

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

ORDER MO-3315-F

Appeal MA14-279-2

Town of Amherstburg

May 25, 2016

Summary: The appellant sought access to all correspondence between the town and its insurer relating to the town's transition to the insurer and benefits for employees over the age of 60. The town disclosed a number of responsive records to the appellant who challenged the reasonableness of the town's search. Interim Order MO-3259-I found that the town did not conduct a reasonable search and ordered it to conduct another search for responsive records that predate March 2012. The town conducted a further search and located 25 additional responsive records that it partially disclosed to the appellant. The town's search is upheld as reasonable and the appeal is dismissed.

Statutes Considered: *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, section 17.

Orders and Investigation Reports Considered: Interim Order MO-3259-I.

BACKGROUND:

[1] This final order relates to Interim Order MO-3259-I, in which I found that the search by the Town of Amherstburg (the town) for responsive records was not reasonable and ordered it to conduct a further search. In particular, I ordered the town to search for emails and/or other correspondence between any of its employees and the insurer that predate March 2012 and are responsive to the appellant's request for correspondence between the insurer and any town employee involved in the benefits of the members of the Amherstburg Police Services Board, relating to the town's transition

to the insurer and coverage for members over the age of 60.

[2] Following the issuance of Interim Order MO-3259-I, the town conducted an additional search for responsive records. It located 25 additional responsive records, including 22 emails and their attachments, one Council Report, Council Minutes and a Group Benefit Plan. The town issued an access decision to the appellant disclosing the additional 25 records, in part. The town relied on the mandatory personal privacy exemption in section 14(1) of the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) to withhold information from some of the emails. The town issued its new access decision on March 3, 2016. The town provided me with a copy of its decision letter and a copy of the records.

[3] The 25 new records located by the town and partially disclosed to the appellant total 320 pages of additional responsive information. The 22 emails included in the new access decision range in date from November 18, 2011, to August 1, 2012, and break down by month and year as follows:

- November 2011 (one email)
- December 2011 (six emails)
- January 2012 (two emails)
- February 2012 (two emails)
- March 2012 (four emails)
- April 2012 (two emails)
- May 2012 (one email)
- July 2012 (three emails)
- August 2012 (one email)

[4] The Council Report and the Council Minutes are dated October 26, 2011, and November 7, 2011, respectively.

[5] After receiving the town's new access decision, this office attempted to contact the appellant to determine whether he wished to appeal it and/or dispute the reasonableness of the town's new search. The appellant did not respond to the attempts to contact him, nor did he appeal the town's new access decision. The time for appealing the new decision to this office under section 39(2) of the *Act* has now expired.

[6] On my review of the additional records that have been located by the town, I note that most of them predate March 2012 and fall within the search period I specified

in Interim Order MO-3259-I, which was the only concern I raised in respect of the town's previous searches. I also note that the emails, upon chronological review, appear to be complete in their content. I see no gaps or omissions in either the information contained in the emails or their chronological sequence to suggest that additional information or records should exist.

[7] Based on my review of the additional responsive records located by the town and partially disclosed to the appellant, and in the absence of any objection to the town's search by the appellant, I find there is no reasonable basis to conclude that the town's search was not reasonable. As a result, I conclude that the town has conducted a reasonable search for responsive records.

ORDER:

I uphold the town's search and dismiss the appeal.

Original Signed by: _____
Stella Ball
Adjudicator

_____ May 25, 2016