

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

ORDER PO-4715

Appeal PA23-00020

University Health Network

August 28, 2025

Summary: This order considers the adequacy of the additional searches conducted by University Health Network in response to Order PO-4314, which addressed a former graduate student's request to UHN for records relating to a clinical practicum from which she had been terminated. In that order, the adjudicator found that UHN had not conducted reasonable searches, as required by the *Freedom of Information and Protection of Privacy Act*, in relation to three categories of information responsive to the student's request. She ordered UHN to conduct further searches, including for metadata associated with certain records, and to issue an access decision along with an explanation of its further search efforts.

This order addresses the student's appeal of UHN's further searches in response to Order PO-4314. The adjudicator finds that UHN has now complied with its obligations under the *Act* to conduct reasonable searches in relation to two categories of information. However, she finds that UHN has again failed to provide a reasonable explanation of its search efforts for the requested metadata. In the circumstances, which include UHN's multiple searches for the same information and the guidance provided in this order and in PO-4314, the adjudicator declines to order a further search. She dismisses the appeal.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, section 24.

Orders and Investigation Reports Considered: Order PO-4314.

OVERVIEW:

[1] This order arises from a former graduate student's appeal of certain additional searches conducted by University Health Network (UHN) in response to Order PO-4314. This appeal, and the appeal underlying Order PO-4314, arise from the student's detailed, multi-part request to UHN under the *Freedom of Information and Protection of Privacy Act* (the *Act*) for "any and all records," covering various periods of time, generally relating to the student's practicum training in the bariatric surgery program of Toronto Western Hospital (part of UHN), and the decision to terminate her from her placement. She also requested records relating to the general operation of the bariatric clinic, and metadata for some of the records. (The text of the student's original request is set out in the Appendix to this order.)

[2] In response to the student's request, UHN identified 171 responsive records, which it disclosed to her in part. The student was dissatisfied with UHN's decision, and appealed it to the Office of the Information and Privacy Commissioner of Ontario (IPC). That appeal was addressed in Order PO-4314, in which I allowed the student's appeal in part. I upheld UHN's decision to withhold portions of the records on various grounds in the *Act*, and largely upheld the reasonableness of UHN's search for responsive records.

[3] However, I found that UHN had failed to demonstrate reasonable efforts to locate records responsive to three categories of information covered by the student's access request, and I issued orders to address these deficiencies. Of relevance to this appeal are order provisions 3, 4, 5, and 6 of Order PO-4314. They state:

3. I do not uphold UHN's searches in respect of the following information:

- Documentation maintained by UHN "on issues such as civility and respect, anti-racism, etc;"
- Opening, closing, and operational policies governing the bariatric clinic that are directed to clerical staff; and
- Metadata for the following records (as numbered in UHN's index of records): 10-13, 22, 32-34, 44, 48, 145-147, 153-155, 164, 167, and 168.

4. I order UHN to conduct further searches for the above records, and to issue an access decision or access decisions to the [student] in respect of these records, treating the date of this order as the date of the request for the purposes of the procedural requirements of the *Act*.

5. If UHN's searches in respect of any of the categories of records described in order provision 3 fail to locate further records, UHN must provide to the [student], along with its access decision(s), a detailed explanation of its search efforts. This explanation must identify, at a minimum:

- Who conducted the search, and/or who was contacted in the course of the search (for example, whether technology services was engaged for assistance in the search);
- The places searched;
- The types of files searched; and
- The results of the search.

6. In respect of the metadata UHN has already disclosed to the [student], and for any new records of metadata that UHN locates as a result of its further searches, I order UHN to identify for the [student] the precise record (as identified in UHN's index of records) to which the metadata relates. If UHN is unable to provide this information, it must explain to the [student] why.

[4] In response to these order provisions, UHN conducted further searches and issued a decision letter that read, in part, as follows:

With respect to your request for documentation on issues such as civility and respect, anti-racism etc., please find enclosed UHN policies 2.50.005 Fostering Respect in the Workplace and 1.20.019 Anti-Racism and Anti-Black Racism.

You had requested opening, closing and operational policies governing the bariatric unit that are directed to clerical staff. Please note a search of our records failed to locate any such documents. A search was conducted by the unit's clinical manager who consulted the unit shared drives, old files, and consulted with clinicians and staff who are familiar with the unit's records and record-keeping.

You had also questioned whether the search for "metadata" was reasonable. UHN's Information and Technology staff were contacted and confirmed that there is no central repository for correspondence and other documents created by staff. Any metadata that exists would be found with the specific document within the directory in which it was created.

Staff were instructed to conduct further searches for the "metadata" and the results are as follows: ...

- A number of these records are unsigned "draft copies" and as such the metadata was only retrievable for the final version. This is the case for records 10, 12, 13, 22, 32, 34, 44, 48 and 146.

- Accordingly, metadata is attached for records 33, 153, 154, 155, 164, 167 and 168.

Please note, these searches were conducted by the authors of the records, who are responsible for the creation and retention of these documents.

[5] The student was dissatisfied with UHN's most recent decision, and filed the present appeal with the IPC.

[6] During the mediation stage of the appeal process, the student explained that she is dissatisfied with UHN's response in respect of all three categories of information, because she believes its searches were deficient and failed to locate responsive records that ought to exist. She also believes that UHN failed to comply with Order PO-4314's requirement for a detailed explanation of its searches. During mediation, the parties shared additional information about their positions, which I summarize further below.

[7] The parties were unable to mediate the dispute, and the appeal moved to the adjudication stage of the IPC process. I conducted an inquiry, during which I invited representations from the parties, and shared them in accordance with the IPC's *Code of Procedure and Practice Direction #7*.

[8] In this order, I find that UHN has now complied with its obligations under the *Act* in relation to its searches for two categories of information at issue. However, I find that UHN has again failed to demonstrate reasonable efforts to identify and locate the requested metadata. In the circumstances, however, I conclude there would be no useful purpose in ordering further searches as a remedy. I dismiss the appeal.

RECORDS:

[9] At issue in this appeal are three categories of information in respect of which the student says there are additional responsive records that UHN has not identified or located. They are:

- Documentation maintained by UHN "on issues such as civility and respect, anti-racism, etc;"
- Opening, closing, and operational policies governing the bariatric clinic that are directed to clerical staff; and
- Metadata for the following records (as numbered in UHN's index of records): 10, 11, 12, 13, 22, 32, 33, 34, 44, 48, 146, 153, 154, 155, 164, 167, and 168.

DISCUSSION:

Did UHN conduct a reasonable search in accordance with the *Act*?

[10] The issue in this appeal is whether UHN conducted a reasonable search, in accordance with its obligations under the *Act*, in relation to three categories of information identified by the student.

[11] If a requester claims that additional records exist beyond those found by the institution, the issue is whether the institution has conducted a reasonable search for records as required by section 24 of the *Act*.¹ If the IPC is satisfied that the search carried out was reasonable in the circumstances, it will uphold the institution's decision. Otherwise, it may order the institution to conduct another search for records.

[12] Although a requester will rarely be in a position to indicate precisely which records the institution has not identified, they still must provide a reasonable basis for concluding that such records exist.²

[13] The *Act* does not require the institution to prove with certainty that further records do not exist. However, the institution must provide enough evidence to show that it has made a reasonable effort to identify and locate responsive records.³ Responsive records are those that are "reasonably related" to the request.⁴

[14] A reasonable search is one in which an experienced employee knowledgeable in the subject matter of the request makes a reasonable effort to locate records that are reasonably related to the request.⁵ The IPC may order a further search if the institution does not provide enough evidence to show that it has made a reasonable effort to identify and locate all responsive records within its custody or control.⁶

[15] During the inquiry, I asked UHN to explain, for each category of information at issue, how it complied with the requirements of section 24 of the *Act* and Order PO-4314. UHN provided initial representations, and some additional information in response to my request for clarification of its initial representations. I later gave UHN an opportunity to address the student's representations, which it did in reply. I have considered all the representations from the parties in arriving at my decisions in this appeal.

[16] In the discussion that follows, I explain why I am satisfied that UHN has now complied with the *Act* in relation to its searches for two categories of information at issue. However, I find that UHN has failed to show reasonable efforts to identify and locate the

¹ Orders P-85, P-221 and PO-1954-I.

² Order MO-2246.

³ Orders P-624 and PO-2559.

⁴ Order PO-2554.

⁵ Orders M-909, PO-2469 and PO-2592.

⁶ Order MO-2185.

requested metadata, and I make some comments in this regard.

UHN has conducted a reasonable search for documentation "on issues such as civility and respect, anti-racism, etc."

[17] During the mediation stage of the appeal process, UHN asked the student to more clearly define the additional "human rights-related documentation" that she believes UHN has failed to locate, and to which she continues to seek access.

[18] The student provided a "non-exhaustive" list of policies that she says are identified in other records that UHN disclosed to her. Among them are policies titled "*Accessibility for Ontarians with Disabilities Act – Integrated Accessibility Standards Regulation*" (including superseded versions of this policy), "*Fostering Respect in the Workplace*" (including superseded versions of this policy), "*Civility and Respect*," and "*Caregiver Preference Guidelines*."

[19] The IPC mediator provided this information to UHN, which gave the student copies of all the policies she identified (15 records in all). In its letter to the student, UHN noted that it had asked the student "on numerous occasions to identify specific policies or areas of interest as the term [...] 'human-rights related' was too vague."

[20] The student continued to assert that there are additional records responsive to this part of her access request. She cited the following as examples of responsive records that have not been identified or released by UHN:

2 records cited by the policy document Mr. Ward provided, "1.20.007 AODA Standards-final-31Dec13.pdf":

University Health Network Accessibility Committee (2012). Multi Year Accessibility Plan 2012-2021

University Health Network Accessibility Committee. (2012). 2012-2014 Accessibility plan.⁷

[21] UHN provided these policies to the student in a supplemental decision issued during the inquiry.

[22] However, UHN maintains that the request as worded is too broad to allow it to identify every responsive policy of interest to the student without her help. Noting that the general areas of "civility and respect, anti-racism, etc." are handled by its People and Culture Department, UHN provided with its representations an index of policies maintained by that department, and invited the student to identify the specific policies she seeks.

⁷ The student provided specific website links which I do not include here for ease of reading.

[23] In her responding representations, the student identifies 11 policies maintained by the People and Culture Department, and requests access to them. These include policies on employment documentation, exit surveys, flexible work arrangements, and whistleblowers.

[24] In its reply representations, UHN confirms that it will be providing the student with copies of the specific policies she has requested.

[25] In the circumstances, I am satisfied that this aspect of the appeal has now been addressed in accordance with the *Act*.

[26] In Order PO-4314, I ordered UHN to conduct a search and to issue an access decision in relation to the student's request for "*Human Rights Code*-related documentation" (which UHN describes as "documentation on issues such as civility and respect, anti-racism, etc.") because the evidence before me indicated that UHN had not addressed this part of her request. It is clear that since that time, UHN has taken steps to respond to the student's request for these records, including by providing her with an index of potentially responsive policies maintained by the appropriate department.

[27] I find reasonable UHN's position that the student's request as worded is so broad that it could encompass a wide range of policies. In these circumstances, I find reasonable and appropriate UHN's approach of providing specific policies to the student only after she has identified them. I observe, for instance, that some of the new policies the student has requested under this heading (for example, those on exit surveys and flexible work arrangements) are ones that may not ordinarily come to mind in addressing a request for "documentation on issues such as civility and respect, anti-racism, etc." The IPC has recognized that a requester has obligations to assist an institution in clarifying an access request where necessary.⁸

[28] In this case, based on the parties' representations, I do not understand there to be a significant dispute remaining between them about UHN's response to this part of the request. It is also my understanding that the parties will continue to communicate between themselves about any additional policies the student may seek on these topics, including through the filing of fresh access requests as necessary.

[29] I dismiss this aspect of the appeal.

UHN has conducted a reasonable search for opening, closing, and operational policies governing the bariatric clinic that are directed to clerical staff

[30] During mediation, the student took issue with UHN's failure to locate any records responsive to her request for "opening, closing, and operational policies" for the bariatric clinic. She noted that in Order PO-4314, UHN is described as having stated that its opening, closing, and operational procedures specific to the bariatric clinic are policies

⁸ Order MO-2213.

"directed to clerical staff, not to clinical staff or to UHN as a whole." In Order PO-4314, I found that the bariatric clinic policies described by UHN (i.e., bariatric clinic policies "directed to clerical staff") are, in fact, responsive to the student's access request, and I ordered UHN to issue an access decision in respect of those records.

[31] At mediation, the student also took issue with UHN's description of its search efforts, which she said was insufficiently detailed to comply with the requirement in Order PO-4314 that UHN provide "a detailed explanation of its search efforts."

[32] In its representations made during the inquiry, UHN explains while the bariatric clinic is subject to UHN's corporate policies, the clinic does not itself have "opening, closing, and operational policies." UHN says this is confirmed by the clinic director, who also searched the clinic's paper files and electronic files (SharePoint files, including inactive files), and consulted with clinicians and staff familiar with the clinic's record-keeping practices.

[33] With its representations, UHN provided a copy of its corporate practices in the event the student seeks access to any of these policies.

[34] In her responding representations, the student identifies 13 policies from the index of corporate policies, and requests access to them. These include policies on centralized room booking, desktop application standards, and wayfinding signage. In its reply representations, UHN confirms that it will be providing the student with copies of the specific policies she has requested.

[35] For the same reasons given above, I am satisfied that this part of the student's request has now been addressed in accordance with the *Act*.

[36] UHN has now provided to the student with a list of corporate policies applicable to the bariatric clinic that could be responsive to her request, and given her an opportunity to request the policies of interest to her, which she has done. As above, I find this approach to be reasonable in the circumstances, given the number of potentially responsive records. Similar to the situation above, I observe that some of the policies the student has requested under this heading (for example, policies on centralized room booking and wayfinding signage) are ones that may not ordinarily come to mind in considering a request for "opening, closing, and operational procedures specific to the bariatric clinic."

[37] Given the circumstances of the request and this appeal, the approach of having the student identify from a list the specific policies she seeks, and then granting her access to those specific policies, is appropriate and reasonable. As above, I do not understand there to be a significant dispute remaining between the parties about this approach to handling this part of the student's request.

[38] I dismiss this aspect of the appeal.

UHN has not conducted a reasonable search for metadata for specified records

[39] This aspect of the appeal arises from the student's request for the metadata for certain records that UHN disclosed to her. The relevant part of her request reads as follows:

Pursuant to the [Act], I request access to and a copy of all records (as defined in the Act) in the custody or under the control of Toronto Western Hospital ('TWH') or University Health Network ('UHN' collectively with TWH referred to as the "Institution") in any format including but not limited [to] electronic format stored in the Institution's incumbent data/cloud service providers or by individuals employed by, or agents of the Institution, including a complete copy of the following records:

(A) From March 1, 2017 to the present date [August 6, 2019]:

5. A list of all 'computer file attribute' values of attribute types "Created" date, "Content Created" date, "Modified" date, and "Date Last Saved" date, for all records referred to as "Clinical Supervision Record" created by [one or other of two named individuals], or in the care or control of TWH, UHN, or TWH Bariatric Clinic Program, relating to the Requester's practicum with TWH/UHN or are in regard to the Requester.

[40] In Order PO-4314, I concluded on the evidence that UHN had not conducted a reasonable search for the requested metadata, and I ordered it to take certain steps to remedy this failure.⁹

[41] Specifically, I ordered UHN to conduct further searches for the metadata associated with certain records, and to provide the student with an access decision and a detailed explanation of its search efforts in relation to this information. I also ordered UHN to identify for the student the precise record (as numbered in UHN's index of records) to which any previously disclosed and newly located records of metadata relate.

[42] As noted above, UHN conducted further searches, and provided the student with the following update:

You had also questioned whether the search for "metadata" was reasonable. UHN's Information and Technology staff were contacted and confirmed that there is no central repository for correspondence and other documents created by staff. Any metadata that exists would be found with the specific document within the directory in which it was created.

⁹ I also found as a preliminary matter that the requested metadata is responsive information subject to the right of access in the Act. See in this regard Order MO-4091.

Staff were instructed to conduct further searches for the “metadata” and the results are as follows: ...

- A number of these records are unsigned “draft copies” and as such the metadata was only retrievable for the final version. This is the case for records 10, 12, 13, 22, 32, 34, 44, 48 and 146.
- Accordingly, metadata is attached for records 33, 153, 154, 155, 164, 167 and 168.

Please note, these searches were conducted by the authors of the records, who are responsible for the creation and retention of these documents.

[43] The student was dissatisfied with UHN’s further search for metadata. At the conclusion of mediation, she identified the following pages (as numbered in UHN’s index of records) as records for which she continues to seek metadata: 10, 11, 12, 13, 22, 32, 33, 34, 44, 48, 146, 153, 154, 155, 164, 167, and 168. For these records, the student says UHN failed to provide any metadata, or provided metadata that is incorrect or inaccurate, and/or it failed to comply with the requirements of Order PO-4314 in respect of the steps taken to search for the metadata.

[44] During the inquiry, I asked UHN to explain whether it had complied with the requirements of the *Act* and with Order PO-4314 in conducting its further searches for metadata. I specifically asked UHN to explain how it had addressed the following observations and findings made at paragraphs 100 to 107 of that order. I reproduce the relevant portions here (emphases added):

[100] The appellant asserts that there is a simple and quick method to obtain metadata from a digital file, which is outlined in instructions she obtained from Microsoft (the company that produces Word, the word processing software used by UHN), and then provided to UHN. In summary, the method she suggests involves the following steps:

- Accessing the original (source) location where the file resides (for example, the file server, the user local workstation, or cloud file server);
- From the file directory, right-clicking on the file to open its file properties;
- From this tab, selecting the “Details” tab;

[101] The appellant provided me with a copy of the instructions she provided to UHN. They are easy to follow, and are accompanied by annotated screenshots that clearly explain each step of the process. [...]

[102] UHN provided me with copies of some of the metadata records it has disclosed to the appellant to date. These records appear to display the metadata sought by the appellant, although it is not clear to me that UHN followed the precise instructions supplied by the appellant. (As noted above, the disclosed metadata records appear to be printed copies of the information appearing under the "Info" tab from the "File" menu of a given Word document.) Regardless of the method used by UHN, it does not appear to be in dispute that UHN provided the appellant with the requested metadata for some of the records of interest to her [footnote omitted].

[103] Rather, the main dispute between the parties is whether UHN conducted a reasonable search in respect of other records for which UHN says metadata does not exist. UHN says that PDF records in particular pose a problem, because (as I understand UHN's argument) when the original (Word) versions of these records were saved in Adobe (PDF) format, the file attributes of the original versions were lost. As a result, UHN submits, there is no metadata available for these other records.

[104] I do not accept UHN's explanation. **As the appellant notes, converting a Word document to PDF format would remove the metadata for the source (original) record (i.e., the Word document) from the metadata for the newly created PDF file, which has its own metadata. However, this should not affect the source record's metadata, which would continue to be maintained at the source record's location.** Like the appellant, I question UHN's statement that a source record's metadata "becomes lost once a new document is created or saved to another device."

[105] On this point, I also find relevant the appellant's evidence that in response to her access request, UHN disclosed multiple versions of identically titled records (that are also nearly identical in content). The appellant suggests that this illustrates UHN does not have a practice of saving documents in a manner that replaces previous versions with the newest version. I agree. The appellant notes that in the case of the six identically titled records, each record would exist independently of the others in its own source location, and that each of the six records would have its own, distinct, metadata. I also agree with this statement. **The appellant states that it is her understanding that all the source records are Word documents, not PDF documents.** When invited to respond to the appellant's representations on this topic, which raised these points and others, UHN merely repeated the statements summarized above, including that it has a limited ability to provide metadata, and that it has already disclosed to the appellant all the metadata that is available.

[106] After considering the parties' representations, **it remains unclear to me why UHN takes the position that it is unable to retrieve metadata from the source records from which PDF records were generated, which would be distinct from the metadata of their PDF versions. UHN states that this metadata "becomes lost once a new document is created or saved to another device," but it does not clearly explain why this would be the case. For example, UHN does not appear to be claiming that the records at issue were originally generated in PDF format, so that there simply do not exist any source records in Word format, or that its practice is to delete source records (in Word format) once their contents are saved in a new format (such as PDF). If I am misunderstanding UHN's position, then it lies on UHN to state its position clearly, and to support its position with evidence, which it has not done.** Further, I find unclear the relevance of UHN's assertion that it lacks an integrated word processing system. I agree with the appellant that an institution does not need to use an integrated word processing system to retrieve metadata from responsive records in its custody or control.

[107] In summary, **while I make no finding on whether the requested metadata in fact exists, I am not satisfied that UHN has conducted a reasonable search for this information, or provided an adequate explanation for why this information does not exist.** As a result, I will order UHN to conduct another search for metadata. In this context, a reasonable search could involve engaging UHN's technology services to retrieve the metadata for source records at their original locations. Following its search, UHN must issue another access decision to the appellant in respect of this information. Along with its decision, **I will require UHN to provide a detailed explanation of the steps it took to conduct this search. This explanation must include confirmation that UHN has followed the instructions provided by the appellant, or else a description of what alternate method it used to search for metadata, and why it used this alternate method.**

[45] In my request for representations on this topic, I also asked UHN to clearly explain:

- Whether in searching for the requested metadata, UHN followed the instructions provided by the appellant, or used an alternate method (and if so, to explain why it did);
- The basis for UHN's position that metadata is not retrievable for "unsigned 'draft copies,'" and is available only for final versions of records; and

- Whether it remains UHN's position that it is unable to retrieve metadata from the source records (i.e., Word versions of records) from which PDF records were generated, and if so, to explain the basis for this position.

[46] In response, UHN acknowledges that it may not have followed the student's precise instructions for producing the requested metadata. UHN says it has now followed her instructions, and it provided the student and the IPC with new records of metadata. UHN describes the new records of metadata as "photos" of the "'details' screen of the properties of each file," and says the newly disclosed metadata is for both Word and PDF documents. With respect to PDF documents, UHN says:

Once a [Word] document was converted to a [PDF] file through scanning, etc. this became the source file and the previous [Word] file was discarded.

[47] I wrote to UHN to ask it to clarify certain items in its representations. With respect to its statement above, regarding the metadata of Word files, I asked UHN to explain what it means by "discarded." I also asked UHN to explain whether its position is that responsive records in Word format once existed, but have since been destroyed, and, in either event, to explain what happened to the "previous Word" versions to which it refers. I also asked UHN to provide any supporting documentation to help me understand its position, such as any relevant policies on document retention or destruction.

[48] In response, UHN says:

I again consulted the authors of these records who confirmed that all responsive records were located and provided to the requester through this office. They indicated that it is possible that paper Word documents may have been converted to PDF through scanning. Since the Word versions no longer exist in electronic or paper format, it would appear the previous versions were deleted although there is no documentation to confirm this. Also, staff were unfamiliar with the concept of metadata so it is unlikely that they would have considered the fact that metadata would be lost when the documents were converted to another format.

[49] Along with this response, UHN provided a copy of its "Management, Retention & Destruction of UHN Records" policy. UHN notes that while the policy does not address the conversion of documents from one electronic version to another, "it does allow for scanning of records where the scanned document becomes the official record."

[50] I shared UHN's representations with the student. On the issue of the requested metadata, the student begins by identifying a number of records for which she no longer seeks metadata, or is content for other reasons to remove the metadata from the scope of the appeal. As a result, she continues to seek metadata for the following records only: 11, 12, 13, 22, 32, 33, 34, 44, 48, 146, 164, 167, and 168.

[51] I have considered the representations of both parties, the records of metadata

disclosed by UHN to date, and the requirements of Order PO-4314 and the *Act*. I conclude that UHN has again failed to comply with its obligations in addressing the student's request for access to certain metadata. As in the previous order, this is not because I make any finding about whether the requested metadata in fact exists. Rather, it is because I am unable to find, on the evidence provided to date, that UHN has conducted a reasonable search for this information in accordance with its obligations under the *Act*.

[52] UHN's representations in this appeal leave unanswered certain questions that remained open at the conclusion of the inquiry leading to Order PO-4314. These include the questions set out in the portions of the order reproduced above and that I have emphasized in bold in this order. Among other things, I remain unpersuaded by its statement that once "a [Word] document was converted to a [PDF] file through scanning, etc. this became the source file and the previous [Word] file was discarded." In response to my request for evidence to support this conclusion, UHN reports that Word versions no longer exist, so would appear to have been deleted. It also relies on a policy that does not address the deletion of source documents, and whose guidance on scanning of records does not assist in addressing the question of whether UHN expended reasonable efforts to identify and locate the metadata at issue in this appeal.

[53] More generally, I find that UHN has again failed to provide an adequate explanation of its search efforts for the requested metadata, beyond noting that it consulted with the authors of the records, who UHN concedes are "unfamiliar with the concept of metadata." UHN does not explain what other resources it engaged in conducting its searches, including, notably, whether it engaged its technology services staff who are likelier to be familiar with "the concept of metadata," and may be able to assist in searches for source (i.e., Word) documents that may have been deleted from UHN's electronic systems. If UHN decided not to employ its technology services staff and resources in conducting its further searches for metadata, it has not provided a reasonable explanation as to why.

[54] In addition to these general deficiencies in UHN's representations on search, the student identifies a number of specific issues with the metadata records she has received from UHN to date. These include:

- The fact that while the metadata values for "date created" for responsive records would reasonably be expected to fall within the date range covered by the request (i.e., March 2017 to August 6, 2019), some of the metadata records provided by UHN have "date created" values that are newer than August 2019.
- That the file location metadata values for some of the records indicates that the records reside in a file folder titled "FOI\FIPPA Requests\2019\..." This suggests that UHN copied (from their original locations) the source records and placed them in a custom folder for the purposes of responding to her access request. She questions why UHN has not disclosed accurate file location metadata by identifying the original locations of the source records.

[55] The student's representations raise some legitimate questions about the adequacy of UHN's explanations to date about its searches for metadata and about the metadata records it has released. I gave UHN the opportunity to address these questions, to which it responds as follows:

... I am reiterating that staff conducted a thorough search of their records and provided to UHN's FIPPA Coordinator electronic copies of all responsive records in their possession. This includes draft and incomplete records.

Staff admit that some drafts and records that were not finalized were likely deleted before [the student] submitted her access request for information. No records have been deleted since that date and no metadata has been removed from the records. Staff do not have the knowledge or ability to do so in any event.

The copies forwarded to the FIPPA Coordinator contained all of the metadata of the source record[s] and this metadata has been forwarded to [the student] following the instructions she provided. All of these records were dated between 2017 and 2019. There is no additional information or metadata to provide.

UHN contends that in this circumstance, the search for records was reasonable. We cannot provide to [the student] information that does not exist.

[56] These final representations do not in my view fully address the gaps in UHN's explanations of its search efforts to date, or its conclusion that further metadata does not exist. This is in spite of a previous order identifying these gaps, and the multiple opportunities given to UHN in this inquiry to address specific questions posed by the student and by me about its search efforts. In these circumstances, I must conclude that UHN has again failed to meet its obligations under the *Act* to show it has made reasonable efforts to respond to this part of the access request.

[57] As I have found that UHN has failed to demonstrate reasonable efforts to identify and locate the requested metadata, or to provide a reasonable explanation for why the metadata does not exist (or should not reasonably be expected to exist), I must consider the appropriate remedy. As noted above, the IPC has the power to order a further search where the IPC finds an institution has not provided enough evidence to show it has made reasonable efforts to identify and locate all responsive records in its custody or control.

[58] I have considered all the circumstances of this appeal, and the previous appeal leading to Order PO-4314, including the guidance provided in that order and in this one about the requirements of the *Act* as they relate to the metadata the student seeks. The issue of the reasonableness of UHN's search for the requested metadata has now been the subject of two IPC orders, which between them have also addressed a number of

other issues arising between these parties. Although I believe UHN ought to have made more diligent efforts to respond to this part of the student's request, in the circumstances I see no useful purpose in ordering a further search for the same information that has been the subject of multiple searches by UHN and two IPC inquiries. Based on all the information before me, it is my view that further searches are unlikely to yield the additional information the student seeks, or to satisfy the student's appeal.

[59] For all these reasons, while I do not uphold UHN's search for metadata, I decline to order further searches in the circumstances. I dismiss the appeal.

ORDER:

For the foregoing reasons, I dismiss the appeal.

Original Signed by: _____
Jenny Ryu
Adjudicator

August 28, 2025 _____

APPENDIX

The access request giving rise to the appeals

Pursuant to the Freedom of Information and Protection of Privacy Act, R.S.O. 1990 ("Act"), I request access to and a copy of all records (as defined in the Act) in the custody or under the control of Toronto Western Hospital ('TWH') or University Health Network ('UHN' collectively with TWH referred to as the "Institution") in any format including but not limited [to] electronic format stored in the Institution's incumbent data/cloud service providers or by individuals employed by, or agents of the Institution, including a complete copy of the following records:

A. From March 1, 2017 to the present date [August 6, 2019]:

1. Any and all records created by, sent from, or received by one or more of the following individuals: [six named individuals], or any other employee, staff, agent or representatives of TWH or UHN, that either directly or indirectly refer to, or are in regard to the requester [the appellant's name], (having York student number [specified student number]) and may include references to [the appellant] using the following identifiers, among others, 'her', 'student,' 'she,' 'psych student,' 'practicum student,' 'psychology practicum student,' [appellant's email York University and UHN addresses], UHN staff number: [specified number], etc.) (referred to collectively as the "Requester" in this access request).
2. Any and all records created by, sent from, or received by one or more of the following individuals: [six named individuals] or any other employee, staff, agent or representatives of TWH or UHN, and being authored by, sent from, or received by one or more of the following institution or people: 'York University' ('York'), [three named individuals associated with York University], that either directly or indirectly refer to, or are in regard to the Requester.
3. Any and all records referred to as "Clinical Supervision Record" created by [one or other of two named individuals] or in the care or control of TWH, UHN, or TWH Bariatric Clinic Program, relating to the Requester's practicum with TWH/UHN or are in regard to the Requester.
4. Any and all records including but not limited to audio recordings, meeting minutes, or memos, created by, sent from, or received by [one or other of two named individuals], that refer to or are in regard to by [one or other of same two named individuals]'s conversations with the Requester.

5. A list of all 'computer file attribute' values of attribute types "Created" date, "Content Created" date, "Modified" date, and "Date Last Saved" date, for all records referred to as "Clinical Supervision Record" created by [one or other of two named individuals], or in the care or control of TWH, UHN, or TWH Bariatric Clinic Program, relating to the Requester's practicum with TWH/UHN or are in regard to the Requester.
6. Any and all records in the care or control of TWH, UHN, or TWH Bariatric Clinic Program, relating to the Requester's practicum with TWH/UHN or are in regard to the Requester.
7. Any and all records held by the Institution of record type 'Human Resources Records' or any other department where personal information is stored in the Requester's name or that refers to the Requester.
8. Any and all records in any format including but not limited to meeting minutes or memos relating to the TWH bariatric clinic "weekly interdisciplinary rounds" meetings, or "Rounds" meetings.
9. Any and all records of UHN TWH bariatric clinic "Standard Practice" policy and practice statements for each year.

B. From January 1, 2018 to [August 6, 2019]:

1. Any and all records created by, sent from, or received by one or more employee, staff, agent or representative of TWH, or UHN, to any members of York University's legal counsel, that refer to the Requester.
2. Any and all records created by, sent from, or received by one or more of TWH, UHN, [one or other of two named individuals], and [a third named individual] (York), relating to or containing the record identified as a letter (please see Schedule "B") dated February 14, 2018 sent from TWH/UHN to [the same third named individual associated with York University], "Re: [Appellant]."

C. From February 1, 2018 to July 11, 2018:

1. Any and all records created by, sent from, or received by one or more of TWH, UHN, [one or other of two named individuals], and a [third named individual] (York) relating to a letter (or "Clinical Supervision Record") from [one or other of the same two named individuals] sent to [the same third named individual associated with York University] that contain the following quote, or parts thereof: "At the end of our meeting, we made it clear to leave behind patient information but instead she put paper MINIs into the shredding bin. When we asked her about this she said we told her to do so. We also asked her return her keys and badge. She returned the badge but

refused to give us her keys, saying she wanted to give them back to our program manager."

D. From February 1, 2018 to [August 6, 2019]:

1. Any and all records including but not limited to phone logs, meeting minutes, memos, or emails created by, sent from, or received by one or more of the following individuals: [four named individuals] or any other employee, staff, agent or representative of the Institution, and [a fifth named individual] (York) that either directly or indirectly refer to the requester and this record (please see Schedule "C").