



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1674

Appeal MA-030017-1

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 “a full list of all incidences collected under my name.” The requester also identified the types of records she was interested in obtaining.

After clarifying the request with the requester, the Police identified five pages of responsive records. The Police identified that four pages of records were lists of information taken from their Occurrence Processing System (COPS/COPSA), and granted full access to those records. Those four pages are not at issue in this appeal.

With respect to the fifth page, which is a one-page Computer Assisted Dispatch (ICAD) Address History Report, the Police disclosed portions of this page. Access was denied to the severed portions of this Report on the basis of the exemptions found in sections 14(1) and 38(b) (invasion of privacy), with reference to the presumed unjustified invasion of privacy found in section 14(3)(b) of the *Act*. As well, the decision letter of the Police stated:

It should be noted that many record types are not retained permanently by [the Police], and become subject to purging once the retention schedule has been exceeded. This policy is in keeping with the Toronto Police Service Record Retention Schedule The retention period for the ICAD reports is five years, therefore certain information has been removed [from the report] as your involvement cannot be confirmed.

The requester, now the appellant, appealed the decision of the Police. Mediation did not resolve the issues in this appeal, and the matter was moved to the inquiry stage of the appeal process.

A Notice of Inquiry was initially sent to the Police, setting out the facts and issues in the appeal and seeking representations on them. The Police provided representations, and the Notice of Inquiry was then sent to the appellant, along with a copy of the non-confidential portions of the Police’s representations. The appellant responded to the Notice of Inquiry by stating that she would not be making representations; however, she also confirmed that she was interested only in information relating to her. She stated:

My only goal is to obtain all personal information as per the definition in the [*Act*] pertaining to me.

The information remaining at issue is contained in page five, which is a one-page ICAD report.

DISCUSSION:

RESPONSIVENESS OF INFORMATION/SCOPE OF THE REQUEST

The issue for me to decide in this appeal is whether or not the severed portions of the remaining record are responsive to the request.

The Police have denied access to the severed portions of page five on the basis that they are covered by the exemptions found in sections 14(1) and 38(b) of the *Act*. In effect, the Police are taking the position that the severed information does not relate to the appellant and therefore is not responsive.

In their representations the Police submit that the undisclosed portions of the record contain the personal information of individuals other than the appellant. They state:

The appellant has requested information on incidents **that related directly to her**. She was granted access to the COPS/COPSA lists in their entirety, and portions of a one-page ICAD address history report. Some information on the ICAD report was disclosed as we were able to confirm the involvement of the appellant by cross referencing with the COPS/COPSA databases. **The information severed consisted of those printouts which could not be cross referenced and therefore could not be confirmed as involving the appellant.** [emphasis added]

The Police proceed to identify that portions of the severed record can be associated with identifiable individuals and therefore constitute the “personal information” of other identifiable individuals, and the Police refer to previous orders of this office in support of their position. However, the Police do not identify whether the severed portions of the record contain the personal information of the appellant. Indeed, the sole reference to this issue is the quotation set out above in which the Police identify that the severed portions consist of printouts which “could not be confirmed as involving the appellant”.

It is clear to me that throughout this appeal the appellant has been interested solely in information which relates to her. Her request was specifically for “... all incidences collected under my name.” In response to the mediator’s report, which was sent to her during the processing of this appeal, the appellant confirmed that she was only interested in information referable to her. In response to the Notice of Inquiry, and after being provided with the portion of the Police’s representations quoted above, the appellant again confirmed that her only goal was to obtain all personal information pertaining to her.

In the circumstances of this appeal, I am satisfied that the information in the printouts which was severed from page five of the records is not responsive to the appellant’s request, nor is it referable to her in any way.

The Police have clearly identified how they have been able to confirm the appellant’s involvement in the portions of page five which were provided to her. They cross referenced each printout of information in the record with other existing information, and on that basis provided the appellant with those printouts from the record which relate to her. The Police also referred to their records retention schedule, and identified that, in accordance with the schedule, certain records are destroyed after 5 years.

On the basis of the information set out above, and based on the appellant's clear identification that she was solely interested in information relating to her, I am satisfied that the severed portions of page five of the record are not referable to the appellant, and are therefore not responsive to the request. As those portions of the record are the only ones remaining at issue in this appeal, and as I have found them not to be responsive to the request, there is no purpose served in reviewing the possible application of the exemptions relied on by the Police, and I dismiss the appeal.

ORDER:

I dismiss the appeal.

Original signed by: _____
Frank DeVries
Adjudicator

_____ July 31, 2003