



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

ORDER M-714

Appeal M_9500717

Metropolitan Toronto Police Services Board



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NATURE OF THE APPEAL:

The Metropolitan Toronto Police Services Board (the Police) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The requester sought access to information related to him concerning two investigations in 1982 and 1983.

The Police responded to the request by indicating that no responsive records existed.

The requester (now the appellant) filed an appeal of this decision.

A Notice of Inquiry was sent to the Police and the appellant. Representations were received from the Police only.

The sole issue to be determined in this order is whether the Police conducted a reasonable search to locate records that are responsive to the appellant's request.

DISCUSSION:

REASONABLENESS OF SEARCH

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

Although an appellant will rarely be in a position to indicate precisely which records have not been identified in an institution's response to a request, the appellant must, nonetheless, provide a reasonable basis for concluding that such records may, in fact, exist.

The Police have explained that, in an attempt to locate responsive records, they searched their computerized information bank. In addition, the Acting Supervisor of the Records and Analysis Section of Intelligence Services conducted a search of his records. Both searches yielded negative results.

The Police also state that they attempted to obtain additional information from the appellant to assist with their searches. Their efforts in this regard were also unsuccessful.

The appellant has not provided any cogent reasons to substantiate his claim that the requested information exists.

I have considered the representations of the Police and find that their search for responsive records was reasonable in the circumstances of this appeal.

ORDER:

I dismiss the appeal.

Original signed by: _____
Anita Fineberg
Inquiry Officer

_____ February 20, 1996