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**Office of the Information and Privacy Commissioner
Province of British Columbia
Order No. 253-1998
August 7, 1998**

INQUIRY RE: A decision by the Abbotsford Police Department to sever third party personal information from records of a complaint filed about the applicant.

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1. Description of the review

As Information and Privacy Commissioner, I conducted a written inquiry at the Office of the Information and Privacy Commissioner (the Office) on June 29, 1998 under section 56 of the *Freedom of Information and Protection of Privacy Act* (the Act). This inquiry arose out of a request for review by the applicant of a decision by the Abbotsford Police Department to sever third-party personal information from records of a complaint filed about the applicant.

2. Documentation of the inquiry process

On March 19, 1998 the applicant submitted a request to the Abbotsford Police Department (the Police Department) for access to records related to a complaint about the applicant filed by the Abbotsford School District. In addition, the applicant requested a copy of a letter written by a Manager for the School District to his / her staff dated February 27, 1998, and additional information from another file, if any had been accumulated since a previous request.

On March 23, 1998, the Police Department responded to the applicant's request by disclosing additional information related to the previous request, and disclosing records from the School District complaint file, with third-party personal identifiers removed under section 22(3)(b) of the Act. The Police Department did not provide a copy of the February 27, 1998 letter, since it did not have this record in its files.

On March 26, 1998, the applicant made a written request to my Office for a review of the Police Department's response to his / her request for records. On

June 3, 1998, the applicant informed my Office that he / she would like to proceed to an inquiry, which was scheduled for June 29, 1998.

3. Issue under review and the burden of proof

The issue under review at this inquiry is whether the Police Department appropriately used section 22(3)(b) to sever third-party personal information from records related to a complaint about the applicant.

Section 57 of the Act establishes the burden of proof on the parties in this inquiry. Under section 57(2), if the record or part that the applicant is refused access to contains personal information about a third party, it is up to the applicant to prove that disclosure of the information would not be an unreasonable invasion of the third party's personal privacy.

4. The records in dispute

The records in dispute consist of four pages of Police Department report forms used to record the specifics of a complaint from the public. These include a Call / Dispatch Report, a Persons Report, a Supplemental Narrative, and an Occurrence Report / Dispatch Ticket.

5. The applicant's case

The applicant has submitted a lengthy statement and supporting documents with respect to his allegations of deliberate wrongdoing and corruption on behalf of School District No. 34 (Abbotsford), and the Abbotsford Transportation Department. While I have reviewed this material, it is largely irrelevant to the specific issue in this inquiry that I have jurisdiction to decide under the Act.

6. The Abbotsford Police Department's case

The Police Department submits that it has only severed third-party personal information from the records in dispute on the basis of section 22(3)(b) of the Act, including the names and home addresses of the complainant and witnesses in the matter involving the applicant in this inquiry.

7. Discussion

Based on my review of the records in dispute, I find that the Police Department appropriately applied section 22(3)(b) of the Act to the records in dispute, since disclosure of the personal information would be an unreasonable invasion of a third party's personal privacy. Section 22(3)(b) is a mandatory exception.

8. Order

I find that the Abbotsford Police Department was required to refuse access to the records withheld under section 22(3)(b) of the Act. Under section 58(2)(c) of the Act, I require the Police Department to refuse access to the records withheld under section 22(3)(b).

David H. Flaherty
Commissioner

August 7, 1998