



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

ORDER M-659

Appeal M_9500633

City of Mississauga



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:

The City of Mississauga (the City) received a request under the Municipal Freedom of Information and Protection of Privacy Act (the Act) for access to records which substantiated a statement made by a City employee regarding the cost to the City of requests made under the Act. The City advised the requester that no records responsive to his request exist. The requester appealed this decision.

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

DISCUSSION:

REASONABLENESS OF SEARCH

With its representations, the City has provided an affidavit from the employee who made the statement referred to in the request. The employee indicates that he did not refer to any existing records when he commented on the cost to the City of requests under the Act.

The appellant simply maintains that records should exist which provide the basis for the statement made by the City employee.

Where a requester provides sufficient details about the records which he is seeking and the City indicates that 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 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.

I have reviewed the affidavit of the City employee and am satisfied that the efforts made by the City to determine whether records responsive to the request exist were reasonable in the circumstances.

ORDER:

The City's search for records was reasonable and this appeal is denied.

Original signed by: _____ November 29, 1995
Donald Hale
Inquiry Officer