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**Access to  
Information Act**

**Privacy Act**

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# FEDERAL COURT CASES

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## Federal Court Cases

### MINISTER OF FINANCE V. MICHAEL DAGG

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Court Reference:	A-675-93
Date of Decision:	April 21, 1995
Citations:	Unreported decision
Before:	Isaac, J. (Federal Court of Appeal)
Section(s) of ATIA / PA:	Section 6, ss.19(1) ATIA and para. 3(j), para. 8(2)(m) PA

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#### Abstract

Departmental sign-in logs: names of employees signed-in constitutes personal information; rejection of predominant characteristic test.

#### Issues

Was the information on sign-in sheets “personal information” as defined in the Privacy Act?

If so, should the information nonetheless be disclosed pursuant to para. 3(j) or para. 8(2)(m) of the Privacy Act?

#### Facts

Pursuant to s. 6 of the Access to Information Act (ATIA), the applicant, Mr. Dagg, had sought access to copies of departmental sign-in logs. These sign-in logs were completed by the employees of the Department of Finance whenever

they worked after regular business hours. He was provided with copies of the documents in question, but all identifying references were removed. The Minister relied on ss. 19(1) of the ATIA, as he was of the view that the information being sought was personal information as defined in s. 3 of the Privacy Act.

An application for judicial review of the Minister's decision was filed by the applicant pursuant to s. 41 of the ATIA. The Trial Division of the Federal Court granted the applicant's request. The Crown appealed to the Federal Court of Appeal.

### **Decision**

The Federal Court of Appeal reversed the judgement of the Trial Division and granted the Crown's appeal.

Section 41 of the ATIA does not allow the Federal Court to enlarge the scope of the review so as to incorporate a review of the decision of the Information Commissioner.

Neither the ATIA nor the Privacy Act are subordinate to each other; they should be read together.

The Court rejected the “predominant characteristic test” applied at trial to characterize the personal information in question.

The information in question was held to be “personal information” pursuant to para. 3(i) of the Act; it related to identifiable individuals and specified their whereabouts at specific times. The Court rejected the argument that para. 3(j) of the Privacy Act also applied.

The Court ruled that the information was not “publicly available” for the purposes of para. 19(2)(b) of the ATIA. The head of the government institution had properly exercised his discretion regarding whether or not these documents could be disclosed.

The refusal of the Minister to grant a public interest waiver pursuant to para. 8(2)(m) of the Privacy Act was justified. The applicant failed to demonstrate any clear public interest or a clear benefit to the individuals which would result from the disclosure of their names.

### Comments

To note: The fact that the Court rejected the “predominant characteristic test” in categorizing what is, and is not, personal information.

The Court rejected the argument that para. 3(j) applied by reasoning that there was no indication that the public servants who had signed-in were actually working. The purpose of the “sign-in” sheet was to allow security and others to know who was in the building, and where, should an emergency occur.

This case is currently under appeal to the Supreme Court of Canada.

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## Information Law and Privacy Section

### **CANADIAN JEWISH CONGRESS V. MINISTER OF EMPLOYMENT AND IMMIGRATION**

Court Reference:	T-1284-92
Date of Decision:	October 4, 1995
Citations:	Unreported decision
Before:	Heald, J. (F.C.T.D.)
Section(s) of ATIA / PA:	Subsection 19(2); Sections 23, 25, 49 ATIA; also not relevant, “irrelevant records”

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#### **Abstract**

Personal information – discretionary versus mandatory exemption under ss. 19(2) Privacy Act – “may” equals discretion – solicitor-client privilege – substantive rule of law – litigator's brief – test in Descoteaux v. Mierswinski – facts are not privileged in and of themselves – facts contained in documents which are privileged are also privileged – continuum of communications between legal advisor and client – severance – exercise of discretion under s. 23 and severance under s. 25 ATIA – irrelevant documents – no need to disclose not relevant records – court's jurisdiction – process of court's review depends on whether exemption is discretionary or mandatory.

## Issues

Whether ss. 19(2) PA is a discretionary or mandatory exception to the exemption under ss. 19(1) ATIA? Whether the head of the institution or delegate can exercise his/her discretion in releasing material once one of the criteria of ss. 19(2) has been fulfilled? Whether solicitor-client privilege applies to facts stated in a legal opinion and other documents which are protected under solicitor-client privilege? Whether records which are protected under solicitor-client privilege can be severed under s. 25 ATIA? Whether a government institution is obliged to search for irrelevant records? Whether a government institution is obliged to release irrelevant information? Whether the Court should refer a matter back to the Department or make a determination on its own as to whether the requested records should be released, once the Court has determined that the government institution has erred in applying an exemption?

## Facts

The Canadian Jewish Congress (CJC) made an access request to determine the “current immigration status” of a Mr. Vladimir Sokolov. Mr. Sokolov was born in Russia in 1913. He became a U.S. citizen in 1957. He was ordered denaturalized by an American court in 1986 because he had concealed his wartime activities as a Nazi collaborator when he had applied for a U.S. visa and U.S. citizenship. Mr. Sokolov failed to appear at the deportation hearings in U.S. The Canadian press later reported that Mr. Sokolov had entered Canada and had applied for refugee status.

## Decision

The decision in this case concerned four issues. With regard to personal information, the Court held that ss. 19(2) is discretionary. In discussing solicitor-client privilege, the Court held that a government institution may sever a document to which solicitor-client privilege attaches. However, the Court held that such severance should be infrequent. The Court also stated that although facts are in and of themselves not privileged, facts which are contained in a communication between a lawyer and his/her client are privileged. Also, a government institution is not obliged to search for or disclose irrelevant records. The Court also gave detailed instructions as to the steps which should be followed when a Court is reviewing the application of exemptions under the ATIA. The issues are discussed in detail below. (Please note that this case is currently under appeal.)

### Issue 1: Personal information

Is ss. 19(2) ATIA a discretionary or mandatory exception to the exemption under ss. 19(1) (does the word “may” really mean “shall” or does it truly mean “may”)? As stated above, the government institution had exempted much of the requested information, arguing that it constituted personal information. Since the CJC did not rely on any exceptions to the definition of personal information under para. 3(j) to para. 3(m) Privacy Act, the onus remained on the CJC to demonstrate that ss. 19(2) ATIA applied.

The Court held that the word “may” in ss. 19(2) ATIA sets out a discretionary exception to the exemption from disclosure, not a mandatory one.

(This decision should be compared with the case, “Information Commissioner v. Minister of Employment and Immigration, ([1986] 3 F.C. 63 (F.C.T.D.) where the court held that once the “conditions of ss. 19(2) were fulfilled, it became tantamount to an obligation upon the head of the government institution to disclose the information”. The reasoning in this case (Information Commissioner v. Minister of Employment and Immigration) seems to have been followed in the case Bland v. Canada (National Capital Commission [1991] 3 F.C. 323 (F.C.T.D.).)

For support of his view that ss. 19(2) is discretionary, Justice Heald cited the following cases:

Sutherland v. Canada (Minister of Indian and Northern Affairs) [1994] 3 F.C. 327 (T.D.);

Terry v. Canada (Minister of National Defence) (1994) 56 F.T.R. 266 (T.D.);

Information Commissioner of Canada v. Minister of Public Works and Government Services, No. T-426-95 (F.C.T.D.).

## **Issue 2: Solicitor-client privilege**

The Court recognized that there are two types of decisions that are to be made in relation to s. 23 ATIA.

- (a) A factual decision must be taken as to whether or not the requested information is subject to solicitor-client privilege;
- (b) If it is decided that the record is indeed privileged, then a discretionary decision must be made as to whether or not the privileged information ought nevertheless to be disclosed.

**(a) Factual decision: Does solicitor-client privilege apply to the requested information?**

In defining the scope of solicitor-client privilege, one must refer to the common law, since the ATIA does not define this privilege. In reviewing the common law, the Court recognized that solicitor-client privilege extends to the substantive rule of law. The Court also recited the four part test to qualify for solicitor-client privilege as enunciated in the Supreme Court of Canada case, “Descoteaux v. Mierswinski” [1982] 1 S.C.R. 560. (See \*below for this test). The Court also recognized the case, “Susan Hosiery v. Minister of National Revenue” [1969] 2 Ex. C.R. 27 (Ex. Ct.) in deciding whether the facts are privileged. In the “Susan Hosiery” case, the Court stated:

What is important to note about these rules (substantive legal advice and litigator's brief – author's addition) is that they do not afford a privilege against the discovery of facts that are or may be relevant to the determination of the facts in issue. What is privileged is the communications or working papers that came into existence by reason of the desire to obtain a legal opinion or legal assistance in the one case and the material created for the lawyer's brief in the other case. The facts or documents that happen to be reflected in such communications or materials are not privileged from discovery if otherwise, the party would be bound to give discovery of them.

In my view, it follows that, whether we are thinking of a letter to a lawyer for the purpose of obtaining a legal opinion or of a statement of facts in a particular form requested by a lawyer for use in litigation, the letter or statement itself is privileged but not the facts contained therein or the documents from which these facts were drawn are not privileged from discovery.

The Court also recognized that in providing legal advice, there is a “continuum of communications” and emphasized that “all communications between a client and a legal advisor directly related to the seeking, formulating or giving of legal advice or legal assistance falls under the protection of solicitor-client privilege”. The onus is on the government department to establish that the information was communicated to or by a government lawyer to provide senior departmental officials with advice on the legal ramifications of proposed departmental actions.

**(b) Discretionary decision (Severance)**

The Court also analyzed how s. 25 (severance section) may affect solicitor-client privilege. The Court re-iterated the statement by Associate Chief Justice Jerome that information need only be disclosed if it could “reasonably be severed”. (See case, “Information Commissioner of Canada v. Canada (Solicitor General) [1988] 3 C.F. 551 (F.C.T.D.).

Justice Heald continued on by stating:

Applying the common law definition of solicitor-client privilege together with s. 25 to this record, it is my opinion that when the head of the institution has refused to disclose information on the basis of the solicitor-client privilege exemption of s. 23, and where the Court determines that solicitor-client privilege is applicable, it will be infrequent that s. 25 should apply to sever part of the record, making it releasable... although the facts contained within a communication between a solicitor and his/her client may not themselves be privileged, the document within which they are contained is privileged.

...It could be argued, in a case where the facts contained within a solicitor-client privileged document are not privileged in and of themselves, that such would be an appropriate case for the Minister to sever this portion of the document and exercise his/her discretion under s. 23 of the Act to release this portion of information...

In theory, under the Act this would be permissible, as s. 23 is a discretionary exemption rather than a mandatory exemption, so although the factual portion of a communication may be “privileged”..., s. 23 gives the Minister the discretion to release it, and s. 25 gives the Minister the authority to sever and release parts of the record. However, it is my opinion, that if the Minister chooses to exercise his/her discretion to retain solicitor-client privilege and therefore refuse disclosure of the information, that would not constitute an improper exercise of discretion. The concept of solicitor-client privilege is well established in our common-law, and the reasons behind it remain of the utmost importance today.

The Court held that the Minister had properly exercised his discretion in refusing to release the information.

### **Issue 3: Irrelevant documents**

The Court held that a government institution is only obliged to search for records relevant to the request and is likewise only obliged to disclose relevant information. (The Court disagreed with Justice Denault's judgement in “X. v. Canada (Minister of National Defence)” [1992] 1 F.C. 77 (F.C.T.D.).

#### Issue 4: Court's jurisdiction

Since the government conceded that the Minister, acting through an officer, erred on the record in deciding that the whole record was exempt, should the Court:

- (a) refer the request back to the Department to be redetermined; or
- (b) make a determination on its own whether a portion of the requested documents, if any, should be released?

Section 49 ATIA requires that if the Court has determined that the head of the institution was not authorized to refuse to disclose the record, the Court shall make an order to disclose the information, subject to conditions that the Court deems appropriate or shall make such other order as the Court deems appropriate. Before the Court can make any order under this section, it must first determine that the head was not authorized to refuse disclosure. Usually, such a determination entails a document by document review. In this case, the Court did not have to conduct a document by document review to satisfy the first part of the test; i.e. to determine whether or not the Minister was authorized to refuse to disclose the record.

Therefore, the Court could make an order either:

- (a) that the Minister disclose the record or part thereof; or
- (b) that the Minister disclose the record or part thereof with any conditions that the Court orders; or
- (c) any other order that the Court deems appropriate.

If the exemption under the ATIA is mandatory, the Court will review the record to make a factual decision as to whether the material comes within the description of the exemption. If the Court determines that the Minister was not authorized to refuse disclosure, then the Court may make the appropriate order. If the Court determines that the material falls within the description of the exemption, that is the end of the review.

If the exemption is discretionary, then there are two decisions to be reviewed:

(a) First, the Court must make a factual determination as to whether the requested information falls within the description of the exemption. If no, then the Court can make an order in the same manner as for mandatory exemptions. If the Court determines that the requested information does fall within the description of the exemption, then the Court must proceed to step (b).

(b) Once the Court determines that the requested information falls with the exemption, then the Court must also review the discretionary decision of the head of the institution. If the discretion is properly exercised, then the Court should uphold the decision. If the discretion was not properly exercised, then the Court should refer the matter back to the Department.

In the present case, the court ordered the Department to re-review the records.

- \* The four-part test cited in “Descoteaux v. Mierswinski” is as follows:
1. The confidentiality of communications between solicitor and client may be raised in any circumstances where such communications are likely to be disclosed without the client's consent.
  2. Unless the law provides otherwise, when and to the extent that the legitimate exercise of a right would interfere with another person's right to have his communications with his lawyer kept confidential, the resulting conflict should be resolved in favour of protecting the confidentiality.
  3. When the law gives someone the authority to do something which, in the circumstances of the case, might interfere with that confidentiality, the decision to do so and the choice of means of exercising that authority should be determined with a view to not interfering with it except to the extent absolutely necessary in order to achieve the ends sought by the enabling legislation.
  4. Acts providing otherwise in situations under paragraph 2 and enabling legislation referred to in paragraph 3 must be interpreted restrictively.

**PEREZ BRAMALEA LTD. V. NATIONAL CAPITAL COMMISSION**

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Court Reference:	T-2572-91
Date of Decision:	February 2, 1995
Citations:	Decision not reported
Before:	Simpson, J. (F.C.T.D.)
Section(s) of ATIA / PA:	Section 20 ATIA

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**Abstract**

This case is an example of (i) a negotiated term of a contract being considered information “supplied by” a third party for the purposes of para. 20(1)(b); (ii) para. 20(1)(b) being applicable for a specified period of time (i.e. the length of time during which disclosure could cause harm); (iii) para. 20(1)(b) not being available to render government information confidential even where it is integrally linked to para. 20(1)(b) third party information; and (iv) a case where very little evidence was required to justify a finding of reasonable expectation of harm, para. 20(1)(c).

**Issues**

Is a negotiated term in a contract (i.e., a lease rate), confidential information that is 'supplied by' a third party?

Is there a reasonable expectation of harm to a lessor's ability to rent unleased space in a building if a lease rate for part of that space is disclosed?

Can information be exempted only for a limited time, after which it will no longer be considered to be confidential or whose disclosure will no longer be considered to cause harm?

### **Facts**

The National Capital Commission leased space to Chambers Ottawa (1990) Inc. (with Perez Bramalea Limited as Indemnifiers) under a ground lease which required the ground lessee to restore and renovate the heritage Chambers Building and construct a new tower. In addition to the ground lease, the parties entered into a premises lease whereby the NCC leased back space from the ground lessee for its head office accommodations. Access to Information requests were made for copies of the ground lease, amendments to the ground lease, and particulars on the premises lease then being negotiated (what the judge refers to as the “NCC Materials”). The NCC wanted to release the full ground lease and amendments but agreed to exempt portions of the NCC material. Perez Corporation argued that the entire ground lease, some of the amendments, and the NCC materials should be exempt from access for a period of one year, to give them time to lease the balance of the space in the Chambers Project.

### **Decision**

Certain provisions of the lease relating to participation rent were disclosed. “I am satisfied, pursuant to para. 20(1)(b) of the ATIA, that those figures were provided to the NCC in confidence and that the tests regarding confidentiality, which

I described earlier, have been met. The balance of the document as edited will be disclosed following this decision and, one year from now, the entire unedited Ground Lease will become available.”

The Justice noted the requester's argument that the publication of global rental figures for NCC office space in the Public Accounts and the disclosure of the rents for Visitor's Centre showed that confidentiality was not consistently maintained. The Justice disagreed, arguing that the Public Account figures were merely “ballpark estimates” and “the Visitor's Centre, which was to be quasi-retail space, is qualitatively different from the office space.”

The NCC Material was not supplied by Perez Bramalea and cannot be exempted under para. 20(1)(b) for that reason. However, the disclosure of the NCC Material, which reveals the lease rate, would create a reasonable expectation of probable harm to Perez Bramalea in negotiating leases with other tenants for the unleased space in the building. “The balance of the NCC Material will be disclosed following this decision and, one year from now, the unedited NCC Material will become available.”

The Justice noted the lack of expert evidence in this case. The Justice found that “if a reasonable expectation of probable harm is obvious from the Affidavit material filed by the parties, as was the case here, expert evidence is not needed.”

The Justice also noted the delay where access requests made in 1989 and 1991 did not reach the Court until the end of 1994. “This kind of delay frustrates the objectives of the Act and is wholly unacceptable.” However, the Justice did not award costs to the requester in this case.

## Comments

The case does not discuss any case law or identify any statutory interpretation difficulties.

The case would appear to stand for the proposition that rental rates negotiated in a contract is information “supplied to” the government by a third party. Note that *Halifax Developments Ltd. v. PWGSC*, Sept. 7, 1994, rules otherwise.

The case would appear to support the proposition that “confidential” materials may be confidential only for a limited time, and the “confidential” time period may correspond to the potential harm that may result from the disclosure of the information. Thus, the case appears to incorporate both a limited time element and an injury test into para. 20(1)(b). It may be possible for future requesters to argue that even if the requested material is confidential now, at some point it will cease being confidential and the Court can order a mandatory release date sometime in the future. It may also be possible to argue that material is not “confidential” unless its disclosure might cause some kind of harm. Given the findings of reasonable expectations of harm, there was no need for the Court to use para. 20(1)(b) to justify exempting the exempted information.

**THE PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE  
OF CANADA AND THE DIRECTOR OF THE  
CANADIAN MUSEUM OF NATURE**

Court Reference:	T-1284-92
Date of Decision:	October 5, 1995
Citations:	Unreported decision
Before:	Noël, J. (F.C.T.D.)
Section(s) of ATIA / PA:	Sections 2, 4, 23, 41, 48 ATIA

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### **Abstract**

Forensic audit report – solicitor-client privilege – dominant purpose test – waiver of the privilege – release of report to outside auditor (Auditor General) is waiver of the privilege – Auditor General's statutory powers to compel disclosure not exercised – voluntary release.

### **Issues**

There are two questions at issue:

- 1) Was the forensic audit obtained for the dominant purpose of litigation and, therefore, protected by s. 23 ATIA (solicitor-client privilege)?
- 2) Has the privilege on the forensic audit been waived by releasing it to the Auditor General?

## Facts

In 1994, the Canadian Museum of Nature declared surplus seven positions and laid off the incumbent employees filling these positions. The Professional Institute of the Public Service of Canada (PIPSC)'s union committee investigated the circumstances surrounding the lay-offs and subsequently published a report criticizing the Museum's management and handling of funds.

In March 1994, the Museum ordered that a special forensic audit be carried out by the accounting firm of Peat Marwick and Thorne to review the allegations in the PIPSC's report. In a letter to the Chief Operating Officer of the Museum dated February 25, 1994, the Department of Justice, the Museum's solicitor, had recommended that a forensic audit be carried out to determine whether it was prudent to proceed to litigation. A letter from Peat Marwick and Thorne dated February 28, 1994 which confirmed the ordering of the forensic audit indicated that the report would be prepared in order to support a potential action in defamation against the authors.

In the course of his official audit functions, the Auditor General of Canada asked for, and was given access by the Museum to, the forensic report.

The PIPSC sought disclosure of the forensic audit under the Access to Information Act. The Museum refused disclosure on the grounds that the audit was protected under s. 23 of the

Act. The PIPSC complained to the Information Commissioner of Canada over the Museum's refusal. The Information Commissioner dismissed the complaint, finding that the forensic audit was privileged information under s. 23 of the Act.

The PIPSC seeks disclosure of the forensic audit to obtain information concerning the financial operations of the Museum and in order to be able to respond to the Museum's allegations that the PIPSC's report was misleading or inaccurate.

### **Decision**

Judge Noël concluded that there was no ground upon which the Museum can maintain the refusal to disclose the report and an order compelling the release of the report to the PIPSC was issued effective in thirty days from the date of this decision.

### **Issue 1: Solicitor-Client Privilege**

Was the forensic audit obtained for the dominant purpose of litigation and, therefore, protected by s. 23 ATIA (solicitor-client privilege)? The court held that the forensic audit was obtained for the dominant purpose of litigation and therefore the solicitor-client privilege applied to the report.

The privilege applies to protect from disclosure communications between a solicitor and client as well as with third parties, as long as these communications with the third parties are made for the dominant purpose of preparing for any existing or reasonably contemplated litigation.

Judge Noël stated that it is well established that the dominant purpose of a document is to be assessed as of the time at which it is brought into existence as it is the dominant purpose for its creation that is in issue. In this respect, Judge Noël ruled, the record unequivocally showed that the forensic audit was originally ordered to be conducted on the recommendations of legal counsel for the purpose of ultimately allowing the Museum to pursue an action in defamation. The record also showed that that purpose was known and acknowledged by the authors of the report at the time of their engagement, and that they were to act under the direction of the Museum's legal counsel.

## **Issue 2: Waiver of the privilege**

Had the privilege on the forensic audit been waived by releasing it to the Auditor General? The court held that the Museum had waived the privilege by disclosing the report for a detained review by the Auditor General in the course of the preparation of his annual report.

Judge Noël's reasoning was that because of the higher duty which they owe to the shareholders, external auditors are bound to disclose otherwise privileged information which

comes to their attention and which may have a material impact on the financial statements under audit so that the release of such information to the auditors is a de facto abandonment of the privilege by the client.

The Auditor General is by law the auditor of the Museum. As such his responsibilities and functions are essentially the same as those of external auditors. He acts as a “public watchdog” which demands in turn that he maintain total independence at all times. He owes no fidelity to the entities which he is called upon to audit. The judge stated that he believed that the Auditor General must be looked upon as a third party vis-a-vis the government entities that he is called upon to audit. In terms of the privilege, it is also apparent that the disclosure of an otherwise privileged document to the Auditor General in the course of an audit is wholly inconsistent with an intent to maintain the privilege and as such amounts to a waiver. The mere fact that the Auditor General cannot be confined by a privilege belonging to the entity which he is called upon to audit, and that he must indeed make use of relevant and material information that comes to his attention in the fulfilment of his statutory mandate clearly establishes that the voluntary release of information to the Auditor General must be understood as a waiver of privilege.

The Museum argued that the release of the forensic report to the Auditor General was not voluntary as it was disclosed pursuant to statutory provisions requiring such disclosure. The Court held there was no evidence that the Auditor General

invoked any of his statutory powers to compel the Museum to disclose the report. Nor was there any indication that the Auditor General would have resorted to any such powers if the Museum had refused disclosure of the grounds of privilege. Furthermore, even if the Auditor General wanted to use his statutory powers, it is not clear that he possessed the power to actually compel the production of the report. Finally, the judge said that even if he did possess such powers, and if a de facto invocation of these powers could be read from the record, the Museum's privilege could have been validly invoked to resist disclosure.

### Comments

Please note that the fact situation of this case are quite particular. However, there is some concern that the comments made by the judge in this case regarding the waiver of solicitor-client privilege may apply when a legal opinion is given to similar independent authorities such as the Information Commissioner, the Privacy Commissioner, the Commissioner of Official Languages and the Human Rights Commission.

**DON PUCCINI V. DAN FENETY, DIRECTOR GENERAL,  
CORPORATE ADMINISTRATIVE SERVICES,  
AGRICULTURE CANADA**

Court Reference: T-1095-93  
Date of Decision: June 21, 1993  
Citations: (1993) 65 F.T.R. 127 [1993] 3 F.C. 557  
Before: Gibson, J. (F.C.T.D.)  
Section(s) of ATIA / PA: Paragraph 8(2)(a) Privacy Act

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**Abstract**

Consistent use – Harassment – Sexual Harassment – Personal Harassment – Abuse of Authority. Treasury Board Harassment in Workplace Policy – Harassment Investigations Report by Private Consultants – Federal Court Act – Definition of Federal Board – Commission or Other Tribunal – Financial Administration Act – Application for Judicial Review – Section 18 Federal Court Act – Disclosure of an Investigative Report – Consistent Use under para. 8(2)(a) Privacy Act.

**Issues**

Whether the applicant is entitled to specific relief by interim order; namely an order directing that he be returned to his original workplace; an injunction be granted preventing the continuation of the process until judicial review has been granted and the release of certain material. Whether the release of the investigator's report is a consistent use under para. 8(2)(a) Privacy Act.

## Facts

The Applicant (Puccini) was a Director at Agriculture Canada. One of his subordinates wrote to his supervisor, the Respondent. The subordinate's letter constituted a formal complaint of workplace harassment in the nature of abuse of authority allegedly committed against her by the Applicant. The Respondent acted upon the complaint by informing the Applicant of the complaint and that a private consultant experienced in handling harassment investigations would be retained. The Applicant was further notified that he would be given the opportunity to respond but that he was being reassigned to another work area.

The Applicant sought the following relief:

- 1) an Order directing that the Applicant be returned to his original workplace;
- 2) an injunction preventing the continuation of the process until judicial review has taken place;
- 3) the release of certain material (namely the full unsevered consultant's report).

## Decision

Motion for interim order dismissed (the Court refused to grant the relief that the applicant requested)

See case itself for an explanation as to why the order was not granted and an analysis of s. 18 Federal Court Act.

In obiter, the Court recognized that since the proceedings were not stayed (halted) proceedings before the Respondent (acting as a federal board or tribunal under the Federal Court Act) would possibly be resumed. The issue then was which materials would the applicant be entitled to receive if such proceedings continued.

The Court stated:

On the face of it, the materials requested on behalf of the applicant would appear to be materials obtained or compiled specifically for the purpose of this harassment complaint. If I am right in this, they fall squarely within the terms of para. 8(2)(a) of the Privacy Act...and may, and in my opinion should, if they are to be used by the Respondent in further consideration of the harassment complaint, be released to both parties to that complaint.

If the material has been used or will be used, surely it must be shared unless extraordinary circumstances that have not been argued before me exist. If it has not been used and will not be used except to the extent that it has been shared, I foresee no breach of fairness. If it has been used and full sharing is not provided, the Respondent must be prepared to defend the fairness of his process.

### **Comments**

In this case, we see a “marriage” of administrative law, namely the principles of natural justice and fairness, and the consistent use disclosure provision under para. 8(2)(a) Privacy

Act. These principles dictate that when a board or tribunal (which may be an individual) is making a decision which will directly affect an individual, that individual has the right to know the “gist of the information” which the board or tribunal considered or is considering in reaching a decision. Therefore, when dealing with a Privacy Act request from one of the parties involved, one must determine what personal information of other individuals should be released as a consistent use. Other individuals' personal information can be released to the requester if that information was used in the consideration of the harassment complaint. For this reason, departments should ensure that statements of total confidentiality are not given to parties to complaints or to any witnesses of complaints. Also, investigators of harassment complaints should endeavour to gather only the relevant personal information of witnesses and parties.

**WELLS V. CANADA (MINISTER OF TRANSPORT)**

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Court Reference:	T-2021-91
Date of Decision:	October 31, 1995
Citations:	Unreported decision
Before:	Jerome A.C. J. (F.C.T.D.)
Section(s) of ATIA / PA:	Paragraphs 20(1)(b), (c), sections 41, 71 ATIA

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**Abstract**

Exemptions – Third party information – Minimum Equipment List (MEL) of air carrier technical information which Minister of Transport properly considered as confidential pursuant to para. 20(1)(b)

Affidavits – Applicant's affidavit containing hearsay and argumentation – Nevertheless allowed stripped of its offending language.

**Issues**

- (1) Is the Minimum Equipment List (MEL) a technical document?
- (2) Was the Minister of Transport justified in considering the MEL to be confidential under para. 20(1)(b)?
- (3) Should the applicant's affidavit be struck out?

## Facts

The applicant requested from the Minister of Transport the Minimum Equipment List (MEL) of Time Air Inc.'s DeHavilland Dash 7 aircraft. The MEL is used to assess and audit an air carrier's operations. The applicant attacks the confidentiality of the document on the following grounds:

- the document is akin to subordinate legislation as suggested in the Final Report of the Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario wherein Mr. Justice Moshansky described portions of the Flight Operations Manual that detail the mandatory requirements set out in Schedule B of the Air Navigation Order to be akin to subordinate legislation;
- confidential information may not be used against the party which supplies it (*Slavutych. v. Baker*, [1976] 1 S.C.R. 254); here, the Air Navigation Order could not be enforced if the MEL were not used against the air carrier;
- documents similar to the MEL have been released in the past by the Minister of Transport;
- the information was not provided by Time Air Inc. but is contained in the master MEL to which Time Air made only minor changes;
- the MEL is bought and sold between air carriers as part of the aircraft and therefore not treated consistently in a confidential manner.

## Decision

The application for review pursuant to s. 41 is dismissed.

- (1) The MEL is purely and simply a technical document.
- (2) The applicant's submissions attacking the confidentiality of the document are without merit.

The document constitutes a written record of the ability of the aircraft to fly without certain equipment. Before approving such a list, the Minister must be satisfied that operation of the aircraft with any particular defect or combination of defects will not prejudice the safety of the carrier's operations. Carriers are therefore encouraged to develop sophisticated operating and maintenance procedures peculiar to their operations. Therefore, it is information which is developed with a good deal of expertise and expense that could certainly be advantageously pirated if not held in the strictest confidence by the Minister. In addition, there is an obvious financial advantage that would follow from publication which would permit a competitor to gain all of the advantages without any of the effort or expense.

Reliance by the Minister on para. 20(1)(c) was unnecessary given the conclusion based on para. 20(1)(b).

Furthermore, the Information Commissioner was correct in holding that the document should not be classified as a manual pursuant to s. 71. It is not a manual which departmental employees use to interpret legislation which affects the public.

- (3) Although the Court was of the view that the applicant's affidavit should be struck out on the basis that it contains hearsay and argumentation, it decided otherwise on the basis that (1) the applicant is not a lawyer; (2) the document targeted was not the subject of speculation; (3) the application before the Court follows an adjudication by the Information Commissioner.

### Comments

The Court did not deal with the more specific submissions of the applicant such as the submissions based on the subordinate legislation and on the Slavutych decision of the SCC, but rather concentrated its findings on the nature of the document.

# **STATISTICAL TABLES 1994-1995**

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**Access to Information – 1994-1995**

**Disposition of Requests**

Requests received		12,861
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Requests completed	100.0%	12,002
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(Includes requests brought forward from previous year)

**Disposition of requests completed:**

All disclosed	37.8%	4,532
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Some disclosed	32.3%	3,883
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No records disclosed - excluded	0.6%	68
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No records disclosed - exempted	3.0%	362
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Transferred	1.9%	232
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Treated informally	3.5%	418
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Could not be processed	20.9%	2,507
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(Reasons include insufficient information provided by applicant, no records exist and abandonment by applicant)

**Access to Information – 1994-1995**  
Source of Requests

Requests received	100.0%	12,861
Business	43.2%	5,554
Public	35.4%	4,545
Organizations	8.1%	1,047
Media	11.3%	1,455
Academics	2.0%	260

**Access to Information – 1994-1995**  
Ten Institutions Receiving Most Requests

Requests received by all institutions	100.0%	12,861
Public Works and Government Services	11.8%	1,523
Citizenship and Immigration Canada	10.8%	1,384
Revenue	10.5%	1,367
National Archives	9.4%	1,209
Health	6.0%	770
National Defence	5.9%	759
Fisheries and Oceans	3.9%	500
Royal Canadian Mounted Police	3.2%	407
Transport	3.0%	385
Industry	2.9%	361
Total	67.5%	8,665

**Access to Information – 1994-1995**

**Time Required to Complete Requests**

Requests completed	100.0%	12,002
0 – 30 days	53.6%	6,432
31 – 60 days	19.6%	2,355
61 + days	26.8%	3,215

**Access to Information – 1994-1995**

**Exemptions**

Total exemptions	100.0%	9,305
Section 20 – Third party information	30.1%	2,798
Section 19 – Personal information	25.4%	2,364
Section 21 – Operations of government	16.2%	1,509
Section 16 – Law enforcement and investigations	7.3%	678
Section 15 – International affairs and defence	5.4%	507
Section 13 – Information obtained in confidence	4.5%	420
Section 23 – Solicitor-client privilege	4.2%	387
Section 24 – Statutory prohibitions	2.5%	233
Section 18 – Economic interests of Canada	1.7%	155
Section 14 – Federal-provincial affairs	1.3%	123
Section 17 – Safety of individuals	0.6%	53
Section 22 – Testing procedures	0.4%	41
Section 26 – Information to be published	0.4%	37

**Access to Information – 1994-1995**  
Costs and Fees for Operations

Requests completed	12,002
Cost of operations	\$9,864,982
Cost per request completed	\$822
Fees collected	\$237,952
Fees collected per request completed	\$19.83
Fees waived	\$63,110
Fees waived per request completed	\$5.26

**Privacy – 1994-1995**  
**Disposition of Requests**

Requests received		42,147
Requests completed	100.0%	39,138

(Includes requests brought forward from previous year)

**Disposition of requests completed:**

All disclosed	58.5%	22,893
Some disclosed	26.0%	10,179
No records disclosed - excluded	0.0%	6
No records disclosed - exempted	1.1%	419
Could not be processed	14.4%	5,641

(Reasons include insufficient information provided by applicant, no records exist and abandonment by applicant)

**Privacy – 1994-1995**

**Five Institutions Receiving Most Requests**

<b>Requests received by all institutions</b>	<b>100.0%</b>	<b>42,147</b>
National Defence	41.9%	17,675
Correctional Service	14.6%	6,137
National Archives	9.3%	3,909
Human Resources Development	8.2%	3,462
Citizenship and Immigration Canada	5.6%	2,352
<b>Total</b>	<b>79.6%</b>	<b>33,535</b>

**Privacy – 1994-1995**

**Time Required to Complete Requests**

<b>Requests completed</b>	<b>100.0%</b>	<b>39,138</b>
0 – 30 days	65.0%	25,431
31 – 60 days	21.1%	8,257
61 + days	13.9%	5,452

**Privacy – 1994-1995**  
Exemptions

<b>Total exemptions</b>	<b>100.0%</b>	<b>16,277</b>
Section 26 – Information about another individual	57.6%	9,369
Section 22 – Law enforcement and investigation	19.2%	3,132
Section 19 – Personal information obtained in confidence	10.0%	1,621
Section 24 – Individuals sentenced for an offence	5.9%	963
Section 21 – International affairs and defence	3.5%	562
Section 27 – Solicitor-client privilege	1.8%	300
Section 23 – Security clearance	1.1%	171
Section 18 – Exempt bank	0.6%	102
Section 25 – Safety of individuals	0.3%	47
Section 28 – Medical record	0.0%	7
Section 20 – Federal-provincial affairs	0.0%	3

**Privacy – 1994-1995**  
Costs and Fees for Operations

Requests completed	39,138
Cost of operations	\$8,672,525
Cost per request completed	\$222

# **STATISTICAL TABLES 1983-1995**

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**Access to Information – 1983-1995**

**Disposition of Requests**

Requests received		93,668
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Requests completed	100.0%	90,431
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(Includes requests brought forward from previous year)

**Disposition of requests completed:**

All disclosed	33.1%	29,917
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Some disclosed	35.7%	32,239
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No records disclosed – excluded	0.7%	615
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No records disclosed – exempted	3.4%	3,124
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Transferred	2.2%	2,020
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Treated informally	6.7%	6,025
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Could not be processed	18.2%	16,491
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(Reasons include insufficient information provided by applicant, no records exist and abandonment by applicant)

**Access to Information – 1983-1995**  
Time Required to Complete Requests

Requests completed	100.0%	90,431
0 – 30 days	60.2%	54,417
31 – 60 days	18.0%	16,270
61 + days	21.8%	19,744

**Access to Information – 1983-1995**  
Costs and Fees for Operations

Requests completed	90,431
Cost of operations	\$74,902,847
Cost per request completed	\$828
Fees collected	\$1,223,531
Fees collected per request completed	\$13.53
Fees waived	\$379,119
Fees waived per request completed	\$4.19

**Privacy – 1983-1995**  
Disposition of Requests

Requests received		508,349
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Requests completed	100.0%	502,429
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(Includes requests brought forward from previous year)

**Disposition of requests completed:**

All disclosed	61.7%	309,761
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Some disclosed	24.0%	120,762
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No records disclosed - excluded	0.0%	77
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No records disclosed - exempted	0.8%	4,247
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Could not be processed	13.5%	67,582
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(Reasons include insufficient information provided by applicant, no records exist and abandonment by applicant)

**Privacy – 1983-1995**

Time Required to Complete Requests

Requests completed	100.0%	502,429
0 – 30 days	61.6%	309,666
31– 60 days	22.4%	112,767
61 + days	16.0%	79,998

**Privacy – 1983-1995**

Costs and Fees for Operations

Requests completed	502,429
Cost of operations	\$70,861,435
Cost per request completed	\$141

# **ACCESS TO INFORMATION AND PRIVACY COORDINATORS**

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## Access to Information and Privacy Coordinators

**Agricultural Products Board**  
see Agriculture and Agri-Food Canada

**Agricultural Stabilization Board**  
see Agriculture and Agri-Food Canada

**Agriculture and Agri-Food Canada**  
Sir John Carling Bldg.  
Room 8107  
930 Carling Avenue  
Ottawa, Ontario  
K1A 0C5  
(613) 995-5118

**Atlantic Canada Opportunities Agency**  
Blue Cross Centre  
644 Main Street, 3rd Floor  
P.O. Box 6051  
Moncton, New Brunswick  
E1C 9J8  
(506) 851-3845

**Atlantic Pilotage Authority Canada**  
Purdy's Wharf, Tower 1  
Suite 1402,  
1959 Upper Water Street  
Halifax, Nova Scotia  
B3J 3N2  
(902) 426-2550

**Atomic Energy Control Board**  
280 Slater Street  
P.O. Box 1046, Station B  
Ottawa, Ontario  
K1P 5S9  
(613) 995-1221

**Bank of Canada**  
234 Wellington St.  
2nd Floor  
Ottawa, Ontario  
K1A 0G9  
(613) 782-8537

**Bureau of Pension Advocates**  
see Veterans Affairs Canada

**Canada Council**  
350 Albert Street  
9th Floor  
Ottawa, Ontario  
K1P 5V8  
(613) 566-4380

**Canada Deposit Insurance Corporation**  
50 O'Connor Street  
17th Floor  
Ottawa, Ontario  
K1P 5W5  
(613) 996-2082

**Canada Employment and Immigration  
Commission – see Human Resources  
Development or Citizenship and  
Immigration**

**Canada Labour Relations Board**  
C.D. Howe Bldg., West Tower  
240 Sparks Street  
4th floor  
Ottawa, Ontario  
K1A 0X8  
(613) 996-9466

**Canada Lands Company Limited**  
see Public Works and Government  
Services Canada

**Canada Mortgage and Housing  
Corporation**  
700 Montreal Road  
Room C2-204  
Ottawa, Ontario  
K1A 0P7  
(613) 748-2843

**Canada-Newfoundland Offshore  
Petroleum Board**  
TD Place, 140 Water Street  
Suite 500  
St. John's, Newfoundland  
A1C 6H6  
(709) 778-1464

**Canada-Nova Scotia Offshore  
Petroleum Board**  
TD Centre, 6th Floor  
1791 Barrington Street  
Halifax, Nova Scotia  
B3J 3K9  
(902) 422-5588

**Canada Ports Corporation**  
99 Metcalfe Street  
Room 856  
Ottawa, Ontario  
K1A 0N6  
(613) 957-6739

**Canada Post Corporation**  
– Privacy only  
2701 Riverside Drive  
Suite E0270  
Ottawa, Ontario  
K1A 0B1  
(613) 734-6871

**Canadian Advisory Council on the Status of Women**

110 O'Connor St., 9th floor  
Ottawa, Ontario  
K1P 5M9  
(613) 992-4975

**Canadian Centre for Management Development**

De La Salle Campus  
373 Sussex Drive  
P.O. Box 420, Station A  
Ottawa, Ontario  
K1N 8V4  
(613) 992-8171

**Canadian Centre for Occupational Health and Safety**

250 Main Street East  
Hamilton, Ontario  
L8N 1H6  
(905) 572-2981

**Canadian Commercial Corporation**

50 O'Connor Street  
11th Floor  
Ottawa, Ontario  
K1A 0S6  
(613) 996-0262

**Canadian Cultural Property Export Review Board**

Journal Building, North Tower  
300 Slater Street, Room 500  
Ottawa, Ontario  
K1A 0C8  
(613) 990-4161

**Canadian Dairy Commission**

1525 Carling Avenue  
Ottawa, Ontario  
K1A 0Z2  
(613) 998-9490

**Canadian Film Development Corporation**

Tour de la Banque nationale  
14th floor  
600 de la Gauchetiere St. West  
Montreal, Quebec  
H3B 4L2  
(514) 283-6363

**Canadian Forces**

see National Defence

**Canadian Government Standards Board**

– see Public Works and Government Services Canada

**Canadian Grain Commission**  
see Agriculture and Agri-Food Canada

**Canadian Heritage**  
Room 9F23  
Jules Léger Building  
25 Eddy Street  
Hull, Québec  
K1A 0M5  
(819) 997-2894

**Canadian Human Rights Commission**  
Place de Ville, Tower A  
320 Queen Street, 13th Floor  
Ottawa, Ontario  
K1A 1E1  
(613) 943-9505

**Canadian International Development Agency**  
Place du Centre, 12th floor  
200, promenade du Portage  
Hull, Quebec  
K1A 0G4  
(613) 997-0849

**Canadian International Trade Tribunal**  
Journal Bldg., South Tower  
365 Laurier Ave. West  
19th floor  
Ottawa, Ontario  
K1A 0G7  
(613) 990-2452

**Canadian Museum of Civilization**  
100 Laurier Street  
Box 3100, Station B  
Hull, Quebec  
J8X 4H2  
(613) 776-7115

**Canadian Museum of Nature**  
Victoria Memorial Museum Building  
Metcalf and McLeod Streets  
P.O. Box 3443, Station D  
Ottawa, Ontario  
K1P 6P4  
(613) 996-3102

**Canadian Pension Commission**  
see Veterans Affairs Canada

**Canadian Polar Commission**  
Constitution Square, Suite 1710  
360 Albert Street  
Ottawa, Ontario  
K1R 7X7  
(613) 943-8605

**Canadian Radio-television and  
Telecommunications Commission**

Les Terrasses de la Chaudiere  
1 Promenade du Portage  
5th Floor  
Hull, Quebec  
K1A 0N2  
(819) 994-5366

**Canadian Saltfish Corporation**  
see Fisheries and Oceans**Canadian Security Intelligence Service**

284 Wellington Street  
P.O. Box 9732  
Station Terminal T  
Ottawa, Ontario  
K1G 4G4  
(613) 782-0107

**Canadian Space Agency**

6767 Route de l'aéroport  
St. Hubert, Quebec  
J3Y 8Y9  
(514) 926-4866

**Canadian Wheat Board**

– Privacy only  
423 Main Street  
P.O. Box 816  
Winnipeg, Manitoba  
R3C 2P5  
(204) 983-3453

**Citizenship and Immigration Canada**

Journal Tower North  
3rd Floor  
300 Slater Street  
Ottawa, Ontario  
K1A 1L1  
(613) 957-6512

**Communications Canada**

see Canadian Heritage, Industry Canada  
or Public Works and Government Services

**Consumer and Corporate Affairs Canada**

see Industry Canada, Canadian Heritage  
or Agriculture and Agri-Food Canada

**Copyright Board Canada**

56 Sparks Street, Room 800  
Ottawa, Ontario  
K1A 0C9  
(613) 952-8621

**Correctional Investigator Canada**

275 Slater Street  
Room 402  
Ottawa, Ontario  
K1P 5H9  
(613) 990-2692

**Correctional Service Canada**

5th Floor, Section C  
340 Laurier Avenue West  
Ottawa, Ontario  
K1A 0P9  
(613) 992-8248

**Custodian of Enemy Property**

Public Works and Government  
Services Canada

**Defence Construction Canada**

Sir Charles Tupper Bldg,  
A Wing, 3rd Floor  
Confederation Heights  
Ottawa, Ontario  
K1A 0K3  
(613) 998-9539

**Department of Finance Canada**

Esplanade Laurier, East Tower  
140 O'Connor Street  
21st Floor  
Ottawa, Ontario  
K1A 0G5  
(613) 992-6923

**Department of Justice Canada**

Justice Building, Room 34  
239 Wellington Street  
Ottawa, Ontario  
K1A 0H8  
(613) 952-8352

**Department of the Secretary of  
State of Canada**

see Human Resources Development,  
Canadian Heritage or Public Works  
and Government Services

**Director of Soldier Settlement**

see Veterans Affairs Canada

**Director Veterans' Land Act, The**

see Veterans Affairs Canada

**Employment and Immigration Canada**

see Citizenship and Immigration or  
Human Resources Development

**Energy, Mines and Resources Canada**  
see Natural Resources Canada

**Energy Supplies Allocation Board**  
see Natural Resources Canada

**Environment Canada**  
Terrasses de la Chaudiere  
10 Wellington Street, 4th floor  
Hull, Quebec  
K1A 0H3  
(819) 997-2992

**Export Development Corporation**  
– Privacy only  
151 O'Connor Street  
6th Floor  
P.O. Box 655  
Ottawa, Ontario  
K1P 5T9  
(613) 598-2899

**External Affairs and International  
Trade Canada – see Foreign Affairs  
and International Trade Canada**

**Farm Credit Corporation Canada**  
P.O. Box 4320  
Regina, Saskatchewan  
S4P 4L3  
(306) 780-8608

**Federal Business Development Bank**  
800 Victoria Square  
Tour de la Place-Victoria  
P.O. Box 335  
Montreal, Quebec  
H4Z 1L4  
(514) 283-3554

**Federal Mortgage Exchange  
Corporation – see Department  
of Finance Canada**

**Federal Office of Regional  
Development (Quebec)**  
800 Place Victoria, Room 3800  
C.P. 247  
Montreal, Québec  
H4Z 1E8  
(514) 283-8418

**Federal-Provincial Relations Office**  
see Privy Council Office

**Fisheries and Oceans**

Centennial Towers

200 Kent Street, Station 948

Ottawa, Ontario

K1A 0E6

(613) 993-2052

**Great Lakes Pilotage Authority Canada**

202 Pitt Street, 2nd Floor

P.O. Box 95

Cornwall, Ontario

K6J 3P7

(613) 933-2991

**Fisheries and Oceans Research  
Advisory Council**

see Fisheries and Oceans

**Hazardous Materials Information  
Review Commission**

200 Kent Street, Suite 9,000

Ottawa, Ontario

K1A 0M1

(613) 993-4331

**Fisheries Prices Support Board**

see Fisheries and Oceans

**Health and Welfare Canada**

see Health Canada

**Foreign Affairs and International  
Trade Canada**

Lester B. Pearson Building, Main Floor

125 Sussex Drive (JIX)

Ottawa, Ontario

K1A 0G2

(613) 992-1487

**Health Canada**

Jeanne Mance Building

Room 1606

Tunney's Pasture

Ottawa, Ontario

K1A 0K9

(613) 957-3051

**Forestry Canada**

see Natural Resources Canada

**Historic Sites and Monuments Board  
of Canada – see Environment Canada****Freshwater Fish Marketing Corporation**

1199 Plessis Road

Winnipeg, Manitoba

R2C 3L4

(204) 983-6461

**Human Resources Development Canada**

Place du Portage, Phase IV  
140 Promenade du Portage  
4th Floor  
Hull, Québec  
K1A 0J9  
(819) 994-2548

**Immigration and Refugee Board**

222 Nepean Street, 7th Floor  
Ottawa, Ontario  
K1A 0K1  
(613) 995-3514

**Indian and Northern Affairs Canada**

Les Terrasses de la Chaudière  
North Tower  
10 Wellington Street  
Room 1368  
Hull, Québec  
K1A 0H4  
(819) 997-8277

**Industry Canada**

C.D. Howe Building  
235 Queen Street  
1st floor East, Room 182B  
Ottawa, Ontario  
K1A 0H5  
(613) 954-2752

**Industry, Science and Technology  
Canada** – see Industry Canada

**International Centre for Human Rights  
and Democratic Development**

63 De Brèsoles, Suite 100  
Montreal, Québec  
H2Y 1V7  
(514) 283-6073

**International Development  
Research Centre**

250 Albert Street, 13th Floor  
Ottawa, Ontario  
K1G 3H9  
(613) 236-6163, ext. 2123

**Jacques Cartier and Champlain**

**Bridges Inc.** – see The St. Lawrence  
Seaway Authority

**Labour Canada**

see Human Resources Development

**Laurentian Pilotage Authority Canada**

P.O. Box 680  
Tour de la Bourse  
Montreal, Québec  
H4Z 1J9  
(514) 283-6320

**Medical Research Council of Canada**

Holland Cross Building  
Tower B, 5th Floor  
1600 Scott Street  
Ottawa, Ontario  
K1A 0W9  
(613) 954-1812

**Merchant Seamen Compensation Board**

see Human Resources Development  
Canada

**Multiculturalism and Citizenship Canada**

see Canadian Heritage or Citizenship  
and Immigration

**National Archives of Canada**

395 Wellington Street  
Room 118  
Ottawa, Ontario  
K1A 0N3  
(613) 996-7241 – Access to Information  
(613) 954-4141 – Privacy

**National Arts Centre**

– Privacy only  
1 Confederation Square  
P.O. Box 1534, Station B  
Ottawa, Ontario  
K1P 5W1  
(613) 996-5051

**National Battlefields Commission**

see Environment Canada

**National Capital Commission**

161 Laurier Avenue West  
13th Floor  
Ottawa, Ontario  
K1P 6J6  
(613) 239-5198

**National Defence**

Centre Block North  
101 Colonel By Drive  
13th Floor  
Ottawa, Ontario  
K1A 0K2  
(613) 992-8486

**National Energy Board**

311 – 6th Avenue South West  
Calgary, Alberta  
T2P 3H2  
(403) 299-2717

**National Farm Products**

Marketing Council  
Martel Building  
270 Albert Street, 13th Floor  
P.O. Box 3430, Station D  
Ottawa, Ontario  
K1P 6L4  
(613) 995-8840

**National Film Board**

P.O. Box 6100, Station A  
Montreal, Quebec  
H3C 3H5  
(514) 283-9136

**National Gallery of Canada**

380 Sussex Drive  
Room 532  
P.O. Box 427, Station A  
Ottawa, Ontario  
K1N 9N4  
(613) 991-0040

**National Library of Canada**

395 Wellington Street  
Room 215  
Ottawa, Ontario  
K1A 0N4  
(613) 996-2892

**National Museum of Science  
and Technology**

2421 Lancaster Road  
P.O. Box 9724, Station T  
Ottawa, Ontario  
K1G 5A3  
(613) 991-3033

**National Parole Board**

Sir Wilfrid Laurier Building  
340 Laurier Avenue West  
9th Floor  
Ottawa, Ontario  
K1A 0R1  
(613) 954-5946

**National Research Council Canada**

Building M-58, Montreal Road  
Room S-306  
Ottawa, Ontario  
K1A 0R6  
(613) 990-2558

**National Transportation Agency  
of Canada**

Jules Leger Building  
15 Eddy Street, 16th Floor  
Hull, Quebec  
K1A 0N9  
(819) 994-2564

**Natural Resources Canada**

580 Booth Street, 2nd Floor  
Ottawa, Ontario  
K1A 0E4  
(613) 996-8261

**Natural Sciences and Engineering  
Research Council of Canada**

350 Albert Street, 13th Floor  
Ottawa, Ontario  
K1A 1H5  
(613) 995-6214

**Northern Pipeline Agency Canada**

Lester B. Pearson Building  
125 Sussex Drive  
Ottawa, Ontario  
K1A 0G2  
(613) 993-7466

**Northwest Territories Water Board**

Precambrian Building  
9th Floor  
P.O. Box 1500  
Yellowknife, Northwest Territories  
X1A 2R3  
(403) 920-8191

**Office of the Auditor General of Canada**

– Privacy only  
240 Sparks Street  
Room 1167  
Ottawa, Ontario  
K1A 0G6  
(613) 995-3766

**Office of the Chief Electoral Officer**

– Privacy only  
1595 Telesat Court  
Ottawa, Ontario  
K1A 0M6  
(613) 993-1527

**Office of the Commissioner  
of Official Languages**

– Privacy only  
110 O'Connor Street  
13th Floor, Room 1334  
Ottawa, Ontario  
K1A 0T8  
(613) 996-6036

**Office of the Comptroller General**  
see Treasury Board of Canada

**Office of the Grain Transportation  
Agency Administrator**

300 – 200 Graham Avenue  
Winnipeg, Manitoba  
R3B 0T4  
(204) 983-3212

**Office of the Inspector General of the  
Canadian Security Intelligence Service**

Sir Wilfrid Laurier Building  
340 Laurier Avenue West  
3rd Floor  
Ottawa, Ontario  
K1A 0P8  
(613) 990-3270

**Office of the Superintendent of  
Financial Institutions Canada**

255 Albert Street  
15th Floor  
Ottawa, Ontario  
K1A 0H2  
(613) 990-7479

**Pacific Pilotage Authority Canada**

300 – 1199 West Hastings Street  
Vancouver, British Columbia  
V6E 4G9  
(604) 666-6771

**Patented Medicines Prices  
Review Board**

Box L40, Suite 1400  
Standard Life Centre  
333 Laurier Avenue West  
Ottawa, Ontario  
K1A 1C1  
(613) 954-8299

**Pension Appeals Board**

381 Kent Street, Room 327  
C.P. 8567, Postal Terminal  
Ottawa, Ontario  
K1G 3H9  
(613) 995-0612

**Petroleum Monitoring Agency Canada**  
see Natural Resources Canada**Prairie Farm Rehabilitation**

**Administration** – see Agriculture and  
Agri-Food Canada

**Privy Council Office**

Blackburn Building  
85 Sparks Street, Room 312  
Ottawa, Ontario  
K1A 0A3  
(613) 957-5210

**Procurement Review Board of Canada**  
see Canadian International Trade Tribunal

**Public Service Commission of Canada**

Esplanade Laurier, West Tower  
300 Laurier Avenue West  
Room 1954  
Ottawa, Ontario  
L1A 0M7  
(613) 992-2425

**Public Service Staff Relations Board**

C.D. Howe Bldg, West Tower  
240 Sparks Street, 6th Floor  
Ottawa, Ontario  
K1P 5V2  
(613) 990-1757

**Public Works Canada**

see Public Works and Government  
Services Canada

**Public Works and Government  
Services Canada**

Phase III, 17A1  
Place du Portage  
11 Laurier Street  
Hull, Québec  
K1A 0H2  
(819) 956-1816

**RCMP External Review Committee**

60 Queen Street, Room 513  
P.O. Box 1159, Station B  
Ottawa, Ontario  
K1P 5R2  
(613) 990-1860

**RCMP Public Complaints Commission**

P.O. Box 3423  
Station D  
Ottawa, Ontario  
K1P 6L4  
(613) 952-1302

**Regional Development Incentives Board**

see Industry Canada

**Revenue Canada**

88 Metcalfe Street, Room 502  
Ottawa, Ontario  
K1A 0L8  
(613) 957-8819

**Revenue Canada Customs and Excise**

see Revenue Canada

**Revenue Canada Taxation**

see Revenue Canada

**Royal Canadian Mint**

320 Sussex Drive  
Room 230  
Ottawa, Ontario  
K1A 0G8  
(613) 993-2711

**Royal Canadian Mounted Police**

1200 Vanier Parkway  
Ottawa, Ontario  
K1A 0R2  
(613) 993-6978

**Seaway International Bridge**

**Corporation Ltd** – see The St. Lawrence  
Seaway Authority

**Security Intelligence Review Committee**

Jackson Building  
122 Bank Street, 4th Floor  
P.O. Box 2430, Station D  
Ottawa, Ontario  
K1P 5W5  
(613) 990-8052

**Social Sciences and Humanities**

**Research Council of Canada**  
Constitution Square, Tower 2  
350 Albert Street  
P.O. Box 1610  
Ottawa, Ontario  
K1P 6G4  
(613) 992-0562

**Solicitor General Canada – Ministry  
Secretariat**

Sir Wilfrid Laurier Bldg.  
340 Laurier Avenue West  
1st floor  
Ottawa, Ontario  
K1A 0P8  
(613) 991-2930

**St. Lawrence Seaway Authority**

Constitution Square  
360 Albert Street, 14th Floor  
Ottawa, Ontario  
K1R 7X7  
(613) 598-4605

**Standards Council of Canada**

45 O'Connor Street  
Suite 1200  
Ottawa, Ontario  
K1P 6N7  
(613) 238-3222

**Statistics Canada**

R.H. Coats Bldg., 25th floor  
Station B  
Tunney's Pasture  
Ottawa, Ontario  
K1A 0T6  
(613) 951-9349

**Status of Women Canada**

360 Albert Street, Suite 700  
Ottawa, Ontario  
K1A 1C3  
(613) 995-4008

**Statute Revision Commission Canada**

see Department of Justice Canada

**Supply and Services Canada**

see Public Works and Government  
Services Canada

**Transport Canada**

Place de Ville, Tower C  
330 Sparks Street, 26th floor  
Ottawa, Ontario  
K1A 0N5  
(613) 993-6162

**Transportation Safety Board of Canada**

Place du Centre  
200 Promenade du Portage  
4th Floor  
Hull, Québec  
K1A 1K8  
(613) 994-8021

**Treasury Board of Canada Secretariat**

Esplanade Laurier, East Tower  
140 O'Connor Street  
9th Floor  
Ottawa, Ontario  
K1A 0R5  
(613) 993-5215

**Veterans Affairs Canada**

Dominion Building  
97 Queen Street, Room 205  
P.O. Box 7700  
Charlottetown, Prince Edward Island  
C1A 8M9  
(902) 566-8609

**Veterans Appeal Board Canada**

see Veterans Affairs Canada

**Western Economic Diversification****Canada**

200 Kent Street, 8th Floor

P.O. Box 2128, Station D

Ottawa, Ontario

K1P 5W3

(613) 952-9390

**Yukon Territory Water Board**

4114 – 4th Avenue, Suite 200

Whitehorse, Yukon

Y1A 4N7

(403) 667-3980