



**Information and Privacy
Commissioner/Ontario**

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

ORDER M-316

Appeal M-9400177

Township of King



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ORDER

The Township of King (the Township) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to all records relating to a meeting concerning the requester's family, which was held in the summer of 1989 at the Township offices and attended by seven named individuals, four of whom were Township employees.

The Township provided access to one page of the Mayor's diary which indicated that she had met with or spoken to, two of the named individuals on June 30, 1989. The Township further indicated that no further records relating to this meeting exist. The requester appealed the decision of the Township to the Commissioner's office, claiming that further records should exist.

Mediation was not successful and notice that an inquiry was being conducted to review the decision of the Township was sent to the Township and the appellant. Representations were received from both parties.

The sole issue in this appeal is whether the Township has conducted a reasonable search for records which are responsive to the appellant's request.

In her representations, the appellant states that it is highly improbable that no records of this meeting exist.

The Act does not require the Township to prove with absolute certainty that the requested records do not exist. However, in my view, in order to properly discharge its obligations under the Act, the Township **must** provide me with sufficient evidence which shows that it has made a **reasonable** effort to identify and locate records responsive to the request (Order M-275).

The representations of the Township include the sworn affidavit of the Freedom of Information and Protection of Privacy Co-ordinator, who is also the Township Clerk. The affidavit states that a search of all the files within the Clerk's Department was undertaken and that no records of the meeting could be located.

The affidavit further states that the Clerk requested that a search of the By-law Enforcement Department files be conducted by the Senior By-law Enforcement Officer and, again, no records relating to the meeting could be found. The affidavit further states that the Mayor conducted a search of her files and could not find any records of any such meeting, beyond that which was made available to the appellant. Finally, the affidavit states that the Clerk has spoken to the four named Township employees and none have any recollection of the existence of any responsive records.

I have carefully reviewed the representations of the appellant, and the affidavit of the Township, and I am satisfied that the Township has taken all reasonable steps to locate any records which are responsive to the appellant's request.

ORDER:

I uphold the decision of the Township.

Original signed by: _____
Donald Hale
Inquiry Officer

_____ May 10, 1994