

Appendix B



Information and Privacy
Commissioner of Ontario
Commissaire à l'information
et à la protection de la vie privée de l'Ontario

November 13, 2009

VIA COURIER

PERSONAL & CONFIDENTIAL

Ms. Ulli Watkiss
City Clerk
City of Toronto
13th Floor, West Tower
Toronto City Hall, 100 Queen Street West
Toronto, ON
M5H 2N2

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City of Toronto
Clerk's Department
Access & Privacy

Dear Ms. Watkiss:

RE: Complaint MC09-44

I am writing to you regarding a complaint that our office received concerning portions of Chapter 545 of the City of Toronto Municipal Code, Licensing (the Municipal Code), which applies to salvage yards and second hand dealers. The complainant in this case is a representative of the Canadian Association of Recycling Industries and expressed the concern that certain provisions of the Municipal Code contravened the *Municipal Freedom of Information and Protection of Privacy Act* (the Act).

When contacted during the Intake stage of our privacy investigation process, the City of Toronto's Corporate Access and Privacy Office informed our office of a Report prepared by the City's Executive Director, Municipal Licensing and Standards. The Report, dated October 29, 2008, had been provided to the City's Licensing and Standards Committee and recommended amendments to the City's Licensing by-law.

The Report made note of Order MO-2225, an Order issued by our office with respect to the Ottawa Police Service and the City of Ottawa. Among other things, Order MO-2225 required that the City of Ottawa amend its Licensing by-law to remove the requirement that Used Goods dealers in that City collect personal information from individuals selling used goods.

The Report noted that the by-law dealt with in Order MO-2225 contained provisions that were similar to provisions in the City of Toronto's Municipal Code, and recommended that they be amended in order to require Used Goods dealers to cease the practice of collecting and distributing the personal information of sellers of used goods.



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Based on information provided to our office, it is our understanding that the recommended changes to the Municipal Code were not implemented.

As an interim step in our privacy complaint investigation, we contacted the Toronto Police to assess whether they would be in a position to suspend their collection of personal information from Used Goods dealers pending changes to the City of Toronto's by-law.

We are pleased to report the Chief of Police has now issued a Routine Order which requires that all Toronto Police officers cease the practice of routinely collecting personal information from the sellers of used goods. Specifically, the Routine Order states, "[e]ffective immediately, members shall cease the routine practice of collecting "Pawn Sheet" information from Pawnbrokers and Second Hand Dealers".

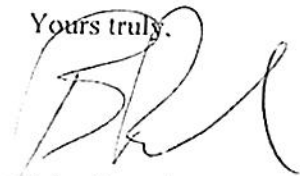
For your information, a copy of this Routine Order is enclosed.

Based on this development, we are requesting that the City of Toronto take the necessary steps to move forward with the previously-recommended changes to the Municipal Code. Such changes would ensure that the by-law accords with the principles expressed in Order MO-2225.

We look forward to learning the City of Toronto's current position on this issue, and we would be happy to meet with you to discuss this matter further. I may be contacted at (416) 326-3906.

Thank you for your co-operation.

Yours truly,



Brian Beamish
Assistant Commissioner

Enclosure

cc. William Blair, Chief of Police
Toronto Police Service

Jerome F. Wiley, Q.C., Counsel, Office of the Chief of Police
Toronto Police Service

Daphne Gaby Donaldson, Acting Director, Corporate Access and Privacy
City of Toronto