



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

ORDER M-716

Appeal M_9500118

City of Mississauga



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télé: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

BACKGROUND:

The requester has submitted a number of requests under the Municipal Freedom of Information and Protection of Privacy Act (the Act) to the City of Mississauga (the City) for access to records relating to the Cawthra Woodlot.

All of these request letters follow a similar format. In the opening paragraph the requester introduces himself, emphasizes the importance of confidentiality, identifies his preferred method of access, and clarifies that he is primarily interested in working files with handwritten side notes included. This first paragraph closes with the following sentence: "Please include where the file/record (its location in ARIS or IRIS), is held & by who or who looks after the record." These acronyms stand for Active Records Indexing System and Inactive Records Indexing System, the computerized records management systems used by the City for all of its record holdings.

The opening paragraph is followed by an outline of the specific information the requester is seeking. This part of the letter is different for each request.

The letter then goes on to stress the importance of processing the request quickly, identifies the reasons for requesting a fee waiver, and closes by explaining how the requester can be contacted, with particular instructions as to how his phone answering machine should be used.

For the most part, the requests deal with various subject matters relating to the Cawthra Woodlot. However, one request, which was submitted in the same general format, sought access to the ARIS systems records held by the City. The City interpreted this request to be for access to the indexing system itself, and responded by denying access to the system on the basis that it had met its statutory obligations under section 25(1)(b) of the Act by providing a list of the general classes or types of records in the custody or control of the City, which were available for inspection and copying by the requester. The requester did not appeal this decision.

NATURE OF THE APPEAL:

The specific information outlined in the request letter which gave rise to the present appeal was:

A new request: #4. (Jan. 12/95)

1). Access (View and copy as needed) to the larger files/records listed as your file # EC.10 Cawthra Woodlot and EC.12

The City responded by identifying all responsive records and advising the requester to call to make arrangements for viewing. The requester subsequently attended at the City offices where he was allowed to view all of the records. The requester asked for copies of a number of records, which were provided by the City.

A similar process was followed in response to his other requests.

The requester appealed the City's decision on the basis that the City had failed to include reference as to where the responsive records were located on the ARIS or IRIS system.

The parties both agreed to proceed with this appeal and to hold other similar appeals in abeyance until this order was issued.

Mediation efforts in the present appeal were not successful, and a Notice of Inquiry was sent to the City and the appellant. Representations were received from both parties.

DISCUSSION:

In my view, this appeal turns on the issue of whether or not the City has adequately responded to the appellant's request.

The City's obligations in responding to a request are set out in section 19 of the Act, the relevant parts of which read as follows:

Where a person requests access to a record, the head of the institution to which the request is made ... shall, ... within thirty days after the request is received

...

- (b) if access is to be given, give the person who made the request access to the record or part, and if necessary for the purpose cause the record to be produced.

Twelve days after receiving the appellant's request, the City advised him in writing that access was granted to all responsive records. The City provided the appellant with the name and telephone number of the person who could be contacted to arrange for viewing the records, identified the costs of providing any required photocopies, and advised that photocopying charges would not be waived. The City's letter also advised the appellant of his right to request a review of the decision. Because full access was provided, I assume the City intended this review notice to relate to its decision not to waive the fee.

According to the City, the appellant subsequently viewed the records and was provided with any requested copies, for which he paid the required fees.

The representations provided by the City make the following comments:

The appellant has made a volume of requests under the Municipal Freedom of Information and Protection of Privacy Act since 1994, all of which are related to one subject matter, it being the Cawthra Woodlot. The records requested have been disclosed to [the appellant] without exception where such records exist and in the cases where no records exist, affidavits have been filed with the Information and Privacy Commissioner/Ontario. During the course of responding to [the appellant's] requests (31 to date) all the existing files in possession of the Corporation relating to the Cawthra Woodlot, have been accessed.

Having reviewed all relevant documentation and representations provided by the City and the appellant, in my view, the City has properly discharged its responsibilities under section 19 of the Act. The appellant's request was answered promptly, and he was provided with full access to all records which responded to the subject matter of the request. The parts of the City's records management indexing system which were used to retrieve responsive records and the City employees who are responsible for managing these particular record holdings do not appear on the face of these records and, in my view, the City is not required to create new records which would link these records management codes to the records accessed by the appellant in order to comply with section 19 of the Act.

In my view, the information contained in the opening paragraph of this and other similar request letters submitted by the appellant relates to the form in which the appellant would like to receive the records and falls outside the scope of the substantive access request. The request itself is listed in the letter as follows:

A new request: #4. (Jan. 12/95)

1). Access (View and copy as needed) to the larger files/records listed as your file # EC.10 Cawthra Woodlot and EC.12

I find that the City has responded to this request in complete accordance with the statutory requirements.

ORDER:

This appeal is dismissed.

Original signed by: _____

Tom Mitchinson
Assistant Commissioner

February 22, 1996