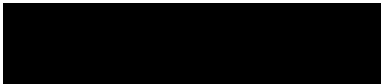




December 23, 2021

Applicant



CC:
Yukon Information and Privacy Commissioner
3162 3rd Avenue
Whitehorse, Yukon Y1A 1G3
intake@yukonombudsman.ca

Response to Investigative Report on Access Request 21-013

The Department of Justice has received and reviewed the Investigation Report issued on December 3, 2021, by Adjudicator Lynn-Ellerton on access request 21-013.

The Department of Justice's response to the IPC recommendations is as follows:

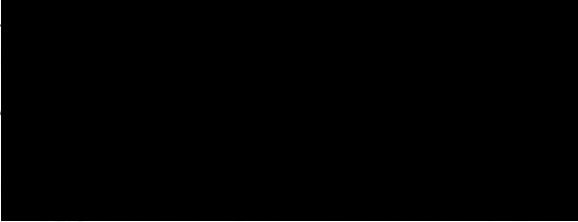
- Removal of redactions per s. 64(1)(b)(i) Access to Information and Protection of Privacy Act (ATIPPA).
- Removal of redactions to the names of SCAN investigators.
- Information about third parties who made the complaint and who were investigated or surveilled in relation to the complaint has been redacted per s. 70 ATIPPA.
- Removal of all redactions to record 6, except the third party personal information.
- Removal of all redactions per s. 72(1)(b)(ii) ATIPPA, except one instance on record 4, page 1. The Department maintains the redaction of the specific recording device on the basis that disclosure of this nature could reasonably be expected to reduce the effectiveness of an investigative technique.
- Removal of all redactions per s. 72(1)(b)(i) ATIPPA, except for part of record 13 and record nine as these two records are part of an ongoing SCAN investigation. The Department maintains these redactions on the basis that disclosure could reasonably be expected to interfere with a law enforcement matter (the ongoing SCAN investigation).
- The Department maintains the redactions per s. 72(1)(b)(ix) ATIPPA to the cell phone numbers of SCAN investigators contained in records 15 and 16 on that basis that the disclosure could be reasonably expected to endanger the life of or threaten the safety of a law enforcement officer.

Right to Review

Under s. 104 ATIPPA you have the right to apply within 30 business days to the Supreme Court of Yukon for review of the Department's decisions.

Contact Person in Department

If there are any questions, please get in touch with Diarmuid O'Donovan, Director, Public Safety and Investigations, Department of Justice at (867) 667-5868 or by e-mail to his attention at jus.atipp@yukon.ca.

Reviewed by:	Signatures:
John Phelps, Deputy Minister, Justice	

Annex: Summary of Amended Redactions, ATIPP File 21-013

Summary of Action

Each of the 19 previously redacted and disclosed records (referenced in the IPC report) were reviewed. Changes to these redactions were made in 17 of the 19 previously disclosed records. The IPC made no recommendations on the remaining two records.

These changes can be generally summarized as follows:

- Removal of redactions per s. 64(1)(b)(i) ATIPPA.
- Removal of redactions to the names of SCAN investigators.
- Information about third parties who made the complaint and who were investigated or surveilled in relation to the complaint has been redacted per s. 70 ATIPPA.
- Removal of all redactions to record 6, except the third party personal information.
- Removal of all redactions per s. 72(1)(b)(ii) ATIPPA, except one instance on record 4, page 1. The Department maintains the redaction of the specific recording device on the basis that disclosure of this nature could reasonably be expected to reduce the effectiveness of an investigative technique.
- Removal of all redactions per s. 72(1)(b)(i) ATIPPA, except for part of record 13 and record nine as these two records are part of an ongoing SCAN investigation. The Department maintains these redactions on the basis that disclosure could reasonably be expected to interfere with a law enforcement matter (the ongoing SCAN investigation).
- The Department maintains the redactions per s. 72(1)(b)(ix) ATIPPA to the cell phone numbers of SCAN investigators contained in records 15 and 16 on that basis that the disclosure could be reasonably expected to endanger the life of or threaten the safety of a law enforcement officer. It is strongly felt that releasing the cell phone numbers of SCAN investigators would compromise these current communications methods, both for investigators and complainants who are provided with the numbers as a means of contact. In addition, sensitive information is held on these devices about multiple past and ongoing investigations. It should be noted that cell phone numbers would not normally be disclosed in SCAN affidavits.