



REVIEW REPORT 023-2019, 098-2019

Saskatoon Police Service

November 4, 2019

Summary: The Applicant submitted two access to information requests to the Saskatoon Police Service (SPS) but appealed to the Information and Privacy Commissioner (Commissioner) when they did not receive responses within the legislated timeline. The SPS eventually provided the Applicant with access to some records but withheld others, citing subsections 28(1), 14(1)(c), 14(1)(k), and 14(1)(j) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) as its reasons. The Commissioner found that SPS did not meet the legislated timelines for responding to access requests. The Commissioner also found that subsections 28(1), 14(1)(c), 14(1)(k), and 14(1)(j) of LA FOIP applies to parts of the records. The Commissioner made a number of recommendations, including that SPS implement technology that would enable it to blur out the images of individuals from camera recordings.

I BACKGROUND

[1] In a letter dated June 18, 2018, the Applicant requested the following from the Saskatoon Police Service (SPS):

Please sent all records in your possession relating to me to the above address.

[2] A month later, in a letter dated July 18, 2018, the Applicant submitted another request for the following:

Please send the 911 audio recordings for the following incidents to the address above or inform me as to The Correct Procedure for doing so or a reason for refusal.

The first incident was reported by [name of individual 1] at approximately 3PM May 15, 2018.

The second and third incidents were reported by [name of Applicant] at approximately 3PM May 15, 2018 and 2PM June 26, 2018.

The fourth incident was reported by [name of individual 2] at approximately 2PM June 26, 2018.

The fifth incident was reported by [name of individual 3] at approximately 8PM June 26, 2018.

The sixth incident was reported by an unknown male at approximately 3PM July 2, 2018 with respect to posters at the intersection of Broadway Avenue and 12th Street East in Saskatoon.

[3] In a letter dated January 10, 2019 (received on January 16, 2019), the Applicant alleged that the SPS ignored the Applicant's access requests "since June 18th" and requested that my office conduct reviews.

[4] Then, in a letter dated March 8, 2019, SPS responded to the Applicant's access requests. It provided the Applicant access to some records but withheld others in full or in part. It cited subsections 14(1)(c), 14(1)(j), 14(1)(k), 16(1)(b) and 28(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) as its reasons for withholding records.

[5] In an email dated March 22, 2019 to my office, the Applicant indicated they wanted to proceed with reviews into SPS's delay in responding to the access requests as well as SPS's application of exemptions to the records.

[6] On April 5, 2019, my office notified the SPS and the Applicant that it would be undertaking reviews on the time it took the SPS to respond to the Applicant's access request and SPS' application of the exemptions.

[7] Then, on April 12, 2019, the SPS sent a letter to the Applicant indicating that it would no longer rely on subsection 16(1)(b) of LA FOIP.

[8] Then, on October 21, 2019, the SPS sent another letter to the Applicant indicating that it discovered additional responsive records. However, it has determined that it would withhold the additional records pursuant to subsection 14(1)(c) of LA FOIP.

II RECORDS AT ISSUE

[9] Below is a table of the records that were withheld in part or in full.

| Record # | General Description | # of pages | Withheld in part or Withheld in full | Exemptions applied |
|-----------------|--|-------------------|---|-------------------------------------|
| 1 | Call Information 18-66006 | 2 | Withheld in part | 28(1) |
| 2 | Call Information 18-65898 | 3 | Withheld in part | 14(1)(k), 28(1) |
| 3 | GO #2012-113585 | 7 | Withheld in part | 14(1)(k), 28(1) |
| 4 | Go #2015-1797 | 12 | Withheld in part | 14(1)(j), 14(1)(k), 28(1) |
| 5 | GO #2018-48418 | 58 | Withheld in part | 14(1)(c), 28(1) |
| 6 | GO #2018-658998 | 26 | Withheld in part | 14(1)(c), 14(1)(k), 28(1) |
| 7 | GO #2018-66006 | 55 | Withheld in part | 14(1)(c), 14(1)(j), 14(1)(k), 28(1) |
| 8 | GO #2018-75698 | 29 | Withheld in part | 28(1) |
| 9 | 911 Audio, ICCS Video & Video – Occurrence Number 2018-66006 | | Withheld in part | 14(1)(c), 28(1) |
| 10 | Telephone Audio | | Withheld in full | 14(1)(k), 14(1)(c) |
| 11 | 911 Audio, ICCS Video & Video – Occurrence Number 2018-48418, 2018-48419 | | Withheld in part | 14(1)(c), 28(1) |

[10] Records 1 and 2 are calls for service (“CAD Calls”) that, in this case, correlate to specific occurrence reports. Records 3 to 8 are “Occurrence Reports”, which are a mix of paper records and electronic reports that make up the entire occurrence report. For the purpose of this Review Report, records 1 to 8 were paginated in a single PDF document. Therefore, my office will be referring to the page numbers of the PDF throughout this Report.

[11] Further, as noted in the background, there were additional responsive records that were discovered by the SPS in the course of this review. These additional responsive records total 11 pages. They consist of emails and their attachments. I will refer to these records as the “additional records” in this Report.

III DISCUSSION OF THE ISSUES

1. Does LA FOIP apply and do I have jurisdiction to review this matter?

[12] SPS qualifies as a “local authority” as defined by subsection 2(f)(viii.1) of LA FOIP, which provides as follows:

2 In this Act:

...

(viii.1) a police service or regional police service as defined in *The Police Act, 1990*;

[13] Therefore, I find that LA FOIP applies. I have jurisdiction to review this matter.

2. Did SPS meet its legislated timelines when responding to the Applicant’s access request?

[14] As noted in the background, the Applicant submitted their first access request on June 18, 2018 and their second request on July 18, 2018. SPS provided a response on March 8, 2019.

[15] In its submission, SPS indicated that it requested payment of the application fee for the first access request on June 26, 2018 and on July 6, 2018. Then, it requested payment of the application fee for the second access request in a letter dated July 25, 2018. However, in a letter dated August 1, 2018, the Applicant indicated that they were unable to pay the fee.

[16] Then, in a letter dated August 30, 2018, SPS advised the Applicant that it would be waiving the application fee. Furthermore, SPS indicated it was extending the 30-day period set out

in section 7 of LA FOIP to respond to the Applicant's access requests pursuant to section 12 of LA FOIP. However, SPS indicated that the letter was returned to it as undeliverable. It indicated it was unable to contact the Applicant as it had no other form of contact information with the Applicant.

[17] Then, in a letter dated November 17, 2018, the Applicant sent their new mailing address to the SPS. In a letter dated December 21, 2018, SPS responded by notifying the Applicant of the status of the access requests and their right to request reviews by my office.

[18] As indicated in the background, the Applicant requested reviews by office in January of 2019. During the early resolution stage, SPS responded to the Applicant's access request by providing the records on March 8, 2019.

[19] Below is an analysis to determine if SPS responded to the Applicant's access requests within legislated timelines.

[20] Subsection 6(2) of LA FOIP provides as follows:

6(2) Subject to subsection (4) and subsection 11(3), an application is deemed to be made when the application is received by the local authority to which it is directed.

[21] Furthermore, subsection 5(1) of *The Local Authority Freedom of Information and Protection of Privacy Regulations* (LA FOIP Regulations) provides that an application fee is payable at the time an application for access to a record is made:

5(1) An application fee of \$20 is payable at the time an application for access to a record is made.

[22] My office's position in past reports has been that when the application fee is not provided, the local authority does not have to begin processing the access request until it receives payment. For example, in Review Report 336-2017, I said the following:

Although not addressed in its submission, the School Division's affidavit raised concerns that the Applicant did not use the prescribed form or provide the application fee with their request. My office has long been of the opinion that it is not mandatory

for Applicants to use the prescribed form, provided the request is in writing and contains the information that pertains to the elements on the form. If the School Division required any additional information, it should have advised the Applicant at the time the request was received. Additionally, **when the School Division is processing access to information requests and an application fee is not provided, it can request the Applicant provide the application fee before processing the request.** In this case, the School Division did not choose to request the application fee and instead proceeded to process the request.

[emphasis added]

[23] In this case, SPS requested payment of the application fee for each access request. When the Applicant indicated that they were unable to pay the application fee for both access requests, SPS determined it would waive the requirement for payment. Therefore, the day SPS waived the requirement is the day in which it received the access request and should have begun processing it. Based on the letter dated August 30, 2018, SPS waived the application fee requirement. Therefore, SPS should have begun processing the Applicant's access request on August 30, 2018.

[24] Subsection 7(2) of LA FOIP requires local authorities to respond to access to information requests within 30 days after the request is made. Subsection 7(2) of LA FOIP provides:

7(2) The head shall give written notice to the applicant within 30 days after the application is made:

...

[25] The 30-day time period set out in section 7 of LA FOIP can be extended for a period not exceeding 30 days in certain circumstances under subsection 12(1) of LA FOIP.

[26] If the access requests were received on August 30, 2018, and if the time period was extended under subsection 12(1) of LA FOIP (pursuant to its letter dated August 30, 2018 to the Applicant), then SPS' response to the access request should have been prepared by no later than October 29, 2018. However, the SPS responded on March 8, 2019. Therefore, I find that SPS did not meet the legislated timeline for responding to access requests.

- [27] I acknowledge the practical challenges faced by SPS when it was unable to contact the Applicant. Section 5.1 of LA FOIP provides that local authorities must respond to access requests openly, accurately and completely. Being able to communicate with the Applicant throughout the processing of the access request is helpful in ensuring the local authorities such as SPS respond to access requests openly, accurately and completely.
- [28] However, not being able to communicate with the Applicant part way through processing an access request is not justification for SPS to not respond to the Applicant's access requests within the legislated timeline. Subsection 7.1(1) of LA FOIP provides for two scenarios in which a local authority can deem an access request abandoned. The first scenario is when the local authority has invited the applicant to supply additional details pursuant to subsection 6(3) of LA FOIP but the applicant does not respond within 30 days. The second scenario is when the local authority has provided notice pursuant to subsection 7(2)(a) and the applicant does not respond within 30 days. Neither of these scenarios exist in this case. While there is no indication that SPS deemed the Applicant's access requests abandoned under subsection 7.1(1) of LA FOIP, it appears that SPS delayed the processing of the access requests as a result of not having the Applicant's contact information. In other words, it effectively deemed the access requests abandoned. SPS should have continued processing the access requests even though it was unable to contact the Applicant.
- [29] In its submission, SPS acknowledged that it did not respond to the access requests within the legislated timeline. It cited reasons such as the short time it has been subject to LA FOIP (since January 1, 2018) and the significant workload its Access and Privacy Unit for not meeting the legislated timeline in this case. It indicated that when it was unable to contact the Applicant, it re-prioritized and continued to process the Applicant's access request as time permitted until contact with the Applicant could be made.
- [30] I recommend that, in the future, SPS continue processing access requests unless one of the two scenarios in subsection 7.1(1) of LA FOIP exists.

[31] Furthermore, should the Applicant submit future access requests to SPS or any other local authority or government institution, I suggest that the Applicant communicate a change of address or contact information in a timely manner.

3. Does subsection 28(1) of LA FOIP apply to records 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11?

[32] Individuals have a right to access their personal information subject to limited and specific exemptions. However, individuals do not have a right to other individual's personal information. Subsection 23(1) of LA FOIP defines "personal information" as follows:

23(1) Subject to subsections (1.1) and (2), "personal information" means personal information about an identifiable individual that is recorded in any form, and includes:

(a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;

(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

...

(e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;

(f) the personal opinions or views of the individual except where they are about another individual;

(g) correspondence sent to a local authority by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;

(h) the views or opinions of another individual with respect to the individual;

...

(k) the name of the individual where:

(i) it appears with other personal information that relates to the individual; or

(ii) the disclosure of the name itself would reveal personal information about the individual.

[33] It should be noted that the list of examples of personal information in subsection 23(1) of LA FOIP is not exhaustive. Information that is not listed under subsection 23(1) of LA FOIP may still qualify as personal information.

[34] Where other individual's personal information appears on a responsive record, local authorities may rely on subsection 28(1) to withhold the information. Subsection 28(1) of LA FOIP provides as follows:

28(1) No local authority shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 29.

[35] SPS applied subsection 28(1) of LA FOIP to portions of records 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11. Below is an analysis of each record to determine if subsection 28(1) of LA FOIP applies to these records. Where SPS applied additional exemptions such as subsections 14(1)(c) and 14(1)(k) of LA FOIP to the record, I will consider those exemptions later in this Report.

Record 1 – Call Information (2 pages)

[36] Record 1 is a two-page document. The contents of the two pages were released to the Applicant, except for the home telephone number of a person who submitted a complaint to the SPS. The home telephone number of an individual qualifies as personal information as defined by subsection 23(1)(e) of LA FOIP. I find that SPS properly applied subsection 28(1) of LA FOIP to the portion that was withheld in record 1.

Record 2 – Call Information (3 pages)

[37] Record 2 is a three-page document. Most of the contents of the three pages were released to the Applicant. However, information such as the name of caller, the caller's telephone number, name of victim and the description of the victim was withheld under subsection 28(1) of LA FOIP. Based on a review of the withheld information, I find that such information qualifies as personal information as defined by subsections 23(1)(e) and (k) of

LA FOIP. I find that SPS properly withheld the information in record 2 pursuant to subsection 28(1) of LA FOIP.

Record 3 – General Occurrence #212-113585 (7 pages)

[38] Record 3 is a seven-page document. Most of the contents were released. Information such as name, date of birth, and descriptions of individuals were withheld under subsection 28(1) of LA FOIP. Based on a review of the withheld information, I find that the information qualifies as personal information as defined by subsection 23(1) of LA FOIP. As such, I find that SPS properly withheld the information in record 3 pursuant to subsection 28(1) of LA FOIP.

Record 4 – General Occurrence #2015-1797 (12 pages)

[39] Record 4 is a 12-page document. Most of the contents were released. Information such as the name of an individual and their concerns were withheld under subsection 28(1) of LA FOIP. Based on a review of the withheld information, I find that such information qualifies as personal information as defined by subsection 23(1) of LA FOIP. As such, I find that SPS properly withheld the information in record 4 pursuant to subsection 28(1) of LA FOIP.

Record 5 – General Occurrence #2018-48418 (58 pages)

[40] Record 5 is a 58-page document. Most of the contents were released. However, SPS redacted the following information under subsection 28(1) of LA FOIP:

- Information about the complainant describing the Applicant's behavior (pages 33 and 34 of the PDF, pages 9 and 10 of the General Occurrence report (GO));
- Information about another individual (page 37 of the PDF, page 13 of the GO);
- The dates in which employees are unavailable (pages 40 and 41 of the PDF, pages 16 and 17 of the GO);
- Information about another individual's feelings (not about Applicant) (page 53 of the PDF, page 29 of the GO);

- A handwritten witness statement (pages 54 and 55 of the PDF, pages 30 and 31 of the GO);
- Contact information of a witness (page 58 of the PDF, page 34 of the GO); and
- Information about another individual's feelings (not about Applicant) (page 59 of the PDF, page 35 of the GO).

[41] I find that the information that SPS redacted under subsection 28(1) of LA FOIP qualifies as personal information as defined under subsection 23(1) of LA FOIP with the following exceptions:

- Pages 33 and 34 of the PDF; and
- Pages 54 and 55 of the PDF.

[42] On page 33 and 34 of the PDF, paragraphs were redacted under subsection 28(1) of LA FOIP and subsection 14(1)(c) of LA FOIP. I am only considering subsection 28(1) of LA FOIP at this point.

[43] A great portion of the redacted information is about the Applicant. Such information should not be withheld under subsection 28(1) of LA FOIP. However, information about the individual being interviewed by the SPS would qualify as third party personal information as defined by subsection 23(1) of LA FOIP. Therefore, I recommend that SPS continue to withhold information about the individual being interviewed pursuant to subsection 28(1) of LA FOIP; however, I recommend that SPS no longer rely on subsection 28(1) of LA FOIP to withhold information about the Applicant.

[44] A witness statement appears on pages 54 and 55 of the PDF. The witness statement contains the handwriting of a witness and of a constable of the SPS. SPS redacted the witness statement in its entirety under subsections 28(1) and 14(1)(c) of LA FOIP.

[45] In paragraph 19 of my office's Review Report 216-2017, I found the handwriting in a record could identify the author and the information itself was personal in nature. Further, I note that page 2 of Order MO-1194 by the Office of the Information and Privacy Commissioner of Ontario (ON IPC) provides whether or not a signature or handwriting style that is personal information is dependent on context and circumstances:

This office has considered handwriting and signatures which appear on records in a number of different contexts.

In cases where the signature is contained on records created in a professional or official government context, it is generally not “about the individual” in a personal sense, and would not normally fall within the scope of the definition. (See, for example, Order P-773, which dealt with the identities of job competition interviewers, and Order P-194 where handwritten comments from trainers were found not to qualify as their personal information.)

In situations where identity is an issue, handwriting style has been found to qualify as personal information. (See, for example, Order P-940, which found that even when personal identifiers of candidates in a job competition were severed, their handwriting could identify them, thereby bringing the records within the scope of the definition of personal information).

Order M-585 involved both handwritten and typewritten versions of a by-law complaint. Former Inquiry Officer John Higgins found that the typewritten version did not qualify as personal information of the author, but that there was a reasonable expectation that the identity of the author could be determined from the handwritten version, and that it qualified as the complainant’s personal information.

In my view, whether or not a signature or handwriting style is personal information is dependent on context and circumstances.

[46] In this case, I find that the constable’s handwriting style and the contents of what they wrote does not qualify as personal information as defined by subsection 23(1) of LA FOIP. This is because the constable was acting in their professional capacity when writing on the witness statement. The contents written by the constable also appears to not contain personal information and therefore cannot be withheld pursuant to subsection 28(1) of LA FOIP.

[47] Next, I need to consider the witness’ handwriting and the contents written. In Review Report LA-2013-001, my office determined information such as a person being interviewed about an incident or the recounting of observations does not necessarily qualify as “personal information”. Review Report LA-2013-001 provided the following:

[69] I should note that there is no special category of personal information of or about “witnesses” in Part IV of LA FOIP in dealing with the collection, use or disclosure of personal information. LA FOIP does address the “identity of a confidential source” in the context of the section 14 exemption for law enforcement

and investigations but that has not been raised by RQRHA for purposes of this review.

In the result, witnesses to any investigation are, for purposes of sections 23, 28 and 30, not treated any differently than any other individual apart from an applicant.

...

[84] Even if employees are witnesses my view is that to the extent that their observations simply indicate relevant facts such as daily events and practices at the workplace, they are not exempt.

[85] In British Columbia IPC Order 01-19, I found the following helpful:

Witnesses' Factual Observations

[24] I do not agree that witnesses' observations about relevant facts - namely daily events and practices at the worksite and events surrounding the fatal accident - must be withheld under s. 22(1) or (3). These observations form approximately half of the remaining interview notes (i.e., one page). Such information does not qualify as the "personal views or opinions" of those making the statements. Nor are these factual statements otherwise personal information of the individuals making the statements.

[25] The notes also contain descriptions by the workers about their duties and their actions (and those of other workers) before, during and after the accident, including the duties and actions of the applicant's husband. I do not consider that an individual's recounting of his or her observations of an accident must be withheld under s. 22(1). I made a similar finding at p. 31 of Order 00-42, [2000] B.C.I.P.C.D. No. 46:

There may be cases where a witness statement of this kind contains personal information of a witness, such that s. 22 considerations arise. But an individual's statements as to his or her perceptions of what happened in an accident (including who said what at the time, about fault or other accident-related matters) do not by any stretch qualify as personal information of that witness.

[26] In this case, the contents of the witness's statements of what happened, when it happened and how it happened are not the personal information of that individual. The same applies to the information on the previous, similar, incident, as described in the other two pages of interview notes.

[86] I agree with the approach taken by the British Columbia Commissioner. Therefore, any information in the record that constitutes observations, facts about events and actions taken or duties fulfilled related to the individuals in their

professional capacities does not constitute personal information and should be released to the Applicant.

...

[87] The fact that someone was interviewed cannot constitute personal information of any person in the circumstances because that fact is not personal in nature. The reasons for interviewing could be many and most likely have to do with observations of what occurred on a certain date(s) and time(s) at a particular incident. If it becomes opinions about another, then that information constitutes the personal information of the other person. Such information would qualify as the personal information of the Applicant since it represents "...the views or opinions of another individual with respect to the individual" within the meaning of section 23(1)(h). The corollary is section 23(2)(b) that what is not considered the personal information of an employee is "the personal opinions or views of an individual employed by a local authority given in the course of employment, other than personal opinions or views with respect to another individual." ...

[48] In this case, the witness provided information about what they observed of the Applicant at the witnesses' workplace. While the handwriting appears unique and could potentially identify the witness, I do not find that the information written by the witness on the witness statement necessarily qualifies as "personal information" as defined by subsection 23(1) of LA FOIP. Therefore, the witnesses' handwritten portions cannot be withheld under subsection 28(1) of LA FOIP.

Record 6 – General Occurrence #2018-65898 Bylaw – Municipal Other (26 pages)

[49] Record 6 is a 26-page document. Most of the contents were released. However, SPS redacted the following information under subsection 28(1) of LA FOIP.

- Information about an incident (page 103 of the PDF, page 5 of the GO);
- Name of individual (page 104 of the PDF, page 6 of the GO);
- Information about an individual other than the Applicant (page 106 of the PDF, page 8 of the GO);
- Information about an incident (page 108 the of PDF, page 10 of the GO);
- Information about an individual other than the Applicant (page 108 of the PDF, page 10 of the GO);
- Information about an individual other than the Applicant (page 111 of the PDF, page 13 of the GO);
- The dates in which an employee is unavailable (page 112 of the PDF, page 14 of the GO);

- A handwritten witness statement (page 120 of the PDF, page 22 of the GO); and
- A typed witness statement (page 123 of the PDF, page 25 of the GO).

[50] I find that the information that SPS redacted under subsection 28(1) of LA FOIP qualifies as personal information as defined under subsection 23(1) of LA FOIP with the following exceptions:

- Page 103 of the PDF;
- Page 108 of the PDF;
- Page 111 of the PDF;
- Page 120 of the PDF; and
- Page 123 of the PDF.

[51] On page 103 of the PDF, six paragraphs are redacted under subsection 28(1) of LA FOIP and subsection 14(1)(k) of LA FOIP. In these six paragraphs, information about an incident is described, which includes the name of a witness, information about the witness, and information about the Applicant. I find that the information about the witness qualifies as personal information as defined by subsection 23(1) of LA FOIP and should be withheld under subsection 28(1) of LA FOIP. However, the rest of the information in the six paragraphs should not be withheld under subsection 28(1) of LA FOIP.

[52] On page 108 of the PDF, a portion of the text was redacted under subsection 28(1) of LA FOIP and subsection 14(1)(k) of LA FOIP. This redacted portion includes the name of the witness, information about the witness, and information about the Applicant. I find that information about the witness qualifies as personal information as defined by subsection 23(1) of LA FOIP and should be withheld under subsection 28(1) of LA FOIP. However, the remainder of the text should not be withheld under subsection 28(1) of LA FOIP.

[53] On page 111 of the PDF, a portion of the text was withheld under subsection 28(1) of LA FOIP and subsection 14(1)(c) of LA FOIP. This redacted portion includes the name of a witness. I find that such information does not qualify as personal information as defined by subsection 23(1) of LA FOIP. Therefore, this information should not be withheld under subsection 28(1) of LA FOIP.

[54] Page 120 of the PDF is a handwritten witness statement and was withheld under subsection 28(1) of LA FOIP and subsection 14(1)(c) of LA FOIP. Based on a review, I find that the information in the handwritten witness statement is factual observations. I find that the information does not qualify as personal information as defined by subsection 23(1) of LA FOIP.

[55] Page 123 of the PDF is a typed witness statement that was withheld under subsection 28(1) of LA FOIP and subsection 14(1)(c) of LA FOIP. Based on a review, I find that the information in the typed witness statement is factual observations. I find that such information does not qualify as personal information as defined by subsection 23(1) of LA FOIP and should not be withheld under subsection 28(1) of LA FOIP.

Record 7 – General Occurrence #2018-66006 (55 pages)

[56] Record 7 is a 55-page document. Most of the contents was released. However, SPS redacted the following information under subsection 28(1) of LA FOIP:

- Telephone number of witness (page 127 of the PDF, page 3 of the GO);
- Information about an incident (pages 131 and 132 of the PDF, pages 7 and 8 of the GO);
- Information about an incident (page 135 of the PDF, page 11 of the GO);
- The dates in which an employee is unavailable; notes about how to manage a case (page 140 of the PDF, page 16 of the GO);
- Notes about how to manage a case (pages 147 to 148 of the PDF, pages 23 and 24 of the GO);
- Notes about how to manage a case (pages 149 and 150 of the PDF, pages 25 and 26 of the GO);
- Name of a witness (page 151 of the PDF, page 27 of the of the GO);
- Handwritten witness statement (pages 153 and 154 of the PDF, pages 29 and 30 of the GO);
- Name of witness and information about the Applicant (pages 161 of the PDF, page 37 of the GO); and
- Information about the Applicant (page 175 of the PDF, page 51 of the GO).

[57] On page 127 of the PDF, SPS applied subsection 28(1) of LA FOIP to a witnesses' home telephone number. I find that such information qualifies as personal information as defined by subsection 23(1)(e) of LA FOIP. Therefore, I find that SPS properly applied subsection 28(1) of LA FOIP.

- [58] On pages 131 and 132 of the PDF, several paragraphs were redacted under subsection 28(1) of LA FOIP and subsection 14(1)(c) of LA FOIP contains the name of a witness, place of witness' employment, facts, and observations. These paragraphs include the names of witnesses, information about where the witness works, and observations about the Applicant. I find that information about the witness including where they work qualifies as personal information as defined by subsection 23(1) of LA FOIP. This finding is in accordance with the Court of Queen's Bench decision *Hande v. University of Saskatchewan (2019)* where Gabrielson J. found that information by employees of organizations that are not public bodies can qualify as personal information as defined by subsection 23(1) of LA FOIP. I find that SPS properly withheld such information under subsection 28(1) of LA FOIP. However, the rest of the information should not be withheld under subsection 28(1) of LA FOIP.
- [59] Portions of page 135 of the PDF were redacted under subsections 28(1), 14(1)(c), and 14(1)(k) of LA FOIP. The redacted portions includes names of witnesses, observations of the Applicant, and action taken by the SPS member. I find that such information does not qualify as personal information as defined by subsection 23(1) of LA FOIP and should not be withheld under subsection 28(1) of LA FOIP.
- [60] Page 140 of the PDF was redacted under subsections 28(1) and 14(1)(c) of LA FOIP. Information redacted includes information about when and why a SPS employee will be unavailable. I find that such information qualifies as personal information as defined by subsection 23(1) of LA FOIP and SPS properly withheld such information under subsection 28(1) of LA FOIP. The redacted information on page 16 also includes information about how to manage the case involving the Applicant. I find that such information does not qualify as personal information as defined by subsection 23(1) of LA FOIP and should not be withheld under subsection 28(1) of LA FOIP.
- [61] Pages 147 and 148 of the PDF was redacted under subsections 28(1) and 14(1)(c) of LA FOIP. It contains information about how to manage the case involving the Applicant. I find that such information does not qualify as personal information as defined by

subsection 23(1) of LA FOIP and should not be withheld under subsection 28(1) of LA FOIP.

[62] Pages 149 and 150 of the PDF were redacted under subsections 28(1) and 14(1)(c) of LA FOIP. Similar to pages 147 and 148, pages 149 and 150 contains information on how to manage the case involving the Applicant. I find that such information does not qualify as personal information as defined by subsection 23(1) of LA FOIP and should be withheld under subsection 28(1) of LA FOIP.

[63] The name of a witness was redacted under subsection 28(1) on page 151 of the PDF. I find that the name alone does not qualify as personal information as defined by subsection 23(1) of LA FOIP. Therefore, I find that subsection 28(1) of LA FOIP does not apply to page 151.

[64] Pages 153 and 154 of the PDF is a handwritten witness statement which was redacted in its entirety under subsections 28(1) and 14(1)(c) of LA FOIP. It contains the handwriting of a witness and a constable. I find that the witness statement contains observations of the Applicant and facts. It does not contain personal information as defined by subsection 23(1) of LA FOIP and therefore, cannot be withheld under subsection 28(1) of LA FOIP.

[65] On page 161 of the PDF the name of a witness and information about the Applicant was redacted under subsections 28(1) and subsection 14(1)(c) of LA FOIP. I find that such information does not qualify as personal information as defined by subsection 23(1) of LA FOIP and therefore cannot be withheld under subsection 28(1) of LA FOIP.

[66] The document on page 175 of the PDF was redacted in its entirety under subsections 28(1) and subsection 14(1)(k) of LA FOIP. Based on a review of page 175, it appears to contain information about the Applicant but not of any other person. I find that such information cannot be withheld under subsection 28(1) of LA FOIP.

Record 8 – General Occurrence #2018-75698 (29 pages total)

[67] Record 8 is a 29-page document. SPS applied subsection 28(1) of LA FOIP to the contents of page 15 of the document (page 203 of the PDF). The redacted information is the dates and reason why an employee will be unavailable. I find that such information qualifies as personal information as defined by subsection 23(1) of LA FOIP. Therefore, SPS properly withheld the information pursuant to subsection 28(1) of LA FOIP.

Record 9 – Occurrence Number 2018-66006

[68] Record 9 consists of the following:

- 911 audio (2 minutes and 20 seconds);
- Video (9 incidents from multiple camera recordings of each incident); and
- In-Car Camera (ICCS) footage from a front-facing camera and a rear-facing camera in the police vehicle.

[69] Below, I will analyze SPS' application of subsection 28(1) of LA FOIP to some of the above portions of record 9.

Record 9 – 911 audio (2 minutes and 20 seconds)

[70] SPS applied subsection 28(1) of LA FOIP and subsection 14(1)(c) of LA FOIP to the 911 audio in its entirety. Based on a review of the 911 audio, I find that it contains the personal information of the caller, including their name, telephone number, their account of the situation, and that fact that they made a 911 call. However, the audio also includes the personal information of the Applicant, including a description of how they look and their actions. A breakdown of the 2 minutes and 20 seconds of audio into the following segments:

1. From 0:00 to 0:22 – 911 operator connecting with the Caller.
2. From 0:23 to 1:02 – Caller is describing the Applicant.
3. From 1:03 to 1:04 – Caller is describing their own actions.
4. From 1:04 to 1:29 – Caller is describing the Applicant.
5. From 1:30 to 1:46 – Caller is providing their name and telephone number.
6. From 1:46 to 1:47 – 911 Operator is asking a question.

7. From 1:48 to 1:53 – Caller is describing the Applicant.
8. From 1:54 to 2:13 – Caller is describing themselves.
9. From 2:13 to 2:20 – 911 Operator is talking.

[71] Based on the above, I find segments 3, 5 and 8 qualifies as the Caller's personal information as defined by subsection 23(1) of LA FOIP and should be withheld pursuant to subsection 28(1) of LA FOIP.

[72] I find that segments 1, 2, 4, 6, 7, and 9 do not qualify as personal information of a third party individual and therefore, I find that they cannot be withheld under subsection 28(1) of LA FOIP. As noted earlier, I will determine if subsection 14(1)(c) of LA FOIP applies to the 911 audio later in this Report.

Record 9 –Video (9 incidents from multiple camera recordings of each incident)

[73] There were nine incidents. Incidents 1, 3, 5, and 7 were released to the Applicant in their entirety. Incidents 2, 4, and 6 were released partially to the Applicant. Incidents 8 and 9 were withheld in their entirety from the Applicant.

[74] In its submission, SPS provides that it withheld footage where it contained the images of other inmates. SPS argued that the images of others qualified as personal information as defined by subsections 23(1)(a) and 23(1)(b) of LA FOIP and therefore should be withheld under subsection 28(1) of LA FOIP. Based on a review of Incidents 2 and 4, I note that images of others appear on some of the camera recordings. I agree with SPS that these recordings should be withheld under subsection 28(1) of LA FOIP. However, based on a review of Incident 6, my office could not identify others in the camera recordings. Therefore, I find that subsection 28(1) of LA FOIP does not apply to Incident 6.

[75] Further, based on a review of Incidents 8 and 9, I find that the recordings contain the images of others. As such, these recordings should be withheld under subsection 28(1) of LA FOIP.

[76] SPS indicated to my office it does not have the capability to blur out images, but that it is looking into software and training to do so in the future. I recommend that SPS implement technology that would enable it to blur out the images of individuals from the camera recordings. It is reasonable to believe that the SPS will receive freedom of information requests in the future where recordings will include the images of individuals other than the applicant. Therefore, such technology will be helpful in providing information to applicants while protecting the privacy of third party individuals.

Record 9 – ICCS footage from a front-facing camera and a rear-facing camera in the police vehicle.

[77] There are two ICCS videos – one from a front-facing camera and another from a rear-facing camera installed inside a police vehicle. The front-facing camera records the view from the windshield while the rear-facing camera records the backseat of the vehicle.

[78] In this case, SPS released the video recorded by the rear-facing camera to the Applicant. It, however, withheld the video recorded by the front-facing camera and cited subsection 28(1) of LA FOIP as its reason. Based on a review of the video, I note that front-facing video records have clear images of citizens in public as the vehicle moves through the city. The footage also shows the date and time of the recording. I find that such information qualifies as personal information as defined by subsection 23(1) of LA FOIP as individuals can be identified based on their images, their location at a specific date and time is revealed in the video, and these individuals could very well be acting in their personal capacity. As such, the recording by the front-facing camera should be withheld under subsection 28(1) of LA FOIP.

[79] However, as I recommended above, SPS should implement technology that enables it to blur the images of individuals from recordings.

Record 11 – Occurrence Numbers 2018-48418 and 2018-48419

[80] Record 11 consists of the following:

- Telephone audio (1 minute and 35 seconds from 2018-48419);
- Video (5 incidents from multiple camera recordings of each incident); and
- ICCS footage. Footage from the front-facing camera from Car 102 and footage from the front-facing camera and rear-facing camera from Car 324.

[81] Below, I will analyze SPS' application of subsection 28(1) of LA FOIP to some of the above portions of record 11.

Record 11 – Video (5 incidents from multiple camera recordings of each incident)

[82] There were five incidents. Incidents 1, 3, and 4 were released to the Applicant in their entirety. Incidents 2 and 5 were released partially to the Applicant.

[83] SPS provided the same arguments as it did for the video in record 9. That is, some of the recordings in incidents 2 and 5 contains the images of others and such images qualifies as personal information as defined by subsection 23(1)(a) and 23(1)(b) of LA FOIP and should be withheld under subsection 28(1) of LA FOIP. Based on a review of Incidents 2 and 5, I note that images of other images of others appear on some of the camera recordings. I agree with SPS that these recordings should be withheld under subsection 28(1) of LA FOIP. However, based on a review of Incident 5, my office could not identify others in the camera recordings. Therefore, I find that subsection 28(1) of LA FOIP does not apply to Incident 5.

Record 11 – ICCS footage

[84] Record 11 contains ICCS footage from police car 102 and from police car 324. SPS withheld the ICCS footage from both cars in their entirety under subsection 28(1) of LA FOIP.

[85] ICCS footage from police car 102 contains clear images of citizens in public. I find that such information qualifies as personal information as defined by subsection 23(1) of LA FOIP for the same reasons as explained above for the ICCS footage in record 9. Therefore,

the video from ICCS footage from police car 102 should be withheld under subsection 28(1) of LA FOIP. However, I note that the ICCS footage also contains the audio recording of the conversation between a police officer and the Applicant. If the SPS has the capability of separating the audio from the video and releasing the audio to the Applicant, then I recommend that it do so. Or, if it is unable to separate the audio from the video, I recommend that the SPS permit the Applicant to hear the recording pursuant to subsection 10(3) of LA FOIP, which provides:

10(3) If a record is a microfilm, film, sound or video recording or machine-readable record, a head may give access to the record:

...

(c) in the case of a record produced for visual or aural reception, by permitting the applicant to view or hear the record or by providing the applicant with a copy of it.

[86] ICCS footage from police car 324 contains video from both the front-facing camera and the rear-facing camera. The video from the front-facing camera contains clear images of citizens in public. Such information qualifies as personal information as defined by subsection 23(1) of LA FOIP for reasons explained earlier. Therefore, the video from the front-facing camera from police car 324 should be withheld under subsection 28(1) of LA FOIP.

[87] However, the video from the rear-facing camera is a recording of the Applicant. Such information cannot be withheld under subsection 28(1) of LA FOIP. I recommend that SPS release the video from the rear-facing camera from police car 324 to the Applicant.

4. Does subsection 14(1)(c) of LA FOIP apply to records 5, 6, 7, 9, 10, 11, and the additional records?

[88] SPS applied subsection 14(1)(c) of LA FOIP to the following:

- Record 5 - pages 32, 33, 34, 39, 54, and 55 of the PDF (pages 8, 9, 10, 15, 54 and 55 GO 2018-48418);
- Record 6 – pages 111, 120, and 123 of the PDF (pages 13, 22, and 25 of the GO 2018-65898);

- Record 7 – pages 131, 132, 135, 139, 140, 141, 147, 148, 149, 150, 153, 154, 160, 161 (pages 7, 8, 11, 15, 16, 17, 23, 24, 25, 26, 29, 30, 36, 37 of the GO 2018-66006);
- Record 9 – 911 audio;
- Record 10 – telephone audio recording;
- Record 11 – telephone audio recording; and
- Additional records (11 pages).

[89] Subsection 14(1)(c) of LA FOIP provides as follows:

14(1) A head may refuse to give access to a record, the release of which could:

...

(c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;

[90] The test to be met in order for 14(1)(c) of LA FOIP to apply is as follows:

1. Does the local authority’s activity qualify as a “lawful investigation”?
2. Does one the following exist?
 - a. The release of information would interfere with a lawful investigation, or
 - b. The release of information would disclose information with respect to a lawful investigation.

[91] To further elaborate on the first part of the test, my office’s *IPC Guide to Exemptions* (updated June 21, 2019) (the Guide) provides that a “lawful investigation” is an investigation that is authorized or required and permitted by law.

[92] In its submission, SPS indicated that the records related to the contravention of section 88 and subsection 175(1)(a)(i) of the *Criminal Code* and a violation of a City of Saskatoon bylaw #7565. Based on a review of the records, I am satisfied that the SPS’ activity qualifies as a “lawful investigation”.

[93] Further, the SPS indicates in its submission that the disclosure of the information would reveal information with respect to a lawful investigation. In previous review reports by my office, including Review Report 202-2018 at paragraph [14], my office said that it is only necessary for the local authority to demonstrate that the information in the record is

information with respect to a lawful investigation to meet the second part of the test. Based on a review of the records, it is evident that the records to which SPS applied subsection 14(1)(c) of LA FOIP contains information with respect to a lawful investigations.

[94] I find that both parts of the test for subsection 14(1)(c) of LA FOIP are met. I find that subsection 14(1)(c) of LA FOIP applies to portions of the records listed at paragraph [88].

5. Does subsection 14(1)(k) of LA FOIP apply to records 2, 3, 4, 5, 6, 7, and 10?

[95] SPS applied subsection 14(1)(k) of LA FOIP to the following:

- Record 2 – page 3 of PDF (page 1 of Call Information 18-66006);
- Record 3 – page 10 of PDF (page 5 of GO 2012-113585);
- Record 4 – pages 17, 19, 23 of PDF (pages 5, 7, 11 of GO 2015-1797);
- Record 5 – pages 30, 36, 40 of PDF (page 6, 12, 16 of GO 2018-48418);
- Record 6 – pages 103, 104, 105 of PDF (pages 5, 6, 7 of GO 2018-65898);
- Record 7 – pages 135, 141, 142, 144, 152, 160, 163, 164, 175 of PDF (pages 11, 17, 18, 20, 28, 36, 37, 51 of GO 2018-66006); and
- Record 10 – telephone audio recording.

[96] Subsection 14(1)(k) of LA FOIP provides as follows:

14(1) A head may refuse to give access to a record, the release of which could:

...

(k) interfere with a law enforcement matter or disclose information respecting a law enforcement matter;

[97] In order for subsection 14(1)(k) of LA FOIP to apply, the test to be met is as follows:

1. Does the local authority's activity qualify as a "law enforcement matter"?
2. Does one of the following exist?
 - a. The release of information would interfere with a law enforcement matter, or
 - b. The release of information would disclose information with respect to a law enforcement matter.

[98] My office's Guide provides that "law enforcement" includes the following:

- i) policing, including criminal intelligence operations, or
- ii) investigations, inspections or proceedings conducted under the authority of or for the purpose of enforcing an enactment which lead to or could lead to a penalty or sanction being imposed under the enactment.

[99] For the first part of the test, SPS indicated that its members were responding to complaints from the public about alleged criminal activities and under the members' authorities pursuant to *The Police Act, 1990*, charged the Applicant with both criminal and bylaw offences. SPS' position is that SPS' activities qualify as a "law enforcement matter". I agree that the SPS' activities qualify as a "law enforcement matter" because the information in the records are about SPS' activities pursuant to *The Police Act, 1990*. The activities were to enforce the *Criminal Code*, a City of Saskatoon bylaw and the *Firearms Act*. Some of the records detail how charges were indeed made for offenses under the *Criminal Code* and the City of Saskatoon bylaw.

[100] For the second part of the test, it is necessary for the local authority to demonstrate that the information in the record is information with respect to a law enforcement matter. In its submission, SPS provided that the release of the records to which it applied subsection 14(1)(k) of LA FOIP would disclose information with respect to law enforcement matters because the records are about SPS activities towards enforcing the *Criminal Code*, the City of Saskatoon bylaw, and the *Firearms Act*. Based on a review of the redacted records, I agree that withheld records are indeed about activities undertaken by SPS members to enforce the *Criminal Code*, the City of Saskatoon bylaw, and the *Firearms Act* and the disclosure of the records disclose information with respect to law enforcement matters. I find that subsection 14(1)(k) of LA FOIP applies to the records listed at paragraph [95].

6. Does subsection 14(1)(j) of LA FOIP apply to records 4, 5, and 7?

[101] SPS applied subsection 14(1)(j) of LA FOIP to portions of pages 23, 52, 58, 72, and 151 of the PDF where "ten-codes" appear

[102] Subsection 14(1)(j) of LA FOIP provides as follows:

14(1) A head may refuse to give access to a record, the release of which could:

...

(j) facilitate the commission of an offence or tend to impede the detection of an offence;

[103] Subsection 14(1)(j) of LA FOIP permits a local authority to refuse to disclose information that would be of use in committing a crime or impede the detection of a crime.

[104] In its submission, SPS explains that the use of ten-codes by law enforcement personnel is used as a means of communication that conveys a specific message without publicly identifying its true meaning. SPS explains that, in Saskatchewan, each police service maintains an individual list of ten-codes only used by one specific police service, with the exception of standardized ten-codes. Ten-codes are used to protect radio transmissions from being intercepted for the purpose of maintaining office and public safety.

[105] In Review Report 037-2018, my office found that SPS properly applied subsection 14(1)(j) of LA FOIP to ten-codes. My office agreed that the disclosure of ten-codes could facilitate the commission of an offence. Similar to my office's finding in Review Report 037-2018, I find that subsection 14(1)(j) of LA FOIP applies to the ten-codes that appear on pages 23, 52, 58, 72, and 151 of the PDF.

IV FINDINGS

[106] I find that LA FOIP applies.

[107] I find that SPS did not meet the legislated timelines for responding to access requests.

[108] I find that subsections 28(1), 14(1)(c), 14(1)(k), and 14(1)(j) of LA FOIP apply to parts of the records but not to others.

V RECOMMENDATIONS

[109] I recommend that, in the future, SPS continue processing access requests unless one of the two scenarios in subsection 7.1(1) of LA FOIP exists and enables it to deem an access request abandoned.

[110] I recommend that SPS release or withhold records as described in Appendix A.

[111] I recommend that SPS implement technology that would enable it to blur out the images of individuals from the camera recordings. It is reasonable to believe that the SPS will receive freedom of information requests in the future where recordings will include the images of individuals other than the applicant. Therefore, such technology will be helpful in providing information to applicants while protecting the privacy of third party individuals.

Dated at Regina, in the Province of Saskatchewan, this 4th day of November, 2019.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner

Appendix A

| Record # | Page Range | Description | Exemption(s) applied by the SPS | Finding | Recommendation |
|----------|----------------|--------------------------------|---------------------------------|---|----------------|
| 1 | 1 | Call Information 18-66006 | 28(1) | Applies | Withhold |
| 2 | 3-4 | Call Information 18-65898 | 14(1)(k), 28(1) | Applies | Withhold |
| 3 | 7, 9, 10 | General Occurrence Information | 14(1)(k), 28(1) | Applies | Withhold |
| 4 | 17, 18, 19, 23 | General Occurrence Information | 14(1)(j), 14(1)(k), 28(1) | Applies | Withhold |
| 5 | 30 | General Occurrence Information | 14(1)(k) | Applies | Withhold |
| 5 | 32 | General Occurrence Information | 14(1)(c) | Applies | Withhold |
| 5 | 33-34 | General Occurrence Information | 14(1)(c), 28(1) | 14(1)(c) applies 28(1) applies to some but not all | Withhold |
| 5 | 36 | General Occurrence Information | 14(1)(k) | Applies | Withhold |
| 5 | 37 | General Occurrence Information | 28(1) | Applies | Withhold |
| 5 | 39 | General Occurrence Information | 14(1)(c) | Applies | Withhold |
| 5 | 40-41 | General Occurrence Information | 14(1)(k), 28(1) | Applies | Withhold |
| 5 | 52 | General Occurrence Information | 14(1)(j) | Applies | Withhold |
| 5 | 53 | General Occurrence Information | 28(1) | Applies | Withhold |

| | | | | | |
|---|-------|--------------------------------|-----------------|--|----------|
| 5 | 54-55 | General Occurrence Information | 14(1)(c), 28(1) | 14(1)(c) applies 28(1) does not apply | Withhold |
| 5 | 58 | General Occurrence Information | 14(1)(j), 28(1) | Applies | Withhold |
| 5 | 59 | General Occurrence Information | 28(1) | Applies | Withhold |
| 6 | 103 | General Occurrence Information | 14(1)(k), 28(1) | Applies | Withhold |
| 6 | 104 | General Occurrence Information | 14(1)(k), 28(1) | Applies | Withhold |
| 6 | 105 | General Occurrence Information | 14(1)(k) | Applies | Withhold |
| 6 | 106 | General Occurrence Information | 28(1) | Applies | Withhold |
| 6 | 108 | General Occurrence Information | 14(1)(k), 28(1) | Applies | Withhold |
| 6 | 111 | General Occurrence Information | 14(1)(c), 28(1) | 14(1)(c) applies 28(1) does not apply | Withhold |
| 6 | 112 | General Occurrence Information | 28(1) | Applies | Withhold |
| 6 | 120 | General Occurrence Information | 14(1)(c), 28(1) | 14(1)(c) applies 28(1) does not apply | Withhold |
| 6 | 123 | General Occurrence Information | 14(1)(c), 28(1) | 14(1)(c) applies 28(1) does not apply | Withhold |
| 7 | 127 | General Occurrence Information | 28(1) | Applies | Withhold |

| | | | | | |
|---|---------|--------------------------------|---------------------------|---|---|
| 7 | 131-132 | General Occurrence Information | 14(1)(c), 28(1) | 28(1) applies to witness' personal information. 14(1)(c) applies | Withhold |
| 7 | 135 | General Occurrence Information | 14(1)(c), 14(1)(k), 28(1) | 14(1)(c) applies 14(1)(k) applies 28(1) does not apply | Withhold |
| 7 | 140 | General Occurrence Information | 14(1)(c), 28(1) | Applies | Withhold |
| 7 | 141 | General Occurrence Information | 14(1)(c), 14(1)(k) | Applies | Withhold |
| 7 | 142 | General Occurrence Information | 14(1)(k) | Applies | Withhold |
| 7 | 144 | General Occurrence Information | 14(1)(k) | Applies | Withhold |
| 7 | 147-148 | General Occurrence Information | 14(1)(c), 28(1) | 14(1)(c) applies 28(1) does not apply | Withhold |
| 7 | 149-150 | General Occurrence Information | 14(1)(c), 28(1) | 14(1)(c) applies 28(1) does not apply | Withhold |
| 7 | 151 | General Occurrence Information | 14(1)(j), 28(1) | 14(1)(j) applies, 28(1) does not apply | Withhold information redacted pursuant to 14(1)(j) Release information that was originally |

| | | | | | |
|---|---------|--------------------------------|--------------------|--|----------------------|
| | | | | | redacted under 28(1) |
| 7 | 152 | General Occurrence Information | 14(1)(k) | Applies | Withhold |
| 7 | 153 | General Occurrence Information | 14(1)(c), 28(1) | 14(1)(c) applies 28(1) does not apply | Withhold |
| 7 | 160 | General Occurrence Information | 14(1)(c), 14(1)(k) | Applies | Withhold |
| 7 | 161 | General Occurrence Information | 14(1)(c), 28(1) | 14(1)(c) applies 28(1) does not apply | Withhold |
| 7 | 163-164 | General Occurrence Information | 14(1)(k) | Applies | Withhold |
| 7 | 175 | General Occurrence Information | 14(1)(k), 28(1) | 14(1)(k) applies 28(1) does not apply | Withhold |
| 8 | 203 | General Occurrence Information | 28(1) | Applies | Withhold |
| 9 | | 911 audio | 14(1)(c), 28(1) | 14(1)(c) applies, 28(1) applies to some but not the whole recording | Withhold |
| 9 | | Video Footage – Incident 2 | 28(1) | Applies | Withhold |
| 9 | | Video Footage – Incident 4 | 28(1) | Applies | Withhold |
| 9 | | Video Footage – Incident 6 | 28(1) | 28(1) does not apply | Release |

| | | | | | |
|----|--|---|--------------------|----------------------|--|
| 9 | | Video Footage - Incident 8 | 28(1) | Applies | Withhold |
| 9 | | Video Footage – Incident 9 | 28(1) | Applies | Withhold |
| 9 | | ICCS Footage from front-facing camera | 28(1) | Applies | Withhold |
| 10 | | Telephone Audio Recording | 14(1)(c), 14(1)(k) | Applies | Withhold |
| 11 | | Telephone audio recording from 2018-48419 | 14(1)(c) | Applies | Withhold |
| 11 | | Video – Incident 2 | 28(1) | Applies | Withhold |
| 11 | | Video – Incident 5 | 28(1) | 28(1) does not apply | Release |
| 11 | | ICCS Footage – police car 102 | 28(1) | Applies | Withhold video but release the audio, if possible. Or, permit the Applicant to hear the record pursuant to subsection 10(3) of LA FOIP. |
| 11 | | ICCS Footage from front-facing camera from police car 324 | 28(1) | Applies | Withhold |
| 11 | | ICCS Foot from rear-facing camera from police car 324 | 28(1) | 28(1) does not apply | Release |

| | | | | | |
|--------------------|--|------------------------------|----------|---------|----------|
| Additional Records | | Emails and their attachments | 14(1)(c) | Applies | Withhold |
|--------------------|--|------------------------------|----------|---------|----------|