



F09-05-MS Incomplete Release Package Triggers Suspicion of Incomplete Search

A public body employee, dissatisfied with his employer's investigation of an incident involving himself and another employee, requested access to records related to the incident.

On receiving a response, the employee noticed that a few records were missing and complained to us that the public body had failed to provide the complete response required by the *Freedom of Information and Protection of Privacy Act*. Section 6 requires a public body to make every reasonable effort to assist applicants and to respond without delay openly, accurately and completely. The Commissioner has concluded that responding "completely" means public bodies are expected to conduct a search for records that a fair and rational person would consider appropriate in the circumstances. FIPPA does not impose a standard of perfection.

The complainant told us that proof of an incomplete search lay in the fact that three records were obviously missing from the package provided to him. The missing records included his original complaint letter to the public body, a letter written on behalf of the applicant, and a transcript he had prepared of a conversation with another employee. Our review of the records revealed that the public body had included the complaint letter in the release package and had withheld the other two records because it was unsure who had authored them. Once the public body was able to confirm that the two withheld documents had been provided by the complainant, it agreed to release them to him. He was satisfied with this outcome.