



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

ORDER P-1376

Appeal P_9600406

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). The request was for access to records relating to the security, discipline, classification, misconduct and health care of the appellant, an inmate of a correctional facility. In addition, the appellant requested any documentation relating to his trust, property and canteen account records.

The Ministry located a number of responsive records and granted access to some of them, in whole or in part. Access to the remaining records was denied pursuant to the following exemptions in contained in the Act:

- security - sections 14(1)(i) and (k)
- correctional record - section 14(2)(d)
- relations with other governments - section 15(a)
- invasion of privacy - sections 21(1) and 49(b)
- discretion to refuse requester's own information - section 49(a)

The appellant appealed the Ministry's decision to deny access to the records. During the mediation of the appeal, the Ministry agreed to disclose certain additional information and the appellant withdrew his request with respect to other portions of the records. As a result, the only parts of the records which remain at issue consist of two paragraphs on page 21 and one paragraph on page 22. Neither of these excerpts contain the personal information of the appellant, or any other identifiable individual. The Ministry has claimed only the application of sections 14(1)(i) and (k) to this information.

A Notice of Inquiry was provided to the Ministry and the appellant. Representations were received from both parties.

DISCUSSION:

SECURITY

As noted above, the Ministry claims that the undisclosed information on pages 21 and 22 of the records are exempt under sections 14(1)(i) and (k) of the Act. These sections state:

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

- (i) 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;
- (k) jeopardize the security of a centre for lawful detention;

The Ministry submits that because the undisclosed information contained in pages 21 and 22 relates to a security concern, its release would seriously undermine the security of a correctional centre which has among its population a number of high risk offenders. It argues that information of this type is not made public and that its release may contribute to an escape attempt, hostage-taking incident or violence inside the correctional centre.

I have carefully examined the undisclosed information contained in pages 21 and 22, as well as the submissions of the parties. I am satisfied that the Ministry has provided sufficient evidence to establish that the disclosure of this information could reasonably be expected to jeopardize the security of a centre for lawful detention, as contemplated by section 14(1)(k).

Accordingly, I find that the remaining undisclosed information in pages 21 and 22 qualifies for exemption from disclosure under section 14(1)(k).

ORDER:

I uphold the Ministry's decision.

Original signed by: _____
Donald Hale
Inquiry Officer

_____ April 10, 1997