



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

ORDER MO-1354

Appeal MA-000158-1

Toronto Police Services Board



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NATURE OF THE APPEAL:

The Toronto 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 information which the Police have relating to the appellant. The Police located 38 pages of records responsive to the request and granted access to them, in part. Access to the remaining records, or parts of records, was denied pursuant to the mandatory exemption in section 14(1) and the discretionary exemption in section 38(b) of the *Act*.

The appellant appealed the decision of the Police. In his letter of appeal, the appellant narrowed the scope of his appeal to include only those records which pertain to a three-year period prior to the date of the request. By narrowing the ambit of the request, certain records which pre-dated the period covered by the amended request now fall outside its scope.

During the mediation stage of the appeal, the Police granted access to Records 27, 28 and 29. The appellant indicated that he wished to maintain his appeal of the decision of the Police to deny access to the undisclosed portions of Records 30, 31 and 32. The appellant also submitted that additional records responsive to his request should exist beyond those identified by the Police. On September 28, 2000, the Police granted the appellant access to the undisclosed portions of Records 30, 31 and 32. The application of the exemptions in sections 14(1) and 38(b) is, therefore, no longer at issue.

I provided the Police with a Notice of Inquiry, inviting their submissions on the issue of whether the search which was undertaken for additional records was reasonable. The Police provided me with representations, which were then shared, in their entirety, with the appellant, who also made brief submissions to me.

DISCUSSION:

REASONABLENESS OF SEARCH

In his letter of appeal, the appellant indicated that he believed that records related to occurrences which took place on February 4 and 5, 2000 and on July 21, 1998, in addition to other records, should exist in the police record-keeping systems. During the mediation of the appeal and in order to assist the Police in locating the requested information, the appellant undertook to provide the Police with the badge numbers of the officers involved in the occurrences which are the subject of the records sought. I note that he has not, however, done so.

In cases where a requester provides sufficient details about the records which he or she is seeking and the institution indicates that records do not exist, it is my responsibility to ensure that the institution has made a reasonable search to identify any records that are responsive to the request. The *Act* does not require the institution to prove with absolute certainty that records do not exist. However, in my view, in order to properly discharge its obligations under the *Act*, the Police must provide me with sufficient evidence to show that they has made a **reasonable** effort to identify and locate responsive records.

A reasonable search is one in which an experienced employee expends a reasonable effort to locate records which are reasonably related to the request.

The Police have provided a detailed description of the efforts they have made to locate records which relate to the appellant. The Police conducted searches of their main databases, the Central Occurrence Processing System (COPS), the Master Name Index (MANIX) and the Canadian Police Information Centre (CPIC) at the time of the original request and again at the mediation stage of the appeal. An additional search was undertaken to attempt to identify whether Police were dispatched to the address provided by the appellant on the dates which he supplied to the Police through the Mediator. Again, no responsive records were located as a result of this search.

The appellant has not provided me with a clear statement of his reasons for believing that additional records should exist in the files of the Police. I note that the appellant lives in another geographical jurisdiction and may have assumed that the Police would also be able to locate records maintained by another police service.

I am satisfied, following my review of the representations of the Police, that the searches undertaken for records responsive to the request were reasonable and I dismiss the appeal.

ORDER:

I find that the Police conducted a reasonable search for the requested records and I dismiss the appeal.

Original Signed By: _____ October 26, 2000
Donald Hale
Adjudicator