



Information and Privacy  
Commissioner/Ontario  
Commissaire à l'information  
et à la protection de la vie privée/Ontario

# **ORDER M-529**

**Appeal M-9500140**

**Regional Municipality of Peel**



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/Télé: 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 Regional Municipality of Peel (the Region) received a request for access to records which relate to the decision regarding the construction method employed to install a water main at a stated location. The Region responded by indicating that it had no such records in its possession as the subject of the request is a project of the Ontario Clean Water Agency. The Region indicated that the only records the Region had were records relating to the financing of that portion of the project which traverses Regional property and/or roads. The Region transferred the request to the City of Mississauga and the Credit Valley Conservation Authority. The requester appealed the Region's decision, and stating that records responsive to his request should exist.

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

## **DISCUSSION:**

It is my responsibility to ensure that the Region has properly discharged its obligations under the Act by making a reasonable effort to search for and identify records which are responsive to the request. When the requester provides sufficient detail about the records which he or she is seeking and the Region indicates that such records do not exist, the Region must provide me with sufficient evidence to show that it has made a **reasonable** effort. However, the Act does not require the Region to prove to a degree of absolute certainty that the requested records do not exist.

With its representations, the Region provided an affidavit signed by a Records Analyst employed in the Corporate Secretariat of the Clerk's Division of the Region's Corporate Services Department outlining the steps which were taken to locate records responsive to the appellant's request. The search described encompassed the Environmental Health, Planning, Legal Services and Finance Department files, the Regional Treasurer's files, Public Works Project files, Council Minutes and Budget Sub-Committee files. The Region indicates that the files searched yielded no responsive records pertaining to the construction method. I have carefully reviewed the affidavit and the representations of both parties. I am satisfied that the Region has taken all reasonable steps to locate the records which would be responsive to the appellant's request and I find that the search was reasonable in the circumstances of this appeal.

## **ORDER:**

I uphold the Region's decision.

Original signed by: \_\_\_\_\_  
Holly Big Canoe  
Inquiry Officer

\_\_\_\_\_ May 17, 1995