



F07-03-MS Two Police Departments Set Tight Requirements for FIPPA Access

Concerned about a suspected fraud, the board of a housing co-op complained to the local police department. The police responded that they could only take a complaint from an individual, so the board appointed one of the directors of the co-op to file the complaint.

Following the conclusion of the police investigation, the office manager of the co-op wrote to the police department asking for a copy of the investigation report for the co-op's records. The police department denied the office manager access to the investigation report on the grounds that she wasn't a party to the original complaint. It suggested she obtain a copy from the co-op member who had originally made the complaint.

She found it puzzling that the board was unable to obtain information about an investigation that it had requested in the first place. After she complained to us, we reminded the police department that the *Freedom of Information and Protection of Privacy Act* makes no restrictions about who is allowed to exercise the right to gain access to non-personal information in the hands of public bodies. The police department then released the report to the applicant after severing certain information the disclosure of which would have resulted in an unreasonable invasion of the personal privacy of third parties.

In another instance, a reporter seeking access to police records was surprised to be told by the police department that, for his access request to be considered, he had to come to the department's offices during business hours and fill out a form, even though the police department was several hours' drive from the reporter's home city. We drew the department's attention to section 5 of FIPPA, which requires only that an access request be made in writing—personal attendance is not required. The police department assured us that in future it would comply with FIPPA and called the reporter to let him know a mailed request would suffice.