



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

ORDER M-691

Appeal M_9500497

Leeds, Grenville and Lanark District Health Unit



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NATURE OF THE APPEAL:

The Leeds, Grenville and Lanark District Health Unit (the Health Unit) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to all documentation of a non-personal nature relating to employee group insurance policies and contracts between the Health Unit and all of its insurers from 1988 to the present. The request also included all documentation relating to the requester's own employment with the Health Unit, including her personnel file, performance evaluations and information relating to her personal insurance coverage or benefits over the course of her employment with the Health Unit.

The Health Unit provided the requester with access to her personnel file, a copy of the long term disability insurance contract, a copy of the long term disability employee booklet, and a copy of a Blue Cross agreement. The requester appealed the Health Unit's decision, stating that further responsive records should exist.

A Notice of Inquiry was sent to the Health Unit and the appellant. No representations were received from either party.

DISCUSSION:

REASONABLENESS OF SEARCH

As long as the appellant provides sufficient details about the records which she is seeking, it is my responsibility to ensure that the Health Unit has made a reasonable effort to identify any records which are responsive to the request. The Act does not require the Health Unit 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 Health Unit must provide me with sufficient evidence to show that it has made a **reasonable** effort to identify and locate records responsive to the request.

In response to the appellant's request, the Health Unit provided full access to her personnel file, together with a number of records concerning group insurance contracts. However, the appellant's request letter is quite specific, and includes types of records which appear to go beyond those identified and disclosed in response to her request. Specifically, the request letter states: "This [requested] documentation should include but not necessarily be limited to copies of the actual policies and contracts, and any supporting documentation regarding the tendering and negotiation of contracts, procurement of, and payment of all group insurance services."

In the absence of any representations from the Health Unit, I am not able to conclude that the Health unit has conducted a reasonable search to locate all the information covered by the appellant's request.

ORDER:

1. I order the Health Unit to conduct a further search to locate any additional records which respond to the appellant's request and to advise the appellant of the results of the search by **February 5, 1996**. This search should cover all records which are in the custody or under the control of the Health Unit, including any records which relate to any ongoing legal actions involving the appellant.
2. If, as a result of this further search, the Health Unit locates additional responsive records, I order the Health Unit to provide a decision letter regarding access to any such records to the appellant in accordance with sections 19 and 22 of the Act by **February 15, 1996**.
3. In order to verify compliance with this order, I order the Health Unit to provide me with a copy of the letter referred to in Provision 1 and a copy of the decision referred to in Provision 2 (if applicable) by **February 15, 1996**. These copies should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario, M5S 2V1.

Original signed by: _____

Tom Mitchinson
Assistant Commissioner

_____ January 16, 1996