



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

ORDER M-133

Appeal M-9200030

Municipality of Metropolitan Toronto



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ORDER

On May 10, 1993, the undersigned was appointed Inquiry Officer and received a delegation of the power and duty to conduct inquiries and make orders under the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act.

The Municipality of Metropolitan Toronto (the Municipality) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to all information concerning the requester in the custody or under the control of the Municipality or of any "organization that the Municipality is responsible for". The requester specifically sought access to information maintained in the following locations:

Metropolitan Community Services Department

- Client Services and Information Unit
- General Welfare File
- Welfare Director
- Regional Welfare Offices: B, H, K and Q

Metropolitan Toronto Housing Co. Ltd.

The Municipality identified a number of records as being responsive to the request and provided the requester with access in full to these records.

The requester maintained that there were records missing from his file and that some of the handwritten notes were illegible. The Municipality subsequently provided the requester with a typewritten copy of all the handwritten records which he had claimed were illegible.

Attempts were made by employees of the Municipality to assist the requester in clarifying his request in an effort to ascertain which records the requester believed were missing and to obtain information to assist them in locating these records. The requester did not provide the employees with any information to assist them in this regard.

The requester appealed the Municipality's decision as he maintains his position that additional records exist which are responsive to his request.

Mediation of the appeal was not successful, and notice that an inquiry was being conducted to review the Municipality's decision was sent to the appellant and the Municipality. Written representations were received from both parties.

The sole issue in this appeal is whether the Municipality has conducted a reasonable search to locate the
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records responsive to the request.

In his representations, the appellant outlines his reasons for believing more records exist. He specifically identifies two types of records which he believes should be within the custody or under the control of the Municipality - records originating with the Client Services and Information Unit of the Metropolitan Community Services Department and those containing information on transportation and other special benefits.

As part of its representations, the Municipality submitted sworn affidavits from the following personnel attesting to the steps taken to locate responsive records and to the extent of the search conducted: the Access and Privacy Coordinator for the Community Services Department; the Supervisor of Human Resources in the Housing Division; the then Supervisor of the Client Services and Information Unit, Social Services Division; and the Supervisor of Supplementary Aid at Unit P.

The information in the affidavits includes a description of the searches conducted at Regional Welfare Offices B, H, K and Q, as well as an explanation of why the institution could not locate any records of the type described by the appellant in his representations.

The Municipality also submitted representations as to its file maintenance procedures and provided a copy of the retention schedule. It indicated that, given the nature of the appellant's file, it is unlikely that records relating to the appellant would have been destroyed.

Having carefully reviewed the representations of both parties, and the affidavit evidence submitted to me, I am satisfied that the Municipality has taken all reasonable steps to locate any records responsive to the appellant's request, and that the search conducted by the Municipality was reasonable in the circumstances of this appeal.

Original signed by: _____

Anita Fineberg
Inquiry Officer

_____ May 26, 1993