



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

# **ORDER P-556**

## **Appeal P-9300298**

### **Ministry of the Solicitor General and Correctional Services**



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## ORDER

The Ministry of the Solicitor General and Correctional Services (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to a copy of the requester's file A.R.B. 965-00-32-89 and other related files. The Ministry responded by granting access to the requested records. The records consists of two pages: a memorandum and an Occurrence form. At the top of the Occurrence form the following note is written: "Refer to file for further info".

The requester appealed the Ministry's decision, claiming that the Ministry had not conducted a reasonable search for records responsive to the request.

Mediation was not possible and notice that an inquiry was being conducted to review the Ministry's decision was sent to the appellant and the Ministry. Representations were received from both the Ministry and the appellant.

The sole issue to be decided in this inquiry is whether the Ministry has conducted a reasonable search for the requested records.

The appellant submits that he has made previous requests to the Ministry with respect to the same or similar matters as the current request. In particular, he indicates that he first made an access request in April 1990, and was advised that no record existed that related to this request. In the current request, the records indicate that other records were destroyed pursuant to Ministry retention schedules at the end of 1991. Therefore, he believes that it is likely that more records may exist.

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

In its representations, the Ministry outlines the steps taken to search for records responsive to the request. The Ministry submits that the file referred to in the request is not an Ontario Provincial Police investigative file, but the 1989 general administrative correspondence file. The Ministry indicates that these files are retained for a period of two years plus current, and the subject file would have been disposed of at the end of 1991.

The Ministry indicates that, though the correspondence file had been disposed of, the responsive records were located by cross referencing the file number to locate an inquiry report which is a notation of the appellant's original inquiry. The Ministry states that no additional records were located.

Having carefully reviewed the representations of both parties, I am satisfied that the search conducted by the Ministry for the requested records was reasonable in the circumstances.

Original signed by: \_\_\_\_\_  
Holly Big Canoe  
Inquiry Officer

\_\_\_\_\_ October 20, 1993