



**Information and Privacy  
Commissioner/Ontario**  
**Commissaire à l'information  
et à la protection de la vie privée/Ontario**

# **ORDER P-308**

**Appeal P-910028**

**Ministry of the Attorney General**



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O R D E R

On January 16, 1992, I issued Interim Order P-262 in respect of this appeal. This Order constitutes my final Order, and addresses all matters left unresolved at the time of the issuance of Interim Order P-262.

The appellant had requested access to wiretap applications pertaining to him. The Ministry of the Attorney General (the "institution") refused to confirm or deny the existence of any responsive records, pursuant to section 14(3) of the Freedom of Information and Protection of Privacy Act (the "Act"). The requester appealed this decision.

In Interim Order P-262, I concluded that the head had discretion under sections 14(3) and 49(a) to refuse to confirm or deny the existence of a wiretap application record in this particular appeal. However, I also found that I had not been provided with sufficient information to determine whether the head had properly exercised his discretion. As a result, I ordered the head to reconsider the exercise of discretion, and to provide me with additional representations on the issue. Additional representations were received from the institution, and I have considered them in reaching my decision in this appeal.

I will not interfere with the exercise of discretion in the circumstances of this appeal.

I uphold the head's decision to refuse to confirm or deny the existence of a record of the nature requested.

Original signed by: \_\_\_\_\_  
Tom Mitchinson  
Assistant Commissioner

\_\_\_\_\_ June 5, 1992