



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

ORDER M-590

Appeal M_9500212

Niagara Regional Police Services Board



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NATURE OF THE APPEAL:

This is an appeal under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The Niagara Regional Police Services Board (the Police) received a request for four specific police officers' notebook entries relating to certain individuals for certain dates. The Board provided the appellant with records which responded to all four requests. Severances were made to two of the notebook entries. The appellant does not appeal the severances. However, the appellant believes that two of the notebooks should contain other entries regarding the events and dates referred to in the appellant's requests.

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

DISCUSSION:

REASONABLENESS OF SEARCH

It is my responsibility to ensure that the Police have properly discharged their obligation under the Act by making a reasonable effort to search for and identify any additional notebook entries which are responsive to the appellant's request. When the requester provides sufficient detail about the records which he or she is seeking and the Police indicate that such records do not exist, the Police must provide me with sufficient evidence to show that they have made a **reasonable** effort to locate the record. However, the Act does not require the Police to prove to a degree of absolute certainty that the requested record does not exist.

The Police addressed the issue of their search for additional entries in their representations and by providing affidavits signed by two police officers and their Freedom of Information and Privacy Co-ordinator. The affidavits outlined the steps which were taken to locate records responsive to the appellant's request.

I have carefully reviewed the representations of the Police. I am satisfied that the Police have 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 decision of the Police.

Original signed by: _____
Holly Big Canoe

_____ August 29, 1995

Inquiry Officer