



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

ORDER P-1033

Appeal P-9500434

Ministry of Finance



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NATURE OF THE APPEAL:

The Ministry of Finance (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to "all records and documents used to generate the estimated market value" of the requester's property.

The Ministry granted access in full to the records it identified as responsive to the request. The requester appealed this decision claiming that further responsive records should exist.

A Notice of Inquiry was provided to the Ministry and to the appellant. Representations were received from both parties. The sole issue to be determined in this appeal is whether the Ministry's search for records responsive to the appellant's request was reasonable in the circumstances.

DISCUSSION:

REASONABLENESS OF SEARCH

With its representations, the Ministry submits an affidavit which states that all records responsive to the request have been provided to the appellant. It has also included an explanation of its attempts to provide the appellant with an understanding of the assessment process and the documents which have been disclosed to him. The Ministry goes on to submit that no further responsive records exist.

The appellant submits that the records to which he was granted access do not provide him with the information necessary for him to understand how the assessment value for this property was calculated and, therefore, the Ministry has not provided him with all responsive records.

Where a requester provides sufficient details about the records which he or she is seeking and the Ministry indicates that such a record does not exist, it is my responsibility to ensure that the Ministry has made a reasonable search to identify any records which are responsive to the request. The Act does not require the Ministry to prove with absolute certainty that the requested record does not exist. However, in my view, in order to properly discharge its obligations under the Act, the Ministry must provide me with sufficient evidence to show that it has made a reasonable effort to identify and locate records responsive to the request.

I have considered the representations of the parties and I am satisfied that no further records exist which are responsive to the appellant's request. Accordingly, I find that the Ministry's search for responsive records was reasonable in the circumstances of this appeal.

ORDER:

I uphold the Ministry's decision.

Original signed by: _____
Donald Hale
Inquiry Officer

_____ October 25, 1995