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**ADHIKARI, Samir**

Applicant

v.

**COMMUNAUTÉ URBAINE DE  
MONTREAL (SERVICE DE POLICE)**

Respondent

### **THE APPLICATION FOR REVIEW**

Mr. Samir Adhikari applied to the Communauté urbaine de Montréal - Service de Police (SPCUM) on October 13, 1999 for a copy of personal information on file which concerned him.

On October 21, 1999, M<sup>e</sup> Denis Asselin, responsible for access to information, wrote to the applicant that the organization was not in possession of any personal information concerning him. Mr. Adhikari applied to the Commission d'accès à l'information (Commission) A-1 on November 16, 1999 for a review of his decision.

### **THE HEARING**

The parties received notice that the hearing was to take place at the Montreal offices of the Commission on Monday April 30, 2001 at 10.30 a.m., by written notice sent the April 4, 2001. By 11 a.m. the applicant had not appeared. The proceedings then commenced without the presence of Mr. Adhikari.

Captain Georges Ménard testified under oath that Mr. Adhikari requested personal information on file on October 13, 1999 and that he made searches in the computer system.

An answer was sent to Mr. Adhikari on October 19, 1999 in French and on October 21 an English version was sent to him.

These letters stated the position of the respondent, that there was no information concerning him on file according to the computer search.

M<sup>e</sup> Paul Quézel, counsel for the SPCUM, offered to send the Commission any further information as soon as possible if a new computer search turned up any new information which was accessible.

This concluded the hearing.

#### **ADDITIONAL INFORMATION**

Additional information was sent by M<sup>e</sup> Quézel to the Commission by fax on the afternoon of April 30, 2001. This letter reads as follows :

« La présente fait suite à l'audition de ce jour dans l'affaire mentionnée en rubrique. Tel qu'entendu, nous avons procéder(sic) à des vérifications pour savoir si , depuis le moment de la demande de M.Adhikari ( 13 octobre 1999), le S.P.C.U.M. possédait quelque document au sujet, ou concernant, le demandeur.

Nos recherches nous auront permis de répertorier un seul document le concernant, soit un rapport d'événement du 4 décembre 1999 (# 20-991204-028). Il s'agit d'une plainte portée par M.Adhikari au sujet d'une introduction par effraction dont il aurait été victime.

Nous vous faisons parvenir ledit rapport afin de lui transmettre si vous le jugiez à propos ; ce rapport ne concernant que le demandeur et personne d'autre.

Ce sont là les seuls documents que le S.P.C.U.M. posséderait au sujet du demandeur. À cet effet, nous vous rappelons qu'au moment de la demande (13 octobre 1999) et à celui de la réponse du responsable (21 octobre 1999), le S.P.C.U.M. ne possédait aucun document au sujet du demandeur ».

A copy of this letter and the attached incident report was sent by the Commission to Mr. Adhikari on May 29, 2001.

## **DECISION**

The Commission concludes that the application for review of the respondent's decisions of the Commission must be rejected, the respondent having demonstrated to the satisfaction of the Commission that it was not in possession of any documentation which concerned the applicant at the time period relevant to his request. The Commission therefore rejects the application and closes the file.

Montreal, May 29, 2001

**JENNIFER STODDART**

Commissioner

M<sup>e</sup> Paul Quézel  
Attorney of Respondent