



Information and Privacy
Commissioner/Ontario

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

ORDER M-137

Appeal M-9200473

Halton Board of Education



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ORDER

The Halton Board of Education (the Board) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to records which indicated the date of recruitment of four named individuals as "Key Communicators". The Board's decision letter denied access on the grounds that responsive records did not exist. The requester appealed the Board's decision, based on her assertion that responsive records do exist.

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

The sole issue in this appeal is whether the Board's search for records responsive to the appellant's request was reasonable.

In her representations, the appellant referred to records that she had previously obtained which she believes indicate that the Board possesses additional information about the Key Communicator program. This information would include the recruitment dates of individual members.

In response to the Notice of Inquiry, the Board provided written representations and an affidavit describing the Board's record keeping practices and the steps taken to locate records which would be responsive to the appellant's request. In the affidavit, the Board's Manager of Freedom of Information states that he has examined all of the files concerning the Key Communicator program and spoken to those employees of the Board who could reasonably be expected to have knowledge of, or possess, records responsive to the appellant's request. As a result of these inquiries, no such records were found.

The Board's Manager concludes that the Board does not have in its custody any records that would indicate the date on which the four named individuals were recruited as Key Communicators, nor had the Board ever created such records.

I have carefully reviewed the representations of both parties and the affidavit evidence submitted to me. I am satisfied that the Board has taken all reasonable steps to locate records responsive to the appellant's request and I find that the search was reasonable in the circumstances of this appeal.

Original signed by: _____
Irwin Glasberg

June 2, 1993

Assistant Commissioner