



REVIEW REPORT 085-2019

Saskatchewan Health Authority

January 31, 2020

Summary: The Applicant made an access to information request to the Saskatchewan Health Authority (SHA) for inventory records for a specific medication. The SHA responded indicating that the records do not exist. The Applicant requested a review of the search efforts of the SHA. The Commissioner found that the search efforts performed by the SHA were adequate and recommended that the SHA take no further action.

I BACKGROUND

[1] On February 15, 2019, the Applicant made the following access to information request to the Saskatchewan Health Authority (SHA):

Inventory records of the medication Piperacillin Tozobactam for the period of October 21-23, 2018 from St. Anthony's Hospital in Esterhazy, Saskatchewan.

[2] The SHA indicated that, in a telephone conversation on February 21, 2019, the request was revised to:

Inventory records of all antibiotics in St. Anthony's Hospital for the time period October 20th-25th, 2018.

[3] On February 25, 2019, the SHA provided a response to the Applicant advising that the records requested do not exist.

[4] On March 27, 2019, the Applicant requested that my office review the search performed by the SHA.

[5] On March 29, 2019, my office notified both the Applicant and the SHA that my office would be undertaking a review of the search.

II RECORDS AT ISSUE

[6] As my office is reviewing the SHA's search efforts, there are no records at issue.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction?

[7] The SHA is a "local authority" pursuant to subsection 2(f)(xiii) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). Therefore, I have jurisdiction to conduct this review.

2. Did the SHA conduct an adequate search?

[8] The focus of a search review is whether or not the public body conducted a reasonable search. A *reasonable search* is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records which are reasonably related to the request.

[9] The threshold that must be met is one of "reasonableness". In other words, it is not a standard of perfection, but rather what a fair and rational person would expect to be done or consider acceptable. LA FOIP does not require the public body to prove with absolute certainty that records do not exist.

[10] When a public body receives a notification letter from my office requesting details of its search efforts, the following can be included in the public body's submission (non-exhaustive):

- Outline the search strategy conducted:
 - For personal information requests – explain how the individual is involved with the public body (i.e. client, employee, former employee etc.) and why certain departments/divisions/branches were included in the search;
 - 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;
 - 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?

[11] The above list is meant to be a guide. Providing the above details is not a guarantee that my office will find the search conducted was reasonable. Each case will require different search strategies and details depending on the records requested.

[12] The SHA provided the Applicant with Kanban Inventory Cards of the 12 antibiotics used at St. Anthony's Hospital. These cards are placed in a specific point in the supply of inventory and as the inventory is used, the cards move closer to the front of the supply of inventory. When a card moves to the front of the supply of inventory it signals that the inventory is due to be ordered to replace the used inventory. The SHA indicated, however, that:

...these cards do not keep a running tally of what the inventory is on a particular day so for that reason I am to inform you that the records you have requested do not exist.

[13] The SHA further indicated in its submission that St. Anthony's Facility Manager advised that it:

...use[s] the Kanban system of cards for drug levels. Exact amount would be impossible to know at the time. This is especially true for IV medications that are not readily accessible in the community. Once every second week, a drug order is sent to YRHC pharmacy using Kanban cards to show what is needed. What I will do is pull all of the IV antibiotic Kanban cards, make a photocopy and scan them to you as illustration. The amount shown on the bottom would be what is left in stock at the time of sending, so for example, tazocin – the drug in question, would have had between over 20 vials on hand on October 16th order, since the drug was not ordered. The next regular order date would have been October 31, when the drug was reordered. That said, there are times when more than one patient is an IV antibiotic and requests must be made between the times of ordering to bring the stock up to the required level. Bottom line is that there is no way to determine exactly how much was on hand during the time frame in question.

[14] In its submission, the SHA also advised that the St. Anthony's Hospital Administrator performed a search for records as they are the expert who would have the knowledge of the inventory records and they identified that the Kanban cards are the only means used to track inventory of these drugs. I find that the SHA has performed an adequate search.

IV FINDING

[15] Given the information provided by the SHA, I am convinced that it has performed an adequate search for responsive records.

V RECOMMENDATION

[16] I recommend that the SHA take no further action.

Dated at Regina, in the Province of Saskatchewan, this 31st day of January, 2020.

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