



Commission d'accès  
à l'information  
du Québec

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**File:** 02 03 66

**Date:** 20030115

**Commissioner:** M<sup>e</sup> Jennifer Stoddart

**RICHARD ANTHONY BREAKENRIDGE**

Applicant

v.

**MINISTÈRE DE LA SÉCURITÉ PUBLIQUE**

Respondent

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**DECISION**

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**THE REQUEST FOR REVIEW**

[1] On January 13, 2002, Mr. Richard Anthony Breakenridge requested a complete unedited version of all information held by the public body concerning himself.

[2] On February 14, 2002, the Ministère de la Sécurité publique (the "Ministère") provided the applicant with the English version of the reply sent the previous day:

[...]

We are pleased to send to you a copy of a proceeding instituted in Federal Court by which you wished to have the decision of the Commissioner of Complaints of the R.C.M.P. revised and that you forwarded to the Sûreté du

Québec (Quebec Provincial Police) in July 1999 as well as to Mr. Jacques Brind'Amour, Deputy Minister of Public Security at that time.

Following a meeting that you had with an officer of the Sûreté du Québec (Quebec Provincial Police), the report of event number 060-001107-001 was written. Keeping in mind the documentation that you have had delivered to us, you will find attached hereto a copy of these documents in conformity with sections 28, 31, 53, 54, 59 and 88 of the access law.

Without limiting the import and the generality of other articles invoked and within the framework of the revision procedure, we hereby inform you that we maintain the decision set forth in our previous responses.

[...]

[3] On March 13, 2002, Mr. Breakenridge sent a form letter to the Commission d'accès à l'information (the "Commission") asking it to review this decision.

## **THE PROOF AND ARGUMENTS**

### **i) The public body**

[4] In answer to the Commission's request of July 15, 2002, the public body sent it the two documents which were at issue in the present case. The first document had already been sent to the applicant with certain parts excluded. The second document was a legal opinion, which was withheld. The Ministère's letter of October 9, 2002 motivates its reasons for acting in this way:

[...]

Le premier document (rapport d'événement et narration) a déjà été transmis à monsieur Breakenridge le 13 février dernier, en excluant toutefois les deux paragraphes qui sont soulignés en jaune sur la copie du document qui vous est destinée. Le premier de ces paragraphes contient des informations nominatives concernant un tiers (article 53) et des informations qui doivent être refusées en vertu des articles 28 (5) et 87 de la Loi. Quant au deuxième paragraphe, il contient des informations visées par l'article 28 (7) de la Loi et doit également être refusé.

Le deuxième document est une opinion juridique pour laquelle nous invoquons l'article 31 de la *Loi sur l'accès et l'article 9 de la Charte des droits et libertés de la personne*. Sa divulgation doit donc être refusée.

De plus, je joins à la présente un troisième document pour votre information qui est une copie de la cause inscrite par monsieur Breakenridge dans laquelle le ministère de la Sécurité publique est intimé.

[...]

## ii) The applicant

[5] The applicant's lengthy reply, received on November 15 2002, can be summarized as follows.

[6] In the first part of his reply he comments on the different articles of the law, asking for the subsections of article 28 which are used and specifying that his request for review does not extend to the legal opinion exempted under section 31.

[7] He generally contests the principle that any personal information can, in some circumstances, be withheld from the person it concerns. The themes addressed in the following extract of his letter illustrate his position which is reiterated several times:

[...]

The information was compiled by the individual as part of his or her professional or official governmental capacity; section 53, 54 and 59 is improperly applied. Section 56, 58 and 57 of the Act further supported my position that information compiled by the individual as part of his or her professional or official governmental capacity is not considered as the individual's personal. (sic)

[...]

[8] The applicant then proceeds to list, on more than five pages, the information which he is still seeking, beginning with: "[...] any and all records the Surete du Quebec (SQ) generated concerning me, in the case of a third person arrested while using my identity." (sic).

[9] He continues, asking for the records of five other individuals, all his own personal records possibly held by five municipalities as well as an Indian reserve, all criminal records about himself, information in a particular SQ file and names of judges, agents and other persons who would have personal information about him. The latter request is

detailed for some three and a half pages and concludes with a photocopy of a cancelled and returned warrant made out to his name.

## **DECISION**

[10] The documents sent by the Ministère to the applicant were done so in conformity with the law. The first paragraph which was extracted from the incident report was properly done so in conformity with articles 28 (5) and 87 of the *Act respecting Access to documents held by public bodies and the Protection of personal information*<sup>1</sup> and, if divulged, could quite possibly cause harm to a third party:

28. A public body must refuse to release or to confirm the existence of information received by a person responsible under the law for the prevention, detection or repression of crime or statutory offences, if its disclosure would likely

[...]

(5) cause prejudice to the person who is the source or the subject of the information;

87. Except in the case provided for in section 86.1, a public body may refuse to release or to confirm the existence of nominative information to the person concerned, to such extent as its release would disclose information whose release may or must be denied pursuant to Division II of Chapter II.

[11] The second paragraph, which was excluded by the public body, is in application of section 28(7):

28. A public body must refuse to release or to confirm the existence of information received by a person responsible under the law for the prevention, detection or repression of crime or statutory offences, if its disclosure would likely

[...]

(7) reveal information transmitted in confidence by a police force having jurisdiction outside Québec;

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<sup>1</sup> R.S.Q., c. A-2.1.

[12] As for the legal opinion, the applicant has renounced his request for access to it.

[13] Finally, his additional requests for information, when asked for his comments on responses to requests already made are in fact repetitions of requests already before the Commission in other files. In some of these files, a decision has already been made.

[14] Moreover, a properly formed request for access to information held by a public body cannot be made in this manner. In the present case, an occasion of communication about information possibly held by a public body appears to have been an opportunity to repeat, almost verbatim, lengthy texts which have no logical connection with the initial request.

[15] In this case, article 130.1 finds application:

130.1. The Commission may refuse or cease to examine a matter if it has reasonable cause to believe that the request is frivolous or made in bad faith or that its intervention would clearly serve no purpose.

[16] **FOR THESE REASONS, THE COMMISSION:**

[17] **REJECTS** the application and **CLOSES** the file.

**JENNIFER STODDART**  
Commissioner

M<sup>e</sup> Jean-François Boulais  
Attorney of the respondent