

Information and Privacy Commissioner,  
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,  
Ontario, Canada

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## ORDER MO-2779

Appeal MA11-390

Peel Regional Police Services Board

August 20, 2012

**Summary:** The appellant made a five-part correction request relating to two occurrences to the police. Two parts of the appellant's request were found not to contain an actual request but instead included the appellant's complaints about the police. Three parts of the appellant's request related to factual information which was not inexact, ambiguous or incomplete. The police's decision to deny the correction request is upheld.

**Statutes Considered:** *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, section 36.

### OVERVIEW:

[1] The appellant made a request to the Peel Regional Police Service (the police) under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for the correction of two occurrence reports. The appellant claimed correction for the first specified report because it contained:

Inexact, incomplete and non-factual assertions that amount to ambiguous substitution of opinions for the otherwise concealed facts of the visit by COAST.<sup>1</sup>

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<sup>1</sup> COAST – Crisis Outreach and Support Team.

[2] The appellant claimed correction for the second specified report as it is: an inexact description of what had taken place and it is incomplete based on not being processed in accordance to the due process of law. The information at issue is also incomplete for being a one-sided account of an initial response that leaves out my accepted explanation of that time.

[3] The police reviewed the request and issued a decision denying the corrections requested by the appellant. The police advised the appellant that she could have a statement of disagreement attached to the records instead.

[4] During the inquiry into this appeal, I sought and received representations from the appellant and the police. Representations were shared in accordance with Section 7 of the IPC's *Code of Procedure and Practice Direction 7*.

[5] In this order, I uphold the police's decision.

## **DISCUSSION:**

[6] The sole issue to be determined in this order is whether the police should correct the "personal information" in records pursuant to section 36(2) of the *Act*. Section 36(1) gives an individual a general right of access to his or her own personal information held by an institution. Section 36(2) gives the individual a right to ask the institution to correct the personal information. If the institution denies the correction request, the individual may require the institution to attach a statement of disagreement to the information. Sections 36(2)(a) and (b) 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;

[7] This office has previously established that in order for an institution to grant a request for correction, all three of the following requirements must be met:

1. the information at issue must be personal and private information; and
2. the information must be inexact, incomplete or ambiguous; and
3. the correction cannot be a substitution of opinion [Orders 186 and P-382].

[8] In each case, the appropriate method for correcting personal information should be determined by taking into account the nature of the record, the method indicated by the requester,<sup>2</sup> if any, and the most practical and reasonable method in the circumstances.<sup>2</sup>

[9] The police do not dispute that the information at issue is both personal and private information. However, the police submit that the corrections requested by the appellant would amount to a substitution of opinion.

[10] I will now set out a summary of the appellant's correction requests as well as the parties' representations on each point.

***Correction 1: "Request for Assistance – Assist Private Citizen" heading on the occurrence***

[11] The appellant disputes the occurrence description of "Request for Assistance – Assist Private Citizen" found on the first page of occurrence report 1. The appellant submits that neither she nor anyone she knows requested assistance and COAST did not assist any private citizen in her residence.

[12] The police submit that a check of the incident history shows that the call was originated by members of COAST and came in as a "Mentally Ill Person" call with an outcome of no grounds for apprehension under section 17 of the *Mental Health Act*. The police note that an occurrence report was generated by the call.

[13] The police submit that the occurrence description accurately reflects the nature of the occurrence and is not inexact, incomplete or ambiguous. The police submit that the occurrence subject description should be determined by the police subject to its reporting requirements and changing the description would amount to a substitution of opinion by the appellant.

[14] Based on my review of the information and the parties' representations, I find the information to be factual and not inexact, ambiguous or incomplete. The occurrence description accurately reflects the reason why the police attended the appellant's home. The appellant's correction request would result in a substitution of opinion and I uphold the police's denial of correction for this point.

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<sup>2</sup> Orders P-448, MO-2250 and PO-2549.

***Correction 2: The appellant finds that the information listed under "Remarks" of a piece of property (a DVD) are irrelevant since she is not the person who submitted the DVD.***

[15] The appellant submits that the information on occurrence report 1 should be corrected as she did not give the police the DVD and the DVD was given by her husband to the police. She argues that the DVD was not "seized" by the police.

[16] The police submit that the property listed in the occurrence was turned over to the police when they attended the appellant's home and accurately reflects the property seized. The police submit that the DVD was turned over to COAST officers by the appellant's husband and is not inexact, incomplete or falsely ambiguous in its description.

[17] I agree with the police's representations. The appellant also does not appear to dispute the fact that a DVD was given to the police during the occurrence and I find that the information that the DVD was seized to be an exact description of what occurred. I uphold the police's denial of the appellant's correction request on this point.

***Correction 3: The appellant disputes the part of the occurrence report that states there was a theft, that there were no charges laid, and there was no arrest made. The appellant also submits that she was not advised of section 10 of the Charter by the police.***

[18] This portion of the appellant's correction request relates to occurrence report 2.

[19] The appellant submits that she was not told she was arrested until it appeared on the occurrence report. The appellant submits that her husband had a conversation with the security manager following the incident and the issues were finalized between the appellant's husband and the security manager. The appellant argues that the occurrence report is incomplete and one-sided and does not accurately reflect the finalized issues between the appellant's husband and the security manager.

[20] The police submit that the information in the occurrence report is not inexact and accurately reports the offence. The police submit that the appellant was lawfully arrested by the store security and not the police and she was not criminally charged but dealt with by other means as requested by store security. The police did not advise the appellant of her *Charter* rights due to the fact that the police did not continue the arrest and charges were not laid. The police maintain that the appellant was not charged but was placed under arrest by store security for the offence of theft.

[21] Based on my review of the parties' representations and the information at issue, I find the police's description of the occurrence not to be unambiguous, inexact or

incomplete. Any discussions that the appellant's husband would have had with the store security manager following the police's attendance at the store would not have been reflected on the occurrence report. Accordingly, I find that the appellant's correction request would result in a substitution of opinion and I uphold the police's denial of the correction request on this point.

***Correction 4: The appellant comments on the actions of an individual in her neighborhood***

[22] This part of the appellant's request does not relate to a specific occurrence report.

[23] The police submit that this part of the appellant's correction request relates to the appellant's commentary on the practices of the police and how they have dealt with specific occurrences involving the appellant and her family in dispute with a neighbor.

[24] The police submit that this correction is not an actual correction request and does not provide the police with an ability to address the issue. The police submit that it has a complaint system which the appellant can access if she has concerns regarding the actions of the police.

[25] The appellant's argument about this correction point focuses on the actions of the neighbor and argues that the police falsified information.

[26] Based on my review of this portion of the appellant's request, I find that the appellant's request does not contain information to be corrected but rather contains her commentary on the police's actions. I uphold the police's decision to deny the correction request on this point.

***Correction 5: The appellant is making commentary relating to false accusations and abuse of authority against her***

[27] This part of the appellant's request appears to relate to both occurrence reports.

[28] The appellant submits that the police's insistence that the occurrence reports are true is an intentional and malicious abuse of power.

[29] The police submit that the contents of the occurrence reports accurately describe the incidents in question. The police reiterate the point that there are complaint systems that can be accessed by the appellant if she has concerns regarding police actions.

[30] Based on my review of this portion of the appellant's request, I find that the appellant's request does not contain information to be corrected. Rather, the

appellant's arguments on this point only contain complaints about the police's actions. I uphold the police's decision to deny the correction request on this point.

**Conclusion**

[31] In summary, I have found that the first three-parts of the appellant's correction request ask that the appellant's opinion be substituted for the police's version of information in the occurrence report. I have found the personal information that the appellant would like corrected to be factual information that is exact, non-ambiguous and complete. Finally, I find that if I allowed the appellant's correction request then what would result is a substitution of her opinion of the facts rather than the police's version. Accordingly, I uphold the police's decision to deny the appellant's correction request.

[32] In my view, the appellant's version of the events would be better addressed in a statement of disagreement which the police have offered to attach to the occurrence reports pursuant to section 36(2)(b) of the *Act*.

[33] Parts four and five of the appellant's correction request do not reference an actual correction but contain her complaints and comments about the police. I refer the appellant to the police's submissions on these parts of her request.

**ORDER:**

I uphold the police's decision and dismiss the appeal.

Original signed by: \_\_\_\_\_  
Stephanie Haly  
Adjudicator

\_\_\_\_\_ August 20, 2012