



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-255

Appeal M-9300108

**Metropolitan Separate School Board
[Toronto]**



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ORDER

On January 4, 1994, the undersigned was appointed Inquiry Officer and received a delegation of the power and duty to conduct inquiries and make orders under the provincial Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act.

The Metropolitan Separate School Board (the Board) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to:

- A. Documents which describe meetings conducted and paid for by the Board on premises not owned by the Board in the years 1990, 1991, 1992 and
- B. Accounts which record the expenses incurred for these meetings, including any amounts paid for travel to these events.

With respect to Part A of the request, the Board responded that accounts relating to the information requested are not segregated by internal versus external premises and, therefore, there are no specific records in this regard. The Board added that to trace external meetings and segregate them from overall accounts would require consultation with various organizations, resulting in substantial cost.

With respect to Part B of the request, the Board provided codes for the two accounts which record conference and meeting expenses. In addition, the Board provided totals for each account for the years 1990, 1991 and 1992.

The requester appealed the Board's decision on the grounds that the Board should be required to confirm whether records exist for Part A and if they do exist, that the appellant should be granted access.

The Board subsequently issued a fee estimate with respect to the information referred to in its decision letter as pertaining to Part A, in which it claimed that a search for the extract vouchers and cash receipts for the two accounts would amount to \$4,140.

Upon receipt of the estimate, the appellant indicated that he did not wish to appeal the fee. He further indicated that because of the cost he did not wish to pursue the information relating to Part A of his request, but would prefer to view the two accounts which had been identified as responsive to Part B of the request.

The Board consented to this arrangement and allowed the appellant to view the following records:

- (1) Ledger report LR2075R-04 (this document indicates the originator of the request for payment, the cheque requisition number, the vendor number, the date and the amount);
- (2) The Board's code of accounts;

- (3) Vendor book (this document matches the vendor account number with the name of the organization) and
- (4) The monthly alphabetized and serial cheque registers.

Following this review, the appellant wrote to the Board noting that certain items did not reconcile. The Board replied by stating that while the two accounts are set up for expenses relating to conferences and meetings, it is possible that a few conference or meeting transactions may have been inadvertently coded to another account. The Board also noted that amounts may not reconcile because the transaction may have been a composite and may have been registered against any one of several accounts. The Board went on to provide some additional information respecting some specific items of concern to the appellant.

The appellant remained dissatisfied with the Board's reply and submitted that there must be other accounts which recognize expenses for conferences and meetings. In support of his position, the appellant outlined four items where the cheque amount did not correspond to the amount listed under either account.

Further mediation was not successful and notice that an inquiry was being conducted to review the Board's decision 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 for responsive records.

In its representations, the Board submits:

We gave access to the accounts and records we understood were requested, and felt that under MFIPPA it is not mandated in any way that an institution be required to then answer a series of detailed questions about perceived or real inconsistencies identified by a requester.

The Board adds that no further search was conducted for additional records other than for those records originally requested.

In his representations, the appellant submits:

The following three documents, copies of pages from the cheques register and the two accounts demonstrate the lack of balance which exists ... I attempted similar reconciliations for the other cheques quoted. When I found imbalances were consistent with all of the first cheques I attempted to verify I felt this was sufficient justification for asking why these cheques did not reconcile.

Where a requester provides sufficient details 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 any records which are responsive to the request. While the Act does not require that an institution provide to the degree of absolute certainty that such records do not exist, the institution must demonstrate that the search was reasonable in the circumstances.

In my view, the request was clear. While the Board's original decision was unclear and apparently incomplete, the result of mediation was that the appellant received information which was responsive to his request to the extent that it was available.

In my view, the appellant's concerns in this inquiry relate to accounting matters with respect to the accuracy of the documents rather than the existence of the documents themselves.

I am satisfied that the search conducted by the Board for responsive records was reasonable in the circumstances.

Original signed by: _____
Laurel Cropley
Inquiry Officer

_____ February 1, 1994