



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

## **ORDER M-770**

Appeal M\_9500753

Metropolitan Toronto Police Services Board



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## NATURE OF THE APPEAL:

The Metropolitan Toronto Police Services Board (the Police) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to an updated copy of the requester's criminal record from 1981.

The Police responded by providing the requester with a copy of the responsive record. The requester appealed the decision of the Police on the basis that the record should contain more information and in particular, information relating to her arrests in 1983 and 1984.

The sole issue to be determined in this appeal is whether the search conducted by the Police for records responsive to the request was reasonable in the circumstances.

A Notice of Inquiry was provided by the Commissioner's office to the appellant and the Police. Representations were received from both parties.

## DISCUSSION:

### REASONABLENESS OF SEARCH

Where a requester provides sufficient details about the records which he or she is seeking and the Police indicate that such a record does not exist, it is my responsibility to ensure that the Police have made a reasonable search to identify any records which are responsive to the request. The Act does not require the Police to prove with absolute certainty that the requested records do not exist. However, in my view, in order to properly discharge its obligations under the Act, the Police must provide me with sufficient evidence to show that they have made a reasonable effort to identify and locate records responsive to the request.

Although an appellant will rarely be in a position to indicate precisely which records have not been identified in an institution's response to a request, the appellant must, nonetheless, provide a reasonable basis for concluding that such records may, in fact, exist.

In her submissions, the appellant has provided extensive information about her residences and employment in various cities. The appellant has also included information relating to items allegedly stolen from her apartment and her complaints about certain police officers. However, in my view, the appellant's representations do not relate to her request for information about her criminal record.

In their representations, the Police submit that the MANIX system was searched and the appellant's criminal record was provided to her. The MANIX system consists of a numerical filing system which the Police use for filing all their criminal records. In addition, the Police searched the database of the CPIC system maintained by the RCMP to ascertain whether there were any criminal records on file with other police forces. No further records were located. The Police state that these searches were repeated in response to mediation efforts by the Commissioner's office.

With respect to the appellant's assertion that more information should exist for the years 1981, 1983 and 1984, the Police state that the records do not exist. The Police explain that a Metropolitan Toronto Police (MTP) number is assigned to an individual when he or she is first fingerprinted. This number remains with that individual unless the person applies for and receives a pardon or consent to have the file destroyed. If the individual's file becomes inactive, the MTP number is still retained and stored on microfilm and is reactivated when required.

The Police state that the first entry on the appellant's criminal record appears in November, 1987 and therefore, the MTP number assigned to the appellant is a 1987 number. The CPIC system, maintained by the RCMP also shows the first entry as November, 1987.

I have considered the representations of the parties and I find that the searches conducted by the Police for records responsive to the request were reasonable in the circumstances of this appeal.

**ORDER:**

The appeal is dismissed.

Original signed by: \_\_\_\_\_  
Mumtaz Jiwan  
Inquiry Officer

\_\_\_\_\_ May 13, 1996