

Ministry of Community Safety
and Correctional Services

Freedom of Information and
Protection of Privacy Services
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North Bay ON P1B 9M3

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Ministère de la Sécurité communautaire
et des Services correctionnels

Services d'accès à l'information et de la
Protection de la vie privée
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JUL 20 2015

Mr. Patrick Cain
Senior Web Coordinator
Global
81 Barber Greene Road
Toronto, Ontario M3C 2A2

Dear Mr. Cain:

SUBJECT: REQUEST NUMBER CSCS-A-2015-02824

This letter is in response to your request submitted to the Ministry of Community Safety and Correctional Services (the Ministry) under the Freedom of Information and Protection of Privacy Act (the Act).

As you may recall your request is for access to all documents, including emails related to the death of a named individual on June 11, 2015 while being detained at the Central East Correctional Centre. Please be advised that access to the requested information is denied as the records concern a matter that is currently under investigation.

Access to the responsive information is denied in accordance with sections 14(1)(a), 14(1)(b), 14(1)(f), 14(1)(h), 14(1)(l), 14(2)(a), 15(b), 19, 21(1), 21(2)(f), 21(3)(a), 21(3)(b) and 65(6) of the Act as follows:

14(1)(a)

The ministry may refuse to disclose a record where the disclosure could reasonably be expected to interfere with a law enforcement matter.

14(1)(b)

The ministry may refuse to disclose a record where the disclosure could reasonably be expected to interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

14(1)(f)

The ministry may refuse to disclose a record where the disclosure could reasonably be expected to deprive a person of the right to a fair trial or impartial adjudication. .../2

14(1)(h)

The ministry may refuse to disclose a record where the disclosure could reasonably be expected to reveal a record which has been confiscated from a person by a peace officer in accordance with an Act or regulation.

14(1)(l)

The ministry may 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.

14(2)(a)

A ministry may refuse to disclose a record that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of enforcing and regulating compliance with a law.

15(b)

A ministry may refuse to disclose a record where the disclosure could reasonably be expected to reveal information received in confidence from another government or its agencies by an institution.

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A ministry may refuse to disclose a record that is subject to solicitor-client privilege or that was prepared by or for Crown counsel for use in giving legal advice or in contemplation of or for use in litigation.

21(1)

Disclosure of the personal information would constitute an unjustified invasion of personal privacy as set out in sections 21(2) and/or (3) of the Act.

21(2)(f)

The personal information is highly sensitive.

21(3)(a)

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation.

21(3)(b)

A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information was compiled and is identifiable as part of an investigation into a possible violation of law except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.

Mr. Patrick Cain
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65(6)

Section 65(6) states that the Act does not apply to records collected, prepared, maintained or used by or on behalf of a ministry or agency in relation to any of the following:

- (1) Proceedings or anticipated proceedings before a court, tribunal or other entity relating to labour relations or to the employment of a person by the institution;
- (2) Negotiations or anticipated negotiations relating to labour relations or to the employment of a person by the institution between the institution and a person, bargaining agent or party to a proceeding or an anticipated proceeding;
- (3) Meetings, consultations, discussions or communications about labour relations or employment-related matters in which the institution has an interest.

The Ministry is of the opinion that section 65(6) is applicable in the circumstances of your request. As a result, the records you have requested are not accessible under the Act.

This access decision was made by the undersigned. You are entitled to appeal this decision within 30 days to:

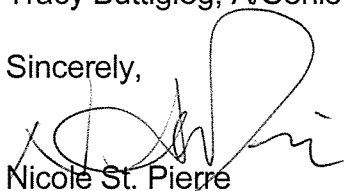
Information and Privacy Commissioner/Ontario (IPC)
2 Bloor Street East, Suite 1400
Toronto, ON M4W 1A8
(416) 326-3333

Should you decide to file an appeal, please provide the IPC with the following information:

- 1) a copy of this decision letter;
- 2) a copy of your original request for access to information;
- 3) the mandatory appeal fee of \$25.00 in the form of a cheque or money order payable to the Minister of Finance.

Should you have any questions regarding the foregoing, please do not hesitate to contact Tracy Buttigieg, A/Senior Program Analyst & Advisor, at (705) 494-3076.

Sincerely,



Nicole St. Pierre
A/Deputy Coordinator
Freedom of Information and
Protection of Privacy Services