



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

ORDER M-626

Appeal M_9400733

Credit Valley Conservation Authority



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NATURE OF THE APPEAL:

The Credit Valley Conservation Authority (the Authority) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to records relating to the Authority's request to its courier service to return to it certain records sent to the requester in response to a prior request.

In response to the request the Authority advised the requester that no such records existed. The requester appealed the Authority's decision stating that further records should exist. A Notice of Inquiry was sent to the Authority and the appellant and representations were received from both parties.

DISCUSSION:

REASONABLENESS OF SEARCH

Where a requester provides sufficient details about the records which he or she is seeking and the Authority indicates that a record does not exist, it is my responsibility to ensure that the Authority has made a reasonable effort to identify any records which are responsive to the request. The Act does not require the Authority to prove to the degree of absolute certainty that the requested record does not exist. However, in my view, in order to properly discharge its obligations under the Act, the Authority 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 appellant states in his representations that a commercial courier service such as the one employed by the Authority would normally provide its customer with receipts for items picked up, delivered and, as in this case, for items returned. The appellant has also provided as evidence copies of bills of lading which he has received in connection with **other** items sent by courier to him by the Authority.

The Authority notes that although a bill of lading was prepared in connection with the courier package that is at issue in this appeal it was destroyed when the courier service was recalled and the package was returned to the Authority. The Freedom of Information and Privacy Co-ordinator of the Authority also states that it is the Authority's practice to only retain copies of bills of lading for which it will be charged. As this particular package was recalled from the courier immediately and before the courier had attempted delivery, the Authority was not charged any fee. The Freedom of Information and Privacy Co-ordinator further confirms that all other communications relating to the sending and recalling of the courier package to the appellant were verbal and no records other than the destroyed bill of lading were created.

I have carefully reviewed the representations of the parties. I am satisfied that the Authority has taken all reasonable steps to locate records responsive to the appellant's request.

ORDER:

I uphold the Authority's decision.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

_____ October 25, 1995