



Department of Environment
PO Box 2703, Whitehorse, Yukon Y1A 2C6

March 2, 2023

Tara Martin, Registrar
Information and Privacy Commissioner Office
3162 3rd Avenue
Whitehorse, YT Y1A 1G3

Dear Ms. Martin:

RE: Investigation Report File ATP20-24R and ATP20-25R

The Department of Environment is in receipt of the Information and Privacy Commissioner (IPC)'s February 13, 2023, report and recommendations concerning file ATP -20-14R and ATP-20-25R. This letter serves as the Department of Environment's notice, as required under Section 58(1) of the Access to Information and Protection of Privacy Act (ATIPP Act) (2002), within the required 30 days of receiving the report.

Decision

The department has reviewed and considered the report and recommendations. We accept the recommendation that section 25(1) does not apply in these particular circumstances. However, we have also determined that the consequences of accepting the second recommendation, to disclose the very high frequency (VHF) and GPS records, could result in damage to, and interfere with, the conservation of the black bear and grizzly bear populations in the Yukon. The Department of Environment accepts the recommendation for issue 1 and rejects the recommendation for issue 2, as outlined within the IPC's report. The department commits to implementing recommendation 1 no later than March 22, 2023.

Rationale

As detailed in our submissions for both ATP20-24R and ATP20-25R, the release of the VHF and GPS-derived location information will cause damage to and interference with the conservation of black bears and grizzly bears populations. Bears return to the same denning area and as a result, any information that reveals locations, whether real time or recently visited, would provide people with the ability to locate and track bears during a bear's vulnerable lifecycle such as hibernating, resting, giving birth, etc.

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Yukon is a diverse region with areas that may not be accessible by standard roads or modes of transport (i.e. walking, driving a car) especially in the winter. Yukoners have adapted with the use of snowmobiles and other off-road vehicles.

Hunters and poachers have methods to reach bears and their dens even if there aren't roads accessibly near the bear denning areas. As outlined in the department's submissions, the release of the information will increase poaching and other illegal harvesting behaviours.

Pursuant to Section 59(1)(a) of the ATIPP Act, the Applicant may apply to the Court for a review of the decision in relation to the recommendations made within 30 days of receiving this notice.

I am aware of the gravity and importance of the recommendations from your inquiry, and I assure you we share your interests in promoting transparency and information-sharing.

Sincerely,

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Manon Moreau
Deputy Minister of Environment

cc: 