CHAPTER A-1

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

SHORT TITLE

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

PURPOSE OF ACT

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.

Complementary provisions

(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".

INTERPRETATION

Definitions

3. In this Act,

"Court" means the Federal Court—Trial Division;

"designated Minister", in relation to any provision of this Act, means each 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;

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

TITRE ABRÉGÉ

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

OBJET DE LA LOI

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

DÉFINITIONS

3. Les définitions qui suivent s'appliquent à la présente loi.

«Commission à l'information» Le commissaire nommé conformément à l'article 54.

«Cour» La Section de première instance de la Cour fédérale.
ch. 111, art. 10, par. 3.

ACCESS TO GOVERNMENT RECORDS

Right of Access

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.

(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 conditions as he thinks fit.

«documents» Tous éléments d'information, quels que soient leur forme et leur support, notamment correspondance, note, plan, carte, dessin, diagramme, illustration ou graphique, photographie, film, microforme, enregistrement sonore, seismographique, ou information, ou toute reproduction de ces éléments d'information.

«État étranger» Tout État autre que le Canada.

«institution fédérale» Tout ministère ou département d'État relevant du gouvernement du Canada, ou tout organisme, figurant à l'annexe I.

«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.

«responsable d'institution fédérale»
(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;
(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 celle mentionnée à l'alinéa a).

«dans le cas d'une demande de communication de document, personnel, groupement ou organisation autres que l'auteur de la demande ou qu'une institution fédérale, 1980-82, ch. 111. ann. I. «b».

Droit d'accès

4. (1) Sous réserve des autres dispositions de la présente loi mais nonobstant toute autre loi fédérale, tout droit à l'accès aux documents des institutions fédérales et peut-être les faire communiquer sur demande :
(a) les citoyens canadiens;
(b) les résidents permanents au sens de la Loi sur l'immigration.

(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.
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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.

5. (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.

5. (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-

5. (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 sont 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. 11, ann. 1-48.

5. (1) Le ministre désigné fait publier, selon une périodicité au moins annuelle, un répertoire des institutions fédérales donnant, pour chaque 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) le titre et adresse du fonctionnaire chargé de recevoir les demandes de communication.

5. (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.

5. (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 partiel d’un document.
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tion would be authorized to refuse to disclose a part of a record requested under this Act.

(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".

Requests for Access

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".

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".

Transfert de la demande

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.

(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.

Demandes de communication

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 problème sérieux. 1980-81-82-83, ch. 111, ann. 1 "6".

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 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. 1 "7".

Notifications
La transmission visée au paragraphe (1) se justifie si l'autre institution :
(3) est à l'origine du document, soit qu'elle l'ait préparé elle-même ou qu'elle ait été d'abord préparée à son intention ;
(4) 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.

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

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 (a) 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 ;
head of the institution does not indicate whether a record exists, the provision to 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.

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

(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, s. 1-10.

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

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

(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.

(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.

(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.

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

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.

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

(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.

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

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

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

(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.

(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.

(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
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Get paid or a deposit before the search or production of the record is undertaken or the part thereof paid for disclosure.

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  

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

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

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".

Access  

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.

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.

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

(4) 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".

EXCEPTIONS  

Responsibilities of Government  

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

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

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

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

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


Exercice de l'accès  

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

Language of the Communication  

(2) La personne à qui sera donnée communication totale ou partielle d'un document et qui a précisé la langue officielle dans laquelle elle désire qu'on lui communique le document ou la partie en cause dans la version de son choix :

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

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

Exceptions  

Responsabilités de l'État  

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 :

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 insti-
tution 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.

(3) The head of a government institution
may refuse to disclose any record requested under this
Act that contains information described in sub-
section (1) if the government, organization, or
instituion from which the information was obtained
(a) consents to the disclosure; or
(b) makes the information public. 1980-81-
82-83, c. 111, Sch. 1 "13".

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 expec-
ted to be injurious to the conduct by the Gov-
ernment of Canada of federal-provincial
affairs, including, without restricting the gener-
ality 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 relat-
ing to the conduct of federal-provincial
affairs. 1980-81-82-83, c. 111, Sch. 1 "14."

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 expec-
ted to be injurious to the conduct of internation-
al affairs, the defence of Canada or any state
allied or associated with Canada or the detec-
tion, prevention or suppression of subversive or
hostile activities, including, without restricting the
generality of the foregoing, any such informa-
tion
(a) related to military tactics or strategy, or
related 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-
des organisations internationales d'États
ou de leurs organismes;
c) des gouvernements des provinces ou de
de leurs organismes;
d) des administrations municipales ou régions
ales ou communes en vertu de lois provinciales
de leurs organismes.

(2) Le responsable d'une institution fédérale
peut refuser la communication de documents con-
tenant des renseignements visés au paragraphe
(1) si le gouvernement, l'organisation, l'admi-
nistration ou l'organisme qui les a fournis :
a) consent à la communication;
b) rend les renseignements publics. 1980-81-
82-83, ch. 111, ann. 1 e18.

14. Le responsable d'une institution fédérale
peut refuser la communication de documents con-
tenant des renseignements visés au paragraphe
(1) de l'article 13, notamment des renseignements si :
a) des consultations ou délibérations fedéro-
provinciales;
b) des orientations ou mesures adoptées ou à
adopter par le gouvernement du Canada tou-
chant la conduite des affaires fédéro-provi-
ciales. 1980-81-82-83, ch. 111, ann. 1 e14."

15. (1) Le responsable d'une institution
fédérale peut refuser la communication de documents contenant des renseignements dont
la divulgation risquerait de porter préjudice à la conduite des affaires internationales,
à la défense du Canada ou à des États alliés ou associés avec le Canada ou à la détec-
tion, 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 manoeuvres 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 subversi-
ves;
b) des renseignements concernant la quan-
tité, les caractéristiques, les capacités ou le
déploiement des armes ou des matériels de

(a) international organization of states or
an institution thereof;
(b) des organisations internationales d'États
ou de leurs organismes;
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;
(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.

defense, or 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 officiellement 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,
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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,
(ii) the detection, the prevention or the repression of activities hostile or subversive.

(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 perpétuation des 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'égard de 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 assimilées à la défense du Canada ou des États alliés ou associés avec le Canada les efforts déployés par le Canada et des États étrangers pour déjouer, prévenir ou réprimer les activités entreprises par des États étrangers en vue d'une attaque réelle ou éventuelle ou de la perpétuation d'autres actes d'agression contre le Canada ou des États alliés ou associés avec le Canada. 1980-81-82-83, c. 111, Sch. 1, s. 15.
(ii) le renforcement de tout loi du Canada ou d’une province, au
(iii) activités suspects de constituer
sur les activités susmentionnées
connaître la sécurité du
b) contenir des renseignements relatifs à
(c) contenir des renseignements dont la
divulgation risquait d’entraîner un risque
(i) des renseignements relatifs à l’exis-
(ii) des renseignements qui permettraient de
(iii) des renseignements obtenus ou pré-
(2) Le responsable d’une institution fédérale
communication de documents contenant des renseignements dont la com-
(3) Le responsable d’une institution fédérale
en vertu de l’article 20 de la Loi sur la Gendarmerie royale du
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where the Government of Canada has, on the request of the province or municipality agreed not to disclose such information.

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. 1 "16"; 1984, c. 21, s. 70.

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. 1 "17".

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,

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

Définition de «enquête»

(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, ans. 1-16; 1984, ch. 21, art. 70.

Sécurité des individus


Intérêts économiques du 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 appreciable 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 libétoire,
(ii) les projets de changement du taux d'intérêt bancaire ou du taux d'emprunt du gouvernement,
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(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. 1 "18".

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. 1 "19".

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

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. 1 "19a.

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 préjudiciables 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.
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Access to Information

(2) The head of a government institution shall, 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.

(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.

(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.

(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.

(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 so as to facilitate public health, public safety or protection of the environment so if the public interest in disclosure clearly outweighs in importance any financial loss or pain to, prejudice to, or inconvenience or other interests or other negotiations of a third party. 1980-81-82-83, c. 111, Sch. 1 "22".

Operations of Government

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

(a) advice or recommendations developed by or for a government institution or a minister of the Crown,
(b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the

(2) Le paragraphe (1) ne prévaut pas le responsable d'une institution fédérale ou d'environnement fédéral ou pour son compte, sauf si les documents consistent une consultation ou de services d'au moins deux membres non désignés à une institution fédérale.

(3) Dans les cas oh à la suite d'une demande, le responsable, en tout ou en partie, d'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 éssais.

(4) Pour l'application du précédent 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.

(5) Le responsable d'une institution fédérale a la possibilité d'indiquer tout document contenant les renseignements visés au paragraphe (1) si le tiers que les renseignements concernent, y consente.

(6) Le responsable d'une institution fédérale peut communiquer, en tout ou en partie, tout document contenant les renseignements visés aux articles (1), (2), et (3) 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 être de plus justifier nettement, les conséquences éventuelles de la communication pour un tiers, pertes ou profits financiers, atteintes à sa compétence ou entraves aux négociations qu'il même est ou de contrats ou d'autres fins. 1980-81-82-83, ch. 313, Ann. 5 "22a".

Activités du gouvernement

21. (1) Le responsable d'une institution fédérale peut refuser de communiquer de documents datés de moins de vingt ans le pour un troisième tiers.

(a) des avis ou recommandations élaborés par ou pour une institution fédérale ou un ministère;
(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 pur- 
pose of negotiations carried on or to be car-
ried on by or on behalf of the Government of 
Canada and considerations relating thereto;
or
(d) plans relating to the management of per-
sonnel 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.

(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. 1.21^.

Testing 

22. The head of a government institution 
may refuse to disclose any record requested 
under this Act that contains information relat- 
ning to testing or auditing procedures or tech-
niques or details of specific tests to be 
given or auditors to be conducted if the disclosure 
would prejudice the use or results of particular 
tests or audits. 1980-81-82-83, c. 111, Sch. 1.22^.

Confidential-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. 1.23^.

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.

(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 
employed d'une institution fédérale, un 
ministre ou son personnel;
(c) des projets préparés ou des renseigne-
ments portant sur des positions envisagées 
dans le cadre de négociations menées ou à d'en-
visager par le gouvernement du Canada ou en 
son nom, ainsi que des renseignements por-
tant 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 
ineuvre.

(2) Le paragraphe (1) ne s'applique pas aux 
document concernant:
a) le compte rendu ou l'exposé des motifs 
d'une décision qui est prise dans l'exercice 
d'un pouvoir discrétionnaire ou rendu 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 
or d'un ministre. 1980-81-82-83, ch. 111, ann. I 
21^.

Examen et 

verifications

22. Le responsable d'une institution fédérale 
pourra refuser la communication de documents 
contenant des renseignements relatifs à certai-
nes opérations — essais, épreuves, examens, 
verifications — ou aux méthodes et techniques 
employées pour les effectuer, et dont la divulga-
tion nuirait à l'exploitation de ces opérations ou 
faussaitrait ses résultats. 1980-81-82-83, ch. 
111, ann. I 22^.

23. Le responsable d'une institution fédérale 
pourra refuser la communication de documents 
contenant des renseignements prodigués par le 
secret professionnel qui lie un avocat à son 

Interdictions fondées sur d'autres lois

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

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

Décisions

Examen des 

dispositions

interdites

du 

chapitre

Statutory 

prohibitions 

by 

Parliamentary 

committee

Review of 

statutory 

prohibitions 

by 

Parliamentary 

committee
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.

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.

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. 1 "25".

Refusal of Access

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 notice is to be published.

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 comporte 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.

INTERVENTION DE TIERS
(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.

(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 the part thereof that, as the case may be, 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.

(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 paragraphs 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".

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 (2) Le tiers peut renoncer à l'avis prévu au paragraphe (1) et lui consentir une communication du document, ouvert la procédure pour l'avis.

(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 divulguer la communication totale ou partielle du document, ouvert l'avis est donné ou la procédure pour l'avis est ouverte, ainsi que les raisons qui justifient un refus du divulguer la communication totale ou partielle, dans les vingt jours suivant la transmission de l'avis.

(4) Le responsable d'une institution fédérale peut prolonger le délai fixé au paragraphe (1) dans les cas où il est prévu de divulguer la communication à la personne qui a fait la demande ou où il est prévu de divulguer la communication dans les vingt jours suivant la transmission de l'avis, en vertu du section 9(1)(b), mais le délai ne peut pas excéder vingt jours après que le délai a été donné pour la demande en question, 1980-81-82-83, ch. 111, annexe I "28".

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 de :
(a) donner au tiers la possibilité de lui présenter, dans les vingt jours suivant la transmission de l'avis, des observations sur les raisons qui justifient un refus de divulguer la communication totale ou partielle du document;
(b) prendre dans les trente jours suivant la transmission de l'avis, pourvu qu'il a 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 la décision au tiers.
give written notice of the decision to the person who made the request access to the record.

(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.

(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:

(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

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

(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. R.S.O. 1990, c. 82, s. 111, sch. 1 "12".

29. (1) Where the head of a government institution decides, on the recommendation of the Information Commissioner, 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:

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

(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.

A notice given under subsection (1) shall include:

(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.

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

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

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

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

(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. R.S.O. 1980, c. 82, s. 111, ann. I, 1"28".

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:

a) la personne qui en a fait la demande;

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.

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

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

(d) 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. 1 "39".

PLAINTES

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 prolongation comme abusive ; d) déposées par des personnes qui se sont vu refuser la traduction visée au paragraphe 12(2) ou qui considèrent comme contra-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.

(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.

(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. 1 "30".
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. 1 "31".

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. 1 "32".

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. 1 "33".

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. 1 "34".

35. (1) Every investigation of a complaint under this Act by the Information Commissioner, a reasonable opportunity to make representations shall be given to (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 Information Commissioner has reason to believe contains information that is personal information as defined in this Act and that it is reasonable to require that such personal information be disclosed, the person or body to whom the record or part thereof is to be disclosed or the person or body that has the personal information. 1980-81-82-83, c. 111, Sch. 1 "35".

36. (1) The Information Commissioner shall, after considering representations made under subsection 35(1), make a recommendation to the government institution concerned. 1980-81-82-83, c. 111, Sch. 1 "36".

37. The Information Commissioner shall, after considering the recommendation of the government institution concerned and any representations made thereunder, make a decision and issue a written order. 1980-81-82-83, c. 111, Sch. 1 "37".

38. (1) A government institution shall comply with an order of the Information Commissioner under this Act. 1980-81-82-83, c. 111, Sch. 1 "38".

39. (1) The Information Commissioner shall, in exercising his powers under this Act, act in the public interest. 1980-81-82-83, c. 111, Sch. 1 "39".

40. (1) The Government of Canada may enter into agreements with a government institution for the purposes of this Act. 1980-81-82-83, c. 111, Sch. 1 "40".

41. (1) The Information Commissioner shall issue a certificate in a form prescribed by the Government of Canada that a government institution is in compliance with the provisions of this Act. 1980-81-82-83, c. 111, Sch. 1 "41".

42. (1) The Information Commissioner shall, in the performance of his duties and powers under this Act, make written representations to the government institution concerned and to any person or body to whom the record or part thereof is to be disclosed or the person or body that has the personal information. 1980-81-82-83, c. 111, Sch. 1 "42".

43. (1) The Information Commissioner shall, in the performance of his duties and powers under this Act, act in the public interest. 1980-81-82-83, c. 111, Sch. 1 "43".

44. (1) The Information Commissioner shall, in the performance of his duties and powers under this Act, make written representations to the government institution concerned and to any person or body to whom the record or part thereof is to be disclosed or the person or body that has the personal information. 1980-81-82-83, c. 111, Sch. 1 "44".

45. (1) The Information Commissioner shall, in the performance of his duties and powers under this Act, act in the public interest. 1980-81-82-83, c. 111, Sch. 1 "45".

46. (1) The Information Commissioner shall, in the performance of his duties and powers under this Act, make written representations to the government institution concerned and to any person or body to whom the record or part thereof is to be disclosed or the person or body that has the personal information. 1980-81-82-83, c. 111, Sch. 1 "46".

47. (1) The Information Commissioner shall, in the performance of his duties and powers under this Act, act in the public interest. 1980-81-82-83, c. 111, Sch. 1 "47".

48. (1) The Information Commissioner shall, in the performance of his duties and powers under this Act, make written representations to the government institution concerned and to any person or body to whom the record or part thereof is to be disclosed or the person or body that has the personal information. 1980-81-82-83, c. 111, Sch. 1 "48".

49. (1) The Information Commissioner shall, in the performance of his duties and powers under this Act, act in the public interest. 1980-81-82-83, c. 111, Sch. 1 "49".

50. (1) The Information Commissioner shall, in the performance of his duties and powers under this Act, make written representations to the government institution concerned and to any person or body to whom the record or part thereof is to be disclosed or the person or body that has the personal information. 1980-81-82-83, c. 111, Sch. 1 "50".

51. (1) The Information Commissioner shall, in the performance of his duties and powers under this Act, act in the public interest. 1980-81-82-83, c. 111, Sch. 1 "51".
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 reason-
ably foresee might affect a result described in paragraph 20(1)(c) or (d) in respect of a third party,
the third party, if the third party can reason-
ably 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. 1 "35".

36. (1) The Information Commissioner has,
in relation to the carrying out of the investiga-
tion of any complaint under this Act, power
(a) to summon and enforce the appearance
of persons before the Information Commis-
sioner and compel them to give oral or writ-
en 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 ad-
missible in a court of law;
(d) to enter any premises occupied by any
government institution on satisfying any
security requirements of the institution relin-
quishing to the premises;
(e) to converse in private with any person in
any premises entered pursuant to para-
graph (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	Commissionnaire 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. 1 "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 les témoins à	comparaître devant lui, à déposer verba-
lement 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
demeure mesure qu'une cour supérieure d'ap-
chives;
b) de faire prêter serment;
c) de recevoir des éléments de preuve ou des	renseignements par déclaration verbale ou écrit	sous serment ou par tous autres moyens qu'il estime indis-pensables à leur admissibilité devant les tribunaux;
d) de pénétrer dans les locaux occupés par	une institution fédérale, à condition de satis-
faire aux normes de sécurité établies par	l'institution pour ces locaux;
e) de s'entretenir en privé avec toute per-
te, en trouvant dans les locaux visés à	l'alinea d) et d'y mener, dans le cadre de la
compétence que lui confère la présente loi,
les enquêtes qu'il estime nécessaires;
f) de examiner ou de faire remettre des
copies ou des extraits des livres ou autres
documents contenant des éléments utiles
t'à l'enquête et trouvés dans les locaux visés
t à l'alinea d).
Access to Information

(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.

(3) Except in a prosecution for 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.

(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.

(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. 1 "36".

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

(2) Nonobstant toute autre loi fédérale et toute immobilité 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.

(3) Sauf les cas où une personne est poursuivie soit pour une infraction relative à l'article 133 du Code criminel (fausses déclarations dans des procédures extra-judiciaires) ou rapportant à une déclaration faite en vertu de la présente loi, soit pour inexactitude 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 fédéraux dans aucune autre procédure.

(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.

(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 réserver une nouvelle production. 1980-81-82-83, ch. 111, ann. 1 "36".

37.1. (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:
(a) il présente les conclusions de son enquête ainsi que les recommandations qu'il juge indiquées;
(b) il demande, s'il le juge adéquat, 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.

Conclusion et recommandations de l'Information Commissioner à l'information
(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.

(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.

(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:

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

(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 required under section 44.

(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. 1 "37".

(2) Le Commissaire à l'information rend compte des conclusions de son enquête au plai- gant et aux tiers qui pourraient, en vertu du paragraphe 35(2), lui présenter des observa- tions 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 res- ponsable de l'institution fédérale.

(3) Le Commissaire à l'information men- tionne 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 indi- quées 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.

(4) Dans les cas où il fait suite à la demande formée par le Commissaire à l'information en vertu de l'alinéa (1)b) en avisa 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:

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

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

(5) Dans les cas où, l'enquête terminée, le responsable de l'institution fédérale concernée n'avisé 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, 37a.
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. 1 "38a".

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.

(2) Any report made pursuant to subsection (1) shall be transmitted to the Speaker of the House of Commons for tabling in that House.

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 House of Commons for tabling in that House.

(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).

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(3) or within such further time as the Court may, either before or after the expiration of those forty-five days, fix or allow.

42. (1) The 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.

(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, c. 111, ann. 1 "39a".

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

(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).

44. La personne qui s’est vu refuser communique totale ou partielle d’un document dénudé 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 quatorze-cinq jours suivant le compte rendu du Commissaire prévu au paragraphe 37(3), exercer un recours en révision de la décision de refus devant la Cour. La Cour peut, avant ou après l’expiration du délai, prononcer ou autoriser la révision.

45. La personne qui s’est vu refuser communique totale ou partielle d’un document dénudé 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 quatorze-cinq jours suivant le compte rendu du Commissaire prévu au paragraphe 37(3), exercer un recours en révision de la décision de refus devant la Cour. La Cour peut, avant ou après l’expiration du délai, prononcer ou autoriser la révision.
42. (1) The Commissioner may apply to a 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.

(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. 1.43.2.

Notice to third party

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 section 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.

(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. 1.43.2.

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.

(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 forthwith on being given notice of an application made under subsection (1) in respect of the disclosure gave written notice of

Exercice de la demande

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.

(2) Dans le cas prévu à l’alinéa (1)a), la personne qui a demandé communication du document ou cause peut être comparée comme partie à l’instance. 1980-81-82-83, ch. 111, ann. I.44.

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 donné à son tour avis du recours au tiers à qui il s’est donné l’avis prévu au paragraphe 27(1) ou à qui il l’avait donné s’il avait eu l’intention de donner communication totale ou partielle du document.

(2) Le tiers qui reçoit l’avis prévu au paragraphe (1) peut, avec l’autorisation de la Cour, comparaitre comme partie à l’instance. 1980-81-82-83, ch. 111, ann. I.44.

44. (1) Le tiers qui 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.

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

(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. 1 "44a".

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. 1 "45".

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. 1 "46".

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, where appropriate, receiving representations ex parte and conducting hearings in camera, to avoid the disclosure by the Court or any person of
(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 disclose the record under this Act, does not indicate whether it exists.

(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 there-of. 1980-81-82-83, c. 111, Sch. 1 "47".

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

qui avait demandé communication du document.

(3) La personne qui a été avisée conformément au paragraphe (2) peut, sur autorisation de la Cour, comparaître comme partie à l'instance. 1980-81-82-83, ch. 111, ann. 1 "44a".

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. 1 "45".

46. Nonobstant toute autre loi fédérale et toute immunité reconnaissable par le droit de la province, 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. 1 "46".

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'édiction d'arguments en l'absence d'une partie, pour éviter que ne soient divulgués de par son propre fait ou celui de quiconque;

(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.

(2) Dans les cas où, à son avis, il existe des éléments de preuve touchant la perpétuation 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. 1 "47a".

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
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 35, 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. 1 “49-“.

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 16 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. 1 “50-“.

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. 1 “51-“.

Applications relating to international affairs or defense

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.

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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 communi-
cation totale ou partielle d'un document fondé sur des dispositions de la présente loi autres que celles mentionnées à l'article 50, ordonne, aux conditions qu'elle juge indiquées, sa responsa-
bilité de l'institution fédérale dont relève le docu-
ment 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. 1 “49-“.

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 18(d), 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 indi-
quée. 1980-81-82-83, ch. 111, ann. 1 “50-“.

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
ce document ou rendre une autre ordonnance
si elle l'estime indiqué. 1980-81-82-83, ch. 111, ann. 1 “51-“.

(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)
or 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.
(2) An application referred to in subsection (1) or an appeal brought in respect of such application shall
(a) be heard in camera; 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 National Capital Act.

(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 ex parte. 1980-81-82-83, c. 111, Sch. 1 "32".

(3) Le responsable de l'institution fédérale concernée a, au cours des auditions, en première instance ou en appel et sur demande, droit de présenter des arguments en l'absence d'une autre partie. 1980-81-82-83, ch. 111, ann. I "32".

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.

Frais et dépens

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.

(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. 1 "33".

(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 exécuté le recours devant elle, même si cette personne a été débordée de son recours. 1980-81-82-83, ch. 111, ann. I "33".

OFFICE OF THE INFORMATION COMMISSIONER

COMMISSARIAT À L'INFORMATION

Information Commissioner

Commissionnaire à l'information

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.

(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.

Tenure of office and removal

Durée du mandat et révocation

(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.

Further terms

Ensemblement du mandat

(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.

Absence or incapacity

Absence ou incapacité

(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
Accès à l'information

Chap. A-1

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 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. 1 “54”.

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.

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.

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 céder au régime de pension prévu par la Loi sur la pension spéciale du service diplomatique; dans ce cas, il est soumis aux dispositions de cette loi qui ne traitent pas d'occupation de poste.

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. 1 “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'Etat et des règlements pris en vertu de l'article 9 de la Loi sur l'aéronautique. 1980-81-82-83, ch. 111, ann. I “55a”.

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

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

(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, s. 111, Sch. I "56".

67. (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.

(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.

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

(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".

Staff

(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.

(2) The Information Commissioner may engage on a temporary basis the services of...
Accès à l'information

59. (1) Subject to subsection (2), l’information Commissionnaire may authorize any person to exercise or perform, subject to such restrictions or limitations as the Commissionnaire may specify, any of the powers, duties or functions of the Commissionnaire 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.

(2) The Information Commissioner may, or may not, an Assistant Information Commissionnaire, 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 Commissionnaire specifically designated by the Commissionnaire for the purpose of conducting these investigations.

(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. 1 “59”.

Dispositions générales

60. Le siège du Commissariat à l’information est fixé dans l’égard de la capitale nationale, loi nationale définie à l’annexe de la Loi sur la capitale nationale. 1980-81-82-83, ch. 111, ann. 1 “60.”
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 Act 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. 1 "61".

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. 1 "62".

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,
(a) that, in the opinion of the Commissioner, is necessary to
(i) carry out an investigation under this Act, or
(ii) establish the grounds for findings and recommendations contained in any report under this Act; or
(b) in the course of a prosecution for an offence under this Act, a prosecution 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, a review before the Court under this Act or an appeal therefrom.

64. In carrying out an investigation under this Act and in any report made to Parliament under section 38 or 39, 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 or the act of any officer or employee of a government institution if in the opinion of the Commissioner there is evidence (hereof. 1980-81-82-83, c. 111, Sch. 1 "63".

65. Le Commissaire à l'information et les personnes agissant en son nom ou sous son autorité qui réprennent 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, art. 1 "65".

66. 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 et les informations qu'ils conservent dans l'exercice des pouvoirs et fonctions que leur confère la présente loi. 1980-81-82-83, ch. 111, art. 1 "66".

67. (1) Le Commissaire à l'information peut divulguer, ou autoriser les personnes agissant en son nom ou sous son autorité à divulguer, les renseignements:
(a) qui, à son avis, sont nécessaires pour:
(i) mener une enquête prévue par la présente loi,
(ii) motiver les conclusions et recommandations contenues dans les rapports et comptes rendus prévus par la présente loi;
(b) dont la divulgation est nécessaire, soit dans le cadre des procédures judiciaires pour infraction à la présente loi ou pour une infraction visée à l'article 133 du Code criminel (fausses déclarations dans des procédures extra-judiciaires) 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.

(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 dit être à cet égard. 1980-81-82-83, ch. 111, art. 1 "67".

68. Lors des enquêtes prévues par la présente loi et dans la préparation des rapports au Parlement prévus aux articles 38 ou 39, le
missioner and any person acting on behalf or under the direction of the Information Commissioner shall take every reasonable precau-
tion 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 insti-
tution, 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."

65. The Information Commissioner, or any person acting on behalf or under the direction of the Commissioner, is not a competent or competent 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 extra-
-judicial 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."

66. (1) No criminal or civil proceedings lie 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 pur-
ported exercise or performance of any power, duty or function of the Commissioner under this Act.

(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

Commissionaire à l'information et les personnes agissant en son nom ou sous son autorité ne peuvent divulguer et prennent toutes les pré-
cautions 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 faits étant de l'exis-
tence d'un document que le responsable d'une institution fédérale a refusé de commu-
niquer sans indiquer s'il existait ou non. 1980-81:82-83, ch. 111, ann. I "64."

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 qu'à dénoncer ou ne peuvent y être contraints que dans les procédures inten-
tées pour infrarction à la présente loi ou pour une infrarction visée à l'article 133 du Code criminel (fausses déclarations dans des procé-
dures extrajudiciaires) se rapportant à une déclaration faite en vertu de la présente loi, ou que lorsqu'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."

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'exer-
cice effectif ou censé tel des pouvoirs et fonc-
tions qui lui sont conférés en vertu de la pré-

te loi.

(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 Com-
missaire 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. 1 "66".

OFFENCES

76. (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.

77. (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. 1 "67".

GENERAL

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. 1 "68".

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,
(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 opinions 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

la presse écrite ou audiovisuelle. 1980-81-82-83, c. 111, ann. 1 "66".

INFRINGEMENTS

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.

68. (2) Quiconque contravient 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, c. 111, ann. 1 "67".

DISPOSITIONS GÉNÉRALES

68. La présente loi ne s’applique pas aux documents suivants:
(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 au public;
(c) les documents déposés aux Archives publiques, à la Bibliothèque nationale ou aux Archives nationales du Canada ou pour des personnes ou organisations extérieures aux institutions fédérales. 1980-81-82-83, c. 111, ann. 1 "68".

69. (1) La présente loi ne s’applique pas aux documents confidentiels du Conseil privé de la Reine pour le Canada, notamment aux:
(a) notes destinées à soumettre des propositions ou recommandations au Conseil;
(b) documents de travail destinés à présenter des problèmes, des analyses ou des opinions 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;
Définition du "Conseil"

(2) Pour les buts des sous-section (1), "Conseil" a pour objet, en plus de tout le reste, l'examen des documents relatifs à la tenue des débats et des discussions visés aux alinéas a) à f).

Exception

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

a) aux documents confidentiels du Conseil privé de la Reine pour le Canada, dont l'existence est connue au moment de leur rédaction et de leur dépôt;

b) aux documents de travail visés à l'alinéa (1)b), dans les cas où les décisions auxquelles ils ont été rendus ont été rendues publiquement ou, à défaut de publication, ont été rendues publiques par les moyens qui leur sont à la disposition.

Duties and functions of designated Ministers

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

(a) keep a record of all communications or discussions referred to in paragraph (2); (b) draft legislation; and (c) records that contain information about the contents of any record within a class of records referred to in paragraphs (a) to (f).

Exception for Bank of Canada

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

g) documents containing des informations relatives à la tenue des débats et des discussions visés aux alinéas a) à f).

Exception

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

a) aux documents confidentiels du Conseil privé de la Reine pour le Canada, dont l'existence est connue au moment de leur rédaction et de leur dépôt;

b) aux documents de travail visés à l'alinéa (1)b), dans les cas où les décisions auxquelles ils ont été rendus ont été rendus publiquement ou, à défaut de publication, ont été rendus publiquement par les moyens qui leur sont à la disposition.
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.

(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. 1 "71".

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.

(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.

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. 1 "73".

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

Access to Information

jullet 1985, de fournir, au siége 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'institu-

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

73. Le responsable d'une institution fédérale peut, par arrêté, déléguer certaines de ses attribu-

74. Nonobstant toute autre loi fédérale, le responsable d'une institution fédérale et les per-

Provision-fonc-

Access to Information

Provision-fonc-

Exclusion des renseignements protégés
required notice. 1980-81-82-83, c. 111, Sch. I "70".

78. (1) The administration of this Act shall be exercised by the House of Commons, of the Senate or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

(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".

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

Regulations

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

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

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

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

(d) prescribing a fee for the purpose of paragraph 11(1)(b) and subsections 11(2) and (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;

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

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

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

78. (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.

(2) Le comité prévu par le paragraphe (1) entreprend, au plus tard le 1er 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".

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

Réglement

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

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

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

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

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

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

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

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 13.

(2) The Governor in Council may, by order, amend Schedule 1 by adding thereto any department, ministry of state, body or office of the Government of Canada. R.S.C. 1985, c. 111, Sch. 1 "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'Etat ou organisme de l'administration fédérale. R.S.C. 1985, c. 111, ann. I "77"; 1984, ch. 40, art. 79.
ANNEXE 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 Science and Technology
Département d’État des Sciences et de la Technologie
Ministère des Transports
Ministère des Travaux publics
Ministère du Revenu national
Ministère de l'Énergie et des Ressources
Ministère de la Santé
Ministère de la Science et de la Technologie
Ministère de l'Éducation et de la Culture
Ministère de la Santé et des Services sociaux
Ministère de la Justice
Ministère des Affaires étrangères
Ministère des Finances
Ministère de l'Environnement
Ministère du Transport
Ministère des Transports
Ministère des Anciens combattants

Other Government Institutions

Agricultural Products Board
Office des produits agricoles
Agricultural Stabilization Board
Office de stabilisation des prix agricoles
Atlantic Pilots' 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 Elizabeth 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 Life Insurance Corporation
Société canadienne des assurés-vie
Canadian Advisory Council on the Status of Women
Conseil consultatif canadien de la situation de la femme

Annex: 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, L'imposte
Great Lakes Pilotage Authority, Ltd.
Administration de pilotage des Laurentides
Laurentian Pilotage Authority
Administration de pilotage du Pacifique
Pacific Pilotage Authority
Administration du pipeline 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
Accès à l'information

Annexe 1

Canadian Aviation Safety Board
Bureau canadien de la sécurité aérienne
Centre canadien d’hygiène et de sécurité au travail
Canadian Commercial Corporation
Corporation commerciale canadienne
Canadian Cultural Property Export Review Board
Commission canadienne d’examen des exportations de biens culturels

Canadian Dairy Commission
Commission canadienne du lait
Canadian Film Development Corporation
Société de développement de l’industrie cinématographique canadienne

Canadian Forces
Forces canadiennes
Canadian Government Specifications Board
Office des normes du gouvernement canadien

Canadian Grain Commission
Commission canadienne des grains
Canadian Human Rights Commission
Commission canadienne des droits de la personne
Canadian Import Tribunal
Tribunal canadien des importations
Canadian Institute for International Peace and Security
Institut canadien pour la paix et la sécurité mondiale

Canadian International Development Agency
Agence canadienne de développement international
Canadian Livestock Feed Board
Office canadien des engrais
Canadian Penitentiary Service
Service pénitentiaire canadien
Canadian Pension Commission
Commission canadienne des pensions

Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes
Canadian Schiff Corp
Office canadien du poulet salé
Canadian Security Intelligence Service
Service canadien du renseignement de sécurité

Canadian Transport Commission
Commission canadienne des transports

Canadian Unity Information Office
Centre d’information sur l’unité canadienne

Bourse fédérale d’hypothèques
Federal Mortgage Exchange Corporation
Bureau canadien de la sécurité aérienne
Canadian Aviation Safety Board
Bureau de la conduite matrice de la situation de la femme
Office of the Co-ordinator, Status of Women
Bureau de l’enquête correctionnelle
Office of the Correctional Investigator
Bureau de services juridiques des pensions
Bureau de Pensions Advocats
Bureau du Conseil privé
Privy Council Office
Bureau du contrôleur général
Office of the Comptroller General
Bureau du clerc (biens enregistrés)
Office of the Custodian of Enemy Property
Centre canadien d’hygiène et de sécurité au travail
Canadian Centre for Occupational Health and Safety
Centre de recherche pour le développement international
International Development Research Centre
Centre d’information sur l’unité canadienne
Canadian Unity Information Office
Commission canadienne des droits de la personne

Canadian Human Rights Commission
Commission canadienne des grâces

Canadian Grain Commission
Commission canadienne des grains

Canadian Pension Commission
Commission canadienne des pensions

Canadian Pension Commission
Commission canadienne des transports

Canadian Tramway Commission
Commission canadienne d’examen des exportations de biens culturels

Canadian Cultural Property Exports Review Board
Commission canadienne du lait

Canadian Dairy Commission
Commission canadienne des poissons

Commission d’appui à l’immigration
Immigration Appeal Board
Commission d’appel des pensions
Pension Appeals Board
Commission de contrôle de l’énergie atomique
Atomic Energy Control Board
Commission de la trésorerie nationale
National Capital Commission
Commission de la fonction publique
Public Service Commission
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Access to Information

Schedule 1

Commission de l'emploi et de l'immigration du Canada
Commission d'immigration du Nord canadien
Commission de réforme du droit du Canada
Commission de révision des lois
Commission des allocations aux anciens combattants
War Veterans Allowance Board
Commission des champs de bataille nationaux
The National Battlefields Commission
Commission des lieux et monuments historiques du Canada
Historic Sites and Monuments Board of Canada
Commission des relations de travail dans la fonction publique
Public Service Staff Relations Board
Commission d'indemnisation des marins marchands
Merchant Seamen Compensation Board
Commission du système météorologique
Meteor Commission
Commission du trafic
Traffic Board
Commission de l'eau et du vêtement
Water and Clothing Board
Commission de l'eau et de la nature
National Parks Board
Commission syndicale d'initiative du personnel
Public Service Employees Association
Commission canadienne d'admissibilité
Canadian Bar Association
Commission canadienne de l'information
Canadian Information Commission
Commission consultative canadienne de l'information
Canadian Information Commission
Commission consultative d'information canadienne
Canadian Information Commission
Commission consultative de la radiodiffusion et des télécommunications
Canadian Broadcasting and Telecommunications Commission
Commission de recherche en sciences humaines
Social Sciences and Humanities Research Council
Annette 1

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Conseil de recherches en sciences naturelles et en génie
Natural Sciences and Engineering Research Council
Conseil de recherches médicales
Medical Research Council
Conseil de révision des pensions
Pension Review Board
Conseil des Arts du Canada
Canada Council
Conseil des sciences du Canada
Science Council of Canada
Conseil des subventions au développement régional
Regional Development Incentives Board
Conseil économique du Canada
Economic Council of Canada
Conseil national de commercialisation des produits de ferme
National Farm Products Marketing Council
Conseil national de l’esthétique industrielle
National Design Council
Conseil national de recherches du Canada
National Research Council of Canada
Construction de défense (1951) Limitée
Defence Construction (1951) Limited
Corporation commissaire canadienne
Canadian Commercial Corporation
Corporation de disparition des biens de la Couronne
Crown Assets Disposal Corporation
Directeur de l’établissement de soldats
Director of Soldiers’ Settlement
Directeur des terres destinées aux anciens combattants
The Director, The Veterans’ Land Act
Forêts canadiennes
Canadian Forests
Gendarmerie royale du Canada
Royal Canadian Mounted Police
Institut canadien pour la paix et la sécurité mondiales
Canadian Institute for International Peace and Security
La Corporation du Pont international de la voie maritime, Ltd
The Seaway International Bridge Corporation, Ltd.
Les Ponts Jacques-Cartier et Champlain Inc.
The Jacques-Cartier and Champlain Bridges Inc.
Montée royale canadienne
Royal Canadian Mist
Musée canadien du Canada
National Museums of Canada
Office canadien des provenances
Canadian Livestock Feed Board
Petroleum Compensation Board
Office des indemnisations pétrolières

Petroleum Monitoring Agency
Agence de surveillance du secteur pétrolier

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

Prairie Farm Rehabilitation Administration
Administration du rétablissement agricole des Prairies

Privy Council Office
Bureau du Conseil privé

Public Archives
Archives publiques

Public Service Commission
Commission de la fonction publique

Public Service Staff Relations Board
Commission des relations de travail dans la fonction publique

Public Works Lands Company Limited
Société immobilière des travaux publics limitée

Regional Development Incentives Board
Conseil des subventions au développement régional

Restrictive Trade Practices Commission
Commission sur les pratiques restrictives du commerce

Royal Canadian Mint
Monnaie royale canadienne

Royal Canadian Mounted Police
Gendarmerie royale du Canada

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

Science Council of Canada
Conseil des sciences du Canada

The Seaway International Bridge Corporation, Ltd.
La Corporation du Pont international de la voie maritime, Ltée

Social Sciences and Humanities Research Council
Conseil de recherches en sciences humaines

Standards Council of Canada
Conseil canadien des normes

Statistics Canada
Statistique Canada

Statute Revision Commission
Commission de révision des lois

Tariff Board
Commission du tarif

Textile and Clothing Board
Commission du textile et du vêtement

Office canadien du poisson soulé
Canadian SaltFish Corporation

Office de commercialisation du poisson d'eau douce
Freshwater Fish Marketing Corporation

Office de répartition des approvisionnements d'énergie
Energy Supplies Allocation Board

Office des eaux des Territoires du Nord-Ouest
Northwest Territories Water Board

Office des eaux du territoire du Yukon
Yukon Territory Water Board

Office des indemnités pétrolières
Petroleum Compensation Board

Office des normes du gouvernement canadien
Canadian Government Specifications Board

Office des prix des produits de la pêche
Fisheries Prices Support Board

Office des produits agricoles
Agricultural Products Board

Office de stabilisation des prix agricoles
Agricultural Stabilization Board

Office national de l'énergie
National Energy Board

Office national du film
National Film Board

Secrétariat des relations fédérales-provinciales
Federal-Provincial Relations Office

Secrétariat du Conseil du Trésor
Treasury Board Secretariat

Service canadien des pétroliers
Canadian Petroleum Service

Service canadien du renforcement de sécurité
Canadian Security Intelligence Service

Service national des libérations conditionnelles
National Parole Service

Société canadienne des savants
Canada Council for the Arts

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

Société d'assurance-décès du Canada
Canada Life Insurance Corporation

Société de développement de l'industrie cinématographique canadienne
Canadian Film Development Corporation

Société du crédit agricole
Farm Credit Corporation
Annexe I

Trench Board Secretariat
Secrétariat du Conseil du Trésor
Uranium Canada, Ltd.
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. 21; 1984, c. 21, c. 71, c. 25, s. 37, s. 33.

Accès à l'information
Société immobilière des travaux publics limitée
Public Works Lands Company Limited
Statistique Canada
Statistical Canada
Tribunal canadien des importations
Canadian Import Tribunal
Uranium Canada, Ltd.
Uranium Canada, Limited
1980-81-82-83, ch. 111, ann. 1 «ann. 1», ch. 121, art. 17; DORS/83-794; 1980-81-82-83, ch. 165, art. 24, ch. 167, art. 34, ch. 168, art. 71; 1984, ch. 21, art. 73, ch. 25, art. 98, ch. 33, art. 33.
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Criminal Code | articles 187 et 193 |
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Anti-Inflation Act, S.C. 1974-75-76, c. 75 | article 14 |
| Loi canadienne sur les droits de la personne  
Canadian Human Rights Act | paragraphe 47(3) |
| Loi de l'impôt sur le revenu  
Income Tax Act | article 241 |
| Loi stimulant la recherche et le développement scientifiques, S.R.C. 1970, ch. 1-10  
Industrial Research and Development Incentives Act, R.S.C., 1970, c. 1-10 | 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  
Canada–Nova Scotia Oil and Gas Agreement Act, S.C. 1984, c. 29 | article 53 |
| Loi sur la Commission du tarif  
Tariff Board Act | paragraphe 10(4) |
| Loi sur la Commission du textile et du vêtement  
Textile and Clothing Board Act | article 25 |
| Loi sur la détermination de la participation et du contrôle canadiens  
Canadian Ownership and Control Determination Act | article 17 |
| Loi sur l'administration de l'énergie  
Energy Administration Act | article 98 |
| Loi sur la production de défense  
Defence Production Act | article 30 |
| Loi sur la sécurité de la vieillesse  
Old Age Security Act | article 33 |
| Loi sur la statistique  
Statistics Act | article 17 |
| Loi sur la surveillance du secteur énergétique  
Energy Monitoring Act | article 33 |
| Loi sur le Bureau canadien de la sécurité aérienne  
Canadian Aviation Safety Board Act | paragraphes 33(1) et 41(6) |
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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. 27, s. 71, c. 25, s. 99, c. 29, s. 92.
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1980-81-82-83, ch. 111, ann. 1 surn. 1s 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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Amended 1992, c. 1, ss. 1 and 143; in force, except as noted, February 28, 1992
Amended 1992, c. 21, ss. 5 to 9; brought into force October 1, 1992 by SOR/92-126, Can. Gaz., Part II, July 15, 1992
Amended 1992, c. 34, ss. 43 and 44; in force June 23, 1992
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. 39 brought into force March 26, 1993
Amended 1993, c. 5, s. 8; brought into force February 15, 1993
Amended 1993, c. 5, ss. 15 and 16; in force February 25, 1993
Amended 1993, c. 21, s. 211; deemed in force December 17, 1990
Amended 1993, c. 28, Sch. U, ss. 1 and 2; s. 3 brought into force November 27, 1997 by SOR/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 15, 1995 by SOR/95-9, January 25, 1995
Amended 1994, c. 40, s. 32; in force December 15, 1994
Amended 1995, c. 12, s. 8; brought into force July 25, 1997 by SOR/97-80, Can. Gaz., Part II, August 9, 1997
Amended 1995, c. 28, ss. 44 to 46; in force July 13, 1995
Amended 1995, c. 28, 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 SOR/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 SOR/96-23
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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. 13; in force March 25, 1999
Amended 1999, c. 31, ss. 2 and 3; in force June 17, 1999
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. 34, ss. 2 and 16(a); in force December 18, 2001
Amended SOR/2002-37, 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 SOR/2003-174, Can. Gaz., Part II, April 25, 2002; in force April 26, 2002 as provided by s. 2
Amended 2002, c. 10, ss. 176; in force April 30, 2002
Amended SOR/2002-291, Can. Gaz., Part II, August 6, 2002; s. 1; in force August 6, 2002 as provided by s. 2

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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/2006-217, Can. Gaz., Part II, October 4, 2006, s. 1; in force September 21, 2006 as provided by s. 2.
Amended 2006, c. 13, ss. 118 and 119; deemed in force October 25, 2006 as provided by s. 126.1.
Amended 2007, c. 18, ss. 134(1); deemed in force July 1, 2003 as provided by s. 134(2).
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 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 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


(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-emptive over the Privacy Act, R.S.C. 1985, c. P-21, as they are on equal footing.


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.


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


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.


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


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(1b).

Section 2


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.

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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 the Government of Canada, or any body or office, listed in Schedule I, or

(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;


"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.


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.


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

Section 6

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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 relevancy.

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 "until" 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. 2(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. 2(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 (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 paras. (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) Niiga’s Government, as defined in the Niiga’s Final Agreement given effect by the Niiga’s Final Agreement Act;
(d) the council, as defined in the Westbank First Nation Self-Government Agreement given effect by the Westbank First Nation Self-Government Act;

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

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

(g) 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

(h) the Tsawassen Government, as defined in subsection 2(2) of the Tsawassen First Nation Final Agreement Act.

Subsec. (1)(d) Sherman v. M.N.R. (2002), 20 C.P.R. (4th) 508, [2003] 3 C.T.C. 349, 222 F.T.R. 145 (T.D.), revd [2003] 4 F.C. 865, 326 D.L.R. (4th) 46, 25 C.P.R. (4th) 32, (2004) 1 C.T.C. 215, 2004 D.T.C. 5444, 240 F.T.R. 319b, 304 N.R. 227 (P.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.


Section 15


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.


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


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 reviewed 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 restricted information related to the Afghan military, intelligence agency and police forces could be injurious to conduct of international affairs with those agencies. DPAIT 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 1a

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.


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.


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 Sector Integrity Commissioner 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 Sector Integrity Commissioner 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) 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;
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(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


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


The definition of "personal information" must be given a generous interpretation and the enumeration which follows is not limitless but illustrative only. "Personal information" must be understood as equivalent to information 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.


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.


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

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The word "may" in this provision is discretionary.

Section 20
Amended 2007, c. 15, s. 8(1) and (2), as to subsection (1) by adding subsection (1.1)(a.1) and as to subsection (2) by replacing subsection (6).
(a.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 the importance of 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.
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.
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.
Information could not be "confidential" for the purpose of s. 20(1)(d) of the Access to Information Act (Can.), where the requester had the right to it under another legal provision. Because s. 82(6)(a) of the Indian Bands Revenue Money Order, SOR/90-207, 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.


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.


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 its competitive position of a third party. The two limits 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.


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 disadvantage to its contractual or other negotiations with a third party.


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 Seed Act (Can.) constituted "results of product testing".

Section 20.1

New 2006, c. 9, s. 148.

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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)(a):

(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;

(2)(a) 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;


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.


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.

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(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


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

Section 25


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.


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 28(1)(c) or (d)(A) that was supplied by a third party, or information the disclosure of which, the head can reasonably foresee might affect a result described in paragraph 28(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.


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).

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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;


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 (d.1) that was supplied by the third party or information the disclosure of which the Information Commissioner can reasonably foresee might affect 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.


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.

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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:


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.


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


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


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


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

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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.

The court has no power to extend the 20-day time-limit in this provision.

Section 45
Amended 2002, c. R. s. 181(1)(a) by replacing the expression "Federal Court Act" with the expression "Federal Courts Act".

Section 46
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.

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.

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
Section 49 clothes the court with jurisdiction to determine whether the head of the institution is authorized to refuse disclosure.

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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 subsec. (1) and (2) and as to subsec. (2) by replacing subsec. (1):

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.

(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

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 or an application for judicial review as to whether documents sought by a respondent 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(1) 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

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

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(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 (3d 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. 3 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.


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


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 employee of the Information Commissioner for the purposes of subsection 58(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), in 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. (d), 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".

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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. 15(a) by replacing "canada council for the arts" 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 bridges 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".

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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 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 2005, c. 9, s. 147 by adding "First Nations Fiscal Relations 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 60, as to s. 9 by striking out "Departments of the Solicitor General" under the heading "Departments and Ministries of State", and as to s. 60 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 Pension Reduction Incentive Agency" in alphabetical order under the heading "Other Government Institution".

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", and as to s. 60 by striking out "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 "Depaitment of Social Development" in alphabetical order under the heading "Departments and Ministries of State".

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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 (as altered 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/2006-99, 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/2006-257, 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, s. 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. 120 by adding "Office of the Director of Public Prosecutions" in alphabetical order under the heading "Other Government Institutions".


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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/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".


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Amended SOR/2009-248, Cor. Gaz., Part II, September 2, 2009, s. 3 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 as proclamation); R.S.C. 1985, c. 24 (3rd Supp.), s. 52 (to come into force by proclamation); 1992, c. 44, s. 7 (to come into force by order of the Governor in Council); SOR/2008-130, Cor. Gaz., Part II, May 14, 2008 (to come into force June 1, 2010); 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. 5 by adding a reference to "Aquaculture Act" and a corresponding reference to subsections 4.8(1) and 6.5(5).


Amended R.S.C. 1985, c. 19 (2nd Supp.), s. 463 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 subsection (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 subsection (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. 162 by adding "Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 5" 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 Dispute 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 13".

Amended R.S.C. 1985, c. 18 (3rd Supp.), s. 24(4) and (6), as to paragraph (a), by deleting the reference to "Bank Act" and the corresponding reference to "section 253", as to paragraph (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. 27(1) and (2), as to subsection (1) by striking out the reference to "subsections 22(1) and 22(2)" opposite the reference to "Banking Act", as to subsection (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 subsection (1) proclaimed in force October 1, 1989 by striking out the reference to "section 72" opposite the reference to the "Patent Act", as to subsection (2) by adding a reference to "subsection 39.17" opposite the reference to the "Patent Act", as to subsection (3) proclaimed in force June 23, 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 144(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 30(8)".


Amended 1989, c. 3, s. 36(1) and (2), as to sub. (1) by deleting the reference to "Canadian Aviation Safety Board Act" and the corresponding reference to "subsections 3(1) and 4(1)" and to sub. (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 sub. (1) by striking out "Department of Regional Industrial Expansion" and the corresponding reference to "subsection 1(1)" as to sub. (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 Supplesy 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 "Transporation of Dangerous Goods Act" and the corresponding reference to ss. 23(5), as to ss. 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 33".

Amended 1992, c. 37, s. 76 by adding a reference to "Canadian Environmental Development Act" and a corresponding reference in respect of this Act to "subsection 35(4)".

Amended 1993, c. 2, s. 8 by striking out the reference to "section 10, subsection 38(7)" and section 39.17 and subsection 39.25(3) opposite the reference to the "Patent Act" and substituting a reference to "sections 30, subsection 28(7) and sections 87 and 88".

Amended 1993, c. 27, s. 215 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 33(1)".

Amended 1995, c. 1, ss. 29 and 30, as to ss. 29 by striking out the reference to "Department of Industry, Science and Technology Act" and the corresponding reference...
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to "subsection 18(2)", and as to s. 30 by adding "Departments of Industry Act" and a corresponding reference to "subsection 18(2)".

Amended 1995, c. 58, 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 260(1), striking out "Railway Act" and the corresponding references to s. 353 and s. 353(3) and (5) and adding "Canada Transportation Act" and corresponding references to ss. 53(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. 441(3)(b) and 488(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 "Departments of Human Resources Development Act" and a corresponding reference in respect of that Act to "section 35.5".

Amended 1998, c. 25, s. 361 by adding, in alphabetical order, a reference to "DNA Identification Act", and a corresponding reference to "subsection 87(1)".

Amended 1998, c. 37, s. 14 by adding, in alphabetical order, a reference to "DNA Identification Act", and a corresponding reference to "subsection 87(1)".

Amended 1999, c. 9, s. 38 by replacing the reference to "subsection 39(7)" 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 "subsection 29(1) and 29(1.3)".

Amended 2000, c. 17, s. 85 by adding "Proceeds of Crime (Money Laundering) Act", in alphabetical order, and a corresponding reference to "paragraphs 35(1)(a), (b) and (c)".

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. 385 by replacing the reference to "subsections 20(1) and 29(1)" opposite the reference to "Competition Act" with a reference to "subsections 29(1), 29(1.3) 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".

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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 131(1)(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(1)".

Amended 2004, c. 10, s. 22 by adding, in alphabetical order, a reference to "Sex Offender Information Registration Act" and a corresponding reference to "sections 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 "Women's Abortion Act" with a reference to "subsections 4.7(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 in 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 96".

Amended 2005, c. 34, ss. 61 and 83(3); s. 61 (to come into force by order of the Governor in Council), however 2000, 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(3) 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 104.0(17)" 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 33.0(1)".

Amended 2006, c. 9, s. 175 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 580".

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 94".

Amended 2007, c. 18, s. 134 by adding in alphabetical order "Exchequer 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 "sections 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)".