



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

ORDER P-745

Appeal P_9400173

Ministry of Natural Resources



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NATURE OF THE APPEAL:

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The Ministry of Natural Resources (the Ministry) received a request for a copy of all drafts as well as the final version of the Security Plan for the Herd Reduction Program at Rondeau Provincial Park in 1993. The document was drafted to outline the Ministry procedures to be followed in response to various situations which it anticipated in conjunction with the Herd Reduction Program.

The requester appealed the decision of the Ministry to deny access to the requested records.

During the mediation of the appeal, the Appeals Officer confirmed with the Ministry that Draft #1 of the Security Plan for the Herd Reduction Program at Rondeau Park (the Plan) was the only record responsive to the appellant's request. The appellant's representative agreed that she was only seeking access to this document and further indicated that Appendix 3 was not at issue.

The Ministry denied access to the Plan on the basis of the following exemptions:

- law enforcement - sections 14(1)(a) and (c)
- endanger life or safety - section 14(1)(e)

A Notice of Inquiry was provided to the Ministry and the appellant. Representations were received from both parties.

DISCUSSION:

ENDANGER LIFE OR SAFETY

The Ministry claims that disclosure of the Plan could reasonably be expected to endanger the life or physical safety of a law enforcement officer or other person, as contemplated by section 14(1)(e) of the Act.

In its representations, the Ministry explains that the techniques contained in the Plan, the purpose of which is to diffuse violent situations, are used by the Ontario Provincial Police and other ministries to deal with demonstrations. The Ministry submits that the effectiveness of these techniques would be severely limited if they were disclosed. If those intent on violence were aware of the procedures used to diffuse or avoid violent situations, they could take steps to counter those techniques. The Ministry states that if this should occur, the risk of harm to either Ministry staff acting as law enforcement officers or to members of the public who are directly involved in, or who witness the incident, becomes significant.

I have reviewed the representations of the Ministry and the contents of the record. I accept the submissions of the Ministry that the proactive approach set out in the Plan has successfully prevented violent confrontations in the past. The success of the Plan is attributable to the fact that it accurately predicts the actions of certain parties and sets out the procedures to deal with them. The Ministry indicates that, because of its success in 1993, the Plan will be used as a model for similar plans in the future.

I agree with the position of the Ministry that the effectiveness of the Plan will be lost should it be disclosed. I also accept its submissions on the relationship between the disclosure of the Plan and the danger to the life or physical safety of the Ministry staff acting as law enforcement officials and/or other individuals, such as those involved in the herd reduction or protesters or witnesses to the event.

Accordingly, I am satisfied that the Ministry has provided sufficient evidence to establish a clear and direct linkage between disclosure of the record and the alleged harms. Therefore, section 14(1)(e) of the Act applies to exempt the Plan from disclosure.

Because of the manner in which I have disposed of this issue, I need not consider the application of the law enforcement exemptions claimed by the Ministry.

ORDER:

I uphold the decision of the Ministry.

Original signed by: _____
Anita Fineberg
Inquiry Officer

_____ August 23, 1994