

The Regional Municipality of York Police Services Board

Public Board Meeting
February 23, 2022

Report of the Chief of Police

Annual Report on Freedom of Information Access Requests

1. Recommendation

That the Board receive this annual report for information.

2. Summary

The Freedom of Information Unit received 2,655 requests for access to York Regional Police records in 2021. Thirty access decisions were appealed to the Information and Privacy Commissioner in 2021.

3. Background

The *Municipal Freedom of Information and Protection of Privacy Act* (the “Act”) provides a right of access to information under the control of York Regional Police in accordance with the principles that information should be available to the public, necessary exemptions from the right of access should be limited and specific, and decisions on the disclosure of information should be reviewed independently of the institution controlling the information.

The Act protects the privacy of individuals with respect to personal information about themselves held by York Regional Police and provides individuals with a right to request

access to that information and a right to request a correction of their personal information in prescribed circumstances.

The Freedom of Information (FOI) Unit processes requests for access to York Regional Police records from members of the public, law firms, insurance companies and other organizations. Requesters may file an appeal with the Information and Privacy Commissioner of Ontario (IPC) if they disagree with the FOI Unit's decision about their request.

Internally, the FOI Unit acts as a resource for York Regional Police members with respect to privacy legislation and the sharing of police records.

FREEDOM OF INFORMATION REQUESTS AND APPEALS

Freedom of Information Access Requests

In 2021, the FOI Unit received 2,655 access requests as compared to 2,653 requests in 2020.

Appeals to the Information and Privacy Commissioner

Thirty of the FOI Unit's access decisions were appealed to the IPC in 2021 as compared to 16 appeals in 2020. Four of these appeals were dismissed at the intake stage by the IPC. Eleven appeals were resolved in mediation. Fifteen appeals remain outstanding.

Additionally, five appeals were carried over from 2020 of which one was dismissed at the intake stage, one was withdrawn by the appellant, one was adjudicated and two remain outstanding.

Appeal Decision

Order MO-4016 - February 25, 2021

The appellant sought access to police occurrence reports and information relating to police attending their residence in response to an ongoing residential tenancy dispute. They were ultimately given access to redacted copies of four police reports. York Regional Police withheld third party personal information including third party statements to police. The IPC Adjudicator upheld the FOI Unit's exercise of discretion in redacting the personal information of other parties involved in the dispute and dismissed the appeal.

4. Analysis

Not applicable.

5. Financial

The *Act* prescribes the fees that York Regional Police may charge for processing access requests that involve the personal information of the requester. The *Act* allows institutions to set their own fees for other records that are available to the public through a regularized system of access. Board Bylaw No. 02-15 sets out the fees payable for each of the various types of records accessible under the bylaw. In 2021, the FOI Unit collected \$14,218.70 in fees prescribed by the *Act* and \$94,233.45 in fees required by the Board's bylaw. In total, \$108,452.15 in access fees were collected in 2021

6. Conclusion

Not applicable.

Accessible formats or communication supports are available upon request.

Jim MacSween, B.A.A.
Chief of Police

JMS/jdf