



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

# **ORDER P-313**

**Appeal P-910181**

**Ministry of the Solicitor General**



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## O R D E R

On February 16, 1991 a request was made to the Ministry of the Solicitor General (the "institution") for access to:

"any medical or psychological reports, any search, and seizure warrants, any other warrants, any signalitic cards or other"

The requester also specified the area of search as "Kincardine, Walkerton, O.P.P.".

The institution responded by advising the requester that records did not exist. The requester appealed this decision. The sole issue in this appeal is whether the institution's search for the requested records was reasonable in the circumstances.

In accordance with the usual practice, the appeal was assigned to an Appeals Officer, who contacted the appellant and the institution's Freedom of Information and Protection of Privacy Co-ordinator to investigate the circumstances of the appeal. During that process the following took place:

1. The appellant was contacted and asked to provide further details about the records he was seeking. In response, he identified the following possible records: warrant for committal for 9-day examination, possibly dated 1984 or 1985; warrant for breach of probation, dated 1988; psychology report, possibly prepared by Dr. Greenstein, dated 1986; and a "see & eye" report.
2. The institution was provided with this information and asked to conduct further searches for responsive records. The institution conducted further searches but no records were located.
3. The institution advised the Appeals Officer that the appellant had been provided with a warrant dated July 15, 1986, in response to a previous access request in August, 1988.

The institution provided the appellant with a second copy of this warrant in order to promote a settlement of this appeal.

4. The institution also advised the Appeals Officer that its record retention policy required that records be retained for two years plus the current year. Because the possible records identified by the appellant are more than three years old, the institution felt that they would have been destroyed.

Despite further searches, the provision of the search warrant, and an explanation of the record retention policy, the appellant maintained his position that responsive records should exist. As a result, settlement was not possible and the appeal proceeded to the inquiry stage.

At the outset of the inquiry, an Appeals Officer's Report was sent to both parties, outlining the issues in the appeal, and inviting representations. The institution provided representations, but the appellant did not.

In its representations the institution outlined the following steps taken in response to the appellant's request.

First, the appellant was contacted for clarification of his request. The appellant confirmed that the relevant time period for his request was from 1960 to the present, and that he was particularly interested in the "two or three warrants held for him in 1986 by the Kincardine, O.P.P."

Second, the institution described the searches carried out in response to the request. Searches were completed at both the Kincardine and Walkerton detachments of the O.P.P. under the direction of senior officers at each detachment. Occurrence report and warrant files were searched, but no responsive records were located.

In addition, the institution contacted an officer who was familiar with the 1986 occurrence involving the appellant. That officer indicated that no individual by the name of Dr. Greenstein was involved with the occurrence, nor did the officer have any recollection of a "warrant for committal for 9-day examination" or a "warrant for breach of probation". Finally, the officer advised that he was not familiar with the term "see

& eye report", and no such report was ever prepared with respect to the appellant.

Having reviewed the institution's representations regarding the steps it took in response to the appellant's request, I am satisfied that the actions of the institution were satisfactory and that a reasonable search was conducted.

Original signed by: \_\_\_\_\_

Tom Mitchinson

Assistant Commissioner

June 11, 1992