



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

## **ORDER P-349**

Appeal P-9200154

Ministry of Correctional Services



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# ORDER

## BACKGROUND:

The Ministry of Correctional Services (the institution) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for the requester's institutional file covering a period served in a correctional facility. The requester's medical file had already been provided by the institution prior to the submission of his request under the Act.

The institution disclosed the requester's main institutional file in its entirety.

The requester filed an appeal with this office, claiming that the materials provided to him were not complete.

During the course of mediation, the institution conducted two further searches, and located five additional records from the main institutional file and four additional records from the medical file. All nine records were released to the appellant.

Because the appellant continued to maintain that further records existed, further mediation was not possible and the matter proceeded to inquiry. Notice that an inquiry was being conducted was sent to the appellant and the institution. Enclosed with each Notice of Inquiry was a report prepared by the Appeals Officer, intended to assist the parties in making their representations concerning the subject matter of the appeal. Written representations were received from the institution, but not from the appellant.

The sole issue in this appeal is whether or not the institution's search for the requested records was reasonable under the circumstances.

In its representations, the institution outlined the steps taken to locate the requested records. An initial search was conducted at the request stage, and two extensive follow-up searches were carried out during the course of mediation. In addition, a further detailed search was conducted during the inquiry, for the purpose of verifying that there were no further responsive records. Seven individuals participated in this final search, each of whom swore an affidavit verifying that no additional records were found. The institution's representations also indicate that all areas in the correctional facility which would likely contain any of the requested records had been searched.

In my view, the evidence submitted by the institution indicates that a reasonable search was conducted. The appellant has not provided any credible evidence to support the existence of any

additional responsive records, and I find that the institution's search for the requested records was reasonable in the circumstances.

Original signed by: \_\_\_\_\_ September 1, 1992  
Tom Mitchinson  
Assistant Commissioner