

ALBERTA

**OFFICE OF THE INFORMATION AND PRIVACY
COMMISSIONER**

ORDER FOIP2026-21

June 23, 2026

CALGARY POLICE SERVICE

Case File Number 018106

Office URL: www.oipc.ab.ca

Summary: The Applicant made an access request under the *Freedom of Information and Protection of Privacy Act* (the FOIP Act) to the Calgary Police Service (the Public Body or CPS). He requested access to an audio recording of a call made to the non-emergency line, complaining about his taking photographs in the caller's neighbourhood.

The Public Body denied his request for the audio recording, but provided him with a Computer Aided Dispatch record, which summarized the call.

The Adjudicator found that the Public Body properly denied access to the audio recording under section 17.

Statutes Cited: AB: *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, ss. 1, 6, 7, 10, 17 and 72

Authorities Cited: AB: Orders F2009-044; F2024-14; FOIP2025-28; P2011-002; P2011-03

I. BACKGROUND

[para 1] On May 13, 2020, the Applicant was working on a photography project that involved him taking pictures of different houses and yards from the sidewalk. Some homeowners expressed their displeasure with him taking photographs of their home. After the Applicant had finished photographing the houses, he was taking pictures of a nearby hospital when a Calgary Police Services constable confronted him.

[para 2] On May 26, 2020, the Applicant made a request to the Public Body for access to the voice recording of a call made to the non-emergency police line on May 13, 2020. The call was a complaint about the Applicant.

[para 3] The Public Body responded and informed the Applicant it would not provide a copy of the audio recording and stated it was withholding that information under section 17 of the Act. Instead, the Public Body gave the Applicant access to the Computer Aided Dispatch record (CAD), the CAD is described by the Public Body as follows:

The system that records the audio portion of the call, also contains the Computer Aided Dispatch (CAD) record. ...the CAD is not a direct transcription of the call but is the record created by the call taker while the call is being made. The call taker enters information obtained from the caller and the results of searches of that information, and the attending officer will include any information deemed relevant.

[para 4] The Applicant requested our office review the decision of the Public Body to withhold the information under that provision.

II. RECORDS AT ISSUE

[para 5] The records at issue consist of the audio recording withheld under section 17(1) of the Act.

III. ISSUES

[para 6] The issues in this inquiry are:

- 1. Does section 17(1) of the Act (disclosure an unreasonable invasion of personal privacy) apply to the information to which the Public Body applied this provision?**
- 2. Does section 10(2) of the Act (duty to assist applicants) require a Public Body to create a record for the Applicant? Specifically, why can't a transcript of the 911 calls be provided to the Applicant?**

IV. DISCUSSION OF ISSUES

1. Does section 17(1) of the Act (disclosure an unreasonable invasion of personal privacy) apply to the information to which the Public Body applied this provision?

[para 7] The Public Body applied section 17(1) to withhold the audio recording of a call made to its non-emergency line.

[para 8] Section 17 of the FOIP Act states in part:

17(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

[...]

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

[...]

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation,

[...]

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Alberta or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or the protection of the environment,

(c) the personal information is relevant to a fair determination of the applicant's rights,

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,

(e) the third party will be exposed unfairly to financial or other harm,

(f) the personal information has been supplied in confidence,

(g) the personal information is likely to be inaccurate or unreliable,

(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and

(i) the personal information was originally provided by the applicant.

[para 9] Section 17(1) is a mandatory exception to disclosure, if personal information falls within this exception, and its disclosure would be an unreasonable invasion of a third party's personal privacy, then, a public body must withhold the information from disclosure to the applicant.

[para 10] Section 1(n) of the FOIP Act defines personal information:

1 In this Act,

(n) "personal information" means recorded information about an identifiable individual, including

(i) the individual's name, home or business address or home or business telephone number,

(ii) the individual's race, national or ethnic origin, colour or religious or political beliefs or associations,

(iii) the individual's age, sex, marital status or family status,

(iv) an identifying number, symbol or other particular assigned to the individual,

(v) the individual's fingerprints, other biometric information, blood type, genetic information or inheritable characteristics,

(vi) information about the individual's health and health care history, including information about a physical or mental disability,

(vii) information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given,

(viii) anyone else's opinions about the individual, and

(ix) the individual's personal views or opinions, except if they are about someone else [...]

[para 11] Section 17(5) lists the Public Body's considerations when determining if the release of personal information set out in section 17(4) would constitute an unreasonable invasion of privacy.

[para 12] Section 6 of the FOIP Act imposes a further duty on the Public Body, requiring it to sever information that is subject to an exception, if that information can be reasonably severed from the record:

6(1) An applicant has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under Division 2 of this Part, but if that information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record.

[...]

[para 13] The Adjudicator in FOIP2025-28 stated:

[para 10] The foregoing provision establishes that an applicant has a right of access to records including records containing the applicant's personal information. The right of access is subject to exceptions to disclosure, but if a public body can reasonably sever information subject to an exception, such as the personally identifying information of a third party, and provide the remainder to the applicant, it must do so. Section 6 creates a right for an applicant and a corresponding duty in the head of the public body

[para 14] I agree with this interpretation; the Public Body should provide an applicant with access to records if personally identifying can be reasonably severed from those records.

[para 15] To decide whether section 17 applies to the voice recording in this case, I am going to adopt the reasoning as articulated in FOIP2025-28:

- i. Does the voice recording contain personal information?
- ii. Can the personal information be severed from the voice recording?
- iii. If the voice recording contains personal information, is it subject to a presumption under section 17(4)?
- iv. Are there any relevant factors that outweigh the presumption?

[para 16] I will now analyze the case at hand under the subheading of each of the above stated questions.

Does the voice recording contain personal information?

[para 17] The Applicant submits that he had an encounter with the owners of one of the homes he was photographing; he asserts that these are the homeowners who called the police. The voice recording is that of a call to the non-emergency line of CPS. This call was made by a third party, who complained about the Applicant's activities in their neighbourhood.

[para 18] In the voice recording, the caller identifies themselves, their address, and goes on to describe the Applicant and what he was doing in the neighbourhood. The voice of the CPS employee who took the call and their responses to the caller's comments is also audible on the recording; this employee is performing their employment duties.

[para 19] I am going to deal with the recording, in terms of whether it contains personal information, under four subheadings: recognizability of the voice, personal information provided such as name and address etc., the context of the call and the employee's side of the conversation.

The Voice

[para 20] In order P2011-03, the Adjudicator stated:

[para 12] ...when the employee of the Organization collected the information from the Complainant by way of the electronic recording, he collected additional personal information from her, within the meaning of section 1(k), in the form of her voice, tone, inflection, etc. This is the personal information at issue here, which I will refer to as the "Voice Recording".

[para 21] In the present case, the caller's voice would be recognizable in terms of its tone and inflection: the caller had a conversation with the operator and was expressive in their concerns about the Applicant. The voice could potentially be recognizable to people who live in the neighbourhood.

Personal Information Provided.

[para 22] In the present case, the caller provides information about themselves, their name, address and interactions with other people. This information in the recording is the caller's personal information.

Context

[para 23] In order F2009-044, the Adjudicator stated:

[para 18] The individuals who made the recorded calls are identifiable based on what they said in the recording, coupled with what was found in the subsequent investigation regarding the incident. Although, on the basis of voice alone, the general public would not be able to identify the individuals on the recording, this is not the test. I find that the voices paired with what the people in the recording said and the information in the file, would make these individuals identifiable to some other persons and therefore this information in the recordings is personal information.

[para 24] In line with the foregoing, I conclude that the content of the complaint about the Applicant (the fact the caller had concerns about the Applicant and his activities) is also the caller's personal information. Possibly, the content could also reveal the identity of the caller.

Employees' side of the call

[para 25] The voice recording in this case is a combination of voice recordings of the CPS employee and that of the caller. Past Orders of this office have stated that employees' voice recordings are not personal information as long as they are performing their employment duties (Order P2011-002). However, the employees' comments reflect what the caller was saying, which, as stated above, is the caller's personal information.

[para 26] In conclusion, most of the elements in the voice recording consist of or contain the caller's personal information. Earlier orders of this office, both under the FOIP Act and the *Personal Information Protection Act*, S.A. 2003, c. P-6.5 have addressed whether and when voice recordings are personal information. The voice, the personal information provided, the context of the call and portions of the employees' side of the call all consist of the caller's personal information within the terms of section 17.

Can the personal information be severed from the voice recording?

[para 27] In Order F2024-14, the Adjudicator stated:

[para 47] While the personal information of witnesses is information to which section 17(1) can apply, in some instances the Public Body withheld information that is no longer about an identifiable individual once the names and other identifiers are removed. Where this information is severable from the identifiers, it is no longer about an identifiable individual and section 17(1) cannot apply...

[para 28] If the Public Body can sever identifying information about the third party from the record in a way that only the Applicant's information remains, section 6(2) of the FOIP Act requires that the remaining information be provided to the Applicant.

[para 29] Given that most parts of the recorded call consist of or contain the caller's personal information, and that the caller might be identifiable by reference to their voice as well as by what they (or the employee taking the call) said, I find that the caller's personal information cannot be severed in a way that would render them unidentifiable.

If the voice recording contains personal information, is it subject to a presumption under section 17(4)?

Section 17(4)(b) – identifiable part of a law enforcement record

[para 30] In Order FOIP2025-28, there was a video taken of the applicant by a witness, in that case the Adjudicator stated at paragraph 15:

[para 15] No presumption applies to the personal information of the Applicant, as the personal information of an applicant cannot be withheld from an applicant under section 17(1); however, in the circumstances in which the video was taken, the information about the Applicant is also information about the witness. The presumption does apply to the witness' personal information.

[para 31] The recording of a call to the non-emergency complaint line is an identifiable part of a law enforcement record. In this case the information provided in the call about the Applicant is also information about the caller, and the presumption that disclosure of the voice recording would be an unreasonable invasion of the caller's privacy applies to the caller's personal information contained in it.

Section 17(4)(g)(i) – personal information consists of the third party's personal information

[para 32] Moreover, the caller's name is associated with other personal information about the caller. Therefore the presumption under section 17(4)(g)(i) also arises.

Are there any relevant factors in section 17(5) that outweigh the presumption?

[para 33] Where a presumption that disclosure would be an unreasonable invasion of a third party's personal privacy arises, as in the present case, a public body must consider if there are any factors that would outweigh the presumption.

Section 17(5)(c) - fair determination of the Applicant's rights

[para 34] While section 17(5)(c) is not directly referenced in its arguments, the Public Body submitted that since the matter is closed and there is no further investigation or proceeding, the Applicant's rights are not affected and providing the record would be an unreasonable invasion of the caller's privacy.

[para 35] I agree that section 17(5)(c) is not applicable in this situation as there is no proceeding involving the Applicant's rights.

Section 17(5)(f) – information supplied in confidence

[para 36] The Applicant submitted four arguments in favour of disclosure:

1. The assertion by the Public Body that maintaining confidentiality of callers is important otherwise callers may be reluctant to provide information, is speculative and not grounded in objective criteria. The Applicant argues that there is no reasonable expectation of privacy when a person calls the phone line in question. The Applicant relies on Order F2008-027 for this position:

The test established by this office inquires into “an objectively reasonable expectation of confidentiality”, which can be based either on express communication or other objective criteria that ground the expectation.

2. A call may result in criminal or civil cases and therefore the caller’s information could be provided to the person they are calling about.
3. In the interest of transparency and for the public to hold the “government to account” the recording should be provided to him. 911 calls are not excluded records under section 4(1) of the FOIP Act and the purpose of the FOIP Act is to provide transparency and accountability of public officials and 911 operators.
4. If the CAD can be shared, then the recording should also be shared.

[para 37] The Applicant concludes by saying that the caller did not supply their voice in confidence.

[para 38] The Applicant argues that the public interest would be served if he were to be provided the personal information at issue. It is unclear how doing so would serve the public interest, and not the Applicant’s own private interests. No contentious conduct on the part of the Public Body would be brought to light such that the Public Body would then be held to account.

[para 39] The Applicant also argues that the information has not been established as confidential. While I agree with the Applicant that the Public Body has not grounded its arguments with evidence, the presumption created by section 17(4) continues to apply even if information was obtained by the Public Body without assurances of confidentiality. The confidentiality of information weighs strongly in favor of refusing access when it applies; however, in the absence of evidence regarding confidentiality, the presumption in section 17(4) continues to apply.

[para 40] As no factors weighing for or against disclosure have been clearly established for the inquiry, I find that the presumption created by section 17(4) has not been rebutted. For this reason, I find that the Applicant has not met the burden of proof under section 71(2) to establish on a balance of probabilities that the disclosure of the caller’s personal information

(the recording) would not be an unreasonable invasion. I must therefore direct the Public Body to refuse access to the personal information at issue.

Section 17(5)(g) – information likely to be inaccurate or unreliable

[para 41] The Applicant is concerned about the accuracy of the caller’s description of him. The Public Body’s submission states that the officers involved indicated that the description was inaccurate. I have reviewed the CAD and the police officer’s notes and there is no such statement made.

[para 42] The Applicant also pointed to the Public Body’s submission and stated:

Also, in its Initial Submission (p. 2), the Public Body stated (my emphasis): “There isn’t an expectation that the call will be provided to the person *identified on the call as the offender* (OFF).” This personal information about my criminal history (see section 1(n)(vii)) is false. I never have been arrested for a crime, much less convicted of one.

[para 43] The Applicant goes on to state that the recording could disclose even more inaccurate information.

[para 44] I have examined the CAD and have listened to the recording; there is no mention of a criminal history. Reading through the Public Body’s submission it also does not make mention of criminal history. The Applicant seems to have read into the statement he quoted.

[para 45] I find the CAD to be a very good approximation of the voice recording. Therefore, the fact that the physical description of the Applicant provided by the caller was/may have been inaccurate does not weigh in favour of disclosure.

[para 46] In conclusion, I find that there are no factors that outweigh the presumption, and that the recording must be withheld by reference to section 17(1). The Applicant’s rights are not being affected; that is, there are no proceedings stemming from this incident and the Applicant himself has stated that the recording is not for a legal purpose.

[para 47] The Applicant has a copy of the CAD document, I have reviewed it and compared it to the recording, the recording does not contain any further information about the Applicant that is not summarized in the CAD. The Applicant can compare what is in the CAD with his own recollection to assess whether there are any other inaccuracies. In conclusion, I do not find there to be sufficient reason to disclose the caller’s personal information.

- 2. Does section 10(2) of the Act (duty to assist applicants) require a Public Body to create a record for the Applicant? Specifically, why can’t a transcript of the 911 calls be provided to the Applicant?**

[para 48] Since I have found that the Applicant is not entitled to a copy of the recording by reference to section 17(1), the further question of how or in what format the Applicant is to be given access does not arise.

V. ORDER

[para 49] I make this Order under section 72 of the FOIP Act.

[para 50] I confirm that the Public Body is required to refuse access to the requested record.

Pam Gill
Adjudicator