

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4691

Appeal MA22-00278

Windsor Police Services Board

September 4, 2025

Summary: An individual asked the Windsor Police Services Board for information about providing police services to the Town of Amherstburg. The police decided to grant partial access to information responsive to part one of the request, citing law enforcement exemptions (section 8) and to grant full access to information responsive to parts two and three of the request. The individual appealed the police's decision because they believe additional responsive records exist. In this order, the decision-maker finds that the police conducted a reasonable search and dismisses the appeal.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, section 17.

BACKGROUND:

[1] The appellant asked the Windsor Police Services Board (the police) for access under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for:

- i. the Windsor Police Service Dispatch Proposal submitted in response to Amherstburg Police Service Board's Request For Proposal Dispatching service and any correspondence to the Amherstburg Police Service Board pertaining to the same subject.
- ii. The cost of police services to the Town of Amherstburg in each of the years since the beginning of the contract.

- iii. The number of incidents police specialized units were required in the Town of Amherstburg in each of the years since the beginning of the contract.

[2] The police issued a decision, granting partial access to responsive records.¹ In response to part i of the request, it denied access to portions of responsive records under the law enforcement exemptions under section 8 of the *Act* and deemed some information to be non-responsive. In response to parts ii and iii of the request, it generated a record and granted full access to it. It provided an explanation of how it arrived at the information for part iii of the request.

[3] The appellant appealed the police's decision to the Information and Privacy Commissioner of Ontario (IPC), challenging the reasonableness of the police's search and the application of exemptions. Appeal MA22-00278 was opened to address this matter.

[4] During mediation, the appellant confirmed they did not take issue with the application of exemptions, or with information the police deemed to be non-responsive to the request. In response to questions raised by the appellant, the police issued a supplemental decision on January 5, 2023 in response to parts ii and iii of the request.

[5] The appellant informed the mediator they were not satisfied and raised the issue of reasonable search with respect to records relating to part iii of the request.

[6] As mediation did not resolve the appeal, it was transferred to the adjudication stage of the appeal process, where an adjudicator may conduct an inquiry. The adjudicator originally assigned to this appeal decided to conduct an inquiry and invited and received representations from the police and the appellant.

[7] The file was then assigned to me to review the appeal and issue an order. I determined that it was not necessary for me to seek further representations from the parties.

[8] In this order, I find that the police conducted a reasonable search for records under section 17 of the *Act* and dismiss the appeal.

DISCUSSION:

[9] The sole issue in this order is whether the police conducted a reasonable search for responsive records.

[10] Where a requester claims that additional records exist beyond those identified by the institution, the issue is whether the institution has conducted a reasonable search for

¹ The police issued a revised decision during mediation because its original decision letter contained an error that stated exemptions were applied under section 15 of the *Act*.

records as required by section 17 of the *Act*.² 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.

[11] 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.³

[12] The *Act* does not require the institution to prove with certainty that further records do not exist.⁴ However, the institution must provide enough evidence to show that it has made a reasonable effort to identify and locate responsive records;⁵ that is, records that are "reasonably related" to the request.⁶

[13] 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.⁷ 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.⁸

Representations

The police's representations

[14] The police submit it made a proper analysis of the request and responded in full compliance of the *Act*. It submits two affidavits sworn by its Information and Privacy Coordinator (the coordinator) and Systems Analyst (the analyst) in support of this.

[15] The coordinator affirms they have been employed by the police for many years in various positions that have required conducting detailed searches for records. The analyst also affirms they have been employed with the police for several years and their combined experience has made them a subject matter expert in dispatch operations and officer report writing.

[16] The coordinator affirms that the appellant sought electronic records in response to the request. They affirm that the request was taken literally as the appellant sought "the number of incidents police specialized units were required in the Town of Amherstburg".

[17] In response to the request, the coordinator affirms that records were requested,

² Orders P-85, P-221 and PO-1954-I.

³ Order MO-2246.

⁴ *Youbi-Misaac v. Information and Privacy Commissioner of Ontario*, 2024 ONSC 5049 at para 9.

⁵ Orders P-624 and PO-2559.

⁶ Order PO-2554.

⁷ Orders M-909, PO-2469 and PO-2592.

⁸ Order MO-2185.

a third-party notice was sent, consultations between subject matter experts took place, search parameters were identified, and a decision was issued.

[18] The coordinator affirms that another search was completed during mediation and a supplemental decision letter was issued to the appellant on January 5, 2023, which contained additional information and answers to the appellant's questions.

[19] The analyst affirms that they were contacted by the coordinator regarding part iii of the request and they provided a list of units they believed were specialty units, which was confirmed as accurate by the coordinator.

[20] The analyst affirms that, in April 2022, they provided the coordinator with statistics for the period of 2019 to March 23, 2022, by year for the following information:

- Overall calls for service;
- Calls for service where a unit was required to attend the scene;
- Calls for service in which a specialty unit was required;
- Overall reports generated;
- Reports in which a specialty unit did work on an Amherstburg report;
- The overlap in calls for service and reports (same call for service that resulted in a report in which both required a specialty unit(s)); and
- Total unique calls for service and reports requiring specialty units.

[21] The analyst affirms that they provided the logic behind the queries related to the request to the coordinator.

[22] Lastly, the analyst affirms that, in December 2022, they were asked to provide a breakdown of the statistics by year and they provided this to the coordinator.

The appellant's representations

[23] The appellant submits that the police did not conduct a reasonable search for responsive records.⁹

[24] The appellant submits that while the police interpreted the request literally, it should have adopted a liberal interpretation of the request to best serve the purpose and

⁹ The appellant submits additional concerns which include the police rejected her original request, misinterpreted and misquoted the request, did not seek clarification, claimed there was no actual request for records and claimed a clarification letter was sent. In this order, I only address the representations relevant to the issue of reasonable search.

spirit of the *Act*, citing IPC Order MO-4091.

[25] The appellant submits part ii of the request was for an “itemized cost”, not “cost” and this was inaccurately referenced in the police’s decision letter, the Mediator’s Report and Notice of Inquiry. The appellant also submits the request was for “an electronic copy” of the information for all three parts of the request.

[26] The appellant explains that the original request was submitted to the police on November 16, 2021 and refused by the police on November 20, 2021 because the police required identification to process the request. An appeal was then filed with the IPC on December 8, 2021 and Appeal MA21-00789 was opened to address this refusal. The appellant submits that, as agreed to by the parties, the appellant emailed the respondent on March 22, 2022 with an identical request¹⁰ and advised that a hard copy of the request and cheque for \$5 would follow. The police then issued a final access decision on April 21, 2022.

[27] The appellant submits an appeal of the police’s April 21, 2022 decision was filed, in which it provided an “estimate” in response to part iii of the request. MA22-00278 was opened.

[28] The appellant submits that while the analyst’s affidavit swears the information for “calls for service” was available and given to the coordinator on April 7, 2022, and was provided to the coordinator on a year-by-year breakdown on April 27, 2022, this breakdown was not provided to her. Furthermore, she submits that this information was available on December 14, 2022 and was not disclosed.

[29] The appellant submits the police’s January 5, 2023 “clarification letter” was not in accordance with section 24(2) of the *Act*. The appellant submits no clarification was sought; rather the letter was in response to the appellant allowing the mediator to share her questions during the appeal. She submits that the January 5, 2023 letter is a supplemental decision that provided the requested information despite the information being available on April 7, 2022.

[30] The appellant submits there are discrepancies in the statistics provided to her and those provided on February 8, 2023, to the Town of Amherstburg council regarding part iii of the request.

[31] The appellant submits that while she did not request any reports, follow up reports, ongoing investigation reports, an “electronic copy” of the number of incidents was requested. She submits that the police’s records management system should generate the number of incidents if the query included “list of specialty unit types”, which would

¹⁰ Part ii of the appellant’s request of November 16, 2021 in MA21-00789 was for an “itemized cost to provide police services to the Town of Amherstburg in each of the years since the beginning of the contract”. In the appellant’s request of March 22, 2022 to the police, part ii was for the “cost of police services...”.

be responsive to her request for “an electronic copy”.

The police’s reply representations

[32] The police submit that “itemized cost” does not appear in the access request of March 22, 2022.

[33] The police further submit that a letter with additional information was sent to the appellant in response to the appellant’s representations regarding part ii of the request.

[34] The police submit that the appellant requested electronic copies and that in responding to the request, it followed Regulation 823 by providing records and decision letters via email.

[35] Finally, the police disagree that there is a discrepancy between the decisions issued in response to part iii of the request and the February 8, 2023 report to the Town of Amherstburg council, stating the report was released after the mediation report and was generated because of the search completed for the appellant’s request. In addition, the police submit that while it does not collect statistics in this format, a process was developed because of the appellant’s request and was used to create the report shared with council. The police submit that while the appellant submits there are discrepancies, this was acknowledged by the police in its decision letters to the appellant.

Analysis and findings

[36] For the reasons that follow, I find the police conducted a reasonable search for responsive records.

[37] First, I acknowledge that the appellant believes part ii of her request was incorrectly stated in the decision letters of the police, the mediator’s report and the Notice of Inquiry. However, based on my review of the appellant’s access request of March 22, 2022, I find that the request was accurately reflected in these documents as “the cost of police services to the Town of Amherstburg in each of the years since the beginning of the contract”. While the appellant’s previous request of November 16, 2021 was for an “itemized cost...”, this wording was not included in the appellant’s subsequent request of March 22, 2022. In the circumstances, I am satisfied that the police’s interpretation of the scope of this part of the request is reasonable.

[38] Second, while the appellant submits that there are discrepancies in the information provided to her in response to the part iii of the request and the information provided to the Town of Amherstburg council, I note that the appellant’s request was for information for the period of 2019 to March 23, 2022, which is approximately a period of 3 years and 3 months, while the report to council was for a period of four years from 2019-2022. I am satisfied with the police’s response that the information requested by the appellant was not readily available or compiled prior to the request and that in the process of responding to the appellant’s request, it was compiling the requested information.

[39] Third, while I agree with the appellant's representations that the police did not provide a year-by-year breakdown for part iii until after she filed an appeal with the IPC, the information was subsequently received by the appellant during the IPC's appeal process. This fact alone does not establish that the police's searches were unreasonable, especially given that the police have now provided the appellant with the requested information.

[40] Finally, while the appellant believes she should have been provided with an electronic record produced as a result of a search query which she believes should have included "list of specialty unit types", I am satisfied that the police's response, namely, an emailed decision letter containing the requested information is an adequate response for a request for electronic records. Furthermore, I accept that the appellant's request was clearly stated as requesting "an electronic copy" in response to the three-part request.

[41] Based on my review of the representations and affidavits, I find that the police's search for responsive records was reasonable. I am satisfied that experienced employees knowledgeable in the subject matter of the request made reasonable efforts to locate the information sought by the appellant and the police provided the appellant responsive information. I am also satisfied that the police made reasonable efforts to ultimately provide the appellant with information responsive to her request.

[42] Accordingly, I will dismiss the appeal.

ORDER:

I uphold the police's search as reasonable and dismiss the appeal.

Original Signed by: _____

Asma Mayat
Case Lead

September 4, 2025 _____