

Reference Number: 2017-G-0570

July 28, 2017

Dennis R. Young
1330 Ravenswood Drive SE
Airdrie AB T4A 0P8

Dear Mr. Young:

Re: *Freedom of Information and Protection of Privacy (FOIP) Act*
Request for Access to General Information

On July 6, 2017, the Alberta Justice and Solicitor General (JSG) FOIP Office received your request under the *FOIP Act* for access to records containing general information.

Specifically, you requested access to "...the Crown counsel paper being referred to above and in the attached e-mail was entitled: "The Local State of Emergency-Mandatory Evacuation Order Police Officer Authorities" written by Peter Mackenzie (probably the Peter Mackenzie whose contact information is below). Please provide me with a copy of this report and any follow-up records referring to this report including: correspondence, e-mails, reports, presentations, meeting minutes, recommendations, etc., etc." for the time frame June 25, 2013 to September 30, 2013.

Please note that nothing in this correspondence (or its attachments) constitutes a waiver of any privilege.

There were a total of four (4) pages responsive to your request. Unfortunately, access to these records is refused under the following section of the *FOIP Act*.

The records located contain information that is withheld from disclosure under the *FOIP Act* and are withheld from disclosure under the following section:

- Section 27(1)(a) – Privileged information,

We have included a copy of the relevant section of the *FOIP Act* to explain why information was withheld.

If you feel that your request has not been answered completely or you require further clarification, please contact Christine Badach, FOIP Advisor at 780-643-2834.

Please note that under section 65 of the *FOIP Act*, you may ask the Information and Privacy Commissioner of Alberta to review our foregoing response to your request. To request a review, you must complete and deliver a *Request for Review* form within 60 days from the date of this notice to:

Received
August 3, 2017
D.R.Y.

Office of the Information and Privacy Commissioner
410, 9925 – 109 Street NW
Edmonton, AB, T5K 2J8

The form is available under the Resources tab on the Commissioner's website www.oipc.ab.ca or you can call 1-888-878-4044 (in Edmonton, call 780-422-6860) to request a copy of the form.

If you wish to request a review, please provide the Office of the Information and Privacy Commissioner (OIPC) with the following information:

1. A copy of this letter.
2. A copy of your original request form that you sent to Alberta Justice and Solicitor General.
3. A completed OIPC *Request for Review* Form.

Sincerely,



Richard Marks
Director and FOIP Coordinator
Alberta Justice and Solicitor General

Enclosure: Section 27(1) of the *FOIP Act*

Privileged information

27(1) The head of a public body may refuse to disclose to an applicant

- (a) information that is subject to any type of legal privilege, including solicitor-client privilege or parliamentary privilege,
- (b) information prepared by or for
 - (i) the Minister of Justice and Attorney General,
 - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
 - (iii) an agent or lawyer of a public body,in relation to a matter involving the provision of legal services, or

- (c) information in correspondence between
 - (i) the Minister of Justice and Attorney General,
 - (ii) an agent or lawyer of the Minister of Justice and Attorney General, or
 - (iii) an agent or lawyer of a public body,and any other person in relation to a matter involving the provision of advice or other services by the Minister of Justice and Attorney General or by the agent or lawyer.

(2) The head of a public body must refuse to disclose information described in subsection (1)(a) that relates to a person other than a public body.

(3) Only the Speaker of the Legislative Assembly may determine whether information is subject to parliamentary privilege.

FREEDOM OF INFORMATION ACT REQUEST

My File Number: 018

Alberta Government Institution:

Minister of Justice and Solicitor General

Details of the records being requested:

Reference is being made to the attached e-mail from Bill Sweeney to RCMP Assistant Commissioner Marianne Ryan dated June 25, 2013 in which he asks: "**Marianne: I just received a call from Tim Grant. Our Minister apparently had two 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.**"

I have now learned that the Crown counsel paper being referred to above and in the attached e-mail was entitled: "**The Local State of Emergency-Mandatory Evacuation Order Police Officer Authorities**" written by Peter Mackenzie (probably the Peter Mackenzie whose contact information is below). Please provide me with a copy of this report and any follow-up records referring to this report including: correspondence, e-mails, reports, presentations, meeting minutes, recommendations, etc, etc.

Peter Mackenzie, Assistant Chief Crown Prosecutor

Crown Prosecutor's Office

600 Centrium Place - 332-6 Ave. S.W.

Calgary, Alberta T2P 0B2

Phone: 403-297-8444

Email: peter.mackenzie@gov.ab.ca

Kind of Information: General information Private information
Method of access preferred: Receive copies Examine the record

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

Telephone Number: 587-360-1111 (Day or Evening) E-Mail: dennisyoung@telus.net

Cheque Number: 559

Signature: (Original signed by)

 Dennis R. Young

Date: June 27, 2017

FOR OFFICE USE ONLY

Date Received:
Request Number:
Comments:

Marie Anne Babie

From: Marianne RYAN <marianne.ryan@rcmp-grc.gc.ca>
Sent: Tuesday, June 25, 2013 6:54 PM
To: Bill Sweeney
Subject: Re: Questions

Hello Bill. I am following up on your question with respect to our presence on the FN's (Morley and Siksika) but to my knowledge, there haven't been any specific complaints made to us about the level of security we're providing in those areas. But I have made a call to get some specifics and numbers of our resource deployments for those areas for your reference to confirm.

With respect to your second question, we are operating under common law authority to preserve human life. We are checking residences to make sure there are no shut-ins, people with special needs, the elderly who may be overcome by gas etc. We use as little force as is necessary to gain entry and once the residences are checked, we secure them again when we leave. With respect to the seizure of unsecured firearms, that would be under the "plain view" doctrine.

You do raise a good point on communicating what legal authorities we are using and on that point, we will get something on paper from 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.

I should be able to get back to you tonight to confirm what we're doing for the FN's. Marianne

Marianne Ryan
Assistant Commissioner
Officer in Charge
"K" Division Criminal Operations
780-412-5451 (Office)
780-217-0779 (Cell)
2959D116 (PIN)

-----Original Message-----

From: Bill Sweeney <bill.sweeney@gov.ab.ca>
To: RYAN, Marianne <marianne.ryan@rcmp-grc.gc.ca>

Sent: 6/25/2013 8:20:43 PM

Subject: Questions

Marianne:

I just received a call from Tim Grant. Our Minister apparently had two questions for him.

(1) The First Nations Chiefs in Morley and Siksika have apparently made comments that they need more police presence in securing and assisting with flood related problems in their communities. The question was: are we providing this support now and is it adequate and effective?

(2) What legal authority do the police rely upon to forcibly enter private property in the flood stricken area? This was in relation to High River and breaking into homes to look for casualties. The Minister was aware that firearms that have not been properly stored were seized during these searches and also anticipates that some residents will ask this question later.

I believe that Tim will be sending these same questions to Dale but thought you should know they are coming.

I have my thoughts on both questions but the response should come from you.

Thanks Marianne.

Bill