



**Information and Privacy
Commissioner/Ontario**

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

ORDER MO-1997

Appeal MA-050386-1

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 September 14, 2005, the requestor made the following access request to the Toronto Police Services Board (the Police), with respect to an article that appeared in the Toronto Star titled 'Gun Measures "window dressing" critics say, Four new proposals aimed at tackling gun violence':

In the article Chief Blair made the statement "half of all guns used in crime come from robberies".

Please provide all relevant data (raw data) to substantiate the chief's statement. Including total number of firearms stolen, recovered, returned to owner and country the theft occurred in. As well please provide the statistical methodology used including the sample size and location and any non government organization used to supply data and or provide statistical analysis.

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 the time period, the Police are in a deemed refusal situation pursuant to subsection 22(4) of the *Act*. The provision states:

A head who fails to give 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 October 27, 2005, the requestor (now the appellant) wrote this office indicating that the Police had not replied to his request under the *Act*.

On November 3, 2005, this office sent a Notice of Inquiry to both the appellant and the Police stating that the Police are in a deemed refusal situation. The Notice also stated that if a decision was not issued by November 21, 2005, I would be in a position to issue an order requiring the Police to provide a decision letter to the appellant.

I contacted the Police on November 9, 2005, to ensure a decision would be issued to the appellant. The Police confirmed that they were working on the request and that a decision would be issued by November 21, 2005.

I spoke with the Police again on November 23, 2005, and was advised that no decision had been issued, however they intended to issue one to the appellant with a copy to this office by November 25, 2005.

To ensure that there are no further delays in processing this request, I am ordering the Police to issue a decision regarding access.

ORDER:

1. I order the Police to issue a decision letter to the appellant regarding access to the records in accordance with the *Act* and without recourse to a time extension, no later than **December 1, 2005**.
2. In order to verify compliance with Provision 1 of this Order, I order the Police to provide me with a copy of the decision letter referred to in Provision 1 by **December 1, 2005**. This should be forwarded to my attention, c/o Information and Privacy Commissioner/ Ontario, 2 Bloor St. East, Suite 1400, Toronto, Ontario, M4W1A8

Original Signed by: _____
Jim Palmer
Intake Analyst

_____ November 24, 2005