



Information and Privacy
Commissioner/Ontario

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

ORDER P-927

Appeal P-9500024

Ministry of Health



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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 Health (the Ministry) received a request for copies of the minutes of the General Meeting for Plant Services at the Brockville Psychiatric Hospital for the past five years. The Ministry responded by advising the requester that the requested records do not exist.

In appealing this decision, the appellant states that the Secretary to the Director of Plant Services told him that the minutes do exist. He also indicated that he is in possession of a partial copy of the minutes from the general meeting of the Plant Services department for 1993. This information was conveyed to the Ministry during mediation, and it undertook to conduct a further search, however, no records could be located.

The appellant continues to be dissatisfied with the Ministry's response. He was asked by the Appeals Officer to provide a copy of the minutes he had in his possession to the Commissioner's office, however, to date he has not done so.

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

DISCUSSION:

REASONABLENESS OF SEARCH

Where a requester provides sufficient details about the records which he or she is seeking and the Ministry indicates that additional records do not exist, it is my responsibility to ensure that the Ministry has made a reasonable search to identify responsive records. 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 the Ministry undertakes must be conducted by knowledgeable staff in locations where the records in question might reasonably be located.

As part of its representations, the Ministry has provided the affidavits of the Secretary to the hospital Administrator, who also functions as the program area co-ordinator responsible for responding to access requests, and of the Director of Plant Services. These affidavits describe the efforts made to locate responsive records at the request stage and during mediation.

The Secretary indicated that she contacted the Assistant Administrator, Hospital Services who is the senior manager responsible for plant services and who, in this capacity, would receive copies of such minutes. He indicated that no such minutes exist. The Secretary also contacted the Director of Plant Services who advised that minutes are not made or retained for general meetings for plant services. During her second search for responsive records, the Secretary contacted the secretary to the Assistant Administrator, Hospital Services and her files were searched. She also indicated that minutes of these meetings do not exist.

The Director of Plant Services indicated that he searched both computer and paper files in his office and contacted the trades foremen and chief engineer to determine whether they were aware of or had possession of any minutes. No records were located.

Both the Secretary and the Director of Plant Services indicate that general meetings for plant services are informational meetings on upcoming projects, etc. and provide an opportunity for staff to ask questions. The Director indicates that he chairs these meetings and has, on occasion made notes for his own reference during these meetings, but destroys them once the meeting has been adjourned.

I have carefully reviewed the Ministry's representations and the affidavits provided by the Secretary and the Director of Plant Services, and I am satisfied that the Ministry has taken all reasonable steps to locate the records responsive to the appellant's request.

ORDER:

I uphold the Ministry's decision.

Original signed by: _____
Laurel Cropley
Inquiry Officer

_____ May 16, 1995