



F06-10-MS Thorough City Search Turns Up Everything but Emails

The applicant asked a city for all records relating to its approval of a covenant restricting the use of three multi-unit complexes to rental only for 10 years. The complexes had been converted to condominiums and sold as individual units within the 10-year period to which the applicant believed the covenant applied. The city produced records in three phases from its legal department, its housing department and the city clerk's office. A search of the real estate department failed to produce any records. The applicant complained that the search was not adequate.

Section 6 of the *Freedom of Information and Protection of Privacy Act* requires a public body to conduct a search for records that a fair and rational person would expect to be done or consider acceptable. The search must be thorough and comprehensive. Evidence of the search should describe all potential sources of records, identify those searched and identify any sources not searched, with reasons for not doing so. The evidence should also indicate how the searches were done and how much time the public body staff spent searching for records.

In this case, the city provided a list of all departments searched, time spent in searching each department, a description of the standard records management practices of each department, a copy of the records classification system used by the city and an explanation of the mandate of each department. We concluded that the city's decision to search four departments was reasonable given the topic of the request and the mandate of the departments. We also concluded that the actual search of three of the departments was logical and thorough given the records management practices in the three departments.

A comparison of the records provided indicated that, although two individuals in particular appeared to have been actively involved in the covenant approval process, the records that were produced contained no emails from either of them. It became clear that the records management practices for the department in which the individuals worked had not been consistently followed. In general, emails were printed and filed, but the city reported that compliance was not universal. We concluded that the city should have searched the individual email accounts of the two individuals. As a result, the city undertook a further search and produced emails from one of the two individuals. The second individual no longer had email stored for the time period in question. We found the complaint to be partially substantiated.