



Information and Privacy
Commissioner/Ontario

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

ORDER P-916

Appeal P-9400561

Ministry of Natural Resources



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NATURE OF THE APPEAL:

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The Ministry of Natural Resources (the Ministry) received a request for the exact amount of monies expended on hunting and hunting-related activities during the 1992-1993 fiscal year. The requester also asked for a list of parks used for hunting together with locations and periods of use.

The Ministry identified records responsive to the second part of the request and granted full access to them. The Ministry denied access to the first part of the request stating that the records did not exist. The requester appealed the Ministry's decision.

In its decision letter, the Ministry explained, in some detail, that its financial records are not maintained in a manner that would allow identification of expenditures on this basis and therefore, the exact figures could not be provided. The appellant, however, claims that the records should exist as this type of information has been previously available.

A Notice of Inquiry was provided to the appellant and the Ministry. Representations were received from both parties.

DISCUSSION:

REASONABLENESS OF SEARCH

In its representations, the Ministry states that a search for records relating to exact expenditures for hunting and hunting-related activities was conducted in the Ministry's financial and accounting system. No responsive records were found.

The Ministry has provided detailed and extensive evidence to show that while its many expenditures may include and impact on hunting and hunting-related activities, its accounting and management system does not include the latter as a separate category. In this regard, the Ministry has also provided an affidavit of the Program Coordinator (the co-ordinator) for the Terrestrial Ecosystems Branch of the Ministry. The co-ordinator provides a detailed explanation as to why records responsive to the request do not exist.

The affidavit states that the Ministry does not, and has not in the past, separately identified expenditures relating exclusively to hunting or hunting-related activities. The affidavit states that the Ministry's current fiscal and accounting system is intended to maintain a record of expenditures of Ministry activities which includes genetic research, fisheries habitat rehabilitation, forest pest management, wildlife management and heritage areas. The Ministry's previous accounting system did show expenditures on outdoor recreation activities but, again, did not show hunting or hunting related expenses as a separate entity.

The co-ordinator gives several examples to illustrate why it is not possible to extrapolate the monies expended on hunting and hunting-related activities from the monies spent on other areas.

The co-ordinator points out that expenditures under wildlife management include reintroduction of species which had disappeared from Ontario, public education on wildlife, community involvement programs, and enhancing opportunities for wildlife viewing, hunting and trapping. Similarly, the successful reintroduction of the wild turkey, under a program partially funded by the Ministry, has not only provided increased hunting opportunities but has also provided benefit for non-hunting individuals involved in naturalist organizations and cultural benefit for aboriginal people. The affidavit states that while the Ministry has some expenditures which relate to hunting, such as the licensing system for hunters and hunter education courses, these would still not reflect the total cost of monies expended on hunting or hunting related activities.

The Ministry notes that the legislation does not require it to create a record where one does not exist. The Ministry states that while it wishes to comply with the spirit of the Act, the creation of such a record would result in a significant cost to the Ministry in terms of time and resources. Finally, the Ministry points out that the information in such a record would still have to be based partly on estimates and therefore, would not provide the "exact figures" sought by the appellant.

As I have indicated above, the request is for the "exact figure of funds spent on hunting and hunting-related activities..." spent by the Ministry in the 1992-1993 fiscal year.

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

I have carefully reviewed the affidavit and the representations submitted to me. In my view, the Ministry has provided me with a reasonable explanation as to why the records do not exist. I am satisfied that the Ministry's search for records responsive to the records was reasonable in the circumstances of this appeal.

ORDER:

I uphold the decision of the Ministry.

Original signed by: _____
Mumtaz Jiwan
Inquiry Officer

_____ April 26, 1995