



REVIEW REPORT 001-2017

District of Lakeland No. 521

March 10, 2017

Summary: The Applicant submitted an access to information request to the District of Lakeland No. 521 (Lakeland). The Applicant believed he did not receive all the responsive records. He appealed to the Office of the Information and Privacy Commissioner (IPC). The Commissioner found that Lakeland conducted an adequate search for records and recommended that Lakeland take no further action.

I BACKGROUND

[1] On October 3, 2016, the Applicant submitted an Access to Information Request to the District of Lakeland No. 521 (Lakeland) as follows:

All communications, e-mails, minutes, public works and district road committee reports dealing with the drainage issue at lots 11, 12 & 13 Block 4 on Jacobson Dr. Bells Beach.

[2] On October 26, 2016, Lakeland responded to the Applicant's request, providing access to all records relevant to the request.

[3] The Applicant felt that some records were missing such as an August 26, 2016 meeting at the District Office. On November 22, 2016, the Applicant sent an email to Lakeland requesting the missing meeting minutes. The Applicant was told that no minutes were taken at the August 26, 2016 meeting.

[4] On January 11, 2017, my office received a Request for Review from the Applicant.

[5] On January 12, 2017, a notice to review was forwarded to both the Applicant and Lakeland.

II RECORDS AT ISSUE

[6] At issue is whether Lakeland made a reasonable effort to search for records. Therefore, there are no records at issue.

III DISCUSSION OF THE ISSUES

[7] Lakeland qualifies as a “local authority” as defined by subsection 2(f)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP)

1. Did Lakeland make a reasonable effort to search for records?

[8] My office requested Lakeland describe its search efforts so that my office could determine whether or not a reasonable effort to search for records was made. Public bodies can provide the following information in describing its search efforts:

- Outline the search strategy conducted:
 - For general requests – tie the subject matter of the request to the departments/divisions/branches included in the search. In other words, explain why certain areas were searched and not others;
 - Identify the employee(s) involved in the search and explain how the employee(s) is “experienced in the subject matter”;
 - Explain how the records management system is organized (both paper & electronic) in the departments/divisions/branches included in the search:
 - Describe how records are classified within the records management system. For example, are the records classified by:
 - alphabet
 - year
 - function
 - subject

- Consider providing a copy of your organizations record schedule and screen shots of the electronic directory (folders & subfolders).
- If the record has been destroyed, provide copies of record schedules and/or destruction certificates;
- Explain how you have considered records stored off-site.
- Explain how records that may be in the possession of a third party but in the public body's control have been searched such as a contractor or information service provider. For more on this, see the OIPC resource, *A Contractor's Guide to Access and Privacy in Saskatchewan* available on our website.
- Explain how a search of mobile electronic devices was conducted (i.e. laptops, smart phones, cell phones, tablets).
- Which folders within the records management system were searched and explain how these folders link back to the subject matter requested?
 - For electronic folders – indicate what key terms were used to search if applicable;
- On what dates did each employee search?
- How long did the search take for each employee?
- What were the results of each employee's search?
 - Consider having the employee that is searching provide an affidavit to support the position that no record exists or to support the details provided. For more on this, see the OIPC resource, *Using Affidavits in a Review with the IPC* available on our website.

[9] The above is a non-exhaustive list and is meant to be a guide only. Each case will require different search strategies and details depending on the records requested.

[10] In its submission dated February 13, 2017, Lakeland advised that it had questioned the individuals present at the August 26, 2016 meeting as to whether or not notes were taken at that meeting. Those individuals include the former Administrator, the Public Works Manager, and two ratepayers.

- [11] Lakeland advised that it asked those people in attendance at the informal meeting and no notes were taken at the meeting.
- [12] Lakeland also advised that the file containing information regarding the Bells Beach drainage issue was searched by the Administrator to ensure that no notes or other relative records were missed when responding to the access request. No additional notes or meeting minutes were found. Also, the Administrator searched through the desk of the former Administrator and determined that there was no additional information relative to the request.
- [13] Lakeland advised that a file of notes taken at Council and Committee meetings was also searched, and no further information relative to the access request was found.
- [14] The Applicant did not provide anything in his submission that provided evidence that records might have existed.
- [15] Lakeland's search for the alleged missing information appears to be reasonable. Therefore, I find that Lakeland has conducted an adequate search for records.

IV FINDING

- [16] I find that Lakeland has conducted an adequate search for records.

V RECOMMENDATION

- [17] I recommend that Lakeland take no further action.

Dated at Regina, in the Province of Saskatchewan, this 10th day of March, 2017.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner