



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

ORDER P-840

Appeal P-9400192

Ontario Criminal Code Review Board



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télééc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

NATURE OF THE APPEAL:

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The Ontario Criminal Code Review Board (the Board) received a request for all personal information in its possession relating to the requester, including audio recordings made at the requester's hearings before the Board during a specified period of time. The Board located a large number of responsive records and granted access to them in their entirety, with the exception of the tape recordings made of the requester's September 9, 1992 Board hearing. The Board denied access to these recordings on the basis that, pursuant to section 30 of the Act, it did not have the technological means to reproduce them.

The requester appealed the decision to deny access to the tape recordings. As the issue of access to tape recordings of Board hearings had been addressed in an earlier appeal involving the same parties, it was agreed that the representations submitted by the Board and the appellant in Appeal Number P-9400191, which resulted in Order P-820, would apply to this appeal. In its representations, the Board claimed the application of the exemptions provided by sections 20, 49(b) and 49(d) of the Act.

In Order P-820, I found that it would be reasonably practicable for the Board to provide access to the requested records simply by reproducing them. In this appeal, the tape recordings sought are approximately three hours in length. Again, I cannot agree with the Board's position that it would be unduly expensive to copy and provide them to the appellant.

I have reviewed the tape recordings in their entirety and find that they contain only the personal information of the appellant. I further find that, as was the case in Order P-820, the exemptions provided by sections 20, 49(b) and 49(d) are not applicable to the requested tape recordings. Accordingly, I find that they should be disclosed in their entirety to the appellant.

ORDER:

1. I order the Board to disclose to the appellant the tape recordings of the appellant's September 9, 1992 Board hearing in their entirety within thirty-five (35) days of the date of this order, but not before the thirtieth (30th) day after the date of this order.
2. In order to verify compliance with this order, I reserve the right to require the Board to provide me with a copy of the records which are disclosed to the appellant pursuant to Provision 1.

Original signed by: _____
Donald Hale

January 18, 1995

Inquiry Officer



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Téloc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>