



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-179

Appeal M-9300211

City of Mississauga



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ORDER

The City of Mississauga (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for records pertaining to the towing of the requester's motor vehicle on November 27, 1992 and December 2, 1992, including records containing the complaint or complaints which resulted in the above-referenced tows. The City determined that one record was responsive to the request, and provided it to the requester without severance.

The requester appealed the City's decision as he believes that additional records responsive to the request must exist.

Mediation was not successful, and notice that an inquiry was being conducted to review the City's decision was sent to the City and the requester. Written representations were received from the City. The appellant indicated that he wished to rely on material provided by him during the course of the appeal.

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

Where a requester provides sufficient detail about the records which he or she is seeking and an institution indicates that additional records do not exist, it is my responsibility to ensure that the institution has made a reasonable search to identify the records which are responsive to the request. While the Act does not require that an institution prove to the degree of absolute certainty that such records do not exist, the search which the institution undertakes must be conducted by knowledgeable staff in locations where the records in question might reasonably be found.

In its representations, the City provided an affidavit of the Supervisor of Traffic Control in support of its position that no additional records responsive to the request exist. The affidavit outlines the steps taken to locate any responsive records in the City's custody or control, and identifies that the search failed to produce any responsive records other than the record that was disclosed to the appellant.

Having carefully reviewed the representations and the affidavit evidence submitted to me, I am satisfied that the City has taken all reasonable steps to locate any records responsive to the appellant's request, and that the search conducted by the City was reasonable in the circumstances of this appeal.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

_____ August 25, 1993