



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

ORDER M-1042

Appeal M-9700255

Town of Dryden



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NATURE OF THE APPEAL:

The Town of Dryden (the Town) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to copies of payments to or invoices received from any security agencies from July 1, 1997 to the date of the search and any records relating to actual or anticipated security costs in respect of the Dryden Telephone Company strike. The requester is a union representing the employees of the telephone company who were on strike at the time of the request.

The Town advised the requester that no responsive records exist. The requester (now the appellant) appealed the Town's decision.

This office sent a Notice of Inquiry to the Town and the appellant. Representations were received from the Town only.

Where a requester provides sufficient details about the records which he is seeking, it is my responsibility to ensure that the Town has made a reasonable search to identify any records which are responsive to the request. The Act does not require the Town to prove with absolute certainty that the requested records do not exist. However, in order to properly discharge its obligations under the Act, the Town 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.

The Town states that because the request was made one day after the start of the strike, all the arrangements for security guards at that time had been made verbally. I have not received any representations from the appellant. In my view, the explanation provided by the Town indicates that it conducted a reasonable search for responsive records in the circumstances. Therefore, I find that the Town has conducted a reasonable search to locate the information which might exist as of the date of the request which is the subject of this appeal.

ORDER:

I dismiss the appeal.

Original signed by: _____
Marianne Miller
Inquiry Officer

November 25, 1997