

FOR RELEASE

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Yukon Information and Privacy Commissioner releases Inquiry Report into Department of Environment's 'access to information' refusal

WHITEHORSE – The Information and Privacy Commissioner (IPC) released an Inquiry Report today. It contains findings following her review of the Department of Environment's decision to refuse access to an applicant of more than 2000 pages under the *Access to Information and Protection of Privacy Act* (ATIPP Act).

The IPC found that the Department did not have authority to refuse access to the majority of the records. She recommended that it provide access after removing personal information that she decided would be an unreasonable invasion of personal privacy.

The IPC also commented on the lack of submissions received from the Department and its effect on both the applicant's rights and the 'access to information' review process. She indicated that it wasn't enough for the Department to simply assert its belief that the ATIPP Act exceptions apply without providing evidence, including proper submissions, in support of its assertions.

"I'd like to remind the Department that when making submissions for an Inquiry, it's essential to provide submissions that enable it to meet its burden of proof." She added that the Department failed to provide sufficient evidence to back up its refusal.

The IPC noted in her report that she gave the Department several opportunities to provide additional evidence but it failed to do so. She also noted that due to the lack of submissions from the Department, she was left having to determine "as best I can" from the records alone whether any exceptions applied, including the mandatory exceptions. She further highlighted that when a public body fails to properly apply the ATIPP Act provisions on receiving an 'access to information' request, this negatively impacts the rights of the applicant and the IPC's ability to provide effective oversight.

The Department accepted her recommendations. The full Inquiry Report can be found at (insert link).

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