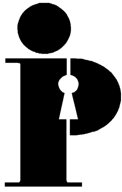

ORDER PO-2341

Appeal PA-030372-1

Ontario Human Rights Commission

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NATURE OF THE APPEAL:

The Ontario Human Right Commission (the OHRC) received a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for access to records relating to the requester's human rights complaint. The request specifically sought access to the following:

> …a copy of any correspondence, notes, e-mails, memos or any other documents, from October 10, 2001 to the present pertaining to myself and in the custody of the Ontario Human Rights Commission in the investigation of complaint number [specific file number.]

The OHRC located a large number of responsive records and granted partial access to them. Access to the undisclosed records was denied, pursuant to the discretionary law enforcement exemptions in sections 14(1)(a) and (b) and 14(2)(a) of the *Act*.

The requester, now the appellant, appealed the OHRC's decision.

Following the commencement of the appeal, the OHRC provided the appellant with a revised decision letter in which it claimed the application of the following additional discretionary exemptions to some of the records at issue:

- advice or recommendations – section 13(1); and
- solicitor-client privilege – section 19

During the mediation stage of the appeal, the OHRC provided the appellant with two separate indices of records listing the 163 documents remaining at issue, the dates of their creation and the exemptions claimed for each. Also during mediation, the appellant indicated that she believes that additional documents responsive to her request should exist. She explained that she received a copy of a document entitled "Case Analysis" prepared by an Investigation Officer at the OHRC and this document appears to make reference to records that are not listed on either of the indices provided to her. In addition, the appellant advised that she is no longer pursuing access to Records 90 to 100.

As further mediation was not possible, the matter was moved to the adjudication stage of the process. I sought and received the representations of the OHRC, initially; the non-confidential portions of which were shared with the appellant along with a Notice of Inquiry. The OHRC indicated that it is no longer claiming the application of the exemptions in the *Act* for a small number of additional records, in whole or in part. The appellant also submitted representations that were shared, in their entirety, with the OHRC. I then solicited and received additional submissions from the OHRC by way of reply.

RECORDS:

The records remaining at issue consist of 163 documents, as listed in the Index of Records provided to the Commissioner's office on May 19, 2004 and to the appellant. These consist of various correspondence, an investigation plan, e-mails, Records of Contact, Officer's Notes,

draft Minutes of Settlement, written comments, facsimile transmissions, a Policy Review, Witness Statements and Policy Response. Those records numbered 90 to 100 are not at issue.

DISCUSSION:

PERSONAL INFORMATION

In order to determine which sections of the *Act* may apply, it is necessary to decide whether the record contains "personal information" and, if so, to whom it relates. That term is defined in section 2(1) as follows:

> "personal information" means recorded information about an identifiable individual, including,
>
> (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
>
> (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
>
> (c) any identifying number, symbol or other particular assigned to the individual,
>
> (d) the address, telephone number, fingerprints or blood type of the individual,
>
> (e) the personal opinions or views of the individual except where they relate to another individual,
>
> (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
>
> (g) the views or opinions of another individual about the individual, and
>
> (h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

The list of examples of personal information under section 2(1) is not exhaustive. Therefore, information that does not fall under paragraphs (a) to (h) may still qualify as personal information [Order 11].

To qualify as personal information, the information must be about the individual in a personal capacity. As a general rule, information associated with an individual in a professional, official or business capacity will not be considered to be "about" the individual [Orders P-257, P-427, P-1412, P-1621, R-980015, MO-1550-F, PO-2225].

Even if information relates to an individual in a professional, official or business capacity, it may still qualify as personal information if the information reveals something of a personal nature about the individual [Orders P-1409, R-980015, PO-2225].

The OHRC and the appellant appear to agree that the records contain personal information. Because the records relate directly to the appellant's complaint of discrimination, the information qualifies as the "personal information" of the appellant as its disclosure, including her name, would reveal the fact that she has made such a complaint (section 2(1)(h)). Further, I find that Records 25 and 26 contain the home address of two identifiable individuals while Record 146 contains the home telephone number of one of these persons. I find that this information qualifies as their personal information within the definition of that term in section 2(1)(d)).

DISCRETION TO REFUSE REQUESTER'S OWN INFORMATION

Section 47(1) gives individuals a general right of access to their own personal information held by an institution. Section 49 provides a number of exemptions from this right.

Under section 49(a), an institution has the discretion to deny an individual access to their own personal information where the exemptions in sections 12, 13, 14, 14.1, 14.2, 15, 16, 17, 18, 19, 20 or 22 would apply to the disclosure of that information.

In this case, the OHRC relies on section 49(a) in conjunction with sections 13(1), 14(1)(a) and (b), 14(2)(a) and 19. The OHRC has applied the discretionary exemptions in sections 14(1)(a) and (b) to nearly all of the records at issue. I will, accordingly, determine whether the records qualify for exemption under these sections, in conjunction with section 49(a), initially.

LAW ENFORCEMENT

General principles

Sections 14(1)(a) and (b) state:

> A head may refuse to disclose a record where the disclosure could reasonably be expected to,
>
> (a) interfere with a law enforcement matter;

(b) interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

The term "law enforcement" is used in several parts of section 14, and is defined in section 2(1) as follows:

"law enforcement" means,

(a) policing,

(b) investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings, and

(c) the conduct of proceedings referred to in clause (b)

Where section 14 uses the words "could reasonably be expected to", the institution must provide "detailed and convincing" evidence to establish a "reasonable expectation of harm". Evidence amounting to speculation of possible harm is not sufficient [Order PO-2037, upheld on judicial review in *Ontario (Attorney General) v. Ontario (Information and Privacy Commissioner)*, [2003] O.J. No. 2182 (Div. Ct.), *Ontario (Workers' Compensation Board) v. Ontario (Assistant Information and Privacy Commissioner)* (1998), 41 O.R. (3d) 464 (C.A.)].

Representations of the parties

Sections 14(1)(a) and (b)

The OHRC relies on the findings of former Commissioner Sidney Linden in Order 89, as well as many subsequent decisions of this office, in which it has been held that an investigation into a human rights complaint by the OHRC qualifies as a "law enforcement matter" within the meaning of section 14(1)(a), as well as a "law enforcement proceeding" under section 14(1)(b). It further submits that the disclosure of the information contained in the records to the appellant could reasonably be expected to result in interference with that law enforcement matter or proceeding.

The OHRC indicates that the appellant's complaint is currently at the Reconsideration stage of the Commission's process. It states that "[D]uring this stage, Reconsideration staff will review the file and make a recommendation to the OHRC Commissioners on whether to reverse or uphold the original decision not to refer the subject matter of the appellant's complaint to the Human Rights Tribunal."

The OHRC relies on the findings of former Commissioner Tom Wright in Order 178 in which he stated that:

> . . . until either a Board of Inquiry [now the Human Rights Tribunal] has been appointed or the reconsideration process has been completed, it is not possible to categorically state that the institution's investigation has been completed.

With respect to the question of whether disclosure of the information could reasonably be expected to interfere with the law enforcement matter or proceeding , the OHRC submits that:

> The records at issue contain information that was either obtained or generated during the investigation of the appellant's complaint. Furthermore, as part of the Reconsideration process, Reconsideration staff will review the file and possibly conduct further investigations in order to make a determination on whether to recommend that the OHRC Commissioners reverse or uphold their original decision not to refer the appellant's complaint to the Human Rights Tribunal.
>
> As a result, the records at issue are all linked to the Investigation and to the Reconsideration Analysis of the appellant's complaint. Therefore, it is the institution's position that the disclosure of the records could reasonably be expected to interfere with the law enforcement matter, namely the Reconsideration analysis of the appellant's complaint.

The appellant argues that the OHRC has failed to establish that disclosure of the information in the records could reasonably be expected to result in the harms contemplated by sections 14(1)(a) and (b). She relies upon a test articulated in Orders P-616, PO-2037 and several decisions of the Federal Court of Appeal and the Federal Court (Trial Division) that required an institution to demonstrate a "clear and direct linkage" between the disclosure of the information and the harm alleged, as well as "a reasonable expectation of *probable* harm" following the disclosure of the information.

Analysis and Findings

In more recent decisions of the Commissioner's office, a different test has been articulated with respect to the standard of proof required for an institution to establish the application of the exemptions in section 14(1)(a). In Orders PO-2252, PO-2296, PO-2329 and PO-2331, the institution was required to provide detailed and convincing evidence demonstrating a "reasonable expectation of harm". I adopt this standard for the purposes of the current appeal.

In Order PO-2331, Adjudicator Stephanie Haly evaluated the application of the exemptions in sections 14(1)(a) and (b) to certain records maintained by the OHRC relating to a complaint of discrimination brought by an individual. She found that:

> In order for a record to qualify for exemption under either section 14(1)(a) or (b), the matter to which the record relates must first satisfy the definition of the term

> "law enforcement" found in section 2(1) of the *Act* (Order P-324). It has been previously established that OHRC investigations meet this definition (Order 89 and many subsequent orders) and I adopt this finding for the purposes of this order.
>
> Furthermore, I find that proceedings before the Human Rights Tribunal are considered law enforcement proceedings within section 14(1)(b) and that until the Tribunal has rendered a decision or until the reconsideration process has been exhausted, the investigation is considered ongoing (Orders P- 178 and P-507).

I concur with those conclusions and find that the subject matter of the records at issue relate directly to a "law enforcement matter" or "law enforcement proceeding" within the meaning of sections 14(1)(a) and (b). Adjudicator Haly then proceeded to determine whether the "harms" component of those exemptions had been made out by the OHRC. She found that:

> Nevertheless, I am not persuaded that disclosure of a number of records could reasonably be expected to interfere with an OHRC investigation. Records 5, 7, 8, 9, 12, 16, 18 and 23 are all correspondence from the OHRC to the lawyer for the corporate respondent in the appellant's human rights complaint. All of these documents, which I would describe as "cover letters", refer to information that is general and administrative in nature. I am unable to see how disclosure of these records would interfere with the ongoing investigation. Moreover, the OHRC has not provided me with detailed and convincing evidence that such harm could occur if these records were disclosed. As a result, I find that sections 14(1)(a) or (b) do not apply to Records 5, 7, 8, 9, 12, 16 and 18 and these records do not qualify for exemption under section 49(a).
>
> While Record 23 is also a cover letter, it contains a request by the OHRC investigation officer for specific information in the investigation of the appellant's complaint. I agree with the OHRC that disclosure of this information may interfere with the ongoing investigation under section 14(1)(b) and find it exempt under section 49(a). The rest of Record 23 refers to more general OHRC information and I find it not exempt under section 49(a) and 14(1)(b).
>
> On the other hand, Records 3, 4, 17, 19, 20, 21, 22, 24 and 25 all contain specific information relating to the investigation of the appellant's human rights complaint. I agree with the OHRC that this information is "sufficiently linked to the actual investigation of the appellant's complaint" and as such qualifies for exemption under section 49(a) and 14(1)(b) of the *Act*.

I adopt the approach expressed by Adjudicator Haly for the purposes of the present appeal. In my view, the OHRC has failed to provide me with the kind of "detailed and convincing" evidence required to establish the application of sections 14(1)(a) and (b) to all of the records for which it was claimed. Many of the remaining records are similarly administrative or do not relate directly to the investigation of the appellant's complaint and do not, accordingly, qualify

for exemption under those sections. Specifically, I find that the following records are not exempt under sections 14(1)(a) or (b):

> Records 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 (except the recipients' home addresses), 48, 50, 70, 71, 88, 101, 102, 103, 107, 108, 115, 116, 117, 120, 126, 127, 129, 130, 141, 142, 143, 144, 145, 146 (except the individual's home phone number), 147, 148, 149, 157, 158, 162, 163-9 and 163-18.

These documents address the processing of the appellant's complaint from an administrative perspective and their disclosure would not, in my view, interfere with either the conduct of the law enforcement matter, in this case the complaint process, or the investigation of the complaint under sections 14(1)(a) and (b) respectively.

However, I am of the view that the disclosure of most of the other records remaining at issue could reasonably be expected to interfere with the conduct of the OHRC's investigation and processing of the appellant's complaint, within the meaning of sections 14(1)(a) and (b). Specifically, I find that the following records are exempt under these sections, along with section 49(a):

> Records 1, 2, 3, 4, 5, 6, 11, 12, 13, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 104, 105, 106, 109, 110, 111, 112, 113, 114, 118, 119, 121, 122, 123, 124, 125, 128, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 150, 151, 152, 153, 154, 155, 156, 159, 160, 161, 163-1, 163-2, 163-3, 163-5, 163-6, 163-7, 163-8, 163-14 and 163-15.

Because of the manner in which I have addressed the applications of sections 14(1)(a) and (b) and 49(a) to the records, it is not necessary for me to consider whether some of them also qualify for exemption under sections 13(1) and 49(a).

SOLICITOR-CLIENT PRIVILEGE

The OHRC claims the application of the discretionary exemption in section 19, taken in conjunction with section 49(a), for Records 27, 36, 77, 86 and 89. It argues that all of these records qualify for exemption because they represent confidential communications between a solicitor and her client with respect to a legal matter. Section 19 of the *Act* reads:

> A head may refuse to disclose a record that is subject to solicitor-client privilege or that was prepared by or for Crown counsel for use in giving legal advice or in contemplation of or for use in litigation.

Section 19 contains two branches as described below. The institution must establish that one or the other (or both) branches apply.

Branch 1: common law privileges

This branch applies to a record that is subject to "solicitor-client privilege" at common law. The term "solicitor-client privilege" encompasses two types of privilege:

- solicitor-client communication privilege
- litigation privilege

In the present case, the OHRC claims that the information contained in the records qualifies under both types of privilege.

Solicitor-client communication privilege

Solicitor-client communication privilege protects direct communications of a confidential nature between a solicitor and client, or their agents or employees, made for the purpose of obtaining or giving professional legal advice [*Descôteaux v. Mierzwinski* (1982), 141 D.L.R. (3d) 590 (S.C.C.)].

The rationale for this privilege is to ensure that a client may confide in his or her lawyer on a legal matter without reservation [Order P-1551].

The privilege applies to "a continuum of communications" between a solicitor and client:

> . . . Where information is passed by the solicitor or client to the other as part of the continuum aimed at keeping both informed so that advice may be sought and given as required, privilege will attach [*Balabel v. Air India*, [1988] 2 W.L.R. 1036 at 1046 (Eng. C.A.)].

The privilege may also apply to the legal advisor's working papers directly related to seeking, formulating or giving legal advice [*Susan Hosiery Ltd. v. Minister of National Revenue*, [1969] 2 Ex. C.R. 27].

Confidentiality is an essential component of the privilege. Therefore, the institution must demonstrate that the communication was made in confidence, either expressly or by implication [*General Accident Assurance Co. v. Chrusz* (1999), 45 O.R. (3d) 321 (C.A.)].

The OHRC submits that the records represent a series of communications passing between its investigator and counsel with its Legal Services Branch in which the investigator sought and received specific legal advice to assist her in the conduct of her investigation. Based on my review of these documents, I am satisfied that they represent confidential communications between a solicitor and her client made for the purposes of giving or obtaining legal advice relating to the appellant's complaint. As a result, I find that Records 27, 36, 77, 86 and 89 qualify for exemption under section 19. Since they relate to the appellant's complaint and therefore contain her personal information, I find that they are exempt from disclosure under section 49(a).

INVASION OF PRIVACY

In my discussion above, I made certain findings regarding the content of the records at issue. I found that Records 25, 26 and 146 contain the personal information of individuals other than the appellant as they include the home addresses and/or home telephone numbers of two individuals. Each of these records refers to the appellant by name as well, identifying her as the complainant in an OHRC proceeding.

As described above in my discussion of section 49(a), section 47(1) of the *Act* gives individuals a general right of access to their own personal information held by an institution. Section 49 provides a number of exemptions from this right. Under section 49(b), where a record contains personal information of both the requester and another individual, and disclosure of the information would constitute an "unjustified invasion" of the other individual's personal privacy, the institution may refuse to disclose that information to the requester.

If the information falls within the scope of section 49(b), that does not end the matter. Despite this finding, the institution may exercise its discretion to disclose the information to the requester. This involves a weighing of the requester's right of access to his or her own personal information against the other individual's right to protection of their privacy.

Sections 21(1) to (4) provide guidance in determining whether the "unjustified invasion of personal privacy" threshold under section 49(b) is met. If any of paragraphs (a) to (h) of section 21(3) apply, disclosure is an unjustified invasion of privacy under section 49(b) [*John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767].

If no section 21(3) presumption applies, section 21(2) lists various factors that may be relevant in determining whether disclosure of personal information would constitute an unjustified invasion of personal privacy [Order P-239]. The list of factors under section 21(2) is not exhaustive. The institution must also consider any other factors that are relevant in the circumstances of the case, even if they are not listed under section 21(2) [Order P-99].

Neither the OHRC or the appellant addressed the possible application of section 49(b) to these relatively insignificant portions of Records 25, 26 and 146. However, in its submissions on the application of section 49(a) to the records, the OHRC states the following:

> The institution maintains that its exercise of discretion has been made in full appreciation of the facts of the case and upon proper application of the principles of law. The institution further maintains that the decision to apply the discretionary exemptions was governed by the principles that information should be available to the public; that individuals should have access to their own personal information; that exemptions to access should be limited and specific and that the institution considered the individual circumstances of the request.

In my view, none of the presumptions listed in section 21(3) or the considerations favouring disclosure listed in section 21(2) are applicable to the personal information in Records 25, 26 and

146. In the circumstances of this case, I am of the view that the considerations listed in sections 21(2)(e) and (f) favouring the protection of the privacy of the individuals referred to in these records are applicable. These sections state:

> A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,
>
> (e) the individual to whom the information relates will be exposed unfairly to pecuniary or other harm;
>
> (f) the personal information is highly sensitive;

I find that, based on the nature of the ongoing OHRC investigation involving the appellant and a number of other identifiable individuals, the disclosure of the personal information contained in the records that relates to these individuals can reasonably be expected to result in pecuniary or other harm to these individuals under section 21(2)(e). In addition, I find that the disclosure of the personal information in Records 25, 26 and 146 could reasonably be likely to cause excessive personal distress to these individuals. Based on the OHRC's submissions on section 49(a) and bearing in mind the fact that the information under consideration relates solely to individuals other than the appellant, I find that the home addresses and telephone numbers contained in Records 25, 26 and 146 are exempt from disclosure under section 49(b).

EXERCISE OF DISCRETION

The section 14(1)(a) and (b), 19 and 49(a) and (b) exemptions are discretionary, and permit an institution to disclose information, despite the fact that it could withhold it. An institution must exercise its discretion. On appeal, the Commissioner may determine whether the institution failed to do so.

In addition, the Commissioner may find that the institution erred in exercising its discretion where, for example,

- it does so in bad faith or for an improper purpose
- it takes into account irrelevant considerations
- it fails to take into account relevant considerations

In either case this office may send the matter back to the institution for an exercise of discretion based on proper considerations [Order MO-1573]. This office may not, however, substitute its own discretion for that of the institution [section 54(2)].

In my discussion above under section 49(b), I have set out the submissions of the OHRC with respect to whether it properly exercised its discretion not to grant access to all of the requested records.

I am satisfied, based on the OHRC's representations and the circumstances of this appeal, that the OHRC properly exercised its discretion in refusing to disclose the remaining records under sections 49(a) and (b), in conjunction with sections 14(1)(a) and (b) and 19.

REASONABLE SEARCH

Where a requester claims that additional records exist beyond those identified by the institution, the issue to be decided is whether the institution has conducted a reasonable search for records as required by section 24 [Orders P-85, P-221, PO-1954-I]. If I am satisfied that the search carried out was reasonable in the circumstances, I will uphold the institution's decision. If I am not satisfied, I may order further searches.

The *Act* does not require the institution to prove with absolute certainty that further records do not exist. However, the institution must provide sufficient evidence to show that it has made a reasonable effort to identify and locate responsive records [Order P-624].

Although a requester will rarely be in a position to indicate precisely which records the institution has not identified, the requester still must provide a reasonable basis for concluding that such records exist.

In its initial submissions, the OHRC did not set out in detail the nature and extent of the searches undertaken for records responsive to the appellant's request. Rather, the OHRC took the position that because a second request was made by the appellant for information similar to that sought in the present appeal, this issue ought to be addressed following the issuance of a revised decision letter in response to the second request.

The appellant responded with a minutely detailed explanation of all of the records sought. In an attachment to her letter of appeal to the Commissioner's office, the appellant also indicated that, upon the completion of the processing of this appeal, she requested access be granted by the OHRC to another lengthy list of documents related to her complaint. The appellant specifically argues that many more "Record of Contact" documents ought to exist describing telephone contacts she had with the OHRC's investigator on July 15, 2002, August and November, 2002, December 3 and 4, 2002 and January 2003. The appellant goes on to describe in detail all of the records that she feels ought to have been compiled or created during the processing of her request.

In its reply representations, the OHRC provided me with a detailed and comprehensive description of the searches undertaken for responsive records. It also provided me with a detailed chronology of events to allow me to better understand the protracted interactions between the OHRC's Freedom of Information and Protection of Privacy staff, the appellant and the Commissioner's office in attempting to define the scope of and resolve this appeal. I will reproduce the OHRC's submissions that respond to the concerns raised by the appellant individually:

- An Index of Records was provided to the IPC once the Institution received the Notice of Appeal;

- The Institution's October 28, 2003 decision letter indicated that it had identified 1203 records for disclosure. Records of telephone conversations between the appellant and OHRC staff fall into the category of records generated internally by Commission staff during the course of case processing and these records would have been included in the 1203 records identified for disclosure;

- On April 14, 2004, the Institution provided the appellant with copies of 121 records. This was as a result of the IPC Mediator advising the institution that the appellant wanted to limit her access request and that she was no longer requesting copies of records that she had submitted to the OHRC, or that the OHRC had already disclosed to her. Many of the 121 records cited above, were Records of Contact between the appellant and OHRC staff since she had not previously received any of these records from the OHRC;

- . . . The Records of Contact that are listed on the Index of Records refer to telephone conversations between OHRC staff and other individuals and not with the appellant;

- The Records of Contact refer to the appellant as "C" or "[the appellant's initials]" meaning the "complainant" or "[the appellant's name]".

I have reviewed the representations of the appellant and the responses provided by the OHRC and am satisfied that the concerns raised by the appellant with respect to the adequacy of the search have been properly answered. In my view, the OHRC has conducted a thorough and comprehensive search for records responsive to the request. During the mediation stage of the appeal, the appellant narrowed the scope of the request significantly and was granted access to a number of records. Following my review of the records at issue in this appeal, I am satisfied that when taken together with the records already disclosed to her, the OHRC has conducted an adequate search for those records sought by the appellant.

I will, accordingly, dismiss this part of the request.

ORDER:

1. I order the OHRC to disclose Records 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 (except the recipients' home addresses), 48, 50, 70, 71, 88, 101, 102, 103, 107, 108, 115, 116, 117, 120, 126, 127, 129, 130, 141, 142, 143, 144, 145, 146 (except the individual's home phone number), 147, 148, 149, 157, 158, 162, 163-9 and 163-18 to the appellant by providing her with copies by **December 14, 2004** but not before **December 9, 2004**.

2. I uphold the OHRC's decision to deny access to the remaining records described in the Index of Records received in this office on May 19, 2004.

3. I find that the OHRC conducted a reasonable search for responsive records and I dismiss that part of the appeal.

4. In order to verify compliance with Order Provision 1, I reserve the right to require the OHRC to provide me with copies of the records that are disclosed to the appellant.

Original signed by: November 8, 2004
Donald Hale
Adjudicator