

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

ORDER MO-4677

Appeal MA23-00280

Peel Regional Police Services Board

July 17, 2025

Summary: The appellant, whose son died in a hotel, asked the Peel Regional Police Services Board for records about the police's investigation into his death.

The police applied the compassionate reasons provision in section 14(4)(c) of the *Act* and disclosed many parts of the records containing the personal information of the appellant's son that shed light on the circumstances that led to his death. However, the appellant wanted more information about his son from the records. He also claimed that the police had not conducted a reasonable search for records.

The adjudicator finds that the remaining personal information about the appellant's son and other individuals in the records cannot be disclosed because it is exempt from disclosure under the personal privacy exemption in section 14(1). He also finds that the police conducted a reasonable search for records.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, sections 2(1) (definition of "personal information"), 14(1), 14(1)(f), 14(3)(b), 14(4)(c) and 17.

OVERVIEW:

[1] The appellant's adult son was staying in a hotel room in the Greater Toronto Area (GTA) with another person and suddenly passed away. The appellant, who lives in another province, was shocked by his son's sudden death and submitted an access request under the *Act* to the Peel Regional Police Services Board (the police) for the

following records:

. . . [C]opies of [specified report number] – Investigation Report of [name of appellant's son]'s death – Copies of witness statements – Requesting copies of photos taken at scene – Copy of Voice Recordings from Friday evening 26th until call in/his death - Requesting copies of notes taken by [names of constable and acting sergeant] – Copy of when death called in and any and all information about this death.

[2] In response, the police located records that document their investigation into the death, including an occurrence details report, police officers' notes, and photographs taken by an officer in the hotel room where the death occurred. They sent a decision letter to the appellant that denied access to these records in full under the mandatory personal privacy exemption in section 14(1) of the *Act*, which prohibits the police from disclosing the personal information of other individuals to a requester, unless certain exceptions apply. They also denied access to some information because it is about other incidents and therefore not responsive to the appellant's request.

[3] However, the police's decision letter also stated that they might be able to provide the appellant with some records under the compassionate reasons provision in section 14(4)(c) of the *Act*, if he provided them with evidence of his relationship to the deceased individual. This section provides for the disclosure of the personal information of a deceased individual, if disclosure to a "close relative" would be desirable for compassionate reasons.

[4] The appellant appealed the police's access decision to the Information and Privacy Commissioner of Ontario (IPC). He also followed up with the police and provided them with evidence that he is the father of the deceased individual. The police then sent a revised decision letter to the appellant which stated that they had applied the compassionate reasons provision in section 14(4)(c) and decided to provide him with access to parts of the records.

[5] In particular, the police provided him with many parts of the records that contain information about his son, including the circumstances that led to this death. However, they denied access to other parts of the records under section 14(1) of the *Act* that contain information about the appellant's son and other individuals, including the person who was in the hotel room with him.

[6] During mediation, the appellant advised the mediator that he believes additional records should exist, such as photographs of text messages that the police collected from parties other than his son, and surveillance video from the hotel.

[7] The police conducted an additional search and located records from a police officer's work-issued cell phone, which consist of photos that the officer took of photos and text messages on the cell phone of the person who was in the hotel room with the

appellant's son. The police then issued a supplementary decision to the appellant in which they denied access to these records under section 14(1) of the *Act*.

[8] After receiving the supplementary decision, the appellant told the mediator that he still took issue with the police's search for records. In addition, he stated that he was still pursuing access to any information about his son in the remainder of the records and to the information on page 1 of the records that the police claimed is not responsive to his access request.

[9] In response, the police issued another revised decision to the appellant and disclosed additional parts of the records to him. The police maintained their decision to deny access to some information about the appellant's son and other individuals under section 14(1). In addition, they provided him with further information about their search for records and stated that access to the surveillance video from the hotel could not be provided because their officers viewed it on-site and did not copy or retain it.

[10] At the conclusion of mediation, the issues that remained unresolved were:

- whether the withheld information on page 1 of the records is responsive to the appellant's request;
- whether the remaining withheld information of the appellant's son and other individuals in the records is exempt from disclosure under section 14(1) of the *Act*; and
- whether the police conducted a reasonable search for records that are responsive to the appellant's access request.

[11] This appeal was not resolved during mediation and was moved to the adjudication stage of the appeal process, where an adjudicator may conduct an inquiry under the *Act*. I decided to conduct an inquiry and sought and received representations from both the police and the appellant on the issues to be resolved.

[12] In this order, I find that the withheld information on page 1 of the records is responsive to the appellant's access request. However, I find that this information and the remaining withheld personal information of the appellant's son and other individuals in the records is exempt from disclosure under section 14(1) of the *Act*. I also find that the police conducted a reasonable search for records.

RECORDS:

[13] The records remaining at issue include an occurrence details report, police officers' notes, photographs, and audio of 911 calls.

ISSUES:

- A. Do the records contain “personal information” as defined in section 2(1) and, if so, whose personal information is it?
- B. Is the withheld information on page 1 of the records responsive to the appellant’s access request?
- C. Does the mandatory personal privacy exemption at section 14(1) apply to the withheld personal information in the records?
- D. Did the police conduct a reasonable search for records?

DISCUSSION:

Issue A: Do the records contain “personal information” as defined in section 2(1) and, if so, whose personal information is it?

[14] The personal privacy exemption in section 14(1) of the *Act* only applies to “personal information.” Consequently, it must be determined whether the records contain “personal information” and if so, to whom it relates.

[15] Section 2(1) of the *Act* gives a list of examples of personal information. Those that are relevant to this appeal are:

“personal information” means recorded information about an identifiable individual, including,

(a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,

(b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

(c) any identifying number, symbol or other particular assigned to the individual,

. . . .

(g) the views or opinions of another individual about the individual, and

(h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

[16] The list of examples of personal information under section 2(1) is not a complete list. This means that other kinds of information could also be "personal information."¹

[17] Information in records about individuals that reveals that they are complainants, victims, witnesses or the subjects of a criminal investigation, is their "personal information," as that term is defined in section 2(1) of the *Act*.²

Representations, analysis and findings

[18] The information in the records remaining at issue in this appeal relates to the appellant's son, the person who was with him in the hotel room, and another individual. For the reasons that follow, I find that the records contain the "personal information" of those individuals.

[19] The police submit that the records contain the personal information of the appellant's son and other individuals. They submit that this information falls within paragraphs (a) to (e) and (g) of the definition of "personal information" in section 2(1) of the *Act*.

[20] In his representations, the appellant does not address whether the records contain the "personal information" of any individuals.

[21] There is a substantial amount of information in the withheld parts of the records about the appellant's son that constitutes his "personal information," as that term is defined in section 2(1) of the *Act*. His name appears with other information relating to him. This other information includes his age, sex, medical history, and the views or opinions of other individuals about him. He is also identified as the deceased individual in a criminal investigation.

[22] I find that the information about the appellant's son in these records is his "personal information." In particular, it is "recorded information about an identifiable individual" that is personal in nature that falls within paragraphs (a), (b), (c), (g) and (h) of the definition of "personal information" in section 2(1). The police have disclosed most of the personal information of the appellant's son to the appellant but have withheld some of it under section 14(1).

[23] There is also information in the withheld parts of the records about the person who was in the hotel room with the appellant's son. This other information includes her age, sex, and history of previous contact with the police. Because she called 911, she is

¹ Order 11.

² E.g., Orders PO-2604, PO-4336, PO-4411-F, MO-4274, MO-4409 and MO-4474.

also identified as the complainant in the investigation into the death of the appellant's son.

[24] I find that the information about this individual is her "personal information." It is "recorded information about an identifiable individual" that is personal in nature that falls within paragraphs (a), (b), (c), and (h) of the definition of "personal information" in section 2(1). The police have withheld most of this individual's personal information under section 14(1).

[25] Finally, there is information in the withheld parts of the records about the next-of-kin of the appellant's son. The police contacted this individual after the death of the appellant's son. This information includes her name, address and phone number. I find that the information about this individual is her "personal information." It is "recorded information about an identifiable individual" that is personal in nature that falls within paragraphs (a), (c), and (h) of the definition of "personal information" in section 2(1). The police disclosed this individual's name to the appellant but not her address or phone number.

[26] I will determine under Issue C below whether the personal information of the above individuals that was withheld by the police is exempt from disclosure under the personal privacy exemption at section 14(1) of the *Act*.

Issue B: Is the withheld information on page 1 of the records responsive to the appellant's access request?

[27] The police have withheld some information on page 1 of the records because they claim it is not responsive to the appellant's access request. During the mediation stage of the appeal process, the appellant stated that he wished to seek access to this information, although his representations do not address whether it is responsive to his access request.

[28] To be considered responsive to an access request, information in the records must "reasonably relate" to that request.³ Institutions should interpret requests liberally, in order to best serve the purpose and spirit of the *Act*. Generally, if there is ambiguity in the request, this should be resolved in the requester's favour.⁴

[29] The police cite the wording of the appellant's request and submit that there is nothing contained in the redactions on page 1 that "reasonably relates" to the appellant's request, even when a liberal interpretation is applied.

[30] I have reviewed the information on page 1 of the records that the police have withheld as not responsive to the appellant's request. This information is found in an occurrence details report relating to the death of the appellant's son and lists eight

³ Orders P-880 and PO-2661.

⁴ Orders P-134 and P-880.

previous occurrences investigated by the police involving him.

[31] I find that a liberal interpretation of the appellant's request mitigates in favour of finding that this list of eight previous occurrences involving the appellant's son "reasonably relates" to that request.

[32] The police appear to have characterized this information as not responsive because it relates to previous occurrences involving the appellant's son and not the occurrence that led to his death. In my view, if these occurrences related to an individual other than the appellant's son, they would clearly not be reasonably related to the appellant's request. However, because they relate to his son, I find that this information reasonably relates to the appellant's access request, and it is therefore responsive.

[33] As I have found that this personal information is responsive to the appellant's request I will consider the appellant's right of access to it. Below, I find under Issue C that this personal information is exempt from disclosure under the personal privacy exemption in section 14(1) of the *Act*.

Issue C: Does the mandatory personal privacy exemption at section 14(1) apply to the withheld personal information in the records?

[34] The police disclosed many parts of the records to the appellant that contain his son's personal information, including those that document the circumstances that led to this death. However, they withheld some parts of the records that contain the personal information of the appellant's son, the other person who was in the hotel room with him, and his son's next-of-kin, whom the police contacted after his death.

[35] Where a requester seeks records containing the personal information of another individual, the mandatory exemption in section 14(1) prohibits an institution from disclosing this information unless one of the exceptions in paragraphs (a) to (f) of section 14(1) applies. In the circumstances, it appears that the only exception that could apply is section 14(1)(f), which states:

A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

(f) if the disclosure does not constitute an unjustified invasion of personal privacy.

[36] Sections 14(2), (3) and (4) help in deciding whether disclosing the personal information of another individual to the requester would or would not be an unjustified invasion of that individual's personal privacy.

Representations, analysis and findings

[37] For the reasons that follow, I find that the remaining withheld personal information

of the appellant's son and other individuals in the records is exempt from disclosure under section 14(1) of the *Act*.

Section 14(3) presumptions

[38] In deciding whether disclosure would or would not be an unjustified invasion of personal privacy, the section 14(3) presumptions should generally be considered first. These presumptions outline several situations in which disclosing personal information is presumed to be an unjustified invasion of personal privacy.

[39] The police claim that the presumption in section 14(3)(b) applies to the withheld personal information of the appellant's son and other individuals in the records. This provision states:

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,

(b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

[40] The police submit that the withheld personal information of the appellant's son and other individuals was compiled and is identifiable a part of an investigation into a possible violation of law. In particular, they claim that the records contain a litany of sensitive personal information captured by them, while they were conducting an investigation under federal statutes into the circumstances surrounding a sudden death.

[41] In his representations, the appellant does not address whether the presumption in section 14(3)(b) applies to the withheld personal information of his son or other individuals.

[42] In my view, the withheld personal information fits squarely within the section 14(3)(b) presumption because it was compiled and is identifiable as part of an investigation into the death of the appellant's son that could have revealed a possible violation of the *Criminal Code*.

[43] The police did not bring criminal charges against anyone after concluding their investigation into the death of the appellant's son. However, the section 14(3)(b) presumption requires only that there be an investigation into a *possible* violation of law.⁵ So, even if criminal proceedings were never started against any individual, section 14(3)(b) may still apply.⁶

⁵ Orders P-242 and MO-2235.

⁶ The presumption can also apply to records created as part of a law enforcement investigation where charges were laid but subsequently withdrawn (Orders MO-2213, PO-1849 and PO-2608).

[44] In these circumstances, I find that the withheld personal information of the appellant's son and other individuals in the records falls within the section 14(3)(b) presumption. As a result, its disclosure to the appellant is presumed to constitute an unjustified invasion of the personal privacy of these individuals.

[45] If any of the section 14(3) presumptions are found to apply, they cannot be rebutted by the factors in section 14(2) for the purposes of deciding whether the section 14(1) exemption has been established.⁷ Given that I have found that the section 14(3)(b) presumption applies, I will not consider whether any of the factors in section 14(2) apply to the withheld personal information in the records.

[46] If one of the section 14(3) presumptions applies, the personal information cannot be disclosed unless:

- there is a reason under section 14(4) that disclosure of the information would *not* be an "unjustified invasion of personal privacy," or
- there is a "compelling public interest" under section 16 that means the information should nonetheless be disclosed (the "public interest override").⁸

[47] In the circumstances of this appeal, the appellant has not claimed that the public interest override in section 16 applies but he suggests that more information in the records should be disclosed to him under the compassionate reasons provision in section 14(4)(c) of the *Act*.

Section 14(4)(c) limitation

[48] The appellant is the father of the deceased individual, which triggers the possible application of the compassionate reasons provision in section 14(4)(c) of the *Act* to the remaining withheld personal information in the records of the appellant's son and other individuals. This provision states:

Despite subsection (3), a disclosure does not constitute an unjustified invasion of personal privacy if it,

(c) discloses personal information about a deceased individual to a spouse or close relative of the deceased individual, and the head is satisfied that, in the circumstances, the disclosure is desirable for compassionate reasons.

[49] If the requirements of section 14(4)(c) are met, the personal information of a deceased individual cannot be exempt from disclosure under section 14(1), because disclosing it does not constitute an unjustified invasion of their personal privacy in

⁷ *John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767 (Div.Ct.).

⁸ *Ibid.*

accordance with the exception in section 14(1)(f), despite the presumptions in section 14(3).

[50] The institution (or on appeal, the IPC) must determine whether, “in the circumstances, disclosure is desirable for compassionate reasons,” taking into account factors such as the need to assist the requester in the grieving process.⁹ After the death of an individual, it is generally that person’s spouse or close relatives who are in the best position to know if disclosure of particular kinds of personal information is in their “best interests.”¹⁰

[51] Personal information about an individual who has died can include information that also belongs to another individual. However, the overall circumstances must be considered when deciding whether the disclosure of information under section 14(4)(c) would interfere with that individual’s right to privacy.¹¹

[52] The police state that they applied the compassionate reasons provision in section 14(4)(c) of the *Act* and disclosed most parts of records that contain the personal information of the appellant’s son to him and that meet the requirements of the provision. They submit that they considered the overall circumstances and concluded that further disclosure would interfere with the personal privacy of both the appellant’s son and other individuals.

[53] The appellant submits that further information in the records should be disclosed to him because he believes that his son’s death was wrongful and could have been prevented. He claims that the police accepted the witness testimony of the other person who was in the hotel room with his son as the “truth” and ignored other evidence.

[54] In order for section 14(4)(c) to apply, the following conditions must apply:

1. the records must contain the personal information of someone who has died,
2. the requester must be a spouse or “close relative” of the deceased individual, and
3. the disclosure of the personal information of the deceased individual must be desirable for compassionate reasons given the circumstances of the request.¹²

[55] In my view, the first two conditions for satisfying the requirements of section 14(4)(c) are easily met with respect to the personal information of the deceased individual in the records at issue.

[56] First, the records clearly contain the personal information of someone who has

⁹ Order MO-2245.

¹⁰ Order MO-2245.

¹¹ Order MO-2237.

¹² Orders MO-2237 and MO-2245.

died. That individual is the appellant's son, who died at a hotel in the GTA.

[57] Second, the appellant is indisputably a "close relative" of the deceased individual, as required by section 14(4)(c). The term "close relative" is defined in section 2(1) of the *Act* as including a parent. Here, the appellant is the father of the deceased individual.

[58] For the third requirement, there is no doubt that disclosing as much of the deceased individual's personal information to his father is generally desirable for compassionate reasons given the circumstances of the access request. However, this is a case where in making their decision, the police applied the compassionate reasons provision in section 14(4)(c) and disclosed many parts of the records containing the personal information of the appellant's son that shed light on the circumstances that led to his death.

[59] I have reviewed the remaining parts of the records that contain the personal information of the appellant's son and other individuals, including the person who was in the hotel room with him when he died. In my view, disclosing this personal information is not desirable for compassionate reasons because it is either unconnected to the death of the appellant's son or does not shed meaningful light on the circumstances that led to his death. In addition, I am satisfied that the police considered the overall circumstances and correctly decided that disclosing such information under section 14(4)(c) would interfere with these individuals' right to privacy.

[60] In these circumstances, the compassionate reasons provision in section 14(4)(c) cannot apply to the remaining withheld personal information of the appellant's son and other individuals in the records.

Conclusion

[61] I find that because section 14(4)(c) does not apply, the presumption in section 14(3)(b) stands, and disclosing the remaining withheld personal information of the appellant's son and other individuals to the appellant is presumed to constitute an unjustified invasion of these individuals' personal privacy. As a result, the exception to the prohibition on disclosing another individual's personal information to a requester in paragraph (f) of section 14(1) is not made out, and this personal information is exempt from disclosure under section 14(1).

Issue D: Did the police conduct a reasonable search for records?

[62] The appellant takes issue with the reasonableness of the police's searches for records.

[63] If a requester claims that additional records exist beyond those found by the institution, the issue is whether the institution has conducted a reasonable search for

records as required by section 17 of the *Act*.¹³ If the IPC is satisfied that the search carried out was reasonable in the circumstances, it will uphold the institution's decision. Otherwise, it may order the institution to conduct another search for records.

[64] Although a requester will rarely be in a position to indicate precisely which records the institution has not identified, they still must provide a reasonable basis for concluding that such records exist.¹⁴

[65] The *Act* does not require the institution to prove with certainty that further records do not exist. However, the institution must provide enough evidence to show that it has made a reasonable effort to identify and locate responsive records;¹⁵ that is, records that are "reasonably related" to the request.¹⁶

[66] A reasonable search is one in which an experienced employee knowledgeable in the subject matter of the request makes a reasonable effort to locate records that are reasonably related to the request.¹⁷ The IPC will order a further search if the institution does not provide enough evidence to show that it has made a reasonable effort to identify and locate all of the responsive records within its custody or control.¹⁸

[67] For the reasons that follow, I find that the police conducted a reasonable search for records, as required by section 17 of the *Act*.

[68] The police submit that they conducted a reasonable search for records. To support their position, they included a sworn affidavit from their freedom of information supervisor, who oversaw the search for records that are responsive to the appellant's request.

[69] This individual sets out the searches for records that the police carried out, both in response to the appellant's request and during mediation stage of the appeal process, including:

- conducting a search of all of the police's databases applying specific queries using the name of the appellant's son;
- identifying specific officers within the service who investigated the death and other police staff and asking them to provide their notes and any communications recordings; and

¹³ Orders P-85, P-221 and PO-1954-I.

¹⁴ Order MO-2246.

¹⁵ Orders P-624 and PO-2559.

¹⁶ Order PO-2554.

¹⁷ Orders M-909, PO-2469 and PO-2592.

¹⁸ Order MO-2185.

- searching for surveillance video from the hotel and being advised that it could not be provided because the investigating officers viewed it on-site and did not copy or retain it.

[70] In his representations, the appellant does not address whether the police conducted a reasonable search for records.

[71] In my view, the police have provided sufficient evidence to show that they conducted a reasonable search for records that are responsive to the appellant's access request. They conducted searches on numerous databases and asked relevant officers and other police employees to produce any records they may have. I am satisfied that experienced police employees who are knowledgeable about the police's record holdings made reasonable efforts to locate responsive records.

[72] Because the appellant's representations do not address whether the police conducted a reasonable search for records, I have no evidence before me that would provide me with a reasonable basis for concluding that further records exist.

[73] In summary, I find that the police conducted a reasonable search for records, as required by section 17 of the *Act*.

ORDER:

I uphold the police's access decisions and search for records and dismiss the appeal.

Original Signed by: _____

Colin Bhattacharjee
Adjudicator

July 17, 2025 _____