

Information and Privacy Commissioner,
Ontario, Canada



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

ORDER MO-4773

Appeal MA23-00711

Peel Regional Police Services Board

February 27, 2026

Summary: An individual submitted a request to the Peel Regional Police Services Board under the *Municipal Freedom of Information and Protection of Privacy Act* for records related to police occurrences during a specified timeframe.

The police granted partial access to the responsive records withholding information under the discretionary personal privacy exemption (section 38(b)), and because some of the information could facilitate commission of an unlawful act (section 38(a) read with section 8(1)(l)) of the *Act*. The police also withheld some information as non-responsive.

In this order, the adjudicator finds that the exemptions claimed by the police apply and she upholds the police's decision not to disclose the withheld information. She dismisses the appeal.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, sections 2(1) (definition of *personal information*), 8(1)(l), 14(2)(f), 14(2)(h), 14(3)(b), 17, 38(a), and 38(b).

OVERVIEW:

[1] The Peel Regional Police Services Board (the police) received a request under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) for all police reports relating to the appellant for a specified timeframe.

[2] The police issued a decision granting partial access to the responsive records withholding information under sections 8(1)(l) (facilitate commission of an unlawful act)

and 38(b) (personal privacy) of the *Act*.

[3] Subsequently, the police issued a supplemental access decision granting partial access to the responsive records withholding information under section 38(b).

[4] The appellant appealed the police's decision to the Information and Privacy Commissioner of Ontario (IPC), and a mediator was appointed to explore resolution.

[5] During mediation, the police clarified that the records disclosed with the supplemental decision were also disclosed with their initial access decision. The police also clarified that some information was withheld as nonresponsive.

[6] As a mediated resolution was not reached, the appeal was transferred to the adjudication stage, where an adjudicator may conduct an inquiry under the *Act*. I sought and received representations from the parties about the issues in the appeal.

[7] In this order, I find that section 38(a), read with section 8(1)(l),¹ and the section 38(b) personal privacy exemption applies to the withheld information in the occurrence reports because its disclosure would facilitate the commission of an unlawful act and would be an unjustified invasion of the personal privacy of identifiable individuals. I also find that some of the withheld information is not responsive to the appellant's request. I uphold the police's decision not to disclose the withheld information.

RECORDS:

[8] The information remaining at issue in this appeal consists of the withheld portions on 15 pages of police occurrence reports. The police withheld portions of pages 1-4 and 9-15 under section 38(b). They withheld portions of pages 1-11 as non-responsive, and portions of page 7 under section 8(1)(l).

ISSUES:

- A. Is the information the police withheld as nonresponsive, responsive to the request?
- B. Do the records contain "personal information" as defined in section 2(1) and, if so, whose personal information is it?
- C. Does the discretionary exemption at section 38(a), allowing an institution to refuse access to a requester's own personal information, read with the law enforcement exemption at section 8(1)(l), apply to the information at issue?

¹ Since the records contain the appellant's own personal information, section 38(a) (discretion to refuse requester's own information), read with section 8(1)(l), was added as an issue in the appeal.

D. Does the discretionary personal privacy exemption at section 38(b) apply to the information at issue?

DISCUSSION:

Issue A: Is the information the police withheld as nonresponsive, responsive to the request?

[9] The police submit that nonresponsive information was withheld from the records because it was unrelated to the appellant's request. Generally, the appellant seeks access to all the withheld information.

[10] Section 17 of the *Act* imposes certain obligations on requesters and institutions when submitting and responding to requests for access to records. This section states, in part:

(1) A person seeking access to a record shall,

(a) make a request in writing to the institution that the person believes has custody or control of the record;

(b) provide sufficient detail to enable an experienced employee of the institution, upon a reasonable effort, to identify the record;

...

(2) If the request does not sufficiently describe the record sought, the institution shall inform the applicant of the defect and shall offer assistance in reformulating the request so as to comply with subsection (1).

[11] Institutions should adopt a liberal interpretation of a request in order to best serve the purpose and spirit of the *Act*. Generally, ambiguity in the request should be resolved in the requester's favour.²

[12] To be considered responsive to the request, records must "reasonably relate" to the request.³

[13] After reviewing the portions of the records that the police have withheld because they claim they are nonresponsive to the appellant's request, I find that the police have correctly identified them as nonresponsive to the appellant's request.

[14] From my review of the specific portions of the records identified by the police as nonresponsive, I conclude that these withheld portions contain the date and time at which

² Orders P-134 and P-880.

³ Orders P-880 and PO-2661.

the records were downloaded by the police's Freedom of Information Unit and this information is unrelated to the appellant's request. Accordingly, I find that these portions of the records are not responsive to the appellant's request.

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

[15] The police claim that the discretionary exemptions at sections 38(a) and 38(b) apply to the withheld information. For these sections to apply, the IPC must first determine that the record contains "personal information," and if so, to whom the personal information relates. It is important to know whose personal information is in the record. If the record contains the requester's own personal information, their access rights are greater than if it does not.⁴ Also, if the record contains the personal information of other individuals, one of the personal privacy exemptions might apply.⁵

[16] Section 2(1) of the *Act* gives a list of examples of personal information.⁶

[17] To qualify as personal information, it must be reasonable to expect that an individual may be identified if the information is disclosed.⁷

[18] Information is "about" the individual when it refers to them in their personal capacity, which means that it reveals something of a personal nature about the individual. Generally, information about an individual in their professional, official or business capacity is not considered to be "about" the individual.⁸ See also section 2(2.1) which states:

(2.1) Personal information does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity.

[19] In some situations, even if information relates to an individual in a professional, official or business capacity, it may still be "personal information" if it reveals something of a personal nature about the individual.⁹

⁴ Under sections 36(1) and 38 of the *Act*, a requester has a right of access to their own personal information, and any exemptions from that right are discretionary, meaning that the institution can still choose to disclose the information even if the exemption applies.

⁵ Sections 14(1) and 38(b), as discussed below.

⁶ 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."

⁷ Order PO-1880, upheld on judicial review in *Ontario (Attorney General) v. Pascoe*, [2002] O.J. No. 4300 (C.A.).

⁸ Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F and PO-2225.

⁹ Orders P-1409, R-980015, PO-2225 and MO-2344.

Representations, analysis and findings

[20] The parties do not dispute, and I find, that the records contain the personal information of the appellant and other identifiable individuals.

[21] After considering the representations of the parties and reviewing the occurrence reports, I find that the information in the occurrence reports qualifies as personal information pursuant to paragraphs (a) – (e), (g), and (h) of the definition in section 2(1) of the *Act*. Specifically, I find that the occurrence reports contain information such as the age, date of birth, address, telephone number, ethnicity, email address, family status, history,¹⁰ and the views or opinions of the appellant and other identifiable individuals, and views and opinions about them.

[22] Some of the other identifiable individuals' contact information appears in the occurrence reports in their professional capacity. However, I find that it still constitutes "personal information" under the *Act*. I find that these individuals could be identified from this information, and disclosure of that information, including their contact information, would reveal that they witnessed/made a complaint about the appellant to the police. In my view, this reveals something of a personal nature about them, and therefore, is their personal information under the *Act*.

[23] As the occurrence reports contain the personal information of the appellant and other individuals, I will consider the appellant's access to the withheld information under Part III of the *Act*, specifically the discretionary exemption at section 38(b).

Issue C: Does the discretionary exemption at section 38(a), allowing an institution to refuse access to a requester's own personal information, read with the law enforcement exemption at section 8(1)(l), apply to the information at issue?

[24] Section 38(a) of the *Act* recognizes the special nature of requests for one's own personal information and the desire of the legislature to give institutions the power to grant requesters access to their personal information.¹¹

[25] Where access is denied under section 38(a), the institution must demonstrate that, in exercising its discretion, it considered whether a record should be released to the requester because the record contains his or her personal information.

[26] Section 8 contains several exemptions from a requester's right of access, mostly related to the context of law enforcement. In this case, the police rely on section 38(a) read with section 8(1)(l).¹² Section 8(1)(l) states:

¹⁰ Medical, employment, and criminal.

¹¹ Order M-352.

¹² As noted above, I do not need to consider the police's section 38(a) read with section 8(1)(a) claim.

A head may refuse to disclose a record if the disclosure could reasonably be expected to,

(l) facilitate the commission of an unlawful act or hamper the control of crime.

[27] Like many of the exemptions listed in section 8, section 8(1)(l) applies where a certain event or harm “could reasonably be expected to” result from disclosure of the record. However, parties resisting disclosure of a record cannot simply assert that the harm is obvious based on the record. They must provide detailed evidence about the risk of harm if the record is disclosed. Harm can sometimes be inferred from the records themselves or the surrounding circumstances.¹³

[28] The police submit that they withheld the police operational codes under section 38(a), read with section 8(1)(l), taking the position that their disclosure could reasonably be expected to facilitate the commission of an unlawful act or hamper the control of crime.

[29] The appellant’s representations do not specifically address the police codes.

[30] Previous IPC orders have determined that the use of operational codes by law enforcement is an effective and efficient means of conveying a specific message without publicly identifying its true meaning, and that if the public were to learn these codes and their meanings, the effectiveness of the codes would be compromised. This could result in the risk of harm to police personnel and members of the public with whom the police engage, such as victims and witnesses.¹⁴ I agree with this approach and adopt it in this appeal. I find that these considerations apply to the withheld police codes at issue in this appeal and accept that their disclosure could reasonably be expected to facilitate the commission of an unlawful act or hamper the control of crime as contemplated by section 8(1)(l).

[31] Therefore, I find the police codes contained in the records are exempt under section 38(a), read with section 8(1)(l), subject to my review of the police’s exercise of discretion below.

Issue D: Does the discretionary personal privacy exemption at section 38(b) apply to the information at issue?

[32] The police submit that disclosure of the withheld personal information in the occurrence reports would be an unjustified invasion of the personal privacy of the identifiable individuals, while the appellant takes the opposite position.

[33] Section 36(1) of the *Act* gives individuals a general right of access to their own

¹³ Orders MO-2363 and PO-2435.

¹⁴ See, for example, Orders MO-3622, MO-3815, MO-3977, and MO-4439.

personal information held by an institution. Section 38 provides some exemptions from this right.

[34] Under the section 38(b) exemption, if a record contains the personal information of both the requester and another individual, the institution may refuse to disclose the other individual's personal information to the requester if disclosing that information would be an "unjustified invasion" of the other individual's personal privacy.

[35] The section 38(b) exemption is discretionary. This means that the institution can decide to disclose another individual's personal information to a requester even if doing so would result in an unjustified invasion of the other individual's personal privacy.

[36] If disclosing another individual's personal information would not be an unjustified invasion of personal privacy, then the information is not exempt under section 38(b).

[37] Sections 14(1) to (4) provide guidance in deciding whether disclosure would be an unjustified invasion of another individual's personal privacy. If any of the section 14(1)(a) to (e) exceptions apply, disclosure would not be an unjustified invasion of personal privacy, and the information is not exempt from disclosure under section 38(b). Similarly, if any of the situations in section 14(4) apply, disclosure would not be an unjustified invasion of personal privacy under 38(b).

[38] Sections 14(2) and (3) also help in deciding whether disclosure would or would not be an unjustified invasion of personal privacy under section 38(b). If any of sections 14(3)(a) to (h) apply, disclosure of the information is presumed to be an unjustified invasion of personal privacy under section 38(b). Section 14(2) lists various factors that may be relevant in determining whether disclosure of personal information would constitute an unjustified invasion of personal privacy.¹⁵ The list of factors is not exhaustive. The institution must also consider circumstances that are relevant, even if they are not listed under section 14(2).¹⁶

[39] In deciding whether the disclosure of the personal information in the records would be an unjustified invasion of personal privacy under section 38(b), I must consider and weigh the factors and presumptions in sections 14(2) and (3) and balance the interests of the parties.¹⁷

Representations, analysis and findings

[40] The police argue that disclosure of the withheld portions of the occurrence reports would be an unjustified invasion of the personal privacy of the identifiable individuals whose personal information is contained in those reports.

¹⁵ Order P-239.

¹⁶ Order P-99.

¹⁷ Order MO-2954.

[41] The appellant argues that disclosure of the withheld portions of the occurrence reports would not be an unjustified invasion of the personal privacy of the identifiable individuals. He states that he wants the names and statements of his “accusers” because he has a right to know what “false” accusations were made against him.

[42] Neither party has argued that any of the exceptions in sections 14(1)(a) to (e) apply to the withheld information, and I find that none apply in the circumstances of this appeal. The parties also did not argue that any of the section 14(4) exceptions apply, and from my own review, I find that none of them apply in the circumstances of this appeal.

[43] Since I have found that none of the paragraphs in sections 14(1) and 14(4) apply, to determine whether disclosure would be an unjustified invasion of personal privacy under section 38(b), I must consider and weigh any section 14(2) factors and section 14(3) presumptions that may apply.

Section 14(3)(b) presumption: investigation into a possible violation of law

[44] The police argue that the section 14(3)(b) presumption applies to the withheld personal information in the occurrence reports because it was compiled and is identifiable as part of several investigations into possible violations of law, which could have resulted in criminal charges.

[45] The appellant’s representations do not address the section 14(3)(b) presumption.

[46] Section 14(3)(b) states:

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

[47] Based on my review of the personal information in the occurrence reports, I am satisfied that it was compiled and is identifiable as part of investigations into possible violations of law. The personal information at issue is contained in police occurrence reports and relates to incidents investigated by the police. Even if no criminal proceedings were commenced against an individual, section 14(3)(b) may still apply. The presumption only requires that there be an investigation into a possible violation of law.¹⁸ I am satisfied that the occurrence reports at issue relate to investigations conducted by the police. Therefore, I find that the personal information in the occurrence reports is subject to section 14(3)(b), and its disclosure is presumed to be an unjustified invasion of the personal privacy of the identifiable individuals.

[48] Under section 38(b), the presumptions in section 14(3) must be weighed and

¹⁸ Orders P-242 and MO-2235.

balanced with any factors in section 14(2) that are relevant.

[49] The police argue that the factors at sections 14(2)(f) (highly sensitive) and 14(2)(h) (supplied in confidence) apply to the withheld personal information in the occurrence reports. These factors weigh against disclosure, if they are found to apply.

[50] While the appellant did not specify that the factor at section 14(2)(d) (fair determination of rights) applies to the withheld personal information, it appears that is what he is arguing from my review of his representations. This factor weighs in favour of disclosure, if it is found to apply.

[51] Sections 14(2)(d), (f), and (h) state:

14(2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,

(d) the personal information is relevant to a fair determination of rights affecting the person who made the request;

(f) the personal information is highly sensitive;

(h) the personal information has been supplied by the individual to whom the information relates in confidence;

Section 14(2)(d): fair determination of rights

[52] The appellant submits that he wants the names of his "accusers" because they provided "false allegations" and "assumptions" about him to the police. He states that he wants their names and statements because he has a right to know what accusations were made against him and by whom. He also states that he wants to bring legal action against his accusers for ruining his reputation and he requires their names to do so.

[53] The police submit that section 14(2)(d) does not apply in the circumstances of this appeal.

[54] For the factor at section 14(2)(d) to apply in favour of disclosure, the appellant must establish all four parts of the following test:

1. the right in question is a legal right which is drawn from the concepts of common law or statute law, as opposed to a non-legal right based solely on moral or ethical grounds; and
2. the right is related to a proceeding which is either existing or contemplated, not one which has already been completed; and

3. the personal information which the appellant is seeking access to has some bearing on or is significant to the determination of the right in question; and
4. the personal information is required in order to prepare for the proceeding or to ensure an impartial hearing.¹⁹

[55] Based on the evidence before me, I am not persuaded by the appellant's representations that section 14(2)(d) applies to the personal information at issue in this appeal.

[56] The information at issue is primarily the personal information of the other identifiable individuals. The appellant disputes their allegations, and the police have already added several Statements of Disagreement to the occurrences. Furthermore, the police have investigated the incidents, and no criminal charges were brought against any of the parties involved. Given all this, I am not persuaded that disclosure of the withheld personal information is required for the fair determination of the appellant's rights for the purpose of part four of the test in section 14(2)(d) of the *Act*.

[57] Furthermore, the police's withholding of the personal information at issue in this appeal does not prevent the appellant from pursuing other legal remedies that might be available to him with respect to any legal actions against the other identifiable individuals.²⁰

[58] For the reasons above, I find that the appellant has not provided sufficient evidence to establish the application of the fourth part of the test. For section 14(2)(d) to apply, all four parts of the test must be established. Since the appellant has not persuaded me that all four parts of the section 14(2)(d) test have been met, I find that section 14(2)(d) does not apply to weigh in favour of the disclosure of the withheld personal information in this appeal.

Section 14(2)(f): highly sensitive

[59] For section 14(2)(f) to apply, the personal information at issue must be considered to be highly sensitive, which means there must be a reasonable expectation of significant personal distress if the information were disclosed.²¹

[60] The police argue that the withheld personal information in the occurrence reports is highly sensitive because the information of witnesses and other parties involved was obtained during their criminal investigations.

¹⁹ Order PO-1764; see also Order P-312, upheld on judicial review in *Ontario (Minister of Government Services) v. Ontario (Information and Privacy Commissioner)* (February 11, 1994), Toronto Doc. 839329 (Ont. Div. Ct.).

²⁰ Section 51(1) of the *Act* provides that "This *Act* does not impose any limitation on the information otherwise available by law to a party to litigation."

²¹ Orders PO-2518, PO-2617, MO-2262 and MO-2344.

[61] Given that the withheld information contains the personal information of identifiable individuals related to two criminal incidents and a mental health call, I find that its disclosure to the appellant could reasonably be expected to cause significant personal distress to the individuals to whom the personal information relates. Therefore, I find that section 14(2)(f) applies in this appeal and weighs against disclosure of the withheld personal information in the occurrence reports.

Section 14(2)(h): supplied in confidence

[62] As past orders have established, section 14(2)(h) applies if both the individual supplying the information and the recipient had an expectation that the information would be treated confidentially, and that expectation is reasonable in the circumstances. Section 14(2)(h) requires an objective assessment of the reasonableness of any confidentiality expectation.²²

[63] The police argue that section 14(2)(h) applies to weigh against disclosure of the withheld personal information, because it was supplied in confidence. The police submit when individuals and witnesses provide information to the police during investigations, there is an expectation that it will remain confidential.

[64] The appellant argues that he has a right to know what allegations were made against him by the other individuals.

[65] I find that section 14(2)(h) applies in the circumstances of this appeal and weighs against disclosure of the remaining withheld information. This personal information was collected by the police during their investigation into two criminal matters and a mental health call. In my view, in the context of this appeal, a reasonable person would expect that the information these individuals supplied to the police would be kept confidential, and I am satisfied that the personal information was provided in circumstances where there was a reasonable expectation of confidentiality. Previous IPC orders have also found section 14(2)(h) to apply where the police have referenced public trust as a relevant consideration.²³ Therefore, I find that the factor in section 14(2)(h) applies to the remaining withheld personal information and weighs against its disclosure.

[66] I also considered whether any other unlisted factors favouring disclosure, such as inherent fairness issues, apply, and I find that none apply in the circumstances of this appeal.

[67] Overall, I have found that the sections 14(2)(f) and (h) factors and the section 14(3)(b) presumption apply to weigh against disclosure of the withheld personal information. I have not found that any factors, listed or unlisted, apply to weigh in favour of disclosure. Balancing the interests of the parties, the facts of this appeal weigh against

²² Order PO-1670.

²³ See, for example, Orders MO-4657, MO-4656, and MO-4618.

disclosure of the withheld personal information in the occurrence reports.

[68] In coming to this conclusion, I considered that for the occurrence report where the appellant was the complainant, the police only withheld the personal information of the other identifiable individuals. In the occurrence reports where the other identifiable individuals were the complainant/witness, most of the appellant's personal information contain limited identifiers or is inextricably intertwined with that of the other individuals and cannot be reasonably severed. Furthermore, even if some portions could be severed, it would result in snippets of meaningless or misleading information, which institutions are not required to release.²⁴

[69] For the reasons above, I find that the withheld personal information is exempt from disclosure under section 38(b) of the *Act*.

Exercise of discretion

[70] The sections 38(a) and (b) exemptions are discretionary, meaning that the police can decide to disclose information even if the information qualifies for exemption. The police must exercise their discretion. On appeal, I may determine whether the police failed to do so.

[71] The police state that they properly exercised their discretion under sections 38(a) and 38(b). They state that they took into consideration relevant factors, including that the appellant's right to access should be balanced with the privacy rights of the other identifiable individuals in the records.

[72] The appellant's representations do not address the police's exercise of discretion.

[73] After considering the police's representations and the circumstances of this appeal, I find that the police did not err in their exercise of discretion with respect to their decision to deny access to the withheld personal information under sections 38(a) and 38(b) of the *Act*. I am satisfied that the police considered relevant factors and did not consider irrelevant factors in their exercise of discretion. In particular, it is evident that the police provided the appellant with as much of the responsive records as possible and balanced it with the privacy rights of the other individuals.

[74] Accordingly, I find that the police exercised their discretion in an appropriate manner in this appeal, and I uphold it.

ORDER:

I uphold the police's decision and dismiss the appeal.

²⁴ PO-2612.

Original Signed by: _____
Anna Truong
Adjudicator

February 27, 2026 _____