

**THE NOVA SCOTIA FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT.**

A REQUEST FOR REVIEW of a decision of the **DEPARTMENT OF EDUCATION** with respect to an application for access to documents.

REVIEW OFFICER: Darce Fardy

REPORT DATE: **June 17, 2002**

ISSUE: Whether an adequate search was done for the documents requested by the Applicant.

In a Request for Review under the **Freedom of Information and Protection of Privacy Act**, dated April 26, 2002, the Applicant asked that I satisfy myself that the Department of Education (the Department) did an adequate search for the documents he is looking for.

The Applicant had asked for copies of documents containing references to him, in the custody or under the control of the Department, for the period September 1, 2001 to February 28, 2002. He named the individuals whose files he believed contained references to him.

Some of the material contained the personal information of a third party who subsequently gave her consent to the Department to provide the information to the Applicant. The Department provided the Applicant with copies of all of the relevant documents it said it had. He was not satisfied that the Department did an adequate search.

The Applicant believes there must be a document containing information which prompted the Department to ask him to amend the diploma received by people who have completed

his business college. The Applicant wants to know how this came to the attention of the Department.

The Department maintains it has done a thorough search and has concluded it most likely heard about the wording on the diploma orally.

Conclusions:

Section 7 of the **Act** expects a public body to “make every reasonable effort” to assist an applicant openly, accurately and completely. This requires a public body to do an adequate search for documents which respond to an application. I agree with the Assistant Information and Privacy Commissioner of Ontario, in Order P-1721, that it is my responsibility to assure myself that a public body has done a reasonable search to identify documents. The Department must provide me with sufficient evidence to show it has made an adequate search and the Applicant who, naturally, is not in a position to know which documents have not been identified, must provide me with a reasonable basis for concluding that a specific document related to the diploma may, in fact, exist.

In this case it is reasonable for the Applicant to suspect there is such a document. However, the Department has satisfied me that it has done an adequate search for documents and has disclosed what it found to the Applicant.

DATED this 17th day of June, 2002 in Halifax, Nova Scotia

Darce Fardy, Review Officer

