



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

# **ORDER P-1062**

**Appeal P-9500177**

**Ministry of Consumer and Commercial Relations**



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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 Consumer and Commercial Relations (the Ministry) received a request for the “Wine Sector Strategy Report.” The Ministry was unable to locate a record with the precise title provided by the requester, but did identify what it felt were three responsive records. Following consultation with the Ontario Grape Growers’ Marketing Board and the Wine Council of Ontario, two organizations which the Ministry determined had an interest in these records, the Ministry denied access to the three records on the basis of the following exemptions:

- Cabinet records - section 12(1)(d)
- third party information - section 17(1)
- advice or recommendations - section 13(1)
- relations with other governments - sections 15(a) and (b)
- economic and other interests - sections 18(1)(a), (d), (e) and (g)

The requester appealed the Ministry’s decision. Mediation efforts were not successful, and a Notice of Inquiry was provided to the appellant, the Ministry, the two organizations identified by the Ministry at the request stage (the affected parties) and Agriculture Canada, a department of the federal government. Representations were received from all parties except the appellant.

## **PRELIMINARY ISSUE:**

### **RESPONSIVENESS OF RECORDS:**

The three records identified by the Ministry are:

- |          |  |
|----------|--|
| Record 1 | Framework for A Response to The GATT Panel Finding   |
| Record 2 | Ontario Grape and Wine Adjustment Agreement          |
| Record 3 | Wine & Grape Sectoral Partnership Planning Framework |

The Ministry submits that, although it initially identified the three records as responding to the request, on further examination it feels that only Record 3 is responsive. It maintains that Records 1 and 2 relate specifically to the GATT Trade Panel finding of unfair trade advantages or practices in the wine industry, and are not directly related to Record 3. Both affected parties agree. One affected party points out that Records 1 and 2 are documents relating to trade agreements, neither of which leads directly to Record 3, which is a new and separate document produced as part of the Ontario Government’s sectoral partnership program.

Having carefully reviewed all three records, I find that only Record 3 is responsive to the appellant’s request. In this case the appellant has requested a specific named document, the “Wine Sector Strategy Report.” Although no record with the precise name provided by the appellant was located, it is clear

that the appellant is seeking access to records outlining the strategy developed by the Ministry and the wine and grape sector and, in her letter of appeal, she refers to a comparable “Distilled Spirits Sector Strategy Report” currently being developed by the Ministry and an association which she represents. Although Records 1 and 2 also deal with relations between the Ministry and the wine and grape industry, both deal primarily with matters which are not directly related to the appellant’s record-specific request. In my view, Record 3, entitled “Wine & Grape Sectoral Partnership Planning Framework”, is the only record which can accurately be described as a strategy report for the wine and grape sector, and therefore is the only record responsive to the appellant’s request.

## **DISCUSSION:**

### **ECONOMIC AND OTHER INTERESTS**

Section 18(1)(d) of the Act reads:

A head may refuse to disclose a record that contains,

information where the disclosure could reasonably be expected to be injurious to the financial interests of the Government of Ontario or the ability of the Government of Ontario to manage the economy of Ontario.

The Ministry submits that, because of the significance and economic importance of the Ontario wine and grape industry, the Government of Ontario has committed to a program which will foster and advance the business interests of the wine and grape industry and ultimately, the economy of the Province of Ontario. The purpose of the sectoral partnership is to assist the government in the making of decisions and in formulating policy on the future of the wine and grape industry in the province, in order to allow the wine and grape growers to adapt to an increasingly competitive environment.

The record details the challenges, threats and opportunities facing the grape and wine industry in the next several years, as itemized by members of the industry, relying on their statistics and strategic plans.

The Ministry submits that Record 3 outlines the strategy for advancing the Ontario wine industry and the approach of the government of Ontario to manage a particular sector of the Ontario economy.

The Ministry states that disclosure would undermine the spirit with which the venture was undertaken and certainly weaken the industry’s competitive advantage as the information, if provided to competitors, could provide significant information upon which to base hostile competitive strategies.

Based on my review of the records and the representations provided by the Ministry and the affected parties, I am satisfied that the wine and grape industry in this province has a substantial impact on the economy of Ontario, and that disclosure of the record could reasonably be expected to be injurious to the financial interests of the Government of Ontario. Accordingly, I find that section 18(1)(d) applies.

**ORDER:**

I uphold the Ministry's decision.

Original signed by: \_\_\_\_\_  
Holly Big Canoe  
Inquiry Officer

\_\_\_\_\_ November 24, 1995