



**Information and Privacy
Commissioner/Ontario**

**Commissaire à l'information
et à la protection de la vie privée/Ontario**

ORDER M-44

Appeal M-9200236

City of North York



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ORDER

BACKGROUND:

The City of North York (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for the following:

We wish to request the amount donated to the Gord and Irene Risk Community Centre. We want names of all contributors with their addresses and the amount they donated which was contributed in "1990 - 1991" and "1991 - 1992".

The City responded by providing access to a copy of a cash receipt in the amount of \$200,000, received from the Gord & Irene Risk Sport & Social Club Association, subject to a severance made under section 11(a) of the Act. The City also advised the requester that no other responsive records existed.

The requester appealed the portion of the City's decision dealing with the fact that no additional records existed, but not the portion dealing with the severance. I have reviewed the contents of the severance and also find that it is not responsive to the request and falls outside the scope of this appeal.

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

During the course of mediation, the City outlined the steps taken to locate any responsive records in its Finance and Parks and Recreation Departments. The City also identified minutes of certain council meetings which confirmed that the \$200,000 contribution had been made, and also advised that the only name and address relating to the contribution was that of the Association that issued the cheque. A copy of the relevant minutes was provided to the appellant. The City also confirmed that no additional contributions had been received for the proposed community centre.

Because the appellant continued to maintain that additional records should exist, further mediation was not possible, and the matter proceeded to inquiry. A Notice of Inquiry was sent to the appellant and the City. Written representations were received from the City, but no formal representations were submitted by the appellant.

The appellant contends that, because a particular councillor was responsible for receiving contributions for the community centre, this imposes a legal obligation on the part of the City to keep records of all contributions, and that additional records of individual contributors should exist. It should be noted that my order is restricted to determining whether a reasonable search for records was conducted by the City, and the issue of whether the City is under a legal obligation to keep records of the sort requested by the appellant is outside the scope of this appeal.

In its representations, the City describes the steps taken to locate responsive records, and includes affidavits sworn to by a number of City employees who conducted searches of the Finance Departments, Parks and Recreation Departments, City Clerk's Office, and Records and Freedom of Information Department. The affidavits confirm that no additional records responsive to the request exist.

I have carefully reviewed the City's representations and accompanying affidavits. In my view, thorough searches were conducted during the course of processing the appellant's request and appeal, and I am satisfied that the City's search for responsive records was reasonable in the circumstances.

Original signed by:
Tom Mitchinson
Assistant Commissioner

October 6, 1992