



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

ORDER MO-1274

Appeal MA-990213-1

Peel Regional Police Services Board



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NATURE OF THE APPEAL:

The appellant made a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) to the Peel Regional Police Services Board (the Police). The request was for access to a copy of a report titled "Operation Gun Runner".

The appellant had been informed by the Ministry of the Solicitor General that Operation Gun Runner was a joint forces undercover operation regarding the illegal arms trade in Ontario and across the border. He was also informed that the report which is the subject of the request was submitted to the Federal Department of Justice to justify provisions of the then debated Bill C-68 (Firearms Control Act).

The Police denied access to the record pursuant to sections 8 and 14 of the Act.

The appellant appealed the decision of the Police.

A Notice of Inquiry was initially sent to the Police. Parts of the representations made by the Police were then attached to a Notice of Inquiry and sent to the appellant. Representations were received from the appellant as well.

RECORD:

The record at issue is the final report of Project Gun Runner. The report is undated, but appears to have been prepared in 1993.

DISCUSSION:

Personal Information

Under section 2(1) of the Act, "personal information" is defined, in part, to mean recorded information about an identifiable individual.

The appellant believes that during the project his personal information was gathered and included in the report. Having reviewed the record, I find that it contains a significant amount of personal information of identifiable individuals who were either the subject of investigations or who provided information during the course of these investigations. I have also carefully reviewed the information provided to me by the appellant which he believes was included in the report.

The document provided by the appellant is dated after the date which the report indicates was the official end of the project. The appellant's name is not included in the report and, based on the information before me, the report does not contain or reveal information about him. Accordingly, I find that the record does not contain the personal information of the appellant.

Law Enforcement

In order for a record to qualify for exemption under section 8(2)(a) of the Act, the Police must satisfy each part of the following three part test:

1. the record must be a report; **and**
2. the report must have been prepared in the course of law enforcement, inspections or investigations; **and**
3. the report must have been prepared by an agency which has the function of enforcing and regulating compliance with a law.

[Orders 200 and P-324]

A "report" must consist of a formal statement or account of the results of the collation and consideration of information. Generally speaking, reports would not include mere observations or recordings of fact (Order 200).

The record is the final report of a project which lasted over eight months and involved a number of police services and other law enforcement agencies. I am satisfied that it consists of a formal statement or account of the results of the collation and consideration of the information gathered during that period, and includes summaries, analyses and recommendations. Accordingly, I find it qualifies as a "report" within the meaning of section 8(2)(a), and the first part of the test has been met.

The report was prepared in the course of a joint forces criminal intelligence project. I agree with the submission of the Police that such a project is clearly within their law enforcement mandate, and I find that the second part of the test has been met.

The report was prepared by the criminal intelligence bureau of the Police, which is an agency which has the function of enforcing and regulating compliance with the law. Accordingly, I find that the third part of the test has also been met.

The appellant submits:

It is difficult to believe that exemptions to data collected prior to 1994 and submitted in reports dated 1994 and 1997 (as stated in Peel Regional documents) would still apply today. It is my opinion that a report of this vintage, in this day of rapid change, would contain little current investigative information.

The exemption in section 8(2)(a) is not time limited, nor is it limited to law enforcement investigations or matters which are ongoing. The requirements of the exemption have been established in this case, and I am satisfied that there was nothing improper in the exercise of discretion by the Police in favour of claiming the exemption. Accordingly, I find that section 8(2)(a) applies.

ORDER:

I uphold the decision of the Police.

Original signed by: _____
Holly Big Canoe
Adjudicator

_____ February 7, 2000