



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

ORDER PO-1904-F

Appeal PA_000125_1

Ministry of the Solicitor General



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NATURE OF THE APPEAL:

This is my final order disposing of the outstanding issue in this appeal.

This is an appeal from a decision of the Ministry of the Solicitor General (the Ministry), under the provisions of the *Freedom of Information and Protection of Privacy Act* (the *Act*). The requester (now the appellant) appealed from that decision on the basis, among other things, that the Ministry had failed to conduct a reasonable search for responsive records. In Interim Order 1857-I, issued on January 19, 2001, I ordered the Ministry to conduct a further search for responsive records and to provide me with a detailed affidavit or affidavits describing the search. I also directed a further search by the individual named in part 1 of the request, as described in that order. If for any reason it was not possible or practicable to have this individual conduct a search or provide an affidavit, the Ministry was to provide me with information detailing why not. I also set out some requirements as to the information to be contained in the affidavit(s).

In addition, if this further search resulted in the identification of any records responsive to the request, I also ordered the Ministry to provide a decision letter to the appellant regarding access to these records.

The Ministry has conducted further searches, has provided me with affidavits describing those searches, and has provided the appellant with a decision letter with respect to records located as a result of those searches.

In a letter to the appellant I set out the contents of the affidavits, and invited his representations on the outstanding issue in the appeal, specifically, whether the Ministry has conducted a reasonable search for records responsive to his request. I have received no representations from the appellant.

DISCUSSION:

The Ministry has submitted two affidavits, as the request covered two separate offices of the Ministry and accordingly, two separate searches were conducted. One affidavit is sworn by the Senior Advisor with the Ontario Civilian Commission on Police Services (OCCOPS), Ministry of the Solicitor General. The Senior Advisor states that the individual named in part 1 of the request is no longer employed with the organization and the Ministry was unable to obtain an affidavit from her. The Senior Advisor therefore reviewed the original search at the offices of OCCOPS and further, conducted a search of the records again to confirm whether or not the original search was a complete one. The Senior Advisor describes her duties, experience and knowledge of the policies of the OCCOPS, and her familiarity with the request. She describes in detail her further search for records, including the time and date of the search, and the names of individuals with whom she consulted in carrying out the search. She indicates that as a result of the further search, she forwarded certain records to the Deputy Coordinator, Freedom of Information and Protection of Privacy Services with the Ministry (FOIC), for the preparation of a decision letter.

The other affidavit is sworn by a Police Services Advisor with the Police Support Services Branch (formerly the Police Support Programs Branch) of the Policing Services Division (PSD), Ministry of the Solicitor General. This individual also reviewed the search previously conducted within the PSD with respect to this request and conducted a further search. She describes her duties, experience and knowledge of policing, and her knowledge of the subject matter of the request. This individual describes the directions given by her to the Administrative Assistant conducting the further search, the time and place of that search, and her review of the results of that search. She also identifies certain individuals with whom she consulted in carrying out the further search. Finally, she indicates that she forwarded records found as a result of the search to the FOIC for the preparation of a decision letter.

In its subsequent decision letter, the Ministry has granted partial access to the records located by the OCCOPS.

On my review of the information in the affidavits, I am satisfied that the Ministry has established that it has conducted a reasonable search for records responsive to the request.

ORDER:

I uphold the decision of the Ministry.

Original signed by: _____
Sherry Liang
Adjudicator

_____ May 10, 2001