



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1655

Appeal MA-020263-1

Ottawa Police Services Board



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NATURE OF THE APPEAL:

An individual made a request to the Ottawa Police Services Board (the Police) for a correction of his personal information pursuant to the *Municipal Freedom of Information and Protection of Privacy Act (the Act)*. The requester (now the appellant) asked the Police to correct his personal information contained in an identified report by removing certain information. The appellant also asked the Police to contact any individuals to whom the identified information had been disclosed, and to notify them of the correction.

The appellant's request arises out of a complaint he made to the Police regarding allegations that his mail was being stolen. The record at issue is a report prepared by the Police during the course of investigating the appellant's allegations. The appellant takes issue with a portion of the report containing a statement made by a named postal inspector, speaking on behalf of Canada Post, to the Police. The postal inspector states that Canada Post has no record of any complaints from the appellant or any other residents in the appellant's postal code area.

The appellant feels that this portion of the record is incorrect; he included in his request evidence in support of his view.

The Police responded by denying the appellant's request for a correction. The Police explained that they had collected the information at issue from the postal inspector during the course of an investigation and that no amendment would be made to the report unless further information was supplied directly from Canada Post indicating that the information is not correct.

The appellant appealed the Police's decision. In his appeal letter, the appellant included detailed submissions in support of his position.

No issues could be resolved during mediation, and the appeal was referred to me for inquiry.

I first sent a Notice of Inquiry to the appellant. The appellant submitted representations. I then sent a Notice of Inquiry to the Police together with a copy of the appellant's representations in their entirety. The Police chose not to submit representations.

In conducting my inquiry I have considered all of the evidence before me including

- the Police's decision letter
- the appellant's appeal letter
- the appellant's representations
- the record at issue

RECORD:

The information that the appellant has asked to be corrected is a portion of a paragraph in a document identified as "Ottawa-Carleton Regional Police Service - Follow Up Investigation" report.

CONCLUSION:

The appellant's correction request is not warranted.

DISCUSSION:

DOES THE RECORD CONTAIN THE APPELLANT'S PERSONAL INFORMATION?

Sections 36(2)(a) and (b) of the *Act* provide for correction requests and statements of disagreement relating to one's own *personal information*. These sections state:

Every individual who is given access under subsection (1) to personal information is entitled to,

- (a) request correction of the personal information where the individual believes there is an error or omission therein;
- (b) require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made . . .

Section 2(1) of the *Act* provides, in part, that "personal information" means recorded information about an identifiable individual, including the views or opinions of another individual about the individual (g) and the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual (h).

In this case, I find that the portion of the record that the appellant wants corrected contains his personal information. It is recorded information about the appellant, including the appellant's name and the first three digits of his postal code and a statement from the postal inspector, recorded by a Police officer.

SHOULD THE PERSONAL INFORMATION BE CORRECTED?

An early order of this office set out the three requirements necessary for granting a request for correction, all of which must apply in the circumstances.

1. The information at issue must be personal and private information.
2. The information must be inexact, incomplete or ambiguous.
3. The correction cannot be a substitution of opinion.

(See Order 186)

As noted above, I am satisfied that the records contain the appellant's personal information; therefore, requirement 1 is met.

Requirement 2 refers to the information being "inexact, incomplete, or ambiguous".

The appellant has gone to considerable effort in his representations to establish that the information at issue is incorrect. He has provided extensive documentary evidence in support of his position that he submitted complaints to Canada Post regarding concerns that his mail was being stolen.

As indicated above, the Police stated in their decision that the information at issue was collected from a named source during the course of an investigation and that no amendment would be made to it unless further information was supplied directly from the named source indicating that the information is not correct.

The information the appellant seeks to correct is a Police officer's recording of a statement made to him by a third party. In these circumstances, under requirement 2, the issue for me to decide is whether the Police officer accurately recorded what the third party said to him, not whether the content of the statement is true. Even if the content of the statement were not true, to change it would result in false and misleading information about what was actually said.

There is no evidence before me to indicate that the Police officer inaccurately recorded the third party's statement. Therefore, requirement 2 has not been met since the information in question cannot be said to be "inexact, incomplete or ambiguous".

This approach is consistent with this office's approach to recordings of statements, views or impressions conveyed by third parties (Orders M-777, MO-1438, P-1478).

In conclusion, I am satisfied that the Police acted reasonably in refusing the correction request. The appellant is at liberty, under 36(2)(b) of the *Act*, to require the Police to attach to the information a statement of disagreement, reflecting the correction that he requested.

ORDER:

I uphold the decision of the Police to deny the appellant's correction request.

Original signed by: _____
Bernard Morrow
Adjudicator

_____ May 29, 2003