



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-126

Appeal M-9200243

Halton Board of Education



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ORDER

The Halton Board of Education (the Board) received two requests under the Municipal Freedom of Information and Protection of Privacy Act (the Act) from the same requester. The first request was for access to:

Records of any discussion which took place on June 15 relating to my personal opinions contained in correspondence submitted to the Board of Trustees in May and June, 1992.

The second request, which the requester indicated amended and superseded the first request, was made two days later for access to:

... all records containing information about me and or dealing with opinions expressed by me ... These records will include discussions conducted during meetings of the Executive Committee of the Board or of Meetings of Full Board.

The records I request would also include correspondence and other records of discussions between Board administrative staff or trustees and outside consultants including solicitors or lawyers.

The records requested would have been created between the dates April 1st, 1992 and June 17, 1992.

The Board identified a binder of records that was distributed at a meeting of the Committee of the Whole Board as responsive to the requests, and granted access to the records. The Board wrote: "The binder provided is a duplicate of the information received by trustees in an in-camera meeting held on June 15, 1992. This is all of the information requested by you ...".

The requester appealed this decision as he believes additional records exist which are responsive to his requests. He states that the Chair of the Board informed him that the Board's legal counsel discussed his letters at the Committee of the Whole meeting on June 15, 1992, and he believes records of this discussion and other discussions exist.

Mediation was not successful, and notice that an inquiry was being conducted was sent to the appellant and the Board. Representations were received from both parties.

The sole issue in this appeal is whether the Board has conducted a reasonable search to locate records responsive to the request.

In his representations, the appellant claims that a tape recording was made of the meeting held on June 15, 1992, and that it would probably be filed in the office of the Director of Education or someone who works for him. The Co-ordinator advised the Appeals Officer that the Board commenced taping open public board meetings on January 30, 1992, and that tape recordings are not made of any Committee meetings, including meetings of the Executive Committee or the Committee of the Whole.

The Board provided an affidavit sworn by the Board's Freedom of Information Co-ordinator attesting to the steps taken to locate the responsive records and to the extent of the search conducted. A number of persons were contacted by the Co-ordinator during the course of the search, including the Director of Education, the Director's secretary and the secretary to the Board.

The Director's secretary stated that she searched through her files relating to the Executive Committee meetings, and also through the Director's correspondence. The Board secretary stated that she searched through the files related to meetings of the Board and of the Committee of the Whole.

With respect to the discussions which are the subject of the request, the Director of Education stated the only meetings at which relevant discussions took place were meetings of the Executive Committee and the Committee of the Whole, and that no responsive records were created during, or as a result of, these meetings. He stated that no records exist, other than the records already provided to the appellant, and that the Board did not create a record of the discussion regarding the appellant on June 15, 1992. In addition, the Director stated that the Board produced no documents during, or as a result of, discussions between the Board's trustees or administrative staff and outside consultants, including solicitors.

I have carefully reviewed the representations of the parties. In my view, several thorough searches were conducted for the records sought by the appellant, and I am satisfied that the search conducted by the Board was reasonable in the circumstances.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

April 26, 1993