



Information and Privacy
Commissioner/Ontario

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

ORDER M-463

Appeals M-9400337, M-9400338 and M-9400339

City of Mississauga



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NATURE OF THE APPEALS:

These are appeals under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The City of Mississauga (the City) received requests for access to a number of records relating to the Cawthra Bush, the Woodlot Management Program, a meeting held on a particular date regarding the Cawthra Bush, a named City employee who attended this meeting, and records relating to the requester himself.

The City provided written explanations in response to some parts of the requests, provided access to certain records and indicated that no records existed which were responsive to other parts of the requests. The requester appealed the decision of the City indicating that further records should exist.

The sole issue in this appeal is whether the City's search for records was reasonable in the circumstances. A Notice of Inquiry was provided to the appellant and the City. Representations were received from both parties.

DISCUSSION:

REASONABLENESS OF SEARCH

Where the requester provides sufficient details about the records which he is seeking and the City indicates that such records do not exist, it is my responsibility to ensure that the City has made a reasonable search to identify any records which are responsive to the request. The Act does not require the City 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 City 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 City's representations include affidavits sworn by its Freedom of Information and Privacy Co-ordinator (who is also the City's Manager of Administration and Records), its Director of Administration and Parks, its Forestry Technologist, and its Environmental Planner. The affidavits indicate that extensive searches were conducted, but no additional responsive records were located. I find that, in the circumstances of this appeal, the actions taken by the City to locate responsive records were reasonable.

ORDER:

I uphold the decision of the City.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

February 10, 1995