



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

ORDER P-336

Appeal P-911155

Ministry of Health



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ORDER

BACKGROUND:

The Ministry of Health (the institution) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for copies of all records regarding the requester held in the Hospital Administrator's files for the period May 1980 to October 8, 1991.

The institution granted full access to a number of records and partial access to others. The requester was satisfied with the institution's decision with respect to these records, and they are not at issue in this appeal. The basis for this appeal is the requester's belief that one additional responsive record exists: notes taken by the Administrator of a September 5, 1991 telephone conversation with a Psychiatric Patient Advocate. The institution claims that no such record exists.

Because mediation was not possible, the appeal proceeded to inquiry. Notice that an inquiry was being conducted to review the decision of the head was sent to the appellant and the institution. Enclosed with the 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. Representations were received from both parties.

The sole issue in this appeal is whether a reasonable search for records responsive to the request was carried out by the institution.

In correspondence received during the course of the appeal, the institution outlined the areas searched in order to locate the responsive records, including any notes of the September 5 telephone conversation. The institution also provided an affidavit signed by the Administrator, wherein he states that he remembers having the telephone conversation, but swears that he did not take any notes.

The appellant submits that because he has received a copy of notes taken by the Psychiatric Patient Advocate of the September 5 conversation, it is likely the Administrator also took notes. He also points out that, as a result of the telephone conversation, the Administrator initiated an investigation involving the appellant, and it is likely notes of the telephone conversation would have been taken in order to initiate this investigation.

Having reviewed all representations, in my view, the appellant has not provided sufficient evidence to support his claim that notes of the September 5 telephone conversation exist. In my view, the submissions provided by the institution, including the sworn affidavit of the Administrator, substantiate the position that a reasonable search was conducted, and I find that

the actions of the institution in responding to the appellant's request were reasonable and satisfactory in the circumstances.

Original signed by: _____ August 6, 1992
Tom Mitchinson
Assistant Commissioner