



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1740

Appeals MA-030422-1 and MA-030423-1

Toronto Police Services Board



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NATURE OF THE APPEAL:

This is an appeal under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*).

On October 3, 2003, the requester submitted a request to the Toronto Police Service (the Police) for:

1. Complete listing of all licensed Private Parking Enforcement Agencies which prepare and or issue any document which have been approved by the Chief of Police pursuant to section B (8) (c) of article 3 Paragraph 150-5 of City of Toronto by-law 465-2001 in relation to a vehicle parked, stopped or standing on private property other than a "Parking Infraction Notice or a Certificate of Parking Infraction issued under part 2 of the Provincial Offences Act" or a "Toronto Police Service Tow Card."
2. Provide a copy of any such "approved document" and the specific criteria on which such a decision was based.

On October 6, 2003, the requester submitted another request to the Police for:

1. Complete listing of all Private Parking Enforcement Agencies that have participated in the Police administered Municipal Law Enforcement Program under by-law 465-2001 since Jan 1, 2002.
2. Total number of individuals employed by Private Parking Enforcement Agencies that have been certified a Municipal Law Enforcement Officers since Jan 1, 2002.
3. Total number of individuals employed by Private parking Enforcement Agencies that are currently certified as Municipal Law Enforcement Officers under the Toronto Police administered Municipal Law Enforcement Program.

On October 16, 2003 the Police wrote to the requester confirming that the requests had been received and assigned file numbers.

Section 19 of the *Act* requires the Police to issue a decision within 30 days of receipt of a request. If a decision is not issued within that time period, the Police is in a "deemed refusal" situation pursuant to subsection 22(4) of the *Act*. That provision states:

A head who fails to give the notice required under section 19 or subsection 21(7) concerning a record shall be deemed to have given notice of refusal to give access to the record on the last day of the period during which notice should have been given.

On December 16, 2003, the requester (now the appellant) wrote to this office indicating that the Police had not replied to his requests under the *Act*. Appeals MA-030422-1 and MA-030423-1 were opened.

On December 22, 2003, Notices of Inquiry were sent to both the appellant and the Police stating that the Police was in a deemed refusal situation for both appeals. The Notices also advised that if decisions were not issued by January 9, 2004, I would be in a position to issue an order requiring the Police to provide decision letters to the appellant.

On January 12, 2004, I spoke to an Analyst in the Freedom of Information and Protection of Privacy Unit for the Police regarding the status of the decision letters. The Analyst could not provide a definitive answer regarding when the decision letters would be issued. To date, the Police have not issued the decisions regarding access to the information responsive to these requests. To ensure that there are no further delays in processing this request, I am ordering the Police to issue decisions regarding access.

ORDER:

1. I order the Police to issue final decision letters to the appellant regarding access to the records in accordance with the *Act* and without recourse to a time extension, no later than **January 21, 2004**.
2. In order to verify compliance with Provision 1 of this Order, I order the Police to provide me with copies of the decision letters referred to in Provision 1 by **January 21, 2004**. This should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario, M5S 2V1.

Original signed by: _____
Lucy Costa
Intake Analyst

January 14, 2004