



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

ORDER M-93

Appeal M-9200401

**Hamilton-Wentworth Regional
Board of Commissioners of Police**

ORDER

The Hamilton-Wentworth Regional Board of Commissioners of Police (the Police) received a request for access under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to the following:

1. The posting location in Ontario of a named sergeant.
2. All records of telephone calls to the Police from the requester or another named individual, for the month of July 1992, made from a specified telephone number.
3. A copy of a named officer's report of July 7, 1992, dealing with a meeting held with the requester at her address.
4. The name of the police constable who spoke to the requester on July 8, 1992, before the call was transferred to a second, named, constable.
5. Why the Police refused to assist in a criminal matter when asked.
6. Why the requester was not informed of a watch and beset charge to protect her.
7. Why an urgent call at 7.10 pm on July 7, 1992 was not answered until 8:50 pm, and was sent out as priority 3 rather than priority 1.

The Police responded to the various portions of the request as follows:

1. The Police did not employ anyone with the name provided by the requester.
2. After obtaining the consent of the other named individual, the Police advised that no record of any July 1992 telephone calls existed.
3. The Police disclosed a dispatch card, officer's log and officer's notes regarding the July 7, 1992 meeting, subject to the severance of information contained in these records which did not concern this meeting. The Police also advised that no "report" existed.
4. The Police advised that the name of the police constable could not be provided because no record of the July 8, 1992 telephone call existed.

The Police also advised the requester that items 5, 6 and 7 in her request should be referred to the Professional Standards Branch, and could not be dealt with under the Act.

The requester appealed the Police's decision, claiming that more responsive records should exist.

During the course of mediation, the appellant confirmed that her appeal was restricted to records relating to any July 1992 telephone calls (item 2) and the police "report" (item 3).

Further mediation was not successful, and notice that an inquiry was being conducted to review the Police's decision was sent to the Police and the appellant. Written representations were received from both parties.

The only issue in this appeal is whether the Police have taken all reasonable steps to locate records relating to the telephone calls and any "report" generated as a result of the July 7, 1992 meeting.

In their representations, the Police provide a detailed outline of the steps taken to locate these records. These steps include computer and manual searches of relevant databases and files; manual searches of dispatch cards and microfilm records for the relevant dates; consultations with relevant Police staff; and review of relevant Police officer's log books.

As far as any telephone calls are concerned, the Police explain that the records retention schedule for "911" calls is two months, and any calls made by the appellant or the other named individual fell outside this two-month period. The Police also explain that no report of the July 7, 1992 meeting was submitted because the meeting involved a landlord/tenant matter, and no report is required under the Police policies for these types of matters.

Having carefully reviewed the representations submitted by both parties, I am satisfied that the searches conducted by the Police for responsive records was reasonable in the circumstances.

Original signed by: _____
Tom Mitchinson
Assistant Commissioner

March 2, 1993