

Reconsideration Order R-970006

Appeal M-9700180

Order M-1035

Halton Regional Police Services Board

This order sets out my decision on the request for reconsideration of Order M-1035.

Subsequent to the issuance of Order M-1035, I received a letter from the appellant requesting that I reconsider my order on the grounds that I omitted to consider some of the evidence submitted by the appellant; specifically two letters attached to the appellant's representations and the fact that she was never charged by the Police.

The IPC's policy on reconsideration provides as follows:

A decision maker may reconsider a decision where it is established that:

- (a) there is a fundamental defect in the adjudication process;
- (b) there is some other jurisdictional defect in the decision; or
- (c) there is a clerical error, accidental error or omission or other similar error in the decision.

A decision maker will not reconsider a decision simply on the basis that new evidence is provided, whether or not that evidence was obtainable at the time of the decision.

In assessing the merits of the request for reconsideration I have taken into account the policy and all of the circumstances of this case.

The appellant has expressed concern that in reaching my conclusions in Order M-1035, I omitted consideration of two letters she had attached to her representations, which support her position that she should not be listed as a suspect in making harassing telephone calls, and the fact that she was never charged with the offence. This evidence and information was before me in my original inquiry, and I did in fact consider it.

The appellant's position has been and continues to be that she should not have been listed as a suspect, and the letters clearly support her view. I also received supportive letters from two of her physicians. The appellant has made her position clear to me, and I have carefully reviewed and considered the strong statements of support contained in all of the letters.

As I stated in Order M-1035, the records at issue in this appeal contain the investigating police officer's **opinion** that the appellant was considered a suspect at the time of the investigation. A substitution of one opinion for another is simply not a permissible ground for correction under section 36(2) of the Act. Therefore, regardless of whether I may or may not agree with the appellant, the letters of support she provided to me cannot be considered in determining whether her correction request is valid.

Accordingly, I find that the appellant's request for reconsideration does not fit within any of the grounds for reconsideration set out in the policy, and therefore, the request is denied.

Original signed by: _____ January 21, 1998 _____ Ann
Cavoukian, Ph.D.
Commissioner