



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

# **ORDER P-486**

**Appeal P-9300094**

**Ministry of Health**



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## ORDER

The Ministry of Health (the Ministry) received the following two-part request under the Freedom of Information and Protection of Privacy Act (the Act):

1. Personal information records held by the Consumer-Survivor Development Initiative (CSDI), or the Community Mental Health Branch of the Ministry (CMHB), pertaining to the requester, specifically, records pertaining to the requester's involvement as a member of Health Rights Coalition (the Coalition), and with the board of Ontario Psychiatric Survivors' Alliance (OPSA);
2. General information records held by CSDI or CHMB pertaining to CSDI's relationship with the Canadian Mental Health Association; the delay in the funding of the Coalition; the reduction in funding of the OPSA; and CSDI's guidelines for making decisions on funding. Specifically, the requester wanted access to records pertaining to a meeting of the Coalition held on October 28, 1992.

With regard to part one of the request, the Ministry granted access to parts of the responsive records, and denied access to the remainder pursuant to section 21(1). With respect to part two of the request, the Ministry identified sixteen responsive records and granted total access to them. The Ministry also advised the appellant that no records were found that would be responsive to his request relating to the reduction of funding to the OPSA, and the meeting of October 28, 1992. The requester appealed the decision of the Ministry.

During mediation, the appellant questioned the grounds for severing the records relating to part one of his request and also claimed that more records responsive to his request exist. He stated specifically that notes taken by the CSDI staff on visits to the Hamilton branch of the Canadian Mental Health Association and progress reports for CSDI were missing from the records.

Further mediation was not possible and notice that an inquiry was being conducted to review the decisions of the Ministry was sent to the Ministry and the appellant. Written representations were received from both parties.

In its representations, the Ministry states that there are no records of a meeting of the Health Rights Coalition held October 28, 1992. It confirmed that the records of notes taken by CSDI staff on visits to Hamilton, which consist of notes of October 3, 1991 and a letter dated June 5, 1992 from CSDI to the appellant, were previously disclosed to the appellant. Further, the Ministry states that it did not initially consider progress reports to be responsive to the request; however, during the processing of the appeal it located a progress report for March, 1992 and has

agreed to disclose it to the requester in its entirety. Therefore, this progress report and copies of the records of notes taken by the CSDI staff should be disclosed to the appellant.

With regard to the severances contained in the records responsive to part one of the request, the Ministry states in its representations that they consist of the personal information of individuals other than the appellant. I have carefully reviewed the severed information and found it to be the personal information of other identifiable individuals. None of the severances contain information that in any way relates to the appellant. The appellant's request is clearly for personal information that relates to himself, and for general records the nature of which is specified in his request. I find that the severed information is not responsive to the request and is, therefore, outside the scope of this appeal.

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

Upon receipt of a request, the Ministry must first be satisfied, pursuant to section 24(1) of the Act that the request is sufficiently clear that "an experienced employee of the institution, upon a reasonable effort, [could] identify the record." If the request is not sufficiently clear, the Ministry is required by section 24(2) to offer the requester assistance in reformulating the request so as to comply with section 24(1). The Act does not require the Ministry to prove to the degree of absolute certainty that the requested records do not exist.

The Ministry's representations include details on the areas searched, the files reviewed and the employee who conducted the search. The Ministry also states that an additional search was conducted to locate the specific records identified by the appellant. I have reviewed the representations of the Ministry and am satisfied that the search conducted by the Ministry for responsive records was reasonable in the circumstances of this appeal.

## **ORDER:**

1. I order the Ministry to disclose to the appellant the meeting notes of October 3, 1991, the letter dated June 5, 1992 from CSDI to the appellant and the March, 1992 Progress Report within 15 days of the date of this Order.
2. In order to verify compliance with the provisions of this Order, I order the Ministry to provide me with a copy of the records which are disclosed to the appellant pursuant to Provision 1 above, **only** upon my request.

Original signed by: \_\_\_\_\_  
Asfaw Seife  
Inquiry Officer

\_\_\_\_\_ June 25, 1993