



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

# **ORDER M-645**

**Appeal M\_9500390**

**Municipality of Metropolitan Toronto**



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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 appellant made a request to the Municipality of Metropolitan Toronto (the Municipality). The appellant has been a client of the Municipality's Social Service Division. His request was for access to all records pertaining to his request for general welfare assistance.

In response to this request, the Municipality provided the appellant with a copy of the entire contents of his welfare file, without severances, and provided a glossary of abbreviations used in the file.

The appellant filed an appeal from this response, indicating that, in his view, additional records should exist.

The Commissioner's office sent a Notice of Inquiry to the appellant and the Municipality, inviting the parties to submit representations. In response to this notice, representations were received from the Municipality only.

## **DISCUSSION:**

### **REASONABLENESS OF SEARCH**

Where a requester provides sufficient details about the records which he is seeking and the Municipality indicates that further records do not exist, it is my responsibility to ensure that the Municipality has made a reasonable search to identify any records which are responsive to the request. The Act does not require the Municipality to prove with absolute certainty that further records do not exist. However, in my view, in order to properly discharge its obligations under the Act, the Municipality 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 Municipality's representations included an affidavit by a Supervisor of Social Assistance, who indicates that she is familiar with the facts and circumstances leading up to the request. Two reviews were conducted to ensure that all responsive records were located and disclosed. In my view, this represents a reasonable attempt to locate responsive records in the circumstances of this appeal. Moreover, I note that the appellant has not provided adequate information to support his position that additional records should exist.

Accordingly, I find that the Municipality's search for responsive records was reasonable in the circumstances.

## **ORDER:**

I uphold the Municipality's decision.

Original signed by: \_\_\_\_\_  
John Higgins  
Inquiry Officer

\_\_\_\_\_ November 15, 1995