



Prince Edward Island Île-du-Prince-Édouard

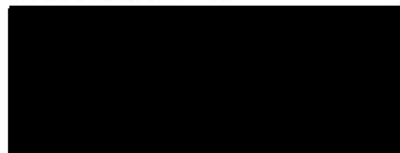
Legislative Assembly

Assemblée législative

Information and
Privacy Commissioner
PO Box 2000, Charlottetown PE
Canada C1A 7N8

Commissaire à l'information et
à la protection de la vie privée
C.P. 2000, Charlottetown PE
Canada C1A 7N8

PRIVATE AND CONFIDENTIAL



May 31, 2024

VIA EMAIL

Dear 

Re: Request for Review under the *Freedom of Information and Protection of Privacy Act*
Public Body: City of Charlottetown (Police Services)
Public Body Ref. No.: 2024-005
OIPC File No.: C/24/00162 (formerly FI-24-584)

This letter is further to your email to our Case Management Officer, dated March 29, 2024 in which you clarified your concerns, and to our letter to the Public Body, dated April 18, 2024, which was copied to you.

You asked the Public Body for all records related to an incident that occurred April 7, 2023, in which you believe you were the intended target. As you may recall, on April 18, 2024, this office asked the Public Body to provide a copy of their processing records in relation to your access request.

The Public Body hand-delivered a copy of the records to this office on April 19, 2024. I have had an opportunity to review the records and your clarification.

In your email to our office, you indicated that you were more concerned that there was not more information in the record you received about the ex-girlfriend involved in this incident, who you believe was you. You acknowledged your name was not mentioned in the records but stated you advocated three times to have your name appear in the police record, and you assert that the police “should have done more that would have resulted in having my name on this incident in the first place.” More specifically, you alleged the police should have done more to confirm who the “ex-girlfriend” was and advised you of a potential threat to your safety.

You also indicated you were not questioning the Public Body’s decisions to redact information from the “Occurrence Details” record, personal information about the male victim of the incident, or the street names under the E-Watch camera review. However, you questioned the adequacy of the Public Body’s search in relation to your access request.

As was explained to you in our Case Management Officer’s letter of March 28, 2024, we can only review matters that are within our jurisdiction. We do not have jurisdiction to review

most of the concerns you have outlined in your contact with our office. For instance, we do not have jurisdiction to review the conduct of police investigations, or the authority to compel a police service to conduct a particular investigation, or what was included in their investigation. We also do not have authority to compel the police to create a record in relation to an investigation if one does not already exist.

The only one of your concerns you raise, that we have jurisdiction to review, is the adequacy of the Public Body's search.

You stated the following in relation to the adequacy of the Public Body's search:

- I'm requesting you review the records of any details, description, etc regarding the "ex-girlfriend".
- Reviewing what is actually in the record compared to the copies I received.
- I am requesting the police records where it indicates communication around:
 - [REDACTED] thought he saw his ex-girlfriend enter the building early that day.
 - [REDACTED] believed the Hyundai was somehow connected to his ex-girlfriend.
 - How would the Guardian have this description without this being on the police records? Which I have requested.

Previous orders from our office have decided that to conduct an adequate search, a public body is not held to a standard of perfection, but one of reasonableness. Upon review of the Public Body's processing file, I am satisfied that the Public Body has done a reasonable search when processing this access request. My findings are set out below:

1. Details, description, etc. regarding the "ex-girlfriend"

Upon review of the unredacted records, the only mention of an ex-girlfriend in the records is found at the bottom of page 4 of 7 in the responsive records. The Public Body disclosed that information to you. While you may believe there should have been more recorded, that would go to the conduct of the investigation and is not within our jurisdiction.

2. Review of what is actually in the record compared to what was disclosed

We compared the unredacted records to the records that were disclosed to you. I confirm that the only information that was withheld was names of streets, personal information about the male victim, and information about other third parties that you are not entitled to access. The redactions under the category "Involved Property" were the DVD disks that the Public Body indicated had already been purged from their system at the time you made your access request. I am not concerned about this as the trial of this matter had already been completed,

the accused sentenced, and the appeal period expired, by the time you made your access request.

3. How would the Guardian have this description without this being on the police records?

I have reviewed the news article you provided. The article was published after the police investigation was completed, and the accused had been convicted. It appears the information in the article was obtained during a court hearing, where facts and evidence were being reviewed for the purposes of sentencing. The details reported in the article appear to have been gathered from what was presented in court.

Information in a police record is not all the information that could end up as evidence in a trial. For example, expert's reports, presentence reports, victim impact statements, and evidence provided on behalf of an accused can all be evidence in a trial. However, these things are not part of a police record.

In the article you provided, the majority of the information reported on appears to have been facts from the trial being recounted by the Crown for sentencing, victim impact information being explained by the Crown, and comments made by the accused's lawyer during the sentencing hearing. I would not expect this information to be part of the police record.

Conclusion

Although I appreciate that the issues you raised stem from a concern for your personal safety, a review of the file shows that the Public Body gave you the records you asked for. All other concerns you expressed are not within my jurisdiction to address.

Not every request for review proceeds to inquiry. Section 64.1 of the *Freedom of Information and Protection of Privacy Act* ("FOIPP Act") authorizes me to refuse to conduct an inquiry. Subsection 64.1(b) of the *FOIPP Act* indicates that I may refuse to conduct an inquiry if, in my opinion, the circumstances warrant refusing to conduct an inquiry.

For the reasons outlined above, in my opinion the circumstances warrant refusing to conduct an inquiry into your request for review. Therefore, pursuant to subsection 64.1(b) of the *FOIPP Act*, I am refusing to conduct an inquiry in this matter, and we will be closing our file.

Sincerely,



Denise N. Doiron
Information and Privacy Commissioner

C: City of Charlottetown - Police Services, FOIPP coordinators (via email)