

Information and Privacy Commissioner,  
Ontario, Canada



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

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## ORDER PO-4699

Appeal PA23-00556

Ministry of the Solicitor General

August 13, 2025

**Summary:** An individual made a request under the *Freedom of Information and Protection of Privacy Act* for provincial institutional records relating to specified pieces of property. The ministry issued a decision granting partial access to records. The individual appealed the ministry's decision on the basis of his belief that additional records exist.

In this order, the adjudicator finds that the ministry conducted a reasonable search for records responsive to the request and dismisses the appeal.

**Statutes Considered:** *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, section 24.

### OVERVIEW:

[1] The Ministry of the Solicitor General (the ministry) received a request pursuant to the *Freedom of Information and Protection of Privacy Act* (the *Act*) for the following:

Attachments sent by email dated: October 12, 2022, 4:30 PM  
Her Chief Justice Ontario Roses Osgoode Hall SCJ Criminal Appeal  
Judges Order for Inmate Statement TEDc dated January 4 2018.pdf

Labeled contraband a 50 page factum and 150 Origami pieces of Art  
Admittance and Discharge sergeants had our property waiting for  
decommission

A request for freedom of information FIPPA personal records Toronto East Detention Centre

200 days of segregation institutional custody and judges orders for transfers Between SolGen institutional lockdowns and searches our works of art destroyed

Our greatest works 150 origami Hearts, Cranes, and Roses wrapped around a factum EiiR

Roses her Majesty Queen Elizabeth EiiR

Roses origami, hearts and cranes of origami life forms

Roses wrapped in her Majesty's newspaper The Star two articles dated Christmas

We are with Roses of Origami one hundred fifty cranes, hearts and Roses her Majesty

Her Queen Reflects on wisdom of age in annual Christmas Message

Her Newspaper The Star dated Monday December 25, 2017

[Named individual] and his great grandfather [named individual] studio 1856

His Stained Glass art St. Michael's Cathedral Basilica and St. James Cathedral

Her Interconnected Stories of Toronto's Stained Glass Artists

Her Majesty Queen Elizabeth Alexandra Mary Windsor, Factum date 2017/2018

December 25th Monday, RT Honourable Justice [named individual], SCJ Family, Leaves six

December 18th Monday, SCC Chief Justice Appointment [named individual], leaves pending

2018 Jan 3 Wednesday, Inmate Segregated, TEDC, refuse institution transfer, AS

2018 Jan 4 Thursday, Destruction of property, TEDC, admittance and discharge, LB

2018 Jan 10 Wednesday, SCJ Hearing, Application for extension of time dismissed, TF

2018 Jan 4 Thursday, Institutional transfers, TEDC.CECC

2018 Jan 10 Wednesday, Institutional transfers, CECC.TEDC

2020 Jan 10, Her Office Judges Advocate General JAG Private Members

Business art

[Initials and full names of six individuals]

[2] The requester identified the relevant timeframe for the request as January 1, 2018, to January 12, 2018.

[3] The ministry issued a decision granting partial access to the requester's provincial institutional records relating to specified pieces of property. The requester, now the appellant, appealed the ministry's decision to the Information and Privacy Commissioner of Ontario (IPC).

[4] During mediation, the appellant confirmed that he is not seeking access to the information that the ministry withheld from the records. The appellant advised that he believes additional records responsive to his request should exist, including video records and his own inmate statement.

[5] As mediation did not resolve the appeal, the file was transferred to the adjudication stage of the appeal process, where an adjudicator may conduct an inquiry under the *Act*. I decided to conduct an inquiry and sought and received representations from the parties.

[6] For the reasons that follow, I uphold the ministry's search and dismiss the appeal.

## **DISCUSSION:**

[7] The sole issue to be determined in this appeal is whether the ministry conducted a reasonable search for records responsive to the appellant's request.

[8] Where a requester claims 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 of the *Act*.<sup>1</sup> If the IPC is satisfied that the search carried out was reasonable in the circumstances, it will uphold the institution's decision. Otherwise, it may order the institution to conduct another search for records.

[9] Although a requester will rarely be in a position to indicate precisely which records the institution has not identified, they must still provide a reasonable basis for concluding that such records exist.<sup>2</sup> The *Act* does not require the institution to prove with certainty that further records do not exist.<sup>3</sup> However, the institution must provide enough evidence to show that it has made a reasonable effort to identify and locate responsive records;<sup>4</sup> that is, records that are "reasonably related" to the request.<sup>5</sup>

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<sup>1</sup> Orders P-85, P-221 and PO-1954-I.

<sup>2</sup> Order MO-2246.

<sup>3</sup> *Youbi-Misaac v. Information and Privacy Commissioner of Ontario*, 2024 ONSC 5049 at para 9.

<sup>4</sup> Orders P-624 and PO-2559.

<sup>5</sup> Order PO-2554.

[10] A reasonable search is one in which an experienced employee knowledgeable in the subject matter of the request makes a reasonable effort to locate records that are reasonably related to the request.<sup>6</sup> The IPC will order a further search if the institution does not provide enough evidence to show that it has made a reasonable effort to identify and locate all of the responsive records within its custody or control.<sup>7</sup>

## **Representations**

[11] The ministry submits that upon receiving the request, the analyst assigned to the request contacted the appellant for clarification because the request was not clear. The ministry indicates that after getting additional information from the appellant, the analyst understood that the appellant was seeking access to "provincial institutional records pertaining to specified pieces of property".

[12] The ministry submits that it conducted a reasonable search, based on the clarified request. The ministry states that although the appellant appears to believe that additional records should exist, including "video records and [the appellant's] own inmate statement", it was not able to understand what the appellant meant by "inmate statement" or how these are responsive to his clarified request for records pertaining to specified pieces of property.

[13] Despite the above, the ministry states that as a result of the clarification obtained by the analyst, it gathered that the record the appellant referred to as an "inmate statement" was allegedly created in January 2018. The ministry submits that it conducted a search and was not able to locate any responsive records created around that time. The ministry states that this is the appellant's sixth request for correctional records and that at least one of the other requests also related to the appellant's institutional records. The ministry submits that it has made a reasonable effort to respond to each of these requests and reiterates that it has conducted a reasonable search based on the information before it.

[14] In his representations, the appellant appears to describe an incident during which "specified pieces of property" were allegedly destroyed by staff at a correctional facility. The appellant appears to be seeking access to an "inmate statement" from January 2018, as well as video footage "surrounding the dates in question" for the purposes of a court proceeding or other legal process. The appellant also alleges that correctional officers and the ministry have destroyed evidence and records relating to the incident, respectively.

[15] Throughout his representations, the appellant references numerous other individuals (i.e. lawyers and judges) and proceedings whose relation to the present matter is not clear. The appellant generally describes these proceedings as unfair and mentions various concerns with sentencing, wrongful conviction, ineffective assistance

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<sup>6</sup> Orders M-909, PO-2469 and PO-2592.

<sup>7</sup> Order MO-2185.

of counsel, as well as racism, discrimination, and bullying in the court and / or legal system. The appellant argues that the provincial government must be held accountable for these issues.

[16] Finally, the appellant also attaches several emails of varying lengths that are mass-addressed to institutions (including the IPC, the Social Benefits Tribunal, the Human Rights Tribunal of Ontario, the Law Society of Ontario, Ministry of the Attorney General, the Superior Court of Justice, the Court of Appeal for Ontario, the Supreme Court of Canada), their employees, as well as specific Members of Provincial Parliament and other named individuals. These emails reiterate some of the appellant's previously mentioned concerns regarding unfairness in sentencing and legal proceedings and also reference matters with various bodies, including the IPC, the Social Benefits Tribunal, the Law Society of Ontario, and the Office of the Independent Police Review Director (now the Law Enforcement Complaints Agency).

### **Analysis and findings**

[17] For the reasons that follow, I am satisfied that the ministry has conducted a reasonable search for records responsive to the appellant's request.

[18] As previously indicated, although a requester will rarely be in a position to indicate precisely which records the institution has not identified, they must still provide a reasonable basis for concluding that such records exist.<sup>8</sup> In this case, I find that the appellant has not provided a reasonable basis for concluding that additional records exist.

[19] I have reviewed the appellant's representations in their entirety and find that they do not include any meaningful discussion about the reasonableness of the ministry's search. While the appellant states that an inmate statement and video records from January 2018 should exist, he does not explain why he disagrees with the ministry's claim that it conducted a search and did not locate any responsive records from that time. Additionally, although the appellant discusses his concerns with the court and legal system and provides piecemeal descriptions of past and possibly ongoing proceedings, these do not amount to arguments about the reasonableness of the ministry's search.

[20] Based on the information before me, I am also satisfied that the ministry's search was reasonable in the circumstances of the request. Specifically, I accept that the analyst is an experienced employee who is knowledgeable in the subject matter of the request. In trying to identify and locate responsive records, I find that the analyst took reasonable steps, including contacting the appellant for clarification and gathering additional information about the request. I also accept that the ministry understood the appellant's reference to records from January 2018 and conducted a search on this

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<sup>8</sup> Order MO-2246.

basis, ultimately concluding that it could not locate any responsive records from that time.

[21] Finally, while it is clear that the appellant has concerns arising from his past and present interactions with the court and legal system more generally, these concerns are neither within the scope of this appeal nor my jurisdiction. This order dispenses with the issue of whether the ministry conducted a reasonable search for records responsive to the appellant's request. I find that the appellant has not provided a reasonable basis for concluding that additional records exist beyond those located by the ministry in its original decision.

[22] As a result, I find that the ministry's search for responsive records was reasonable in the circumstances and in compliance with its obligations under section 24 of the *Act*.

## **ORDER:**

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

Original Signed by: \_\_\_\_\_

Anda Wang  
Adjudicator

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August 13, 2025