



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

# **ORDER P-569**

**Appeal P-9300034**

**Ministry of Natural Resources**



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# ORDER

The Ministry of Natural Resources (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for records relating to lands known as: Mining Claim L9931 (Land Titles Parcel 7600 Centre Section Temiskaming) and Mining Claim L9932 (Land Titles Parcel 2934 Centre Section Temiskaming) in the Ministry's Kirkland Lake District Office. The Ministry located a large number of records responsive to the request and provided them to the requester without severance.

The requester appealed the Ministry's decision based on his belief that additional records responsive to the request should exist.

During mediation, the Ministry identified two additional files which were also disclosed to the appellant.

Further mediation was not successful, and notice that an inquiry was being conducted to review the Ministry's decision was sent to the Ministry and the appellant. Representations were received from both parties.

The sole issue in this appeal is whether the Ministry'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 Ministry provided five affidavits in support of its position that no additional records responsive to the request exist. The affidavits are sworn by the former Lands Management Supervisor, a Human Resources Clerk, an Area Technician, a Resource Clerk and a Policy Analyst with the former Lands and Water Policy Branch. Each affidavit outlines the steps taken to locate records in the Ministry's custody or control which are responsive to the request, and state that each search undertaken has failed to produce any responsive records other than those records which were already disclosed to the appellant.

Having carefully reviewed the representations and the affidavit evidence submitted, I am satisfied that the Ministry has made every effort to locate any records responsive to the appellant's request, and that the search conducted by the Ministry was reasonable in the circumstances of this appeal.

**ORDER:**

[IPC Order P-569/November 2, 1993]

I uphold the decision of the Ministry.

Original signed by: \_\_\_\_\_

Donald Hale  
Inquiry Officer

November 2, 1993