



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

ORDER P-305

Appeal 900437

Ministry of Consumer and Commercial Relations



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O R D E R

This is the Final Order disposing of the only remaining issue in Appeal Number P-900437 which was not dealt with in my Order 273. This issue relates to whether or not a specific record exists which is responsive to the request submitted by the appellant to the Ministry of Consumer and Commercial Relations (the "institution"). The request was for access to the personal information of the requester contained in personnel records and information pertaining to a job competition in which he was an unsuccessful candidate. The record believed by the appellant to exist is a memorandum dated June 6, 1990 from the personnel administrator to the Director, Consumer Services Branch. The institution claims that the record does not exist.

Representations on this issue were received from both the appellant and the institution. The appellant outlines his reasons for believing that the record exists. The institution provided an affidavit which outlines the scope of the various searches conducted in an effort to locate the record, and the reasons for concluding that it does not exist.

In response to my direction in Order P-273, a Compliance Investigator from this office attended at the premises of the institution and conducted an independent search for the record. This investigation included a thorough search of all relevant files at the Human Resources Branch, the Consumer Services Branch, and the Freedom of Information office of the institution, and discussions with various institution employees. The investigation did not produce the record. A complete report of the investigation has been filed with this office.

I have reviewed the report of the Compliance Investigator, together with the representations submitted by the appellant and the institution, and I am satisfied that all reasonable efforts have been made to locate the record.

Original signed by: _____
Tom Mitchinson
Assistant Commissioner

June 2, 1992