

CANADA

DOCUMENTO N°6

[Access to Information Act](#) (R.S. 1985, c. A-1)Disclaimer: These documents are not the official versions ([more](#)).Source: <http://laws.justice.gc.ca/en/A-1/text.html>

Updated to December 31, 2003

Access to Information Act

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

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

Purpose

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

Complementary procedures

- (2) This Act is intended to complement and not replace existing procedures for access to government information and is not intended to limit in any way access to the type of government information that is normally available to the general public.

1980-81-82-83, c. 111, Sch. I "2".

INTERPRETATION

Definitions

3. In this Act,

"alternative format" « *support de substitution* »

"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;

"Court" «*Cour*»

"Court" means the Federal Court;

"designated Minister" «*ministre désigné*»

"designated Minister", in relation to any provision of this Act, means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of that provision;

"foreign state" «*État étranger*»

"foreign state" means any state other than Canada;

"government institution" «*institution fédérale*»

"government institution" means any department or ministry of state of the Government of Canada listed in Schedule I or any body or office listed in Schedule I;

"head" «*responsable d'institution fédérale*»

"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 presiding over that institution, or

(b) in any other case, the person designated by order in council pursuant to this paragraph and for the purposes of this Act to be the head of that institution;

"Information Commissioner" «*Commissaire à l'information*»

"Information Commissioner" means the Commissioner appointed under section 54;

"record" «*document*»

"record" includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine readable record, and any other documentary material, regardless of physical form or characteristics, and any copy thereof;

"sensory disability" «*déficience sensorielle* »

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

"third party" «*tiers*»

"third party", in respect of a request for access to a record under this Act, means any person, group of persons or organization other than the person that made the request or a government institution.

R.S., 1985, c. A-1, s. 3; 1992, c. 21, s. 1; 2002, c. 8, s. 183.

ACCESS TO GOVERNMENT RECORDS

Right of Access

Right to access to records

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

(a) a Canadian citizen, or

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

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

Extension of right by order

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

Records produced from machine readable records

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

R.S., 1985, c. A-1, s. 4; 1992, c. 1, s. 144(F); 2001, c. 27, s. 202.

Information about Government Institutions

Publication on government institutions

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

(a) a description of the organization and responsibilities of each government institution, including details on the programs and functions of each division or branch of each government institution;

(b) a description of all classes of records under the control of each government institution in sufficient detail to facilitate the exercise of the right of access under this Act;

(c) a description of all manuals used by employees of each government institution in administering or carrying out any of the programs or activities of the government institution; and

(d) the title and address of the appropriate officer for each government institution to whom requests for access to records under this Act should be sent.

Bulletin

(2) The designated Minister shall cause to be published, at least twice each year, a bulletin to bring the material contained in the publication published

under subsection (1) up to date and to provide to the public other useful information relating to the operation of this Act.

Descriptions in publication and bulletins

(3) Any description that is required to be included in the publication or bulletins published under subsection (1) or (2) may be formulated in such a manner that the description does not itself constitute information on the basis of which the head of a government institution would be authorized to refuse to disclose a part of a record requested under this Act.

Publication and bulletin to be made available

(4) The designated Minister shall cause the publication referred to in subsection (1) and the bulletin referred to in subsection (2) to be made available throughout Canada in conformity with the principle that every person is entitled to reasonable access thereto.

1980-81-82-83, c. 111, Sch. I "5".

Requests for Access

Request for access to record

6. A request for access to a record under this Act shall be made in writing to the government institution that has control of the record and shall provide sufficient detail to enable an experienced employee of the institution with a reasonable effort to identify the record.

1980-81-82-83, c. 111, Sch. I "6".

Notice where access requested

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

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

(b) if access is to be given, give the person who made the request access to the record or part thereof.

1980-81-82-83, c. 111, Sch. I "7".

Transfer of request

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

Deeming provision

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

Meaning of greater interest

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

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

(b) in the case of a record not originally produced in or for a government institution, the institution was the first government institution to receive the record or a copy thereof.

1980-81-82-83, c. 111, Sch. I "8".

Extension of time limits

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

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

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

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

by giving notice of the extension and, in the circumstances set out in paragraph (a) or (b), the length of the extension, to the person who made the request within thirty days after the request is received, which notice shall

contain a statement that the person has a right to make a complaint to the Information Commissioner about the extension.

Notice of extension to Information Commissioner

(2) Where the head of a government institution extends a time limit under subsection (1) for more than thirty days, the head of the institution shall give notice of the extension to the Information Commissioner at the same time as notice is given under subsection (1).

1980-81-82-83, c. 111, Sch. I "9".

Where access is refused

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

(a) that the record does not exist, or

(b) the specific provision of this Act on which the refusal was based or, where the head of the institution does not indicate whether a record exists, the provision on which a refusal could reasonably be expected to be based if the record existed,

and shall state in the notice that the person who made the request has a right to make a complaint to the Information Commissioner about the refusal.

Existence of a record not required to be disclosed

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

Deemed refusal to give access

(3) Where the head of a government institution fails to give access to a record requested under this Act or a part thereof within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.

1980-81-82-83, c. 111, Sch. I "10".

Fees

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

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

(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; and

(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.

Additional payment

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

Where a record is produced from a machine readable record

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

Deposit

(4) Where the head of a government institution requires payment of an amount under subsection (2) or (3) in respect of a request for a record, the head of the institution may require that a reasonable proportion of that amount be paid as a deposit before the search or production of the record is undertaken or the part of the record is prepared 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.

R.S., 1985, c. A-1, s. 11; 1992, c. 21, s. 2.

Access

Access to record

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

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 official language, a copy of the record or part thereof shall be given to the person in that language

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

(b) within a reasonable period of time, if the head of the government institution that has control of the record considers it to be in the public interest to cause a translation to be prepared.

Access to record in alternative format

(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.

R.S., 1985, c. A-1, s. 12; R.S., 1985, c. 31 (4th Supp.), s. 100(E); 1992, c. 21, s. 3.

EXEMPTIONS

Responsibilities of Government

Information obtained in confidence

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

- (a) the government of a foreign state or an institution thereof;
- (b) an international organization of states or an institution thereof;
- (c) the government of a province or an institution thereof;
- (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; or
- (e) an aboriginal government.

Where disclosure authorized

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

- (a) consents to the disclosure; or
- (b) makes the information public.

Definition of "aboriginal government"

(3) The expression "aboriginal government" in paragraph (1)(e) means Nisga'a Government, as defined in the Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*.

R.S., 1985, c. A-1, s. 13; 2000, c. 7, s. 21.

Federal-provincial affairs

14. The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct by the Government of Canada of federal-provincial affairs, including, without restricting the generality of the foregoing, any such information

(a) on federal-provincial consultations or deliberations; or

(b) on strategy or tactics adopted or to be adopted by the Government of Canada relating to the conduct of federal-provincial affairs.

1980-81-82-83, c. 111, Sch. I "14".

International affairs and defence

15. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities, including, without restricting the generality of the foregoing, any such information

(a) relating to military tactics or strategy, or relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection, prevention or suppression of subversive or hostile activities;

(b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or considered for use as weapons or other defence equipment;

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

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

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

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

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

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

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

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

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

(i) for the conduct of international affairs,

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

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

Definitions

(2) In this section,

"defence of Canada or any state allied or associated with Canada" «*défense du Canada ou d'États alliés ou associés avec le Canada*»

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

"subversive or hostile activities" «*activités hostiles ou subversives*»

"subversive or hostile activities" means

(a) espionage against Canada or any state allied or associated with Canada,

(b) sabotage,

(c) activities directed toward the commission of terrorist acts, including hijacking, in or against Canada or foreign states,

(d) activities directed toward accomplishing government change within Canada or foreign states by the use of or the encouragement of the use of force, violence or any criminal means,

(e) activities directed toward gathering information used for intelligence purposes that relates to Canada or any state allied or associated with Canada, and

(f) activities directed toward threatening the safety of Canadians, employees of the Government of Canada or property of the Government of Canada outside Canada.

1980-81-82-83, c. 111, Sch. I "15".

Law enforcement and investigations

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

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

(i) the detection, prevention or suppression of crime,

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

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

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

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

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

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

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

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

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

Security

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

(a) on criminal methods or techniques;

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

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

Policing services for provinces or municipalities

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

(ii) a contemplated change in the rate of bank interest or in government borrowing,

(iii) a contemplated change in tariff rates, taxes, duties or any other revenue source,

(iv) a contemplated change in the conditions of operation of financial institutions,

(v) a contemplated sale or purchase of securities or of foreign or Canadian currency, or

(vi) a contemplated sale or acquisition of land or property.

1980-81-82-83, c. 111, Sch. I "18".

Personal Information

Personal information

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

Where disclosure authorized

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

- (a) the individual to whom it relates consents to the disclosure;
- (b) the information is publicly available; or
- (c) the disclosure is in accordance with section 8 of the *Privacy Act*.

1980-81-82-83, c. 111, Sch. I "19".

Third Party Information

Third party information

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

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

Product or environmental testing

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

Methods used in testing

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

Preliminary testing

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

Disclosure if a supplier consents

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

Disclosure authorized if in public interest

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

1980-81-82-83, c. 111, Sch. I "20".

Operations of Government

Advice, etc.

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 Crown or the staff of a minister of the Crown,

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

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

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

Exercise of a discretionary power or an adjudicative function

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

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

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

1980-81-82-83, c. 111, Sch. I "21".

Testing procedures, tests and audits

22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits.

1980-81-82-83, c. 111, Sch. I "22".

Solicitor-client privilege

23. The head of a government institution may refuse to disclose any record requested under this Act that contains information that is subject to solicitor-client privilege.

1980-81-82-83, c. 111, Sch. I "23".

Statutory Prohibitions

Statutory prohibitions against disclosure

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

Review of statutory prohibitions by Parliamentary committee

(2) Such committee as may be designated or established under section 75 shall review every provision set out in Schedule II and shall, not later than July 1, 1986 or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting, cause a report to be laid before Parliament on whether and to what extent the provisions are necessary.

1980-81-82-83, c. 111, Sch. I "24".

Severability

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

1980-81-82-83, c. 111, Sch. I "25".

Refusal of Access

Refusal of access where information to be published

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

1980-81-82-83, c. 111, Sch. I "26".

THIRD PARTY INTERVENTION

Notice to third parties

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

(a) trade secrets of a third party,

(b) information described in paragraph 20(1)(b) that was supplied by a third party, or

(c) information the disclosure of which the head of the institution could reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party,

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

Waiver of notice

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

Contents of notice

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

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

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

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

Extension of time limit

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

1980-81-82-83, c. 111, Sch. I "28".

Representations of third party and decision

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

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

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

Representations to be made in writing

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

Contents of notice of decision to disclose

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

(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 or to the part thereof unless, within twenty days after the notice is given, a review of the decision is requested under section 44.

Disclosure of record

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

1980-81-82-83, c. 111, Sch. I "28".

Where the Information Commissioner recommends disclosure

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

(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.

Contents of notice

(2) 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 within twenty days after the notice is given; and

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

1980-81-82-83, c. 111, Sch. I "29".

COMPLAINTS

Receipt and investigation of complaints

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

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

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

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

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

(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;

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

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

Complaints submitted on behalf of complainants

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

Information Commissioner may initiate complaint

(3) Where the Information Commissioner is satisfied that there are reasonable grounds to investigate a matter relating to requesting or obtaining access to records under this Act, the Commissioner may initiate a complaint in respect thereof.

R.S., 1985, c. A-1, s. 30; 1992, c. 21, s. 4.

Written complaint

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

1980-81-82-83, c. 111, Sch. I "31".

INVESTIGATIONS

Notice of intention to investigate

32. Before commencing an investigation of a complaint under this Act, the Information Commissioner shall notify the head of the government institution concerned of the intention to carry out the investigation and shall inform the head of the institution of the substance of the complaint.

1980-81-82-83, c. 111, Sch. I "32".

Notice to third parties

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

1980-81-82-83, c. 111, Sch. I "33".

Regulation of procedure

34. Subject to this Act, the Information Commissioner may determine the procedure to be followed in the performance of any duty or function of the Commissioner under this Act.

1980-81-82-83, c. 111, Sch. I "34".

Investigations in private

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

Right to make representations

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

(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 might contain

(i) trade secrets of a third party,

(ii) information described in paragraph 20(1)(b) that was supplied by a third party, or

(iii) information the disclosure of which the Information Commissioner could reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party,

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

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

1980-81-82-83, c. 111, Sch. I "35".

Powers of Information Commissioner in carrying out investigations

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

(a) to summon and enforce the appearance of persons before the Information Commissioner and compel them to give oral or written evidence on oath and to produce such documents and things as the Commissioner deems requisite to the full investigation and consideration of the complaint, in the same manner and to the same extent as a superior court of record;

(b) to administer oaths;

(c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Information Commissioner sees fit, whether or not the evidence or information is or would be admissible in a court of law;

(d) to enter any premises occupied by any government institution on satisfying any security requirements of the institution relating to the premises;

(e) to converse in private with any person in any premises entered pursuant to paragraph (d) and otherwise carry out therein such inquiries within the authority of the Information Commissioner under this Act as the Commissioner sees fit; and

(f) to examine or obtain copies of or extracts from books or other records found in any premises entered pursuant to paragraph (d) containing any matter relevant to the investigation.

Access to records

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

Evidence in other proceedings

(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 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.

Witness fees

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

Return of documents, etc.

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

R.S., 1985, c. A-1, s. 36; R.S., 1985, c. 27 (1st Supp.), s. 187.

Findings and recommendations of Information Commissioner

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

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

Report to complainant and third parties

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

Matter to be included in report to complainant

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

Access to be given

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

(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 requested under section 44.

Right of review

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

1980-81-82-83, c. 111, Sch. I "37".

REPORTS TO PARLIAMENT

Annual report

38. The Information Commissioner shall, within three months after the termination of each financial year, submit an annual report to Parliament on the activities of the office during that financial year.

1980-81-82-83, c. 111, Sch. I "38".

Special reports

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

Where investigation made

(2) Any report made pursuant to subsection (1) that relates to an investigation under this Act shall be made only after the procedures set out in section 37 have been followed in respect of the investigation.

1980-81-82-83, c. 111, Sch. I "39".

Transmission of reports

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

Reference to Parliamentary committee

(2) Every report referred to in subsection (1) shall, after it is transmitted for tabling pursuant to that subsection, be referred to the committee designated or established by Parliament for the purpose of subsection 75(1).

1980-81-82-83, c. 111, Sch. I "40".

REVIEW BY THE FEDERAL COURT

Review by Federal Court

41. Any person who has been refused access to a record requested under this Act or a part thereof may, if a complaint has been made to the Information Commissioner in respect of the refusal, apply to the Court for a review of the matter within forty-five days after the time the results of an investigation of the complaint by the Information Commissioner are reported to the complainant under subsection 37(2) or within such further time as the Court may, either before or after the expiration of those forty-five days, fix or allow.

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

Information Commissioner may apply or appear

42. (1) The Information Commissioner may

(a) apply to the Court, within the time limits prescribed by section 41, for a review of any refusal to disclose a record requested under this Act or a part thereof in respect of which an investigation has been carried out by the Information Commissioner, if the Commissioner has the consent of the person who requested access to the record;

(b) appear before the Court on behalf of any person who has applied for a review under section 41; or

(c) with leave of the Court, appear as a party to any review applied for under section 41 or 44.

Applicant may appear as party

(2) Where the Information Commissioner makes an application under paragraph (1)(a) for a review of a refusal to disclose a record requested under this Act or a part thereof, the person who requested access to the record may appear as a party to the review.

1980-81-82-83, c. 111, Sch. I "42".

Notice to third parties

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

Third party may appear as party

(2) Any third party that has been given notice of an application for a review under subsection (1) may appear as a party to the review.

R.S., 1985, c. A-1, s. 43; 1992, c. 1, s. 144(F).

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.

Notice to person who requested record

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

Person who requested access may appear as party

(3) Any person who has been given notice of an application for a review under subsection (2) may appear as a party to the review.

R.S., 1985, c. A-1, s. 44; R.S., 1985, c. 1 (4th Supp.), s. 45(F).

Hearing in summary way

45. An application made under section 41, 42 or 44 shall be heard and determined in a summary way in accordance with any special rules made in respect of such applications pursuant to section 46 of the *Federal Courts Act*.

R.S., 1985, c. A-1, s. 45; 2002, c. 8, s. 182.

Access to records

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

1980-81-82-83, c. 111, Sch. I "46".

Court to take precautions against disclosing

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

(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.

Disclosure of offence authorized

(2) The Court may disclose to the appropriate authority information relating to the commission of an offence against any law of Canada or a province on the part of any officer or employee of a government institution, if in the opinion of the Court there is evidence thereof.

1980-81-82-83, c. 111, Sch. I "47".

Burden of proof

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

1980-81-82-83, c. 111, Sch. I "48".

Order of Court where no authorization to refuse disclosure found

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

1980-81-82-83, c. 111, Sch. I "49".

Order of Court where reasonable grounds of injury not found

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

1980-81-82-83, c. 111, Sch. I "50".

Order of Court not to disclose record

51. Where the Court determines, after considering an application under section 44, that the head of a government institution is required to refuse to disclose a record or part of a record, the Court shall order the head of the institution not to disclose the record or part thereof or shall make such other order as the Court deems appropriate.

1980-81-82-83, c. 111, Sch. I "51".

Applications relating to international affairs or defence

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.

Special rules for hearings

(2) An application referred to in subsection (1) or an appeal brought in respect of such application shall

(a) be heard *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*.

Ex parte representations

(3) During the hearing of an application referred to in subsection (1) or an appeal brought in respect of such application, the head of the government institution concerned shall, on the request of the head of the institution, be given the opportunity to make representations *ex parte*.

R.S., 1985, c. A-1, s. 52; 2002, c. 8, s. 112.

Costs

53. (1) Subject to subsection (2), the costs of and incidental to all proceedings in the Court under this Act shall be in the discretion of the Court and shall follow the event unless the Court orders otherwise.

Idem

(2) Where the Court is of the opinion that an application for review under section 41 or 42 has raised an important new principle in relation to this Act, the Court shall order that costs be awarded to the applicant even if the applicant has not been successful in the result.

1980-81-82-83, c. 111, Sch. I "53".

OFFICE OF THE INFORMATION COMMISSIONER

Information Commissioner

Information Commissioner

54. (1) The Governor in Council shall, by commission under the Great Seal, appoint an Information Commissioner after approval of the appointment by resolution of the Senate and House of Commons.

Tenure of office and removal

(2) Subject to this section, the Information Commissioner holds office during good behaviour for a term of seven years, but may be removed by the Governor in Council at any time on address of the Senate and House of Commons.

Further terms

(3) The Information Commissioner, on the expiration of a first or any subsequent term of office, is eligible to be re-appointed for a further term not exceeding seven years.

Absence or incapacity

(4) In the event of the absence or incapacity of the Information Commissioner, or if the office of Information Commissioner is vacant, the

Governor in Council may appoint another qualified person to hold office instead of the Commissioner for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Information Commissioner under this or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council.

1980-81-82-83, c. 111, Sch. I "54".

Rank, powers and duties generally

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

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 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.

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.

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*.

R.S., 1985, c. A-1, s. 55; 2002, c. 8, s. 113.

Assistant Information Commissioner

Appointment of Assistant Information Commissioner

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

Tenure of office and removal of Assistant Information Commissioner

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

Further terms

(3) An Assistant Information Commissioner, on the expiration of a first or any subsequent term of office, is eligible to be re-appointed for a further term not exceeding five years.

1980-81-82-83, c. 111, Sch. I "56".

Duties generally

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

Salary and expenses

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

Pension benefits

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

Other benefits

(4) An Assistant Information Commissioner is deemed to be employed in the public service of Canada for the purposes of the *Government Employees*

Compensation Act and any regulations made under section 9 of the *Aeronautics Act*.

1980-81-82-83, c. 111, Sch. I "57".

Staff

Staff of the Information Commissioner

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

Technical assistance

(2) The Information Commissioner may engage on a temporary basis the services of persons having technical or specialized knowledge of any matter relating to the work of the Commissioner to advise and assist the Commissioner in the performance of the duties and functions of the Commissioner under this or any other Act of Parliament and, with the approval of the Treasury Board, may fix and pay the remuneration and expenses of those persons.

1980-81-82-83, c. 111, Sch. I "58".

Delegation

Delegation by Information Commissioner

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

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

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

Delegations of investigations relating to international affairs and defence

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

Delegation by Assistant Information Commissioner

(3) An Assistant Information Commissioner may authorize any person to exercise or perform, subject to such restrictions or limitations as the Assistant Information Commissioner may specify, any of the powers, duties or functions of the Information Commissioner under this or any other Act of Parliament that the Assistant Information Commissioner is authorized by the Information Commissioner to exercise or perform.

1980-81-82-83, c. 111, Sch. I "59".

General

Principal office

60. The principal office of the Information Commissioner shall be in the National Capital Region described in the schedule to the *National Capital Act*.

1980-81-82-83, c. 111, Sch. I "60".

Security requirements

61. The Information Commissioner and every person acting on behalf or under the direction of the Commissioner who receives or obtains information relating to any investigation under this or any other Act of Parliament shall, with respect to access to and the use of that information, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to and use of that information.

1980-81-82-83, c. 111, Sch. I "61".

Confidentiality

62. Subject to this Act, the Information Commissioner and every person acting on behalf or under the direction of the Commissioner shall not disclose any information that comes to their knowledge in the performance of their duties and functions under this Act.

1980-81-82-83, c. 111, Sch. I "62".

Disclosure authorized

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 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.

Disclosure of offence authorized

(2) The Information Commissioner may disclose to the Attorney General of Canada information relating to the commission of an offence against any law of Canada or a province on the part of any officer or employee of a government institution if in the opinion of the Commissioner there is evidence thereof.

R.S., 1985, c. A-1, s. 63; R.S., 1985, c. 27 (1st Supp.), s. 187.

Information not to be disclosed

64. In carrying out an investigation under this Act and in any report made to Parliament under section 38 or 39, the Information Commissioner and any person acting on behalf or under the direction of the Information Commissioner shall take every reasonable precaution to avoid the disclosure of, and shall not disclose,

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

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

1980-81-82-83, c. 111, Sch. I "64".

No summons

65. The Information Commissioner or any person acting on behalf or under the direction of the Commissioner is not a competent or compellable witness, in respect of any matter coming to the knowledge of the Commissioner or that person as a result of performing any duties or functions under this Act during an investigation, in any proceedings other than a prosecution for an offence under this Act, a prosecution for an offence under section 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.

R.S., 1985, c. A-1, s. 65; R.S., 1985, c. 27 (1st Supp.), s. 187.

Protection of Information Commissioner

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

Libel or slander

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

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

(b) any report made in good faith by the Information Commissioner under this Act and any fair and accurate account of the report made in good faith in a newspaper or any other periodical publication or in a broadcast is privileged.

1980-81-82-83, c. 111, Sch. I "66".

OFFENCES

Obstruction

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

Offence and punishment

(2) Every person who contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

1980-81-82-83, c. 111, Sch. I "67".

Obstructing right of access

67.1 (1) No person shall, with intent to deny a right of access under this Act,

(a) destroy, mutilate or alter a record;

(b) falsify a record or make a false record;

(c) conceal a record; or

(d) direct, propose, counsel or cause any person in any manner to do anything mentioned in any of paragraphs (a) to (c).

Offence and punishment

(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.

1999, c. 16, s. 1.

GENERAL

Act does not apply to certain materials

68. This Act does not apply to

(a) published material or material available for purchase by the public;

(b) library or museum material preserved solely for public reference or exhibition purposes; or

(c) material placed in the National Archives of Canada, the National Library, the National Gallery of Canada, the Canadian Museum of Civilization, the

Canadian Museum of Nature or the National Museum of Science and Technology by or on behalf of persons or organizations other than government institutions.

R.S., 1985, c. A-1, s. 68; R.S., 1985, c. 1 (3rd Supp.), s. 12; 1990, c. 3, s. 32; 1992, c. 1, s. 143(E).

Confidences of the Queen's Privy Council for Canada

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

(a) memoranda the purpose of which is to present proposals or recommendations to Council;

(b) discussion papers the purpose of which is to present background explanations, analyses of problems or policy options to Council for consideration by Council in making decisions;

(c) agenda of Council or records recording deliberations or decisions of Council;

(d) records used for or reflecting communications or discussions between ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;

(e) records the purpose of which is to brief ministers of the Crown in relation to matters that are before, or are proposed to be brought before, Council or that are the subject of communications or discussions referred to in paragraph (d);

(f) draft legislation; and

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

Definition of "Council"

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

Exception

(3) Subsection (1) does not apply to

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

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

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

(ii) where the decisions have not been made public, if four years have passed since the decisions were made.

R.S., 1985, c. A-1, s. 69; 1992, c. 1, s. 144(F).

Certificate under *Canada Evidence Act*

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.

Certificate following filing of complaint

(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.

2001, c. 41, s. 87.

Duties and functions of designated Minister

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

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

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

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

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

Exception for Bank of Canada

(2) Anything that is required to be done by the designated Minister under paragraph (1)(a) or (c) shall be done in respect of the Bank of Canada by the Governor of the Bank of Canada.

1980-81-82-83, c. 111, Sch. I "70".

Manuals may be inspected by public

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

Exempt information may be excluded

(2) Any information on the basis of which the head of a government institution would be authorized to refuse to disclose a part of a record requested under this Act may be excluded from any manuals that may be inspected by the public pursuant to subsection (1).

1980-81-82-83, c. 111, Sch. I "71".

Report to Parliament

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

Tabling of report

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

Reference to Parliamentary committee

(3) Every report prepared under subsection (1) shall, after it is laid before the Senate and the House of Commons under subsection (2), be referred to the committee designated or established by Parliament for the purpose of subsection 75(1).

1980-81-82-83, c. 111, Sch. I "72".

Delegation by the head of a government institution

73. The head of a government institution may, by order, designate one or more officers or employees of that institution to exercise or perform any of the powers, duties or functions of the head of the institution under this Act that are specified in the order.

1980-81-82-83, c. 111, Sch. I "73".

Protection from civil proceeding or from prosecution

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

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

Permanent review of Act by Parliamentary committee

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

Review and report to Parliament

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

1980-81-82-83, c. 111, Sch. I "75".

Binding on Crown

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 access to 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)(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);

(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)(a);

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

Additions to Schedule I

(2) The Governor in Council may, by order, amend Schedule I by adding thereto any department, ministry of state, body or office of the Government of Canada.

R.S., 1985, c. A-1, s. 77; 1992, c. 21, s. 5.

SCHEDULE I

(Section 3)

GOVERNMENT INSTITUTIONS

Departments and Ministries of State

Department of Agriculture and Agri-Food

Ministère de l'Agriculture et de l'Agroalimentaire

Department of Canadian Heritage

Ministère du Patrimoine canadien

Department of Citizenship and Immigration

Ministère de la Citoyenneté et de l'Immigration

Department of the Environment

Ministère de l'Environnement

Department of Finance

Ministère des Finances

Department of Fisheries and Oceans

Ministère des Pêches et des Océans

Department of Foreign Affairs and International Trade

Ministère des Affaires étrangères et du Commerce international

Department of Health

Ministère de la Santé

Department of Human Resources Development

Ministère du Développement des ressources humaines

Department of Indian Affairs and Northern Development

Ministère des Affaires indiennes et du Nord canadien

Department of Industry

Ministère de l'Industrie

Department of Justice

Ministère de la Justice

Department of National Defence

Ministère de la Défense nationale

Department of Natural Resources

Ministère des Ressources naturelles

Department of Public Works and Government Services

Ministère des Travaux publics et des Services gouvernementaux

Department of the Solicitor General

Ministère du Solliciteur général

Department of Transport

Ministère des Transports

Department of Veterans Affairs

Ministère des Anciens Combattants

Department of Western Economic Diversification

Ministère de la Diversification de l'économie de l'Ouest canadien

Other Government Institutions

Atlantic Canada Opportunities Agency

Agence de promotion économique du Canada atlantique

Atlantic Pilotage Authority

Administration de pilotage de l'Atlantique

Bank of Canada

Banque du Canada

Belledune Port Authority

Administration portuaire de Belledune

Blue Water Bridge Authority

Administration du pont Blue Water

British Columbia Treaty Commission

Commission des traités de la Colombie-Britannique

Business Development Bank of Canada

Banque de développement du Canada

Canada Border Services Agency

Agence des services frontaliers du Canada

Canada Council for the Arts

Conseil des Arts du Canada

Canada Customs and Revenue Agency

Agence des douanes et du revenu du Canada

Canada Deposit Insurance Corporation

Société d'assurance-dépôts du Canada

Canada Employment Insurance Commission

Commission de l'assurance-emploi du Canada

Canada Industrial Relations Board

Conseil canadien des relations industrielles

Canada Lands Company Limited

Société immobilière du Canada limitée

Canada Mortgage and Housing Corporation

Société canadienne d'hypothèques et de logement

Canada-Newfoundland Offshore Petroleum Board

Office Canada -- Terre-Neuve des hydrocarbures extracôtiers

Canada-Nova Scotia Offshore Petroleum Board

Office Canada -- Nouvelle-Écosse des hydrocarbures extracôtiers

Canadian Advisory Council on the Status of Women

Conseil consultatif canadien de la situation de la femme

Canadian Air Transport Security Authority

Administration canadienne de la sûreté du transport aérien

Canadian Artists and Producers Professional Relations Tribunal

Tribunal canadien des relations professionnelles artistes-producteurs

Canadian Centre for Management Development

Centre canadien de gestion

Canadian Centre for Occupational Health and Safety

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 Environmental Assessment Agency

Agence canadienne d'évaluation environnementale

Canadian Firearms Centre

Centre canadien des armes à feu

Canadian Food Inspection Agency

Agence canadienne d'inspection des aliments

Canadian Forces

Forces canadiennes

Canadian Forces Grievance Board

Comité des griefs des 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 Human Rights Tribunal

Tribunal canadien des droits de la personne

Canadian Institutes of Health Research

Instituts de recherche en santé du Canada

Canadian International Development Agency

Agence canadienne de développement international

Canadian International Trade Tribunal

Tribunal canadien du commerce extérieur

Canadian Museum of Civilization

Musée canadien des civilisations

Canadian Museum of Nature

Musée canadien de la nature

Canadian Nuclear Safety Commission

Commission canadienne de sûreté nucléaire

Canadian Polar Commission

Commission canadienne des affaires polaires

Canadian Radio-television and Telecommunications Commission

Conseil de la radiodiffusion et des télécommunications canadiennes

Canadian Security Intelligence Service

Service canadien du renseignement de sécurité

Canadian Space Agency

Agence spatiale canadienne

Canadian Tourism Commission

Commission canadienne du tourisme

Canadian Transportation Accident Investigation and Safety Board

Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports

Canadian Transportation Agency

Office des transports du Canada

Copyright Board

Commission du droit d'auteur

Communication Canada

Communication Canada

Correctional Service of Canada

Service correctionnel du Canada

Defence Construction (1951) Limited

Construction de défense (1951) Limitée

Department of Human Resources and Skills Development

Ministère des Ressources humaines et du Développement des compétences

Department of International Trade

Ministère du Commerce international

Director of Soldier Settlement

Directeur de l'établissement de soldats

The Director, The Veterans' Land Act

Directeur des terres destinées aux anciens combattants

Economic Development Agency of Canada for the Regions of Quebec

Agence de développement économique du Canada pour les régions du Québec

Energy Supplies Allocation Board

Office de répartition des approvisionnements d'énergie

Ethics Counsellor

Conseiller en éthique

Farm Credit Canada

Financement agricole Canada

The Federal Bridge Corporation Limited

La Société des ponts fédéraux Limitée

Federal-Provincial Relations Office

Secrétariat des relations fédérales-provinciales

Financial Consumer Agency of Canada

Agence de la consommation en matière financière du Canada

Financial Transactions and Reports Analysis Centre of Canada

Centre d'analyse des opérations et déclarations financières du Canada

Fraser River Port Authority

Administration portuaire du fleuve Fraser

Freshwater Fish Marketing Corporation

Office de commercialisation du poisson d'eau douce

Grain Transportation Agency Administrator

Administrateur de l'Office du transport du grain

Great Lakes Pilotage Authority

Administration de pilotage des Grands Lacs

Gwich'in Land and Water Board

Office gwich'in des terres et des eaux

Gwich'in Land Use Planning Board

Office gwich'in d'aménagement territorial

Halifax Port Authority

Administration portuaire de Halifax

Hamilton Port Authority

Administration portuaire de Hamilton

Hazardous Materials Information Review Commission

Conseil de contrôle des renseignements relatifs aux matières dangereuses

Historic Sites and Monuments Board of Canada

Commission des lieux et monuments historiques du Canada

Immigration and Refugee Board

Commission de l'immigration et du statut de réfugié

International Centre for Human Rights and Democratic Development

Centre international des droits de la personne et du développement démocratique

International Development Research Centre

Centre de recherches pour le développement international

The Jacques-Cartier and Champlain Bridges Inc.

Les Ponts Jacques-Cartier et Champlain Inc.

Laurentian Pilotage Authority

Administration de pilotage des Laurentides

Law Commission of Canada

Commission du droit du Canada

Mackenzie Valley Environmental Impact Review Board

Office d'examen des répercussions environnementales de la vallée du Mackenzie

Mackenzie Valley Land and Water Board

Office des terres et des eaux de la vallée du Mackenzie

Merchant Seamen Compensation Board

Commission d'indemnisation des marins marchands

Military Police Complaints Commission

Commission d'examen des plaintes concernant la police militaire

Montreal Port Authority

Administration portuaire de Montréal

Nanaimo Port Authority

Administration portuaire de Nanaimo

National Archives of Canada

Archives nationales du Canada

The National Battlefields Commission

Commission des champs de bataille nationaux

National Capital Commission

Commission de la capitale nationale

National Energy Board

Office national de l'énergie

National Farm Products Council

Conseil national des produits agricoles

National Film Board

Office national du film

National Gallery of Canada

Musée des beaux-arts du Canada

National Library

Bibliothèque nationale

National Museum of Science and Technology

Musée national des sciences et de la technologie

National Parole Board

Commission nationale des libérations conditionnelles

National Research Council of Canada

Conseil national de recherches du Canada

National Round Table on the Environment and the Economy

Table ronde nationale sur l'environnement et l'économie

Natural Sciences and Engineering Research Council

Conseil de recherches en sciences naturelles et en génie

Northern Pipeline Agency

Administration du pipe-line du Nord

North Fraser Port Authority

Administration portuaire du North-Fraser

Northwest Territories Water Board

Office des eaux des Territoires du Nord-Ouest

Nunavut Surface Rights Tribunal

Tribunal des droits de surface du Nunavut

Nunavut Water Board

Office des eaux du Nunavut

Office of Indian Residential Schools Resolution of Canada

Bureau du Canada sur le règlement des questions des pensionnats autochtones

Office of Infrastructure of Canada

Bureau de l'infrastructure du Canada

Office of Privatization and Regulatory Affairs

Bureau de privatisation et des affaires réglementaires

Office of the Comptroller General

Bureau du contrôleur général

Office of the Co-ordinator, Status of Women

Bureau de la coordonnatrice de la situation de la femme

Office of the Correctional Investigator of Canada

Bureau de l'enquêteur correctionnel du Canada

Office of the Inspector General of the Canadian Security Intelligence Service

Bureau de l'Inspecteur général du service canadien du renseignement de sécurité

Office of the Superintendent of Financial Institutions

Bureau du surintendant des institutions financières

Pacific Pilotage Authority

Administration de pilotage du Pacifique

Parks Canada Agency

Agence Parcs Canada

Patented Medicine Prices Review Board

Conseil d'examen du prix des médicaments brevetés

Pension Appeals Board

Commission d'appel des pensions

Petroleum Compensation Board

Office des indemnisations pétrolières

Port Alberni Port Authority

Administration portuaire de Port-Alberni

Prairie Farm Rehabilitation Administration

Administration du rétablissement agricole des Prairies

Prince Rupert Port Authority

Administration portuaire de Prince-Rupert

Privy Council Office

Bureau du Conseil privé

Public Service Commission

Commission de la fonction publique

Public Service Human Resources Management Agency of Canada

Agence de gestion des ressources humaines de la fonction publique du Canada

Public Service Staffing Tribunal

Tribunal de la dotation de la fonction publique

Public Service Staff Relations Board

Commission des relations de travail dans la fonction publique

Quebec Port Authority

Administration portuaire de Québec

Regional Development Incentives Board

Conseil des subventions au développement régional

Royal Canadian Mint

Monnaie royale canadienne

Royal Canadian Mounted Police

Gendarmerie royale du Canada

Royal Canadian Mounted Police External Review Committee

Comité externe d'examen de la Gendarmerie royale du Canada

Royal Canadian Mounted Police Public Complaints Commission

Commission des plaintes du public contre la Gendarmerie royale du Canada

Saguenay Port Authority

Administration portuaire du Saguenay

Sahtu Land and Water Board

Office des terres et des eaux du Sahtu

Sahtu Land Use Planning Board

Office d'aménagement territorial du Sahtu

Saint John Port Authority

Administration portuaire de Saint-Jean

The Seaway International Bridge Corporation, Ltd.

La Corporation du Pont international de la voie maritime, Ltée

Security Intelligence Review Committee

Comité de surveillance des activités de renseignement de sécurité

Sept-Îles Port Authority

Administration portuaire de Sept-Îles

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

St. John's Port Authority

Administration portuaire de St. John's

Telefilm Canada

Téléfilm Canada

Thunder Bay Port Authority

Administration portuaire de Thunder Bay

Toronto Port Authority

Administration portuaire de Toronto

Treasury Board Secretariat

Secrétariat du Conseil du Trésor

Trois-Rivières Port Authority

Administration portuaire de Trois-Rivières

Vancouver Port Authority

Administration portuaire de Vancouver

Veterans Review and Appeal Board

Tribunal des anciens combattants (révision et appel)

Windsor Port Authority

Administration portuaire de Windsor

Yukon Environmental and Socio-economic Assessment Board

Office d'évaluation environnementale et socioéconomique du Yukon

Yukon Surface Rights Board

Office des droits de surface du Yukon

R.S., 1985, c. A-1, Sch. I; R.S., 1985, c. 22 (1st Supp.), s. 11, c. 44 (1st Supp.), s. 1, c. 46 (1st Supp.), s. 6; SOR/85-613; R.S., 1985, c. 8 (2nd Supp.), s. 26, c. 19 (2nd Supp.), s. 46; SOR/86-137; R.S., 1985, c. 1 (3rd Supp.), s. 12, c. 3 (3rd Supp.), s. 1, c. 18 (3rd Supp.), s. 27, c. 20 (3rd Supp.), s. 39, c. 24 (3rd Supp.), s. 52, c. 28 (3rd Supp.), s. 274, c. 1 (4th

Supp.), s. 46, c. 7 (4th Supp.), s. 2, c. 10 (4th Supp.), s. 19, c. 11 (4th Supp.), s. 13, c. 21 (4th Supp.), s. 1, c. 28 (4th Supp.), s. 36, c. 41 (4th Supp.), s. 45, c. 47 (4th Supp.), s. 52; SOR/88-115; 1989, c. 3, s. 37, c. 27, s. 19; 1990, c. 1, s. 24, c. 3, s. 32, c. 13, s. 24; SOR/90-325, 344; 1991, c. 3, s. 10, c. 6, s. 22, c. 16, s. 21, c. 38, s. 25; SOR/91-591; 1992, c. 1, ss. 2, 145(F), 147, c. 33, s. 68, c. 37, s. 75; SOR/92-96, 98; 1993, c. 1, ss. 8, 17, 31, 39, c. 3, ss. 15, 16, c. 28, s. 78, c. 31, s. 24, c. 34, ss. 2, 140; 1994, c. 26, ss. 2, 3, c. 31, s. 9, c. 38, ss. 11, 12, c. 41, ss. 11, 12, c. 43, s. 80; 1995, c. 1, ss. 26 to 28, c. 5, ss. 13, 14, c. 11, ss. 16, 17, c. 12, s. 8, c. 18, ss. 77, 78, c. 28, ss. 44, 45, c. 29, ss. 13, 29, 34, 74, 80, c. 45, s. 23; 1996, c. 8, ss. 16, 17, c. 9, s. 26, c. 10, ss. 202, 203, c. 11, ss. 43 to 46, c. 16, ss. 29 to 31; SOR/96-356, 538; 1997, c. 6, s. 37, c. 9, ss. 83, 84, c. 20, s. 53; 1998, c. 9, ss. 35, 36, c. 10, ss. 159 to 162, c. 25, s. 160, c. 26, ss. 70, 71, c. 31, s. 46, c. 35, s. 106; SOR/98-120, 149; SOR/98-320, s. 1; SOR/98-566; 1999, c. 17, ss. 106, 107, c. 31, ss. 2, 3; 2000, c. 6, ss. 41, 42, c. 17, s. 84, c. 28, s. 47, c. 34, s. 94(F); SOR/2000-175; 2001, c. 9, s. 584, c. 22, ss. 10, 11, c. 34, ss. 2, 16; SOR/2001-143, s. 1; SOR/2001-200, 329; 2002, c. 7, s. 78, c. 10, s. 176, c. 17, ss. 1, 14; SOR/2002-43, 71, 174, 291, 343; 2003, c. 7, s. 127, c. 22, s. 246; SOR/2003-148, 423, 428, 435, 440.

SCHEDULE II

(Section 24)

Act

Provision

Aeronautics Act
Loi sur l'aéronautique

subsections 4.8(1) and 6.5(5)

Anti-Inflation Act, S.C. 1974-75-76, c. 75
Loi anti-inflation, S.C. 1974-75-76, ch. 75

section 14

Business Development Bank of Canada Act
Loi sur la Banque de développement du Canada

section 37

Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3
Loi de mise en oeuvre de l'Accord atlantique Canada -- Terre-Neuve, S.C. 1987, ch. 3

section 119

Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act,
S.C. 1988, c. 28
Loi de mise en oeuvre de l'Accord Canada -- Nouvelle-Écosse sur les hydrocarbures extracôtiers, L.C. 1988, ch. 28

sections 19 and 122

Canada-Nova Scotia Oil and Gas Agreement Act, S.C. 1984, c. 29
Loi sur l'Accord entre le Canada et la Nouvelle-Écosse sur la gestion des ressources pétrolières et gazières, S.C. 1984, ch. 29

section 53

Canada Pension Plan
Régime de pensions du Canada

section 104

Canada Petroleum Resources Act
Loi fédérale sur les hydrocarbures

section 101

Canada Transportation Act
Loi sur les transports au Canada

subsection 51(1) and section 167

Canadian Environmental Assessment Act
Loi canadienne sur l'évaluation environnementale

subsection 35(4)

Canadian International Trade Tribunal Act
Loi sur le Tribunal canadien du commerce extérieur

sections 45 and 49

Canadian Ownership and Control Determination Act
Loi sur la détermination de la participation et du contrôle canadiens

section 17

Canadian Security Intelligence Service Act
Loi sur le Service canadien du renseignement de sécurité

section 18

Canadian Transportation Accident Investigation and Safety Board Act
Loi sur le Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports

subsections 28(2) and 31(4)

Competition Act
Loi sur la concurrence

subsections 29(1), 29.1(5) and 29.2(5)

Corporations and Labour Unions Returns Act
Loi sur les déclarations des personnes morales et des syndicats

section 18

Criminal Code
Code criminel

sections 187, 193 and 487.3

Criminal Records Act
Loi sur le casier judiciaire

subsection 6(2) and section 9

Customs Act
Loi sur les douanes

sections 107 and 107.1

Defence Production Act
Loi sur la production de défense

section 30

Department of Human Resources Development Act
Loi sur le ministère du Développement des ressources humaines

section 33.5

Department of Industry Act
Loi sur le ministère de l'Industrie

subsection 16(2)

DNA Identification Act
Loi sur l'identification par les empreintes génétiques

subsection 6(7)

Energy Administration Act
Loi sur l'administration de l'énergie

section 98

Energy Efficiency Act
Loi sur l'efficacité énergétique

section 23

Energy Monitoring Act
Loi sur la surveillance du secteur énergétique

section 33

Energy Supplies Emergency Act
Loi d'urgence sur les approvisionnements d'énergie

section 40.1

Excise Tax Act
Loi sur la taxe d'accise

section 295

Family Allowances Act
Loi sur les allocations familiales

section 18

Hazardous Products Act
Loi sur les produits dangereux

section 12

Canadian Human Rights Act
Loi canadienne sur les droits de la personne

subsection 47(3)

Income Tax Act
Loi de l'impôt sur le revenu

section 241

Industrial Research and Development Incentives Act, R.S.C. 1970, c. I-10
Loi stimulant la recherche et le développement scientifiques, S.R.C. 1970, ch. I-10

section 13

Investment Canada Act
Loi sur Investissement Canada

section 36

Canada Labour Code
Code canadien du travail

subsection 144(3)

Mackenzie Valley Resource Management Act
Loi sur la gestion des ressources de la vallée du Mackenzie

paragraph 30(1)(b)

Marine Transportation Security Act
Loi sur la sûreté du transport maritime

subsection 13(1)

Motor Vehicle Fuel Consumption Standards Act
Loi sur les normes de consommation de carburant des véhicules automobiles

subsection 27(1)

Nuclear Safety and Control Act
Loi sur la sûreté et la réglementation nucléaires

paragraphs 44(1)(d) and 48(b)

Old Age Security Act
Loi sur la sécurité de la vieillesse

section 33

Patent Act
Loi sur les brevets

section 10, subsection 20(7), and sections 87 and 88

Petroleum Incentives Program Act
Loi sur le programme d'encouragement du secteur pétrolier

section 17

Proceeds of Crime (Money Laundering) and Terrorist Financing Act
Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes

paragraphs 55(1)(a), (d) and (e)

Railway Safety Act
Loi sur la sécurité ferroviaire

subsection 39.2(1)

Shipping Conferences Exemption Act, 1987
Loi dérogatoire de 1987 sur les conférences maritimes

section 11

Softwood Lumber Products Export Charge Act
Loi sur le droit à l'exportation de produits de bois d'oeuvre

section 20

Special Import Measures Act
Loi sur les mesures spéciales d'importation

section 84

Statistics Act
Loi sur la statistique

section 17

Telecommunications Act
Loi sur les télécommunications

subsections 39(2) and 70(4)

Trade-marks Act
Loi sur les marques de commerce

subsection 50(6)

Transportation of Dangerous Goods Act, 1992
Loi de 1992 sur le transport des marchandises dangereuses

subsection 24(4)

Yukon Environmental and Socio-economic Assessment Act

paragraph 121(a)

Loi sur l'évaluation environnementale et socioéconomique au Yukon

Yukon Quartz Mining Act
Loi sur l'extraction du quartz dans le Yukon

subsection 100(16)

R.S., 1985, c. A-1, Sch. II; R.S., 1985, c. 28 (1st Supp.), s. 46, c. 33 (1st Supp.), s. 6, c. 1 (2nd Supp.), s. 213, c. 19 (2nd Supp.), s. 46, c. 36 (2nd Supp.), s. 129, c. 3 (3rd Supp.), s. 1, c. 12 (3rd Supp.), s. 25, c. 17 (3rd Supp.), s. 26, c. 18 (3rd Supp.), s. 28, c. 28 (3rd Supp.), s. 275, c. 33 (3rd Supp.), s. 27, c. 1 (4th Supp.), s. 2, c. 16 (4th Supp.), s. 140, c. 21 (4th Supp.), s. 2, c. 32 (4th Supp.), s. 52, c. 47 (4th Supp.), s. 52; 1989, c. 3, s. 38; 1990, c. 1, s. 25, c. 2, s. 9; 1992, c. 34, ss. 43, 44, c. 36, s. 37, c. 37, s. 76; 1993, c. 2, s. 8, c. 27, s. 211, c. 38, s. 77; 1994, c. 10, ss. 27, 28, c. 40, s. 32; 1995, c. 1, ss. 29, 30, c. 28, s. 46, c. 41, ss. 107, 108; 1996, c. 10, ss. 203.1 to 203.3; 1997, c. 9, ss. 85, 86, c. 23, s. 21; 1998, c. 21, s. 73, c. 25, s. 161, c. 37, s. 14; 1999, c. 9, s. 38, c. 33, s. 344; 2000, c. 15, s. 20, c. 17, s. 85, c. 20, s. 25; 2001, c. 9, s. 585, c. 25, s. 86, c. 41, s. 76; 2003, c. 7, s. 128.

AMENDMENTS NOT IN FORCE

-- 2002, c. 7, s. 77:

1994, c. 43, s. 80

77. Schedule I to the *Access to Information Act* is amended by striking out the following under the heading "*Other Government Institutions*":

Yukon Surface Rights Board

Office des droits de surface du Yukon

-- 2003, c. 22, s. 88:

88. The reference to "Public Service Staff Relations Board" under the heading "*Other Government Institutions*" in Schedule I to the *Access to Information Act* is replaced by a reference to "Public Service Labour Relations Board".

-- 2003, c. 22, para. 224(a):

Replacement of "public service of Canada"

224. The expression "public service of Canada" is replaced by the expression "federal public administration" wherever it occurs in the English version of the following provisions:

(a) subsections 55(4) and 57(4) of the *Access to Information Act*;

...

-- 2003, c. 22, para. 225(a):

Replacement of "Public Service"

225. The expression "Public Service" is replaced by the expression "public service" wherever it occurs in the English version of the following provisions, other than in the expressions "Public Service corporation", "*Public Service Employment Act*", "Public Service Pension Fund" and "*Public Service Superannuation Act*":

(a) subsection 55(3) of the *Access to Information Act*;

...

-- 2003, c. 22, ss. 251, 252:

1991, c. 16, s. 21

251. Schedule I to the *Access to Information Act* is amended by striking out the following under the heading "*Other Government Institutions*":

Canadian Centre for Management Development

Centre canadien de gestion

252. Schedule I to the Act is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Canada School of Public Service

École de la fonction publique du Canada

-- **2003, c. 23, ss. 78, 79:**

78. Schedule I to the *Access to Information Act* is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Canadian Centre for the Independent Resolution of First Nations Specific Claims

Centre canadien du règlement indépendant des revendications particulières des premières nations

79. Schedule II to the Act is amended by adding, in alphabetical order, a reference to

Specific Claims Resolution Act

Loi sur le règlement des revendications particulières

and a corresponding reference to "section 38 and subsections 62(2) and 75(2)".