



**Information and Privacy  
Commissioner/Ontario**

**Commissaire à l'information  
et à la protection de la vie privée/Ontario**

# **ORDER M-868**

**Appeal M\_9600265**

**Municipality of Metropolitan Toronto**



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## **NATURE OF THE APPEAL:**

The Municipality of Metropolitan Toronto (the Municipality) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The request was for access to a copy of a letter sent to the Municipality's Social Services Division by the requester's landlord in June 1996. The Municipality conducted a search for the requested document and advised the requester that it could not locate it. The requester (now the appellant) appealed the Municipality's decision.

A Notice of Inquiry was sent to the parties by this office soliciting their submissions on the issue of whether the search undertaken by the Municipality for the responsive record was reasonable. Representations were received from the Municipality. The appellant provided some additional information supporting her contention that the record exists.

## **DISCUSSION:**

### **REASONABLENESS OF SEARCH**

The Municipality acknowledges that the requested letter was received by its Scarborough West Social Services Office by fax on June 24, 1996. As part of its representations, the Municipality included an affidavit from the Access and Privacy Co-ordinator for its Community Services Department in which she describes the searches undertaken to locate the requested letter. Searches were undertaken on several occasions of the appellant's case file, the office of the Manager of Corporate Access and Privacy, the facsimile room where the communication was received, the appellant's caseworker's desk and other current case files, as well as other files maintained by the caseworker and her supervisor. These searches were unsuccessful in locating the document which is the subject of this request.

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

I have carefully reviewed the representations of the parties together with the affidavit provided by the Municipality. I am satisfied that the Municipality has taken all reasonable steps to locate the requested record.

## **ORDER:**

I dismiss the appeal.

Original signed by: \_\_\_\_\_ November 29, 1996  
Donald Hale  
Inquiry Officer