



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

ORDER P-1032

Appeal P-9500296

Ministry of Consumer and Commercial Relations



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NATURE OF THE APPEAL:

The Ministry of Consumer and Commercial Relations (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to records relating to complaints received by the Ministry about a named retail store. The Ministry conducted a search for records which were responsive to the request and advised the requester that no such records could be located.

The requester appealed the Ministry's decision, arguing that records of complaint about the store should exist. A Notice of Inquiry was provided to the parties and representations were received from both the Ministry and the appellant.

DISCUSSION:

REASONABLENESS OF SEARCH

Included in the representations received from the Ministry was an affidavit sworn by the Correspondence Co-ordinator for the Ministry's Consumer Affairs Branch. In her affidavit, the Co-ordinator describes the searches which she undertook in two databases operated by the Ministry for records relating to complaints about the store. The Co-ordinator also describes her inquiries with the Consumer Affairs Bureau officers who handled the appellant's complaint. In each case, she indicates that she did not locate any records which are responsive to the appellant's request.

The appellant has not referred to any reasons why she feels additional records should exist. Rather, it would appear that she is seeking a remedy to her complaint, rather than access to information which the Ministry may have received regarding complaints from other individuals.

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.

I have reviewed the representations of the parties and the affidavit evidence of the Ministry and find that, in the circumstances of this appeal, the efforts made by the Ministry to locate records which are responsive to the appellant's request were reasonable.

ORDER:

I uphold the Ministry's decision.

Original signed by: _____

October 24, 1995

[IPC Order P-1032/October 24, 1995]

Donald Hale
Inquiry Officer