



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

ORDER P-437

Appeal P-9200818

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:

- 1) All documentation (correspondence, record of telephone calls, notes, reports) between the Regional Director of Education and the Director of Education for the Lanark, Leeds and Grenville Roman Catholic Separate School Board, (the Board) or documentation from anyone involved in the inquiry arising out of the requester's letter to the Minister of Education dated October 6, 1992.
- 2) Ministry guidelines and procedures respecting the roles and responsibilities of school and school board officials pertaining to parental custody and matrimonial disputes.

The Ministry responded by advising the requester that no responsive records exist with respect to item 1 and that communications between the Board and the Ministry had been only verbal. As for item 2, the Ministry provided the requester with a copy of the Ontario Student Record Guideline, 1989.

The requester appealed the Ministry's decision.

During mediation and at the request of the Appeals Officer, the Ministry conducted another search in regard to items 1 and 2. The Ministry located a memo dated June 13, 1983 dealing with custody and guardianship of minors and provided this memo to the requester, together with a copy of the Divorce Act. In respect of item 1 however, the Ministry reiterated that it had no record of communications between the Ministry and the Board. The appellant subsequently indicated that he wished to pursue item 1, but was abandoning his appeal with respect to item 2.

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 the Ministry only.

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

In its representations, the Ministry provided a sworn affidavit which outlines the steps taken to locate the requested records. The affidavit states that the Ministry has conducted reviews of the following files:

- ! Two files for the Board - Search conducted by Records Management
- ! Correspondence file for the Minister - Search conducted by Records Management
- ! Regional Director, Correspondence File - Search conducted by Eastern Ontario Regional Office
- ! Ontario Student Record Guideline - Search conducted by Legislation Branch

In addition to the above searches, the affidavit indicates that an Education Officer from the Eastern Office Region was contacted respecting the possibility of records, but had no information to offer.

Having reviewed the representations of the Ministry and the affidavit evidence provided, I am satisfied that the Ministry has taken all reasonable steps to locate any records that would respond to the appellant's request, and I find that the search conducted by the Ministry in this appeal was reasonable.

Original signed by: _____
Asfaw Seife
Inquiry Officer

March 30, 1993