



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

ORDER P-781

Appeal P-9400286

Ministry of the Solicitor General and Correctional Services



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télé: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

NATURE OF THE APPEAL:

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The requester asked the Ministry of the Solicitor General and Correctional Services (the Ministry) to receive copies of all records containing his personal information created by the Mount Forest detachment of the Ontario Provincial Police (the O.P.P.) between October 1989 and February 1994. The requester then narrowed the scope of his request to include only O.P.P. occurrence reports and officer notebook entries relating to two incidents which occurred in the fall of 1989 and the spring of 1990.

The Ministry located a number of records that were responsive to the request but denied access to them in their entirety pursuant to the following exemptions contained in the Act:

- law enforcement - section 14(2)(a)
- invasion of privacy - sections 21 and 49(b)
- discretion to refuse requester's own personal information - section 49(a)

The requester appealed the Ministry's decision to deny access to the Commissioner's office and further maintained that additional records responsive to his request should exist. A Notice of Inquiry was provided to the appellant and the Ministry. Representations were received from both parties.

During the inquiry stage of the appeal, the Ministry released to the appellant the records which it had identified as responsive to his request. As the appellant maintains that still further records should exist, the sole remaining issue in this appeal is whether the Ministry conducted a reasonable search for records responsive to the request.

DISCUSSION:

Where a requester provides sufficient detail about the records to which he or she is seeking access and the Ministry indicates that no responsive documents can be located, it is my responsibility to ensure that the Ministry has made a reasonable search to identify the records which are responsive to the request. While the Act does not require that the Ministry prove to the degree of absolute certainty that such records do not exist, the search which it undertakes must be conducted by knowledgeable staff in locations where the records in question might reasonably be located.

In his representations, the appellant states that in the fall of 1989, and again in the spring of 1990, he contacted the Mount Forest O.P.P. detachment through calls to the 911 emergency service regarding two separate incidents. He maintains that records of these two calls should exist either through the 911 emergency service or the O.P.P. telecommunications services.

In its representations, the Ministry states that, pursuant to its records retention policy, O.P.P. telecommunications recordings are maintained for a period of 45 days and 911 recordings and O.P.P. occurrence reports are retained for two years. The Ministry indicates that records dating back to 1989 and 1990 have, therefore, been destroyed pursuant to this policy.

I have reviewed the representations of the parties and considered all of the circumstances surrounding the requested records. I find that the search undertaken by the Ministry for records was reasonable in the circumstances of this appeal.

ORDER:

I uphold the Ministry's decision.

Original signed by: _____

Donald Hale
Inquiry Officer

_____ October 17, 1994