



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

# **ORDER P-649**

**Appeal P-9300378**

**Ministry of Natural Resources**



80 Bloor Street West,  
Suite 1700,  
Toronto, Ontario  
M5S 2V1

80, rue Bloor ouest  
Bureau 1700  
Toronto (Ontario)  
M5S 2V1

416-326-3333  
1-800-387-0073  
Fax/Télééc: 416-325-9195  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

# ORDER

The Ministry of Natural Resources (the Ministry) received a request under the Freedom of Information and Protection of Privacy Act (the Act) for access to information regarding Freedom of Information requests, poll information and computer and facsimile inventory information. In particular, the requester sought access to "an inventory of all computer equipment and fax machines owned or operated by your Ministry".

The Ministry granted partial access to some records, provided fee estimates for others and denied access to information relating to the inventory of computer and facsimile equipment pursuant to section 14(1)(i) of the Act. The requester appealed only the Ministry's decision to deny access to the inventory of computer and facsimile equipment.

During mediation, the Ministry clarified that only one record at issue is an actual inventory. At the time the request was made, a province-wide inventory was in the process of being developed, but was not yet available. The province-wide inventory is not at issue in this appeal. Parts of other records, when viewed together, could be considered an inventory. In essence, the Ministry has created a record by compiling packages of documents of which only small portions contain information responsive to the request. The records, therefore, are described as follows:

- Record 1: An inventory of Toronto area microcomputer equipment as of May, 1993;
- Record 2: A package of maintenance agreements regarding minicomputer equipment. Only the make, model, serial number and location are responsive to the request; and
- Record 3: Electronic mail messages regarding facsimile machines. Only the make, model, serial number and location are responsive to the request.

Mediation was not successful, and notice that an inquiry was being conducted to review the Ministry's decision was sent to the appellant and the Ministry. Representations were received from the Ministry only. As part of their representations, the Ministry included an affidavit from the Manager, Client Support Security, Computer and Telecommunications Services Branch, which outlines his concerns regarding disclosure of information relating to both computer and facsimile equipment.

The sole issue to be decided in this inquiry is whether the discretionary exemption provided by section 14(1)(i) of the Act applies to the records.

Section 14(1)(i) of the Act reads:

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

endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;

In my view, the phrase "could reasonably be expected to" in section 14(1) of the Act requires that there exist a reasonable expectation of probable harm. The mere possibility of harm is not sufficient. Previous orders have held that, at a minimum, the Ministry must establish a clear and direct linkage between the disclosure of the specific information and the harm which is alleged (Orders P-557 and M-202).

The representations of the Ministry provide details as to how disclosure of the information contained in the records could threaten or endanger the security of a building or of a system established to protect items for which protection is reasonably required. In particular, the Ministry outlines a number of ways in which the security of its computer systems and facsimiles could be infiltrated and provides evidence to support the likelihood of disruption and/or destruction which could result from unauthorized access to these systems.

In reviewing the circumstances of this appeal, I am satisfied that sufficient evidence has been provided to demonstrate a direct linkage between the disclosure of the information contained in the records and the harm alleged. I find, therefore, that the release of the information contained in the records could reasonably be expected to endanger the security of a building or a system established for the protection of items, for which protection is reasonably required.

Section 14(1)(i) is a discretionary exemption. I have reviewed the Ministry's representations, and I find nothing to indicate that the exercise of discretion was improper in the circumstances of this appeal.

**ORDER:**

I uphold the Ministry's decision.

Original signed by: \_\_\_\_\_  
Laurel Cropley  
Inquiry Officer

\_\_\_\_\_ March 22, 1994