



Information and Privacy  
Commissioner/Ontario

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

# ORDER P-819

Appeal P-9400484

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 appellant requested all information and correspondence from the Ministry of the Solicitor General and Correctional Services (the Ministry) relating to himself with respect to his appointment, and the subsequent denial of his re-appointment, to a named Police Services Board (the Board). The request also indicated that the appellant wished to receive any references to him made during his tenure as a member of the Board. The request was directed towards the following four areas of the Ministry:

- the Deputy Minister's office (which includes the Minister's office)
- the Public Appointments Unit
- the Policing Services Division
- the Ontario Civilian Commission on Police Services

The Ministry located records responsive to the request and granted full access to them. Upon receipt of the Ministry's decision letter, the appellant contacted the Ministry to advise that he believed that more records should exist in the first three areas identified above. He also provided the names of individuals whom he believed should have responsive records. One of these individuals was the Special Assistant - Appointments (the Special Assistant) in the Minister's office.

The appellant clarified at that time that he was particularly interested in locating copies of facsimiles containing feedback and comments about him. He believed that these facsimiles would have been received by the Ministry in response to a facsimile which it sent to various municipalities. He indicated to the Ministry that he was particularly interested in comments made by a named individual (the named individual).

Following this clarification, the Ministry conducted a second search in all four areas. No further records were located in three of the four areas. Additional records were located, however, in the Policing Services Division, and the appellant was granted full access to them.

The appellant continues to believe that facsimiles containing feedback and comments about him were sent to the Minister's office and the Public Appointments Unit, and therefore, he believes that more records exist in these two areas.

A Notice of Inquiry was provided to the appellant and the Ministry. Representations were received from the Ministry only.

The sole issue in this appeal is whether the Ministry's search for records in the Minister's office and the Public Appointments Unit was reasonable in the circumstances of this appeal.

## **DISCUSSION:**

### **REASONABLENESS OF SEARCH**

Where the requester provides sufficient details about the records which he is seeking and the Ministry indicates that such 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. The Act does not require the Ministry 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 Ministry must provide me with sufficient evidence to show that it has made a **reasonable** effort to identify and locate records responsive to the request.

In its representations, the Ministry indicates that, following receipt of the Notice of Inquiry, a third search was conducted in the Minister's office and the Public Appointments Unit. The Special Assistant and the Co-ordinator in the Public Appointments Unit were contacted regarding the possible existence of facsimiles and other correspondence relating to the appellant that may have been sent to the Ministry.

The Co-ordinator responded that the Ministry's facsimile requesting feedback, which was sent out to municipalities, stated that comments should be provided directly to the Special Assistant and provided his telephone number. The Special Assistant confirmed that although he did not receive any written correspondence, he did have a telephone conversation with the named individual.

The Co-ordinator also contacted the Correspondence Unit of the Ministry to determine whether any correspondence about the appellant had been received by the Minister's office from the named individual. No records were located.

I have carefully reviewed the representations provided by the Ministry, and have concluded that the Ministry's search for responsive records was reasonable in the circumstances of this appeal.

## **ORDER:**

I uphold the Ministry's decision.

Original signed by: \_\_\_\_\_  
Laurel Cropley

December 19, 1994

Inquiry Officer