

Information and Privacy Commissioner,
Ontario, Canada



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

RECONSIDERATION ORDER MO-3490-R

Appeal MA16-475

Order MO-3461

Ottawa Police Services Board

August 30, 2017

Summary: The appellant requested a reconsideration of Order MO-3461, which upheld the police's decision to grant the appellant partial access to police records relating to a criminal harassment complaint filed against her. The appellant provided reconsideration submissions that did not address or establish any grounds for reconsideration. The reconsideration request is denied because there are no grounds for reconsideration.

OVERVIEW:

[1] The appellant sought access to Ottawa Police Services Board (the police) records relating to a criminal harassment complaint filed against her. The police granted the appellant partial access to the responsive records disclosing the appellant's personal information to her, but withholding information relating to the individuals who complained to the police under the discretionary personal privacy exemption in section 38(b) of the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*). The appellant was not satisfied with the police's decision and appealed it to the Office of the Information and Privacy Commissioner (IPC). I was the adjudicator assigned to the appeal and I conducted an inquiry into the matter. In Order MO-3461 issued on June 26, 2017, I upheld the police's decision and dismissed the appeal.

[2] On July 17, 2017, the appellant requested a reconsideration of Order MO-3461 and 14 days to provide her submissions for the reconsideration. In a letter to the

appellant dated July 18, 2017, I granted the appellant's request.

[3] On August 2, 2017, I received the appellant's submissions for her reconsideration request. The appellant's submissions consist of three bound volumes of materials, including three affidavits sworn by the appellant. The appellant's submissions, including the three affidavits, repeat the representations she provided during my inquiry into her Appeal MA16-475 and reproduce the documents she included in her representations and throughout my inquiry. They also include copies of correspondence between the appellant and me regarding the reconsideration request, as well as some additional information in support of her position that she ought to have access to the records.

[4] What the appellant's submissions do not include is any information that addresses the grounds for reconsideration, which are set out in section 18 of the IPC's *Code of Procedure* as follows:

18.01 The IPC may reconsider an order or other decision where it is established that there is:

- (a) a fundamental defect in the adjudication process;
- (b) some other jurisdictional defect in the decision; or
- (c) a clerical error, accidental error or omission or other similar error in the decision.

[5] Having reviewed the appellant's submissions in support of her reconsideration request, I find that they do not establish any of the three grounds for reconsideration set out in section 18 of the IPC's *Code of Procedure*. They do not identify any fundamental error, jurisdictional defect or other error in the decision. To the extent that the appellant's submissions contain new information or evidence about the issues in the appeal, the appellant could have provided that information during the appeal. As noted in section 18.02 of the IPC's *Code of Procedure*, the IPC will not reconsider a decision simply on the basis that new evidence is provided.

[6] As there are no grounds for reconsideration of Order MO-3461, I decline the appellant's reconsideration request.

ORDER:

I decline the appellant's reconsideration request.

Original Signed by: _____
Stella Ball
Adjudicator

August 30, 2017 _____