



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

ORDER P-1305

Appeal P_9600220

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 all records relating to a named individual and/or a particular publication edited and published by this individual. The named individual has provided the requester with written consent for access to his personal information in the possession of the Ministry. The Ministry identified one record as responsive to the request, and denied access to it under a number of law enforcement exemptions.

The requester appealed the Ministry's decision to deny access. After being notified of the appeal, the Ministry indicated it was also denying access to the record under exemptions for information relating to relations with other governments and the invasion of privacy. A Notice of Inquiry was sent to the Ministry and the appellant. Representations were received from both parties.

The Ministry has made submissions on the application of the following exemptions:

- law enforcement - sections 14(1)(g) and 14(2)(a)
- invasion of privacy - section 21

DISCUSSION:

LAW ENFORCEMENT

The Ministry has applied section 14(1)(g) of the Act to the record. This section states:

A head may refuse to disclose a record where the disclosure could reasonably be expected to,

interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons.

In order for a record to qualify for exemption under this section, the matter to which the record relates must first satisfy the definition of "law enforcement". This term is defined in section 2 of the Act as follows:

- (a) policing,
- (b) investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings, and
- (c) the conduct of proceedings referred to in clause (b).

I find that the matter to which the record relates satisfies part (a) of the definition of "law enforcement", as it concerns the collection and analysis of information relating to crime by the Ontario Provincial Police (the OPP).

In my view, for the purposes of section 14(1)(g) of the Act, “intelligence” information may be described as information gathered by a law enforcement agency in a covert manner with respect to ongoing efforts devoted to the detection and prosecution of crime or the prevention of possible violation of law, and is distinct from information which is compiled and identifiable as part of the investigation of a specific occurrence (Order M-202).

The Ministry submits that the information contained in the record was gathered by the Intelligence Branch of the OPP in relation to matters which were and are still being investigated and/or monitored. The Ministry submits that it is essential that the extent of police knowledge about certain individuals and groups or illegal activities remains unknown, so as not to interfere with police efforts in the prevention of crime.

Having reviewed the record, I am satisfied that its disclosure could reasonably be expected to reveal law enforcement intelligence information. Accordingly, the record qualifies for exemption under section 14(1)(g) of the Act.

Because I have found that the record qualifies for exemption under section 14(1)(g), it is not necessary for me to consider the application of the additional exemptions claimed by the Ministry.

ORDER:

I uphold the Ministry’s decision.

Original signed by: _____
Holly Big Canoe
Inquiry Officer

_____ November 26, 1996