

Airdrie, Alberta
May 29, 2015

MY FILE: 092

Ms. Suzanne Legault
The Information Commissioner of Canada
30 Victoria Street, 7th Floor
Gatineau, Quebec
Ottawa, Ontario
K1A 1H3

Dear Ms. Legault:

Re: All INFORMATION EXEMPTED COMPLAINT - RCMP FILE: A-2014-09208

Please find attached the letter from the RCMP dated May22, 2015 advising me that after more than six months of waiting for a reply that I was supposed to receive within 30 days, that I won't be receiving any records. I have also attached a copy of my original ATIP request dated December 1, 2014 which was prompted by persistent rumors in High River that some of the 273 RCMP officers deployed in High River during the flood of 2013 have ripped pages out of their notebooks with the handwritten notes they took during their duties in High River.

The RCMP letter stated: "*Please be advised that a review of the records located reveals that all of the information you have requested qualifies for exemption pursuant to Section 16(1)(a)(ii) of the Act,...*"
I wish to complain about the RCMP's failure to disclose ANY of the records I requested pursuant to this section which states: *16. (1) "The head of a government institution may refuse to disclose any record requested under this Act that contains (a) information obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to (i) the detection, prevention or suppression of crime, (ii) the enforcement of any law of Canada or a province,..."*

The RCMP has consistently maintained that they were in High River to conduct a search and rescue mission - not an enforcement operation. There are legal opinions and even a class action law suit that will no doubt prove that the RCMP had no legal authority to enter the 4,666 homes in High River (on at least two occasions) thereby making any law enforcement activity undertaken in those homes by the RCMP under the 'plain view doctrine' also illegal. Even if you rule that the documents I requested about the officers notes regarding the RCMP's illegal law enforcement activities in High River are exempt, the documents I requested about the officers notes regarding their search and rescue activities should not be exempt.

Additionally, while the notes and notebooks themselves may be exempt, "*all records, reports, e-mails, correspondence, communications, documentation, audits and instructions, concerning the notes and notebooks*" should not be included in this blanket exemption. The focus of my request was about pages being ripped from those RCMP notebooks not necessarily about what was in those notebooks. My previous [ATIP request \(A-2013-05648\)](#) asking for the RCMP officers notes was already refused under another blanket exemption.

.../2

I am in receipt of RCMP responses to two of my other requests that included 143 pages of handwritten notes (A-2013-04640) and 137 pages of handwritten notes (A-2104-01213). It seems odd that they are now using the law enforcement exemption when they allowed the release of these RCMP officers' notes.

I look forward to receiving the results of your investigation. I'm very interested in proceeding with a section 41 hearing in the Federal Courts if you don't have any luck overturning this blanket exemption.

Thanks for your help.

Yours sincerely,

[Original signed by]

Dennis R. Young
1330 Ravenswood Drive SE
AIRDRIE AB T4A 0P8
Home Phone: 587-360-1111
E-Mail: dennisyoung@telus.net

cc. Right Honourable Stephen Harper, Prime Minister of Canada
Honourable Steven Blaney, Minister of Public Safety
Honourable Peter Mackay, Minister of Justice
Ian McPhail, Chair, Civilian Review and Complaints Commission for the RCMP



092

MAY 22 2015

Mr. Dennis YOUNG
1330 Ravenswood Dr. SE
Airdrie, Alberta
T4A 0P8

Received
27 MAY 2015
[Signature]

Dear Mr. YOUNG:

This is in response to your request under the *Access to Information Act*, which was received by this office on December 9, 2014, for:

SEE CORRECT WORDING OF MY REQUEST ATTACHED

Rumors persists officers ripped pages out of notebooks during duties in HR. Provide all recs, reps, emails, corr, comms, docs, audits & instrctions RE officer notes who worked in HR Jn 20-Jul 13, 2013. If notes were removed incl all records RE disposition.

Based on the information provided, a search for records was conducted. Please be advised that a review of the records located reveals that all of the information you have requested qualifies for exemption pursuant to Section 16(1)(a)(ii) of the Act, a description of which can be found at: <http://laws-lois.justice.gc.ca/eng/acts/A-1>

SEE ATTACHED SECTION 16 WORDING

Please be advised that you have the right to lodge a complaint with the Information Commissioner concerning the processing of your request within 60 days after the day that you become aware that grounds for a complaint exist. In the event you decide to avail yourself of this right, your notice of complaint must be made in writing to:

Office of the Information Commissioner of Canada
30 Victoria Street, 7th Floor
Gatineau, Quebec K1A 1H3

Should you wish to discuss this matter further, you may contact Ms. Crystal Holub at 613-843-5216 or Crystal.Holub@rcmp-grc.gc.ca . Please quote the file number appearing on this letter.

Regards,

for [Signature]
Supt. David Vautour

Access to Information and Privacy Branch
Mailstop #61
73 Leikin Drive
Ottawa, Ontario K1A 0R2

Access to Information Act

R.S.C., 1985, c. A-1

16. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains (a) information obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to (i) the detection, prevention or suppression of crime, **(ii) the enforcement of any law of Canada or a province,**

ACCESS TO INFORMATION ACT

Access to Information Request Form

For official use only:

My File: 092

Federal Government Institution:

RCMP - OTTAWA HQ, K DIVISION, SOUTHERN ALBERTA DISTRICT & HIGH RIVER
DETACHMENT

Details regarding the information being sought:

Rumors persist in High River that some of the 273 RCMP officers deployed in High River during the flood of 2013 have ripped pages out of their notebooks with the handwritten notes they took during their duties in High River.

Please provide copies of all records, reports, e-mails, correspondence, communications, documentation, audits and instructions, concerning the notes and notebooks of RCMP officers who worked in High River, Alberta between June 20, 2013 and July 13, 2013. If records confirm that RCMP officer's notes were in fact removed from their notebooks then it is important that the response to this request also include all records, regarding the disposition of these handwritten notes (i.e. were these notes destroyed, archived in High River files, provided to the Commission for Public Complaints Against the RCMP or were they put to some other use?)

Method of access preferred: Receive copies of originals Examine originals in government offices

Name of Applicant: Dennis R. Young
Address: 1330 Ravenswood Drive SE
Airdrie, Alberta T4A 0P8

Telephone Number: 587-360-1111 New E-Mail: dennisryoung@telus.net

This request for access to information under the Access to Information Act is being made by:

a Canadian citizen, permanent resident or another individual present in Canada, or
 a corporation present in Canada

Cheque # 359

Signature: _____

Date: December 1, 2014