



Investigator's Fact Report

In the Matter of a Request for Review between

**An Applicant
and
the Vancouver Police Department ("public body")**

**Written Inquiry under
the *Freedom of Information and Protection of Privacy Act* ("FIPPA")**

1. On July 23, 2015, the applicant requested, in summary, all records relating to the use of a cell site simulator, or IMSI-catcher (commonly referred to as a Stingray or KingFish) held by the public body.
2. On September 11, 2015, the public body responded indicating it was withholding any potentially responsive records under sections 8(2) and 15(1)(c) of FIPPA.
3. On October 14, 2015 the applicant asked the OIPC to review the public body's decision to withhold the records requested.
4. Mediation failed to resolve this matter and on December 8, 2015, the applicant asked that this matter proceed to inquiry. The applicant also argued that section 25 of FIPPA applied to the records.
5. The Investigator's Draft Fact Report was issued to the applicant and the public body on December 10, 2015.
6. At the inquiry, the adjudicator will consider whether the public body is authorized to refuse to disclose the information at issue under sections 8(2) and 15(1)(c) of FIPPA. The adjudicator will also consider the applicant's assertion that section 25 requires the disclosure of information, clearly in the public interest, in the records responsive to the applicant's requests.
7. The records at issue relate to cell site simulator, or IMSI-catcher (commonly referred to as a Stingray or KingFish) potentially used by the public body.

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Office of the Information and Privacy Commissioner

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