



Information and Privacy  
Commissioner/Ontario

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

## **ORDER P-831**

Appeal P-9400398

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 specific information concerning the requester's application to take part in the Temporary Absence Program at the Sault Ste. Marie Jail. The requester also asked to receive information about a medical evaluation conducted by a doctor and the medication prescribed by the doctor. The Ministry located a number of responsive records and forwarded them to the requester in their entirety. The requester appealed the Ministry's decision expressing 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. While preparing its representations the Ministry located two additional records which it believed might be of interest to the appellant. These records were also forwarded to the appellant in their entirety.

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 details 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 has provided two affidavits signed by a Rehabilitation Officer and a Nursing Co-ordinator at the Sault Ste. Marie Jail. The affidavits indicate that there was only one Records Management file for the appellant in the possession of the Jail; similarly there was only one medical file. The complete contents of the Temporary Absence program portion of the Records Management file as well as the complete contents of the medical file were sent to the appellant without any deletions.

I have carefully reviewed 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  
Inquiry Officer

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