

The Regional Municipality of York Police Services Board

Public Board Meeting
February 22, 2023

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 3,164 requests for access to York Regional Police records in 2022. Nineteen access decisions were appealed to the Information and Privacy Commissioner in 2022.

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 2022, the FOI Unit received 3,164 access requests as compared to 2,655 requests in 2021. There was a 19% increase in request year over year.

In February of 2022, York Regional Police implemented an online application process for access requests. This improved access for the community however has led to an increase in the volume of requests.

Appeals to the Information and Privacy Commissioner

Nineteen of the FOI Unit's access decisions were appealed to the IPC in 2022 as compared to 30 appeals in 2021. One of these appeals were dismissed at the intake stage by the IPC. Seven appeals were resolved in mediation and 11 appeals remain outstanding.

Additionally, 18 appeals were carried over from 2021 of which none were dismissed at the intake stage, six were resolved in mediations, eight were adjudicated with four orders being issued and four orders are pending from the IPC.

Appeal Decision

Order MO-4168 – February 23, 2022

The appellant sought access to records of various police personnel in specified matters involving the appellant. Officers' notes were located in response to the request and partially disclosed to the appellant withholding third party personal information. During the mediation of the appeal the appellant also added the issue of reasonable search. The IPC Adjudicator upheld the FOI Unit's access decision and the reasonableness of the FOI Unit's search and dismissed the appeal.

Order MO-4204 – May 27, 2022

The appellant sought access to a police occurrence report and officers' notes relating to a property damage complaint. They were ultimately given access to copies of the report and officers' notes. 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 complaint and dismissed the appeal.

Order MO-4228 – July 25, 2022

The appellant sought access to police occurrence report and officers' notes relating to an assault complaint. They were ultimately given access to redacted copy of the occurrence report and the officers' notes. York Regional Police withheld third party personal information including third party statements to police. During mediation the appellant requested a correction of their personal information contained in the partially disclosed records and copies of the statements of third parties. The IPC Adjudicator found that the disclosure of the withheld information would constitute an unjustified invasion of personal privacy, and the appellant had not established the requirements for a correction of his personal information. The adjudicator upheld the police's decision and dismissed the appeal.

Order MO-4245 - August 26, 2022

The appellant sought access to police occurrence report relating to an assault complaint. They were ultimately given access to redacted copy of the occurrence report with York Regional Police withholding third party personal information contained with the occurrence report. The IPC Adjudicator upheld the FOI Unit's exercise of discretion in redacting the personal information of other parties involved in the complaint 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 2022, the FOI Unit collected \$17,390 in fees prescribed by the *Act* and \$98,634.00 in fees required by the Board's bylaw. In total, \$116,024 in access fees were collected in 2022.

6. Conclusion

Not applicable.

Accessible formats or communication supports are available upon request

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

JMS/DBM