



Information and Privacy
Commissioner/Ontario

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

ORDER M-294

Appeal M-9300554

Hamilton-Wentworth Regional Police Services Board



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télééc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

ORDER

The Hamilton-Wentworth Regional Police Services Board (the Police) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to all written notes and memos made on the seventh of July 1993, which refer to the requester. The requester indicated that the information he sought may be in the possession of a named police officer as it relates to a conversation the police officer had with the Attorney General's office.

The Police responded that no records responsive to the request exist. The requester appealed the decision of the Police.

Mediation was not successful and notice that an inquiry was being conducted to review the decision of the Police was sent to the appellant and the Police. Representations were received from the Police only.

The sole issue to be decided in this appeal is whether the Police have conducted a reasonable search for responsive records.

The Police submit that the appellant was advised that other than 911 calls, telephone conversations are not taped by the Police and, therefore, there would not be a written record of any telephone conversations. The Police also advised the appellant that a record of a conversation would rarely be kept, except in an officer's notebook.

The Police further submit that the appellant advised them that he was seeking any information relating to himself that the named police officer had on paper for the date specified in his request (July 7, 1993). The Police provided a copy of a signed memorandum from the police officer which indicates that a search resulted in no responsive records being found.

Where a requester provides sufficient details about the records which he/she is seeking and the Police indicate that records do not exist, it is my responsibility to ensure that the Police have made a reasonable search to identify any records which are responsive to the request. While the Act does not require that the Police prove with absolute certainty that the requested records do not exist, the Police must demonstrate that the search was reasonable in the circumstances.

Having carefully reviewed the representations, I am satisfied that the search conducted by the Police for responsive records was reasonable in the circumstances.

ORDER:

I uphold the decision of the Police.

Original signed by:
Laurel Cropley
Inquiry Officer

March 30, 1994