



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

ORDER P-465

Appeal P-9200102

Ministry of Consumer and Commercial Relations



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ORDER

The Ministry of Consumer and Commercial Relations (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to all records relating to "a product known as `Skratch`".

The Ministry advised the requester that it had no records in its custody or under its control which were responsive to the request. The requester appealed the Ministry's decision.

During mediation, the Ministry was requested by the Appeals Officer to conduct further searches to determine if there were any records responsive to the request. The Ministry conducted further searches for the records and confirmed that no responsive records exist. The appellant maintained his belief that responsive records exist and that the Ministry's search was inadequate.

Mediation was not successful, and notice that an inquiry was being conducted to review the Ministry's decision was sent to the Ministry and the appellant. Written representations were received from both parties.

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

In its representations, the Ministry included an affidavit which attests to the steps taken to locate any responsive records. The affidavit states that the Acting Director, Entertainment Standards Branch had supervised a search of all the files relevant to the request. Specifically, the affidavit outlines the following areas which were searched: computer files; manual check of Compliance files, prosecution files, correspondence files, licensee files, current and previous branch Director's files, data list of Investigation Section's closed files and the index cards for 1989/90. No further records were found as a result of these searches.

Having reviewed the representations of the parties and the affidavit provided by the Ministry, I am satisfied that the Ministry has taken all reasonable steps to locate any responsive records, and I find that the search conducted by the Ministry was reasonable in the circumstances of this appeal.

Original signed by: _____
Asfaw Seife
Inquiry Officer

_____ May 28, 1993