



REVIEW REPORT 193-2018

Town of Tisdale

October 10th, 2018

Summary: The Applicant submitted an access to information request to the Town of Tisdale. The Town of Tisdale responded to the request advising that no responsive records were found. The Applicant, dissatisfied with the Town's response, requested a review by the Information and Privacy Commissioner (IPC). The IPC reviewed the search efforts of the Town of Tisdale and found that the Town had conducted an adequate and reasonable search for records.

I BACKGROUND

[1] On August 27, 2018, the Applicant submitted an access to information request to the Town of Tisdale for the following:

- 1) The blueprints for the Beeland Co-op drainage ditch.
- 2) Buffer zone (bylaw) between our property and the Beeland Coop property of this drainage ditch.
- 3) Sask water shed Approval for this drainage ditch.
- 4) Sask Environment Approval for this drainage ditch.
- 5) Fisheries and Oceans Approval for this drainage ditch.
- 6) Town of Tisdale's Approval for this drainage ditch.

[2] In a letter dated August 29, 2018, the Town of Tisdale responded to the Applicant's access to information request stating that a search was completed and that the Town did not have any of the documents requested.

[3] On September 14, 2018, my office received a request for review from the Applicant. In their request, the Applicant informed my office that they were mainly looking for the blueprint for the Beeland Co-op grocery store and future lumberyards drainage ditch. Moreover, the Applicant stated that they had seen a blueprint in the office at the Co-op construction site and did not see any reason why the Town of Tisdale would not have this information.

[4] On September 20, 2018, my office informed the Town of Tisdale and the Applicant of its intention to undertake a review of the Town's search efforts in this case.

[5] On September 24 and 26, 2018, my office received submissions from the Town of Tisdale.

II RECORDS AT ISSUE

[6] There are no records at issue as the Town of Tisdale indicates there are no responsive records in its possession and/or control. At issue is whether the Town of Tisdale made a reasonable effort to search for responsive records.

III DISCUSSION OF THE ISSUES

1. Do I have jurisdiction to review this matter?

[7] The Town of Tisdale is a local authority as defined by subsection 2(f)(i) of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP). Therefore, I have jurisdiction to review this matter.

2. Did the Town of Tisdale perform a reasonable search for responsive records?

[8] My office's notification to the Town of Tisdale requested that the Town describe its search strategy, in line with my office's *IPC Guide to Exemptions for FOIP and LA FOIP*, available online at <https://oipc.sk.ca/assets/ipc-guide-to-exemptions.pdf>.

[9] My office's Guide states that the following information – a non-exhaustive list meant to be used as a guide only – can be provided by a public body in their submission to describe its search strategy:

- For general requests, tie the subject matter of the request to the division 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) within the branches included in the search.
- 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?

[10] The Chief Administrative Officer (CAO), responding on behalf of the Town of Tisdale, stated in their submission that:

- Paper records for the Beeland Co-op are kept in a paper file, among the other building permits files. Building permit files are organized by numerical order, based on when an organization applied for a permit.
- The Beeland Co-op permit file was searched by the CAO, which took approximately twenty minutes, and the CAO found building permit documents and site plans – none of which related to the requested documents.
- The Town does not have off-site storage of records therefore no paper files or paper documents are stored elsewhere.
- The Town only maintains paper files, so no electronic records needed to be searched.

- In regards to the retention of paper building permit files, these are kept active until closed by the Building Inspector. Then closed files are kept in the tax files permanently.

[11] The Town of Tisdale's submission also states that prior to receiving the access to information request from the Applicant, the CAO explained to the Applicant the types of records the Town had collected for the Beeland Co-op project, which included a building permit, building plans and a site plan showing the locations of buildings on the property. The CAO also explained to the Applicant that the Town's Bylaws did not regulate drainage ditches on private properties so the Town did not require copies of plans for the drainage ditch. Finally, the CAO advised the Applicant that they needed to request documents related to the drainage ditch from the Beeland Co-op.

[12] Based on the information provided by the Town of Tisdale in their submission, the Town appears to have performed a reasonable search for the requested records.

IV FINDING

[13] I find that the Town of Tisdale conducted an adequate and reasonable search for records.

V RECOMMENDATION

[14] I recommend that the Town of Tisdale take no further action.

Dated at Regina, in the Province of Saskatchewan, this 10th day of October, 2018.

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