



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

# ORDER P-835

Appeal P-9400547

Ministry of the Solicitor General and Correctional Services



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## **NATURE OF THE APPEAL:**

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The Ministry of the Solicitor General and Correctional Services (the Ministry) received a request for all correspondence about the requester between the Minister, Deputy Minister, Assistant Deputy Minister and/or the Regional Director during a specific time period. The Ministry located a number of responsive records. Two draft letters were withheld under the advice to government exemption (section 13). The requester appealed the Ministry's decision to deny access to the two letters and also expressed the view that additional records responsive to his request should exist.

A Notice of Inquiry was sent to the Ministry and the appellant. Representations were received from the Ministry only. After receiving the Notice of Inquiry, the Ministry reconsidered its original decision to deny access to the two draft letters and disclosed them to the appellant. The Ministry also located an additional record which it believed to be responsive to the request and disclosed it to the appellant. Therefore, the sole issue in this appeal is whether the Ministry's search for records responsive to the appellant's request was reasonable in the circumstances of the appeal.

## **DISCUSSION:**

### **REASONABLENESS OF SEARCH**

It is my responsibility to ensure that the Ministry has properly discharged its obligations under the Act by making a reasonable effort to search for and identify records which are responsive to the request. When the requester provides sufficient detail about the records which he or she is seeking and the Ministry indicates that such records do not exist, the Ministry must provide me with sufficient evidence to show that it has made a **reasonable** effort. However, the Act does not require the Ministry to prove to a degree of absolute certainty that the requested records do not exist.

With its representations, the Ministry provided an affidavit signed by the Deputy Co-ordinator of the Ministry's Freedom of Information Office outlining the steps which were taken to locate records responsive to the appellant's request. I have carefully reviewed the affidavit and the representations of the Ministry. I am satisfied that the Ministry has taken all reasonable steps to locate the records which would be responsive to the appellant's request and I find that the search was reasonable in the circumstances of this appeal.

## **ORDER:**

I uphold the Ministry's decision.

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

\_\_\_\_\_  
January 11, 1995

Inquiry Officer



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