



Commissariat
à l'information
du Canada

Office of the
Information Commissioner
of Canada

Gatineau, Canada
K1A 1H3

PROTECTED A

November 5, 2019

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

Subject: **Our file:** 3219-00054
 Institution's file: A-2018-09975
 Your file: 223

Dear Mr. Young:

I am writing to report to you the results of our investigation of your complaint, made under the *Access to Information Act* (the Act), against the Royal Canadian Mounted Police (RCMP).

Background

On November 27, 2018, the RCMP received your request for:

Reference is being made to the RCMP October 22, 2018, response to ATIP File: A-2017-12265 regarding the two Authorizations to Carry (ATC) permits issued for 'protection of life' (copy attached) and to the government's May 12, 2006 response to MP Garry Breitkreuz's Order Paper Question No. 6 regarding the number of Authorizations to Carry (ATC) permits for 'protection against wildlife' and Authorization to Carry (ATC) permits for employees in the armoured car industry.

For each province and territory, please provide copies of the records and reports with the most current statistics available for the following:

- 1. The number of valid Authorizations to Carry Restricted Firearms and/or Prohibited Handguns issued for self-protection from human threats;*
- 2. The number of valid Authorizations to Carry Restricted Firearms and/or Prohibited Handguns issued for self-protection from wildlife and animal threats;*
- 3. The number of valid Authorization to Carry Restricted Firearms and/or Prohibited Handguns issued for protection and transportation of cash or other valuables, etc; and*

4. *For the period from January 1, 2006 to present please provide the number of Authorization to Carry permits in each of the above categories that have been revoked for (i) criminal acts, and (ii) unsafe acts.*

On February 20, 2019, the RCMP denied you access to some of the information you requested claiming section 17 of the Act.

On March 22, 2019, you complained to our Office about the RCMP's response.

Investigation

In the course of our investigation we took into consideration your representations, as set out in your original complaint to our Office. We also took into consideration the representations of the RCMP.

In your original request to the RCMP, you requested (among other things), the total number of valid Authorizations to carry a firearm (ATCs) for the protection of life. Section 20 of the *Firearms Act* allows the RCMP to issue an ATC for restricted firearms and prohibited handguns in certain limited situations. It reads:

20. *An individual who holds a licence authorizing the individual to possess restricted firearms or handguns referred to in subsection 12(6.1) (pre-December 1, 1998 handguns) may be authorized to possess a particular restricted firearm or handgun at a place other than the place at which it is authorized to be possessed if the individual needs the particular restricted firearm or handgun:*

(a) to protect the life of that individual or of other individuals; or

(b) for use in connection with his or her lawful profession or occupation.

In responding to your access request, the RCMP initially refused to provide you with the number of ATCs it had issued for the protection of life. In its view, the release of that information could threaten the safety of authorization holders. As stated by the RCMP, ATCs for the protection of life are very rare. They are the result of a comprehensive assessment by law enforcement and investigation officials of a "*credible and immediate threat to an individual's life*", more specifically a threat that cannot be effectively mitigated by law enforcement officials.

According to the RCMP, ATCs are only issued with the consensus of its Chief Firearm Officer (CFO) and the affected individual. The Chief of Police of the affected jurisdiction is also consulted and must attest to the potential for danger of grievous bodily harm and/or death. Law enforcement officials must also demonstrate that police protection is not sufficient to protect the individual. During the consultation process for the issuance of an ATC for the protection of life, details of threat

occurrences (including police reports of threats and/or previous attempts of grievous harm) are made available to the CFO for consideration.

Because of the extremely sensitive nature of ATCs for the protection of life, and the additional danger to an affected individuals should the details of an authorization become public, it has been the RCMP's long-standing policy not to publicly disclose data related to ATCs for the protection of life. According to the RCMP, the release of any such information could create a serious threat to individuals, especially in cases where it became known by organized crime (or others) that the ATC holder was armed.

On April 25, 2019, following its initial refusal, the RCMP (in consultation with the Canadian Firearms Program) agreed to disclose to you the number of valid ATCs for the protection of life for Canada *as a whole*. You accepted to receive that information in settlement of your access request and with a view to discontinuing your complaint against the RCMP. However, despite your earlier agreement, you maintained that the RCMP was improperly withholding access to information. More specifically, you took issue with the RCMP's refusal to disclose the number of ATCs for the protection of life issued *by province or territory*.

At issue is whether the RCMP properly applied section 17 of the Act in withholding information about the region in which ATCs for the protection of life had been issued. Our review of the application of this provision follows.

Section 17

Section 17 of the Act is a discretionary, injury-based exemption. This exemption allows the head of a government institution to refuse to disclose records containing information the disclosure of which could reasonably be expected to threaten the safety of individuals.

The application of this exemption entails a two-step process. First, it must be demonstrated that disclosure could reasonably be expected to threaten the safety of individuals. Then, if the criteria are satisfied, the head must reasonably exercise his or her discretion to determine whether the records should nevertheless be disclosed, taking into account all relevant factors for and against disclosure.

The institution must demonstrate that disclosure could reasonably be expected to seriously threaten the safety or health of an individual. A logical and clear link between the disclosure of the information and the alleged harm is required.

In seeking representations in support of their application of section 17 in the present case, we asked the RCMP for evidence that the release of ATCs for the protection of life by province could impact the safety of an individual. To that end, they provided our Office with general information about the *Firearms Act* and ATCs for the protection of life. This included information about who ATCs for the

protection of life are generally reserved for, and information about the application process itself (i.e., what an individual has to prove or establish to be granted an authorization under 20(a) of the *Firearms Act*).

In addition to the information above, the RCMP provided our Office with examples of incidents where aggressive behaviour was directed at a specific person or persons under the witness protection program (and to whom a 20(a) ATC might apply). This information, in our view, established a reasonable basis for believing that the safety of a 20(a) ATC holder could be threatened (physically or psychologically) should the holder be rendered identifiable.

Finally, where section 17 of the ATIA is discretionary, we asked the RCMP for representations in support of its exercise of discretion. More specifically, we asked the RCMP to specify the factors it considered in exempting the information requested. To this end, the RCMP reiterated that the release of the data sets requested by the complainant, except in aggregate, could lead to the identification of an individual in a witness protection program, and to their eventual harm or injury. As such, they were adamant that a release of the documents would not be appropriate in the circumstances. The RCMP did however exercise its discretion in electing to release 20(a) ATCs in total (i.e., across Canada) to you.

Given the extremely small number of ATCs for the protection of life issued by the RCMP in Canada, and the real possibility that that information, alone or in combination with other information, could be used to identify the individual, the RCMP's position that the release of authorizations by province could impact the safety of an individual was in our view reasonable.

Conclusion

Based on the above, and absent any representations from you in support of your position, we find your complaint to be not well-founded.

Section 41 of the Access to Information Act gives requesters the right to ask the Federal Court of Canada to review an institution's refusal to provide records, or parts of records, requested under the Act.

However, that right does not extend to asking the Federal Court to review the Commissioner's investigation or final report. Similarly, requesters may not name the Information Commissioner as a party to a review.

To request a review, you are required to do the following:

- file your application with the Federal Court within 45 days of receiving the Commissioner's final report on her investigation into your complaint; and
- name the Minister of Public Safety and Emergency preparedness as the respondent.

For more information, consult the Federal Court's website or contact the Court's Registry Office by telephone at 1-800-663-2096.

Yours sincerely,



Christian Picard
Director of Investigations

c.c.: Access to Information and Privacy Coordinator
Royal Canadian Mounted Police

Attachment (section 41)

LOI SUR L'ACCÈS À L'INFORMATION

REVIEW BY THE FEDERAL COURT

Review by
Federal Court

41. Any person who has been refused access to a record requested under this Act or a part thereof may, if a complaint has been made to the Information Commissioner in respect of the refusal, apply to the Court for a review of the matter within forty-five days after the time the results of an investigation of the complaint by the Information Commissioner are reported to the complainant under subsection 37(2) or within such further time as the Court may, either before or after the expiration of those forty-five days, fix or allow. R.S. 1985, c. A-1, s. 41.

RÉVISION PAR LA COUR FÉDÉRALE

Révision par la
Cour fédérale

41. La personne qui s'est vu refuser communication totale ou partielle d'un document demandé en vertu de la présente loi et qui a déposé ou fait déposer une plainte à ce sujet devant le Commissaire à l'information peut, dans un délai de quarante-cinq jours suivant le compte rendu du Commissaire prévu au paragraphe 37(2), exercer un recours en révision de la décision de refus devant la Cour. La Cour peut, avant ou après l'expiration du délai, le proroger ou en autoriser la prorogation. L.R. 1985, ch. A-1, art. 41.

Airdrie, Alberta
March 22, 2019

MY FILE: 223

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

Dear Ms. Legault:

Re: EXEMPTIONS COMPLAINT- RCMP ATIP FILE: A-2018-09975

Please find attached a copy of my original Access to Information Act request dated November 18, 2018 and a copy of the RCMP's response dated February 20, 2019 (both documents are available at this URL).

<https://dennisryoung.ca/2019/03/08/updated-authorization-to-carry-atc-statistics-by-province/>

I wish to complain about the RCMP blanking out records of the number of Authorization to Carry permits issued for 'self-protection from human threats' citing section 17 of the Act: *"The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to threaten the safety of individuals."*

I fail to understand how releasing the number of 'Protection of Life' carry permits could 'reasonably be expected to threaten the safety of individuals.' There is no way a number can be connected to an actual individual with a carry permit so how could it possibly threaten anyone's safety?

I have also attached a copy of the RCMP response to their ATIP file: A-2017-12265 in which states: *"CFP advised that there is two ATC's for the protection of life in Canada."* If the RCMP issued a number before why deny issuing the updated numbers to me?

Yours sincerely,

[Original signed by]

Dennis R. Young
1330 Ravenswood Drive SE
AIRDRIE, AB T4A 0P8
Home Phone: 587-360-1111
New E-Mail: dennisryoung@telus.net
Website: www.dennisryoung.ca



APR 25 2019

Mr. Dennis R. Young
1330 Ravenswood Drive South East
Airdrie, Alberta T4A 0P8

RECEIVED
MAY 2, 2019
[Signature]

Dear Mr. Young:

This is in response to your email sent on April 23, 2019, regarding your request under the *Access to Information Act*, in which you agreed to receive the number of ATC's for the protection of life in Canada.

Further consultation was conducted with the Canadian Firearms Program (CFP) and they have agreed to release the total number of ATC's for the protection of life in Canada. CFP advised that there is one ATC issued for the protection of life in Canada.

Please be advised that you are entitled 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 should be addressed 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. Manon Fortin at 613-843-3685 or Manon.Fortin@rcmp-grc.gc.ca. Please quote the file number appearing on this letter.

Regards,

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



FEB 20 2019

Our file Notre référence
A-2018-09975

Mr. Dennis R. YOUNG
1330 Ravenswood Drive South East
Airdrie, Alberta T4A 0P8

RECEIVED
MARCH 6, 2019
OK

Dear Mr. YOUNG:

This is in response to your request under the *Access to Information Act*, which was received by this office on November 27, 2018, to obtain the following:

Reference is being made to the RCMP October 22, 2018 response to ATIP file: A-2017-12265 regarding the two Authorizations to Carry (ATC) permits issued for 'protection of life' (copy attached) and to the government's May 12, 2006 response to MP Garry Breitkreuz's Order Paper Question No. 6 regarding the number of Authorizations to Carry (ATC) permits for 'protection against wildlife' and Authorization to Carry (ATC) permits for employees in the armoured car industry.

For each province and territory, please provide copies of the records and reports with the most current statistics available for the following:

- 1. The number of valid Authorizations to Carry Restricted Firearms and/or Prohibited Handguns issued for self-protection from human threats;*
- 2. The number of valid Authorizations to Carry Restricted Firearms and/or Prohibited Handguns issued for self-protection from wildlife and animal threats;*
- 3. The number of valid Authorizations to Carry Restricted Firearms and/or Prohibited Handguns issued for protection and transportation of cash or other valuables, etc; and*
- 4. For the period from January 1, 2006 to present please provide the number of Authorizations to Carry permits in each of the above categories that have been revoked for (i) criminal acts, and (ii) unsafe acts.*

Based on the information provided, a search for records was conducted in Ottawa, Ontario. Enclosed is a copy of all the information to which you are entitled. Please note that some of the information has been exempted pursuant to section 17 of the *Act*, a description of which can be found at: <http://laws-lois.justice.gc.ca/eng/acts/A-1>.

Please be advised that you are entitled 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 should be addressed 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. Manon Fortin at 613-843-3685 or Manon.Fortin@rcmp-grc.gc.ca. Please quote the file number appearing on this letter.

Regards,



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

Province	Protection of Life	Employment	Wilderness protection	Revoked since 2006
BC/YT		723	68	32
AB/NT		998	74	N/A
SK		306	4	0
MB/NU		285	2	322
ON		2492	76	76
QC		1234	0	9936
NS		264	0	34
NB		229	0	206
NL		109	0	12
PE		48	0	0

1	RCMP UPDATED AUTHORIZATION TO CARRY STATISTICS - FEB 20, 2019				
2					
3	PROVINCE	HUMAN	WORK	ANIMAL	REVOKED
4		THREATS	NEED	THREATS	2006 to Now
5					
6	BC/YT	Exempt	723	68	32
7	AB/NWT	Exempt	998	74	N/A
8	SASK	Exempt	306	4	-
9	MB/NU	Exempt	285	2	322
10	ONT	Exempt	2,492	76	76
11	QUEBEC	Exempt	1,234	0	9,936
12	NS	Exempt	264	0	34
13	NB	Exempt	229	0	206
14	NL	Exempt	109	0	12
15	PEI	Exempt	48	0	-
16					
17	TOTALS	?	6,688	224	10,618
18					
19	NOTE: The number of ATCs issued for Self-Protection from human threats withheld				
20	under section 17 of the Access to Information Act: "The head of a government institution				
21	may refuse to disclose any record requested under this Act that contains information				
22	the disclosure of which could reasonably be expected to threaten the safety of individuals."				
23					