



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

ORDER P-1161

Appeal P-9500534

Ministry of the Solicitor General and Correctional Services



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NATURE OF THE APPEAL:

The Ministry of the Solicitor General and Correctional Services (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to:

1. Any invoices, plans, budgets, estimates, project plans, briefing notes (or) correspondence relating to any redecoration, renovation or alteration made to any existing facility to accommodate [a named, high-profile inmate].
2. Similar information relating to telephone or telecommunications services provided to [the same inmate].

The Ministry located three pages of responsive records and denied access to them, in their entirety, claiming the application of the following exemptions contained in the Act:

- advice or recommendations - section 13(1)
- law enforcement - sections 14(1)(a) and (b)
- right to a fair trial - section 14(1)(f)
- security - sections 14(1)(j) and (k)
- facilitate commission of an unlawful act - section 14(1)(l)
- correctional record - section 14(2)(d)
- invasion of privacy - section 21(1)

The requester (now the appellant) appealed the Ministry's decision to deny access. A Notice of Inquiry was provided to the appellant and the Ministry. Representations were received from the Ministry only. As the trials of the named inmate and another individual are now complete, the Ministry withdrew its reliance on sections 13(1); 14(1)(a), (b), (f) and (l) and 21(1). However, as section 21(1) is a mandatory exemption, I am obliged to determine whether it might apply to the records which are at issue in this appeal.

The records consist of three Ministry Issue Notes describing the Ministry's response to media reports about the circumstances surrounding the confinement of the named inmate.

DISCUSSION:

CORRECTIONAL RECORD

The Ministry submits that all of the records at issue in this appeal are exempt from disclosure under section 14(2)(d) of the Act as each of them contain information about the history, supervision or release of a person under the control or supervision of a correctional authority. In Order P-1006, Inquiry Officer Laurel Cropley determined that several Ministry Issue Notes were exempt from disclosure under section 14(2)(d). Inquiry Officer Cropley found that these records contained detailed information relating to the steps taken by correctional authorities regarding the supervision of an inmate who was in their custody.

I have reviewed the records and find that the information contained in the Ministry Issue Notes at issue in this appeal similarly relates to the history and supervision of a person under the control or supervision of a correctional authority. Specifically, these records describe in detail the steps implemented by the Ministry to ensure the inmate's safety and security. For this reason, I find that all of the Ministry Issue Notes which comprise the records at issue in this appeal qualify for exemption under section 14(2)(d).

Because of the manner in which I have disposed of the records above, it is not necessary for me to address the application of sections 14(1)(k) and (j) or section 21(1) to them.

ORDER:

I uphold the Ministry's decision and dismiss the appeal.

Original signed by: _____ April 2, 1996
Donald Hale
Inquiry Officer