



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-123

Appeal M-9200336

The Corporation of the Town of Caledon



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

ORDER

The Corporation of the Town of Caledon (the Town) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to all written material and sketches submitted by a named municipal councillor (the affected person) to a consultant engaged by the Town with respect to a planning study.

The Town identified one record responsive to the request, a sketch of the study area with some handwritten notes thereon, and denied access to it under section 7(1) of the Act. The Town also claimed that no other records exist which are responsive to the request. The requester appealed the denial of access on both grounds.

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

In his representations, the affected person advised that he had no objection to the disclosure of the record identified by the Town. In light of this submission, the Appeals Officer requested the Town to reconsider its decision to refuse access to the record. On February 11, 1993 counsel for the Town advised the Appeals Officer that the Town had reconsidered its decision and would provide the appellant with a copy of the sketch. To date, the Town has not provided the appellant with a copy of this record. In these circumstances, I will not be considering the application of exemptions to this record, and will order the Town to disclose the record to the appellant.

The appellant maintained his position that further additional records responsive to the request should exist. Therefore, the only remaining issue is whether the Town's search for records which would be responsive to the appellant's request was reasonable in the circumstances.

In his representations, the appellant outlines his reasons for believing that additional records exist. In those representations the appellant claims that he knows of several individuals whom he alleges have seen or are aware of at least one other record which would be responsive to his request. The appellant claims that at least one letter was written by the affected person and submitted to the consultant.

As part of its representations, the Town submitted a sworn affidavit by the employee who conducted the searches for responsive records. The affidavit outlines the scope of the various searches, which included a manual search of all files relating to the planning study and various consultations with Town employees and officials who would be familiar with the matter. In addition the Town contacted the consultant and requested that he review his files for additional records.

The affected person also submitted representations relevant to this issue. He denies having created any additional records responsive to the request.

Having carefully reviewed the representations of all parties, in my view, the Town has taken all reasonable

steps to locate additional records that would respond to the appellant's request, and I find that the search conducted by the Town was reasonable in the circumstances of this appeal.

ORDER:

1. I order the Town to disclose the record which it decided to release to the appellant, within 15 days of the date of this order.
2. In order to verify compliance with this order, I order the Town to provide me with a copy of the record disclosed to the appellant pursuant to Provision 1 of this order, **only** upon my request.

Original signed by: _____ April 23, 1993
Holly Big Canoe
Inquiry Officer