

Information and Privacy Commissioner,
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,
Ontario, Canada

ORDER PO-3852

Appeal PA17-71

Ministry of Natural Resources and Forestry

June 6, 2018

Summary: The appellant requested information from the Ministry of Natural Resources and Forestry relating to remote wildlife monitoring trail cameras in a provincial park. The ministry granted partial access to the responsive records. GPS location information for some of the cameras was withheld on the basis that disclosure would facilitate the commission of an unlawful act as contemplated by section 14(1)(l) of the *Freedom of Information and Protection of Privacy Act* and also on the basis that disclosure would impact the government's economic interests as contemplated by section 18(1)(d) of the *Act*. The ministry later claimed section 18(1)(c) also applies to the information. In this order, the adjudicator finds that the ministry has not established that any of the exemptions at sections 14(1)(l), 18(1)(c) or (d) apply. The adjudicator orders the information disclosed.

Statutes Considered: *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended, sections 14(1)(l); 18(1)(c) and (d); *Provincial Parks and Conservation Reserves Act*, 2006, S.O. 2006, c. 12, section 2.1(4).

Orders and Investigation Reports Considered: Order PO-3653.

Cases Considered: *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31; *Merck Frosst Canada Ltd. v. Canada (Health)*, 2012 SCC 3.

OVERVIEW:

[1] The appellant submitted a request to the Ministry of Natural Resources and Forestry (the ministry) under the *Freedom of Information and Protection of Privacy Act*

(the *Act*) for access to information related to remote wildlife monitoring cameras in a provincial park. Specifically, the appellant sought access to:

“[I]nformation regarding remote wildlife monitoring trail cameras (“devices”) which are the property of the ministry and which are deployed in Michipicoten Island Provincial Park, on Michipicoten Island, or on islands which are, in whole or in part, located within 2,500 meters of the shore of Michipicoten Island.

For each camera, the information provided shall include, but may not necessarily be limited to:

- 1) the device name and contact within the ministry;
- 2) the date the device was retrieved, if applicable,
- 3) the colloquial location name of the device (for example, Michipicoten Island – Cozens Cove, or Michipicoten Island – East End Light);
- 4) the GPS coordinates of the devices;
- 5) on-the-ground locating information notes (for example, Inland of most easterly beach,” or “Birch tree, behind torn down lightkeeper’s house (west of light)); and,
- 6) how many pictures, how much video, and/or how much sound was collected by the device and the dates during which this data was collected.

[2] The ministry issued a decision granting partial access to the responsive records. Access to portions of the records was denied pursuant to the discretionary exemptions at section 14(1)(l) (facilitate commission of an unlawful act) and section 18(1)(d) (economic and other interests) of the *Act*. The appellant appealed the ministry’s decision.

[3] As a mediated resolution could not be reached, the file was transferred to the adjudication stage of the appeal process. I sought and received representations from both the ministry and the appellant, which were shared in accordance with section 7 of this office’s *Code of Procedure* and *Practice Direction 7*. I determined that it was not necessary for me to share the ministry’s reply representations with the appellant.

[4] In its representations, the ministry raised the possible application of section 18(1)(c) to portions of the records, for the first time. I included section 18(1)(c) as an issue on appeal and provided the appellant with an opportunity to respond to the ministry’s representations on its application.

[5] For the reasons below, in this order I find that none of sections 14(1)(l), 18(1)(c)

or 18(1)(d) apply to the information that has been withheld. I order the ministry to disclose it to the appellant.

RECORDS:

[6] The records at issue consist of eight pages of data tables that detail wildlife monitoring trail cameras on Michipicoten Island Provincial Park. The first three pages consist of a table titled "Wildlife Monitoring Trail Cameras on Michipicoten Island Provincial Park, intended for long-term monitoring of mid- to large-sized mammals in a remote location." The remaining pages contain more detailed data tables relating to each of the individual cameras listed in the initial three-page table. The ministry has withheld the GPS coordinates for four of the cameras.

ISSUES:

- A. Does the discretionary law enforcement exemption at section 14(1)(l) apply to the information that has been withheld?
- B. Do the discretionary exemptions at sections 18(1)(c) and/or (d) relating to the government's economic interests apply to the information that has been withheld?

DISCUSSION:

A. Does the discretionary law enforcement exemption at section 14(1)(l) apply to the information that has been withheld?

[7] Section 14(1)(l) gives an institution the discretion to "refuse to disclose a record where the disclosure could reasonably be expected to facilitate the commission of an unlawful act or hamper the control of crime."

[8] As section 14 addresses law enforcement exemptions, section 14(1)(l) is most frequently raised by institutions involved in law enforcement such as the police or the Ministry of Community Safety and Correctional Services. However, it has also been applied by other institutions in contexts where a clear link is established between disclosure of the information and the likelihood of an unlawful act.¹

[9] When applying the discretionary law enforcement exemption to deny access to information, it has been established that it is not enough for an institution to take the position that the harms under section 14 are self-evident from the record or that the exemption applies simply because of the existence of a continuing law enforcement matter.² In order to meet the standard of the "reasonably be expected to" language

¹ See, for example, Order PO-3105.

² Order PO-2040 and *Ontario (Attorney General) v. Fineberg*, cited above.

set out in the provision, the Supreme Court of Canada has determined that an institution must demonstrate a risk of harm that is “well beyond” or “considerably above” the merely possible or speculative although it need not prove that disclosure will in fact result in such harm. How much and what kind of evidence is needed will depend on the type of issue and seriousness of the consequences.³

Representations

[10] The ministry submits that despite the fact that the wildlife monitoring cameras are not used for law enforcement, disclosure of the GPS coordinates of four of the cameras on Michipicoten Island Provincial Park could reasonably be expected to facilitate the commission of an unlawful act as contemplated by section 14(1)(l) of the *Act*, namely theft or vandalism.

[11] The ministry submits that public knowledge of the exact location of the cameras increases the risk that the cameras will be stolen or vandalized. It submits that “even where a camera is located in a remote area, the ministry’s experience is that when someone does find the unattended cameras, then the equipment, including all the valuable research data, is stolen.” To support its position that section 14(1)(l) applies, the ministry points to Order P-885, in which, the ministry argues, this office “recognized a clear linkage between the disclosure of the location of valuable ministry property, in that case archaeological artifacts, and the harm described in section 14(1)(l), theft.”

[12] The appellant submits that the records that he seeks in this appeal are identical to those that Adjudicator Hamish Flanagan ordered disclosed in Order PO-3653 except that they are updated versions of the information. He submits that for the same reasons set out in Order PO-3653 the records in the current appeal should also be ordered disclosed, in their entirety.

[13] Specifically, the appellant submits that Michipicoten Island Provincial Park is an extremely remote, generally inaccessible provincial park devoid of any park infrastructure. He submits that the ministry has not provided sufficient evidence to support a conclusion that disclosure of the information at issue would give rise to a risk of theft or vandalism to the cameras that is “well beyond” or “considerably above” the merely possible or speculative. He submits that the ministry has not provided information about any incidents of theft or vandalism to cameras nor has it provided information to explain whether anyone would have an interest in stealing or vandalising the cameras were they to encounter them in the field.

[14] The appellant refutes the ministry’s claim that Order PO-885 should be followed, stating that in that case, a clear link was established between disclosure and the harm. He submits that in the present circumstances, just as in the circumstances before Adjudicator Flanagan in Order PO-3653, the ministry has failed to provide evidence

³ *Ontario (Community Safety and Correctional Services) v. Ontario (Information and Privacy Commissioner)*, 2014 SCC 31 (CanLII) at paras. 52-4. See also: *Merck Frosst Canada Ltd. v Canada (Health)*, 2012 SCC 3 (CanLII).

establishing a clear link between the disclosure of the location of the cameras (in part given by their remoteness) and their theft or vandalism. Additionally, the appellant submits that in Order P-855 the “valuable ministry property” amounted to archaeological artifacts that are significantly more financially valuable and arguably irreplaceable in contrast to the cameras, which he submits are readily available for purchase from a number of accessible locations.

[15] In reply, the ministry does not specifically address the appellant’s arguments regarding the potential application of section 14(1)(l).

Analysis

[16] I acknowledge the ministry’s position that the disclosure of the GPS coordinates of four of the cameras reveals their location and increases the likelihood that they will be stolen or vandalized. However, considering all the circumstances before me, I do not accept that the ministry has provided sufficient information to meet the standard of reasonable expectation of harm that must be met for section 14(1)(l) of the *Act* to apply.

[17] In Order PO-3653 (which as noted above examined a request for very similar information from the same appellant), Adjudicator Flanagan found that section 14(1)(l) did not apply to the GPS coordinates of cameras or the narrative descriptions of their exact locations. First, he found that the ministry did not provide detailed and convincing evidence to support the likelihood of the cameras being stolen or vandalized if their locations were revealed. Specifically, he found that the ministry had not provided sufficient evidence to demonstrate that it had experienced issues of vandalism or theft of cameras to date or that there are any individuals or groups with an interest or motivation to steal or vandalize the cameras. He also found that the remoteness of the locations of the cameras diminishes rather than elevates the likelihood of the harms raised by the ministry.

[18] Second, Adjudicator Flanagan found that the ministry had not established a clear link between the disclosure of the GPS coordinates or location information and the risk of the commission of the unlawful acts of theft or vandalism. Specifically, he found that as unplanned unlawful acts of vandalism are not predicated on prior knowledge of their location such acts cannot be causally linked to the disclosure of the information at issue. He also found that precise location information about the cameras could be obtained by means other than by the access request.

[19] Accordingly, in Order PO-3653, Adjudicator Flanagan concluded that the ministry had not provided sufficient evidence to meet the evidentiary standard in section 14(1)(l); notably, evidence that demonstrated that the risk of harm from disclosure of the information was “well beyond” or “considerably above” the merely possible. As a result, he ordered that the ministry disclose the information to the appellant.

[20] I find Adjudicator Flanagan’s findings in Order PO-3653 to be relevant and applicable to the circumstances of the current appeal. For similar reasons, I find that in

the matter before me, the ministry has not provided sufficient evidence to meet the evidentiary standard required for the exemption at section 14(1)(l) to apply.

[21] I acknowledge the ministry raises legitimate concerns with respect to the possibility of unlawful acts of vandalism or theft occurring to the cameras. However, I do not accept that it has demonstrated that the reasonable expectation of the occurrence of such harm is “well beyond” or “considerably above” a mere possibility as established by the Supreme Court of Canada in *Merck Frosst and Ontario (Community Safety and Correctional Services)*.⁴

[22] In its representations, the ministry states that “even where a camera is located in a remote area, the ministry’s experience is that when someone does find the unattended cameras, then the equipment, including all the valuable research data, is stolen.” The ministry does not provide any further evidence to support or illustrate its statement. It does not identify or provide examples of specific incidents where cameras were vandalized or stolen, nor does it provide any figures setting out the frequency of such alleged vandalism or theft. In the absence of such information, in my view, the ministry has failed to provide sufficient evidence to support their suggested assertion that in most, if not all, instances where individuals have encountered cameras in Michipicoten Island Provincial Park it has resulted in theft or vandalism, thereby demonstrating an increased risk of harm.

[23] The ministry also suggests that the remoteness of the cameras’ locations permits anyone interested in vandalizing or stealing them to do so with a relatively low risk of detection. However, as it failed to do in Order PO-3653, in the case before me the ministry has also failed to provide evidence to demonstrate that any specific group or individual is particularly interested or motivated to steal or vandalize the cameras. Coupled with the remoteness of the cameras’ location, in my view, the lack of evidence of parties that might have a premediated interest in committing theft or vandalism to those cameras diminishes rather than increases the reasonable expectation of harm.

[24] In Order PO-3653, Adjudicator Flanagan discussed the connection between the disclosure of the cameras’ location information and the reasonable expectation of harm. Specifically, he stated:

An individual who is suitably motivated to locate and steal or vandalize the cameras, has general location information, and the opportunity, limited only by their motivation, to locate the cameras. Disclosure of the specific location information may make locating the cameras incrementally easier, but I am not satisfied that the link between disclosure of the information and the harm is sufficiently established to meet the threshold for section 14(1)(l) to apply.

[25] The ministry has not provided me with any evidence to suggest that Adjudicator Flanagan’s findings in Order PO-3653 should not be followed in this instance, which

⁴ Cited above, note 3.

involves substantially similar information.

[26] Finally, the ministry also suggests that the circumstances in this appeal are similar to those in Order P-885, in which, the ministry argues, this office “recognized a clear linkage between the disclosure of the location of valuable ministry property, in that case archaeological artifacts, and the harm described in section 14(1)(l), theft.” I am not satisfied that in this case the ministry has established a sufficiently clear link between the disclosure of the GPS coordinates of four cameras and a reasonable expectation that those cameras will be stolen or vandalized.

[27] In the absence of more evidence, such as specific incidents of vandalism or theft or specific groups or individuals with an interest or motivation in vandalizing or stealing wildlife cameras in an extremely remote provincial park, in my view, the ministry has failed to demonstrate that there is a credible link between the disclosure of the GPS location of the cameras and a reasonable expectation of unlawful harm occurring to them. In my view, it has also failed to establish that the reasonable expectation of such harm occurring is “well beyond” or “considerably” above a mere possibility.

[28] Accordingly, I am not satisfied that the ministry has met its evidentiary burden for the exemption at section 14(1)(l) to apply to the GPS coordinates and I find that it does not.

B. Do the discretionary exemptions at sections 18(1)(c) and/or (d) relating to the government’s economic interests apply to the information that has been withheld?

[29] In its decision letter, the ministry claimed that the discretionary exemption at section 18(1)(d) relating to the Government of Ontario’s financial interests applies to exempt the GPS coordinates from disclosure. In its representations, in addition to continuing to rely on its claim that section 18(1)(d) applies to the information at issue, the ministry raised the possible application of the discretionary exemption at section 18(1)(c). Section 18(1)(c) addresses the economic interests or competitive position of an institution.

[30] The *Code of Procedure* (the *Code*) provides basic procedural guidelines for parties involved in appeals before this office. Section 11 of the *Code* addresses circumstances where institutions seek to raise new discretionary exemption claims during an appeal. Section 11.01 states:

In an appeal from an access decision an institution may make a new discretionary exemption claim within 35 days after the institution is notified of the appeal. A new discretionary exemption claim made within this period shall be contained in a new written decision sent to the parties and the IPC. If the appeal proceeds to the Adjudication stage, the Adjudicator may decide not to consider a new discretionary exemption claim made after the 35-day period.

[31] The ministry did not issue a new access decision with respect to section 18(1)(c). However, the exemptions at sections 18(1)(c) and (d) are closely related. Also, as the ministry did not submit distinct representations on each of the exemptions, as the appellant was provided with an opportunity to respond to the ministry's claim of section 18(1)(c) in his representations and, in light of my findings on the application of the claimed exemptions, I will consider the application of section 18(1)(c) to the information at issue.

[32] Under section 18(1)(c) an institution may refuse to disclose "information where the disclosure could reasonably be expected to prejudice the economic interests of an institution or the competitive position of an institution."

[33] Under section 18(1)(d) an institution may refuse to disclose "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 economic interests of Ontario."

[34] The failure to provide evidence will not necessarily defeat the institution's claim for exemption where harm can be inferred from the surrounding circumstances. However, parties should not assume that the harms under section 18 are self-evident or can be proven simply by repeating the description of harms in the *Act*.⁵

Representations

[35] In its representations, the ministry submits that it exercised its discretion under sections 18(1)(c) and (d) to exempt the GPS coordinates and location information from disclosure. As previously noted, this was the first time the ministry raised the possible application of section 18(1)(c) to the records.

[36] The ministry submits that under section 2.1(4) of the *Provincial Parks and Conservation Reserves Act*, 2006, S.O. 2006, c. 12, "an object of establishing and managing provincial parks is 'to facilitate scientific research and to provide points of reference to support monitoring of ecological change on the broader landscape.'" The ministry submits that Ontario Parks uses the cameras "for research monitoring purposes including for long-term monitoring of mid-large sized mammals in a remote location." It submits that the disclosure of the GPS coordinates of the cameras would impact the economic interests of Ontario as it must cover the costs of camera replacement which is a cost of "at least several hundred dollars per camera," as well as all other costs that would be associated with replacing a camera in a remote location. Additionally, the ministry submits that "more importantly, the Province loses irreplaceable data and information that is invaluable to the research and monitoring work."

[37] The appellant submits that the ministry presumes that the disclosure of the GPS coordinates would immediately result in the theft or vandalism of those cameras. He also submits that some of the cameras are placed by volunteers and therefore, the

⁵ Order MO-2363.

financial cost to the ministry for placement and maintenance must be “nominal.”

[38] Speaking to the value of the data stored in the cameras, the appellant submits that it has the potential to be valuable but that he does not accept that the data is significantly more valuable than the cameras themselves. He submits that it “cannot be accepted that the [ministry] will incur a significantly greater loss if [a camera] which is stolen is full of data versus devoid of data.” He also submits that it would be challenging to establish a monetary value for research data.

[39] Moreover, the appellant submits that the ministry acknowledges that there are “false triggers” to the cameras and he concludes that, of the data collected by the cameras not all is valuable, some being totally devoid of value. He also submits that the use of volunteers to place the cameras does not suggest research that garners invaluable or irreplaceable data.

[40] The appellant summarizes his position with respect to the ministry’s economic interest in maintaining the GPS locations of the cameras by stating that it is his view that the cameras and their data are hardly “valuable beyond estimation,” nor do they approach being irreplaceable.

[41] On reply, the ministry disputes the appellant’s submissions regarding the cost of deployment, movement or replacement of the cameras to the ministry. It submits that although volunteers do contribute to ministry research, they make up the minority component of research teams on Michipicoten Island Provincial Park.⁶ It submits much of the camera deployment, maintenance and data retrieval is not done by volunteers but by staff and that costs associated with salaries and travel for staff to perform those tasks are much more significant than suggested by the appellant.

[42] The ministry also disagrees with the appellant regarding the impact that the placement and relocation of the cameras would have to the economic interests of Ontario. The ministry submits that in addition to cameras that are fixed, there are other cameras that are moved frequently to capture the seasonal movement of specific animals. The ministry states that placement and relocation of the additional cameras has and will continue to be done on a regular basis, at a significant cost, in support of ministry research needs. The ministry submits that consultation with staff (supported by an affidavit sworn by a manager employed by the ministry who has held a number of different positions with the Wildlife Research and Monitoring Section) reveals that “moving long term locations of cameras to avoid risk of theft or damage will decrease the value and usefulness of the data collected to estimate populations and inform potential management options.”

[43] Finally, the ministry submits that data from the cameras has proven to be the most effective means of determining certain animal population estimates and more cost

⁶ The ministry submits that only 2 of 9 people involved in the ministry’s winter field operations in March 2017 (at which time some of the cameras were recovered, newly deployed or relocated) were volunteers and that only 3 of 12 people involved in the ministry’s field operations in July 2017 were volunteers.

effective than aerial surveys. Therefore, it submits that the damage or theft of cameras with important data would be a significant loss to ministry research and far more valuable than a camera alone.

Analysis

[44] The overarching purpose of section 18 is to protect certain economic interests of institutions. Generally, it applies to exempt commercially valuable information of institutions to the same extent that similar information of non-governmental organizations is protected under the *Act*.⁷ Most of the exemptions at section 18(1), including sections 18(1)(c) and (d), are harms-based, in that the institution bears the onus of demonstrating a reasonable expectation of harm with disclosure.⁸

[45] Based on my review of the parties' representations and the contents of the records, I do not accept that I have been provided with sufficient evidence to find that the disclosure of the GPS coordinates which are at issue could reasonably be expected to prejudice the ministry's economic interests or competitive position, as contemplated by section 18(1)(c). I also do not accept that I have been provided with sufficient evidence to find that their 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, as contemplated by section 18(1)(d).

Section 18(1)(c)

[46] The specific purpose of section 18(1)(c) is to protect the ability of institutions to earn money in the marketplace. This exemption recognizes that institutions sometimes have economic interests and compete for business with other public or private sector entities, and it provides discretion to refuse disclosure of information on the basis of a reasonable expectation of prejudice to these economic interests or competitive positions.⁹

[47] In the circumstances of this appeal considering the evidence before me, I am not persuaded that disclosure of the GPS location of four cameras on Michipicoten Island Provincial Park would have any impact on the ministry's competitive position in the marketplace. There is no evidence before me to suggest that the ministry relies on the type of information at issue to compete for business with other public or private sector entities or that its disclosure would negatively impact any competitive position that the ministry might have with any businesses with which it might compete, should they exist. As a result, I am not convinced that prejudice to the ministry's competitive interests could be reasonably expected to occur from disclosure of the cameras' GPS coordinates.

[48] The ministry argues that the disclosure of the GPS coordinates would result in

⁷ *The Williams Commission Report*, Toronto: Queen's Printer, 1980.

⁸ Orders PO-2014-I, MO-2233, MO-2363, PO-2632 and PO-2758.

⁹ Orders P-1190 and MO-2233.

theft or damage from vandalism being done to the cameras which, in turn, would result in the need for them to be replaced at additional cost to the ministry. Although not specifically stated, it appears that the ministry takes the position that this additional cost could reasonably be expected to prejudice to its economic interests. I find that I have not been provided with sufficient information to establish an evidentiary link between theft or vandalism to the four cameras and prejudice to the ministry's economic interests.

[49] In my view, from the evidence before me to support the possibility of physical damage to the cameras is speculative at best. In Order PO-3653 Adjudicator Flanagan addressed the likelihood of theft or vandalism to the cameras in Michipicoten Provincial Park as a result of the disclosure of their GPS coordinates. He stated:

In my view, the remoteness of the locations of the cameras diminishes rather than elevates the likelihood of the harms the ministry raises. Accepting the ministry's logic, I appreciate that the cameras remoteness means an individual wishing to commit an unlawful act may have little fear of detection (putting aside physical and technological security measures that may be in place for the cameras, which I have no evidence about). However, this elevated risk is only a consideration once the cameras' remoteness is overcome by someone wishing to carry out an unlawful act. As the appellant's evidence illustrates, that hurdle of remoteness is a significant one, as demonstrated by very low visitor numbers to the park.¹⁰ Overall, in my view, this means the cameras are not at an elevated risk of theft or planned vandalism.

...

I also note that there is also no evidence to suggest that anyone is interested or motivated to steal or has a premeditated desire to vandalize the cameras....There is no evidence of any group or individual being opposed to the purpose or function of the cameras. Even the appellant, whose representations exhaustively document his concerns regarding the operation of the cameras, does not object to the cameras' existence or function, but only the ministry's method of camera deployment."

[50] I find that Adjudicator Flanagan's comments in this respect are both relevant and applicable to the circumstances before me.

[51] In the current appeal, the parties' representations acknowledge that the cameras are located in remote locations in Michipicoten Island Provincial Park which itself is also relatively remote, seasonally generally inaccessible, and devoid of any park

¹⁰ In his representations submitted in the appeal that gave rise to Order PO-3653, the appellant submitted that he estimates that approximately 100 to 150 people visit Michipicoten Provincial Park per year. The ministry has reiterated this approximate number of visitors in its representations submitted for this appeal.

infrastructure. The ministry's representations do not provide any evidence to support a conclusion that the likelihood of theft or vandalism to the cameras despite the "hurdle of remoteness" as described by Adjudicator Flanagan is more than speculative. Additionally, as in the inquiry that gave rise to Order PO-3653, in the current appeal the ministry has also not provided any evidence with respect to the incidence of theft or vandalism to the cameras, nor has it provided evidence to support a conclusion that any particular individuals or groups are motivated to steal or vandalize the cameras should their exact locations be disclosed.

[52] Moreover, even if the likelihood of the cameras being stolen or vandalized could be established, the ministry has not provided any evidence with respect to specific, or even general, dollar amounts that it would incur if cameras were required to be replaced. In my view, I have not been provided with sufficient evidence to support a conclusion that even if the cameras were required to be replaced, the amount required to replace them could be described as resulting in a prejudice to the ministry's economic interests.

[53] Additionally, the ministry has only severed the GPS coordinates of some of the cameras identified in the records. In the absence of evidence to explain this discrepancy in its severing, it is difficult to understand how disclosure of the location of the four specific cameras for which the GPS coordinates were severed could reasonably be expected to prejudice its economic interests while the disclosure of the ones which were not severed would not.

[54] Finally, the ministry's representations also address the scientific value of the data found on the cameras in a general fashion. However, it does not establish a connection between the value of the data and its economic interests in any meaningful way. As a result, I am not persuaded that it has been established that the scientific value of the data on the cameras has any connection to the ministry's economic interests, let alone could reasonably be expected to result in prejudice to them.

[55] Accordingly, I find that the ministry's position that disclosure of the GPS coordinates could reasonably be expected to result in prejudice to either of the harms set out in section 18(1)(c) has not been established. The evidence before me is not sufficiently detailed to establish a link between the disclosure of the information and the reasonable expectation of prejudice to the ministry's economic interests or its competitive position. Accordingly, I find that section 18(1)(c) does not apply.

Section 18(1)(d)

[56] The intended purpose of the section 18(1)(d) exemption in particular is to protect the broader economic interests of Ontarians. For this exemption to apply, the ministry must establish that disclosure of the GPS coordinates 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.

[57] For similar reasons to those enunciated with respect to the application of section

18(1)(c), I find that the harms set out in section 18(1)(d) have not been established.

[58] The ministry's representations suggest that disclosure of the GPS coordinates could reasonably be expected to result in vandalism or other damage being done to the cameras which in turn could reasonably be expected to result in the need for them to be replaced at additional cost to the ministry. Although the ministry's claim of section 18(1)(d) appears to suggest that it takes the position that the cost of replacing the cameras would be injurious to the financial interests of the Government of Ontario, in my view, its representations do not establish an evidentiary link between such damage or even the cost of such damage and a resulting injury to the financial interests of the Government of Ontario or the inability of the Government of Ontario to manage the economy of the province.

[59] Similarly, with respect to the potential scientific value of the data on the cameras, in my view the ministry has not provided sufficient evidence to establish how damage to the cameras could reasonably be expected to be injurious to the financial interests of the Government of Ontario or impact its ability to manage the economy of the province.

[60] Accordingly, I find that I do not have sufficient evidence before me to suggest that the disclosure of the information relating to the location of cameras on Michipicoten Island Provincial Park could reasonably be expected to be injurious to the financial interests of the Government of Ontario or have any impact on the ability of the Government of Ontario to manage the province's economy within the meaning of section 18(1)(d).

Summary

[61] As the ministry has failed to establish that either of the harms set out in section 18(1)(c) or (d) could reasonably be expected to occur were the GPS coordinates of the cameras disclosed, I find that neither section 18(1)(c) or (d) applies to exempt the information at issue from disclosure.

ORDER:

1. I order the ministry to provide the appellant with a copy of the record by July 9, 2018.
2. In order to verify compliance with this order, I reserve the right to require the ministry to provide me with a copy of the records disclosed to the requester.

Original signed by _____
Catherine Corban
Adjudicator

June 6, 2018