



**Information and Privacy  
Commissioner/Ontario**

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

# **ORDER P-1122**

**Appeal P-9500458**

**Management Board Secretariat**



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## **NATURE OF THE APPEAL:**

Management Board Secretariat (MBS) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to records relating to the sale of the Cawthra Bush lands by MBS to the City of Mississauga. In 1994, the requester made other requests for the identical information and was granted access to the responsive records by either viewing them in person or receiving copies. MBS advised the requester that the only additional records responsive to his request to which he had not already been granted access was correspondence to and from himself.

The requester appealed the decision on the basis that additional records responsive to his request exist. A Notice of Inquiry was provided to MBS and the appellant. Representations were received from both parties.

## **DISCUSSION:**

### **REASONABLENESS OF SEARCH**

Where a requester provides sufficient details about the records which he or she is seeking and MBS indicates that such a record does not exist, it is my responsibility to ensure that MBS has made a reasonable search to identify any records which are responsive to the request. The Act does not require MBS 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, MBS must provide me with sufficient evidence to show that it has made a reasonable effort to identify and locate records responsive to the request.

MBS has submitted an affidavit from the Vice-President of the Property Development Division of the Ontario Realty Corporation who is responsible for the record holdings within the Division. The affidavit indicates that all records which are responsive to the request have been provided to the appellant and that no further records exist. The affidavit also sets out the nature and extent of the searches undertaken by MBS to locate records responsive to the request.

The appellant submits that additional records should exist responsive to portions of his request but has not provided any cogent reasons for the basis for this belief.

I have considered the representations of the parties and find that MBS's search for records was reasonable in the circumstances of this appeal.

## **ORDER:**

I dismiss the appeal.

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

February 13, 1996

Inquiry Officer