

File: 02 01 77

Date: 20030609

Commissioner: M^e Jennifer Stoddart

X

Applicant

v.

**VILLE DE MONTRÉAL (POLICE
DEPARTMENT)**

Public Body

DECISION

THE REQUEST FOR REVIEW

[1] On January 10, 2002, the applicant wrote to “Information Access, Toronto Police Service”, concerning possible charges laid by a third party. The applicant wrote on the letter that copies were sent to some 4 different organizations. Included in those the applicant sent copies to was the “Management, Legal Affairs Division S.P.C.U.M. ”.

[2] Accordingly, the person in charge of access to documents at the respondent public body wrote to the applicant on January 17, 2002, stating that in accordance with section 53 of the *Act Respecting Access to documents held by public bodies and the Protection of personal information*¹ (the “Act”), it could not comply with the applicant’s request. It further explained how the applicant could apply to the Commission d'accès à l'information du Québec (“the Commission”) to have this decision reviewed.

¹ R.S.Q., c. A-2.1.

[3] The applicant wrote to the Commission on February 7, 2002, and a file was opened.

THE HEARING

[4] A hearing took place at the Commission's offices in Montreal on May 9, 2003, but the applicant did not attend. The Commission wrote to the applicant, the same day, summing up the public body's position. By June 9, 2003, no comments had been received.

[5] Counsel for the police department took the position that no request had been made directly to the public body. A reply had been sent to the applicant as a courtesy only, to explain that even if the applicant requested information concerning a third party, the public body would not release it because of the implications of article 53 of the Act. This was not an acknowledgement on the part of the public body that it held any information of the type that the applicant was seeking.

THE DECISION

[6] The public body could not release, without consent, any information on the third party named by the applicant, even if it possessed such information.

[7] Section 53 of the Act states:

53. Nominative information is confidential, except in the following cases:
(1) where its disclosure is authorized by the person concerned by the information; [...]

[8] **FOR THESE REASONS, THE COMMISSION :**

[9] **CONCLUDES** that its further intervention would clearly serve no purpose and **CLOSES** the file.

JENNIFER STODDART
Commissioner

M^e Paul Quézel
Attorney of the public body