



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

ORDER P-445

Appeal P-9200805

Ministry of Education and Training



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ORDER

The Ministry of Education and Training (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to a copy of:

Ministry of Education legal definition, guidelines, regulations, policy, procedures, etc. re Section 207 subsection 4 of The Education Act.

The Ministry responded by providing the requester with a copy of section 207(4), together with a letter which had been sent to an MPP respecting this section. The Ministry advised the requester that, following consultations with its Legal Branch, it had determined that no other responsive records exist. The requester appealed the Ministry's decision.

During mediation, the appellant indicated that she was particularly interested in any historical documents respecting the creation of section 207(4). The Ministry conducted a further search and confirmed that no other responsive records exist, including any historical documents.

Further mediation was not successful, and notice that an inquiry was being conducted to review the Ministry's decision was sent to the Ministry and the appellant. Written representations were received from both parties.

The sole issue in this appeal is whether the Ministry's search for the requested records was reasonable in the circumstances.

In her representations, the appellant states:

My position is basically that since the records requested related to a section of The Education Act, which must have originally been written with some "intent" there must be some background information on which it was created.

Legislation does not appear by magic. Someone writes it, someone approves it for submission to the Legislature of Ontario and the elected representatives of the day approve it. One can only presume that they know what they are approving.

In its representations, the Ministry included an affidavit which attests to the steps taken to locate any responsive records. The affidavit states that Legal Counsel with the Ministry spoke with other lawyers who had worked with the Ministry at the time section 207(4) of the Education Act was introduced, and that none of these lawyers were aware of any background or interpretive information on section 207(4), none had any files dealing with this section, and none were aware of any files respecting the interpretation of this section.

Having reviewed the representations of the parties and the affidavit provided by the Ministry, I am satisfied that the Ministry has taken all reasonable steps to locate any responsive records, and

I find that the search conducted by the Ministry was reasonable in the circumstances of this appeal.

Original signed by: _____
Tom Mitchinson
Assistant Commissioner

_____ April 7, 1993