



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

ORDER P-397

Appeal P-9200701

Ontario Human Rights Commission



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ORDER

The Ontario Human Rights Commission (the Commission) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for copies of correspondence between the requester's Member of the Provincial Parliament (the M.P.P.) and his staff, and the Commission regarding a complaint initiated by the requester against Laurentian University. The Commission conducted a search of its records and located a letter from the M.P.P., addressed "to whom it may concern". A copy of that record was provided to the requester. The Commission advised the requester that no further records exist which are responsive to the request.

The requester appealed the decision of the Commission, and during mediation he maintained that additional records exist. Notice that an inquiry was being conducted to review the decision of the Commission was sent to the appellant and the Commission. The appellant relies upon the representations made in his original access request letter and the letter of appeal to this office. The Commission has provided in its representations an affidavit sworn to by its Freedom of Information and Protection of Privacy Co-ordinator setting out the nature and extent of the search conducted in an effort to locate records which would be responsive to the request.

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

The appellant believes the fact that the M.P.P.'s letter which was disclosed to him states " after some inquiries with the Ontario Human Rights Commission Office in Sudbury...it was determined that some documentation had been received from Laurentian University and further documentation is forthcoming", and the letter's conclusion that the M.P.P. "will monitor the progress of this matter", is evidence of the existence of additional records in the Commission's custody or control.

The affidavit submitted by the Commission sets out the steps which were taken by the Freedom of Information and Protection of Privacy Co-ordinator to locate records which would be responsive to the request. It indicates that searches were also undertaken by Commission staff in its Sudbury office, where the original complaint had been filed and processed. In addition, the Co-ordinator conducted a telephone conversation with the manager of the Sudbury office and the officer who conducted the investigation into the appellant's complaint. The only record located which was responsive to the request was the letter from the appellant's M.P.P., to which the appellant has been granted access. The Co-ordinator was advised by both persons that no additional records of the nature sought by the appellant exist.

I have carefully reviewed the Commission's representations and accompanying affidavit. I have also examined the contents of the appeal file and considered the appellant's arguments. In my view, thorough searches were conducted during the course of processing the appellant's request and appeal, and I am satisfied that the Commission's search for responsive records was reasonable in the circumstances.

Original signed by: _____
Asfaw Seife
Inquiry Officer

January 8, 1993