



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

ORDER P-317

Appeal P-920092 and P-920095

Ontario Hydro



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télé: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

ORDER

Ontario Hydro (the institution) received the following two requests under the Freedom of Information and Protection of Privacy Act, (the Act):

1. If a relevant document is on your file, please provide a photocopy of any MAP which illustrates the location of telephone company equipment prior to, and after, February 8, 1935 and, as well, location of telephone company equipment prior to, and after, August 14, 1951. [Appeal #P-920092]
2. If a [relevant] MAP exists on your file, please illustrate on that MAP, by use of coloured arrows, or by other means, the direction in which high-voltage electrical current flowed through the lines marked on the MAP on, and prior to, August 14, 1951. [Appeal #P-920095]

The institution advised the requester that no documents or maps exist which are responsive to either request. Further, the institution suggested that the requester might want to contact Bell Canada for the information being sought in Request 1.

The requester appealed both of the institution's decisions.

Attempts to mediate this appeal were not successful. Accordingly, notice that an inquiry was being conducted to review the decision of the head was sent to the appellant and the institution. Each notice also contained a report prepared by the Appeals Officer, intended to assist the parties in making representations concerning the subject matter of the appeals. The institution and the appellant both submitted representations.

During the mediation stage of the appeal, the appellant implied that if responsive records do not exist, the institution should consider creating records which would be responsive, and provide them to him. This was not repeated or expanded upon in the appellant's representations, and I will not address it further, except to say that the Act does not require an institution to create a record, if one does not already exist within the custody or under the control of the institution.

The sole issue arising in this appeal is whether the institution's search for the requested records was reasonable in the circumstances.

As stated earlier, the institution claims that it has no maps or other records which are responsive to the requests. In support of its claim, the institution provided an outline of the steps taken by the person who conducted the search for responsive records. This person searched the relevant files of the Regional Branch of the Retail Customer Division with respect to Appeal #P-920095, and consulted with the Distribution Services Officer of the Regional Branch with respect to Appeal #P-900092. In addition, consultation took place with appropriate individuals in other program areas of the institution. The person who conducted the search also provided an explanation as to why the information contained on the various maps prepared by the institution would not contain the type of information requested by the appellant, and the fact that the institution does not maintain maps which would show the flow of electricity along hydro lines or collect data which illustrates the location of telephone lines. The institution's representations point out that the type of records requested by the appellant are not and have never been kept by the institution.

The appellant's representations provide his views as to why the information he is requesting should be known to the institution, but provide no information or evidence to suggest that records are in existence which contain this information. The appellant also makes suggestions as to how certain records could be altered by the institution to provide the information he is seeking.

In the circumstances of this appeal, I am satisfied that the institution has taken reasonable steps to locate records that would specifically respond to the appellant's requests, and that the search conducted by the institution was reasonable in the circumstances.

Original signed by:

June 18, 1992

Tom Mitchinson
Assistant Commissioner