



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER M-24**

**Appeal M-9200002**

**City of Toronto**



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# ORDER

The City of Toronto (the institution) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to a Permanent Ward Order relating to the requester and his three siblings. The request indicated that the record was created in 1956 and would have been forwarded to the institution because of its financial obligations relating to the wardship.

The institution responded to the request by stating that it was not in possession of a copy of the record, and therefore access could not be granted. The requester appealed this response.

The sole issue in this appeal is whether the institution's search for the requested record 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.

The Appeals Officer was advised by the institution that it had divested itself of records of this nature in 1967 when welfare ceased to be a City function and was assumed by the Municipality of Metropolitan Toronto (Metro). At that time, such records were transferred to Metro or destroyed.

The Appeals Officer was also advised that, before the institution responded to the request, searches were conducted in its Legal Branch, Finance Branch, and Archives. Since no responsive record was found, the institution contacted Metro to determine whether it might have the record. Metro also conducted a search and no responsive record was found. During mediation, all of these searches, including the one conducted by Metro, were repeated with the same results; no responsive record was located.

Further mediation was not possible and the matter proceeded to inquiry. 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. Representations were received from both parties and I have taken them into account in reaching my decision.

The steps taken by the institution to locate the record have been verified by affidavit evidence, and by other evidence in the form of memoranda prepared by several persons who conducted the searches. The affidavit evidence also confirms that records of this nature were transferred to Metro in 1967, or destroyed.

I have carefully considered the appellant's representations and in my opinion, the information provided to me does not lead to the conclusion that a record presently exists within the custody or under the control of the institution.

In the circumstances, I am satisfied that the institution has taken all reasonable steps to locate the record that would respond to the appellant's request.

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

Tom Wright  
Commissioner

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July 7, 1992