



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

# **FINAL ORDER PO-2837-F**

**Appeal PA-060092-1**

**Ministry of Community Safety and Correctional Services**



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This Final Order disposes of the remaining issues in Appeal Number PA-060092-1. It follows from Interim Order PO-2782-I in this same appeal, issued on April 30, 2009.

## **NATURE OF THE APPEAL:**

This appeal arises from a request to the Ministry of Community Safety and Correctional Services (the Ministry) under the *Freedom of Information and Protection of Privacy Act* (the Act) for records relating to the death of an infant child (the child). The parents of the child, through a representative (hereafter referred to as the appellant) made a request for the following:

All records relating to the Coroner's file investigating the circumstances of the death of [the child]. Also, copies of all correspondence contained in the file, and any photographs, charts, or other images that may have been created during autopsy and subsequent investigations.

The Ministry issued several decisions which are set out in greater detail in Interim Order PO-2782-I. The Ministry also conducted a number of searches, and identified a total of 527 pages of responsive records. Issues regarding access to the responsive records were resolved; however, throughout the course of this appeal the appellant maintained that additional responsive records exist. Accordingly, the remaining issue in this appeal is whether the Ministry conducted reasonable searches for responsive records, and this file proceeded to the inquiry process on that basis.

Following my review of the issues and representations in this appeal, I issued Interim Order PO-2782-I, in which I made some findings regarding the scope of the appeal, and also made general findings, which I summarized as follows:

Based on my review of the information contained in this file and the representations of the parties, I am generally satisfied that the Ministry's search for records responsive to the request was reasonable in the circumstances. There are, however, some exceptions to this finding, and they are identified in the discussion below. In addition, as noted earlier, some newly located records have identified additional questions about the nature of the searches conducted, and they are also set out below.

Because of the extensive and detailed nature of the representations of the parties, I will address a number of them in the categories set out below.

I then reviewed a number of categories of records, and made a number of findings, which can be summarized as follows:

- the Ministry conducted a reasonable search for certain specifically identified records, and provided a reasonable explanation as to why these records were not located;

- the search conducted by the Ministry for records of an identified coroner (the “first doctor”) was reasonable;
- the searches conducted by the Ministry for records held by a doctor at the Hospital for Sick Children (HSC) were reasonable;
- the search for records which may have been created by a doctor who is now deceased, was reasonable;
- the searches conducted for records with the Centre for Forensic Sciences (CFS) and arising from an identified affidavit were reasonable;
- the Ministry’s search and explanation for the failure to locate certain specific samples was reasonable in the circumstances of this appeal;
- the searches conducted by the Ministry for responsive records in relation to the emails were reasonable;
- the affidavits provided by individuals who conducted the searches were clear, and these individuals also had subsequent follow-up discussions with individuals who had direct knowledge of and involvement with the requested records; and
- the additional concerns raised by the appellant and the questions about the existence of additional records were adequately addressed by the material provided by the Ministry.

However, I also found that I was not provided with sufficient evidence to satisfy me that the searches for certain identified items were reasonable, and I ordered further searches to be conducted and additional information to be provided. Specifically, I found that:

- an identified laboratory result was not located by the Ministry and, in the absence of an explanation as to why it was not located, I required the Ministry to conduct further searches for this lab result;
- the Ministry had not provided sufficient information regarding the nature of the searches that were conducted to locate certain records of two identified committees;
- the Ministry was to provide information regarding the nature of the searches conducted for records relating to a reference in the minutes of an identified meeting; and
- the Ministry was to provide information regarding the nature of the searches conducted for records regarding the involvement of the former Director of the Paediatric Forensic Pathology Unit at the HSC, and records which may have been in his possession.

The order provisions in PO-2782-I relating to those specific records read as follows:

- 1) I order the Ministry to conduct further searches for one of the lab results referenced on page 184 of the records.
- 2) I order the Ministry to provide additional information regarding:
  - the nature of the searches conducted for Records of the Death Under Two Committee and Paediatric Death Review Committee Meetings; and

- the nature of the searches conducted for records relating to the “follow-up” reference in the September 9, 2003 PDRC minutes.
- 3) I order the Ministry to provide additional information regarding:
- the nature of the searches conducted for records regarding the involvement of the former Director of the Paediatric Forensic Pathology Unit at the HSC, and records which may have been in his possession. This additional information ought to include information about inquiries made regarding records relating to the child which this former director may have had in his possession, and the results of these inquiries, including who was contacted and the locations searched.

Order provisions 4 and 5 of Interim Order PO-2782-I stated:

- 4) I order the Ministry to provide me with the additional information regarding the nature of the searches conducted within 30 days of the date of this Interim Order. This information should be forwarded to my attention, c/o Information and Privacy Commissioner/Ontario, 2 Bloor Street East, Suite 1400, Toronto, Ontario, M4W 1A8. The information provided to me may be shared with the appellant, unless there is an overriding confidentiality concern. The procedure for the submitting and sharing of representations is set out in IPC Practice Direction 7.
- 5) If, as a result of the further searches, the Ministry identifies any additional records responsive to the request, I order the Ministry to provide a decision letter to the appellant regarding access to these records in accordance with the provisions of the *Act*, considering the date of this order as the date of the request.

In response to Interim Order PO-2782-I, the Ministry conducted further searches and located three additional records. The Ministry provided the appellant with a supplementary decision letter identifying the three newly-located records and indicating that access to the responsive portions of those three records was being provided to the appellant. The Ministry also provided representations to me in response to Provisions 1, 2 and 3 of Interim Order PO-2782-I, identifying the further searches which had been conducted, and supporting the Ministry's position that reasonable searches had been conducted.

I then provided a copy of the Ministry's representations to the appellant, and invited the appellant to provide representations on this issue of whether or not reasonable searches had been conducted. The appellant provided representations.

## **DISCUSSION:**

### **REASONABLE SEARCH**

#### **Introduction**

In appeals involving a claim that additional responsive records exist, as is the case in this appeal, the issue to be decided is whether the Ministry has conducted a reasonable search for the records as required by section 24 of the *Act*. If I am satisfied that the search carried out was reasonable in the circumstances, the decision of the Ministry will be upheld. If I am not satisfied, further searches may be ordered.

A number of previous orders have identified the requirements in reasonable search appeals (see Orders M-282, P-458, P-535, M-909, PO-1744 and PO-1920). In Order PO-1744, acting-Adjudicator Mumtaz Jiwan made the following statement with respect to the requirements of reasonable search appeals:

... the *Act* does not require the Ministry to prove with absolute certainty that records do not exist. The Ministry must, however, provide me with sufficient evidence to show that it has made a reasonable effort to identify and locate responsive records. A reasonable search is one in which an experienced employee expends a reasonable effort to locate records which are reasonably related to the request (Order M-909).

I agree with acting-Adjudicator Jiwan's statement.

Where a requester provides sufficient detail about the records that he/she is seeking and the institution indicates that records or further records do not exist, it is my responsibility to ensure that the institution has made a reasonable search to identify any records that are responsive to the request. The *Act* does not require the institution to prove with absolute certainty that records or further records do not exist. However, in my view, in order to properly discharge its obligations under the *Act*, the institution must provide me with sufficient evidence to show that it has 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, the appellant must, nevertheless, provide a reasonable basis for concluding that such records exist.

#### **1) Laboratory results referenced on page 184 of the records**

Provision 1 of Order PO-2782-I read:

I order the Ministry to conduct further searches for one of the lab results referenced on page 184 of the records.

The Ministry's representations identify the type of laboratory test that was conducted, and state that the OCC has explained that the lack of a test result for these tests is consistent with the way studies of this nature are carried out. The Ministry also notes that the responsible Regional Supervising Coroner spoke directly with the HSC pathologist who was responsible for this case, who stated that, due to the complexity of this case, certain tests were conducted, the results were examined, and observations were made that the results were negative (as noted in an identified report, provided to the appellant). The Ministry also stated:

This type of "test" does not generate a result on a machine that does analysis, a paper report, or computer print out of any sort. The "results" ... are the recorded observations of the pathologist. No additional records exist in this regard.

The appellant does not address this issue, nor take the position that the additional explanation as to why no responsive records were located was not reasonable. In the circumstances, I am satisfied that the Ministry has conducted a reasonable search for the lab result referenced on page 184 of the records.

## **2) Records relating to two identified committees, and a reference in the minutes of a meeting**

Provision 2 of Order PO-2782-I read:

I order the Ministry to provide additional information regarding:

- the nature of the searches conducted for Records of the Death Under Two Committee and Paediatric Death Review Committee [PDRC] Meetings; and
- the nature of the searches conducted for records relating to the "follow-up" reference in the September 9, 2003 PDRC minutes.

With respect to the additional information regarding the nature of the searches conducted for Records of the Death Under Two Committee and PDRC Meetings, the Ministry's representations state:

The Ministry was ordered to provide additional information regarding the nature of the record searches that were undertaken to locate records of the Deaths Under Two Committee and the [PDRC].

The original records search for any responsive information contained in the record holdings of the Death Under Two Committee (now known as the Deaths Under Five Committee) and the [PDRC] was conducted by [an identified individual], an Executive Officer with the Office of the Chief Coroner who at the time served as Coordinator of these committees. As a result of her responsibilities, [this individual] was very familiar with the type of records held by these committees. This original records search was conducted subsequent to the Ministry receiving the appellant's representations on January 8, 2008. The responsive parts of the

records that were located (numbered pages 502 to 523) by [this individual] were disclosed to the appellant in the Ministry's access decision dated February 4, 2008.

Following receipt of the Interim Order, [another identified individual], Executive Officer-Investigations, the current Coordinator of the committees was asked to undertake an additional search for any responsive records. As a result of her responsibilities, [this second individual] is very familiar with the type of records held by the committees. [This second individual] indicated that she carefully searched each and every electronic file for the Agendas, Case Summaries and Minutes that post-dated the death of the appellant's client's child for any references to the child. On or about May 21, 2009, [this second individual] located two documents that do not appear to have been identified in the records search conducted earlier by [the first individual].

The Ministry then identifies the specific documents which were located, and notes that the responsive portions were provided to the appellant. The Ministry then states:

[The second individual] is not aware of the existence of any additional responsive records contained in the record holdings of the committees that reference the appellant's client's child.

The Ministry's representations were shared with the appellant, and the appellant did not address this issue, nor argue that the searches conducted for responsive records were not reasonable. In the circumstances, I am satisfied that the Ministry has conducted a reasonable search for the Records of the Death Under Two Committee and PDRC Meetings.

With respect to the requirement in order provision 2 that the Ministry was to provide additional information regarding the nature of the searches conducted for records relating to the "follow-up" reference in the September 9, 2003 PDRC minutes, this order provision arose as a result of the representations of the parties and my findings in Interim Order PO-2782-I. In that order I noted that the PDRC committee reports were only identified as responsive to the request in the later stages of the appeal, and that issues arising from them in some instances were raised late in the process. With respect to the references to the September 9, 2003 meeting, the relevant portion of Order PO-2782-I reads:

In addition, in her surreply representations the appellant raises an issue regarding a reference in the September 9, 2003 Minutes of the PDRC concerning a follow-up on a vitreous sample that was to be done by an identified doctor. She states:

This is the first indication ... that [an identified doctor] was to "follow-up" on the vitreous sample result .... There are no notes, records or any thing else about why the follow-up was deemed necessary; if the follow-up was ever done, what was done, and if any information arose from the "follow-up". [The Ministry's

representations] even reference the fact of a “follow-up” ... but at no time answers what the results were ....

... although the Ministry has not had to opportunity to address this issue raised in the surrepley representations, I will include in the order provisions a direction to the Ministry to provide information regarding the nature of the searches conducted for records relating to this “follow-up” reference in the PDRC minutes.

The Ministry’s representations on this issue state:

With particular reference to the reference in the September 9, 2003, [PDRC] Minutes (page 522 of the responsive records), indicating that [the identified] former Deputy Chief Coroner for Ontario would “follow-up” ..., the Ministry notes that the Hospital for Sick Children Biochemistry Report (page 304 of the responsive records) which contains the results of the testing ... indicates that report was printed on September 18, 2003.

The Ministry submits that this circumstance suggests that at some point between September 9, 2003, and September 18, 2003, the necessary follow up inquiry with the [HSC] was undertaken and the Biochemistry Report referencing the vitreous fluid testing was printed and supplied in response.

The Ministry also refers specifically to the Final Supplementary Report of the PDRC (pages 296 to 299 of the responsive records), and states that this report addresses this matter. The Ministry then quotes from the relevant part of the report (contained on page 298), which refers to a specific summary of the Committee’s conclusions based on re-examination of the medical chart and the post mortem. The Ministry then states:

A copy of the Final Supplementary Report of the Paediatric Review Committee was provided to the appellant by [an identified doctor] in his letter dated April 28, 2004 (page 362 of the responsive records).

The representations of the Ministry were shared with the appellant, and the appellant takes the position that a reasonable search was not conducted. The appellant refers to assumptions made by the Ministry based on the information in the records, and argues that this is not sufficient, and that the Ministry ought to have asked the specific identified doctors involved in this matter about the steps that were taken in the course of the “follow-up” inquiry with the HSC in 2003. The appellant also takes the position that these steps ought to be confirmed by the doctor involved in this matter, and that this doctor ought to have been asked about what occurred during that time, and whether there are any “notes indicating what was done to ‘investigate’.”



The appellant also takes issue with the Ministry's reliance on the Final Supplementary Report of the PDRC as having addressed the appellant's questions. The appellant states:

The Ministry has answered that someone at some point addressed the issue of the sample, concluded the sample was no longer available, and then made a determination with regard to the interpretation of the results of the testing on the sample. Again, ... it is our submission that a number of steps have been taken to reach this conclusion, and so far there is nothing in the documents provided that assists in any way as to who, what, when, or how these steps took place to reach any conclusion, when it was clearly indicated in previous documentation that [an identified doctor] would undertake [to] conduct the investigation. The sources of that information would be [that identified doctor] and possibly [a different named doctor] (who presumably drew the sample at autopsy) and/or whoever was involved in reaching the conclusion referenced in the Final Supplementary Report  
....

The appellant accordingly argues that, based on the Ministry's answer, "the Ministry has not made any inquiry from those sources pertaining to any further information or documents relevant to their search".

### *Findings*

I have carefully reviewed the representations of the parties.

The appellant takes issue with the searches conducted by the Ministry, and refers to identified doctors who the appellant believes ought to have been contacted and asked about the circumstances resulting in the reports and findings in the records, including whether they had additional notes or other documents regarding these matters. However, as identified above, the issue before me is whether a reasonable search has been conducted, which is a search in which an experienced employee expends a reasonable amount of effort to locate records which are reasonably related to the request (see Order M-909).

The Ministry's representations provide specific information about the searches conducted for responsive records, and also refer specifically to the information contained in the records (notably pages 304 and 298) which confirm the information referred to in the September 9, 2003 Minutes of the PDRC. Although the appellant identifies other searches which may have been conducted or other individuals who could have been contacted and asked specific questions about the information in the records, the appellant has not provided evidence to suggest that other records relating to this matter exist.

In addition, the appellant identifies two specific doctors who the appellant believes ought to have been contacted and asked specific questions about this matter. I note that both of these doctors have been involved in the numerous searches conducted by the Ministry and referenced in Order PO-2782-I. In fact, the affidavit by the Manager of the Coroners' Information System, referenced in that order, states that this individual "directly consulted with [the two specific

doctors] whom I identified as being involved with the case to ascertain if any additional responsive records existed ...”.

In the circumstances, I am satisfied that the additional information provided by the Ministry regarding the nature of the searches conducted for records relating to the “follow-up” reference in the September 9, 2003 PDRC minutes are sufficient to establish that the searches conducted for responsive records were reasonable.

### **3) Records relating to a former director**

Provision 3 of Order PO-2782-I reads:

I order the Ministry to provide additional information regarding:

- the nature of the searches conducted for records regarding the involvement of the former Director of the Paediatric Forensic Pathology Unit at the HSC, and records which may have been in his possession. This additional information ought to include information about inquiries made regarding records relating to the child which this former director may have had in his possession, and the results of these inquiries, including who was contacted and the locations searched.

This order provision arose as a result of the extensive information received from the parties regarding the involvement of the former director. After reviewing this information, I stated:

As was the situation regarding the records of the Death Under Two Committee and [PDRC] Meetings, above, it is the appellant’s surreply representations which raise a number of questions regarding the nature of the searches conducted for records regarding the involvement of the former Director of the Paediatric Forensic Pathology Unit at the HSC. Although this issue was raised earlier, and addressed in the Ministry’s reply representations, the questions raised in surreply identify additional matters that, in my view, ought to be addressed. Again, I acknowledge that the Ministry was not provided with the surreply representations of the appellant. However, given the history of this appeal and in the interest of bringing some closure to some of these issues, I will include in the order provisions direction to the Ministry to provide information regarding the nature of the searches conducted for records regarding the involvement of the former Director of the Paediatric Forensic Pathology Unit at the HSC, and records which may have been in his possession. Specifically, this additional information ought to include information about inquiries made regarding records relating to the child which the former director may have had in his possession, and the results of these inquiries, including who was contacted and the locations searched.

The Ministry's representations refer to an inquiry established by the Government of Ontario which reviewed a number of cases where the former director was involved in the autopsy. The Ministry identifies that additional information on the inquiry is available from the inquiry website, and then states:

Following receipt of the appellant's representations on January 8, 2008, [an identified doctor (doctor L)] undertook inquiries to establish whether any documentation existed confirming that (the former director) had any direct involvement in the case. As (the former director) was no longer working for the Office of the Chief Coroner, [the identified doctor] consulted [doctor A], the responsible pathologist and asked him to personally review all files on the case available at the Hospital for Sick Children. This request was made at the same time that [doctor A] was asked to provide whatever scientific or laboratory reports may have been contained in the file that had been referenced in, but had not been appended, to the final post mortem examination report.

[Doctor L] recalls that at the same approximate time, he also spoke directly with [the] Chief of Pathology at the Hospital for Sick Children, as well as [an identified individual], Administrative Assistant to the Chief of Pathology (the administrative assistant), in an effort to determine how materials relating to this case might have ended up in [the former director's] office and whether any records existed indicating that [the former director] had any direct involvement in the case. As noted in the Ministry's reply representations dated February 4, 2008, the Office of the Chief Coroner can offer no definitive explanation as to why such case materials were found in [the former director's] office.

In response to the Interim Order, [doctor L] once again contacted the involved individuals at the Hospital for Sick Children, in an effort to make absolutely certain that no other records, as alleged by the appellant, exist. [Doctor L] was advised that aside from the working file created for the post mortem examination and ancillary testing, maintained by the pathologist, they are aware of no other potential sources of documentation to search at the [HSC].

In addition, [the administrative assistant] was contacted once again in regard to this matter. She advised that on May 11, 2009, she reviewed the [HSC] case file once again for any documentation reflecting the possible direct involvement of [the former director] in this case. At that time, she located one additional record, a Post Mortem Examination Invoice, prepared in relation to the services provided by [doctor A] in relation to the case. [The administrative assistant] noted that [the former director], in his capacity as Director of the Paediatric Forensic Pathology Unit had signed the invoice as authorization for payment to [doctor A]. On May 29, 2009, the invoice was disclosed to the appellant. Attached is a copy of this document (numbered page 538).

[The administrative assistant] confirmed that [the former director], in his capacity as Director of the Paediatric Forensic Pathology Unit, was in the habit of reviewing each file in which a coroner's autopsy had been conducted. This function would be part of the quality assurance process, to ensure completeness of the autopsy report and of the pathology work. It would not be indicative of any direct involvement in the case. The current Director of the Paediatric Forensic Pathology Unit, ... routinely reviews such documents in a similar manner.

As far as the Office of the Chief Coroner can best determine, [the former director's] only involvement in the case was in his capacity as a member of the Deaths Under Two Committee and the [PDRC], where he was not the primary reviewer of the file (see for example pages 502, 505, 507 and 513 of the responsive records), and as Director of the Paediatric Forensic Pathology Unit, where he would have reviewed the final post mortem examination report for quality assurance purposes only.

In addition to the foregoing, on or about May 7, 2009, [an identified individual], in her current capacity as Executive Officer to the Chief Coroner for Ontario, asked [an identified individual (Ms. M)], Administrative Assistant to the Chief Coroner for Ontario, to review [the former director's] "working files" in the possession of the Office of the Chief Coroner to ascertain whether there were any files relating to the appellant's client's child. [Ms. M] confirmed that no such records were located.

The Ministry submits that the numerous record searches that have been conducted by the Office of the Chief Coroner for any records in existence relating to the appellant's client's child have been comprehensive and extensive. The Ministry is not aware of the existence of any additional records.

The appellant does not agree that the Ministry conducted a reasonable search for records, and takes the position that, because the Ministry did not contact the former director himself, the searches were not reasonable. The appellant also refers in some detail to the inquiry, and notes that one of the issues identified is the concern regarding the former director's ability to document, record and preserve materials. The appellant reviews a number of the inquiry's findings, and notes that it also identified circumstances in which autopsy materials were not preserved, or where notes and evidence were lost and later found by others. The appellant refers to this in support of the position that the former director ought to be contacted. In addition, the appellant reviews information about the management of autopsy records by the HSC and OCC in the 1980s and 1990s, which suggest that certain records ought to have been created, and the appellant raises a number of questions about the processes that were followed.

### ***Findings***

As noted above, in Interim Order PO-2782-I, I ordered the Ministry to provide additional information about:

... the nature of the searches conducted for records regarding the involvement of [the former director], and records which may have been in his possession. This additional information ought to include information about inquiries made regarding records relating to the child which this former director may have had in his possession, and the results of these inquiries, including who was contacted and the locations searched.

In response to the order provision, the Ministry provided additional information and evidence about the searches conducted. The Ministry describes in detail the earlier searches by the doctor who made certain inquiries to establish whether any documentation existed confirming that the former director had any direct involvement in the case. The Ministry further confirms that the responsible pathologist was asked to personally review all files relating to the case which were available at the HSC. The doctor indicates that he also spoke directly with the Chief of Pathology at the HSC, as well as this person's administrative assistant to determine how materials relating to this case might have ended up in the former director's office and whether any records existed indicating that the former director had any direct involvement in the case.

The Ministry also notes that, in response to the Interim Order, the doctor again contacted the involved individuals at the HSC to ensure that no other records exist, and that the doctor was advised that, aside from the previously identified records, these individuals were aware of no other potential sources of documentation to search at the HSC. Further contact with the administrative assistant did result in the location of one additional record which was released to the appellant; however, the administrative assistant also explains the nature of the former director's involvement in the review of each file in which a coroner's autopsy had been conducted (that it is part of the quality assurance process) and states that it would not be indicative of any direct involvement in the case. She also indicates that the current Director routinely reviews such documents in a similar manner.

The Ministry also states that the Administrative Assistant to the Chief Coroner for Ontario reviewed the former director's "working files" in the possession of the Office of the Chief Coroner, and that she confirmed that no responsive records were located.

The appellant's representations focus on a few specific facts which the appellant argues support of the position that the searches conducted by the Ministry were not reasonable. In particular, the appellant refers to the inquiry's finding that the former director did not keep accurate or proper records. The appellant also refers to the policies in place at the HSC in the 1990's and how following these policies ought to have resulted in the creation of responsive records. In addition, the appellant maintains that a proper search ought to include an attempt to contact the former director himself.

On my review of the representations provided by the parties, I am satisfied that the Ministry has conducted reasonable searches for responsive records, taking into account all of the circumstances of this appeal.

Although I appreciate the appellant's argument that the HSC policies in place in the 1990's suggest that certain records perhaps ought to have been created, as identified above, the issue I must address is whether the searches conducted by the Ministry were reasonable, not whether records ought to have been created. A reasonable search is one in which an experienced employee expends a reasonable amount of effort to locate records which are reasonably related to the request (see Order M-909). The Ministry has provided extensive representations explaining the nature and extent of the searches conducted in response to the earlier requests, and also the additional searches conducted as a result of Interim Order PO-2782-I. These searches (for records which are a number of years old), included searches by individuals at the HSC for responsive records, in locations where these records ought to be located. Although the searches did not uncover additional information (except as noted above), I am satisfied that these searches were reasonable in the circumstances.

With respect to the appellant's view that a reasonable search ought to include an attempt to contact the former director himself, I am not satisfied that this is a requirement for a reasonable search in the circumstances of this appeal. If the former director was known to keep copious and detailed notes of his involvement in various matters, this might suggest that his views on the existence of additional records should have been solicited. In this case, however, even the appellant's representations refer to the former director's failure to properly notate and document his work. Although the appellant suggests that this supports the position that further searches ought to be conducted, in fact, in my view, it suggests that the failure to locate additional records is not surprising. In light of the evidence provided by the Ministry of the nature and extent of the searches conducted, including the searches at the HSC and the searches of the former director's "working files" in the possession of the OCC, I am satisfied that a reasonable search for records regarding the involvement of the former director, and records which may have been in his possession, was conducted.

**ORDER:**

I find that the Ministry has conducted a reasonable search for responsive records, and dismiss the appeal.

Original signed by: \_\_\_\_\_  
Frank DeVries  
Adjudicator

\_\_\_\_\_  
October 29, 2009