



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1667

Appeal MA-030097-1

Ottawa Police Services Board



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NATURE OF THE APPEAL:

The Ottawa Police Services Board (the Police) received a request under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for access to a copy of a “report” provided to the Police by a municipal councillor in March 1999. Reference to such a “report” was made in the representations provided to me by the Police in the course of my inquiry in Appeal Number MA-020022-1. As a result of that appeal, I issued Order MO-1557 on July 19, 2002.

The Police indicated in their decision letter to the appellant that the “report” referred to in its representations is in fact an occurrence report which it prepared. The appellant made an earlier request for the occurrence report under the *Act* and was granted partial access to it. The appellant appealed the decision of the Police to deny him access to the undisclosed portions of the occurrence report. This matter is currently the subject of Appeal Number MA-020126-1 and will be adjudicated upon once the inquiry process has been completed.

The appellant continued to maintain that the “report” requested is not the same document as that which is the subject of Appeal Number MA-020126-1 and appealed the decision of the Police.

Mediation was not successful in resolving this matter and it was moved into the adjudication stage of the process. I decided to seek the representations of the appellant initially in this case. I requested that the appellant provide me with his submissions on whether he accepts the explanation of the Police that the requested “report” is the same document which is the subject of Appeal Number MA-020126-1. The appellant provided representations in response to my inquiries. Because of the manner in which I will address the reasonable search issue in this decision, it was not necessary for me to seek the representations of the Police.

DISCUSSION:

REASONABLENESS OF SEARCH

In response to my inquiry, the appellant submitted the following:

...

3. The information requested under file No. 01-275 was for “A LETTER FROM A COUNCILLOR AT THE CITY”. My new request (02-232) [the current appeal] (MA-020396-2) [which was later opened by this office as Appeal Number MA-030097-1] is for “A REPORT” that was made to the then ORPS [the then-existing Ottawa Regional Police Service], by a city councillor, concerning use.
4. The OPS [the Police] is not telling the truth, when they say “Access cannot be provided because the record does not exist.” Evidence that the record does exist can be found in the Commission’s Order [MO-]1557 MA020022-1, on page three, paragraph one, the last sentence which reads as follows:

- (a) According to our Records Section, there was a report which was mad by a councillor in March 1999 . . . >” and
- (b) Copy of a referral document from CAS, which is about a letter allegedly about me.

In my view, the appellant has not provided me with a sufficient basis to make a finding that the search undertaken by the Police for records responsive to this request was not reasonable. During the mediation stage of the appeal and again at the inquiry stage, the appellant has been advised that the “report” referred to in the Police representations in Order MO-1557 is the same as the document currently before this office in Appeal Number MA-020126-1. Despite this explanation, the appellant continues to maintain that this is not the case.

I accept the explanation provided by the Police to the Mediator as to the nature of the “report” that is the subject of this appeal. In my view, the Police have provided a reasonable explanation as to why the requested “report” exists only in the form of the occurrence report which is the subject of Appeal Number MA-020126-1 and that this has been communicated to the appellant on at least two occasions by this office. Accordingly, I find no basis for the appellant’s position and dismiss the appeal.

ORDER:

I dismiss the appeal on the basis that the appellant has not provided a reasonable basis for his belief that records responsive to the request exist.

Original signed by: _____
Donald Hale
Adjudicator

July 4, 2003