



**Information and Privacy  
Commissioner/Ontario**  
**Commissaire à l'information  
et à la protection de la vie privée/Ontario**

# **ORDER M-74**

**Appeal M-9200298**

**Thunder Bay Police Services Board**



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## ORDER

The Thunder Bay Police Services Board (the Police) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) in which the requester wanted to know "how many times (a named individual) [was] charged with theft, assault, etc. etc. from 1970-1989". The request indicated that there were two possible spellings of the individual's name, and also identified that the individual referred to was deceased.

The Police initially responded to the request by denying access to any responsive records on the basis of sections 8(2)(a) and 14(1)(f) of the Act. The requester appealed the Police's decision. The Police subsequently clarified their response in a revised decision letter, which stated: "a further search of our records has determined that access cannot be provided because no records exist for the time period indicated in your original request, namely 1970-1989".

The appellant was not satisfied with the revised decision and proceeded with the appeal.

Mediation was not successful, and notice that an inquiry was being conducted to review the Police's decision was sent to the appellant and the Police. Written representations were received from the Police only. The appellant had earlier provided certain documentation in support of his position, and indicated he wished to rely on this material in support of his position. The appellant also indicated that he was aware that the individual whose information he was requesting had been charged by the CPR Police.

The sole issue in this appeal is whether the Police's search for the requested records was reasonable in the circumstances.

Along with its representations, the Police provide a sworn affidavit which outlines the steps taken to locate any responsive records in its custody and control relating to the named individual for the time period covered by the request. These steps included:

- searches of the Police's index cards;
- various searches of certain on-line databases;
- searches of various additional hard-copy records.

The Police indicate that the searches were made for any incidents where the named individual was listed as charged under either of the two names provided by the appellant. The affidavit identifies that the searches failed to produce any responsive records.

Having carefully reviewed the representations, I am satisfied that the Police have taken all reasonable steps to locate any records responsive to the appellant's request, and that the search conducted by the Police was reasonable in the circumstances of this appeal.

Original signed by: \_\_\_\_\_  
Tom Mitchinson  
Assistant Commissioner

\_\_\_\_\_ December 29, 1992