



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

ORDER P-1227

Appeal P-9600185

Seneca College of Applied Arts and Technology



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NATURE OF THE APPEAL:

Seneca College of Applied Arts and Technology (the College) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to a copy of all information the College has on file regarding the appellant, a former student.

The College granted partial access to the records which related to the appellant. The College denied access to the personal identifiers of other individuals under section 21 of the Act. The appellant appealed this decision claiming that further responsive records should exist.

During mediation, it was established that the appellant was claiming that notes of meetings he had with various College personnel and professors'/instructors' notes in relation to certain grades he had received for some of his courses were not included in the records provided to him by the College.

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

DISCUSSION:

REASONABLENESS OF SEARCH

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

The College has submitted an affidavit sworn by the College's Freedom of Information and Privacy Co-ordinator. The Co-ordinator conducted the search to locate responsive records and indicates that all records responsive to the request have been provided to the appellant, with the exception of the severances that were made under section 21 of the Act. The affidavit includes an explanation of the College's record keeping practices and the steps taken to locate responsive records. The Co-ordinator concludes by submitting that no further responsive records exist.

The Co-ordinator explains that eighteen months after a student's file becomes inactive the key documents, such as transcripts and the application form, are placed on microfilm and the remainder of the file is destroyed by incineration. As the appellant withdrew from the College in 1993, only the microfilm records are available, copies of which have been provided to the appellant.

The Co-ordinator explains that if a student makes a complaint of discrimination or harassment a file is created. As the appellant filed a complaint in January, 1993, a file was created and the

appellant was provided with the entire contents of this file with the exception of the aforementioned severances.

The steps taken to locate responsive records included contact with various College officials, such as the Board of Governors, the President, the appellant's professors, the Manager for Admissions and Records and other employees.

I have considered the representations of the parties and I find that the College's search for records responsive to the appellant's request was reasonable in the circumstances of this appeal.

ORDER:

I find that the search for records was reasonable and I dismiss the appeal.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

_____ July 16, 1996