



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
— for —
British Columbia

Order 01-34

VANCOUVER POLICE DEPARTMENT

David Loukidelis, Information and Privacy Commissioner
July 18, 2001

Quicklaw Cite: [2001] B.C.I.P.C.D. No. 35
Document URL: <http://www.oipcbc.org/orders/Order01-34.html>
Office URL: <http://www.oipcbc.org>
ISSN 1198-6182

Summary: Applicant requested records about himself in 1998 and again in 2000. In 1998, the VPD provided all releasable responsive records and, in 2000, only those releasable records that post-dated records from 1998 request. In 2000, applicant again wanted disclosure of all records, including those released in 1998. VPD found to have met its s. 6(1) duty in supplying updated disclosure only.

Key Words: duty to assist – respond openly, accurately and completely.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, s. 6(1).

Authorities Considered: B.C.: Order 00-15, [2000] B.C.I.P.C.D. No. 18; Order 00-45, [2000] B.C.I.P.C.D. No. 49.

1.0 INTRODUCTION

[1] In 1998, the applicant in this case requested access to all records about himself that the Vancouver Police Department (“VPD”) had. In response, the VPD provided him with copies of all records from 1984 to 1998, with some information severed under s. 22(3)(b) of the *Freedom of Information and Protection of Privacy Act* (“Act”). The applicant made a second request in 2000 for all records about himself, in response to which the VPD provided updated disclosure, *i.e.*, it disclosed copies of records that post-dated the records provided in 1998, again with some s. 22(3)(b) information withheld. This disclosure covered May of 1998 to July of 2000. (The severing under s. 22(3)(b), as well as other requests the applicant made to the VPD during this time – including a request to correct personal information – are not in issue in this inquiry.)

[2] The applicant requested a review of the 2000 response on the basis that he had requested all of his information and the VPD had not given it to him. Although mediation led to the disclosure of some withheld records, the applicant remained dissatisfied with the VPD's refusal to disclose all of the records once again. I therefore held an inquiry under s. 56 of the Act to deal with the question of whether, in its handling of the applicant's request, the VPD had fulfilled its duty to assist him as required by s. 6(1) of the Act.

2.0 ISSUE

[3] The only issue in this case is whether the VPD fulfilled its duty under s. 6(1) of the Act to assist the applicant and to respond to the applicant's request openly, accurately and completely. In keeping with previous orders, the burden of proof in this case is on the VPD.

3.0 DISCUSSION

[4] **3.1 Applicable Principles** – I have considered in many orders the principles that apply to public bodies in their efforts to assist applicants. See, for example Order 00-15 [2000] B.C.I.P.C.D. No. 18. Order 00-45, [2000] B.C.I.P.C.D. No. 49, is also relevant here. There is no need to repeat those principles here.

[5] **3.2 Did the VPD Fulfil its s. 6(1) Duty?** – The VPD argued in its initial submission that it had made every reasonable effort to assist the applicant as required by s. 6(1) of the Act. In May 1998, it says, it provided the applicant with severed copies of all records it had on him, covering the period from 1984-1998. In response to his 2000 request, it says it provided copies of all records generated after the 1998 request, that is, from May 1998 to July 2000 (paras. 1 and 4, initial submission). It also says the following in its initial submission:

15. It is the submission of the Vancouver Police Department that through a series of FOI requests made by the applicant, the VPD has dutifully assisted him by supplying copies of all the documentation held on file relating to himself which he is entitled to receive under the provisions of the *Freedom of Information and Protection of Privacy Act*.

16. It is the further submission of the VPD that we have already supplied the applicant with one copy of all the documents on file relating to himself and since there have been no changes to those documents, we are under no obligation to supply the applicant with another copy.

[6] In making his second request for full disclosure, the applicant appears to be motivated by a desire to know if the VPD has destroyed some or all of its records on him, in accordance with its records-retention standards and apparently also in relation to a

pardon he received under federal legislation. The VPD has disposed of some records, it seems, but not all of its records on the applicant have been disposed of. The applicant argues as follows at pp. 5-6 of his initial submission:

... Under the circumstances and with what I was led to believe, there should be NO records concerning myself with the VPD. ... I say to you Mr. Commissioner and the VPD FOI section that I do not wish to have duplicate information that I have already received. ...

[7] The VPD says, in its reply submission, that the applicant has apparently misinterpreted the types of records the VPD purges as a result of being notified of a federal pardon. It points out that the applicant said in the last paragraph of his initial submission that he does not want duplicates of records he has already received. The VPD says that its response to his request “seemingly complies with the applicant’s ‘wishes’ as stated in the final paragraph of his submission” (p.1, reply submission). The applicant says in his reply that the VPD still has records on him that he feels it should not have. He says he still wants full disclosure of all records, in part to seek some unspecified remedy to do with his pardon (pp. 1, 2 and 6, reply submission).

Is Full Disclosure Required Again?

[8] The VPD says it has, through its responses to the applicant’s various requests, disclosed all records it has on the applicant. He does not dispute this. It is clear from the applicant’s submissions that he does not want duplicates of records he has already received. His difference of opinion with the VPD over whether it should still have any records at all about him, which seems to be his real concern, is not the issue before me.

[9] While there may be circumstances in which I would find that s. 6(1) requires a public body to provide an applicant with records that it has already provided to the applicant in response to a previous request, this is clearly not such a case. Especially in light of the applicant’s concession that he does not, in fact, wish to have duplicates of records he has already received, I have no hesitation in finding that the VPD has fulfilled its duty under s. 6(1) of the Act to assist the applicant and to respond openly, accurately and completely to his request.

4.0 CONCLUSION

[10] In light of the above finding, no order is necessary under s. 58(3) of the Act.

July 18, 2001

ORIGINAL SIGNED BY

David Loukidelis
Information and Privacy Commissioner
for British Columbia