



Information and Privacy
Commissioner/Ontario

Commissaire à l'information
et à la protection de la vie privée/Ontario

ORDER M-1061

Appeal M-9700259

Hamilton-Wentworth Regional Police Services Board



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télé: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

NATURE OF THE APPEAL:

In January, 1995, as a result of an incident involving the appellants' daughter, the Hamilton-Wentworth Regional Police attended at their residence and commenced a search of the premises. The appellants subsequently made a request to the Hamilton-Wentworth Regional Police Services Board (the Police) under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The request was for a list of items which were removed from their home by a named constable as a result of the search, and the document legitimising the removal of these articles (such as a search warrant).

The Police responded to the appellants and advised that access to the records was denied pursuant to sections 38(a) and 8(2)(b) (disclosure would constitute an offence under an Act of Parliament). The appellants appealed this decision.

In order to assist in my preliminary determination as to whether I have the jurisdiction to consider the records and issues in this appeal, this office requested that the appellants provide particulars of the incident and the involvement of the Police at their home.

Upon reviewing this matter, including the information provided by the appellants in response to this request, I find that I have no jurisdiction under the Act to deal with the records sought in this appeal.

ORDER:

This appeal is dismissed.

Original signed by: _____
Laurel Cropley
Inquiry Officer

January 15, 1998