



CHAPTER A-1

CHAPITRE A-1

An Act to extend the present laws of Canada that provide access to information under the control of the Government of Canada

Loi visant à compléter la législation canadienne en matière d'accès à l'information relevant de l'administration fédérale

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Access to Information Act*. 1980-81-82-83, c. 111, Sch. I "1".

1. *Loi sur l'accès à l'information*. 1980-81-82-83, ch. 111, ann. I «1».

Titre abrégé

PURPOSE OF ACT

OBJET DE LA LOI

Purpose

2. (1) The purpose of this Act is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government.

2. (1) La présente loi a pour objet d'élargir l'accès aux documents de l'administration fédérale en consacrant le principe du droit du public à leur communication, les exceptions indispensables à ce droit étant précises et limitées et les décisions quant à la communication étant susceptibles de recours indépendants du pouvoir exécutif.

Objet

Complementary procedures

(2) This Act is intended to complement and not replace existing procedures for access to government information and is not intended to limit in any way access to the type of government information that is normally available to the general public. 1980-81-82-83, c. 111, Sch. I "2".

(2) La présente loi vise à compléter les modalités d'accès aux documents de l'administration fédérale; elle ne vise pas à restreindre l'accès aux renseignements que les institutions fédérales mettent normalement à la disposition du grand public. 1980-81-82-83, ch. 111, ann. I «2»; 1984, ch. 40, art. 79.

Étoffement des modalités d'accès

INTERPRETATION

DÉFINITIONS

Definitions

"Court"
«Cour»

"designated Minister"
«ministre...»

3. In this Act,
"Court" means the Federal Court—Trial Division;
"designated Minister", in relation to any provision of this Act, means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of that provision;

3. Les définitions qui suivent s'appliquent à la présente loi.
«Commissaire à l'information» Le commissaire nommé conformément à l'article 54.
«Cour» La Section de première instance de la Cour fédérale.

Définitions

«Commissaire à l'information»
"Information..."
«Cour»
"Court"

<p>"foreign state" «État...»</p> <p>"government institution" «institution...»</p> <p>"head" «responsable...»</p> <p>"Information Commissioner" «Commissaire...»</p> <p>"record" «document»</p> <p>"third party" «tiers»</p>	<p>"foreign state" means any state other than Canada;</p> <p>"government institution" means any department or ministry of state of the Government of Canada listed in Schedule I or any body or office listed in Schedule I;</p> <p>"head", in respect of a government institution, means</p> <p>(a) in the case of a department or ministry of state, the member of the Queen's Privy Council for Canada presiding over that institution, or</p> <p>(b) in any other case, the person designated by order in council pursuant to this paragraph and for the purposes of this Act to be the head of that institution;</p> <p>"Information Commissioner" means the Commissioner appointed under section 54;</p> <p>"record" includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine readable record, and any other documentary material, regardless of physical form or characteristics, and any copy thereof;</p> <p>"third party", in respect of a request for access to a record under this Act, means any person, group of persons or organization other than the person that made the request or a government institution. 1980-81-82-83, c. 111, Sch. I "3".</p>	<p>«document» Tous éléments d'information, quels que soient leur forme et leur support, notamment correspondance, note, livre, plan, carte, dessin, diagramme, illustration ou graphique, photographie, film, microformule, enregistrement sonore, magnétoscopique ou informatisé, ou toute reproduction de ces éléments d'information.</p> <p>«État étranger» Tout État autre que le Canada.</p> <p>«institution fédérale» Tout ministère ou département d'État relevant du gouvernement du Canada, ou tout organisme, figurant à l'annexe I.</p> <p>«ministre désigné» Le membre du Conseil privé de la Reine pour le Canada chargé par le gouverneur en conseil de l'application d'une ou de plusieurs dispositions de la présente loi.</p> <p>«responsable d'institution fédérale»</p> <p>a) Le membre du Conseil privé de la Reine pour le Canada sous l'autorité de qui est placé un ministère ou un département d'État;</p> <p>b) la personne désignée par décret, conformément au présent alinéa, en qualité de responsable, pour l'application de la présente loi, d'une institution fédérale autre que celles mentionnées à l'alinéa a).</p> <p>«tiers» Dans le cas d'une demande de communication de document, personne, groupement ou organisation autres que l'auteur de la demande ou qu'une institution fédérale. 1980-81-82-83, ch. 111, ann. I «3».</p>	<p>«document» "record"</p> <p>«État étranger» "foreign..."</p> <p>«institution fédérale» "government..."</p> <p>«ministre désigné» "designated..."</p> <p>«responsable d'institution fédérale» "head"</p> <p>«tiers» "third..."</p>
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ACCESS TO GOVERNMENT RECORDS

ACCÈS AUX DOCUMENTS DE
L'ADMINISTRATION FÉDÉRALE*Right of Access**Droit d'accès*

Right to access to records

4. (1) Subject to this Act, but notwithstanding any other Act of Parliament, every person who is

- (a) a Canadian citizen, or
- (b) a permanent resident within the meaning of the *Immigration Act*,

has a right to and shall, on request, be given access to any record under the control of a government institution.

Extension of right by order

(2) The Governor in Council may, by order, extend the right to be given access to records under subsection (1) to include persons not referred to in that subsection and may set such

Droit d'accès

4. (1) Sous réserve des autres dispositions de la présente loi mais nonobstant toute autre loi fédérale, ont droit à l'accès aux documents des institutions fédérales et peuvent se les faire communiquer sur demande :

- a) les citoyens canadiens;
- b) les résidents permanents au sens de la *Loi sur l'immigration*.

Extension par décret

(2) Le gouverneur en conseil peut, par décret, étendre, conditionnellement ou non, le droit d'accès visé au paragraphe (1) à des personnes autres que celles qui y sont mentionnées.

conditions as the Governor in Council deems appropriate.

Records produced from machine readable records

(3) For the purposes of this Act, any record requested under this Act that does not exist but can, subject to such limitations as may be prescribed by regulation, be produced from a machine readable record under the control of a government institution using computer hardware and software and technical expertise normally used by the government institution shall be deemed to be a record under the control of the government institution. 1980-81-82-83, c. 111, Sch. I "4".

(3) Pour l'application de la présente loi, les documents qu'il est possible de préparer à partir d'un document informatisé relevant d'une institution fédérale sont eux-mêmes considérés comme relevant de celle-ci, même s'ils n'existent pas en tant que tels au moment où ils font l'objet d'une demande de communication. La présente disposition ne vaut que sous réserve des restrictions réglementaires éventuellement applicables à la possibilité de préparer les documents et que si l'institution a normalement à sa disposition le matériel, le logiciel et les compétences techniques nécessaires à la préparation. 1980-81-82-83, ch. 111, ann. I «4».

Document issu d'un document informatisé

Information about Government Institutions

Publication on government institutions

5. (1) The designated Minister shall cause to be published, on a periodic basis not less frequently than once each year, a publication containing

- (a) a description of the organization and responsibilities of each government institution, including details on the programs and functions of each division or branch of each government institution;
- (b) a description of all classes of records under the control of each government institution in sufficient detail to facilitate the exercise of the right of access under this Act;
- (c) a description of all manuals used by employees of each government institution in administering or carrying out any of the programs or activities of the government institution; and
- (d) the title and address of the appropriate officer for each government institution to whom requests for access to records under this Act should be sent.

Bulletin

(2) The designated Minister shall cause to be published, at least twice each year, a bulletin to bring the material contained in the publication published under subsection (1) up to date and to provide to the public other useful information relating to the operation of this Act.

Descriptions in publication and bulletins

(3) Any description that is required to be included in the publication or bulletins published under subsection (1) or (2) may be formulated in such a manner that the description does not itself constitute information on the basis of which the head of a government insti-

Répertoire des institutions fédérales

5. (1) Le ministre désigné fait publier, selon une périodicité au moins annuelle, un répertoire des institutions fédérales donnant, pour chacune d'elles, les indications suivantes :

- a) son organigramme et ses attributions, ainsi que les programmes et fonctions de ses différents services;
- b) les catégories de documents qui en relèvent, avec suffisamment de précisions pour que l'exercice du droit à leur accès en soit facilité;
- c) la désignation des manuels qu'utilisent ses services dans l'application de ses programmes ou l'exercice de ses activités;
- d) les titre et adresse du fonctionnaire chargé de recevoir les demandes de communication.

Répertoire des institutions fédérales

(2) Le ministre désigné fait publier, au moins deux fois l'an, un bulletin destiné à mettre à jour l'information visée au paragraphe (1) et à fournir tous renseignements utiles concernant la mise en œuvre de la présente loi.

Bulletin

(3) Les indications à insérer dans le répertoire ou le bulletin peuvent être formulées de manière à ne pas constituer des renseignements qui justifieraient de la part du responsable d'une institution fédérale un refus de communication partielle d'un document.

Indications contenues dans le répertoire ou le bulletin

tution would be authorized to refuse to disclose a part of a record requested under this Act.

Publication and
bulletin to be
made available

(4) The designated Minister shall cause the publication referred to in subsection (1) and the bulletin referred to in subsection (2) to be made available throughout Canada in conformity with the principle that every person is entitled to reasonable access thereto. 1980-81-82-83, c. 111, Sch. I "5".

(4) Le ministre désigné est responsable de la diffusion du répertoire et du bulletin dans tout le Canada, étant entendu que toute personne a le droit d'en prendre normalement connaissance. 1980-81-82-83, ch. 111, ann. I «5».

Diffusion

Requests for Access

Demandes de communication

Request for
access to record

6. A request for access to a record under this Act shall be made in writing to the government institution that has control of the record and shall provide sufficient detail to enable an experienced employee of the institution with a reasonable effort to identify the record. 1980-81-82-83, c. 111, Sch. I "6".

6. La demande de communication d'un document se fait par écrit auprès de l'institution fédérale dont relève le document; elle doit être rédigée en des termes suffisamment précis pour permettre à un fonctionnaire expérimenté de l'institution de trouver le document sans problèmes sérieux. 1980-81-82-83, ch. 111, ann. I «6».

Demandes de
communication

Notice where
access
requested

7. Where access to a record is requested under this Act, the head of the government institution to which the request is made shall, subject to sections 8, 9 and 11, within thirty days after the request is received,

(a) give written notice to the person who made the request as to whether or not access to the record or a part thereof will be given; and

(b) if access is to be given, give the person who made the request access to the record or part thereof. 1980-81-82-83, c. 111, Sch. I "7".

7. Le responsable de l'institution fédérale à qui est faite une demande de communication de document est tenu, dans les trente jours suivant sa réception, sous réserve des articles 8, 9 et 11 :

a) d'aviser par écrit la personne qui a fait la demande de ce qu'il sera donné ou non communication totale ou partielle du document;
b) le cas échéant, de donner communication totale ou partielle du document. 1980-81-82-83, ch. 111, ann. I «7».

Notification

Transfer of
request

8. (1) Where a government institution receives a request for access to a record under this Act and the head of the institution considers that another government institution has a greater interest in the record, the head of the institution may, subject to such conditions as may be prescribed by regulation, within fifteen days after the request is received, transfer the request and, if necessary, the record to the other government institution, in which case the head of the institution transferring the request shall give written notice of the transfer to the person who made the request.

8. (1) S'il juge que le document objet de la demande dont a été saisie son institution concerne davantage une autre institution fédérale, le responsable de l'institution saisie peut, aux conditions réglementaires éventuellement applicables, transmettre la demande, et, au besoin, le document, au responsable de l'autre institution. Le cas échéant, il effectue la transmission dans les quinze jours suivant la réception de la demande et en avise par écrit la personne qui l'a faite.

Transmission
de la demande

Deeming
provision

(2) For the purposes of section 7, where a request is transferred under subsection (1), the request shall be deemed to have been made to the government institution to which it was transferred on the day the government institu-

(2) Dans le cas prévu au paragraphe (1), c'est la date de réception par l'institution fédérale saisie de la demande qui est prise en considération comme point de départ du délai mentionné à l'article 7.

Départ du délai

tion to which the request was originally made received it.

Meaning of greater interest

(3) For the purpose of subsection (1), a government institution has a greater interest in a record if

(a) the record was originally produced in or for the institution; or

(b) in the case of a record not originally produced in or for a government institution, the institution was the first government institution to receive the record or a copy thereof. 1980-81-82-83, c. 111, Sch. I "8".

Extension of time limits

9. (1) The head of a government institution may extend the time limit set out in section 7 or subsection 8(1) in respect of a request under this Act for a reasonable period of time, having regard to the circumstances, if

(a) the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government institution,

(b) consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit, or

(c) notice of the request is given pursuant to subsection 27(1)

by giving notice of the extension and, in the circumstances set out in paragraph (a) or (b), the length of the extension, to the person who made the request within thirty days after the request is received, which notice shall contain a statement that the person has a right to make a complaint to the Information Commissioner about the extension.

Notice of extension to Information Commissioner

(2) Where the head of a government institution extends a time limit under subsection (1) for more than thirty days, the head of the institution shall give notice of the extension to the Information Commissioner at the same time as notice is given under subsection (1). 1980-81-82-83, c. 111, Sch. I "9".

Where access is refused

10. (1) Where the head of a government institution refuses to give access to a record requested under this Act or a part thereof, the head of the institution shall state in the notice given under paragraph 7(a)

(a) that the record does not exist, or

(b) the specific provision of this Act on which the refusal was based or, where the

(3) La transmission visée au paragraphe (1) se justifie si l'autre institution :

a) est à l'origine du document, soit qu'elle l'ait préparé elle-même ou qu'il ait été d'abord préparé à son intention;

b) est la première institution fédérale à avoir reçu le document ou une copie de celui-ci, dans les cas où ce n'est pas une institution fédérale qui est à l'origine du document. 1980-81-82-83, ch. 111, ann. I «8».

Justification de la transmission

9. (1) Le responsable d'une institution fédérale peut proroger le délai mentionné à l'article 7 ou au paragraphe 8(1) d'une période que justifient les circonstances dans les cas où :

a) l'observation du délai entraverait de façon sérieuse le fonctionnement de l'institution en raison soit du grand nombre de documents demandés, soit de l'ampleur des recherches à effectuer pour donner suite à la demande;

b) les consultations nécessaires pour donner suite à la demande rendraient pratiquement impossible l'observation du délai;

c) avis de la demande a été donné en vertu du paragraphe 27(1).

Prorogation du délai

Dans l'un ou l'autre des cas prévus aux alinéas a), b) et c), le responsable de l'institution fédérale envoie à la personne qui a fait la demande, dans les trente jours suivant sa réception, un avis de prorogation de délai, en lui faisant part de son droit de déposer une plainte à ce propos auprès du Commissaire à l'information; dans les cas prévus aux alinéas a) et b), il lui fait aussi part du nouveau délai.

(2) Dans les cas où la prorogation de délai visée au paragraphe (1) dépasse trente jours, le responsable de l'institution fédérale en avise en même temps le Commissaire à l'information et la personne qui a fait la demande. 1980-81-82-83, ch. 111, ann. I «9».

Avis au Commissaire à l'information

10. (1) En cas de refus de communication totale ou partielle d'un document demandé en vertu de la présente loi, l'avis prévu à l'alinéa 7a) doit mentionner, d'une part, le droit de la personne qui a fait la demande de déposer une plainte auprès du Commissaire à l'information et, d'autre part :

a) soit le fait que le document n'existe pas;

Refus de communication

head of the institution does not indicate whether a record exists, the provision on which a refusal could reasonably be expected to be based if the record existed, and shall state in the notice that the person who made the request has a right to make a complaint to the Information Commissioner about the refusal.

b) soit la disposition précise de la présente loi sur laquelle se fonde le refus ou, s'il n'est pas fait état de l'existence du document, la disposition sur laquelle il pourrait vraisemblablement se fonder si le document existait.

Existence of a record not required to be disclosed

(2) The head of a government institution may but is not required to indicate under subsection (1) whether a record exists.

(2) Le paragraphe (1) n'oblige pas le responsable de l'institution fédérale à faire état de l'existence du document demandé.

Dispense de divulgation de l'existence d'un document

Deemed refusal to give access

(3) Where the head of a government institution fails to give access to a record requested under this Act or a part thereof within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access. 1980-81-82-83, c. 111, Sch. I "10".

(3) Le défaut de communication totale ou partielle d'un document dans les délais prévus par la présente loi vaut décision de refus de communication. 1980-81-82-83, ch. 111, ann. I «10».

Présomption de refus

Fees

11. (1) Subject to this section, a person who makes a request for access to a record under this Act may be required to pay

11. (1) Sous réserve des autres dispositions du présent article, il peut être exigé que la personne qui fait la demande acquitte les droits suivants :

Frais de communication

(a) at the time the request is made, such application fee, not exceeding twenty-five dollars, as may be prescribed by regulation; and

a) un versement initial accompagnant la demande et dont le montant, d'un maximum de vingt-cinq dollars, peut être fixé par règlement;

(b) before any copies are made, such fee as may be prescribed by regulation reflecting the cost of reproduction calculated in the manner prescribed by regulation.

b) un versement prévu par règlement et exigible avant la préparation de copies, correspondant aux frais de reproduction.

Additional payment

(2) The head of a government institution to which a request for access to a record is made under this Act may require, in addition to the fee payable under paragraph (1)(a), payment of an amount, calculated in the manner prescribed by regulation, for every hour in excess of five hours that is reasonably required to search for the record or prepare any part of it for disclosure, and may require that the payment be made before access to the record is given.

(2) Le responsable de l'institution fédérale à qui la demande est faite peut en outre exiger, avant de donner communication ou par la suite, le versement d'un montant déterminé par règlement, s'il faut plus de cinq heures pour rechercher le document ou pour en prélever la partie communicable.

Supplément

Where a record is produced from a machine readable record

(3) Where a record requested under this Act is produced as a result of the request from a machine readable record under the control of a government institution, the head of the institution may require payment of an amount calculated in the manner prescribed by regulation.

(3) Dans les cas où le document demandé ne peut être préparé qu'à partir d'un document informatisé qui relève d'une institution fédérale, le responsable de l'institution peut exiger le versement d'un montant déterminé par règlement.

Document issu d'un document informatisé

Deposit

(4) Where the head of a government institution requires payment of an amount under subsection (2) or (3) in respect of a request for a record, the head of the institution may require that a reasonable proportion of that amount be

(4) Dans les cas prévus au paragraphe (2) ou (3), le responsable d'une institution fédérale peut exiger une partie raisonnable du versement additionnel avant que ne soient effectuées

Acompte

paid as a deposit before the search or production of the record is undertaken or the part of the record is prepared for disclosure.

la recherche ou la préparation du document ou que la partie communicable n'en soit prélevée.

Notice

(5) Where the head of a government institution requires a person to pay an amount under this section, the head of the institution shall

(5) Dans les cas où sont exigés les versements prévus au présent article, le responsable de l'institution fédérale :

Avis

(a) give written notice to the person of the amount required; and

a) avise par écrit la personne qui a fait la demande du versement exigible;

(b) state in the notice that the person has a right to make a complaint to the Information Commissioner about the amount required.

b) l'informe, par le même avis, qu'elle a le droit de déposer une plainte à ce propos auprès du Commissaire à l'information.

Waiver

(6) The head of a government institution to which a request for access to a record is made under this Act may waive the requirement to pay a fee or other amount or a part thereof under this section or may refund a fee or other amount or a part thereof paid under this section. 1980-81-82-83, c. 111, Sch. I "11".

(6) Le responsable de l'institution fédérale peut dispenser en tout ou en partie la personne qui fait la demande du versement des droits ou lui rembourser tout ou partie du montant déjà versé. 1980-81-82-83, ch. 111, ann. I «11»; 1984, ch. 40, art. 79.

Dispense

Access

Exercice de l'accès

Access to record

12. (1) A person who is given access to a record or a part thereof under this Act shall, subject to the regulations, be given an opportunity to examine the record or part thereof or be given a copy thereof.

12. (1) L'accès aux documents s'exerce, sous réserve des règlements, par consultation totale ou partielle du document ou par délivrance de copies totales ou partielles.

Communication

Language of Access

(2) Where access to a record or a part thereof is to be given under this Act and the person to whom access is to be given requests that access be given in a particular one of the official languages of Canada, a copy of the record or part thereof shall be given to the person in that language

(2) La personne à qui sera donnée communication totale ou partielle d'un document et qui a précisé la langue officielle dans laquelle elle le désirait se verra communiquer le document ou la partie en cause dans la version de son choix :

Version de la communication

(a) forthwith, if the record or part thereof already exists under the control of a government institution in that language; or

a) immédiatement, si le document ou la partie en cause existent dans cette langue et relèvent d'une institution fédérale;

(b) within a reasonable period of time, if the head of the government institution that has control of the record considers it to be in the public interest to cause a translation to be prepared. 1980-81-82-83, c. 111, Sch. I "12".

b) dans un délai convenable, si le responsable de l'institution fédérale dont relève le document juge dans l'intérêt public de faire traduire ce document ou cette partie. 1980-81-82-83, ch. 111, ann. I «12».

EXEMPTIONS

EXCEPTIONS

Responsibilities of Government

Responsabilités de l'État

Information obtained in confidence

13. (1) Subject to subsection (2), the head of a government institution shall refuse to disclose any record requested under this Act that contains information that was obtained in confidence from

13. (1) Sous réserve du paragraphe (2), le responsable d'une institution fédérale est tenu de refuser la communication de documents contenant des renseignements obtenus à titre confidentiel :

Renseignements obtenus à titre confidentiel

(a) the government of a foreign state or an institution thereof;

a) des gouvernements des États étrangers ou de leurs organismes;

- (b) an international organization of states or an institution thereof;
- (c) the government of a province or an institution thereof; or
- (d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government.

- b) des organisations internationales d'États ou de leurs organismes;
- c) des gouvernements des provinces ou de leurs organismes;
- d) des administrations municipales ou régionales constituées en vertu de lois provinciales ou de leurs organismes.

Where disclosure authorized

(2) The head of a government institution may disclose any record requested under this Act that contains information described in subsection (1) if the government, organization or institution from which the information was obtained

- (a) consents to the disclosure; or
- (b) makes the information public. 1980-81-82-83, c. 111, Sch. I "13".

(2) Le responsable d'une institution fédérale peut donner communication de documents contenant des renseignements visés au paragraphe (1) si le gouvernement, l'organisation, l'administration ou l'organisme qui les a fournis :

- a) consent à la communication;
- b) rend les renseignements publics. 1980-81-82-83, ch. 111, ann. I «13».

Cas où la divulgation est autorisée

Federal-provincial affairs

14. 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 be injurious to the conduct by the Government of Canada of federal-provincial affairs, including, without restricting the generality of the foregoing, any such information

- (a) on federal-provincial consultations or deliberations; or
- (b) on strategy or tactics adopted or to be adopted by the Government of Canada relating to the conduct of federal-provincial affairs. 1980-81-82-83, c. 111, Sch. I "14".

14. Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements dont la divulgation risquerait vraisemblablement de porter préjudice à la conduite par le gouvernement du Canada des affaires fédéro-provinciales, notamment des renseignements sur :

- a) des consultations ou délibérations fédéro-provinciales;
- b) les orientations ou mesures adoptées ou à adopter par le gouvernement du Canada touchant la conduite des affaires fédéro-provinciales. 1980-81-82-83, ch. 111, ann. I «14».

Affaires fédéro-provinciales

International affairs and defence

15. (1) 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 be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities, including, without restricting the generality of the foregoing, any such information

- (a) relating to military tactics or strategy, or relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection, prevention or suppression of subversive or hostile activities;
- (b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or con-

15. (1) Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements dont la divulgation risquerait vraisemblablement de porter préjudice à la conduite des affaires internationales, à la défense du Canada ou d'États alliés ou associés avec le Canada ou à la détection, à la prévention ou à la répression d'activités hostiles ou subversives, notamment :

- a) des renseignements d'ordre tactique ou stratégique ou des renseignements relatifs aux manœuvres et opérations destinées à la préparation d'hostilités ou entreprises dans le cadre de la détection, de la prévention ou de la répression d'activités hostiles ou subversives;
- b) des renseignements concernant la quantité, les caractéristiques, les capacités ou le déploiement des armes ou des matériels de

Affaires internationales et défense

sidered for use as weapons or other defence equipment;

(c) relating to the characteristics, capabilities, performance, potential, deployment, functions or role of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities;

(d) obtained or prepared for the purpose of intelligence relating to

(i) the defence of Canada or any state allied or associated with Canada, or

(ii) the detection, prevention or suppression of subversive or hostile activities;

(e) obtained or prepared for the purpose of intelligence respecting foreign states, international organizations of states or citizens of foreign states used by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs;

(f) on methods of, and scientific or technical equipment for, collecting, assessing or handling information referred to in paragraph (d) or (e) or on sources of such information;

(g) on the positions adopted or to be adopted by the Government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;

(h) that constitutes diplomatic correspondence exchanged with foreign states or international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad; or

(i) relating to the communications or cryptographic systems of Canada or foreign states used

(i) for the conduct of international affairs,

(ii) for the defence of Canada or any state allied or associated with Canada, or

(iii) in relation to the detection, prevention or suppression of subversive or hostile activities.

défense, ou de tout ce qui est conçu, mis au point, produit ou prévu à ces fins;

c) des renseignements concernant les caractéristiques, les capacités, le rendement, le potentiel, le déploiement, les fonctions ou le rôle des établissements de défense, des forces, unités ou personnels militaires ou des personnes ou organisations chargées de la détection, de la prévention ou de la répression d'activités hostiles ou subversives;

d) des éléments d'information recueillis ou préparés aux fins du renseignement relatif à :

(i) la défense du Canada ou d'États alliés ou associés avec le Canada,

(ii) la détection, la prévention ou la répression d'activités hostiles ou subversives;

e) des éléments d'information recueillis ou préparés aux fins du renseignement relatif aux États étrangers, aux organisations internationales d'États ou aux citoyens étrangers et utilisés par le gouvernement du Canada dans le cadre de délibérations ou consultations ou dans la conduite des affaires internationales;

f) des renseignements concernant les méthodes et le matériel technique ou scientifique de collecte, d'analyse ou de traitement des éléments d'information visés aux alinéas d) et e), ainsi que des renseignements concernant leurs sources;

g) des renseignements concernant les positions adoptées ou envisagées, dans le cadre de négociations internationales présentes ou futures, par le gouvernement du Canada, les gouvernements d'États étrangers ou les organisations internationales d'États;

h) des renseignements contenus dans la correspondance diplomatique échangée avec des États étrangers ou des organisations internationales d'États, ou dans la correspondance officielle échangée avec des missions diplomatiques ou des postes consulaires canadiens;

i) des renseignements relatifs à ceux des réseaux de communications et des procédés de cryptographie du Canada ou d'États étrangers qui sont utilisés dans les buts suivants :

(i) la conduite des affaires internationales,

(ii) la défense du Canada ou d'États alliés ou associés avec le Canada,

Definitions

"defence of Canada or any state allied or associated with Canada"
«défense...»

"subversive or hostile activities"
«activités...»

(2) In this section, "defence of Canada or any state allied or associated with Canada" includes the efforts of Canada and of foreign states toward the detection, prevention or suppression of activities of any foreign state directed toward actual or potential attack or other acts of aggression against Canada or any state allied or associated with Canada;

"subversive or hostile activities" means

- (a) espionage against Canada or any state allied or associated with Canada,
 - (b) sabotage,
 - (c) activities directed toward the commission of terrorist acts, including hijacking, in or against Canada or foreign states,
 - (d) activities directed toward accomplishing government change within Canada or foreign states by the use of or the encouragement of the use of force, violence or any criminal means,
 - (e) activities directed toward gathering information used for intelligence purposes that relates to Canada or any state allied or associated with Canada, and
 - (f) activities directed toward threatening the safety of Canadians, employees of the Government of Canada or property of the Government of Canada outside Canada.
- 1980-81-82-83, c. 111, Sch. I «15».

Law enforcement and investigations

16. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains

- (a) information obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to
 - (i) the detection, prevention or suppression of crime,

(iii) la détection, la prévention ou la répression d'activités hostiles ou subversives.

(2) Les définitions qui suivent s'appliquent au présent article.

«activités hostiles ou subversives»

- a) L'espionnage dirigé contre le Canada ou des États alliés ou associés avec le Canada;
- b) le sabotage;
- c) les activités visant la perpétration d'actes de terrorisme, y compris les détournements de moyens de transport, contre le Canada ou un État étranger ou sur leur territoire;
- d) les activités visant un changement de gouvernement au Canada ou sur le territoire d'États étrangers par l'emploi de moyens criminels, dont la force ou la violence, ou par l'incitation à l'emploi de ces moyens;
- e) les activités visant à recueillir des éléments d'information aux fins du renseignement relatif au Canada ou aux États qui sont alliés ou associés avec lui;
- f) les activités destinées à menacer, à l'étranger, la sécurité des citoyens ou des fonctionnaires fédéraux canadiens ou à mettre en danger des biens fédéraux situés à l'étranger.

«défense du Canada ou d'États alliés ou associés avec le Canada» Sont assimilés à la défense du Canada ou d'États alliés ou associés avec le Canada les efforts déployés par le Canada et des États étrangers pour détecter, prévenir ou réprimer les activités entreprises par des États étrangers en vue d'une attaque réelle ou éventuelle ou de la perpétration d'autres actes d'agression contre le Canada ou des États alliés ou associés avec le Canada. 1980-81-82-83, ch. 111, ann. I «15».

Définitions

«activités hostiles ou subversives»
"subversive..."

«défense du Canada ou d'États alliés ou associés avec le Canada»
"defence..."

Enquêtes

16. (1) Le responsable d'une institution fédérale peut refuser la communication de documents :

- a) datés de moins de vingt ans lors de la demande et contenant des renseignements obtenus ou préparés par une institution fédérale, ou par une subdivision d'une institution, qui constitue un organisme d'enquête déterminé par règlement, au cours d'enquêtes licites ayant trait :

(ii) the enforcement of any law of Canada or a province, or

(iii) activities suspected of constituting threats to the security of Canada within the meaning of the *Canadian Security Intelligence Service Act*,

if the record came into existence less than twenty years prior to the request;

(b) information relating to investigative techniques or plans for specific lawful investigations;

(c) information the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations, including, without restricting the generality of the foregoing, any such information

(i) relating to the existence or nature of a particular investigation,

(ii) that would reveal the identity of a confidential source of information, or

(iii) that was obtained or prepared in the course of an investigation; or

(d) information the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.

(i) à la détection, la prévention et la répression du crime,

(ii) aux activités destinées à faire respecter les lois fédérales ou provinciales,

(iii) aux activités soupçonnées de constituer des menaces envers la sécurité du Canada au sens de la *Loi sur le Service canadien du renseignement de sécurité*;

b) contenant des renseignements relatifs à des techniques d'enquêtes ou à des projets d'enquêtes licites déterminées;

c) contenant des renseignements dont la divulgation risquerait vraisemblablement de nuire aux activités destinées à faire respecter les lois fédérales ou provinciales ou au déroulement d'enquêtes licites, notamment :

(i) des renseignements relatifs à l'existence ou à la nature d'une enquête déterminée,

(ii) des renseignements qui permettraient de remonter à une source de renseignements confidentielle,

(iii) des renseignements obtenus ou préparés au cours d'une enquête;

d) contenant des renseignements dont la divulgation risquerait vraisemblablement de nuire à la sécurité des établissements pénitentiaires.

Security

(2) The head of a government institution may refuse to disclose any record requested under this Act that contains information that could reasonably be expected to facilitate the commission of an offence, including, without restricting the generality of the foregoing, any such information

(a) on criminal methods or techniques;

(b) that is technical information relating to weapons or potential weapons; or

(c) on the vulnerability of particular buildings or other structures or systems, including computer or communication systems, or methods employed to protect such buildings or other structures or systems.

(2) Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements dont la communication risquerait vraisemblablement de faciliter la perpétration d'infractions, notamment :

a) des renseignements sur les méthodes ou techniques utilisées par les criminels;

b) des renseignements techniques concernant des armes actuelles ou futures;

c) des renseignements portant sur la vulnérabilité de certains bâtiments ou ouvrages ou de réseaux ou systèmes divers, y compris des réseaux ou systèmes informatisés ou de communications, ou portant sur les méthodes employées pour leur protection.

Méthodes de protection, etc.

Policing services for provinces or municipalities

(3) The head of a government institution shall refuse to disclose any record requested under this Act that contains information that was obtained or prepared by the Royal Canadian Mounted Police while performing policing services for a province or municipality pursuant to an arrangement made under section 20 of the *Royal Canadian Mounted Police Act*,

(3) Le responsable d'une institution fédérale est tenu de refuser la communication des documents contenant des renseignements obtenus ou préparés par la Gendarmerie royale du Canada, dans l'exercice de fonctions de police provinciale ou municipale qui lui sont conférées par une entente conclue sous le régime de l'article 20 de la *Loi sur la Gendarmerie royale du*

Fonctions de police provinciale ou municipale

where the Government of Canada has, on the request of the province or municipality agreed not to disclose such information.

Canada, si, à la demande de la province ou de la municipalité, le gouvernement du Canada a consenti à ne pas divulguer ces renseignements.

Definition of "investigation"

(4) For the purposes of paragraphs (1)(b) and (c), "investigation" means an investigation that

- (a) pertains to the administration or enforcement of an Act of Parliament;
- (b) is authorized by or pursuant to an Act of Parliament; or
- (c) is within a class of investigations specified in the regulations. 1980-81-82-83, c. 111, Sch. I "16"; 1984, c. 21, s. 70.

(4) Pour l'application des alinéas (1)b) et c), «enquête» s'entend de celle qui :

- a) se rapporte à l'application d'une loi fédérale;
- b) est autorisée sous le régime d'une loi fédérale;
- c) fait partie d'une catégorie d'enquêtes précisée dans les règlements. 1980-81-82-83, ch. 111, ann. I «16»; 1984, ch. 21, art. 70.

Définition de «enquête»

Safety of individuals

17. 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. 1980-81-82-83, c. 111, Sch. I "17".

17. Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements dont la divulgation risquerait vraisemblablement de nuire à la sécurité des individus. 1980-81-82-83, ch. 111, ann. I «17».

Sécurité des individus

Economic interests of Canada

18. The head of a government institution may refuse to disclose any record requested under this Act that contains

- (a) trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Canada or a government institution and has substantial value or is reasonably likely to have substantial value;
- (b) information the disclosure of which could reasonably be expected to prejudice the competitive position of a government institution;
- (c) scientific or technical information obtained through research by an officer or employee of a government institution, the disclosure of which could reasonably be expected to deprive the officer or employee of priority of publication; or
- (d) information the disclosure of which could reasonably be expected to be materially injurious to the financial interests of the Government of Canada or the ability of the Government of Canada to manage the economy of Canada or could reasonably be expected to result in an undue benefit to any person, including, without restricting the generality of the foregoing, any such information relating to
 - (i) the currency, coinage or legal tender of Canada,

18. Le responsable d'une institution fédérale peut refuser la communication de documents contenant :

- a) des secrets industriels ou des renseignements financiers, commerciaux, scientifiques ou techniques appartenant au gouvernement du Canada ou à une institution fédérale et ayant une valeur importante ou pouvant vraisemblablement en avoir une;
- b) des renseignements dont la divulgation risquerait vraisemblablement de nuire à la compétitivité d'une institution fédérale;
- c) des renseignements techniques ou scientifiques obtenus grâce à des recherches par un cadre ou employé d'une institution fédérale et dont la divulgation risquerait vraisemblablement de priver cette personne de sa priorité de publication;
- d) des renseignements dont la divulgation risquerait vraisemblablement de porter un préjudice appréciable aux intérêts financiers du gouvernement du Canada ou à sa capacité de gérer l'économie du pays, ainsi que ceux dont la divulgation risquerait vraisemblablement de causer des avantages injustifiés à une personne. Ces renseignements peuvent notamment porter sur :
 - (i) la monnaie canadienne, son monnayage ou son pouvoir libératoire,
 - (ii) les projets de changement du taux d'intérêt bancaire ou du taux d'emprunt du gouvernement,

Intérêts économiques du Canada

- (ii) a contemplated change in the rate of bank interest or in government borrowing,
- (iii) a contemplated change in tariff rates, taxes, duties or any other revenue source,
- (iv) a contemplated change in the conditions of operation of financial institutions,
- (v) a contemplated sale or purchase of securities or of foreign or Canadian currency, or
- (vi) a contemplated sale or acquisition of land or property. 1980-81-82-83, c. 111, Sch. I "18".

- (iii) les projets de changement des taux tarifaires, des taxes, impôts ou droits ou des autres sources de revenu,
- (iv) les projets de changement dans le mode de fonctionnement des institutions financières,
- (v) les projets de vente ou d'achat de valeurs mobilières ou de devises canadiennes ou étrangères,
- (vi) les projets de vente ou d'acquisition de terrains ou autres biens. 1980-81-82-83, ch. 111, ann. I «18».

Personal Information

Personal information

19. (1) Subject to subsection (2), the head of a government institution shall refuse to disclose any record requested under this Act that contains personal information as defined in section 3 of the *Privacy Act*.

Where disclosure authorized

(2) The head of a government institution may disclose any record requested under this Act that contains personal information if

- (a) the individual to whom it relates consents to the disclosure;
- (b) the information is publicly available; or
- (c) the disclosure is in accordance with section 8 of the *Privacy Act*. 1980-81-82-83, c. 111, Sch. I "19".

Third Party Information

Third party information

20. (1) Subject to this section, the head of a government institution shall refuse to disclose any record requested under this Act that contains

- (a) trade secrets of a third party;
- (b) financial, commercial, scientific or technical information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;
- (c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party; or
- (d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

Renseignements personnels

Renseignements personnels

19. (1) Sous réserve du paragraphe (2), le responsable d'une institution fédérale est tenu de refuser la communication de documents contenant les renseignements personnels visés à l'article 3 de la *Loi sur la protection des renseignements personnels*.

(2) Le responsable d'une institution fédérale peut donner communication de documents contenant des renseignements personnels dans les cas où :

- a) l'individu qu'ils concernent y consent;
- b) le public y a accès;
- c) la communication est conforme à l'article 8 de la *Loi sur la protection des renseignements personnels*. 1980-81-82-83, ch. 111, ann. I «19».

Cas où la divulgation est autorisée

Renseignements de tiers

Renseignements de tiers

20. (1) Le responsable d'une institution fédérale est tenu, sous réserve des autres dispositions du présent article, de refuser la communication de documents contenant :

- a) des secrets industriels de tiers;
- b) des renseignements financiers, commerciaux, scientifiques ou techniques fournis à une institution fédérale par un tiers, qui sont de nature confidentielle et qui sont traités comme tels de façon constante par ce tiers;
- c) des renseignements dont la divulgation risquerait vraisemblablement de causer des pertes ou profits financiers appréciables à un tiers ou de nuire à sa compétitivité;
- d) des renseignements dont la divulgation risquerait vraisemblablement d'entraver des négociations menées par un tiers en vue de contrats ou à d'autres fins.

Product or environmental testing

(2) The head of a government institution shall not, pursuant to subsection (1), refuse to disclose a part of a record if that part contains the results of product or environmental testing carried out by or on behalf of a government institution unless the testing was done as a service to a person, a group of persons or an organization other than a government institution and for a fee.

(2) Le paragraphe (1) n'autorise pas le responsable d'une institution fédérale à refuser la communication de la partie d'un document qui donne les résultats d'essais de produits ou d'essais d'environnement effectués par une institution fédérale ou pour son compte, sauf si les essais constituent une prestation de services fournis à titre onéreux mais non destinés à une institution fédérale.

Essais de produits ou essais d'environnement

Methods used in testing

(3) Where the head of a government institution discloses a record requested under this Act, or a part thereof, that contains the results of product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide the person who requested the record with a written explanation of the methods used in conducting the tests.

(3) Dans les cas où, à la suite d'une demande, il communique, en tout ou en partie, un document qui donne les résultats d'essais de produits ou d'essais d'environnement, le responsable d'une institution fédérale est tenu d'y joindre une note explicative des méthodes utilisées pour effectuer les essais.

Méthodes utilisées pour les essais

Preliminary testing

(4) For the purposes of this section, the results of product or environmental testing do not include the results of preliminary testing conducted for the purpose of developing methods of testing.

(4) Pour l'application du présent article, les résultats d'essais de produits ou d'essais d'environnement ne comprennent pas les résultats d'essais préliminaires qui ont pour objet la mise au point de méthodes d'essais.

Essais préliminaires

Disclosure if a supplier consents

(5) The head of a government institution may disclose any record that contains information described in subsection (1) with the consent of the third party to whom the information relates.

(5) Le responsable d'une institution fédérale peut communiquer tout document contenant les renseignements visés au paragraphe (1) si le tiers que les renseignements concernent y consent.

Communication autorisée

Disclosure authorized if in public interest

(6) The head of a government institution may disclose any record requested under this Act, or any part thereof, that contains information described in paragraph (1)(b), (c) or (d) if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if the public interest in disclosure clearly outweighs in importance any financial loss or gain to, prejudice to the competitive position of or interference with contractual or other negotiations of a third party. 1980-81-82-83, c. 111, Sch. I "20".

(6) Le responsable d'une institution fédérale peut communiquer, en tout ou en partie, tout document contenant les renseignements visés aux alinéas (1)b), c) et d) pour des raisons d'intérêt public concernant la santé et la sécurité publiques ainsi que la protection de l'environnement; les raisons d'intérêt public doivent de plus justifier nettement les conséquences éventuelles de la communication pour un tiers : pertes ou profits financiers, atteintes à sa compétitivité ou entraves aux négociations qu'il mène en vue de contrats ou à d'autres fins. 1980-81-82-83, ch. 111, ann. I «20».

Communication dans l'intérêt public

Operations of Government

Activités du gouvernement

Advice, etc.

21. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains

21. (1) Le responsable d'une institution fédérale peut refuser la communication de documents datés de moins de vingt ans lors de la demande et contenant :

Avis, etc.

(a) advice or recommendations developed by or for a government institution or a minister of the Crown,

a) des avis ou recommandations élaborés par ou pour une institution fédérale ou un ministre;

(b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the

b) des comptes rendus de consultations ou délibérations où sont concernés des cadres ou

Crown or the staff of a minister of the Crown,

(c) positions or plans developed for the purpose of negotiations carried on or to be carried on by or on behalf of the Government of Canada and considerations relating thereto, or

(d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation,

if the record came into existence less than twenty years prior to the request.

Exercise of a discretionary power or an adjudicative function

(2) Subsection (1) does not apply in respect of a record that contains

(a) an account of, or a statement of reasons for, a decision that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of a person; or

(b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government institution or a member of the staff of a minister of the Crown. 1980-81-82-83, c. 111, Sch. I "21".

Testing procedures, tests and audits

22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits. 1980-81-82-83, c. 111, Sch. I "22".

Solicitor-client privilege

23. The head of a government institution may refuse to disclose any record requested under this Act that contains information that is subject to solicitor-client privilege. 1980-81-82-83, c. 111, Sch. I "23".

Statutory Prohibitions

Statutory prohibitions against disclosure

24. (1) The head of a government institution shall refuse to disclose any record requested under this Act that contains information the disclosure of which is restricted by or pursuant to any provision set out in Schedule II.

Review of statutory prohibitions by Parliamentary committee

(2) Such committee as may be designated or established under section 75 shall review every provision set out in Schedule II and shall, not later than July 1, 1986 or, if Parliament is not

employés d'une institution fédérale, un ministre ou son personnel;

c) des projets préparés ou des renseignements portant sur des positions envisagées dans le cadre de négociations menées ou à mener par le gouvernement du Canada ou en son nom, ainsi que des renseignements portant sur les considérations qui y sont liées;

d) des projets relatifs à la gestion du personnel ou à l'administration d'une institution fédérale et qui n'ont pas encore été mis en œuvre.

(2) Le paragraphe (1) ne s'applique pas aux documents contenant :

Décisions

a) le compte rendu ou l'exposé des motifs d'une décision qui est prise dans l'exercice d'un pouvoir discrétionnaire ou rendue dans l'exercice d'une fonction judiciaire ou quasi-judiciaire et qui touche les droits d'une personne;

b) le rapport établi par un consultant ou conseiller à une époque où il n'appartenait pas au personnel d'une institution fédérale ou d'un ministre. 1980-81-82-83, ch. 111, ann. I «21».

22. Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements relatifs à certaines opérations — essais, épreuves, examens, vérifications —, ou aux méthodes et techniques employées pour les effectuer, et dont la divulgation nuirait à l'exploitation de ces opérations ou fausserait leurs résultats. 1980-81-82-83, ch. 111, ann. I «22».

Examens et vérifications

23. Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements protégés par le secret professionnel qui lie un avocat à son client. 1980-81-82-83, ch. 111, ann. I «23».

Secret professionnel des avocats

Interdictions fondées sur d'autres lois

24. (1) Le responsable d'une institution fédérale est tenu de refuser la communication de documents contenant des renseignements dont la communication est restreinte en vertu d'une disposition figurant à l'annexe II.

Interdictions fondées sur d'autres lois

(2) Le comité prévu à l'article 75 examine toutes les dispositions figurant à l'annexe II et dépose devant le Parlement un rapport portant sur la nécessité de ces dispositions, ou sur la

Examen des dispositions interdisant la communication

then sitting, on any of the first fifteen days next thereafter that Parliament is sitting, cause a report to be laid before Parliament on whether and to what extent the provisions are necessary. 1980-81-82-83, c. 111, Sch. I "24".

mesure dans laquelle elles doivent être conservées, au plus tard le 1^{er} juillet 1986, ou, si le Parlement ne siège pas, dans les quinze premiers jours de séance ultérieurs. 1980-81-82-83, ch. 111, ann. I «24».

Severability

25. Notwithstanding any other provision of this Act, where a request is made to a government institution for access to a record that the head of the institution is authorized to refuse to disclose under this Act by reason of information or other material contained in the record, the head of the institution shall disclose any part of the record that does not contain, and can reasonably be severed from any part that contains, any such information or material. 1980-81-82-83, c. 111, Sch. I "25".

25. Le responsable d'une institution fédérale, dans les cas où il pourrait, vu la nature des renseignements contenus dans le document demandé, s'autoriser de la présente loi pour refuser la communication du document, est cependant tenu, nonobstant les autres dispositions de la présente loi, d'en communiquer les parties dépourvues des renseignements en cause, à condition que le prélèvement de ces parties ne pose pas de problèmes sérieux. 1980-81-82-83, ch. 111, ann. I «25».

Prélèvements

Refusal of Access

Refusal of access where information to be published

26. The head of a government institution may refuse to disclose any record requested under this Act or any part thereof if the head of the institution believes on reasonable grounds that the material in the record or part thereof will be published by a government institution, agent of the Government of Canada or minister of the Crown within ninety days after the request is made or within such further period of time as may be necessary for printing or translating the material for the purpose of printing it. 1980-81-82-83, c. 111, Sch. I "26".

Refus de communication

26. Le responsable d'une institution fédérale peut refuser la communication totale ou partielle d'un document s'il a des motifs raisonnables de croire que le contenu du document sera publié en tout ou en partie par une institution fédérale, un mandataire du gouvernement du Canada ou un ministre dans les quatre-vingt-dix jours suivant la demande ou dans tel délai supérieur entraîné par les contraintes de l'impression ou de la traduction en vue de l'impression. 1980-81-82-83, ch. 111, ann. I «26».

Refus de communication en cas de publication

THIRD PARTY INTERVENTION

Notice to third parties

27. (1) Where the head of a government institution intends to disclose any record requested under this Act, or any part thereof, that contains or that the head of the institution has reason to believe might contain

- (a) trade secrets of a third party,
- (b) information described in paragraph 20(1)(b) that was supplied by a third party, or
- (c) information the disclosure of which the head of the institution could reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party,

the head of the institution shall, subject to subsection (2), if the third party can reasonably be located, within thirty days after the request is received, give written notice to the third party of the request and of the fact that the

INTERVENTION DE TIERS

27. (1) Sous réserve du paragraphe (2), le responsable d'une institution fédérale qui a l'intention de donner communication totale ou partielle d'un document est tenu de donner au tiers intéressé, dans les trente jours suivant la réception de la demande, avis écrit de celle-ci ainsi que de son intention, si le document contient ou s'il est, selon lui, susceptible de contenir :

- a) soit des secrets industriels d'un tiers;
- b) soit des renseignements visés à l'alinéa 20(1)b) qui ont été fournis par le tiers;
- c) soit des renseignements dont la communication risquerait, selon lui, d'entraîner pour le tiers les conséquences visées aux alinéas 20(1)c) ou d).

La présente disposition ne vaut que s'il est possible de rejoindre le tiers sans problèmes sérieux.

Avis aux tiers

head of the institution intends to disclose the record or part thereof.

Waiver of notice

(2) Any third party to whom a notice is required to be given under subsection (1) in respect of an intended disclosure may waive the requirement, and where the third party has consented to the disclosure the third party shall be deemed to have waived the requirement.

(2) Le tiers peut renoncer à l'avis prévu au paragraphe (1) et tout consentement à la communication du document vaut renonciation à l'avis.

Renonciation à l'avis

Contents of notice

(3) A notice given under subsection (1) shall include

(a) a statement that the head of the government institution giving the notice intends to release a record or a part thereof that might contain material or information described in subsection (1);

(b) a description of the contents of the record or part thereof that, as the case may be, belong to, were supplied by or relate to the third party to whom the notice is given; and

(c) a statement that the third party may, within twenty days after the notice is given, make representations to the head of the government institution that has control of the record as to why the record or part thereof should not be disclosed.

(3) L'avis prévu au paragraphe (1) doit contenir les éléments suivants :

a) la mention de l'intention du responsable de l'institution fédérale de donner communication totale ou partielle du document susceptible de contenir les secrets ou les renseignements visés au paragraphe (1);

b) la désignation du contenu total ou partiel du document qui, selon le cas, appartient au tiers, a été fourni par lui ou le concerne;

c) la mention du droit du tiers de présenter au responsable de l'institution fédérale de qui relève le document ses observations quant aux raisons qui justifieraient un refus de communication totale ou partielle, dans les vingt jours suivant la transmission de l'avis.

Contenu de l'avis

Extension of time limit

(4) The head of a government institution may extend the time limit set out in subsection (1) in respect of a request under this Act where the time limit set out in section 7 is extended under paragraph 9(1)(a) or (b) in respect of the same request, but any extension under this subsection shall be for a period no longer than the period of the extension under section 9. 1980-81-82-83, c. 111, Sch. I "28".

(4) Le responsable d'une institution fédérale peut proroger le délai visé au paragraphe (1) dans les cas où le délai de communication à la personne qui a fait la demande est prorogé en vertu des alinéas 9(1)a) ou b), mais le délai ne peut dépasser celui qui a été prévu pour la demande en question. 1980-81-82-83, ch. 111, ann. I «28».

Prorogation de délai

Representations of third party and decision

28. (1) Where a notice is given by the head of a government institution under subsection 27(1) to a third party in respect of a record or a part thereof,

(a) the third party shall, within twenty days after the notice is given, be given the opportunity to make representations to the head of the institution as to why the record or the part thereof should not be disclosed; and

(b) the head of the institution shall, within thirty days after the notice is given, if the third party has been given an opportunity to make representations under paragraph (a), make a decision as to whether or not to disclose the record or the part thereof and

28. (1) Dans les cas où il a donné avis au tiers conformément au paragraphe 27(1), le responsable d'une institution fédérale est tenu :

a) de donner au tiers la possibilité de lui présenter, dans les vingt jours suivant la transmission de l'avis, des observations sur les raisons qui justifieraient un refus de communication totale ou partielle du document;

b) de prendre dans les trente jours suivant la transmission de l'avis, pourvu qu'il ait donné au tiers la possibilité de présenter des observations conformément à l'alinéa a), une décision quant à la communication totale ou partielle du document et de donner avis de sa décision au tiers.

Observations des tiers et décision

give written notice of the decision to the third party.

Representations to be made in writing

(2) Representations made by a third party under paragraph (1)(a) shall be made in writing unless the head of the government institution concerned waives that requirement, in which case they may be made orally.

(2) Les observations prévues à l'alinéa (1)a) se font par écrit, sauf autorisation du responsable de l'institution fédérale quant à une présentation orale.

Observations écrites

Contents of notice of decision to disclose

(3) A notice given under paragraph (1)(b) of a decision to disclose a record requested under this Act or a part thereof shall include

(3) L'avis d'une décision de donner communication totale ou partielle d'un document conformément à l'alinéa (1)b) doit contenir les éléments suivants :

Contenu de l'avis de la décision de donner communication

(a) a statement that the third party to whom the notice is given is entitled to request a review of the decision under section 44 within twenty days after the notice is given; and

a) la mention du droit du tiers d'exercer un recours en révision en vertu de l'article 44, dans les vingt jours suivant la transmission de l'avis;

(b) a statement that the person who requested access to the record will be given access thereto or to the part thereof unless, within twenty days after the notice is given, a review of the decision is requested under section 44.

b) la mention qu'à défaut de l'exercice du recours en révision dans ce délai, la personne qui a fait la demande recevra communication totale ou partielle du document.

Disclosure of record

(4) Where, pursuant to paragraph (1)(b), the head of a government institution decides to disclose a record requested under this Act or a part thereof, the head of the institution shall give the person who made the request access to the record or the part thereof forthwith on completion of twenty days after a notice is given under that paragraph, unless a review of the decision is requested under section 44. 1980-81-82-83, c. 111, Sch. I "28".

(4) Dans les cas où il décide, en vertu de l'alinéa (1)b), de donner communication totale ou partielle du document à la personne qui en a fait la demande, le responsable de l'institution fédérale donne suite à sa décision dès l'expiration des vingt jours suivant la transmission de l'avis prévu à cet alinéa, sauf si un recours en révision a été exercé en vertu de l'article 44. 1980-81-82-83, ch. 111, ann. I «28».

Communication du document

Where the Information Commissioner recommends disclosure

29. (1) Where the head of a government institution decides, on the recommendation of the Information Commissioner made pursuant to subsection 37(1), to disclose a record requested under this Act or a part thereof, the head of the institution shall give written notice of the decision to

29. (1) Dans les cas où, sur la recommandation du Commissaire à l'information visée au paragraphe 37(1), il décide de donner communication totale ou partielle d'un document, le responsable de l'institution fédérale transmet un avis écrit de sa décision aux personnes suivantes :

Recommandation du Commissaire à l'information

(a) the person who requested access to the record; and

a) la personne qui en a fait la demande;

(b) any third party that the head of the institution has notified under subsection 27(1) in respect of the request or would have notified under that subsection if the head of the institution had at the time of the request intended to disclose the record or part thereof.

b) le tiers à qui il a donné l'avis prévu au paragraphe 27(1) ou à qui il l'aurait donné s'il avait eu l'intention de donner communication totale ou partielle du document.

Contents of notice

(2) A notice given under subsection (1) shall include

(2) L'avis prévu au paragraphe (1) doit contenir les éléments suivants :

Contenu de l'avis

(a) a statement that any third party referred to in paragraph (1)(b) is entitled to request a review of the decision under section 44

a) la mention du droit du tiers d'exercer un recours en révision en vertu de l'article 44,

within twenty days after the notice is given; and

(b) a statement that the person who requested access to the record will be given access thereto unless, within twenty days after the notice is given, a review of the decision is requested under section 44. 1980-81-82-83, c. 111, Sch. I "29".

dans les vingt jours suivant la transmission de l'avis;

b) la mention qu'à défaut de l'exercice du recours en révision dans ce délai, la personne qui a fait la demande recevra communication du document. 1980-81-82-83, ch. 111, ann. I «29».

COMPLAINTS

PLAINTES

Receipt and investigation of complaints

30. (1) Subject to this Act, the Information Commissioner shall receive and investigate complaints

(a) from persons who have been refused access to a record requested under this Act or a part thereof;

(b) from persons who have been required to pay an amount under section 11 that they consider unreasonable;

(c) from persons who have requested access to records in respect of which time limits have been extended pursuant to section 9 where they consider the extension unreasonable;

(d) from persons who have not been given access to a record or a part thereof in the official language requested by the person under subsection 12(2), or have not been given access in that language within a period of time that they consider appropriate;

(e) in respect of any publication or bulletin referred to in section 5; or

(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

30. (1) Sous réserve des autres dispositions de la présente loi, le Commissaire à l'information reçoit les plaintes et fait enquête sur les plaintes :

a) déposées par des personnes qui se sont vu refuser la communication totale ou partielle d'un document qu'elles ont demandé en vertu de la présente loi;

b) déposées par des personnes qui considèrent comme excessif le montant réclamé en vertu de l'article 11;

c) déposées par des personnes qui ont demandé des documents dont les délais de communication ont été prorogés en vertu de l'article 9 et qui considèrent la prorogation comme abusive;

d) déposées par des personnes qui se sont vu refuser la traduction visée au paragraphe 12(2) ou qui considèrent comme contre-indiqué le délai de communication relatif à la traduction;

e) portant sur le répertoire ou le bulletin visés à l'article 5;

f) portant sur toute autre question relative à la demande ou à l'obtention de documents en vertu de la présente loi.

Réception des plaintes et enquêtes

Complaints submitted on behalf of complainants

(2) Nothing in this Act precludes the Information Commissioner from receiving and investigating complaints of a nature described in subsection (1) that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized.

(2) Le Commissaire à l'information peut recevoir les plaintes visées au paragraphe (1) par l'intermédiaire d'un représentant du plaignant. Dans les autres articles de la présente loi, les dispositions qui concernent le plaignant concernent également son représentant.

Entremise de représentants

Information Commissioner may initiate complaint

(3) Where the Information Commissioner is satisfied that there are reasonable grounds to investigate a matter relating to requesting or obtaining access to records under this Act, the Commissioner may initiate a complaint in respect thereof. 1980-81-82-83, c. 111, Sch. I "30".

(3) Le Commissaire à l'information peut lui-même prendre l'initiative d'une plainte s'il a des motifs raisonnables de croire qu'une enquête devrait être menée sur une question relative à la demande ou à l'obtention de documents en vertu de la présente loi. 1980-81-82-83, ch. 111, ann. I «30».

Plaintes émanant du Commissaire à l'information

Written
complaint

31. A complaint under this Act shall be made to the Information Commissioner in writing unless the Commissioner authorizes otherwise and shall, where the complaint relates to a request for access to a record, be made within one year from the time when the request for the record in respect of which the complaint is made was received. 1980-81-82-83, c. 111, Sch. I "31".

31. Les plaintes sont, sauf dispense accordée par le Commissaire à l'information, déposées devant lui par écrit; celles qui ont trait à une demande de communication de documents se prescrivent par un an à compter de la réception de la demande. 1980-81-82-83, ch. 111, ann. I «31».

Plaintes écrites

INVESTIGATIONS

ENQUÊTES

Notice of
intention to
investigate

32. Before commencing an investigation of a complaint under this Act, the Information Commissioner shall notify the head of the government institution concerned of the intention to carry out the investigation and shall inform the head of the institution of the substance of the complaint. 1980-81-82-83, c. 111, Sch. I "32".

32. Le Commissaire à l'information, avant de procéder aux enquêtes prévues par la présente loi, avise le responsable de l'institution fédérale concernée de son intention d'enquêter et lui fait connaître l'objet de la plainte. 1980-81-82-83, ch. 111, ann. I «32».

Avis d'enquête

Notice to third
parties

33. Where the head of a government institution refuses to disclose a record requested under this Act or a part thereof and receives a notice under section 32 of a complaint in respect of the refusal, the head of the institution shall forthwith advise the Information Commissioner of any third party that the head of the institution has notified under subsection 27(1) in respect of the request or would have notified under that subsection if the head of the institution had intended to disclose the record or part thereof. 1980-81-82-83, c. 111, Sch. I "33".

33. Dans les cas où il a refusé de donner communication totale ou partielle d'un document et qu'il reçoit à ce propos l'avis prévu à l'article 32, le responsable de l'institution fédérale mentionne sans retard au Commissaire à l'information le nom du tiers à qui il a donné l'avis prévu au paragraphe 27(1) ou à qui il l'aurait donné s'il avait eu l'intention de donner communication totale ou partielle du document. 1980-81-82-83, ch. 111, ann. I «33».

Avis aux tiers

Regulation of
procedure

34. Subject to this Act, the Information Commissioner may determine the procedure to be followed in the performance of any duty or function of the Commissioner under this Act. 1980-81-82-83, c. 111, Sch. I "34".

34. Sous réserve des autres dispositions de la présente loi, le Commissaire à l'information peut établir la procédure à suivre dans l'exercice de ses pouvoirs et fonctions. 1980-81-82-83, ch. 111, ann. I «34».

Procédure

Investigations
in private

35. (1) Every investigation of a complaint under this Act by the Information Commissioner shall be conducted in private.

35. (1) Les enquêtes menées sur les plaintes par le Commissaire à l'information sont secrètes.

Secret des
enquêtesRight to make
representations

(2) In the course of an investigation of a complaint under this Act by the Information Commissioner, a reasonable opportunity to make representations shall be given to

(2) Au cours de l'enquête, les personnes suivantes doivent avoir la possibilité de présenter leurs observations au Commissaire à l'information, nul n'ayant toutefois le droit absolu d'être présent lorsqu'une autre personne présente des observations au Commissaire à l'information, ni d'en recevoir communication ou de faire des commentaires à leur sujet :

Droit de
présenter des
observations

- (a) the person who made the complaint,
- (b) the head of the government institution concerned, and
- (c) where the Information Commissioner intends to recommend under subsection 37(1) that a record or a part thereof be disclosed that contains or that the Informa-

- a) la personne qui a déposé la plainte;
- b) le responsable de l'institution fédérale concernée;

tion Commissioner has reason to believe might contain

- (i) trade secrets of a third party,
- (ii) information described in paragraph 20(1)(b) that was supplied by a third party, or
- (iii) information the disclosure of which the Information Commissioner could reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party,

the third party, if the third party can reasonably be located,

but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Commissioner by any other person. 1980-81-82-83, c. 111, Sch. I "35".

Powers of
Information
Commissioner
in carrying out
investigations

36. (1) The Information Commissioner has, in relation to the carrying out of the investigation of any complaint under this Act, power

- (a) to summon and enforce the appearance of persons before the Information Commissioner and compel them to give oral or written evidence on oath and to produce such documents and things as the Commissioner deems requisite to the full investigation and consideration of the complaint, in the same manner and to the same extent as a superior court of record;
- (b) to administer oaths;
- (c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Information Commissioner sees fit, whether or not the evidence or information is or would be admissible in a court of law;
- (d) to enter any premises occupied by any government institution on satisfying any security requirements of the institution relating to the premises;
- (e) to converse in private with any person in any premises entered pursuant to paragraph (d) and otherwise carry out therein such inquiries within the authority of the Information Commissioner under this Act as the Commissioner sees fit; and
- (f) to examine or obtain copies of or extracts from books or other records found in any premises entered pursuant to paragraph (d) containing any matter relevant to the investigation.

c) le tiers visé au paragraphe 27(1), si le Commissaire à l'information a l'intention de recommander, en vertu du paragraphe 37(1), la communication d'un document visé au paragraphe 27(1). 1980-81-82-83, ch. 111, ann. I «35».

36. (1) Le Commissaire à l'information a, pour l'instruction des plaintes déposées en vertu de la présente loi, le pouvoir :

- a) d'assigner et de contraindre des témoins à comparaître devant lui, à déposer verbalement ou par écrit sous la foi du serment et à produire les pièces qu'il juge indispensables pour instruire et examiner à fond les plaintes dont il est saisi, de la même façon et dans la même mesure qu'une cour supérieure d'archives;
- b) de faire prêter serment;
- c) de recevoir des éléments de preuve ou des renseignements par déclaration verbale ou écrite sous serment ou par tout autre moyen qu'il estime indiqué, indépendamment de leur admissibilité devant les tribunaux;
- d) de pénétrer dans les locaux occupés par une institution fédérale, à condition de satisfaire aux normes de sécurité établies par l'institution pour ces locaux;
- e) de s'entretenir en privé avec toute personne se trouvant dans les locaux visés à l'alinéa d) et d'y mener, dans le cadre de la compétence que lui confère la présente loi, les enquêtes qu'il estime nécessaires;
- f) d'examiner ou de se faire remettre des copies ou des extraits des livres ou autres documents contenant des éléments utiles à l'enquête et trouvés dans les locaux visés à l'alinéa d).

Pouvoirs du
Commissaire à
l'information
pour la tenue
des enquêtes

Access to records

(2) Notwithstanding any other Act of Parliament or any privilege under the law of evidence, the Information Commissioner may, during the investigation of any complaint under this Act, examine any record to which this Act applies that is under the control of a government institution, and no such record may be withheld from the Commissioner on any grounds.

(2) Nonobstant toute autre loi fédérale et toute immunité reconnue par le droit de la preuve, le Commissaire à l'information a, pour les enquêtes qu'il mène en vertu de la présente loi, accès à tous les documents qui relèvent d'une institution fédérale et auxquels la présente loi s'applique; aucun de ces documents ne peut, pour quelque motif que ce soit, lui être refusé.

Accès aux documents

Evidence in other proceedings

(3) Except in a prosecution of a person for an offence under section 133 of the *Criminal Code* (false statements in extra-judicial proceedings) in respect of a statement made under this Act, in a prosecution for an offence under this Act or in a review before the Court under this Act or an appeal therefrom, evidence given by a person in proceedings under this Act and evidence of the existence of the proceedings is inadmissible against that person in a court or in any other proceedings.

(3) Sauf les cas où une personne est poursuivie soit pour une infraction visée à l'article 133 du *Code criminel* (fausses déclarations dans des procédures extrajudiciaires) se rapportant à une déclaration faite en vertu de la présente loi, soit pour infraction à la présente loi, ou sauf les cas de recours en révision prévus par la présente loi devant la Cour ou les cas d'appel de la décision rendue par la Cour, les dépositions faites au cours de procédures prévues par la présente loi ou le fait de l'existence de ces procédures ne sont pas admissibles contre le déposant devant les tribunaux ni dans aucune autre procédure.

Inadmissibilité de la preuve dans d'autres procédures

Witness fees

(4) Any person summoned to appear before the Information Commissioner pursuant to this section is entitled in the discretion of the Commissioner to receive the like fees and allowances for so doing as if summoned to attend before the Federal Court.

(4) Les témoins assignés à comparaître devant le Commissaire à l'information en vertu du présent article peuvent recevoir, si le Commissaire le juge indiqué, les frais et indemnités accordés aux témoins assignés devant la Cour fédérale.

Frais des témoins

Return of documents, etc.

(5) Any document or thing produced pursuant to this section by any person or government institution shall be returned by the Information Commissioner within ten days after a request is made to the Commissioner by that person or government institution, but nothing in this subsection precludes the Commissioner from again requiring its production in accordance with this section. 1980-81-82-83, c. 111, Sch. I "36".

(5) Les personnes ou les institutions fédérales qui produisent des pièces demandées en vertu du présent article peuvent exiger du Commissaire à l'information qu'il leur renvoie ces pièces dans les dix jours suivant la requête qu'elles lui présentent à cette fin, mais rien n'empêche le Commissaire d'en réclamer une nouvelle production. 1980-81-82-83, ch. 111, ann. I «36».

Renvoi des documents, etc.

Findings and recommendations of Information Commissioner

37. (1) If, on investigating a complaint in respect of a record under this Act, the Information Commissioner finds that the complaint is well-founded, the Commissioner shall provide the head of the government institution that has control of the record with a report containing

37. (1) Dans les cas où il conclut au bien-fondé d'une plainte portant sur un document, le Commissaire à l'information adresse au responsable de l'institution fédérale de qui relève le document un rapport où :

Conclusions et recommandations du Commissaire à l'information

(a) the findings of the investigation and any recommendations that the Commissioner considers appropriate; and

a) il présente les conclusions de son enquête ainsi que les recommandations qu'il juge indiquées;

(b) where appropriate, a request that, within a time specified in the report, notice be given to the Commissioner of any action taken or proposed to be taken to implement the recommendations contained in the report or

b) il demande, s'il le juge à propos, au responsable de lui donner avis, dans un délai déterminé, soit des mesures prises ou envisagées pour la mise en œuvre de ses recommandations, soit des motifs invoqués pour ne pas y donner suite.

reasons why no such action has been or is proposed to be taken.

Report to complainant and third parties

(2) The Information Commissioner shall, after investigating a complaint under this Act, report to the complainant and any third party that was entitled under subsection 35(2) to make and that made representations to the Commissioner in respect of the complaint the results of the investigation, but where a notice has been requested under paragraph (1)(b) no report shall be made under this subsection until the expiration of the time within which the notice is to be given to the Commissioner.

(2) Le Commissaire à l'information rend compte des conclusions de son enquête au plaignant et aux tiers qui pouvaient, en vertu du paragraphe 35(2), lui présenter des observations et qui les ont présentées; toutefois, dans les cas prévus à l'alinéa (1)b), le Commissaire à l'information ne peut faire son compte rendu qu'après l'expiration du délai imparti au responsable de l'institution fédérale.

Compte rendu au plaignant

Matter to be included in report to complainant

(3) Where a notice has been requested under paragraph (1)(b) but no such notice is received by the Commissioner within the time specified therefor or the action described in the notice is, in the opinion of the Commissioner, inadequate or inappropriate or will not be taken in a reasonable time, the Commissioner shall so advise the complainant in his report under subsection (2) and may include in the report such comments on the matter as he thinks fit.

(3) Le Commissaire à l'information mentionne également dans son compte rendu au plaignant, s'il y a lieu, le fait que, dans les cas prévus à l'alinéa (1)b), il n'a pas reçu d'avis dans le délai imparti ou que les mesures indiquées dans l'avis sont, selon lui, insuffisantes, inadaptées ou non susceptibles d'être prises en temps utile. Il peut en outre y inclure tous commentaires qu'il estime utiles.

Éléments à inclure dans le compte rendu

Access to be given

(4) Where, pursuant to a request under paragraph (1)(b), the head of a government institution gives notice to the Information Commissioner that access to a record or a part thereof will be given to a complainant, the head of the institution shall give the complainant access to the record or part thereof

(4) Dans les cas où il fait suite à la demande formulée par le Commissaire à l'information en vertu de l'alinéa (1)b) en avisant le Commissaire qu'il donnera communication totale ou partielle d'un document, le responsable d'une institution fédérale est tenu de donner cette communication au plaignant :

Communication accordée

(a) forthwith on giving the notice if no notice is given to a third party under paragraph 29(1)(b) in the matter; or

a) immédiatement, dans les cas où il n'y a pas de tiers à qui donner l'avis prévu à l'alinéa 29(1)b);

(b) forthwith on completion of twenty days after notice is given to a third party under paragraph 29(1)(b), if that notice is given, unless a review of the matter is requested under section 44.

b) dès l'expiration des vingt jours suivant l'avis prévu à l'alinéa 29(1)b), dans les autres cas, sauf si un recours en révision a été exercé en vertu de l'article 44.

Right of review

(5) Where, following the investigation of a complaint relating to a refusal to give access to a record requested under this Act or a part thereof, the head of a government institution does not give notice to the Information Commissioner that access to the record will be given, the Information Commissioner shall inform the complainant that the complainant has the right to apply to the Court for a review of the matter investigated. 1980-81-82-83, c. 111, Sch. I "37".

(5) Dans les cas où, l'enquête terminée, le responsable de l'institution fédérale concernée n'avise pas le Commissaire à l'information que communication du document ou de la partie en cause sera donnée au plaignant, le Commissaire à l'information informe celui-ci de l'existence d'un droit de recours en révision devant la Cour. 1980-81-82-83, ch. 111, ann. I «37».

Recours en révision

REPORTS TO PARLIAMENT

RAPPORTS AU PARLEMENT

Annual report

38. The Information Commissioner shall, within three months after the termination of each financial year, submit an annual report to Parliament on the activities of the office during that financial year. 1980-81-82-83, c. 111, Sch. I "38".

38. Dans les trois mois suivant la fin de chaque exercice, le Commissaire à l'information présente au Parlement le rapport des activités du commissariat au cours de l'exercice. 1980-81-82-83, ch. 111, ann. I «38».

Rapport annuel

Special reports

39. (1) The Information Commissioner may, at any time, make a special report to Parliament referring to and commenting on any matter within the scope of the powers, duties and functions of the Commissioner where, in the opinion of the Commissioner, the matter is of such urgency or importance that a report thereon should not be deferred until the time provided for transmission of the next annual report of the Commissioner under section 38.

39. (1) Le Commissaire à l'information peut, à toute époque de l'année, présenter au Parlement un rapport spécial sur toute question relevant de ses pouvoirs et fonctions et dont l'urgence ou l'importance sont telles, selon lui, qu'il serait contre-indiqué d'en différer le compte rendu jusqu'à l'époque du rapport annuel suivant.

Rapports spéciaux

Where investigation made

(2) Any report made pursuant to subsection (1) that relates to an investigation under this Act shall be made only after the procedures set out in section 37 have been followed in respect of the investigation. 1980-81-82-83, c. 111, Sch. I "39".

(2) Le Commissaire à l'information ne peut présenter de rapport spécial sur des enquêtes qu'après observation des formalités prévues à leur sujet à l'article 37. 1980-81-82-83, ch. 111, ann. I «39».

Cas des enquêtes

Transmission of reports

40. (1) Every report to Parliament made by the Information Commissioner under section 38 or 39 shall be made by being transmitted to the Speaker of the Senate and to the Speaker of the House of Commons for tabling in those Houses.

40. (1) La présentation des rapports du Commissaire à l'information au Parlement s'effectue par remise au président du Sénat et à celui de la Chambre des communes pour dépôt devant leurs chambres respectives.

Remise des rapports

Reference to Parliamentary committee

(2) Every report referred to in subsection (1) shall, after it is transmitted for tabling pursuant to that subsection, be referred to the committee designated or established by Parliament for the purpose of subsection 75(1). 1980-81-82-83, c. 111, Sch. I "40".

(2) Les rapports visés au paragraphe (1) sont, après leur dépôt, renvoyés devant le comité désigné ou constitué par le Parlement en application du paragraphe 75(1). 1980-81-82-83, ch. 111, ann. I «40».

Renvoi en comité

REVIEW BY THE FEDERAL COURT

RÉVISION PAR LA COUR FÉDÉRALE

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. 1980-81-82-83, c. 111, Sch. I "41".

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. 1980-81-82-83, ch. 111, ann. I «41».

Révision par la Cour fédérale

Information Commissioner may apply or appear

42. (1) The Information Commissioner may (a) apply to the Court, within the time limits prescribed by section 41, for a review of any refusal to disclose a record requested under this Act or a part thereof in respect of which an investigation has been carried out by the Information Commissioner, if the Commissioner has the consent of the person who requested access to the record; (b) appear before the Court on behalf of any person who has applied for a review under section 41; or (c) with leave of the Court, appear as a party to any review applied for under section 41 or 44.

42. (1) Le Commissaire à l'information a qualité pour :

- a) exercer lui-même, à l'issue de son enquête et dans les délais prévus à l'article 41, le recours en révision pour refus de communication totale ou partielle d'un document, avec le consentement de la personne qui avait demandé le document;
- b) comparaître devant la Cour au nom de la personne qui a exercé un recours devant la Cour en vertu de l'article 41;
- c) comparaître, avec l'autorisation de la Cour, comme partie à une instance engagée en vertu des articles 41 ou 44.

Exercice du recours par le Commissaire, etc.

Applicant may appear as party

(2) Where the Information Commissioner makes an application under paragraph (1)(a) for a review of a refusal to disclose a record requested under this Act or a part thereof, the person who requested access to the record may appear as a party to the review. 1980-81-82-83, c. 111, Sch. I "42".

(2) Dans le cas prévu à l'alinéa (1)a), la personne qui a demandé communication du document en cause peut comparaître comme partie à l'instance. 1980-81-82-83, ch. 111, ann. I «42».

Comparution de la personne qui a fait la demande

Notice to third parties

43. (1) The head of a government institution who has refused to give access to a record requested under this Act or a part thereof shall forthwith on being given notice of any application made under section 41 or 42 give written notice of the application to any third party that the head of the institution has notified under subsection 27(1) in respect of the request or would have notified under that subsection if the head of the institution had intended to disclose the record or part thereof.

43. (1) Sur réception d'un avis de recours en révision exercé en vertu des articles 41 ou 42, le responsable d'une institution fédérale qui avait refusé communication totale ou partielle du document en litige donne à son tour avis du recours au tiers à qui il avait donné l'avis prévu au paragraphe 27(1) ou à qui il l'aurait donné s'il avait eu l'intention de donner communication totale ou partielle du document.

Avis au tiers

Third party may appear as party

(2) Any third party that has been given notice of an application for a review under subsection (1) may appear as a party to the review. 1980-81-82-83, c. 111, Sch. I "43".

(2) Le tiers qui reçoit l'avis prévu au paragraphe (1) peut, avec l'autorisation de la Cour, comparaître comme partie à l'instance. 1980-81-82-83, ch. 111, ann. I «43».

Comparution du tiers

Third party may apply for a review

44. (1) Any third party to whom the head of a government institution is required under paragraph 28(1)(b) or subsection 29(1) to give a notice of a decision to disclose a record or a part thereof under this Act may, within twenty days after the notice is given, apply to the Court for a review of the matter.

44. (1) Le tiers que le responsable d'une institution fédérale est tenu, en vertu de l'alinéa 28(1)b) ou du paragraphe 29(1), d'aviser de la communication totale ou partielle d'un document peut, dans les vingt jours suivant la transmission de l'avis, exercer un recours en révision devant la Cour.

Recours en révision du tiers

Notice to person who requested record

(2) The head of a government institution who has given notice under paragraph 28(1)(b) or subsection 29(1) that a record requested under this Act or a part thereof will be disclosed shall forthwith on being given notice of an application made under subsection (1) in respect of the disclosure give written notice of

(2) Le responsable d'une institution fédérale qui a donné avis de communication totale ou partielle d'un document en vertu de l'alinéa 28(1)b) ou du paragraphe 29(1) est tenu, sur réception d'un avis de recours en révision de cette décision, d'en aviser par écrit la personne

Avis à la personne qui a fait la demande

the application to the person who requested access to the record.

Person who requested access may appear as party

(3) Any person who has been given notice of an application for a review under subsection (2) may appear as a party to the review. 1980-81-82-83, c. 111, Sch. I "44".

qui avait demandé communication du document.

(3) La personne qui est avisée conformément au paragraphe (2) peut, sur autorisation de la Cour, comparaître comme partie à l'instance. 1980-81-82-83, ch. 111, ann. I «44».

Comparution

Hearing in summary way

45. An application made under section 41, 42 or 44 shall be heard and determined in a summary way in accordance with any special rules made in respect of such applications pursuant to section 46 of the *Federal Court Act*. 1980-81-82-83, c. 111, Sch. I "45".

45. Les recours prévus aux articles 41, 42 et 44 sont entendus et jugés en procédure sommaire, conformément aux règles de pratique spéciales adoptées à leur égard en vertu de l'article 46 de la *Loi sur la Cour fédérale*. 1980-81-82-83, ch. 111, ann. I «45».

Procédure sommaire

Access to records

46. Notwithstanding any other Act of Parliament or any privilege under the law of evidence, the Court may, in the course of any proceedings before the Court arising from an application under section 41, 42 or 44, examine any record to which this Act applies that is under the control of a government institution, and no such record may be withheld from the Court on any grounds. 1980-81-82-83, c. 111, Sch. I "46".

46. Nonobstant toute autre loi fédérale et toute immunité reconnue par le droit de la preuve, la Cour a, pour les recours prévus aux articles 41, 42 et 44, accès à tous les documents qui relèvent d'une institution fédérale et auxquels la présente loi s'applique; aucun de ces documents ne peut, pour quelque motif que ce soit, lui être refusé. 1980-81-82-83, ch. 111, ann. I «46».

Accès aux documents

Court to take precautions against disclosing

47. (1) In any proceedings before the Court arising from an application under section 41, 42 or 44, the Court shall take every reasonable precaution, including, when appropriate, receiving representations *ex parte* and conducting hearings *in camera*, to avoid the disclosure by the Court or any person of

47. (1) À l'occasion des procédures relatives aux recours prévus aux articles 41, 42 et 44, la Cour prend toutes les précautions possibles, notamment, si c'est indiqué, par la tenue d'audiences à huis clos et l'audition d'arguments en l'absence d'une partie, pour éviter que ne soient divulgués de par son propre fait ou celui de quiconque :

Précautions à prendre contre la divulgation

(a) any information or other material on the basis of which the head of a government institution would be authorized to refuse to disclose a part of a record requested under this Act; or

a) des renseignements qui, par leur nature, justifient, en vertu de la présente loi, un refus de communication totale ou partielle d'un document;

(b) any information as to whether a record exists where the head of a government institution, in refusing to disclose the record under this Act, does not indicate whether it exists.

b) des renseignements faisant état de l'existence d'un document que le responsable d'une institution fédérale a refusé de communiquer sans indiquer s'il existait ou non.

Disclosure of offence authorized

(2) The Court may disclose to the appropriate authority information relating to the commission of an offence against any law of Canada or a province on the part of any officer or employee of a government institution, if in the opinion of the Court there is evidence thereof. 1980-81-82-83, c. 111, Sch. I "47".

(2) Dans les cas où, à son avis, il existe des éléments de preuve touchant la perpétration d'infractions fédérales ou provinciales par un cadre ou employé d'une institution fédérale, la Cour peut faire part à l'autorité compétente des renseignements qu'elle détient à cet égard. 1980-81-82-83, ch. 111, ann. I «47».

Autorisation de dénoncer des infractions

Burden of proof

48. In any proceedings before the Court arising from an application under section 41 or 42, the burden of establishing that the head of a government institution is authorized to refuse to disclose a record requested under this Act or

48. Dans les procédures découlant des recours prévus aux articles 41 ou 42, la charge d'établir le bien-fondé du refus de communication totale ou partielle d'un document incombe

Charge de la preuve

a part thereof shall be on the government institution concerned. 1980-81-82-83, c. 111, Sch. I «48».

à l'institution fédérale concernée. 1980-81-82-83, ch. 111, ann. I «48».

Order of Court where no authorization to refuse disclosure found

49. Where the head of a government institution refuses to disclose a record requested under this Act or a part thereof on the basis of a provision of this Act not referred to in section 50, the Court shall, if it determines that the head of the institution is not authorized to refuse to disclose the record or part thereof, order the head of the institution to disclose the record or part thereof, subject to such conditions as the Court deems appropriate, to the person who requested access to the record, or shall make such other order as the Court deems appropriate. 1980-81-82-83, c. 111, Sch. I «49».

49. La Cour, dans les cas où elle conclut au bon droit de la personne qui a exercé un recours en révision d'une décision de refus de communication totale ou partielle d'un document fondée sur des dispositions de la présente loi autres que celles mentionnées à l'article 50, ordonne, aux conditions qu'elle juge indiquées, au responsable de l'institution fédérale dont relève le document en litige d'en donner à cette personne communication totale ou partielle; la Cour rend une autre ordonnance si elle l'estime indiqué. 1980-81-82-83, ch. 111, ann. I «49».

Ordonnance de la Cour dans les cas où le refus n'est pas autorisé

Order of Court where reasonable grounds of injury not found

50. Where the head of a government institution refuses to disclose a record requested under this Act or a part thereof on the basis of section 14 or 15 or paragraph 16(1)(c) or (d) or 18(d), the Court shall, if it determines that the head of the institution did not have reasonable grounds on which to refuse to disclose the record or part thereof, order the head of the institution to disclose the record or part thereof, subject to such conditions as the Court deems appropriate, to the person who requested access to the record, or shall make such other order as the Court deems appropriate. 1980-81-82-83, c. 111, Sch. I «50».

50. Dans les cas où le refus de communication totale ou partielle du document s'appuyait sur les articles 14 ou 15 ou sur les alinéas 16(1)c) ou d) ou 18d), la Cour, si elle conclut que le refus n'était pas fondé sur des motifs raisonnables, ordonne, aux conditions qu'elle juge indiquées, au responsable de l'institution fédérale dont relève le document en litige d'en donner communication totale ou partielle à la personne qui avait fait la demande; la Cour rend une autre ordonnance si elle l'estime indiqué. 1980-81-82-83, ch. 111, ann. I «50».

Ordonnance de la Cour dans les cas où le préjudice n'est pas démontré

Order of Court not to disclose record

51. Where the Court determines, after considering an application under section 44, that the head of a government institution is required to refuse to disclose a record or part of a record, the Court shall order the head of the institution not to disclose the record or part thereof or shall make such other order as the Court deems appropriate. 1980-81-82-83, c. 111, Sch. I «51».

51. La Cour, dans les cas où elle conclut, lors d'un recours exercé en vertu de l'article 44, que le responsable d'une institution fédérale est tenu de refuser la communication totale ou partielle d'un document, lui ordonne de refuser cette communication; elle rend une autre ordonnance si elle l'estime indiqué. 1980-81-82-83, ch. 111, ann. I «51».

Ordonnance de la Cour obligeant au refus

Applications relating to international affairs or defence

52. (1) Any application under section 41 or 42 relating to a record or a part of a record that the head of a government institution has refused to disclose by reason of paragraph 13(1)(a) or (b) or section 15 shall be heard and determined by the Associate Chief Justice of the Federal Court or by such other judge of the Court as the Associate Chief Justice may designate to hear such applications.

52. (1) Les recours visés aux articles 41 ou 42 et portant sur les cas où le refus de donner communication totale ou partielle du document en litige s'appuyait sur les alinéas 13(1)a) ou b) ou sur l'article 15 sont exercés devant le juge en chef adjoint de la Cour fédérale ou tout autre juge de cette Cour qu'il charge de leur audition.

Affaires internationales et défense

Special rules for hearings	(2) An application referred to in subsection (1) or an appeal brought in respect of such application shall (a) be heard <i>in camera</i> ; and (b) on the request of the head of the government institution concerned, be heard and determined in the National Capital Region described in the schedule to the <i>National Capital Act</i> .	(2) Les recours visés au paragraphe (1) font, en premier ressort ou en appel, l'objet d'une audition à huis clos; celle-ci a lieu dans la région de la capitale nationale définie à l'annexe de la <i>Loi sur la capitale nationale</i> si le responsable de l'institution fédérale concernée le demande.	Règles spéciales
<i>Ex parte</i> representations	(3) During the hearing of an application referred to in subsection (1) or an appeal brought in respect of such application, the head of the government institution concerned shall, on the request of the head of the institution, be given the opportunity to make representations <i>ex parte</i> . 1980-81-82-83, c. 111, Sch. I "52".	(3) Le responsable de l'institution fédérale concernée a, au cours des auditions, en première instance ou en appel et sur demande, le droit de présenter des arguments en l'absence d'une autre partie. 1980-81-82-83, ch. 111, ann. I «52».	Présentation d'arguments en l'absence d'une partie
Costs	53. (1) Subject to subsection (2), the costs of and incidental to all proceedings in the Court under this Act shall be in the discretion of the Court and shall follow the event unless the Court orders otherwise.	53. (1) Sous réserve du paragraphe (2), les frais et dépens sont laissés à l'appréciation de la Cour et suivent, sauf ordonnance contraire de la Cour, le sort du principal.	Frais et dépens
Idem	(2) Where the Court is of the opinion that an application for review under section 41 or 42 has raised an important new principle in relation to this Act, the Court shall order that costs be awarded to the applicant even if the applicant has not been successful in the result. 1980-81-82-83, c. 111, Sch. I "53".	(2) Dans les cas où elle estime que l'objet des recours visés aux articles 41 et 42 a soulevé un principe important et nouveau quant à la présente loi, la Cour accorde les frais et dépens à la personne qui a exercé le recours devant elle, même si cette personne a été déboutée de son recours. 1980-81-82-83, ch. 111, ann. I «53».	Idem
OFFICE OF THE INFORMATION COMMISSIONER		COMMISSARIAT À L'INFORMATION	
<i>Information Commissioner</i>		<i>Commissaire à l'information</i>	
Information Commissioner	54. (1) The Governor in Council shall, by commission under the Great Seal, appoint an Information Commissioner after approval of the appointment by resolution of the Senate and House of Commons.	54. (1) Le gouverneur en conseil nomme le Commissaire à l'information par commission sous le grand sceau, après approbation par résolution du Sénat et de la Chambre des communes.	Commissaire à l'information
Tenure of office and removal	(2) Subject to this section, the Information Commissioner holds office during good behaviour for a term of seven years, but may be removed by the Governor in Council at any time on address of the Senate and House of Commons.	(2) Sous réserve des autres dispositions du présent article, le Commissaire à l'information occupe sa charge à titre inamovible pour un mandat de sept ans, sauf révocation par le gouverneur en conseil sur adresse du Sénat et de la Chambre des communes.	Durée du mandat et révocation
Further terms	(3) The Information Commissioner, on the expiration of a first or any subsequent term of office, is eligible to be re-appointed for a further term not exceeding seven years.	(3) Le mandat du Commissaire à l'information est renouvelable pour des périodes maximales de sept ans chacune.	Renouvellement du mandat
Absence or incapacity	(4) In the event of the absence or incapacity of the Information Commissioner, or if the office of Information Commissioner is vacant, the Governor in Council may appoint another	(4) En cas d'absence ou d'empêchement du Commissaire à l'information ou de vacance de son poste, le gouverneur en conseil peut confier à toute personne compétente, pour un mandat	Absence ou empêchement

qualified person to hold office instead of the Commissioner for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Information Commissioner under this or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council. 1980-81-82-83, c. 111, Sch. I "54".

maximal de six mois, les pouvoirs et fonctions conférés au titulaire du poste par la présente loi ou une autre loi fédérale et fixer la rémunération et les frais auxquels cette personne aura droit. 1980-81-82-83, ch. 111, ann. I «54».

Rank, powers and duties generally

55. (1) The Information Commissioner shall rank as and have all the powers of a deputy head of a department, shall engage exclusively in the duties of the office of Information Commissioner under this or any other Act of Parliament and shall not hold any other office under Her Majesty for reward or engage in any other employment for reward.

55. (1) Le Commissaire à l'information a rang et pouvoirs d'administrateur général de ministère; il se consacre exclusivement à la charge que lui confère la présente loi ou une autre loi fédérale, à l'exclusion de toute autre charge rétribuée au service de Sa Majesté ou de tout autre emploi rétribué.

Rang, pouvoirs et fonctions

Salary and expenses

(2) The Information Commissioner shall be paid a salary equal to the salary of a judge of the Federal Court, other than the Chief Justice or the Associate Chief Justice of that Court, and is entitled to be paid reasonable travel and living expenses incurred in the performance of duties under this or any other Act of Parliament.

(2) Le Commissaire à l'information reçoit le même traitement qu'un juge de la Cour fédérale autre que le juge en chef ou que le juge en chef adjoint; il a droit aux frais de déplacement et de séjour entraînés par l'exercice des fonctions que lui confèrent la présente loi ou une autre loi fédérale.

Traitement et frais

Pension benefits

(3) The provisions of the *Public Service Superannuation Act*, other than those relating to tenure of office, apply to the Information Commissioner, except that a person appointed as Information Commissioner from outside the Public Service, as defined in the *Public Service Superannuation Act*, may, by notice in writing given to the President of the Treasury Board not more than sixty days after the date of appointment, elect to participate in the pension plan provided in the *Diplomatic Service (Special) Superannuation Act*, in which case the provisions of that Act, other than those relating to tenure of office, apply to the Information Commissioner from the date of appointment and the provisions of the *Public Service Superannuation Act* do not apply.

(3) Les dispositions de la *Loi sur la pension de la fonction publique* qui ne traitent pas d'occupation de poste s'appliquent au Commissaire à l'information; toutefois, s'il est choisi en dehors de la fonction publique, au sens de la loi mentionnée ci-dessus, il peut, par avis adressé au président du Conseil du Trésor dans les soixante jours suivant sa date de nomination, choisir de cotiser au régime de pension prévu par la *Loi sur la pension spéciale du service diplomatique*; dans ce cas, il est assujéti aux dispositions de cette loi qui ne traitent pas d'occupation de poste.

Régime de pension

Other benefits

(4) The Information Commissioner is deemed to be employed in the public service of Canada for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*. 1980-81-82-83, c. 111, Sch. I "55".

(4) Le Commissaire à l'information est réputé faire partie de l'administration publique fédérale pour l'application de la *Loi sur l'indemnisation des agents de l'État* et des règlements pris en vertu de l'article 9 de la *Loi sur l'aéronautique*. 1980-81-82-83, ch. 111, ann. I «55».

Autres avantages

*Assistant Information Commissioner**Commissaires adjoints à l'information*

Appointment of Assistant Information Commissioner

56. (1) The Governor in Council may, on the recommendation of the Information Commissioner, appoint one or more Assistant Information Commissioners.

56. (1) Le gouverneur en conseil peut, sur recommandation du Commissaire à l'information, nommer un ou plusieurs commissaires adjoints à l'information.

Nomination

Tenure of office and removal of Assistant Information Commissioner

(2) Subject to this section, an Assistant Information Commissioner holds office during good behaviour for a term not exceeding five years.

(2) Sous réserve des autres dispositions du présent article, l'adjoint occupe son poste à titre inamovible pour un mandat maximal de cinq ans.

Durée du mandat

Further terms

(3) An Assistant Information Commissioner, on the expiration of a first or any subsequent term of office, is eligible to be re-appointed for a further term not exceeding five years. 1980-81-82-83, c. 111, Sch. I "56".

(3) Le mandat de l'adjoint est renouvelable pour des périodes maximales de cinq ans chacune. 1980-81-82-83, ch. 111, ann. I «56».

Renouvellement du mandat

Duties generally

57. (1) An Assistant Information Commissioner shall engage exclusively in such duties or functions of the office of the Information Commissioner under this or any other Act of Parliament as are delegated by the Information Commissioner to that Assistant Information Commissioner and shall not hold any other office under Her Majesty for reward or engage in any other employment for reward.

57. (1) L'adjoint se consacre exclusivement aux fonctions de la charge du Commissaire à l'information que celui-ci lui délègue, à l'exclusion de toutes autres fonctions rétribuées au service de Sa Majesté ou de tout autre emploi rétribué.

Fonctions

Salary and expenses

(2) An Assistant Information Commissioner is entitled to be paid a salary to be fixed by the Governor in Council and such travel and living expenses incurred in the performance of duties under this or any other Act of Parliament as the Information Commissioner considers reasonable.

(2) L'adjoint reçoit le traitement que fixe le gouverneur en conseil et il a droit aux frais de déplacement et de séjour que le Commissaire à l'information estime entraînés par l'exercice des fonctions que lui confèrent la présente loi ou une autre loi fédérale.

Traitement et frais

Pension benefits

(3) The provisions of the *Public Service Superannuation Act*, other than those relating to tenure of office, apply to an Assistant Information Commissioner.

(3) Les dispositions de la *Loi sur la pension de la fonction publique* qui ne traitent pas d'occupation de poste s'appliquent à l'adjoint.

Régime de pension

Other benefits

(4) An Assistant Information Commissioner is deemed to be employed in the public service of Canada for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*. 1980-81-82-83, c. 111, Sch. I "57".

(4) L'adjoint est réputé faire partie de l'administration publique fédérale pour l'application de la *Loi sur l'indemnisation des agents de l'État* et des règlements pris en vertu de l'article 9 de la *Loi sur l'aéronautique*. 1980-81-82-83, ch. 111, ann. I «57».

Autres avantages

*Staff**Personnel*

Staff of the Information Commissioner

58. (1) Such officers and employees as are necessary to enable the Information Commissioner to perform the duties and functions of the Commissioner under this or any other Act of Parliament shall be appointed in accordance with the *Public Service Employment Act*.

58. (1) La *Loi sur l'emploi dans la fonction publique* s'applique au personnel dont le Commissaire à l'information a besoin pour l'exercice des pouvoirs et fonctions que lui confèrent la présente loi ou une autre loi fédérale.

Personnel

Technical assistance

(2) The Information Commissioner may engage on a temporary basis the services of

(2) Le Commissaire à l'information peut retenir temporairement les services d'experts ou

Assistance technique

persons having technical or specialized knowledge of any matter relating to the work of the Commissioner to advise and assist the Commissioner in the performance of the duties and functions of the Commissioner under this or any other Act of Parliament and, with the approval of the Treasury Board, may fix and pay the remuneration and expenses of those persons. 1980-81-82-83, c. 111, Sch. I "58".

de spécialistes dont la compétence lui est utile dans l'exercice des fonctions que lui confèrent la présente loi ou une autre loi fédérale; il peut fixer, avec l'approbation du Conseil du Trésor, leur rémunération et leurs frais. 1980-81-82-83, ch. 111, ann. I «58».

Delegation

Delegation by
Information
Commissioner

59. (1) Subject to subsection (2), the Information Commissioner may authorize any person to exercise or perform, subject to such restrictions or limitations as the Commissioner may specify, any of the powers, duties or functions of the Commissioner under this or any other Act of Parliament except

(a) in any case other than a delegation to an Assistant Information Commissioner, the power to delegate under this section; and

(b) in any case, the powers, duties or functions set out in sections 38 and 39.

Delegations of
investigations
relating to
international
affairs and
defence

(2) The Information Commissioner may not, nor may an Assistant Information Commissioner, delegate the investigation of any complaint resulting from a refusal by the head of a government institution to disclose a record or a part of a record by reason of paragraph 13(1)(a) or (b) or section 15 except to one of a maximum of four officers or employees of the Commissioner specifically designated by the Commissioner for the purpose of conducting those investigations.

Delegation by
Assistant
Information
Commissioner

(3) An Assistant Information Commissioner may authorize any person to exercise or perform, subject to such restrictions or limitations as the Assistant Information Commissioner may specify, any of the powers, duties or functions of the Information Commissioner under this or any other Act of Parliament that the Assistant Information Commissioner is authorized by the Information Commissioner to exercise or perform. 1980-81-82-83, c. 111, Sch. I "59".

General

Principal office

60. The principal office of the Information Commissioner shall be in the National Capital Region described in the schedule to the *National Capital Act*. 1980-81-82-83, c. 111, Sch. I "60".

Délégation

Pouvoir de
délégation

59. (1) Sous réserve du paragraphe (2), le Commissaire à l'information peut, dans les limites qu'il fixe, déléguer les pouvoirs et fonctions que lui confèrent la présente loi ou une autre loi fédérale, sauf :

a) le pouvoir même de délégation, qui ne peut être délégué qu'à un commissaire adjoint;

b) les pouvoirs et fonctions énoncés aux articles 38 et 39, qui ne peuvent être délégués à quiconque.

Affaires
internationales
et défense

(2) Le Commissaire à l'information ou un commissaire adjoint ne peuvent déléguer la tenue des enquêtes portant sur les cas où le refus de communication totale ou partielle d'un document se fonde sur les alinéas 13(1)a) ou b) ou l'article 15 qu'à un de leurs collaborateurs pris parmi quatre des cadres ou employés du commissariat et que le Commissaire désigne spécialement à cette fin.

Pouvoir de
subdélégation
de l'adjoint

(3) Un commissaire adjoint à l'information peut, dans les limites qu'il fixe, subdéléguer les pouvoirs et fonctions que lui délègue le Commissaire en vertu de la présente loi ou d'une autre loi fédérale. 1980-81-82-83, ch. 111, ann. I «59»; 1984, ch. 40, art. 79.

Dispositions générales

Siège

60. Le siège du Commissariat à l'information est fixé dans la région de la capitale nationale définie à l'annexe de la *Loi sur la capitale nationale*. 1980-81-82-83, ch. 111, ann. I «60».

Security requirements	<p>61. The Information Commissioner and every person acting on behalf or under the direction of the Commissioner who receives or obtains information relating to any investigation under this or any other Act of Parliament shall, with respect to access to and the use of that information, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to and use of that information. 1980-81-82-83, c. 111, Sch. I "61".</p>	<p>61. Le Commissaire à l'information et les personnes agissant en son nom ou sous son autorité qui reçoivent ou recueillent des renseignements dans le cadre des enquêtes prévues par la présente loi ou une autre loi fédérale sont tenus, quant à l'accès à ces renseignements et leur utilisation, de satisfaire aux normes applicables en matière de sécurité et de prêter les serments imposés à leurs usagers habituels. 1980-81-82-83, ch. 111, ann. I «61».</p>	Normes de sécurité
Confidentiality	<p>62. Subject to this Act, the Information Commissioner and every person acting on behalf or under the direction of the Commissioner shall not disclose any information that comes to their knowledge in the performance of their duties and functions under this Act. 1980-81-82-83, c. 111, Sch. I "62".</p>	<p>62. Sous réserve des autres dispositions de la présente loi, le Commissaire à l'information et les personnes agissant en son nom ou sous son autorité sont tenus au secret en ce qui concerne les renseignements dont ils prennent connaissance dans l'exercice des pouvoirs et fonctions que leur confère la présente loi. 1980-81-82-83, ch. 111, ann. I «62».</p>	Secret
Disclosure authorized	<p>63. (1) The Information Commissioner may disclose or may authorize any person acting on behalf or under the direction of the Commissioner to disclose information</p> <p>(a) that, in the opinion of the Commissioner, is necessary to</p> <p>(i) carry out an investigation under this Act, or</p> <p>(ii) establish the grounds for findings and recommendations contained in any report under this Act; or</p> <p>(b) in the course of a prosecution for an offence under this Act, a prosecution for an offence under section 133 of the <i>Criminal Code</i> (false statements in extra-judicial proceedings) in respect of a statement made under this Act, a review before the Court under this Act or an appeal therefrom.</p>	<p>63. (1) Le Commissaire à l'information peut divulguer, ou autoriser les personnes agissant en son nom ou sous son autorité à divulguer, les renseignements :</p> <p>a) qui, à son avis, sont nécessaires pour :</p> <p>(i) mener une enquête prévue par la présente loi,</p> <p>(ii) motiver les conclusions et recommandations contenues dans les rapports et comptes rendus prévus par la présente loi;</p> <p>b) dont la divulgation est nécessaire, soit dans le cadre des procédures intentées pour infraction à la présente loi ou pour une infraction visée à l'article 133 du <i>Code criminel</i> (fausses déclarations dans des procédures extrajudiciaires) se rapportant à une déclaration faite en vertu de la présente loi, soit lors d'un recours en révision prévu par la présente loi devant la Cour ou lors de l'appel de la décision rendue par celle-ci.</p>	Divulgation autorisée
Disclosure of offence authorized	<p>(2) The Information Commissioner may disclose to the Attorney General of Canada information relating to the commission of an offence against any law of Canada or a province on the part of any officer or employee of a government institution if in the opinion of the Commissioner there is evidence thereof. 1980-81-82-83, c. 111, Sch. I "63".</p>	<p>(2) Dans les cas où, à son avis, il existe des éléments de preuve touchant la perpétration d'infractions fédérales ou provinciales par un cadre ou employé d'une institution fédérale, le Commissaire à l'information peut faire part au procureur général du Canada des renseignements qu'il détient à cet égard. 1980-81-82-83, ch. 111, ann. I «63».</p>	Dénonciation autorisée
Information not to be disclosed	<p>64. In carrying out an investigation under this Act and in any report made to Parliament under section 38 or 39, the Information Com-</p>	<p>64. Lors des enquêtes prévues par la présente loi et dans la préparation des rapports au Parlement prévus aux articles 38 ou 39, le</p>	Précautions à prendre

missioner and any person acting on behalf or under the direction of the Information Commissioner shall take every reasonable precaution to avoid the disclosure of, and shall not disclose,

(a) any information or other material on the basis of which the head of a government institution would be authorized to refuse to disclose a part of a record requested under this Act; or

(b) any information as to whether a record exists where the head of a government institution, in refusing to give access to the record under this Act, does not indicate whether it exists. 1980-81-82-83, c. 111, Sch. I "64".

No summons

65. The Information Commissioner, or any person acting on behalf or under the direction of the Commissioner, is not a competent or compellable witness in respect of any matter coming to the knowledge of the Commissioner or that person as a result of performing any duties or functions under this Act during an investigation, in any proceedings other than a prosecution for an offence under this Act, a prosecution for an offence under section 133 of the *Criminal Code* (false statements in extrajudicial proceedings) in respect of a statement made under this Act, a review before the Court under this Act or an appeal therefrom. 1980-81-82-83, c. 111, Sch. I "65".

Protection of Information Commissioner

66. (1) No criminal or civil proceedings lie against the Information Commissioner, or against any person acting on behalf or under the direction of the Commissioner, for anything done, reported or said in good faith in the course of the exercise or performance or purported exercise or performance of any power, duty or function of the Commissioner under this Act.

Libel or slander

(2) For the purposes of any law relating to libel or slander,

(a) anything said, any information supplied or any document or thing produced in good faith in the course of an investigation by or on behalf of the Information Commissioner under this Act is privileged; and

(b) any report made in good faith by the Information Commissioner under this Act and any fair and accurate account of the report made in good faith in a newspaper or

Commissaire à l'information et les personnes agissant en son nom ou sous son autorité ne peuvent divulguer et prennent toutes les précautions pour éviter que ne soient divulgués :

a) des renseignements qui, par leur nature, justifient, en vertu de la présente loi, un refus de communication totale ou partielle d'un document;

b) des renseignements faisant état de l'existence d'un document que le responsable d'une institution fédérale a refusé de communiquer sans indiquer s'il existait ou non. 1980-81-82-83, ch. 111, ann. I «64».

Non-assignation

65. En ce qui concerne les questions venues à leur connaissance dans l'exercice, au cours d'une enquête, des pouvoirs et fonctions qui leur sont conférés en vertu de la présente loi, le Commissaire à l'information et les personnes qui agissent en son nom ou sous son autorité n'ont qualité pour témoigner ou ne peuvent y être contraints que dans les procédures intentées pour infraction à la présente loi ou pour une infraction visée à l'article 133 du *Code criminel* (fausses déclarations dans des procédures extrajudiciaires) se rapportant à une déclaration faite en vertu de la présente loi, ou que lors d'un recours en révision prévu par la présente loi devant la Cour ou lors de l'appel de la décision rendue par celle-ci. 1980-81-82-83, ch. 111, ann. I «65».

Immunité du Commissaire à l'information

66. (1) Le Commissaire à l'information et les personnes qui agissent en son nom ou sous son autorité bénéficient de l'immunité en matière civile ou pénale pour les actes accomplis, les rapports ou comptes rendus établis et les paroles prononcées de bonne foi dans l'exercice effectif ou censé tel des pouvoirs et fonctions qui lui sont conférés en vertu de la présente loi.

Diffamation

(2) Ne peuvent donner lieu à poursuites pour diffamation verbale ou écrite :

a) les paroles prononcées, les renseignements fournis ou les pièces produites de bonne foi au cours d'une enquête menée par le Commissaire à l'information ou en son nom dans le cadre de la présente loi;

b) les rapports ou comptes rendus établis de bonne foi par le Commissaire à l'information dans le cadre de la présente loi, ainsi que les relations qui en sont faites de bonne foi par

any other periodical publication or in a broadcast is privileged. 1980-81-82-83, c. 111, Sch. I "66".

la presse écrite ou audio-visuelle. 1980-81-82-83, ch. 111, ann. I «66».

OFFENCES

INFRACTIONS

Obstruction

67. (1) No person shall obstruct the Information Commissioner or any person acting on behalf or under the direction of the Commissioner in the performance of the Commissioner's duties and functions under this Act.

67. (1) Il est interdit d'entraver l'action du Commissaire à l'information ou des personnes qui agissent en son nom ou sous son autorité dans l'exercice des pouvoirs et fonctions qui lui sont conférés en vertu de la présente loi.

Entrave

Offence and punishment

(2) Every person who contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars. 1980-81-82-83, c. 111, Sch. I "67".

(2) Quiconque contrevient au présent article est coupable d'une infraction et passible, sur déclaration de culpabilité par procédure sommaire, d'une amende maximale de mille dollars. 1980-81-82-83, ch. 111, ann. I «67».

Infraction et peine

GENERAL

DISPOSITIONS GÉNÉRALES

Act does not apply to certain materials

68. This Act does not apply to
(a) published material or material available for purchase by the public;
(b) library or museum material made or acquired and preserved solely for public reference or exhibition purposes; or
(c) material placed in the Public Archives, the National Library or the National Museums of Canada by or on behalf of persons or organizations other than government institutions. 1980-81-82-83, c. 111, Sch. I "68".

68. La présente loi ne s'applique pas aux documents suivants :

Non-application de la loi

- a) les documents publiés ou mis en vente dans le public;
- b) les documents de bibliothèque ou de musée conservés uniquement à des fins de référence ou d'exposition pour le public;
- c) les documents déposés aux Archives publiques, à la Bibliothèque nationale ou aux Musées nationaux du Canada par ou pour des personnes ou organisations extérieures aux institutions fédérales. 1980-81-82-83, ch. 111, ann. I «68».

Confidences of the Queen's Privy Council for Canada

69. (1) This Act does not apply to confidences of the Queen's Privy Council for Canada, including, without restricting the generality of the foregoing,

69. (1) La présente loi ne s'applique pas aux documents confidentiels du Conseil privé de la Reine pour le Canada, notamment aux :

Documents confidentiels du Conseil privé de la Reine pour le Canada

- (a) memoranda the purpose of which is to present proposals or recommendations to Council;
- (b) discussion papers the purpose of which is to present background explanations, analyses of problems or policy options to Council for consideration by Council in making decisions;
- (c) agenda of Council or records recording deliberations or decisions of Council;
- (d) records used for or reflecting communications or discussions between ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;
- (e) records the purpose of which is to brief ministers of the Crown in relation to matters

- a) notes destinées à soumettre des propositions ou recommandations au Conseil;
- b) documents de travail destinés à présenter des problèmes, des analyses ou des options politiques à l'examen du Conseil;
- c) ordres du jour du Conseil ou procès-verbaux de ses délibérations ou décisions;
- d) documents employés en vue ou faisant état de communications ou de discussions entre ministres sur des questions liées à la prise des décisions du gouvernement ou à la formulation de sa politique;
- e) documents d'information à l'usage des ministres sur des questions portées ou qu'il est prévu de porter devant le Conseil, ou sur des questions qui font l'objet des communications ou discussions visées à l'alinéa d);
- f) avant-projets de loi;

that are before, or are proposed to be brought before, Council or that are the subject of communications or discussions referred to in paragraph (d);

(f) draft legislation; and

(g) records that contain information about the contents of any record within a class of records referred to in paragraphs (a) to (f).

g) documents contenant des renseignements relatifs à la teneur des documents visés aux alinéas a) à f).

Definition of
"Council"

(2) For the purposes of subsection (1), "Council" means the Queen's Privy Council for Canada, committees of the Queen's Privy Council for Canada, Cabinet and committees of Cabinet.

(2) Pour l'application du paragraphe (1), «Conseil» s'entend du Conseil privé de la Reine pour le Canada, du Cabinet et de leurs comités respectifs.

Définition de
«Conseil»

Exception

(3) Subsection (1) does not apply to

(a) confidences of the Queen's Privy Council for Canada that have been in existence for more than twenty years; or

(b) discussion papers described in paragraph (1)(b)

(i) if the decisions to which the discussion papers relate have been made public, or

(ii) where the decisions have not been made public, if four years have passed since the decisions were made. 1980-81-82-83, c. 111, Sch. I "69".

(3) Le paragraphe (1) ne s'applique pas :

a) aux documents confidentiels du Conseil privé de la Reine pour le Canada dont l'existence remonte à plus de vingt ans;

b) aux documents de travail visés à l'alinéa (1)b), dans les cas où les décisions auxquelles ils se rapportent ont été rendues publiques ou, à défaut de publicité, ont été rendues quatre ans auparavant. 1980-81-82-83, ch. 111, ann. I «69».

Exception

Duties and
functions of
designated
Minister

70. (1) Subject to subsection (2), the designated Minister shall

(a) cause to be kept under review the manner in which records under the control of government institutions are maintained and managed to ensure compliance with the provisions of this Act and the regulations relating to access to records;

(b) prescribe such forms as may be required for the operation of this Act and the regulations;

(c) cause to be prepared and distributed to government institutions directives and guidelines concerning the operation of this Act and the regulations; and

(d) prescribe the form of, and what information is to be included in, reports made to Parliament under section 72.

70. (1) Sous réserve du paragraphe (2), le ministre désigné est responsable :

a) du contrôle des modalités de tenue et de gestion des documents relevant des institutions fédérales dans le but d'en assurer la conformité avec la présente loi et ses règlements;

b) de l'établissement des formulaires nécessaires à la mise en œuvre de la présente loi et de ses règlements;

c) de la rédaction des instructions et directives nécessaires à la mise en œuvre de la présente loi et de ses règlements et de leur diffusion auprès des institutions fédérales;

d) de la détermination de la forme et du fond des rapports au Parlement visés à l'article 72.

Responsabilités
du ministre
désigné

Exception for
Bank of
Canada

(2) Anything that is required to be done by the designated Minister under paragraph (1)(a) or (c) shall be done in respect of the Bank of Canada by the Governor of the Bank of Canada. 1980-81-82-83, c. 111, Sch. I "70".

(2) Les responsabilités du ministre désigné définies aux alinéas (1)a) et c) incombent, dans le cas de la Banque du Canada, au gouverneur de celle-ci. 1980-81-82-83, ch. 111, ann. I «70».

Exception dans
le cas de la
Banque du
Canada

Manuals may
be inspected by
public

71. (1) The head of every government institution shall, not later than July 1, 1985, provide

71. (1) Chacun des responsables d'une institution fédérale est tenu, au plus tard le 1^{er}

Consultation
des manuels

facilities at the headquarters of the institution and at such offices of the institution as are reasonably practicable where the public may inspect any manuals used by employees of the institution in administering or carrying out programs or activities of the institution that affect the public.

juillet 1985, de fournir, au siège de l'institution et dans les autres bureaux de l'institution où il est possible sans problèmes sérieux de le faire, des installations de consultation par le public des manuels dont se servent les fonctionnaires pour les programmes et les activités de l'institution qui touchent le public.

Exempt information may be excluded

(2) Any information on the basis of which the head of a government institution would be authorized to refuse to disclose a part of a record requested under this Act may be excluded from any manuals that may be inspected by the public pursuant to subsection (1). 1980-81-82-83, c. 111, Sch. I "71".

(2) Les renseignements qui justifient de la part du responsable d'une institution fédérale un refus de communication totale ou partielle d'un document peuvent être enlevés des manuels visés au paragraphe (1). 1980-81-82-83, ch. 111, ann. I «71».

Exclusion des renseignements protégés

Report to Parliament

72. (1) The head of every government institution shall prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.

72. (1) À la fin de chaque exercice, chacun des responsables d'une institution fédérale établit pour présentation au Parlement le rapport d'application de la présente loi en ce qui concerne son institution.

Rapports au Parlement

Tabling of report

(2) Every report prepared under subsection (1) shall be laid before each House of Parliament within three months after the financial year in respect of which it is made or, if that House is not then sitting, on any of the first fifteen days next thereafter that it is sitting.

(2) Dans les trois mois suivant la fin de chaque exercice, les rapports visés au paragraphe (1) sont déposés devant chaque chambre du Parlement ou, si elle ne siège pas, dans les quinze premiers jours de séance ultérieurs.

Remise des rapports

Reference to Parliamentary committee

(3) Every report prepared under subsection (1) shall, after it is laid before the Senate and the House of Commons under subsection (2), be referred to the committee designated or established by Parliament for the purpose of subsection 75(1). 1980-81-82-83, c. 111, Sch. I "72".

(3) Les rapports déposés conformément au paragraphe (2) sont renvoyés devant le comité désigné ou constitué par le Parlement en application du paragraphe 75(1). 1980-81-82-83, ch. 111, ann. I «72».

Renvoi en comité

Delegation by the head of a government institution

73. The head of a government institution may, by order, designate one or more officers or employees of that institution to exercise or perform any of the powers, duties or functions of the head of the institution under this Act that are specified in the order. 1980-81-82-83, c. 111, Sch. I "73".

73. Le responsable d'une institution fédérale peut, par arrêté, déléguer certaines de ses attributions à des cadres ou employés de l'institution. 1980-81-82-83, ch. 111, ann. I «73».

Pouvoir de délégation du responsable d'une institution

Protection from civil proceeding or from prosecution

74. Notwithstanding any other Act of Parliament, no civil or criminal proceedings lie against the head of any government institution, or against any person acting on behalf or under the direction of the head of a government institution, and no proceedings lie against the Crown or any government institution, for the disclosure in good faith of any record or any part of a record pursuant to this Act, for any consequences that flow from that disclosure, or for the failure to give any notice required under this Act if reasonable care is taken to give the

74. Nonobstant toute autre loi fédérale, le responsable d'une institution fédérale et les personnes qui agissent en son nom ou sous son autorité bénéficient de l'immunité en matière civile ou pénale, et la Couronne ainsi que les institutions fédérales bénéficient de l'immunité devant toute juridiction, pour la communication totale ou partielle d'un document faite de bonne foi dans le cadre de la présente loi ainsi que pour les conséquences qui en découlent; ils bénéficient également de l'immunité dans les cas où, ayant fait preuve de la diligence néces-

Immunité

required notice. 1980-81-82-83, c. 111, Sch. I "74".

saire, ils n'ont pu donner les avis prévus par la présente loi. 1980-81-82-83, ch. 111, ann. I «74».

Permanent review of Act by Parliamentary committee

75. (1) The administration of this Act shall be reviewed on a permanent basis by such committee of the House of Commons, of the Senate or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

75. (1) Le Parlement désigne ou constitue un comité, soit de la Chambre des communes, soit du Sénat, soit mixte, chargé spécialement de l'examen permanent de l'application de la présente loi.

Examen permanent par un comité parlementaire

Review and report to Parliament

(2) The committee designated or established by Parliament for the purpose of subsection (1) shall, not later than July 1, 1986, undertake a comprehensive review of the provisions and operation of this Act, and shall within a year after the review is undertaken or within such further time as the House of Commons may authorize, submit a report to Parliament thereon including a statement of any changes the committee would recommend. 1980-81-82-83, c. 111, Sch. I "75".

(2) Le comité prévu au paragraphe (1) entreprend, au plus tard le 1^{er} juillet 1986, un examen approfondi des dispositions de la présente loi ainsi que des conséquences de son application en vue de la présentation, dans un délai d'un an à compter du début de l'examen ou tel délai plus long autorisé par la Chambre des communes, d'un rapport au Parlement où seront consignées ses conclusions ainsi que ses recommandations, s'il y a lieu, quant aux modifications qui seraient souhaitables. 1980-81-82-83, ch. 111, ann. I «75».

Rapport au Parlement

Binding on Crown

76. This Act is binding on Her Majesty in right of Canada. 1980-81-82-83, c. 111, Sch. I "76".

76. La présente loi lie Sa Majesté du chef du Canada. 1980-81-82-83, ch. 111, ann. I «76».

La Couronne est liée

Regulations

77. (1) The Governor in Council may make regulations

77. (1) Le gouverneur en conseil peut, par règlement :

Règlements

(a) prescribing limitations in respect of records that can be produced from machine readable records for the purpose of subsection 4(3);

a) prévoir, pour l'application du paragraphe 4(3), les restrictions applicables à la préparation des documents issus de documents informatisés;

(b) prescribing the procedure to be followed in making and responding to a request for access to a record under this Act;

b) établir les formalités à suivre pour les demandes de communication de documents et les réponses à y apporter;

(c) prescribing, for the purpose of subsection 8(1), the conditions under which a request may be transferred from one government institution to another;

c) fixer, pour l'application du paragraphe 8(1), les conditions de transmission des demandes d'une institution fédérale à une autre;

(d) prescribing a fee for the purpose of paragraph 11(1)(a) and the manner of calculating fees or amounts payable for the purposes of paragraph 11(1)(b) and subsections 11(2) and (3);

d) fixer le montant des droits prévus à l'alinéa 11(1)a) et déterminer le mode de calcul du montant exigible en vertu de l'alinéa 11(1)b) et des paragraphes 11(2) et (3);

(e) prescribing, for the purpose of subsection 12(1), the manner or place in which access to a record or a part thereof shall be given;

e) déterminer, pour l'application du paragraphe 12(1), les modalités d'exercice de l'accès aux documents ou le lieu de leur consultation;

(f) specifying investigative bodies for the purpose of paragraph 16(1)(a);

f) déterminer les organismes d'enquête prévus à l'alinéa 16(1)a);

(g) specifying classes of investigations for the purpose of paragraph 16(4)(c); and

g) préciser les catégories d'enquêtes pour l'application de l'alinéa 16(4)c);

(h) prescribing the procedures to be followed by the Information Commissioner and any

h) fixer les règles à suivre par le Commissaire à l'information et les personnes agissant

person acting on behalf or under the direction of the Information Commissioner in examining or obtaining copies of records relevant to an investigation of a complaint in respect of a refusal to disclose a record or a part of a record under paragraph 13(1)(a) or (b) or section 15.

Additions to
Schedule I

(2) The Governor in Council may, by order, amend Schedule I by adding thereto any department, ministry of state, body or office of the Government of Canada. 1980-81-82-83, c. 111, Sch. I "77".

en son nom ou sous son autorité en ce qui a trait à l'examen ou à l'obtention de copies des documents dont ils ont à prendre connaissance au cours des enquêtes portant sur des refus de communication totale ou partielle fondés sur les alinéas 13(1)a) ou b) ou l'article 15.

(2) Le gouverneur en conseil peut, par décret, ajouter à l'annexe I tout ministère, département d'État ou organisme de l'administration fédérale. 1980-81-82-83, ch. 111, ann. I «77»; 1984, ch. 40, art. 79.

Additions à
l'ann. I

SCHEDULE I

(Sections 3 and 77)

GOVERNMENT INSTITUTIONS

Departments and Ministries of State

Department of Agriculture
Ministère de l'Agriculture

Department of Communications
Ministère des Communications

Department of Consumer and Corporate Affairs
Ministère des Consommateurs et des Sociétés

Ministry of State for Economic and Regional Development
Département d'État au Développement économique et régional

Department of Employment and Immigration
Ministère de l'Emploi et de l'Immigration

Department of Energy, Mines and Resources
Ministère de l'Énergie, des Mines et des Ressources

Department of the Environment
Ministère de l'Environnement

Department of External Affairs
Ministère des Affaires extérieures

Department of Finance
Ministère des Finances

Department of Fisheries and Oceans
Ministère des Pêches et des Océans

Department of Indian Affairs and Northern Development
Ministère des Affaires indiennes et du Nord canadien

Department of Insurance
Ministère des Assurances

Department of Justice
Ministère de la Justice

Department of Labour
Ministère du Travail

Department of National Defence
Ministère de la Défense nationale

Department of National Health and Welfare
Ministère de la Santé nationale et du Bien-être social

Department of National Revenue
Ministère du Revenu national

Department of Public Works
Ministère des Travaux publics

Department of Regional Industrial Expansion
Ministère de l'Expansion industrielle régionale

Ministry of State for Science and Technology
Département d'État des Sciences et de la Technologie

ANNEXE I

(articles 3 et 77)

INSTITUTIONS FÉDÉRALES

Ministères et départements d'État

Département d'État au Développement économique et régional
Ministry of State for Economic and Regional Development

Département d'État au Développement social
Ministry of State for Social Development

Département d'État des Sciences et de la Technologie
Ministry of State for Science and Technology

Ministère de la Défense nationale
Department of National Defence

Ministère de l'Agriculture
Department of Agriculture

Ministère de la Justice
Department of Justice

Ministère de la Santé nationale et du Bien-être social
Department of National Health and Welfare

Ministère de l'Emploi et de l'Immigration
Department of Employment and Immigration

Ministère de l'Énergie, des Mines et des Ressources
Department of Energy, Mines and Resources

Ministère de l'Environnement
Department of the Environment

Ministère de l'Expansion industrielle régionale
Department of Regional Industrial Expansion

Ministère des Affaires extérieures
Department of External Affairs

Ministère des Affaires indiennes et du Nord canadien
Department of Indian Affairs and Northern Development

Ministère des Anciens combattants
Department of Veterans Affairs

Ministère des Approvisionnements et Services
Department of Supply and Services

Ministère des Assurances
Department of Insurance

Ministère des Communications
Department of Communications

Ministère des Consommateurs et des Sociétés
Department of Consumer and Corporate Affairs

Ministère des Finances
Department of Finance

Ministère des Pêches et des Océans
Department of Fisheries and Oceans

Department of the Secretary of State of Canada
Secrétariat d'État du Canada

Ministry of State for Social Development
Département d'État au Développement social

Department of the Solicitor General
Ministère du Solliciteur général

Department of Supply and Services
Ministère des Approvisionnements et Services

Department of Transport
Ministère des Transports

Department of Veterans Affairs
Ministère des Anciens combattants

Other Government Institutions

Agricultural Products Board
Office des produits agricoles

Agricultural Stabilization Board
Office de stabilisation des prix agricoles

Atlantic Pilotage Authority
Administration de pilotage de l'Atlantique

Atomic Energy Control Board
Commission de contrôle de l'énergie atomique

Bank of Canada
Banque du Canada

Bilingual Districts Advisory Board
Conseil consultatif des districts bilingues

Board of Trustees of the Queen Elizabeth II Canadian Fund to
Aid in Research on the Diseases of Children
*Conseil de fiducie du Fonds canadien de recherches de la
Reine Élisabeth II sur les maladies de l'enfance*

Bureau of Pensions Advocates
Bureau de services juridiques des pensions

Canada Council
Conseil des Arts du Canada

Canada Deposit Insurance Corporation
Société d'assurance-dépôts du Canada

Canada Employment and Immigration Commission
Commission de l'emploi et de l'immigration du Canada

Canada Labour Relations Board
Conseil canadien des relations de travail

Canada Mortgage and Housing Corporation
Société canadienne d'hypothèques et de logement

Canada Ports Corporation
Société canadienne des ports

Canadian Advisory Council on the Status of Women
Conseil consultatif canadien de la situation de la femme

Ministère des Transports
Department of Transport

Ministère des Travaux publics
Department of Public Works

Ministère du Revenu national
Department of National Revenue

Ministère du Solliciteur général
Department of the Solicitor General

Ministère du Travail
Department of Labour

Secrétariat d'État du Canada
Department of the Secretary of State of Canada

Autres institutions fédérales

Administrateur de l'Office du transport du grain
Grain Transportation Agency Administrator

Administration de l'assistance à l'agriculture des Prairies
Prairie Farm Assistance Administration

Administration de la voie maritime du Saint-Laurent
The St. Lawrence Seaway Authority

Administration de pilotage de l'Atlantique
Atlantic Pilotage Authority

Administration de pilotage des Grands Lacs, Limitée
Great Lakes Pilotage Authority, Ltd.

Administration de pilotage des Laurentides
Laurentian Pilotage Authority

Administration de pilotage du Pacifique
Pacific Pilotage Authority

Administration du pipe-line du Nord
Northern Pipeline Agency

Administration du rétablissement agricole des Prairies
Prairie Farm Rehabilitation Administration

Agence canadienne de développement international
Canadian International Development Agency

Agence de surveillance du secteur pétrolier
Petroleum Monitoring Agency

Agence d'examen de l'investissement étranger
Foreign Investment Review Agency

Archives publiques
Public Archives

Banque du Canada
Bank of Canada

Banque fédérale de développement
Federal Business Development Bank

Bibliothèque nationale
National Library

Canadian Aviation Safety Board <i>Bureau canadien de la sécurité aérienne</i>	Bourse fédérale d'hypothèques <i>Federal Mortgage Exchange Corporation</i>
Canadian Centre for Occupational Health and Safety <i>Centre canadien d'hygiène et de sécurité au travail</i>	Bureau canadien de la sécurité aérienne <i>Canadian Aviation Safety Board</i>
Canadian Commercial Corporation <i>Corporation commerciale canadienne</i>	Bureau de la coordonnatrice de la situation de la femme <i>Office of the Co-ordinator, Status of Women</i>
Canadian Cultural Property Export Review Board <i>Commission canadienne d'examen des exportations de biens culturels</i>	Bureau de l'enquêteur correctionnel <i>Office of the Correctional Investigator</i>
Canadian Dairy Commission <i>Commission canadienne du lait</i>	Bureau de services juridiques des pensions <i>Bureau of Pensions Advocates</i>
Canadian Film Development Corporation <i>Société de développement de l'industrie cinématographique canadienne</i>	Bureau du Conseil privé <i>Privy Council Office</i>
Canadian Forces <i>Forces canadiennes</i>	Bureau du contrôleur général <i>Office of the Comptroller General</i>
Canadian Government Specifications Board <i>Office des normes du gouvernement canadien</i>	Bureau du séquestre (biens ennemis) <i>Office of the Custodian of Enemy Property</i>
Canadian Grain Commission <i>Commission canadienne des grains</i>	Centre canadien d'hygiène et de sécurité au travail <i>Canadian Centre for Occupational Health and Safety</i>
Canadian Human Rights Commission <i>Commission canadienne des droits de la personne</i>	Centre de recherches pour le développement international <i>International Development Research Centre</i>
Canadian Import Tribunal <i>Tribunal canadien des importations</i>	Centre d'information sur l'unité canadienne <i>Canadian Unity Information Office</i>
Canadian Institute for International Peace and Security <i>Institut canadien pour la paix et la sécurité mondiales</i>	Commission canadienne des droits de la personne <i>Canadian Human Rights Commission</i>
Canadian International Development Agency <i>Agence canadienne de développement international</i>	Commission canadienne des grains <i>Canadian Grain Commission</i>
Canadian Livestock Feed Board <i>Office canadien des provendes</i>	Commission canadienne des pensions <i>Canadian Pension Commission</i>
Canadian Penitentiary Service <i>Service canadien des pénitenciers</i>	Commission canadienne des transports <i>Canadian Transport Commission</i>
Canadian Pension Commission <i>Commission canadienne des pensions</i>	Commission canadienne d'examen des exportations de biens culturels <i>Canadian Cultural Property Export Review Board</i>
Canadian Radio-television and Telecommunications Commission <i>Conseil de la radiodiffusion et des télécommunications canadiennes</i>	Commission canadienne du lait <i>Canadian Dairy Commission</i>
Canadian Saltfish Corporation <i>Office canadien du poisson salé</i>	Commission d'appel de l'immigration <i>Immigration Appeal Board</i>
Canadian Security Intelligence Service <i>Service canadien du renseignement de sécurité</i>	Commission d'appel des pensions <i>Pension Appeals Board</i>
Canadian Transport Commission <i>Commission canadienne des transports</i>	Commission de contrôle de l'énergie atomique <i>Atomic Energy Control Board</i>
Canadian Unity Information Office <i>Centre d'information sur l'unité canadienne</i>	Commission de la capitale nationale <i>National Capital Commission</i>
	Commission de la fonction publique <i>Public Service Commission</i>

Crown Assets Disposal Corporation <i>Corporation de disposition des biens de la Couronne</i>	Commission de l'emploi et de l'immigration du Canada <i>Canada Employment and Immigration Commission</i>
Defence Construction (1951) Limited <i>Construction de défense (1951) Limitée</i>	Commission d'énergie du Nord canadien <i>Northern Canada Power Commission</i>
Director of Soldier Settlement <i>Directeur de l'établissement de soldats</i>	Commission de réforme du droit du Canada <i>Law Reform Commission of Canada</i>
The Director, The Veterans' Land Act <i>Directeur des terres destinées aux anciens combattants</i>	Commission de révision des lois <i>Statute Revision Commission</i>
Economic Council of Canada <i>Conseil économique du Canada</i>	Commission des allocations aux anciens combattants <i>War Veterans Allowance Board</i>
Energy Supplies Allocation Board <i>Office de répartition des approvisionnements d'énergie</i>	Commission des champs de bataille nationaux <i>The National Battlefields Commission</i>
Farm Credit Corporation <i>Société du crédit agricole</i>	Commission des lieux et monuments historiques du Canada <i>Historic Sites and Monuments Board of Canada</i>
Federal Business Development Bank <i>Banque fédérale de développement</i>	Commission des relations de travail dans la fonction publique <i>Public Service Staff Relations Board</i>
Federal Mortgage Exchange Corporation <i>Bourse fédérale d'hypothèques</i>	Commission d'indemnisation des marins marchands <i>Merchant Seamen Compensation Board</i>
Federal-Provincial Relations Office <i>Secrétariat des relations fédérales-provinciales</i>	Commission du système métrique <i>Metric Commission</i>
Fisheries Prices Support Board <i>Office des prix des produits de la pêche</i>	Commission du tarif <i>Tariff Board</i>
Foreign Investment Review Agency <i>Agence d'examen de l'investissement étranger</i>	Commission du textile et du vêtement <i>Textile and Clothing Board</i>
Freshwater Fish Marketing Corporation <i>Office de commercialisation du poisson d'eau douce</i>	Commission nationale des libérations conditionnelles <i>National Parole Board</i>
Grain Transportation Agency Administrator <i>Administrateur de l'Office du transport du grain</i>	Commission sur les pratiques restrictives du commerce <i>Restrictive Trade Practices Commission</i>
Great Lakes Pilotage Authority, Ltd. <i>Administration de pilotage des Grands Lacs, Limitée</i>	Conseil canadien des normes <i>Standards Council of Canada</i>
Historic Sites and Monuments Board of Canada <i>Commission des lieux et monuments historiques du Canada</i>	Conseil canadien des relations de travail <i>Canada Labour Relations Board</i>
Immigration Appeal Board <i>Commission d'appel de l'immigration</i>	Conseil consultatif canadien de la situation de la femme <i>Canadian Advisory Council on the Status of Women</i>
International Development Research Centre <i>Centre de recherches pour le développement international</i>	Conseil consultatif des districts bilingues <i>Bilingual Districts Advisory Board</i>
The Jacques-Cartier and Champlain Bridges Inc. <i>Les Ponts Jacques-Cartier et Champlain Inc.</i>	Conseil de fiducie du Fonds canadien de recherches de la Reine Élisabeth II sur les maladies de l'enfance <i>Board of Trustees of the Queen Elizabeth II Canadian Fund to Aid in Research on the Diseases of Children</i>
Laurentian Pilotage Authority <i>Administration de pilotage des Laurentides</i>	Conseil de la radiodiffusion et des télécommunications canadiennes <i>Canadian Radio-television and Telecommunications Com- mission</i>
Law Reform Commission of Canada <i>Commission de réforme du droit du Canada</i>	Conseil de recherches en sciences humaines <i>Social Sciences and Humanities Research Council</i>
Medical Research Council <i>Conseil de recherches médicales</i>	
Merchant Seamen Compensation Board <i>Commission d'indemnisation des marins marchands</i>	

Metric Commission <i>Commission du système métrique</i>	Conseil de recherches en sciences naturelles et en génie <i>Natural Sciences and Engineering Research Council</i>
The National Battlefields Commission <i>Commission des champs de bataille nationaux</i>	Conseil de recherches médicales <i>Medical Research Council</i>
National Capital Commission <i>Commission de la capitale nationale</i>	Conseil de révision des pensions <i>Pension Review Board</i>
National Design Council <i>Conseil national de l'esthétique industrielle</i>	Conseil des Arts du Canada <i>Canada Council</i>
National Energy Board <i>Office national de l'énergie</i>	Conseil des sciences du Canada <i>Science Council of Canada</i>
National Farm Products Marketing Council <i>Conseil national de commercialisation des produits de ferme</i>	Conseil des subventions au développement régional <i>Regional Development Incentives Board</i>
National Film Board <i>Office national du film</i>	Conseil économique du Canada <i>Economic Council of Canada</i>
National Library <i>Bibliothèque nationale</i>	Conseil national de commercialisation des produits de ferme <i>National Farm Products Marketing Council</i>
National Museums of Canada <i>Musées nationaux du Canada</i>	Conseil national de l'esthétique industrielle <i>National Design Council</i>
National Parole Board <i>Commission nationale des libérations conditionnelles</i>	Conseil national de recherches du Canada <i>National Research Council of Canada</i>
National Parole Service <i>Service national des libérations conditionnelles</i>	Construction de défense (1951) Limitée <i>Defence Construction (1951) Limited</i>
National Research Council of Canada <i>Conseil national de recherches du Canada</i>	Corporation commerciale canadienne <i>Canadian Commercial Corporation</i>
Natural Sciences and Engineering Research Council <i>Conseil de recherches en sciences naturelles et en génie</i>	Corporation de disposition des biens de la Couronne <i>Crown Assets Disposal Corporation</i>
Northern Canada Power Commission <i>Commission d'énergie du Nord canadien</i>	Directeur de l'établissement de soldats <i>Director of Soldier Settlement</i>
Northern Pipeline Agency <i>Administration du pipe-line du Nord</i>	Directeur des terres destinées aux anciens combattants <i>The Director, The Veterans' Land Act</i>
Northwest Territories Water Board <i>Office des eaux des Territoires du Nord-Ouest</i>	Forces canadiennes <i>Canadian Forces</i>
Office of the Comptroller General <i>Bureau du contrôleur général</i>	Gendarmerie royale du Canada <i>Royal Canadian Mounted Police</i>
Office of the Co-ordinator, Status of Women <i>Bureau de la coordonnatrice de la situation de la femme</i>	Institut canadien pour la paix et la sécurité mondiales <i>Canadian Institute for International Peace and Security</i>
Office of the Correctional Investigator <i>Bureau de l'enquêteur correctionnel</i>	La Corporation du Pont international de la voie maritime, Ltée <i>The Seaway International Bridge Corporation, Ltd.</i>
Office of the Custodian of Enemy Property <i>Bureau du séquestre (biens ennemis)</i>	Les Ponts Jacques-Cartier et Champlain Inc. <i>The Jacques-Cartier and Champlain Bridges Inc.</i>
Pacific Pilotage Authority <i>Administration de pilotage du Pacifique</i>	Monnaie royale canadienne <i>Royal Canadian Mint</i>
Pension Appeals Board <i>Commission d'appel des pensions</i>	Musées nationaux du Canada <i>National Museums of Canada</i>
Pension Review Board <i>Conseil de révision des pensions</i>	Office canadien des provendes <i>Canadian Livestock Feed Board</i>

Petroleum Compensation Board <i>Office des indemnisations pétrolières</i>	Office canadien du poisson salé <i>Canadian Saltfish Corporation</i>
Petroleum Monitoring Agency <i>Agence de surveillance du secteur pétrolier</i>	Office de commercialisation du poisson d'eau douce <i>Freshwater Fish Marketing Corporation</i>
Prairie Farm Assistance Administration <i>Administration de l'assistance à l'agriculture des Prairies</i>	Office de répartition des approvisionnements d'énergie <i>Energy Supplies Allocation Board</i>
Prairie Farm Rehabilitation Administration <i>Administration du rétablissement agricole des Prairies</i>	Office des eaux des Territoires du Nord-Ouest <i>Northwest Territories Water Board</i>
Privy Council Office <i>Bureau du Conseil privé</i>	Office des eaux du territoire du Yukon <i>Yukon Territory Water Board</i>
Public Archives <i>Archives publiques</i>	Office des indemnisations pétrolières <i>Petroleum Compensation Board</i>
Public Service Commission <i>Commission de la fonction publique</i>	Office des normes du gouvernement canadien <i>Canadian Government Specifications Board</i>
Public Service Staff Relations Board <i>Commission des relations de travail dans la fonction publique</i>	Office des prix des produits de la pêche <i>Fisheries Prices Support Board</i>
Public Works Lands Company Limited <i>Société immobilière des travaux publics limitée</i>	Office des produits agricoles <i>Agricultural Products Board</i>
Regional Development Incentives Board <i>Conseil des subventions au développement régional</i>	Office de stabilisation des prix agricoles <i>Agricultural Stabilization Board</i>
Restrictive Trade Practices Commission <i>Commission sur les pratiques restrictives du commerce</i>	Office national de l'énergie <i>National Energy Board</i>
Royal Canadian Mint <i>Monnaie royale canadienne</i>	Office national du film <i>National Film Board</i>
Royal Canadian Mounted Police <i>Gendarmerie royale du Canada</i>	Secrétariat des relations fédérales-provinciales <i>Federal-Provincial Relations Office</i>
The St. Lawrence Seaway Authority <i>Administration de la voie maritime du Saint-Laurent</i>	Secrétariat du Conseil du Trésor <i>Treasury Board Secretariat</i>
Science Council of Canada <i>Conseil des sciences du Canada</i>	Service canadien des pénitenciers <i>Canadian Penitentiary Service</i>
The Seaway International Bridge Corporation, Ltd. <i>La Corporation du Pont international de la voie maritime, Ltée</i>	Service canadien du renseignement de sécurité <i>Canadian Security Intelligence Service</i>
Social Sciences and Humanities Research Council <i>Conseil de recherches en sciences humaines</i>	Service national des libérations conditionnelles <i>National Parole Service</i>
Standards Council of Canada <i>Conseil canadien des normes</i>	Société canadienne des ports <i>Canada Ports Corporation</i>
Statistics Canada <i>Statistique Canada</i>	Société canadienne d'hypothèques et de logement <i>Canada Mortgage and Housing Corporation</i>
Statute Revision Commission <i>Commission de révision des lois</i>	Société d'assurance-dépôts du Canada <i>Canada Deposit Insurance Corporation</i>
Tariff Board <i>Commission du tarif</i>	Société de développement de l'industrie cinématographique canadienne <i>Canadian Film Development Corporation</i>
Textile and Clothing Board <i>Commission du textile et du vêtement</i>	Société du crédit agricole <i>Farm Credit Corporation</i>

Treasury Board Secretariat

Secrétariat du Conseil du Trésor

Uranium Canada, Limited

Uranium Canada, Limitée

War Veterans Allowance Board

Commission des allocations aux anciens combattants

Yukon Territory Water Board

Office des eaux du territoire du Yukon

1980-81-82-83, c. 111, Sch. I "Sch. I", c. 121, s. 17; SOR/83-794; 1980-81-82-83, c. 165, s. 34, c. 167, s. 34, c. 168, s. 71; 1984, c. 21, s. 71, c. 25, s. 98, c. 37, s. 33.

Société immobilière des travaux publics limitée

Public Works Lands Company Limited

Statistique Canada

Statistics Canada

Tribunal canadien des importations

Canadian Import Tribunal

Uranium Canada, Limitée

Uranium Canada, Limited

1980-81-82-83, ch. 111, ann. I «ann. I», ch. 121, art. 17; DORS/83-794; 1980-81-82-83, ch. 165, art. 34, ch. 167, art. 34, ch. 168, art. 71; 1984, ch. 21, art. 71, ch. 25, art. 98, ch. 37, art. 33.

SCHEDULE II

(Section 24)

Act	Provision
Anti-Inflation Act, S.C. 1974-75-76, c. 75 <i>Loi anti-inflation</i> , S.C. 1974-75-76, ch. 75	section 14
Atomic Energy Control Act <i>Loi sur le contrôle de l'énergie atomique</i>	section 9
Bank Act <i>Loi sur les banques</i>	section 251
Quebec Savings Banks Act, R.S.C. 1970, c. B-4 <i>Loi sur les banques d'épargne de Québec</i> , S.R.C. 1970, ch. B-4	section 59
Canada Oil and Gas Act <i>Loi sur le pétrole et le gaz du Canada</i>	section 51
Canada-Nova Scotia Oil and Gas Agreement Act, S.C. 1984, c. 29 <i>Loi sur l'Accord entre le Canada et la Nouvelle-Écosse sur la gestion des ressources pétrolières et gazières</i> , S.C. 1984, ch. 29	section 53
Canada Pension Plan <i>Régime de pensions du Canada</i>	section 104
Canadian Aviation Safety Board Act <i>Loi sur le Bureau canadien de la sécurité aérienne</i>	subsections 33(1) and 41(6)
Canadian Ownership and Control Determination Act <i>Loi sur la détermination de la participation et du contrôle canadiens</i>	section 17
Canadian Security Intelligence Service Act <i>Loi sur le Service canadien du renseignement de sécurité</i>	section 18
Corporations and Labour Unions Returns Act <i>Loi sur les déclarations des personnes morales et des syndicats</i>	section 18
Criminal Code <i>Code criminel</i>	sections 187 and 193
Criminal Records Act <i>Loi sur le casier judiciaire</i>	subsection 6(2) and section 9
Customs Act, R.S.C. 1970, c. C-40 <i>Loi sur les douanes</i> , S.R.C. 1970, ch. C-40	section 172
Defence Production Act <i>Loi sur la production de défense</i>	section 30
Energy Administration Act <i>Loi sur l'administration de l'énergie</i>	section 98

ANNEXE II

(article 24)

Loi	Disposition
Code canadien du travail <i>Canada Labour Code</i>	paragraphe 146(2)
Code criminel <i>Criminal Code</i>	articles 187 et 193
Loi anti-inflation, S.C. 1974-75-76, ch. 75 <i>Anti-Inflation Act</i> , S.C. 1974-75-76, c. 75	article 14
Loi canadienne sur les droits de la personne <i>Canadian Human Rights Act</i>	paragraphe 47(3)
Loi de l'impôt sur le revenu <i>Income Tax Act</i>	article 241
Loi stimulant la recherche et le développement scientifiques, S.R.C. 1970, ch. I-10 <i>Industrial Research and Development Incentives Act</i> , R.S.C. 1970, c. I-10	article 13
Loi sur l'Accord entre le Canada et la Nouvelle-Écosse sur la gestion des ressources pétrolières et gazières, S.C. 1984, ch. 29 <i>Canada-Nova Scotia Oil and Gas Agreement Act</i> , S.C. 1984, c. 29	article 53
Loi sur la Commission du tarif <i>Tariff Board Act</i>	paragraphe 10(4)
Loi sur la Commission du textile et du vêtement <i>Textile and Clothing Board Act</i>	article 25
Loi sur la détermination de la participation et du contrôle canadiens <i>Canadian Ownership and Control Determination Act</i>	article 17
Loi sur l'administration de l'énergie <i>Energy Administration Act</i>	article 98
Loi sur la production de défense <i>Defence Production Act</i>	article 30
Loi sur la sécurité de la vieillesse <i>Old Age Security Act</i>	article 33
Loi sur la statistique <i>Statistics Act</i>	article 17
Loi sur la surveillance du secteur énergétique <i>Energy Monitoring Act</i>	article 33
Loi sur le Bureau canadien de la sécurité aérienne <i>Canadian Aviation Safety Board Act</i>	paragrapes 33(1) et 41(6)

Act	Provision
Energy Monitoring Act <i>Loi sur la surveillance du secteur énergétique</i>	section 33
Environmental Contaminants Act <i>Loi sur les contaminants de l'environnement</i>	section 8
Family Allowances Act <i>Loi sur les allocations familiales</i>	section 18
Foreign Investment Review Act, S.C. 1973-74, c. 46 <i>Loi sur l'examen de l'investissement étranger, S.C. 1973-74, ch. 46</i>	section 14
Hazardous Products Act <i>Loi sur les produits dangereux</i>	section 12
Canadian Human Rights Act <i>Loi canadienne sur les droits de la personne</i>	subsection 47(3)
Income Tax Act <i>Loi de l'impôt sur le revenu</i>	section 241
Industrial Research and Development Incentives Act, R.S.C. 1970, c. I-10 <i>Loi stimulant la recherche et le développement scientifiques, S.R.C. 1970, ch. I-10</i>	section 13
Department of Regional Industrial Expansion Act <i>Loi sur le ministère de l'Expansion industrielle régionale</i>	subsection 10(1)
Canada Labour Code <i>Code canadien du travail</i>	subsection 146(2)
Motor Vehicle Fuel Consumption Standards Act <i>Loi sur les normes de consommation de carburant des véhicules automobiles</i>	subsection 27(1)
Old Age Security Act <i>Loi sur la sécurité de la vieillesse</i>	section 33
Patent Act <i>Loi sur les brevets</i>	section 10, subsection 20(7) and section 72
Petroleum Incentives Program Act <i>Loi sur le programme d'encouragement du secteur pétrolier</i>	section 17
Railway Act <i>Loi sur les chemins de fer</i>	subsection 256(2), section 353 and subsections 358(3) and (5)
Statistics Act <i>Loi sur la statistique</i>	section 17
Tariff Board Act <i>Loi sur la Commission du tarif</i>	subsection 10(4)

Loi	Disposition
Loi sur le casier judiciaire <i>Criminal Records Act</i>	paragraphe 6(2) et article 9
Loi sur le contrôle de l'énergie atomique <i>Atomic Energy Control Act</i>	article 9
Loi sur le ministère de l'Expansion industrielle régionale <i>Department of Regional Industrial Expansion Act</i>	paragraphe 10(1)
Loi sur le pétrole et le gaz du Canada <i>Canada Oil and Gas Act</i>	article 51
Loi sur le programme d'encouragement du secteur pétrolier <i>Petroleum Incentives Program Act</i>	article 17
Loi sur les allocations familiales <i>Family Allowances Act</i>	article 18
Loi sur les banques <i>Bank Act</i>	article 251
Loi sur les banques d'épargne de Québec, S.R.C. 1970, ch. B-4 <i>Quebec Savings Banks Act</i> , R.S.C. 1970, c. B-4	article 59
Loi sur les brevets <i>Patent Act</i>	article 10, paragraphe 20(7) et article 72
Loi sur les chemins de fer <i>Railway Act</i>	paragraphe 256(2), article 353 et paragraphes 358(3) et (5)
Loi sur les contaminants de l'environnement <i>Environmental Contaminants Act</i>	article 8
Loi sur les déclarations des personnes morales et des syndicats <i>Corporations and Labour Unions Returns Act</i>	article 18
Loi sur les douanes, S.R.C. 1970, ch. C-40 <i>Customs Act</i> , R.S.C. 1970, c. C-40	article 172
Loi sur le Service canadien du renseignement de sécurité <i>Canadian Security Intelligence Service Act</i>	article 18
Loi sur les marques de commerce <i>Trade-marks Act</i>	paragraphe 50(6)
Loi sur les normes de consommation de carburant des véhicules automobiles <i>Motor Vehicle Fuel Consumption Standards Act</i>	paragraphe 27(1)
Loi sur les produits dangereux <i>Hazardous Products Act</i>	article 12
Loi sur le transport des marchandises dangereuses <i>Transportation of Dangerous Goods Act</i>	paragraphe 23(5)

Act	Provision
Textile and Clothing Board Act <i>Loi sur la Commission du textile et du vêtement</i>	section 25
Trade-marks Act <i>Loi sur les marques de commerce</i>	subsection 50(6)
Transportation of Dangerous Goods Act <i>Loi sur le transport des marchandises dangereuses</i>	subsection 23(5)
Yukon Quartz Mining Act <i>Loi sur l'extraction du quartz dans le Yukon</i>	subsection 100(16)

1980-81-82-83, c. 111, Sch. I "Sch. II" and ss. 6 to 9, c. 114, s. 2, c. 165, s. 34; 1984, c. 21, s. 71, c. 25, s. 99, c. 29, s. 92.

Loi	Disposition
Loi sur l'examen de l'investissement étranger, S.C. 1973-74, ch. 46 <i>Foreign Investment Review Act</i> , S.C. 1973-74, c. 46	article 14
Loi sur l'extraction du quartz dans le Yukon <i>Yukon Quartz Mining Act</i>	paragraphe 100(16)
Régime de pensions du Canada <i>Canada Pension Plan</i>	article 104

1980-81-82-83, ch. 111, ann. I «ann. II» et art. 6 à 9, ch. 114, art. 2, ch. 165, art. 34; 1984, ch. 21, art. 71, ch. 25, art. 99, ch. 29, art. 92.

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Administered by the Department of Justice (for purposes of s. 3 (definition "head" para. (b)), s. 4(2), s. 77(1)(f), (g) and (2)) and the President of the Treasury Board (for all other purposes of the Act)

- Amended R.S.C. 1985, c. 22 (1st Supp.), s. 11
- Amended R.S.C. 1985, c. 27 (1st Supp.), s. 187
- Amended R.S.C. 1985, c. 28 (1st Supp.), s. 46
- Amended R.S.C. 1985, c. 33 (1st Supp.), s. 6
- Amended R.S.C. 1985, c. 44 (1st Supp.), s. 1
- Amended SOR/86-137, *Can. Gaz., Part II*, February 5, 1986
- Amended R.S.C. 1985, c. 1 (2nd Supp.), s. 213(1)
- Amended R.S.C. 1985, c. 8 (2nd Supp.), s. 26
- Amended R.S.C. 1985, c. 19 (2nd Supp.), s. 46
- Amended R.S.C. 1985, c. 36 (2nd Supp.), s. 129
- Amended R.S.C. 1985, c. 1 (3rd Supp.), s. 12(5)
- Amended R.S.C. 1985, c. 3 (3rd Supp.), s. 1
- Amended R.S.C. 1985, c. 12 (3rd Supp.), s. 25
- Amended R.S.C. 1985, c. 17 (3rd Supp.), s. 26
- Amended R.S.C. 1985, c. 18 (3rd Supp.), ss. 27 and 28
- Amended R.S.C. 1985, c. 20 (3rd Supp.), s. 39
- Amended R.S.C. 1985, c. 24 (3rd Supp.), s. 52
- Amended R.S.C. 1985, c. 28 (3rd Supp.), ss. 274 and 275
- Amended R.S.C. 1985, c. 33 (3rd Supp.), s. 27
- Amended SOR/88-115, *Can. Gaz., Part II*, February 3, 1988
- Amended R.S.C. 1985, c. 1 (4th Supp.), ss. 2 and 46
- Amended R.S.C. 1985, c. 7 (4th Supp.), s. 2
- Amended R.S.C. 1985, c. 10 (4th Supp.), s. 19
- Amended R.S.C. 1985, c. 11 (4th Supp.), s. 13
- Amended R.S.C. 1985, c. 16 (4th Supp.), s. 140
- Amended R.S.C. 1985, c. 21 (4th Supp.), ss. 1 and 2
- Amended R.S.C. 1985, c. 28 (4th Supp.), s. 36
- Amended R.S.C. 1985, c. 31 (4th Supp.), s. 100
- Amended R.S.C. 1985, c. 32 (4th Supp.), s. 52
- Amended R.S.C. 1985, c. 41 (4th Supp.), s. 45
- Amended R.S.C. 1985, c. 47 (4th Supp.), s. 52
- Amended 1989, c. 3, ss. 37 and 38; brought into force March 29, 1990 by SI/90-63, *Can. Gaz., Part II*, April 11, 1990
- Amended 1989, c. 27, s. 19; brought into force February 23, 1990 by SI/90-41, *Can. Gaz., Part II*, March 14, 1990
- Amended 1990, c. 1, ss. 24 and 25; brought into force February 23, 1990 by SI/90-40, *Can. Gaz., Part II*, March 14, 1990
- Amended 1990, c. 2, s. 9; in force January 30, 1990
- Amended 1990, c. 3, s. 32; brought into force April 1, 1990 by SI/90-53, *Can. Gaz., Part II*, April 11, 1990 but P.C. 1990-249 of February 15, 1990 (SI/90-53) revoked by SI/90-62, *Can. Gaz., Part II*, April 11, 1990; brought into force July 1, 1990 by SI/90-86, *Can. Gaz., Part II*, August 18, 1990
- Amended 1990, c. 13, s. 24; brought into force December 14, 1990
- Amended SOR/90-325, *Can. Gaz., Part II*, June 20, 1990
- Amended 1991, c. 3, s. 10; brought into force April 21, 1991 by SI/91-58, *Can. Gaz. Part II*, May 8, 1991

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- Amended 1991, c. 6, s. 22; brought into force September 9, 1991 by SI/91-117, *Can. Gaz., Part II*, September 25, 1991
- Amended 1991, c. 16, s. 21; brought into force December 1, 1991 by SI/91-158, *Can. Gaz., Part II*, December 4, 1991
- Amended 1991, c. 38, s. 25; brought into force November 26, 1991 by SI/91-161, *Can. Gaz., Part II*, December 18, 1991
- Amended 1992, c. 1, ss. 1 and 143; in force, except as noted, February 28, 1992
- Amended 1992, c. 21, ss. 1 to 5; brought into force October 1, 1992 by SI/92-126, *Can. Gaz., Part II*, July 15, 1992
- Amended 1992, c. 33, s. 68; brought into force May 9, 1995 by SI/95-61, *Can. Gaz., Part II*, May 31, 1995
- Amended 1992, c. 34, ss. 43 and 44; in force June 23, 1992
- Amended 1992, c. 36, s. 37; brought into force January 1, 1993 by SI/92-153, *Can. Gaz., Part II*, September 9, 1992
- Amended 1992, c. 37, ss. 75 and 76; s. 75 brought into force December 22, 1994 by SI/95-3, *Can. Gaz., Part II*, January 11, 1995; s. 76 brought into force January 19, 1995 by SI/95-11, *Can. Gaz., Part II*, February 8, 1995
- Amended 1992, c. 44, s. 7; however, repealed by 1994, c. 41, s. 41
- Amended 1993, c. 1, ss. 8, 17, 31 and 39; ss. 17 and 39 brought into force March 31, 1993; s. 31 brought into force March 15, 1993; s. 8 brought into force March 26, 1993
- Amended 1993, c. 2, s. 8; brought into force February 15, 1993
- Amended 1993, c. 3, ss. 15 and 16; in force February 25, 1993
- Amended 1993, c. 27, s. 211; deemed in force December 17, 1990
- Amended 1993, c. 28, Sch. III, ss. 1 and 2; s. 1 brought into force November 27, 1997 by SI/97-136, *Can. Gaz., Part II*, December 10, 1997; s. 2 in force April 1, 1999
- Amended 1993, c. 31, s. 24; brought into force April 28, 1994
- Amended 1993, c. 34, ss. 2 and 140; in force June 23, 1993
- Amended 1993, c. 38, s. 77; brought into force October 25, 1993
- Amended 1994, c. 10, ss. 27 and 28; in force May 12, 1994
- Amended 1994, c. 26, ss. 2 and 3; in force June 23, 1994
- Amended 1994, c. 31, s. 9; in force June 23, 1994
- Amended 1994, c. 38, ss. 11 and 12; brought into force January 12, 1995 by SI/95-9, January 25, 1995
- Amended 1994, c. 40, s. 32; in force December 15, 1994
- Amended 1994, c. 41, ss. 11 and 12; brought into force January 12, 1995 by SI/95-10, *Can. Gaz., Part II*, January 25, 1995
- Amended 1994, c. 45, s. 80; brought into force February 14, 1995 by SI/95-19, *Can. Gaz., Part II*, February 22, 1995
- Amended 1995, c. 1, ss. 26 to 30; brought into force March 29, 1995 by SI/95-48, *Can. Gaz., Part II*, April 19, 1995
- Amended 1995, c. 5, ss. 13 and 14; brought into force May 13, 1995 by SI/95-65, *Can. Gaz., Part II*, May 31, 1995
- Amended 1995, c. 11, ss. 16 and 17; brought into force July 12, 1996 by SI/96-68, *Can. Gaz., Part II*, July 24, 1996
- Amended 1995, c. 12, s. 8; brought into force July 25, 1995 by SI/95-80, *Can. Gaz., Part II*, August 9, 1995
- Amended 1995, c. 18, ss. 77 and 78; brought into force September 15 by SI/95-108, *Can. Gaz., Part II*, October 4, 1995
- Amended 1995, c. 28, ss. 44 to 46; in force July 13, 1995
- Amended 1995, c. 29, ss. 13, 29, 34, 74 and 80; s. 80 deemed in force April 1, 1995; ss. 13, 29, 34 and 74 brought into force November 1, 1995 by SI/95-115, *Can. Gaz., Part II*, November 15, 1995
- Amended 1995, c. 41, ss. 107 and 108; deemed in force June 13, 1995
- Amended 1995, c. 45, s. 23; brought into force March 1, 1996 by SI/96-23

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- Amended 1996, c. 8, ss. 16 and 17; brought into force July 12, 1996 by SI/96-69, *Can. Gaz., Part II*, July 24, 1996
- Amended 1996, c. 9, s. 26; brought into force April 21, 1997 by SI/97-46, *Can. Gaz., Part II*, May 14, 1997
- Amended 1996, c. 10, ss. 202 to 203.3; brought into force July 1, 1996 by SI/96-53, *Can. Gaz., Part II*, June 26, 1996
- Amended 1996, c. 11, ss. 43 to 46; brought into force July 12, 1996 by SI/96-70 *Can. Gaz., Part II*, July 24, 1996
- Amended 1996, c. 16, ss. 29 to 31; brought into force July 12, 1996 by SI/96-67, *Can. Gaz., Part II*, July 24, 1996
- Amended SOR/96-356, *Can. Gaz., Part II*, July 9, 1996
- Amended SOR/96-538, *Can. Gaz., Part II*, December 5, 1996
- Amended 1997, c. 6, s. 37; brought into force April 1, 1997 by SI/97-37, *Can. Gaz., Part II*, April 16, 1997
- Amended 1997, c. 9, ss. 83 to 86; brought into force May 31, 2000 by SI/2000-42, *Can. Gaz., Part II*, June 7, 2000
- Amended 1997, c. 20, s. 53; in force January 1, 1997
- Amended 1997, c. 23, s. 21; brought into force May 2, 1997 by SI/97-61, *Can. Gaz., Part II*, May 14, 1997
- Amended SOR/98-120, *Can. Gaz., Part II*, February 13, 1998; in force February 23, 1998
- Amended SOR/98-149, *Can. Gaz., Part II*, March 12, 1998
- Amended 1998, c. 9, ss. 35 and 36; brought into force June 30, 1998 by SI/98-79, *Can. Gaz., Part II*, June 24, 1998
- Amended 1998, c. 10, ss. 159 to 162; ss. 159(2) and 161 brought into force October 1, 1998 by SI/98-88, *Can. Gaz., Part II*, September 16, 1998; s. 160 brought into force December 1, 1998 by SI/98-117, *Can. Gaz., Part II*, December 9, 1998; s. 162 (the references to Halifax Port Authority, the Montreal Port Authority and the Vancouver Port Authority) brought into force March 1, 1999 by SI/99-15, *Can. Gaz., Part II*, March 3, 1999; s. 162 (other references) brought into force May 1, 1999 by SI/99-39, *Can. Gaz., Part II*, April 28, 1999; s. 162 (reference to the Toronto Port Authority) brought into force June 8, 1999 by SI/99-55, *Can. Gaz., Part II*, June 9, 1999; s. 159(1) brought into force November 1, 2000 by para. (c) of SI/2000-93, *Can. Gaz., Part II*, November 8, 2000 (in force provision in s. 205(1) amended by SI/98-131); s. 162 (reference to Hamilton Port Authority) brought into force May 1, 2001 by SI/2001-55, *Can. Gaz., Part II*, May 9, 2001
- Amended 1998, c. 21, s. 73; in force June 18, 1998
- Amended 1998, c. 25, ss. 160 and 161; ss. 160(1) and 161 brought into force December 22, 1998 by SI/99-1, *Can. Gaz., Part II*, January 6, 1999; s. 160(2) brought into force March 31, 2000 by SI/2000-17, *Can. Gaz., Part II*, March 29, 2000
- Amended 1998, c. 26, ss. 70 and 71; brought into force January 1, 1999 by SI/99-2, *Can. Gaz., Part II*, January 6, 1999
- Amended SOR/98-320, *Can. Gaz., Part II*, June 3, 1998; however, repealed by s. 2 of SOR/2001-143, *Can. Gaz., Part II*, April 11, 2001
- Amended SOR/98-566, *Can. Gaz., Part II*, November 19, 1998
- Amended 1998, c. 31, s. 46; brought into force December 21, 1998 by SI/99-4, *Can. Gaz., Part II*, January 6, 1999
- Amended 1998, c. 35, s. 106; as s. 106 pertains to the "Military Police Complaints Commission", brought into force December 1, 1999 by SI/99-134, *Can. Gaz., Part II*, December 8, 1999; as s. 106 pertains to the "Canadian Forces Grievance Board", brought into force March 1, 2000 by SI/99-134, *Can. Gaz., Part II*, December 8, 1999
- Amended 1998, c. 37, s. 14; brought into force June 30, 2000 by SI/2000-60, *Can. Gaz., Part II*, July 19, 2000

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- Amended 1999, c. 9, s. 38; brought into force June 1, 1999 by SI/99-52, *Can. Gaz., Part II*, May 26, 1999
Amended 1999, c. 16, s. 1; in force March 25, 1999
- Amended 1999, c. 17, ss. 106 and 107; brought into force November 1, 1999 by SI/99-111, *Can. Gaz., Part II*, October 13, 1999
Amended 1999, c. 31, ss. 2 and 3; in force June 17, 1999
Amended SOR/99-62, *Can. Gaz., Part II*, July 7, 1999
Amended SOR/99-63, *Can. Gaz., Part II*, July 7, 1999
- Amended 1999, c. 33, s. 344; brought into force March 31, 2000 by SI/2000-15, *Can. Gaz., Part II*, March 29, 2000
Amended SOR/2000-175, *Can. Gaz., Part II*, May 4, 2000
- Amended 2000, c. 6, ss. 41 and 42; s. 42 brought into force June 7, 2000 by SI/2000-46, *Can. Gaz., Part II*, June 21, 2000; s. 41 brought into force May 31, 2001 by SI/2001-66, *Can. Gaz., Part II*, June 6, 2001
- Amended 2000, c. 7, s. 21; brought into force May 11, 2000 by SI/2000-38, *Can. Gaz., Part II*, May 24, 2000
- Amended 2000, c. 15, s. 20; brought into force July 5, 2000 by SI/2000-59, *Can. Gaz., Part II*, July 19, 2000
- Amended 2000, c. 17, ss. 84 and 85; brought into force July 5, 2000 by SI/2000-55, *Can. Gaz., Part II*, July 19, 2000
- Amended 2000, c. 20, s. 25; brought into force September 30, 2000 by SI/2000-67, *Can. Gaz., Part II*, August 16, 2000
- Amended 2000, c. 28, s. 47; brought into force January 2, 2001 by SI/2001-5, *Can. Gaz., Part II*, January 3, 2001
Amended SOR/2001-143, *Can. Gaz., Part II*, April 11, 2001
- Amended SOR/2001-200, *Can. Gaz., Part II*, June 4, 2001, s. 1; in force June 4, 2001 as provided by s. 2
- Amended 2001, c. 9, ss. 584 and 585; brought into force by SI/2001-102, *Can. Gaz., Part II*, October 24, 2001
Amended 2001, c. 22, ss. 10 and 11; in force June 14, 2001
- Amended 2001, c. 25, s. 86; brought into force November 29, 2001 by SI/2001-115, *Can. Gaz., Part II*, December 19, 2001
- Amended 2001, c. 27, s. 202; brought into force June 28, 2002 by para. (f) of SI/2002-97, *Can. Gaz., Part II*, June 14, 2002
Amended 2001, c. 34, ss. 2 and 16(a); in force December 18, 2001
- Amended 2001, c. 41, ss. 76, 87; s. 76 in force December 18, 2001; s. 87 brought into force December 24, 2001 by SI/2002-16, *Can. Gaz., Part II*, January 2, 2002
- Amended SOR/2002-43, *Can. Gaz., Part II*, January 15, 2002, s. 1; in force January 15, 2002 as provided by s. 2
- Amended SOR/2002-71, *Can. Gaz., Part II*, February 7, 2002, s. 1; in force March 31, 2002 as provided by s. 2
- Amended 2002, c. 7, ss. 77 and 78; s. 78 brought into force April 1, 2003 by SI/2003-48, *Can. Gaz., Part II*, April 9, 2003; remainder to come into force by order of the Governor in Council
- Amended 2002, c. 8, ss. 112, 113, 182(1)(a) and 183(1)(a); brought into force July 2, 2003 by SI/2003-109, *Can. Gaz., Part II*, June 4, 2003
- Amended SOR/2002-174, *Can. Gaz., Part II*, April 25, 2002; in force April 26, 2002 as provided by s. 2
Amended 2002, c. 10, s. 176; in force April 30, 2002
- Amended 2002, c. 17, ss. 1 and 14(a); brought into force July 22, 2002 by SI/2002-105, *Can. Gaz., Part II*, July 31, 2002
- Amended SOR/2002-291, *Can. Gaz., Part II*, August 6, 2002, s. 1; in force August 6, 2002 as provided by s. 2

- Amended SOR/2002-343, *Can. Gaz., Part II*, September 24, 2002, s. 1; in force September 24, 2002 as provided by s. 2
- Amended SOR/2003-148, *Can. Gaz., Part II*, April 11, 2003, s. 1; in force April 14, 2003 as provided by s. 2
- Amended 2003, c. 7, ss. 127 and 128; in force May 13, 2003
- Amended 2003, c. 22, ss. 88, 224(a), 225(a), 246, 251 and 252; s. 246 brought into force November 20, 2003 by SI/2003-178, *Can. Gaz., Part II*, December 3, 2003; ss. 251 and 252 brought into force April 1, 2004 by SI/2004-42, *Can. Gaz., Part II*, April 21, 2004; ss. 88, 224(a) and 225(a) brought into force April 1, 2005 by para. (b) of SI/2005-24, *Can. Gaz., Part II*, April 6, 2005
- Amended 2003, c. 23, ss. 78 and 79; to come into force by order of the Governor in Council
- Amended SOR/2003-423, *Can. Gaz., Part II*, December 12, 2003
- Amended SOR/2003-428, *Can. Gaz., Part II*, December 12, 2003
- Amended SOR/2003-435, *Can. Gaz., Part II*, December 12, 2003
- Amended SOR/2003-440, *Can. Gaz., Part II*, December 12, 2003
- Amended SOR/2004-24, *Can. Gaz., Part II*, February 16, 2004, s. 1; in force April 1, 2004 as provided by s. 2
- Amended 2004, c. 2, ss. 72 and 73; s. 73 brought into force April 22, 2004 by SI/2004-49, *Can. Gaz., Part II*, May 5, 2004; s. 72 brought into force January 12, 2006 by SI/2005-42, *Can. Gaz., Part II*, May 18, 2005
- Amended 2004, c. 7, s. 5; brought into force May 17, 2004 by SI/2004-52, *Can. Gaz., Part II*, June 2, 2004
- Amended 2004, c. 10, s. 22; brought into force December 15, 2004 by SI/2004-157, *Can. Gaz., Part II*, December 15, 2004
- Amended 2004, c. 11, s. 22; brought into force May 21, 2004 by SI/2004-58, *Can. Gaz., Part II*, June 2, 2004
- Amended 2004, c. 15, s. 107; brought into force May 11, 2004, by SI/2004-51, *Can. Gaz., Part II*, June 2, 2004
- Amended 2004, c. 17, s. 16; brought into force April 1, 2005 by SI/2005-18, *Can. Gaz., Part II*, March 23, 2005
- Amended SOR/2004-207, *Can. Gaz., Part II*, September 23, 2004, s. 1; in force September 24, 2004
- Amended 2004, c. 26, ss. 15 and 16; brought into force July 1, 2005 by SI/2005-51, *Can. Gaz., Part II*, June 1, 2005
- Amended 2005, c. 1, ss. 97 and 107; s. 97 brought into force August 4, 2005 by SI/2005-54, *Can. Gaz., Part II*, June 15, 2005; s. 107 in force August 4, 2005 as provided by the section
- Amended 2005, c. 9, ss. 147 and 148; brought into force April 1, 2006 by SI/2006-59, *Can. Gaz., Part II*, April 19, 2006
- Amended 2005, c. 10, ss. 9 and 10; brought into force April 4, 2005 by SI/2005-29, *Can. Gaz., Part II*, April 20, 2005
- Amended 2005, c. 27, s. 16; brought into force December 1, 2005 by SI/2005-117, *Can. Gaz., Part II*, November 30, 2005
- Amended 2005, c. 30, s. 88; brought into force October 3, 2005 by SI/2005-92, *Can. Gaz., Part II*, October 19, 2005
- Amended 2005, c. 34, ss. 58 to 61 and 83(5); ss. 58 to 61 brought into force October 5, 2005 by SI/2005-99, *Can. Gaz., Part II*, October 19, 2005; s. 83(5) in force October 5, 2005 as provided by the section
- Amended 2005, c. 35, ss. 42 to 44; brought into force October 5, 2005 by SI/2005-97, *Can. Gaz., Part II*, October 19, 2005
- Amended SOR/2005-251, *Can. Gaz., Part II*, August 31, 2005, s. 1; in force August 31, 2005 as provided by s. 2
- Amended 2005, c. 38, s. 138(a); brought into force December 12, 2005 by SI/2005-119, *Can. Gaz., Part II*, December 14, 2005

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- Amended 2005, c. 46, s. 55; brought into force April 15, 2007 by SI/2007-43, *Can. Gaz., Part II*, April 4, 2007
- Amended SOR/2006-24, *Can. Gaz., Part II*, February 6, 2006, s. 1; in force February 6, 2006 as provided by s. 2
- Amended SOR/2006-28, *Can. Gaz., Part II*, February 6, 2006, s. 1; in force February 6, 2006 as provided by s. 2
- Amended SOR/2006-34, *Can. Gaz., Part II*, February 6, 2006, s. 1; in force February 6, 2006 as provided by s. 2
- Amended SOR/2006-70, *Can. Gaz., Part II*, May 5, 2006, s. 1; in force April 21, 2006 as provided by s. 2
- Amended SOR/2006-99, *Can. Gaz., Part II*, May 31, 2006, s. 1; in force May 17, 2006 as provided by s. 2
- Amended 2006, c. 4, s. 210; brought into force November 10, 2006 by SI/2006-132, *Can. Gaz. Part II*, November 15, 2006
- Amended SOR/2006-217, *Can. Gaz., Part II*, October 4, 2006, s. 1; in force September 21, 2006 as provided by s. 2
- Amended 2006, c. 9, ss. 89 to 91, 109, 129, 141 to 151, 153, 154, 156 to 172.01 and 221; ss. 109, 129, 141(1), 142 as it enacts s. 3.2, 150, 151, 153, 156, 161, 162, 163(2) and 221 in force December 12, 2006; s. 142 as it enacts s. 3.01, 149, 154, 157, 158, 160 and 172 brought into force March 1, 2007 by SI/2007-19, *Can. Gaz., Part II*, March 7, 2007; ss. 144 to 146 and 165 to 171 brought into force April 1, 2007 by SI/2007-20, *Can. Gaz., Part II*, March 7, 2007; s. 172.01 brought into force April 1, 2007 by SI/2007-38, *Can. Gaz., Part II*, April 4, 2007; ss. 141(2), 142 as it enacts s. 3.1, 143, 147, 148, 159, 163(1) and 164 brought into force September 1, 2007 by SI/2007-39, *Can. Gaz., Part II*, April 4, 2007; ss. 89 to 91 brought into force July 2, 2008 by SI/2008-41, *Can. Gaz., Part II*, April 30, 2008
- Amended 2006, c. 10, s. 32; brought into force November 22, 2007 by SI/2007-91, *Can. Gaz., Part II*, October 17, 2007
- Amended 2006, c. 13, ss. 118 and 119; deemed in force October 12, 2006 as provided by s. 126(1)
- Amended 2007, c. 15, ss. 8 to 10; brought into force August 3, 2007 by SI/2007-79, *Can. Gaz., Part II*, August 22, 2007
- Amended 2007, c. 18, s. 134(1); deemed in force July 1, 2003 as provided by s. 134(2)
- Amended SOR/2007-215, *Can. Gaz., Part II*, October 17, 2007, s. 1; in force September 27, 2007 as provided by s. 2
- Amended 2008, c. 9, ss. 5 and 6; brought into force August 10, 2008 by SI/2008-92, *Can. Gaz., Part II*, August 20, 2008
- Amended SOR/2008-130, *Can. Gaz., Part II*, May 14, 2008, ss. 1 and 2; s. 1 in force June 1, 2008; s. 2 to come into force June 1, 2013
- Amended SOR/2008-135, *Can. Gaz., Part II*, May 14, 2008, s. 1; in force June 1, 2008 as provided by s. 2
- Amended 2008, c. 22, ss. 44 and 45; in force October 16, 2008
- Amended 2008, c. 28, s. 98; brought into force October 20, 2010 by SI/2010-77, *Can. Gaz., Part II*, October 27, 2010
- Amended 2008, c. 32, s. 26; brought into force April 3, 2009 by SI/2008-147, *Can. Gaz., Part II*, December 24, 2008
- Amended 2009, c. 2, s. 255; brought into force July 1, 2009 by SI/2009-57, *Can. Gaz., Part II*, July 8, 2009
- Amended SOR/2009-174, *Can. Gaz., Part II*, June 24, 2009, s. 1; in force July 1, 2009 as provided by s. 2
- Amended 2009, c. 18, s. 20; to come into force by order of the Governor in Council
- Amended SOR/2009-243, *Can. Gaz., Part II*, September 2, 2009, s. 1; in force August 13, 2009 as provided by s. 2

Amended SOR/2009-248, *Can. Gaz., Part II*, September 2, 2009, s. 1; in force August 18, 2009 as provided by s. 2

Amended 2010, c. 7, ss. 5 and 6; to come into force by order of the Governor in Council

Amended 2010, c. 12, s. 1674; to come into force by order of the Governor in Council

Generally

Dagg v. Canada (Minister of Finance), [1997] 2 S.C.R. 403, 148 D.L.R. (4th) 385, 46 Admin. L.R. (2d) 155, 213 N.R. 161, revg [1995] 3 F.C. 199, 95 F.T.R. 158, 124 D.L.R. (4th) 553, 181 N.R. 139 (F.C.A), revg 70 F.T.R. 54, 22 Admin. L.R. (2d) 171 (T.D).

(The next page is A1-7)

The names, signatures and identification numbers of employees on departmental sign-in logs are personal information. This Act is not pre-eminent over the *Privacy Act*, R.S.C. 1985, c. P-21, as they are on equal footing.

Canada (Information Commissioner) v. Canada (Minister of Citizenship and Immigration), [2001] 3 F.C. 384, 202 F.T.R. 112, 33 Admin. L.R. (3d) 250 (T.D.), revd [2003] 1 F.C. 219, 1 Admin. L.R. (4th) 270, 21 C.P.R. (4th) 30, 228 F.T.R. 319n, 291 N.R. 236 (C.A.).

Individuals in a government department expressed views regarding a senior officer in their department during the course of an administrative review. The review led to the dismissal of the officer. The officer applied under the *Access to Information Act* for disclosure of the names and views of the individuals. The views of the individuals are considered to be the personal information of those individuals. However, when those views are about another party, those views are also personal to the other party. A balancing of the privacy interests must then be undertaken along with the public interest in disclosure and non-disclosure.

Siemens Canada Ltd. v. Canada (Minister of Public Works and Government Services) (2001), 15 C.P.R. (4th) 470, 213 F.T.R. 125 (T.D.), affd 21 C.P.R. (4th) 575, 234 F.T.R. 316n, 299 N.R. 256 (C.A.).

Section 30 of the *Defence Production Act* (Can.) prevails over the disclosure provisions of this Act.

Sheldon Blank & Gateway Industries Ltd. v. Canada (Minister of the Environment) (2001), 41 C.E.L.R. (N.S.) 59, 216 F.T.R. 203n, 281 N.R. 388 (F.C.A.).

In determining the appropriate disclosures under the Act, the court should only consider the Act and the jurisprudence guiding its interpretation and application. The laws requiring disclosure in other legal proceedings should not be used to narrow or broaden the scope of disclosure required by the Act.

Canada (Information Commissioner) v. Royal Canadian Mounted Police, [2003] 1 S.C.R. 66, 224 D.L.R. (4th) 1, 47 Admin. L.R. (3d) 1, 24 C.P.R. (4th) 129, 239 F.T.R. 315n, 301 N.R. 41.

This Act did not contain a privative clause and did contain an explicit provision for the court to review refusals were indicative of Parliament's intention that the court have broad powers of review.

Sherman v. M.N.R. (2004), 245 D.L.R. (4th) 758, 23 Admin. L.R. (4th) 114, 35 C.P.R. (4th) 432, [2005] 2 C.T.C. 299, 2004 D.T.C. 6694 (F.C.), var'd 260 D.L.R. (4th) 121, 45 C.P.R. (4th) 4, [2006] 1 C.T.C. 108, 2005 D.T.C. 5722, 143 A.C.W.S. (3d) 959, 2005 FCA 375.

With a minor exception pertaining to information which would be exempt under s. 13 being information obtained in confidence from a foreign state, the balance of the information was not exempt from disclosure under s. 16 and was to be disclosed. The information did not relate to investigative techniques or plans for specific lawful investigations which were exempt under s. 16(1)(b).

Section 2

Canada Post Corp. v. Canada (Minister of Public Works), [1993] 3 F.C. 320, 19 Admin. L.R. (2d) 230, 50 C.P.R. (3d) 253, 64 F.T.R. 62 (T.D.), aff'd [1995] 2 F.C. 110, 30 Admin. L.R. 242, 60 C.P.R. (3d) 441, 91 F.T.R. 320n, 179 N.R. 350 (C.A.).

Information that the government has under its control falls into the category of "government information." The Act should apply liberally and broadly with the citizen's right of access to such information being denied only in limited and specific exceptions.

Section 3

Definition "alternative format" new 1992, c. 21, s. 1:

"alternative format", with respect to a record, means a format that allows a person with a sensory disability to read or listen to that record;

Definition "Court" amended 2002, c. 8, s. 183(1)(a) by replacing the expression "Federal Court — Trial Division" with the expression "Federal Court".

Definition "designated Minister" replaced 2006, c. 9, s. 141(1):

"designated Minister" means a person who is designated as the Minister under subsection 3.2(1);

Definition "government institution" replaced 2006, c. 9, s. 141(2):

"government institution" means

(a) any department or ministry of state of the Government of Canada, or any body or office, listed in Schedule I, and

(b) any parent Crown corporation, and any wholly-owned subsidiary of such a corporation, within the meaning of section 83 of the *Financial Administration Act*;

Definition "head" replaced 2006, c. 9, s. 141(1):

"head", in respect of a government institution, means

(a) in the case of a department or ministry of state, the member of the Queen's Privy Council for Canada who presides over the department or ministry, or

(b) in any other case, either the person designated under subsection 3.2(2) to be the head of the institution for the purposes of this Act or, if no such person is designated, the chief executive officer of the institution, whatever their title;

Definition "record" replaced 2006, c. 9, s. 141(1):

"record" means any documentary material, regardless of medium or form;

Definition "sensory disability" new 1992, c. 21, s. 1:

"sensory disability" means a disability that relates to sight or hearing;

Definition "records" *Yeager v. Canada (Correctional Service)*, [2003] 3 F.C. 107, 223 D.L.R. (4th) 234, 3 Admin. L.R. (4th) 41, 237 F.T.R. 160n, 299 N.R. 352 (F.C.A.), leave to appeal to S.C.C. refused [2003] 2 S.C.R. xi, 226 D.L.R. (4th) vi, 321 N.R. 188n.

Computer data and a code book which did not exist but could be created were properly held to be "records" within this provision, but were not producible where the creation would result in unreasonable interference in the operations of the Ministry.

Canada (Information Commissioner) v. Canada (Minister of National Defence), [2009] 2 F.C.R. 86, 326 F.T.R. 237, 168 A.C.W.S. (3d) 453, 2008 FC 766, appeal allowed in part 178 A.C.W.S. (3d) 3, 2009 FCA 175, appeal allowed in part 178 A.C.W.S. (3d) 586, 2009 FCA 181.

The phrase "government institution" as defined in s. 3 of the *Access to Information Act* (Can.), does not include the Prime Minister's office, the office of the Minister of National Defence and the office of the Minister of Transport. The Prime Minister's office was not part of the Privy Council, the office of the Minister of National Defence was not part of the Department of National Defence and the office of the Minister of Transport was not part of the Department of Transport.

Section 3.01

New 2006, c. 9, s. 142:

3.01 (1) For greater certainty, any provision of this Act that applies to a government institution that is a parent Crown corporation applies to any of its wholly-owned subsidiaries within the meaning of section 83 of the *Financial Administration Act*.

(2) For greater certainty, the Canadian Race Relations Foundation and the Public Sector Pension Investment Board are parent Crown corporations for the purposes of this Act.

Section 3.1

New 2006, c. 9, s. 142:

3.1 For greater certainty, for the purposes of this Act, information that relates to the general administration of a government institution includes information that relates to expenses paid by the institution for travel, including lodging, and hospitality.

Section 3.2

New, with heading 2006, c. 9, s. 142:

DESIGNATION

3.2 (1) The Governor in Council may designate a member of the Queen's Privy Council for Canada to be the Minister for the purposes of any provision of this Act.

(2) The Governor in Council may, by order, designate a person to be the head of a government institution, other than a department or ministry of state, for the purposes of this Act.

Section 4

Amended 2001, c. 27, s. 202 by replacing subsec. (1)(b); amended 2006, c. 9, s. 143 by adding subsec. (2.1):

(b) a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*,

.

(2.1) The head of a government institution shall, without regard to the identity of a person making a request for access to a record under the control of the institution, make every reasonable effort to assist the person in connection with the request, respond to the request accurately and completely and, subject to the regulations, provide timely access to the record in the format requested.

Subsec. (1) *Canada Post Corp. v. Canada (Minister of Public Works)*, [1993] 3 F.C. 320, 64 F.T.R. 62, 50 C.P.R. (3d) 253, 19 Admin. L.R. (2d) 230 (T.D.), affd [1995] 2 F.C. 110, 91 F.T.R. 320n, 60 C.P.R. (3d) 441, 30 Admin. L.R. 242, 179 N.R. 350 (C.A.).

The term "record under the control of a government institution" was not intended to have a narrow meaning.

Section 6

Canadian Tobacco Manufacturers' Council v. M.N.R. (2003), 28 C.P.R. (4th) 139, 239 F.T.R. 1 (F.C.T.D.).

This section did not prohibit disclosure of any documents not relevant to the request. The fact that no obligation to disclose irrelevant information existed did not give a third party the right to prevent disclosure on the grounds of irrelevancy.

Section 11

Subsec. (1) amended 1992, c. 21, s. 2 by striking out the word "and" at the end of para. (a), by adding the word "and" at the end of para. (b) and by adding para. (c):

(c) before the record is converted into an alternative format or any copies are made in that format, such fee as may be prescribed by regulation reflecting the cost of the medium in which the alternative format is produced.

Section 12

Subsec. (2) replaced R.S.C. 1985, c. 31 (4th Supp.), s. 100:

(2) Where access to a record or a part thereof is to be given under this Act and the person to whom access is to be given requests that access be given in a particular official language, a copy of the record or part thereof shall be given to the person in that language.

Subsec. (3) new 1992, c. 21, s. 3:

(3) Where access to a record or a part thereof is to be given under this Act and the person to whom access is to be given has a sensory disability and requests that access be given in an alternative format, a copy of the record or part thereof shall be given to the person in an alternative format

(a) forthwith, if the record or part thereof already exists under the control of a government institution in an alternative format that is acceptable to that person; or

(b) within a reasonable period of time, if the head of the government institution that has control of the record considers the giving of access in an alternative format to be necessary to enable the person to exercise the person's right of access under this Act and considers it reasonable to cause that record or part thereof to be converted.

Section 13

Subsec. (1) amended 2000, c. 7, s. 21(1) by striking out the word "or" at the end of para. (c), by adding the word "or" at the end of para. (d), and by adding para. (e):

(e) an aboriginal government.

Subsec. (3) enacted 2000, c. 7, s. 21(2); re-enacted 2004, c. 17, s. 16; re-enacted 2005, c. 1, s. 97; re-enacted 2005, c. 1, s. 107; amended 2005, c. 27, s. 16 (as this amendment was replaced by 2005, c. 27, s. 22(1); in force August 4, 2005) by striking out the word "or" at the end of para. (b), by adding the word "or" at the end of para. (c) and by adding para. (d); amended 2006, c. 10, s. 32 by striking out the word "or" at the end of para. (c), by adding the word "or" at the end of para. (d) and by adding para. (e); amended 2008, c. 32, s. 26 by striking out the word "or" at the end of para. (d), by adding the word "or" at the end of para. (e) and by adding para. (f); amended 2009, c. 18, s. 20 (to come into force by order of the Governor in Council):

(3) The expression "aboriginal government" in paragraph (1)(e) means

(a) Nisga'a Government, as defined in the Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*;

(b) the council, as defined in the Westbank First Nation Self-Government Agreement given effect by the *Westbank First Nation Self-Government Act*;

(c) the Tlicho Government, as defined in section 2 of the *Tlicho Land Claims and Self-Government Act*;

(d) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*;

(e) the council of a participating First Nation as defined in subsection 2(1) of the *First Nations Jurisdiction over Education in British Columbia Act*, or

(f) the Tsawwassen Government, as defined in subsection 2(2) of the *Tsawwassen First Nation Final Agreement Act*.

Subsec. (1)(a) *Sherman v. M.N.R.* (2002), 20 C.P.R. (4th) 508, [2002] 3 C.T.C. 349, 222 F.T.R. 145 (T.D.), revd [2003] 4 F.C. 865, 226 D.L.R. (4th) 46, 25 C.P.R. (4th) 32, [2004] 1 C.T.C. 215, 2003 D.T.C. 5444, 240 F.T.R. 319n, 304 N.R. 227 (F.C.A.).

What is significant for the purpose of s. 13(1)(a) is not so much the source of the record to which access is sought as the confidential nature of the information it contains. A record created by the Canadian government, but composed of information obtained in confidence from the United States government cannot be disclosed, directly or indirectly through a release by the Canadian government of its own information under s. 13(1)(a) unless consent is obtained in accordance with s. 13(2) of the Act. This does not mean that the mere existence of such information must be kept confidential. Merely to confirm the existence of information that has been exchanged does not amount to disclosure of the information itself.

Subsec. (1)(d) *Chippewas of Nawash First Nation v. Canada (Minister of Indian and Northern Affairs)* (1996), 116 F.T.R. 37, 41 Admin. L.R. (2d) 232, [1997] 1 C.N.L.R. 1 (T.D.), affd 70 C.R.R. (2d) 278 *sub nom. Akiwenzie v. Canada (Minister of Indian and Northern Affairs)*, 177 F.T.R. 160n, 251 N.R. 220 (C.A.).

An Indian Band Council could not be read into the language of this section.

Section 15

Canada (Information Commissioner) v. Canada (Minister of National Defence), [1990] 3 F.C. 22, 67 D.L.R. (4th) 585, 33 F.T.R. 234 (T.D.).

A notice of refusal to grant access founded on this provision did not have to specify the particular paragraphs of this section relied upon when denying access.

Do-Ky v. Canada (Minister of Foreign Affairs and International Trade), [1997] 2 F.C. 907, 143 D.L.R. (4th) 746, 71 C.P.R. (3d) 447, 126 F.T.R. 81 (T.D.), affd 173 D.L.R. (4th) 515, 86 C.P.R. (3d) 289, 164 F.T.R. 160n, 241 N.R. 308 *sub nom. Hien Do-Ky Vietnamese Refugee Sponsorship Committee v. Canada (Minister of Foreign Affairs and International Trade)* (F.C.A.).

The release of diplomatic notes to the public may be refused under this provision where the release gives rise to reasonable apprehension of harm.

Subsec. (1) *Attaran v. Canada (Minister of Foreign Affairs)* (2009), 176 A.C.W.S. (3d) 906, 2009 FC 339.

An application for review of the Minister of Foreign Affairs ("MFA") decision to redact portions of the Department of Foreign Affairs and International Trade's ("DFAIT") human rights report on Afghanistan prior to release to the applicant. The application was dismissed. DFAIT's decision was reviewable against the reasonableness standard. DFAIT's decision is reasonable under s. 15(1) of the *Access to Information Act* (Can.). The court was unwilling to substitute their own opinion for the

evidence from military commanders that disclosure of redacted information related to the Afghan military, intelligence agency and police forces could be injurious to conduct of international affairs with those agencies. DFAIT is not required to consider "Charter values" in exercise of discretion in exercise of discretion under s. 15(1) of the Act, since no ambiguity in that provision.

Section 16

Amended 2005, c. 46, s. 55 (to come into force by order of the Governor in Council); however not yet in force and 2005, c. 46, s. 55 re-enacted by 2006, c. 9, s. 221 so that this section is no longer amended.

Subsec. (1)(c) *Rubin v. Canada (Minister of Transport)*, [1998] 2 F.C. 430, 154 D.L.R. (4th) 414, 134 F.T.R. 240n, 221 N.R. 145 (C.A.).

In the public interest, this provision should be interpreted narrowly so as to result in an exemption only where there is a risk to a particular ongoing investigation. An allegation of possible chilling effect on future investigations is insufficient to justify an exemption.

Subsec. (1)(c) *Hoogers v. Canada (Minister of Communications)* (1998), 10 Admin. L.R. (3d) 232 *sub nom. Steinhoff v. Canada (Minister of Communications)*, 83 C.P.R. (3d) 380 (F.C.T.D.).

In examining exemptions claimed under this provision, the court must determine whether there was reasonable expectation of injury at the time the application for access to information was made. The court must also be satisfied that the document was connected to the particular investigation and not some unknown future investigation.

Section 16.1

New 2006, c. 9, s. 144:

16.1 (1) The following heads of government institutions shall refuse to disclose any record requested under this Act that contains information that was obtained or created by them or on their behalf in the course of an investigation, examination or audit conducted by them or under their authority:

- (a) the Auditor General of Canada;
- (b) the Commissioner of Official Languages for Canada;
- (c) the Information Commissioner; and
- (d) the Privacy Commissioner.

(2) However, the head of a government institution referred to in paragraph (1)(c) or (d) shall not refuse under subsection (1) to disclose any record that contains information that was created by or on behalf of the head of the government institution in the course of an investigation or audit conducted by or under the authority of the head of the government institution once the investigation or audit and all related proceedings, if any, are finally concluded.

Section 16.2

New 2006, c. 9, s. 89:

16.2 (1) The Commissioner of Lobbying shall refuse to disclose any record requested under this Act that contains information that was obtained or created by the Commissioner or on the Commissioner's behalf in the course of an investigation conducted by or under the authority of the Commissioner.

(2) However, the Commissioner shall not refuse under subsection (1) to disclose any record that contains information that was created by the Commissioner or on the Commissioner's behalf in the course of an investigation conducted by, or under the authority of, the Commissioner once the investigation and all related proceedings, if any, are finally concluded.

Section 16.3

New 2006, c. 9, s. 145:

16.3 Subject to section 541 of the *Canada Elections Act*, the Chief Electoral Officer may refuse to disclose any record requested under this Act that contains information that was obtained or created by or on behalf of a person who conducts an investigation, examination or review in the performance of their functions under the *Canada Elections Act*.

Section 16.4

New 2005, c. 46, s. 55, itself enacted by 2006, c. 9, s. 221:

16.4 (1) The Public Sector Integrity Commissioner shall refuse to disclose any record requested under this Act that contains information

(a) obtained or created by him or her or on his or her behalf in the course of an investigation into a disclosure made under the *Public Servants Disclosure Protection Act* or an investigation commenced under section 33 of that Act; or

(b) received by a conciliator in the course of attempting to reach a settlement of a complaint filed under subsection 19.1(1) of that Act.

(2) Subsection (1) does not apply in respect of a record that contains information referred to in paragraph (1)(b) if the person who gave the information to the conciliator consents to the record being disclosed.

Section 16.5

New 2005, c. 46, s. 55, itself enacted by 2006, c. 9, s. 221:

16.5 The head of a government institution shall refuse to disclose any record requested under this Act that contains information created for the purpose of making a disclosure under the *Public Servants Disclosure Protection Act* or in the course of an investigation into a disclosure under that Act.

Section 18

Amended 2006, c. 9, s. 146 by replacing para. (b):

(b) information the disclosure of which could reasonably be expected to prejudice the competitive position of a government institution or to interfere with contractual or other negotiations of a government institution;

Section 18.1

New 2006, c. 9, s. 147:

18.1 (1) The head of a government institution may refuse to disclose a record requested under this Act that contains trade secrets or financial, commercial, scientific or technical information that belongs to, and has consistently been treated as confidential by,

(a) the Canada Post Corporation;

- (b) Export Development Canada;
(c) the Public Sector Pension Investment Board; or
(d) VIA Rail Canada Inc.

(2) However, the head of a government institution shall not refuse under subsection (1) to disclose a part of a record that contains information that relates to

- (a) the general administration of an institution referred to in any of paragraphs (1)(a) to (d); or
(b) any activity of the Canada Post Corporation that is fully funded out of moneys appropriated by Parliament.

Section 19

H.J. Heinz Co. of Canada Ltd. v. Canada (Attorney General), [2003] 4 F.C. 3, 25 C.P.R. (4th) 193, 230 F.T.R. 272 (F.C.T.D.), affd [2005] 1 F.C.R. 281, 241 D.L.R. (4th) 367, 14 Admin. L.R. (4th) 123, 32 C.P.R. (4th) 385, 320 N.R. 300 (F.C.A.), leave to appeal to S.C.C. granted 35 C.P.R. (4th) vi, 246 D.L.R. (4th) vii, affd [2006] 1 S.C.R. 441, 48 C.P.R. (4th) 161, 266 D.L.R. (4th) 675.

The mandatory exemption in s. 19 applies in s. 44 proceedings, where relevant to the proposed disclosure.

Canada (Information Commissioner) v. Canada (Transportation Accident Investigation and Safety Board), [2007] 1 F.C.R. 203, 267 D.L.R. (4th) 451, 50 Admin. L.R. (4th) 43, 49 C.P.R. (4th) 7, 348 N.R. 263 *sub nom. Information Commissioner (Can.) v. Canadian Transportation Accident Investigation and Safety Board* (F.C.A.), leave to appeal to S.C.C. refused [2007] 1 S.C.R. ix, 276 D.L.R. (4th) vii, 54 C.P.R. (4th) vi, 368 N.R. 396*n*.

The definition of "personal information" must be given a generous interpretation and the enumeration which follows is not limitative but illustrative only. "Personal information" must be understood as equivalent to information falling within the individual's right of privacy. Privacy connotes concepts of intimacy, identity, dignity and integrity of the individual. Information which may have the effect of permitting or leading to the identification of a person or assist in determining how he or she has performed his or her task in a given situation does not thereby qualify as personal information.

Subsec. (1) *Hunter v. Canada (Consumer and Corporate Affairs)* (1990), 29 C.P.R. (3d) 321, 35 F.T.R. 75 (T.D.), *revd in part on other grounds* [1991] 3 F.C. 186, 80 D.L.R. (4th) 497, 49 Admin. L.R. 1, 35 C.P.R. (3d) 492, 43 F.T.R. 240*n*, 127 N.R. 214 (C.A.).

Access to documents should be provided to counsel for the purpose of argument on an issue of right to disclosure of alleged personal information relating to conflict of interest matters concerning public officers.

Subsec. (2) *Canada (Information Commissioner) v. Canada (Minister of Public Works and Government Services)*, [1997] 1 F.C. 164, 70 C.P.R. (3d) 37, 121 F.T.R. 1 (F.C.T.D.).

Paragraphs 19(2)(a) and (b) are not to be interpreted as discretionary. If the interested party consents to the release of information, or if information is in the public domain, then the head of a government institution is directed to disclose that information.

Subsec. (2)(b) *Canada (Information Commissioner) v. Canada (Transportation Accident Investigation and Safety Board, Executive Director)*, [2007] 1 F.C.R. 203, 267

D.L.R. (4th) 451, 50 Admin. L.R. (4th) 43, 49 C.P.R. (4th) 7, 348 N.R. 263 *sub nom. Information Commissioner (Can.) v. Canadian Transportation Accident Investigation and Safety Board*, leave to appeal to S.C.C. refused [2007] 1 S.C.R. ix, 276 D.L.R. (4th) vii, 54 C.P.R. (4th) vi, 368 N.R. 396n.

The word "may" in this provision is discretionary.

Section 20

Amended 2007, c. 15, s. 8(1) and (2), as to subsec. (1) by adding subsec. (1)(b.1) and as to subsec. (2) by replacing subsec. (6):

(b.1) information that is supplied in confidence to a government institution by a third party for the preparation, maintenance, testing or implementation by the government institution of emergency management plans within the meaning of section 2 of the *Emergency Management Act* and that concerns the vulnerability of the third party's buildings or other structures, its networks or systems, including its computer or communications networks or systems, or the methods used to protect any of those buildings, structures, networks or systems;

.

(6) The head of a government institution may disclose all or part of a record requested under this Act that contains information described in any of paragraphs (1)(b) to (d) if

(a) the disclosure would be in the public interest as it relates to public health, public safety or protection of the environment; and

(b) the public interest in disclosure clearly outweighs in importance any financial loss or gain to a third party, any prejudice to the security of its structures, networks or systems, any prejudice to its competitive position or any interference with its contractual or other negotiations.

Rubin v. Canada (Minister of Health) (2001), 14 C.P.R. (4th) 1, 210 F.T.R. 84 (F.C.T.D.), *affd* 23 C.P.R. (4th) 312, 238 F.T.R. 159n, 300 N.R. 179 (F.C.A.).

There is no reason why, in appropriate circumstances, foreign governments may not be third parties under s. 20.

The exercise of discretion under s. 20(6) is not circumscribed by various conditions that the Minister must satisfy in order to demonstrate that the public interest does not merit disclosure. Nothing in s. 20(6) expresses or implies specific conditions or requirements that attach to or fetter that exercise of discretion.

Subsec. (1) *Canada Packers Inc. v. Canada (Minister of Agriculture)*, [1989] 1 F.C. 47, 53 D.L.R. (4th) 246, 32 Admin. L.R. 178, 26 C.P.R. (3d) 407, 87 N.R. 81 (C.A.).

Subsection (1)(d) is intended to catch contractual situations not covered by s. 20(1)(c).

One must interpret the exceptions to access in paras. (c) and (d) to require a reasonable expectation of probable harm.

Subsec. (1)(b) *Sawridge Band v. Canada (Minister of Indian Affairs and Northern Development)* (2007), 162 A.C.W.S. (3d) 523, 2007 FC 1231, *revd* 180 A.C.W.S. (3d) 189, 2009 FCA 245.

Information could not be "confidential" for the purpose of s. 20(1)(b) of the *Access to Information Act* (Can.), where the requester had the right to it under another legal provision. Because s. 8(2)(a) of the *Indian Bands Revenue Moneys Order*, SOR/90-297, gave band members the right to examine the auditors' annual reports, the band's

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financial statements could not be refused to be disclosed on the ground of confidentiality when one of its members requested disclosure under the Act.

Subsec. (1)(c) *Saint John Shipbuilding Ltd. v. Canada (Minister of Supply and Services)* (1990), 67 D.L.R. (4th) 315, 107 N.R. 89, 37 F.T.R. 80n (C.A.).

A third party applicant under s. 44 of the Act had to establish that the release of information would probably cause harm or prejudice to its competitive position.

Subsec. (1)(c) *Brookfield Lepage Johnson Controls Facility Management Services v. Canada (Minister of Public Works and Government Services)* (2004), 33 C.P.R. (4th) 453, 322 N.R. 388, 131 A.C.W.S. (3d) 566, 2004 FCA 214, leave to appeal to S.C.C. refused 36 C.P.R. (4th) vi.

Under this provision, an applicant must establish that disclosure could reasonably be expected to result in financial loss or gain to a third party or to cause prejudice to the competitive position of a third party. The two limbs of the section are disjunctive and an applicant who establishes a reasonable expectation of probable competitive prejudice is entitled to require that the records not be disclosed.

Subsec. (1)(c) *Janssen-Ortho Inc. v. Canada (Minister of Health)* (2005), 144 A.C.W.S. (3d) 583, 2005 FC 1633, affd 367 N.R. 134, 158 A.C.W.S. (3d) 857, 2007 FCA 252.

The applicant created records for discussions with the Minister about the safety of a drug and its withdrawal from the market after adverse drug reaction reports were filed. The Minister decided to disclose the records. The applicant claimed the records contained confidential information and were transmitted to the Minister in confidence. The application was allowed. The disclosure of employee names would reveal information not in the public domain. The names were personal information exempt from disclosure. The applicant's references to the published studies were not to be disclosed because the fact that the applicant considered the findings in the studies to be accurate was not publicized. Access to specified pages of the appraisal was allowed. The entire summary was exempt from disclosure because it contained confidential commercial information. The applicant's decision, to rely on the published studies that were not disclosed by publication of the study, was confidential. The complete adverse event reports were to be disclosed because neither the Minister nor the applicant treated them as confidential. Section 20(1)(c) of the Act required harm to the applicant and not to the public. Powerpoint slides to be disclosed were identified. Draft correspondence was to be disclosed because a letter was no longer considered to be commercial because of the passage of time and the limited nature of the information. Disclosure of other documents was determined.

Subsec. (1)(d) *Saint John Shipbuilding Ltd. v. Canada (Minister of Supply and Services)*, *supra*.

A third party applicant under s. 44 of the Act had to establish that the release of information would result in interference and that such interference would be damaging to its contractual or other negotiations with a third party.

Subsec. (2) *Dekalb Canada Inc. v. Agriculture and Agri-Food Canada* (2001), 15 C.P.R. (4th) 414, 278 N.R. 44, 211 F.T.R. 320n (F.C.A.).

Information respecting test results on hybrid corn samples was released by the Department of Agriculture pursuant to this provision. The results of the examination of seeds pursuant to the *Seeds Act* (Can.) constituted "results of product testing".

Section 20.1

New 2006, c. 9, s. 148:

20.1 The head of the Public Sector Pension Investment Board shall refuse to disclose a record requested under this Act that contains advice or information relating to investment that the Board has obtained in confidence from a third party if the Board has consistently treated the advice or information as confidential.

Section 20.2

New 2006, c. 9, s. 148:

20.2 The head of the Canada Pension Plan Investment Board shall refuse to disclose a record requested under this Act that contains advice or information relating to investment that the Board has obtained in confidence from a third party if the Board has consistently treated the advice or information as confidential.

Section 20.4

New 2006, c. 9, s. 148:

20.4 The head of the National Arts Centre Corporation shall refuse to disclose a record requested under this Act if the disclosure would reveal the terms of a contract for the services of a performing artist or the identity of a donor who has made a donation in confidence and if the Corporation has consistently treated the information as confidential.

Section 21

Amended 2006, c. 9, s. 149(1) and (2), as to subsec. (1) by replacing subsec. (1)(b) and as to subsec. (2) by replacing subsec. (2)(b):

(1)(b) an account of consultations or deliberations in which directors, officers or employees of a government institution, a minister of the Crown or the staff of a minister participate;

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(2)(b) a report prepared by a consultant or an adviser who was not a director, an officer or an employee of a government institution or a member of the staff of a minister of the Crown at the time the report was prepared;

Subsec. (1) *Cie de Construction Gaston Picard Inc. v. Canada* (1991), 29 A.C.W.S. (3d) 751 (F.C.T.D.).

The Act only allows a refusal to disclose in connection with an application made under the Act and cannot be used to reduce access to documents on an examination for discovery where one of the parties is the federal government.

Subsec. (1)(a) *3430901 Canada Inc. v. Canada (Minister of Industry)*, [2002] 1 F.C. 421, 45 Admin. L.R. (3d) 182, 14 C.P.R. (4th) 449, 282 N.R. 284 (C.A.).

The standard of review of the Minister's decision dealing with the interpretation of the words "advice and recommendations" in this section was correctness. In addition, the Minister's exercise of discretion under the section was also subject to review for unreasonableness.

Section 22.1

New 2006, c. 9, s. 150:

22.1 (1) The head of a government institution may refuse to disclose any record requested under this Act that contains a draft report of an internal audit of a government institution or any related audit working paper if the record came into existence less than fifteen years before the request was made.

(2) However, the head of a government institution shall not refuse under subsection (1) to disclose a draft report of an internal audit of a government institution if a final report of the audit has been published or if a final report of the audit is not delivered to the institution within two years after the day on which the audit was first commenced.

Section 23

Blank v. Canada (Minister of Justice) (2004), 244 D.L.R. (4th) 80, 34 C.P.R. (4th) 385, 325 N.R. 315, 134 A.C.W.S. (3d) 1, 2004 FCA 287, motion for a stay dismissed 244 D.L.R. (4th) 344, 34 C.P.R. (4th) 490, 134 A.C.W.S. (3d) 201, 2004 FCA 326, affd [2006] 2 S.C.R. 319, 270 D.L.R. (4th) 257, 47 Admin. L.R. (4th) 84 *sub nom. Blank v. Canada (Department of Justice)*, 51 C.P.R. (4th) 1, 40 C.R. (6th) 1 (S.C.C.).

The concept of solicitor-client privilege in this section includes both legal advice privilege and litigation privilege. If there is a valid and subsisting claim of privilege at the time a request for disclosure is made, s. 23 applies.

Section 25

Rubin v. President of Canada Mortgage and Housing Corp., [1989] 1 F.C. 265, 52 D.L.R. (4th) 671, 21 C.P.R. (3d) 1, 32 Admin. L.R. 196, 19 F.T.R. 160, 86 N.R. 186 (C.A.).

Once the head of the government institution has determined that some of its records are exempt, the institutional head, or his delegate, is required to consider whether any part of the material requested can reasonably be severed.

Blank v. Canada (Department of Justice) (2007), 280 D.L.R. (4th) 540, 54 Admin. L.R. (4th) 150, 363 N.R. 378, 155 A.C.W.S. (3d) 794, [2007] F.C.J. No. 306 (QL), 2007 FCA 87.

This section did not require severance from the record of material forming part of the privileged solicitor-client communication.

Section 27

Amended 2007, c. 15, s. 9 by replacing subsec. (1):

27. (1) If the head of a government institution intends to disclose a record requested under this Act that contains or that the head has reason to believe might contain trade secrets of a third party, information described in paragraph 20(1)(b) or (b.1) that was supplied by a third party, or information the disclosure of which the head can reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party, the head shall make every reasonable effort to give the third party written notice of the request and of the head's intention to disclose within 30 days after the request is received.

SNC Lavalin Inc. v. Canada (Minister for International Co-operation), [2003] 4 F.C. 900, 4 Admin. L.R. (4th) 203, 25 C.P.R. (4th) 460, 234 F.T.R. 294 (T.D.), affd 63 C.P.R. (4th) 327, 371 N.R. 49.

The procedure as set out in ss. 27 and 28 of the Act could not be interpreted to extend beyond their clear restriction to s. 20 to any of the other exemptions.

Section 28

SNC Lavalin Inc. v. Canada (Minister for International Co-operation) (see s. 27).

Section 30

Subsec. (1)(d.1) new 1992, c. 21, s. 4:

(d.1) from persons who have not been given access to a record or a part thereof in an alternative format pursuant to a request made under subsection 12(3), or have not been given such access within a period of time that they consider appropriate;

Subsec. (1)(f) *Rowat v. Canada (Information Commissioner)* (2000), 77 C.R.R. (2d) 79, 193 F.T.R. 1 (T.D.).

The Commissioner's obligation to receive and investigate complaints under this provision has a wide scope and is not limited by the scope of s. 30(1)(a) through (e).

Section 31

Replaced 2006, c. 9, s. 151:

31. A complaint under this Act shall be made to the Information Commissioner in writing unless the Commissioner authorizes otherwise. If the complaint relates to a request by a person for access to a record, it shall be made within sixty days after the day on which the person receives a notice of a refusal under section 7, is given access to all or part of the record or, in any other case, becomes aware that grounds for the complaint exist.

Section 35

Amended 2007, c. 15, s. 10 by replacing the portion after para. (b):

(c) a third party if

(i) the Information Commissioner intends to recommend the disclosure under subsection 37(1) of all or part of a record that contains – or that the Information Commissioner has reason to believe might contain – trade secrets of the third party, information described in paragraph 20(1)(b) or (b.1) that was supplied by the third party or information the disclosure of which the Information Commissioner can reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of the third party, and

(ii) the third party can reasonably be located.

However no one is entitled as of right to be present during, to have access to or to comment on representations made to the Information Commissioner by any other person.

Rubin v. Canada (Privy Council, Clerk), [1993] 2 F.C. 391, 14 Admin. L.R. (2d) 246, 48 C.P.R. (3d) 348, 63 F.T.R. 1 (T.D.), revd 113 D.L.R. (4th) 275, 54 C.P.R. (3d) 511, 167 N.R. 43 (F.C.A.), affd [1996] 1 S.C.R. 6, 131 D.L.R. (4th) 608, 36 Admin L.R. (2d) 131, 66 C.P.R. (3d) 32, 106 F.T.R. 240n, 191 N.R. 394.

This provision is to be interpreted as restricting access to representations both during the course of the investigation by the Information Commissioner and afterwards.

Blank v. Canada (Minister of Justice) (2005), 344 N.R. 184, 144 A.C.W.S. (3d) 393, 2005 FCA 405.

The motions judge erred in relying on this section of the Act in allowing the Minister to file affidavits in confidence without being disclosed to the appellant. If the Minister chose to file the material pertaining to the investigation by the Information Commissioner, he may do so. But s. 35 did not entitle him to have evidence treated as confidential.

Section 36

Amended R.S.C. 1985, c. 27 (1st Supp.), s. 187 by re-enacting subsec. (3); amended 2006, c. 9, s. 153 by replacing subsec. (3):

(3) Except in a prosecution of a person for an offence under section 131 of the Criminal Code (perjury) in respect of a statement made under this Act, in a prosecution for an offence under section 67, in a review before the Court under this Act or in an appeal from such proceedings, evidence given by a person in proceedings under this Act and evidence of the existence of the proceedings is inadmissible against that person in a court or in any other proceedings.

Subsec. (2) *Canada (Attorney General) v. Canada (Information Commissioner)*, [2004] 4 F.C.R. 181, 15 Admin. L.R. (4th) 58, 32 C.P.R. (4th) 464, 117 C.R.R. (2d) 85, 132 A.C.W.S. (3d) 822, 2004 FC 431, revd on other grounds 253 D.L.R. (4th) 590, 40 C.P.R. (4th) 97, 139 A.C.W.S. (3d) 967, 2005 FCA 199, leave to appeal to S.C.C. refused 258 D.L.R. (4th) vii, 43 C.P.R. (4th) vi.

Section 36(2) is enabling legislation which gives the commissioner the authority to do something that could interfere with a government institution's solicitor-client confidentiality. As such, it must be interpreted restrictively in order to allow access to privileged information only where absolutely necessary to the statutory power being exercised. The applications judge erred in adopting a purposive and liberal interpretation of s. 36(2). Such an interpretation disregards the principle that solicitor-client principle is a substantive right separate and apart from any evidentiary rule.

Subsec. (5) *Canada (Attorney General) v. Canada (Information Commissioner)*, [2004] 4 F.C.R. 181, 15 Admin. L.R. (4th) 58, 32 C.P.R. (4th) 464, 117 C.R.R. (2d) 85, 132 A.C.W.S. (3d) 822, 2004 FC 431, revd on other grounds 253 D.L.R. (4th) 590, 40 C.P.R. (4th) 97, 139 A.C.W.S. (3d) 967, 2005 FCA 199, leave to appeal to S.C.C. refused 258 D.L.R. (4th) vii, 43 C.P.R. (4th) vi.

Section 36(5) does not imply that the commissioner has no right to photocopy, nor does it impose an obligation on the commissioner to return copies of documents made by him.

Section 41

X. v. Canada (Minister of National Defence), [1991] 1 F.C. 670, 41 F.T.R. 73 (T.D.).

The court did not have the jurisdiction to hear a claim that the extension of time to provide access was unnecessary, where access had been granted. The court's jurisdiction was limited to where there had been a denial or deemed denial under the Act.

Section 44

Air Atonabee Ltd. v. Canada (Minister of Transport) (1989), 37 Admin. L.R. 245, 27 C.P.R. (3d) 180, 27 F.T.R. 194 (T.D.).

The role of the court on an application under this section is to consider the whole matter *de nova* including, if necessary, a detailed review of the records in question, document by document.

H.J. Heinz Co. of Canada Ltd. v. Canada (Attorney General), [2003] 4 F.C. 3, 25 C.P.R. (4th) 193, 230 F.T.R. 272 (F.C.T.D.), affd 241 D.L.R. (4th) 367, 14 Admin. L.R. (4th) 123, 32 C.P.R. (4th) 385, 320 N.R. 300 (F.C.A.), leave to appeal to S.C.C. granted 35 C.P.R. (4th) vi, 246 D.L.R. (4th) vii, 338 N.R. 394*n*, affd 266 D.L.R. (4th) 675, 48 C.P.R. (4th) 161, 147 A.C.W.S. (3d) 159, 2006 SCC 13.

A third party may raise an exemption for personal information set out in s. 19 of this Act in a s. 44 review.

Subsec. (1) *Bearskin Lake Air Service v. Canada (Dept. of Transport)* (1996), 65 A.C.W.S. (3d) 366 (F.C.T.D.).

The statutory time period under this subsection is strict. There is no jurisdiction vested in the federal court to waive or extend the time available.

Subsec. (1) *Merck Frosst Canada & Co. v. Canada (Minister of National Health)* (2000), 179 F.T.R. 291 (T.D.), affd 200 F.T.R. 160n, 273 N.R. 353 (C.A.)

The court has no power to extend the 20-day time-limit in this provision.

Section 45

Amended 2002, c. 8, s. 181(1)(a) by replacing the expression "*Federal Court Act*" with the expression "*Federal Courts Act*".

Section 46

Rubin v. President of Canada Mortgage and Housing Corp., [1989] 1 F.C. 265, 52 D.L.R. (4th) 671, 32 Admin. L.R. 196, 21 C.P.R. (3d) 1, 19 F.T.R. 160, 86 N.R. 186 (C.A.).

Parliament enacted s. 46 so that the court would have the information and material necessary for the fulfillment of its mandate to ensure that the discretion given to the administrative head has been exercised within proper limits and on proper principles.

Canada (Information Commissioner) v. Canada (Minister of Environment) (2000), 187 D.L.R. (4th) 127, 21 Admin. L.R. (3d) 1, 256 N.R. 162 (F.C.A.), leave to appeal to S.C.C. refused 192 D.L.R. (4th) vi, 266 N.R. 198n.

Section 46 of the Act clearly gave the court authority to interfere with solicitor-client privilege. This was consistent with one of the purposes of the Act, namely "that decisions on the disclosure of government information should be reviewed independently of government" (s. 2(1)). Solicitor-client information was admissible as evidence for the reviewing judge to consider confidentially in deciding whether the s. 23 exemption had been properly invoked.

Section 47

Amended 2006, c. 9, s. 154 by replacing subsec. (2):

(2) The Court may disclose to the appropriate authority information relating to the commission of an offence against a law of Canada or a province by a director, an officer or an employee of a government institution if, in the Court's opinion, there is evidence of such an offence.

Hunter v. Canada (Consumer and Corporate Affairs), [1991] 3 F.C. 186, 80 D.L.R. (4th) 497, 49 Admin. L.R. 1, 35 C.P.R. (3d) 492, 43 F.T.R. 240n, 127 N.R. 214 (C.A.).

This section empowers the court to grant access to counsel for the purpose of arguing an application for disclosure on the understanding not to disclose the information at issue to anyone, including the client.

Section 49

Rubin v. President of Canada Mortgage and Housing Corp., [1989] 1 F.C. 265, 52 D.L.R. (4th) 671, 32 Admin. L.R. 196, 21 C.P.R. (3d) 1, 19 F.T.R. 160, 86 N.R. 186 (C.A.).

Section 49 clothes the court with jurisdiction to determine whether the head of the institution is authorized to refuse disclosure.

Section 52

Amended 2002, c. 8, s. 112 by replacing subsec. (1):

52. (1) An application under section 41 or 42 relating to a record or a part of a record that the head of a government institution has refused to disclose by reason of paragraph 13(1)(a) or (b) or section 15 shall be heard and determined by the Chief Justice of the Federal Court or by any other judge of that Court that the Chief Justice may designate to hear those applications.

Section 54

Amended 2006, c. 9, s. 109(1) and (2), as to subsec. (1) by replacing subsections (1) and (2) and as to subsec. (2) by replacing subsec. (4):

54. (1) The Governor in Council shall, by commission under the Great Seal, appoint an Information Commissioner after consultation with the leader of every recognized party in the Senate and House of Commons and approval of the appointment by resolution of the Senate and House of Commons.

(2) Subject to this section, the Information Commissioner holds office during good behaviour for a term of seven years, but may be removed for cause by the Governor in Council at any time on address of the Senate and House of Commons.

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(4) In the event of the absence or incapacity of the Information Commissioner, or if that office is vacant, the Governor in Council may appoint any qualified person to hold that office in the interim for a term not exceeding six months, and that person shall, while holding office, be paid the salary or other remuneration and expenses that may be fixed by the Governor in Council.

Section 55

Amended 2002, c. 8, s. 113 by replacing subsec. (2); amended 2003, c. 22, s. 224(a) and 225(a), as to s. 224(a) by replacing the expression "public service of Canada" with the expression "federal public administration" in subsec. (4), and as to s. 225(a) by replacing the expression "Public Service" with the expression "public service", other than in the expressions "Public Service corporation", "*Public Service Employment Act*", "Public Service Pension Fund" and "*Public Service Superannuation Act*" in subsec. (3):

(2) The Information Commissioner shall be paid a salary equal to the salary of a judge of the Federal Court, other than the Chief Justice of that Court, and is entitled to be paid reasonable travel and living expenses incurred in the performance of duties under this or any other Act of Parliament.

Section 57

Amended 2003, c. 22, s. 224(a) by replacing the expression "public service of Canada" with the expression "federal public administration" in subsec. (4).

Section 59

Amended 2006, c. 9, s. 156 by replacing subsec. (2):

(2) The Information Commissioner or an Assistant Information Commissioner may not delegate the investigation of a complaint resulting from a refusal by the head of a government institution to disclose all or part of a record under paragraph 13(1)(a) or (b) or section 15 except to one of eight officers or employees — or one of any greater number of officers or employees fixed by the designated

Minister — specifically designated by the Commissioner for the purpose of conducting those investigations.

Section 63

Amended R.S.C. 1985, c. 27 (1st Supp.), s. 187 by replacing subsec. (1)(b); amended 2006, c. 9, s. 157 by replacing subsec. (2):

(1)(b) in the course of a prosecution for an offence under this Act, a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Act, a review before the Court under this Act or an appeal therefrom.

.

(2) The Information Commissioner may disclose to the Attorney General of Canada information relating to the commission of an offence against a law of Canada or a province by a director, an officer or an employee of a government institution if, in the Commissioner's opinion, there is evidence of such an offence.

Section 64

Para. (a) *Canada (Attorney General) v. Canada (Information Commissioner)* (2000), 187 F.T.R. 1 (F.C.T.D.), appeal allowed in part 32 Admin. L.R. (3d) 238, 12 C.P.R. (4th) 492, 200 F.T.R. 320n, 268 N.R. 328 (F.C.A.), appeal allowed in part 32 Admin. L.R. (3d) 227, 200 F.T.R. 160n (F.C.A.), leave to appeal to S.C.C. refused 14 C.P.R. (4th) vii, 276 N.R. 399n, 278 N.R. 192n.

The Act does not expressly or by necessary implication oust the jurisdiction of the court under s. 18.1 of the *Federal Court Act* to grant a declaration on an application for judicial review as to whether documents sought by a requestor are "under the control of a government institution" within the meaning of the Act and hence subject to the right of access created by the Act.

As s. 64(a) prohibits the commissioner from disclosing specific information, it excludes the application of s. 63(1) insofar as the information prohibited from being disclosed is concerned.

Section 65

Replaced R.S.C. 1985, c. 27 (1st Supp.), s. 187:

65. The Information Commissioner or any person acting on behalf or under the direction of the Commissioner is not a competent or compellable witness, in respect of any matter coming to the knowledge of the Commissioner or that person as a result of performing any duties or functions under this Act during an investigation, in any proceedings other than a prosecution for an offence under this Act, a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Act, a review before the court under this Act or an appeal therefrom.

Section 67.1

New 1999, c. 16, s. 1:

67.1 (1) No person shall, with intent to deny a right of access under this Act,

- (a) destroy, mutilate or alter a record;**
- (b) falsify a record or make a false record;**
- (c) conceal a record; or**

(d) direct, propose, counsel or cause any person in any manner to do anything mentioned in any of paragraphs (a) to (c).

(2) Every person who contravenes subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding \$10,000, or to both; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding six months or to a fine not exceeding \$5,000, or to both.

Section 68

Amended R.S.C. 1985, c. 1 (3rd Supp.), s. 12(5) by replacing para. (c); amended 1990, c. 3, s. 32 by replacing para. (c); amended 1992, c. 1, s. 14 by replacing para. (b); amended 2004, c. 11, s. 22 by re-enacting para. (c); amended 2006, c. 9, s. 158 by replacing the heading before the section; amended 2008, c. 9, s. 5 by replacing para. (c):

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(b) library or museum material preserved solely for public reference or exhibition purposes; or

(c) material placed in the Library and Archives of Canada, the National Gallery of Canada, the Canadian Museum of Civilization, the Canadian Museum of Nature, the National Museum of Science and Technology or the Canadian Museum for Human Rights by or on behalf of persons or organizations other than government institutions.

Cyanamid Canada Inc. v. Canada (Minister of Health and Welfare) (1992), 41 C.P.R. (3d) 512, 52 F.T.R. 22 (T.D.), affd 9 Admin. L.R. (2d) 161, 45 C.P.R. (3d) 390, 148 N.R. 147 (C.A.).

This section was not intended to deny access to any government record that is available from another source.

Section 68.1

New 2006, c. 9, s. 159:

68.1 This Act does not apply to any information that is under the control of the Canadian Broadcasting Corporation that relates to its journalistic, creative or programming activities, other than information that relates to its general administration.

Section 68.2

New 2006, c. 9, s. 159:

68.2 This Act does not apply to any information that is under the control of Atomic Energy of Canada Limited other than information that relates to

(a) its general administration; or

(b) its operation of any nuclear facility within the meaning of section 2 of the *Nuclear Safety and Control Act* that is subject to regulation by the Canadian Nuclear Safety Commission established under section 8 of that Act.

Section 69

Canada (Information Commissioner) v. Canada (Minister of the Environment), [2001] 3 F.C. 514, 34 Admin. L.R. (3d) 108, 202 F.T.R. 202 (T.D.), appeal allowed in part 224 D.L.R. (4th) 498, 2 Admin. L.R. (4th) 271, 24 C.P.R. (4th) 180, 300 N.R. 310 (C.A.).

The Act did not remove the court's jurisdiction to determine whether a record was a Cabinet confidence.

Section 69.1

New 2001, c. 41, s. 87:

69.1 (1) Where a certificate under section 38.13 of the *Canada Evidence Act* prohibiting the disclosure of information contained in a record is issued before a complaint is filed under this Act in respect of a request for access to that information, this Act does not apply to that information.

(2) Notwithstanding any other provision of this Act, where a certificate under section 38.13 of the *Canada Evidence Act* prohibiting the disclosure of information contained in a record is issued after the filing of a complaint under this Act in relation to a request for access to that information,

(a) all proceedings under this Act in respect of the complaint, including an investigation, appeal or judicial review, are discontinued;

(b) the Information Commissioner shall not disclose the information and shall take all necessary precautions to prevent its disclosure; and

(c) the Information Commissioner shall, within 10 days after the certificate is published in the *Canada Gazette*, return the information to the head of the government institution that controls the information.

Section 70

Heading preceding section new 2006, c. 9, s. 160:

GENERAL

Amended 2006, c. 9, s. 161(1) and (2), as to subsec. (1) by striking out the word "and" at the end of para. (c) and by adding para. (c.1) and as to subsec. (2) by adding subsec. (1.1):

(c.1) cause statistics to be collected on an annual basis for the purpose of assessing the compliance of government institutions with the provisions of this Act and the regulations relating to access; and

.

(1.1) The designated Minister may fix the number of officers or employees of the Information Commissioner for the purposes of subsection 59(2).

Section 72.1

New 2006, c. 9, s. 162:

72.1 The head of a department or a ministry of state of the Government of Canada shall publish an annual report of all expenses incurred by his or her office and paid out of the Consolidated Revenue Fund.

Section 77

Amended 1992, c. 21, s. 5 by replacing subsec. (1)(d); amended 2006, c. 9, s. 163(1) and (2), as to subsec. (1) by replacing subsec. (1)(a) with subsec. (1)(a) and (a.1) and as to subsec. (2) by striking out the word "and" at the end of para. (g), by adding the word "and" at the end of para. (h) and by adding para. (i):

(a) prescribing limitations in respect of the format in which records are to be provided under subsection 4(2.1);

(a.1) prescribing limitations in respect of records that can be produced from machine readable records for the purpose of subsection 4(3);

.

(d) prescribing a fee for the purpose of paragraph 11(1)(a) and the manner of calculating fees or amounts payable for the purposes of paragraphs 11(1)(b) and (c) and subsections 11(2) and (3);

.

(i) prescribing criteria for adding a body or office to Schedule I.

Schedule I

Amended R.S.C. 1985, c. 22 (1st Supp.), s. 11 by deleting the reference to "Crown Assets Disposal Corporation".

(The next page is A1-11)

adding "Farm Credit Canada" in alphabetical order under the heading "Other Government Institutions".

Amended 2001, c. 9, s. 584 by adding, in alphabetical order, "Financial Consumer Agency of Canada", under the heading "Other Government Institutions".

Amended 2001, c. 34, s. 2 by striking out "Petroleum Monitoring Agency" under the heading "Other Government Institutions".

Amended 2001, c. 34, s. 16(a) by replacing "Canada Council" with "Canada Council for the Arts".

Amended SOR/2002-43, *Can. Gaz., Part II*, January 15, 2002, s. 1, by adding, in alphabetical order, "Office of Infrastructure and Crown Corporations of Canada" under the heading "Other Government Institutions".

Amended SOR/2002-71, *Can. Gaz., Part II*, February 7, 2002, s. 1, by striking out "Millennium Bureau of Canada" under the heading "Other Government Institutions".

Amended 2002, c. 7, ss. 77 and 78; as to s. 78 by striking out "Yukon Territory Water Board" under the heading "Other Government Institutions" (remainder to come into force by order of the Governor in Council).

Amended SOR/2002-174, *Can. Gaz., Part II*, April 25, 2002 by adding "Blue Water Bridge Authority" in alphabetical order under the heading "Other Government Institutions".

Amended 2002, c. 10, s. 176 by adding "Nunavut Surface Rights Tribunal" and "Nunavut Water Board" in alphabetical order under the heading "Other Government Institutions".

Amended 2002, c. 17, ss. 1 and 14(a); as to s. 1 by striking out "Fisheries Prices Support Board" under the heading "Other Government Institutions"; and as to s. 14(a) by replacing "Canadian Film Development Corporation" under the heading "Other Government Institutions" with "Telefilm Canada".

Amended SOR/2002-291, *Can. Gaz., Part II*, August 6, 2002 by replacing the reference to "Office of Infrastructure and Crown Corporations of Canada" under the heading "Other Government Institutions" with a reference to "Office of Infrastructure of Canada".

Amended SOR/2002-343, *Can. Gaz., Part II*, September 24, 2002 by adding "Canadian Air Transport Security Authority" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2003-148, *Can. Gaz., Part II*, April 11, 2003 by adding "Canadian Firearms Centre" in alphabetical order under the heading "Other Government Institutions".

Amended 2003, c. 7, s. 127 by adding "Yukon Environmental and Socio-economic Assessment Board" in alphabetical order under the heading "Other Government Institutions".

Amended 2003, c. 22, s. 88 by replacing "Public Service Staff Relations Board" under the heading "Other Government Institutions" with a reference to "Public Service Labour Relations Board".

Amended 2003, c. 22, s. 246 by adding "Public Service Staffing Tribunal" in alphabetical order under the heading "Other Government Institutions".

Amended 2003, c. 22, s. 251 by striking out "Canadian Centre for Management Development" under the heading "Other Government Institutions".

Amended 2003, c. 22, s. 252 by adding "Canadian School of Public Service" in alphabetical order under the heading "Other Government Institutions".

Amended 2003, c. 23, s. 78; (to come into force by order of the Governor in Council).

Amended SOR/2003-423, *Can. Gaz., Part II*, December 12, 2003 by adding "Department of Human Resources and Skills Development" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2003-428, *Can. Gaz., Part II*, December 12, 2003 by adding "Department of International Trade" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2003-435, *Can. Gaz., Part II*, December 12, 2003 by adding "Canada Border Services Agency" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2003-440, *Can. Gaz., Part II*, December 12, 2003 by adding "Public Service Human Resources Management Agency of Canada" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2004-24, *Can. Gaz., Part II*, February 16, 2004 by striking out "Communication Canada" under the heading "Other Government Institutions".

Amended 2004, c. 2, s. 72 by adding "Assisted Human Reproduction Agency of Canada" in alphabetical order under the heading "Other Government Institutions".

Amended 2004, c. 7, s. 5 by striking out "Ethics Counsellor" under the heading "Other Government Institutions".

Amended 2004, c. 11, s. 23 by striking out "National Archives of Canada" under the heading "Other Government Institutions".

Amended 2004, c. 11, s. 24 by adding "Library and Archives of Canada" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2004-207, *Can. Gaz., Part II*, September 23, 2004 by adding "Public Health Agency of Canada" in alphabetical order under the heading "Other Government Institutions".

Amended 2005, c. 9, s. 147 by adding "First Nations Financial Management Board", "First Nations Statistical Institute" and "First Nations Tax Commission" in alphabetical order under the heading "Other Government Institutions".

Amended 2005, c. 10, ss. 9 and 10, as to s. 9 by striking out "Department of the Solicitor General" under the heading "Departments and Ministries of State", and as to s. 10 by adding "Department of Public Safety and Emergency Preparedness" in alphabetical order under the heading "Departments and Ministries of State".

Amended 2005, c. 30, s. 88 by adding "Canada Emission Reduction Incentive Agency" in alphabetical order under the heading "Other Government Institutions".

Amended 2005, c. 34, ss. 58 to 60, as to s. 58 by striking out "Department of Human Resources Development" under the heading "Departments and Ministries of State", as to s. 59 by adding "Department of Human Resources and Skills Development" in alphabetical order under the heading "Department and Ministries of State" and as to s. 60 by striking out "Department of Human Resources and Skills Development" under the heading "Other Government Institutions".

Amended 2005, c. 35, s. 42 by adding "Department of Social Development" in alphabetical order under the heading "Departments and Ministries of State".

Amended SOR/2005-251, *Can. Gaz., Part II*, August 31, 2005, s. 1 by adding "Canada Development Investment Corporation", "Canadian Race Relations Foundation", "Cape Breton Development Corporation", "Cape Breton Growth Fund Corporation", "Enterprise Cape Breton Corporation", "Marine Atlantic Inc.", "Old Port of Montreal Corporation Inc.", "Parc Downsview Park Inc.", "Queens Quay West Land Corporation" and "Ridley Terminals Inc." in alphabetical order under the heading "Other Government Institutions".

Amended 2005, c. 38, s. 138(a) by replacing the reference to the "Canada Customs and Revenue Agency" with a reference to the "Canada Revenue Agency".

Amended 2005, c. 46, s. 55.1 (itself enacted by 2006, c. 9, s. 221) by adding "Office of the Public Sector Integrity Commissioner" and "Registry of the Public Servants Disclosure Protection Tribunal" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2006-24, *Can. Gaz., Part II*, February 6, 2006, s. 1 by striking out "Department of Social Development" under the heading "Departments and Ministries of State".

Amended SOR/2006-28, *Can. Gaz., Part II*, February 6, 2006, s. 1 by striking out "Department of International Trade" under the heading "Other Government Institutions".

Amended SOR/2006-34, *Can. Gaz., Part II*, February 6, 2006, s. 1 by adding "Office of the Registrar of Lobbyists" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2006-70, *Can. Gaz., Part II*, May 3, 2006, s. 1 by adding "Public Appointments Commission Secretariat" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2006-99, *Can. Gaz., Part II*, May 31, 2006, s. 1 by striking out "Canadian Firearms Centre" under the heading "Other Government Institutions".

Amended 2006, c. 4, s. 210 by adding "Corporation for the Mitigation of Mackenzie Gas Project Impacts" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2006-217, *Can. Gaz., Part II*, October 4, 2006, s. 1 by adding "Office of the Administrator of the Ship-source Oil Pollution Fund" in alphabetical order under the heading "Other Government Institutions".

Amended 2006, c. 9, ss. 90 and 91, as to s. 90 by striking out "Office of the Registrar of Lobbyists" under the heading "Other Government Institutions" and as to s. 91 by adding "Office of the Commissioner of Lobbying" in alphabetical order under the heading "Other Government Institutions".

Amended 2006, c. 9, s. 129 by adding "Office of the Director of Public Prosecutions" in alphabetical order under the heading "Other Government Institutions".

Amended 2006, c. 9, s. 164 by striking out "Atlantic Pilotage Authority", "Bank of Canada", "Blue Water Bridge Authority", "Business Development Bank of Canada", "Canada Council for the Arts", "Canada Deposit Insurance Corporation", "Canada Development Investment Corporation", "Canada Lands Company Limited", "Canada Mortgage and Housing Corporation", "Canadian Air Transport Security Authority", "Canadian Commercial Corporation", "Canadian Dairy Commission", "Canadian Museum of Civilization", "Canadian Museum of Nature", "Canadian Race Relations Foundation", "Canadian Tourism Commission", "Cape Breton Development Corporation", "Cape Breton Growth Fund Corporation", "Defence Construction (1951) Limited", "Enterprise Cape Breton Corporation", "Farm Credit Canada", "The Federal

Bridge Corporation Limited", "Freshwater Fish Marketing Corporation", "Great Lakes Pilotage Authority", "International Development Research Centre", "The Jacques-Cartier and Champlain Bridges Inc.", "Laurentian Pilotage Authority", "Marine Atlantic Inc.", "National Capital Commission", "National Gallery of Canada", "National Museum of Science and Technology", "Old Port of Montreal Corporation Inc.", "Pacific Pilotage Authority", "Parc Downsview Park Inc.", "Queens Quay West Land Corporation", "Ridley Terminals Inc.", "Royal Canadian Mint", "The Seaway International Bridge Corporation, Ltd.", "Standards Council of Canada" and "Telefilm Canada" under the heading "Other Government Institutions".

Amended 2006, c. 9, s. 165 by adding "Canadian Wheat Board" in alphabetical order under the heading "Other Government Institutions".

Amended 2006, c. 9, s. 166 by adding "Asia-Pacific Foundation of Canada", "Canada Foundation for Innovation", "Canada Foundation for Sustainable Development Technology", "Canada Millennium Scholarship Foundation" and "The Pierre Elliott Trudeau Foundation" in alphabetical order under the heading "Other Government Institutions".

Amended 2006, c. 9, s. 167 by adding "Office of the Auditor General of Canada" in alphabetical order under the heading "Other Government Institutions".

Amended 2006, c. 9, s. 168 by adding "Office of the Chief Electoral Officer" in alphabetical order under the heading "Other Government Institutions".

Amended 2006, c. 9, s. 169 by adding "Office of the Commissioner of Official Languages" in alphabetical order under the heading "Other Government Institutions".

Amended 2006, c. 9, s. 170 by adding "Office of the Information Commissioner" in alphabetical order under the heading "Other Government Institutions".

Amended 2006, c. 9, s. 171 by adding "Office of the Privacy Commissioner" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2007-215, *Can. Gaz., Part II*, October 17, 2007, s. 1 by adding "Federal Public Service Health Care Plan Administration" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2008-130, *Can. Gaz., Part II*, May 14, 2008, s. 1 by adding "Indian Residential Schools Truth and Reconciliation Commission Secretariat" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2008-135, *Can. Gaz., Part II*, May 14, 2008, s. 1 by striking out "Office of Indian Residential Schools Resolution of Canada" under the heading "Other Government Institutions".

Amended 2008, c. 9, s. 6 by adding "Canadian Museum for Human Rights" under the heading "Other Government Institutions".

Amended 2008, c. 22, s. 44 by adding "Specific Claims Tribunal" in alphabetical order under the heading "Other Government Institutions".

Amended 2008, c. 28, s. 98 by striking out "Canada Millennium Scholarship Foundation" under the heading "Other Government Institutions".

Amended SOR/2009-174, *Can. Gaz., Part II*, June 24, 2009, s. 1 by adding "Indian Residential Schools Truth and Reconciliation Commission" in alphabetical order under the heading "Other Government Institutions".

Amended SOR/2009-243, *Can. Gaz., Part II*, September 2, 2009, s. 1 by adding, in alphabetical order, "Federal Economic Development Agency for Southern Ontario" under the heading "Other Government Institutions".

Amended SOR/2009-248, *Can. Gaz., Part II*, September 2, 2009, s. 1 by adding, in alphabetical order, "Canadian Northern Economic Development Agency" under the heading "Other Government Institutions".

NOTE: Amended R.S.C. 1985, c. 8 (2nd Supp.), s. 26 (to come into force on proclamation); R.S.C. 1985, c. 24 (3rd Supp.), s. 52 (to come into force on proclamation); 1992, c. 44, s. 7 (to come into force by order of the Governor in Council); SOR/2008-130, *Can. Gaz., Part II*, May 14, 2008 (to come into force June 1, 2013); 2010, c. 7, s. 6 (to come into force by order of the Governor in Council); 2010, c. 12, s. 1674 (to come into force by order of the Governor in Council).

Schedule II

Amended R.S.C. 1985, c. 28 (1st Supp.), s. 46 by deleting the reference to "*Foreign Investment Review Act*" and the corresponding reference to "section 14" and by adding, immediately preceding the reference to "*Canada Labour Code*", a reference to "*Investment Canada Act*" and a corresponding reference to "section 36".

Amended R.S.C. 1985, c. 33 (1st Supp.), s. 6 by adding a reference to "*Aeronautics Act*" and a corresponding reference to "subsections 4.8(1) and 6.5(5)".

Amended R.S.C. 1985, c. 1 (2nd Supp.), s. 213 (1) by striking out the reference to the "*Customs Act*, R.S.C. 1970, c. C-40" and the corresponding reference to s. 172.

Amended R.S.C. 1985, c. 19 (2nd Supp.), s. 46(3) by adding a reference to "*Competition Act*" and a corresponding reference to "subsection 29(1)".

Amended R.S.C. 1985, c. 36 (2nd Supp.), s. 129(1) and (2), as to subsec. (1) by deleting the reference to "*Canada Oil and Gas Act*" and the corresponding reference in respect of that Act to "section 51", as to subsec. (2) by adding "*Canada Petroleum Resources Act*" and by adding a corresponding reference in respect of that Act to "section 101"; these references are in force throughout Canada as provided by 1994, c. 10, s. 28.

Amended R.S.C. 1985, c. 3 (3rd Supp.), s. 1(2) by adding "*Canada-Newfoundland Atlantic Accord Implementation Act*, S.C. 1987, c. 3" and a corresponding reference to "section 119".

Amended R.S.C. 1985, c. 12 (3rd Supp.), s. 25 by adding a reference to "*Softwood Lumber Products Export Charge Act*" and a corresponding reference to "section 20".

Amended R.S.C. 1985, c. 17 (3rd Supp.), s. 26 by adding a reference to "*Shipping Conferences Exemption Act, 1987*" and a corresponding reference to "section 11".

Amended R.S.C. 1985, c. 18 (3rd Supp.), s. 28(a) and (b), as to para. (a) by deleting the reference to "*Bank Act*" and the corresponding reference to "section 251", as to para. (b) by deleting the reference to "*Quebec Savings Banks Act*, R.S.C. 1970, c. B-4" and the corresponding reference to "section 59".

Amended R.S.C. 1985, c. 28 (3rd Supp.), s. 275(1) and (2), as to subsec. (1) by striking out the reference to "subsection 256(2)" opposite the reference to "*Railway Act*", as to subsec. (2) by adding a reference to "*National Transportation Act*" and a corresponding reference to "subsection 54 and subsections 120(5), 170(2), 259(2) and 269(1)".

Amended R.S.C. 1985, c. 33 (3rd Supp.), s. 27(1) to (3), as to subsec. (1) (proclaimed in force October 1, 1989) by striking out the reference to "section 72" opposite the reference to the "*Patent Act*", as to subsec. (2) by adding a reference to "section 39.17" opposite the reference to the "*Patent Act*", as to subsec. (3) (proclaimed in force June 28, 1990) by adding a reference to "subsection 39.25(3)" opposite the reference to the "*Patent Act*".

Amended R.S.C. 1985, c. 1 (4th Supp.), s. 2 by striking out the reference to "subsection 146(2)" opposite the reference to the "*Canada Labour Code*" and substituting a reference to "subsection 144(2)".

Amended R.S.C. 1985, c. 16 (4th Supp.), s. 140 by deleting the reference to "*Environmental Contaminants Act*" and the corresponding reference to "section 8" and substituting "*Canadian Environmental Protection Act*" and a corresponding reference to "sections 20 and 21".

Amended R.S.C. 1985, c. 32 (4th Supp.), s. 52 by adding a reference to "*Railway Safety Act*" and a corresponding reference to "subsection 39(8)".

Amended R.S.C. 1985, c. 47 (4th Supp.), s. 52 (brought into force December 31, 1988 by SI/89-3, Can. Gaz., Part II, by deleting the reference to "*Tariff Board Act*", "*Textile and Clothing Board Act*" and the corresponding references to "subsection 10(4)" and "section 25" and by adding a reference to "*Canadian International Trade Tribunal Act*" and a corresponding reference to "sections 45 and 49".

Amended 1989, c. 3, s. 38(1) and (2), as to subsec. (1) by deleting the reference to "*Canadian Aviation Safety Board Act*" and the corresponding reference to "subsections 33(1) and 41(6)", as to subsec. (2) by adding a reference to "*Canadian Transportation Accident Investigation and Safety Board Act*" and a corresponding reference to "subsections 28(2) and 31(4)".

Amended 1990, c. 1, s. 25(1) and (2), as to subsec. (1) by striking out "Department of Regional Industrial Expansion" and the corresponding reference to "subsection (1)", as to subsec. (2) by adding "*Department of Industry, Science and Technology Act*" and the corresponding reference to "subsection 18(2)".

Amended 1990, c. 2, s. 9 by adding a reference to "*Energy Supplies Emergency Act*" and a corresponding reference to "section 40.1".

Amended 1992, c. 34, ss. 43 and 44, as to s. 43 by deleting the reference to "*Transportation of Dangerous Goods Act*" and the corresponding reference to s. 23(5), as to s. 44 by adding a reference to "*Transportation of Dangerous Goods Act, 1992*" and a corresponding reference to s. 24(4).

Amended 1992, c. 36, s. 37 by adding a reference to "*Energy Efficiency Act*" and a corresponding reference to "section 23".

Amended 1992, c. 37, s. 76 by adding a reference to "*Canadian Environmental Assessment Act*" and a corresponding reference in respect of that Act to "subsection 35(4)".

Amended 1993, c. 2, s. 8 by striking out the reference to "section 10, subsection 20(7), section 39.17 and subsection 39.25(3)" opposite the reference to the "*Patent Act*" and substituting a reference to "section 10, subsection 20(7) and sections 87 and 88".

Amended 1993, c. 27, s. 211 by adding a reference to the "*Excise Tax Act*" and a corresponding reference to "section 295".

Amended 1993, c. 38, s. 77 by adding a reference to the "*Telecommunications Act*" and a corresponding reference to "subsections 39(2) and 70(4)".

Amended 1994, c. 10, s. 27 by striking out the reference to "*Canada Oil and Gas Act*" and the corresponding reference to "section 51".

Amended 1994, c. 40, s. 32 by adding "*Marine Transportation Security Act*" and a corresponding reference to "subsection 13(1)".

Amended 1995, c. 1, ss. 29 and 30, as to s. 29 by striking out the reference to "*Department of Industry, Science and Technology Act*" and the corresponding reference

to "subsection 18(2)", and as to s. 30 by adding "*Department of Industry Act*" and a corresponding reference to "subsection 16(2)".

Amended 1995, c. 28, s. 46 by adding "*Business Development Bank of Canada Act*" and a corresponding reference to "section 37".

Amended 1995, c. 41, s. 107 by adding "*Customs Act*" and a corresponding reference to "section 107".

Amended 1995, c. 41, s. 108 by adding "*Special Import Measures Act*" and a corresponding reference to "section 84".

Amended 1996, c. 10, ss. 203.1 to 203.3 by striking out "*National Transportation Act, 1987*" and the corresponding references to ss. 46(3), 54 and ss. 120(5), 170(2), 259(2) and 269(1), striking out "*Railway Act*" and the corresponding references to s. 353 and s. 358(3) and (5), and adding "*Canada Transportation Act*" and corresponding references to ss. 51(1) and 167.

Amended 1997, c. 9, ss. 85 and 86, as to s. 85 by deleting the reference "*Atomic Energy Control Act*" and the corresponding reference to s. 9, and as to s. 86 by adding the reference "*Nuclear Safety and Control Act*" and by adding a corresponding reference to ss. 44(1)(d) and 48(b).

Amended 1997, c. 23, s. 21 by replacing the references to "sections 187 and 193" opposite the reference to the *Criminal Code* with a reference to "sections 187, 193 and 487.3".

Amended 1998, c. 21, s. 73 by adding, in alphabetical order, a reference to "*Department of Human Resources Development Act*" and a corresponding reference in respect of that Act to "section 33.5".

Amended 1998, c. 25, s. 161 by adding, in alphabetical order, the reference to "*Mackenzie Valley Resource Management Act*" and, opposite thereto, a reference to "paragraph 30(1)(b)".

Amended 1998, c. 37, s. 14 by adding, in alphabetical order, a reference to "*DNA Identification Act*", and a corresponding reference to "subsection 6(7)".

Amended 1999, c. 9, s. 38 by replacing the reference to "subsection 39(8)" opposite the reference to "*Railway Safety Act*" with a reference to "subsection 39.2(1)".

Amended 1999, c. 33, s. 344 by striking out the reference to "*Canadian Environmental Protection Act*" and the corresponding reference to "sections 20 and 21".

Amended 2000, c. 15, s. 20 by replacing the reference to "subsection 29(1)" opposite the reference to "*Competition Act*" with a reference to "subsections 29(1) and 29.1(5)".

Amended 2000, c. 17, s. 85 by adding "*Proceeds of Crime (Money Laundering) Act*", in alphabetical order, and a corresponding reference to "paragraphs 55(1)(a), (d) and (e)".

Amended 2000, c. 20, s. 25 by replacing the reference to "subsection 144(2)" opposite the reference to "*Canada Labour Code*" with a reference to "subsection 144(3)".

Amended 2001, c. 9, s. 585 by replacing the reference to "subsections 29(1) and 29.1(5)" opposite the reference to "*Competition Act*" with a reference to "subsections 29(1), 29.1(5) and 29.2(5)".

Amended 2001, c. 25, s. 86 by replacing the reference to "section 107" opposite the reference to "*Customs Act*" with a reference to "sections 107 and 107.1".

Amended 2001, c. 41, s. 76 by replacing the reference to "*Proceeds of Crime (Money Laundering) Act*" with a reference to "*Proceeds of Crime (Money Laundering) and Terrorist Financing Act*".

Amended 2003, c. 7, s. 128 by adding, in alphabetical order, a reference to "*Yukon Environmental and Socio-economic Assessment Act*", and a corresponding reference to "paragraph 121(a)".

Amended 2003, c. 23, s. 79 (to come into force by order of the Governor in Council).

Amended 2004, c. 2, s. 73 by adding in alphabetical order "*Assisted Human Reproduction Act*", and a corresponding reference to "subsection 18(2)".

Amended 2004, c. 10, s. 22 by adding, in alphabetical order, a reference to "*Sex Offender Information Registration Act*" and a corresponding reference to "subsections 9(3) and 16(4)".

Amended 2004, c. 15, s. 107 by replacing the reference to "subsections 4.8(1) and 6.5(5)" opposite the reference to the *Aeronautics Act* with a reference to "subsections 4.79(1) and 6.5(5)".

Amended 2004, c. 26, ss. 15 and 16, as to s. 15 by striking out "*Department of Human Resources Development Act*" and by striking out the corresponding reference to "section 33.5", and as to s. 16 by adding, in alphabetical order, "*Canada Education Savings Act*" and by adding a corresponding reference to "section 11".

Amended 2005, c. 9, s. 148 by adding, in alphabetical order "*First Nations Fiscal and Statistical Management Act*" and by adding a corresponding reference to "section 108".

Amended 2005, c. 34, ss. 61 and 83(5); s. 61 (to come into force by order of the Governor in Council), however 2005, c. 34, s. 61 repealed 2005, c. 34, s. 82(3) (in force July 1, 2005 as provided by the section) and as to s. 83(5) by striking out "*Canada Education Savings Act*" and the corresponding reference to "section 11".

Amended 2005, c. 35, ss. 43 and 44, as to s. 43 by replacing the reference to "section 104" opposite the reference to the "*Canada Pension Plan*" with a reference to "subsection 104.01(1)" and as to s. 44 by replacing the reference to "section 33" opposite the reference to the "*Old Age Security Act*" with a reference to "subsection 33.01(1)".

Amended 2006, c. 9, s. 172 by adding in alphabetical order "*Export Development Act*" and a corresponding reference to "section 24.3".

Amended 2006, c. 9, s. 172.01 by adding in alphabetical order "*Canada Elections Act*" and a corresponding reference to "section 540".

Amended 2006, c. 13, ss. 118 and 119, as to s. 118 by striking out "*Softwood Lumber Products Export Charge Act*" and the corresponding reference to "section 20" and as to s. 119 by adding in alphabetical order "*Softwood Lumber Products Export Charge Act, 2006*" and a corresponding reference to "section 84".

Amended 2007, c. 18, s. 134 by adding in alphabetical order "*Excise Act, 2001*" and a corresponding reference to "section 211".

Amended 2008, c. 22, s. 45 by adding in alphabetical order "*Specific Claims Tribunal Act*" and a corresponding reference to "subsections 27(2) and 38(2)".

Amended 2009, c. 2, s. 255 by adding in alphabetical order "*Canada Deposit Insurance Corporation Act*" and a corresponding reference to "subsection 45.3(1)".