



Information and Privacy
Commissioner/Ontario

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

ORDER M-136

Appeal M-9200450

The Lanark Leeds and Grenville County Roman Catholic Separate School Board



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ORDER

On May 10, 1993, the undersigned was appointed Inquiry Officer and received a delegation of the power and duty to conduct inquiries and make orders under the provincial Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act.

The Lanark Leeds and Grenville County Roman Catholic Separate School Board (the Board) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to certain information concerning the requester's daughter. The Board granted the requester access to those records in its custody. It advised that, for much of the information requested, no records existed. The requester appealed the Board's decision as he believes additional records exist which are responsive to his request. He also maintains that some of the responses he received are incomplete.

During mediation and at the request of the Appeals Officer, the Board conducted a further search for the responsive records. As a result of this search, the appellant was granted access to additional records. The Board also advised the appellant why certain records did not exist and explained some of the incomplete responses. Consequently, the appellant withdrew his request for certain information and the scope of the appeal was narrowed to the following items:

1. All documentation pertaining to an October 23, 1991 meeting between the appellant and officials of his daughter's former school;
2. Memos or notes written by the principal of his daughter's former school respecting a meeting between the principal and a lawyer acting as agent of the Office of the Official Guardian;
3. The Ontario Student Records for the appellant's daughter for the period from September 1991 to October 27, 1992;
4. The Entrance Assessment Report of the appellant's daughter dated September 1991;
5. Records of meetings between school officials/teachers and the appellant's former wife and/or her boyfriend;
6. The Psycho-educational Assessment Report of the appellant's daughter dated on or about December 5, 1991;
7. The request that the appellant's daughter be released early from the 1991-92 academic school year.

Further mediation was not successful and notice that an inquiry was being conducted was sent to the Board

and the appellant. Written representations were received from both parties.

During the inquiry, the Board located the record responsive to Item 7 and forwarded a copy to the appellant. The Board confirmed with the appellant that he had access to the records responsive to Items 3 and 6. The appellant was also advised that no record existed in response to Item 2 as no meeting took place between the named individuals. The Board provided the appellant with a copy of a letter confirming a telephone conversation between the named individuals. With respect to Item 4, the Board indicated that it does not have entrance assessment reports for students new to the system.

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

In his representations, the appellant outlines his reasons for believing that additional records exist. He specifically addresses the existence of records responsive to Items 1 and 2.

As part of its representations, the Board submitted an affidavit sworn by the Board's Freedom of Information Co-ordinator which outlines the steps she took to locate the requested records. The affidavit states that the Co-ordinator visited the school, met with the school principal and searched the school file at the Board's office. Inquiries were also made of other school employees.

Having reviewed the representations of the parties, including the affidavit evidence provided, I am satisfied that the Board has taken all reasonable steps to locate any records that would respond to the appellant's request, and I find that the search conducted by the Board in this appeal was reasonable.

Original signed by: _____ May 31, 1993
 Anita Fineberg
 Inquiry Officer