



**Information and Privacy
Commissioner/Ontario**

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

ORDER 103

Appeal 880209

Ministry of Health



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télééc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

October 11, 1989

VIA PRIORITY POST

Appellant

Dear Appellant:

RE: Order 103
Appeal Number 880209
Ministry of Health

This letter constitutes my Order in your appeal of the decision by the Ministry of Health (the "institution") regarding your request for information under the Freedom of Information and Protection of Privacy Act, 1987 (the "Act").

On May 24, 1988, you wrote to the institution requesting access to "all available information relating to the Social Adaptation Treatment Program (SATP), specifically: (1) it's creation (2) why the program was discontinued or revised (3) it's operations between June 1984 to October 1984".

On June 27, 1988, the institution's then Freedom of Information and Privacy Co-ordinator wrote to you and advised you that "we are unable to process your application under the Freedom of Information and Protection of Privacy Act because our search has indicated that the record you requested does not exist".

By letter dated July 11, 1988, you wrote to me appealing the institution's decision and I gave notice of the appeal to the institution.

As you are aware, as soon as your appeal was received by my office, an Appeals Officer was assigned to investigate the circumstances of the appeal and attempt to mediate a settlement.

When a settlement of this appeal could not be achieved, an Appeals Officer's Report was prepared and sent to you and the institution, together with a Notice of Inquiry. Representations were received from you and the institution and I have considered them in making this Order.

[IPC Order 103/October 11, 1989]

The sole issue in this appeal is whether the institution has taken all reasonable steps to locate records that respond to your access request.

In your representations to me, you stated "I cannot fathom how programs can be created and operated without any paperwork such as notes, memorandums, policies & procedures, program outlines, etc."

The institution advised me that your request "included sufficient detail and no attempts were made to reformulate the request". The institution also indicated that "the Penetanguishene Mental Health Centre/Oak Ridge confirmed that the request was related to a program (SATP) initiated in that institution and the application contained enough information to begin a search for the records. Since it was confirmed by the Penetanguishene Mental Health Centre/Oak Ridge that his request was related to a program (SATP) initiated in that institution, no other attempt was made to determine whether another institution had custody or control of the record".

The institution also provided me with an affidavit, from the Director of Clinical Records at the Penetanguishene Mental Health Centre, outlining the steps taken to locate the requested record.

By letter dated March 15, 1989, the Appeals Officer sent you a copy of this affidavit for your review and comments. On March 17, 1989, you replied in writing as follows "I believe that the material may be in Queen's Park and that a search of this area was not carried out". With this letter you enclosed page 73 of a report entitled "Oak Ridge: A Review and an Alternative". The enclosed page made reference to the Social Adaptation Treatment Program.

Further clarification was necessary and was obtained from you by letter dated May 29, 1989. The institution was provided with this additional information and conducted a further search for records that would respond to your request. By letter dated August 22, 1989, the institution advised my office that "no information has been found regarding the Social Adaptation Treatment Program, at either the Penetanguishene Mental Health Centre (you have received an affidavit to that effect) nor at the Psychiatric Hospitals Branch, Ministry of Health. An exhaustive search was made of the branch central files, individual staff files (six offices) and Central Registry, both at Queen's Park and Overlea Boulevard, and the Records Centre in Mississauga".

By letter dated August 12, 1989, you were advised of the further steps taken by the institution to search for records in response to your access request, and the results thereof. On August 29, 1989, you wrote to my office setting out your reasons why you were not satisfied with this additional search and asking that the matter be

referred to me for a final determination.
Having carefully considered all of the information received in this matter, I am satisfied that the institution has discharged its responsibilities under the Act in searching for a record to respond to your access request. I am therefore upholding the decision of the head in this matter.

Yours truly,

Sidney B. Linden
Commissioner

cc. The Honourable Elinor Caplan
Minister of Health

Mr. Andrew Parr, FOI Co-ordinator