

Airdrie, Alberta  
December 27, 2016

MY FILE: 010

Ms. Jill Clayton, Information and Privacy Commissioner  
Office of the Information and Privacy Commissioner  
# 410, 9925 - 109 Street NW  
Edmonton, Alberta  
T5K 2J8

Dear Ms. Clayton:

**Re: NO RESPONSIVE RECORDS – JUSTICE AND SOLGEN FOIP FILE: 2016-G-0268**

Please find enclosed the following information:

1. My completed Request for Review/Complaint Form.
2. A copy of my FOIP request dated August 17 2015.
3. A copy of the response received from Justice dated December 6, 2016.
4. A copy of the e-mail exchange between Alberta Justice and Solicitor General ADM Bill Sweeney and RCMP Asst. Commissioner Marianne Ryan dated June 25, 2013.
5. A copy of an e-mail from Alberta Justice and Solicitor General ADM Bill Sweeney expressing his worries about the RCMP's image in High River dated September 18, 2013.
6. A copy of Alberta Justice and Solicitor General Bulletin announcing the appointment of ADM Bill Sweeney dated May 22, 2013.

Reference is also being made to the report dated July 14, 2015 prepared by Elaine LeBuke, Senior Information and Privacy Manager with regard to Request for Review File: F8655 and Alberta Justice and Solicitor General File: 2015-G-0180. In the fourth paragraph of page 5 of Ms. LeBuke's report she stated: *"I recommend to the Applicant to submit another access request for the specific records he believes are missing from his request or wants to obtain from the Public Body, e.g. records related to the Commission's findings that are in the custody or under control of the Public Body, or records related to the Sherriffs, or a copy of the Crown paper, etc."*

With regard to Ms. LeBuke's other recommendation, I wish to clarify that on August 19, 2014 I did file an *Access to Information Act* request with the RCMP asking for copies of the 'Crown counsel paper' and 'legal authorities' and these records were exempted in their entirety because of court proceedings. I filed a complaint with the Federal Office of the Information Commissioner on May 13, 2015 that is still under investigation.

The captionally noted FOIP request was in direct response to Ms. LeBuke's recommendation. I wish to complain about the Public Body's response in their letter dated December 6, 2016 that stated: ***"Regarding your request point 2, a thorough search for records has been conducted by JSG and it did not yield any responsive records on the subject matter you are seeking."*** [emphasis added]

To avoid any confusion created by the "different interpretations" concerning the wording of my original request dated May 5, 2014, this time I specifically requested: **"For the period from June 25, 2013 to July 31, 2013, please provide copies of all follow-up correspondence, communications and documentation concerning the 'legal authority' (referred to in the above-mentioned e-mails) that was sent to, from and between Asst. Commissioner Ryan to Bill Sweeney and to, from and between Bill Sweeney, Tim Grant and Minister Jonathan Denis including a copy of the 'Crown counsel paper' and a copy of the information that was given to the RCMP 'folks speaking to the media.'"**

The no responsive records response by Justice is ridiculous. The e-mail exchange between ADM Bill Sweeney and Asst. Commissioner Marianne Ryan specifically indicate Minister Jonathan Denis himself asked Deputy Minister Tim Grant for this information, the Deputy Minister in turn asked Asst. Deputy Minister Bill Sweeney and he asked the RCMP's Asst. Commissioner Marianne Ryan. It is impossible that the information requested by the Minister didn't also flow back up this same chain of command. All I'm asking for are copies of records documenting the replies to the Minister in response to his questions. This information was vital to his role as Minister of Justice and Solicitor General and would not have been transmitted verbally especially since a 'Crown counsel' paper' existed and talking points were prepared for front-line officers and staff working in High River. There also has to be notes taken at the time conversations were happening between the four parties involved in this information exchange.

There is one more reason I am convinced that these records exist in the Justice and SolGen files is that prior to being appointed to his ADM position in Justice and Solicitor General, Bill Sweeney was the Commanding Officer for 'K' Division (Alberta). As a very senior, dedicated, long-serving member of the RCMP he was very concerned about the image of the RCMP following the reports of them kicking in hundreds of doors in High River. I have attached a copy of an e-mail from Bill Sweeney dated September 18, 2013 with the Subject heading: **"Forced entry in homes in High River – proposed way forward."** In this e-mail Sweeney states: **"I was hoping the RCMP would take a leadership role to help with their image in High River but I just spoke to them and they prefer to be in a supportive role for this GOA led solution."** [emphasis added] Source: Justice and Solicitor General FOIP Response File: 2014-G-0335 – 492 pages.

Given Mr. Sweeney's past RCMP experience and personal interest in the RCMP's image following their door-kicking spree, unwarranted entries, searches and seizures, unlawful charges and convictions in High River during and following the 2013 flood, I believe his personal files on High River would contain the records I have requested.

ADM Sweeney and the rest of the Alberta Government should be very concerned about the RCMP's image problem in High River. The fourth telephone poll of High River residents conducted on September 9, 2016 shows: "Less than half of High River residents trust the RCMP to protect their homes and property in the event of another emergency evacuation."  
<http://dennisryoung.ca/2016/09/10/4th-nfa-high-river-poll-trust-in-the-rcmp-still-broken-three-years-after-flood/>

If you have any questions or concerns or need copies of the documents I have referred to, please call our e-mail and I'll get them to you. Thanks for your help to get the records I requested.

Yours sincerely,

[Original signed by]

Dennis R. Young  
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# ***FREEDOM OF INFORMATION ACT REQUEST***

**My File Number: 010**

**Alberta Government Institution:**

**Minister of Justice and Solicitor General**

**Details of the records being requested:**

Reference is being made to Alberta Justice FOIP file: 2014-G-0180 and to the Information and Privacy Commissioner's Review File #F8655 dated July 14, 2015. On page 7 of the above Review File under Public Body Submission - Search it states in the sixth bullet point: ***"Public Security Division estimated that they had 430 responsive records..."***

Please provide copy of all 430 responsive records referred to above.

Reference is also being made to the Alberta Justice FOIP response to the above noted FOIP file dated August 8, 2014 where on Page 16 in the e-mail from Bill Sweeney to RCMP Assistant Commissioner Marianne Ryan dated June 25, 2013 he asks: ***"Marianne: I just received a call from Tim Grant. Our Minister apparently had to questions for him. . . (2) What legal authority do the police rely upon to forcibly enter private property in the flood stricken area?"***

In her e-mail response on the same page, Asst. Commissioner Ryan states: ***"You do raise a good point on communicating the legal authorities we are using and on that point, we will get something on paper from the Crown counsel tomorrow morning to give to our folks speaking to media for their reference and confidence in speaking to this issue to the public."***

For the period from June 25, 2013 to July 31, 2013, please provide copies of all follow-up correspondence, communications and documentation concerning the ***"legal authority"*** (referred to in the above-mentioned e-mails) that was sent to, from and between Asst. Commissioner Ryan to Bill Sweeney and to, from and between Bill Sweeney, Tim Grant and Minister Jonathan Denis including a copy of the ***"Crown counsel paper"*** and a copy of the information that was given to the RCMP ***"folks speaking to the media."***

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|------------------------------------|-------------------------------------|---------------------|--------------------------|---------------------|
| <b>Kind of Information:</b>        | <input checked="" type="checkbox"/> | General information | <input type="checkbox"/> | Private information |
| <b>Method of access preferred:</b> | <input checked="" type="checkbox"/> | Receive copies      | <input type="checkbox"/> | Examine the record  |

**Name of Applicant:** Dennis R. Young  
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Airdrie, Alberta T4A 0P8

**Telephone Number:** 587-360-1111 (Day or Evening) **E-Mail:** [dennisryoung@telus.net](mailto:dennisryoung@telus.net)

**Cheque Number:** 405

**[Original Signed by]**  
**Signature:** \_\_\_\_\_

**Date:** August 17, 2015

## **FOR OFFICE USE ONLY**

**Date Received:**  
**Request Number:**  
**Comments:**