



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER M-501**

**Appeal M-9400650**

**Toronto Board of Education**



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>

## **NATURE OF THE APPEAL:**

This is an appeal under the Municipal Freedom of Information and Protection of Privacy Act (the Act). The Toronto Board of Education (the Board) received a request for access to information relating to an incident which took place at the school attended by the requester's son. The Board was unable to locate any records which were responsive to the request and the requester appealed this decision.

At the suggestion of the requester, additional searches were undertaken at other locations within the Board and 34 records were identified. All but three of them were disclosed. The requester appealed the second decision of the Board, maintaining that additional records responsive to her request should exist. She also indicated that she was not seeking access to the three records which were identified but not disclosed.

A Notice of Inquiry was provided to the appellant and the Board. Representations were received from the Board only.

## **DISCUSSION:**

### **REASONABLENESS OF SEARCH**

Where a requester provides sufficient details about the records which he or she is seeking and the Board indicates that additional records do not exist, it is my responsibility to ensure that the Board has made a reasonable effort to identify responsive records. While the Act does not require that the Board prove to the degree of absolute certainty that such records do not exist, the search which the Board undertakes must be conducted by knowledgeable staff in locations where the records in question might reasonably be located.

With its representations, the Board has provided the affidavit of its Freedom of Information and Privacy Co-ordinator (the Co-ordinator) in which she describes the circumstances surrounding the creation of the records requested, the response of the Board to the request and the searches undertaken. The Co-ordinator originally contacted the Superintendent and Associate Director of Education for the school at which the appellant's son was enrolled. This failed to reveal any responsive records.

At the suggestion of the appellant, the Board's Equal Opportunity Office was contacted. The Office of the Equity Advisor located the records which were ultimately disclosed to the appellant. In her affidavit, the Co-ordinator outlines the searches which she personally undertook at the Equal Opportunities Office and the inquiries which she made of the School Superintendent, the Associate Director of Education, the Executive Assistant to the Director of Education and two former Principals of the school which her son attended. The Co-ordinator also indicates the reason why additional records may not exist given the circumstances of the incident which gave rise to the request.

After considering the representations of the Board, I am satisfied that the Board made extensive and appropriate efforts to locate responsive records. Accordingly, I find that the Board's actions in attempting to locate responsive records were reasonable in the circumstances.

## **ORDER:**

I uphold the Board's decision.

Original signed by: \_\_\_\_\_  
Donald Hale  
Inquiry Officer

\_\_\_\_\_  
March 29, 1995