The records at issue consist of a Homicide and Sudden Death Report (4 pages), an Identification Bureau Report (1 page), a property Tag (1 page) and a copy of the tape recording of 911 calls.

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 records and find that they contain information about the appellant's son. Section 2(2) provides that personal information does not include information about an individual who has been dead for more than thirty years. Since the appellant's son died within 30 years, the information in the records about him qualifies as his personal information.

The records also contain the personal information of other identifiable individuals. The records do not contain the personal information of the appellant.

Where a record contains the personal information of individuals other than the appellant, section 14(1) of the Act prohibits the disclosure of this information unless one of the exceptions listed in this section

applies. The only exception which might apply in the circumstances of this appeal is section 14(1)(f), which permits disclosure if it "... does not constitute an unjustified invasion of personal privacy".

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 that section 16 of the Act applies to the personal information.

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

The Police submit that the factors and presumptions in the following sections are applicable in determining that disclosure of the personal information would constitute an unjustified invasion of privacy: sections 14(2)(f), (I), 14(3)(a), (b) and (h). I will begin with the presumption in section 14(3)(b).

Section 14(3)(b) provides that:

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if 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.

The Police indicate that although the sudden death was reported as a suicide, they were called in to investigate the matter to determine whether there was any "foul play". In this regard, the Police submit that the investigation conducted by the attending police officers was an investigation into a possible violation of law. I agree and find that the presumption in section 14(3)(b) applies to the personal information in the records. Accordingly, the records are exempt under section 14(1).

Because of this finding, it is not necessary for me to consider the other exemptions raised by the Police.

ORDER:

I uphold the decision of the Police.

Original signed by _____
Laurel Cropley
Inquiry Officer

_____ November 20, 1997