



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

## **ORDER P-830**

Appeal P-9400496

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 from a former inmate for access to copies of any medical records relating to him created during his incarceration. The Ministry located records which were responsive to the request and forwarded copies of them, in their entirety, to the requester.

The requester appealed the decision of the Ministry specifically claiming that X-rays taken by medical staff should exist. A Notice of Inquiry was provided to the Ministry and the appellant. Representations were received from the Ministry only.

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**

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.

The Ministry submits that, following receipt of the appellant's request, it conducted a search of its records and located the appellant's medical file. Copies of all of the documents in the file were then disclosed to the appellant. As a result of the filing of this appeal with the Commissioner's office, an additional search was undertaken by the Ministry for records responsive to the appellant's request. No additional records or X-rays 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: \_\_\_\_\_  
Donald Hale  
Inquiry Officer

\_\_\_\_\_ January 10, 1995



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