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NEWS RELEASE

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Information and Privacy Commissioner issues decision on request for access to information about muskox

WHITEHORSE – The Yukon Information and Privacy Commissioner (IPC), Diane McLeod-McKay, has completed an inquiry into an access to information request for data on muskox locations in the Yukon, made under the *Access to Information and Protection of Privacy Act* (ATIPP Act). McLeod-McKay found that the Department of Environment is not authorized to withhold the requested information.

In November 2019, an applicant made a request to the Department of Environment for all collar re-location data for muskox in the Yukon from January 1, 1980 to November 25, 2019. The department refused the applicant's access in full, citing as its authority a sub-section of the ATIPP Act regarding disclosure of information that could be harmful to the conservation of species. The applicant asked the IPC to review the refusal. The matter could not be informally resolved and so the IPC held a formal investigation, resulting in an inquiry report issued to the department and the applicant on October 6th of this year.

The IPC inquiry found that the department is not authorized by this sub-section to refuse to disclose the requested information to the applicant and recommended that the department provide the applicant with access to the information, to which they are entitled.

"Although my investigation substantiated that muskox are ranked as critically imperilled and threatened or vulnerable in the Yukon, that is not enough to justify refusing to disclose this information," said McLeod-McKay. "The department must also establish that disclosure of the information could reasonably be expected to result in probable damage to or interference with the conservation of muskox. In my view, the department failed in this regard."

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The IPC's report notes that her inquiry found that muskox are generally sedentary animals, and do not migrate over a large range. The locations of muskox in the Yukon can be generally determined from information that is already publicly available, because that information is shared online to facilitate viewing by tourists, photographers, researchers and students of wildlife. The range of muskox in the Yukon is on the North Slope, the farthest northern region of the territory, and one of the world's most severe environments, where there are no nearby roads or towns. Muskox are not open to licensed hunting in the Yukon. The only hunting allowed is by Inuvialuit harvesters, which is set out in a multi-government conservation framework.

"Given this, the evidence provided by the department does not establish that disclosing the information to the applicant could reasonably be expected to cause probable damage or interference with the conservation of muskox in the Yukon," said McLeod-McKay. "In addition, I want to note that the department did not decide whether to accept the recommendation by the deadline required. In the letter received from the department, it cited the need to do consultation prior to making its decision. The failure by the department to provide its decision by the deadline means it is deemed by the ATIPP Act to have refused the recommendation. This is the second time in the last year that the Department of Environment has been in deemed refusal of recommendations I made in an inquiry report, which is disappointing."

The inquiry report can be viewed on the IPC website [here](#).

The Ombudsman, Information and Privacy Commissioner, and Public Interest Disclosure Commissioner is an independent officer of the Yukon Legislative Assembly. For more information, please go to www.yukonombudsman.ca.

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