



Information and Privacy
Commissioner/Ontario

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

ORDER M-447

Appeal M-9400437

Peel Board of Education



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NATURE OF THE APPEAL:

This is an appeal under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The Peel Board of Education (the Board), a broker for the jobsOntario Training Program, received a request for a copy of the application filed by the requester with jobsOntario. The request was transferred to the Board by the Ministry of Education and Training. The Board advised the requester that the requested record does not exist. The requester appealed the decision of the Board.

The sole issue in this appeal is whether the Board's search for records responsive to the appellant's request was reasonable in the circumstances of this appeal.

Notices of Inquiry were provided to the Board and the appellant. Representations were received from the Board only.

DISCUSSION:

REASONABLENESS OF SEARCH

Where the requester provides sufficient details about the records which he is seeking and the Board indicates that such records do not exist, it is my responsibility to ensure that the Board has made a reasonable search to identify any records which are responsive to the request. The Act does not require the Board to prove with absolute certainty that the requested records do not exist. However, in my view, in order to properly discharge its obligations under the Act, the Board must provide me with sufficient evidence to show that it has made a **reasonable** effort to identify and locate records responsive to the request.

The Board's representations include an affidavit sworn by the Board's solicitor and former Acting Freedom of Information and Privacy Co-ordinator. The solicitor states that a search was conducted of the Board's files pertaining to jobsOntario - Peel Brokerage applications. The search determined that there was no record of any registration completed by the appellant. In his affidavit, the solicitor states that, as part of the Board's effort to locate the responsive record, it also contacted another jobsOntario broker in the area (jobsOntario - Halton Brokerage) and was advised that the Halton Brokerage has no record of the appellant's application. The Board indicates that a file for an individual applicant is only opened when a formal application has been completed and that this is usually done in person. In the present case, the Board's search indicates that the appellant contacted the Board while in Florida but a formal application was never received from the appellant.

I have carefully reviewed the representations and the affidavit of the Board and I am satisfied that the search conducted by the Board for records responsive to the appellant's request was reasonable in the circumstances of this appeal.

ORDER:

I uphold the decision of the Board.

Original signed by: _____
Mumtaz Jiwan
Inquiry Officer

January 20, 1995