

TO WHOM IT MAY CONCERN

REQUEST FOR ACCESS TO INFORMATION

October 2, 2005

Please give me the following information:

1. All Occurrence Reports relating to *Dufferin Grove Park* from **2002 to the present**
2. All Arrest reports relating to arrests made in *Dufferin Grove Park* from **2002 to the present**, with names and identifying details blanked out (paper version is fine)
3. All documented reports of citizen/police contacts in *Dufferin Grove Park* from **2002 to the present**, names and identifying details blanked out.

Background: After the Information and Privacy Commissioner recently urged the City of Toronto to be less secretive about its records, Mayor Miller encouraged city staff to release certain types of information more readily without requiring citizens to first file a Freedom of Information request. Consequently, I first sent the questions above to Supt. James Dicks of *Fourteen Division* (copy of letter enclosed). Our group even made an appointment to meet with him, but he was off ill when we arrived, as was his second-in-command. We explained our concerns and the resulting questions to Staff Sgt. Frank Besenthal. Sgt. Besenthal told us we would have to submit our questions to the Police Service's own Freedom of Information Office. He said we would also have to give reasons why we want the information.

Why we want this information: Although our impression of the legislation is that it does *not* require an explanation of why we want information, I am happy to give our reasons here. In the main, they are contained in the letter to Supt. Hicks. We are concerned that police statements to park staff and park users – about the dangerousness of the park, and even the occurrence of a murder unknown to any of us – may have the effect of spreading fear in the neighborhood. If our park is dangerous, we want to know it. If the danger is exaggerated by new and inexperienced police staff, we want their management to know that. Once the facts are tallied, we can collaborate to find the best remedies.

Previous relevant Information and Privacy Commissioner Order: In making this request, we are mindful of the **Ontario Information and Privacy Commissioner's ORDER M-849** to the *Toronto Police Service* as the result of an appeal several years ago. The appellant had requested access to the "major news reports-occurrences" (the Occurrence Sheets) and "major news reports-arrest and story" sheets (the Arrest Sheets), in computerized format. The Police denied access to the records, claiming that they qualify for exemption under section 14(1) of the Act (invasion of privacy).

When the appeal hearing took place, the Police stated in their representations that they had no objection to releasing the Occurrence Sheets, as they contained no personal information. The Arrest Sheets, on the other hand, contain the name and address of the person who has been charged, the charges, and a description of the facts leading to the arrest. The adjudicator (Tom Mitchinson, Assistant Commissioner) ordered the police to grant access to the Occurrence Sheets in full, and the Arrest Sheets with all personal information blanked out.

ORDER:

- 1. I uphold the decision of the Police to deny access to the computerized version of all Arrest Sheets with personal information included.*

- 2. I order the Police to disclose the computerized version of all Occurrence Sheets, beginning with the date at which the Police began storing these records on a word processing system, up to and including the date of the appellant's request.*

- 3. I order the Police to disclose a computerized version of all Arrest Sheets, with personal information excluded, provided these new records meet the requirements of the definition of 'records' included in the Act and regulations. This provision is retroactive to the date at which the Police began storing Arrest Sheets on a word processing system, up to and including the date of the appellant's request.*

Clarification: I would like to clarify that in my request ***I am not seeking any personal information.*** I don't need the information in computerized format. Paper copies will be fine.

I am happy to provide additional information if needed. **My phone number is 416 533-0153.**