

# Access to Information Act

R.S.C., 1985, c. 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

Marginal note: 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

Marginal note: 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.



Marginal note: 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";



1984, c. 40, s. 79(F).

## INTERPRETATION

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

"foreign state"  
« *État étranger* »

"foreign state" means any state other than Canada;

"government institution"  
« *institution fédérale* »

"government institution" means

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

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

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

"Information Commissioner"

« Commissaire à l'information »

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

"record"

« document »

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

"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;

■ 2006, c. 9, s. 141.

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Marginal note: For greater certainty

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

■ Marginal note: For greater certainty

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

■ 2006, c. 9, s. 142.

Marginal note: For greater certainty

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

■ 2006, c. 9, s. 142.

## DESIGNATION

Marginal note: Power to designate Minister

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

■ Marginal note: Power to designate head

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

■ 2006, c. 9, s. 142.

## ACCESS TO GOVERNMENT RECORDS

### RIGHT OF ACCESS

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: Responsibility of government institutions

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

■ Marginal note: 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;

■ 2006, c. 9, s. 143.

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## INFORMATION ABOUT GOVERNMENT INSTITUTIONS

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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

Marginal note: 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".

Marginal note: 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".

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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".

Marginal note: 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.

■ Marginal note: 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".

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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".

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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

Marginal note: 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.

■ Marginal note: 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

(a) Nisga’a Government, as defined in the Nisga’a Final Agreement given effect by the [Nisga’a Final Agreement Act](#);

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

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

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

(e) the council of a participating First Nation as defined in subsection 2(1) of the [First Nations Jurisdiction over Education in British Columbia Act](#);

(f) the Tsawwassen Government, as defined in subsection 2(2) of the [Tsawwassen First Nation Final Agreement Act](#); or

(g) a Maanulth Government, within the meaning of subsection 2(2) of the [Maanulth First Nations Final Agreement Act](#).

■ R.S., 1985, c. A-1, s. 13;

■ 2000, c. 7, s. 21;

■ 2004, c. 17, s. 16;

■ 2005, c. 1, ss. 97, 107, c. 27, ss. 16, 22;

■ 2006, c. 10, s. 32;

■ 2008, c. 32, s. 26;

■ 2009, c. 18, s. 20.

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Marginal note: 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".

Marginal note: 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

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

(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

(j) 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.



Marginal note: 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".

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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.

Marginal note: Records relating to investigations, examinations and audits

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

(a) the Auditor General of Canada;

(b) the Commissioner of Official Languages for Canada;

(c) the Information Commissioner; and

(d) the Privacy Commissioner.

■ Marginal note: Exception

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

■ 2006, c. 9, s. 144.

Marginal note: Records relating to investigations

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

■ Marginal note: Exception

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

■ 2006, c. 9, s. 89.

Marginal note: Investigations, examinations and reviews under the [Canada Elections Act](#)

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

■ 2006, c. 9, s. 145.

Marginal note: Public Sector Integrity Commissioner

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

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

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

■ Marginal note: Exception

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

2005, c. 46, s. 55;

2006, c. 9, s. 221.

Marginal note: [Public Servants Disclosure Protection Act](#)

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

2005, c. 46, s. 55;

2006, c. 9, s. 221.

Marginal note: 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".

Marginal note: 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 or to interfere with contractual or other negotiations 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 a government institution or to 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 such information that relates 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.

R.S., 1985, c. A-1, s. 18;

2006, c. 9, s. 146.

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Marginal note: Economic interests of certain government institutions

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

(a) the Canada Post Corporation;

(b) Export Development Canada;

(c) the Public Sector Pension Investment Board; or

(d) VIA Rail Canada Inc.

Marginal note: Exceptions

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

(a) the general administration of an institution referred to in any of paragraphs (1)(a) to (d); or

(b) any activity of the Canada Post Corporation that is fully funded out of moneys appropriated by Parliament.

2006, c. 9, s. 147.

## PERSONAL INFORMATION

Marginal note: 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](#).

Marginal note: 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

Marginal note: 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;

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

(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.

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: Disclosure authorized if in public interest

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

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

(b) the public interest in disclosure clearly outweighs in importance any financial loss or gain to a third party, any prejudice to the security of its structures,

networks or systems, any prejudice to its competitive position or any interference with its contractual or other negotiations.

R.S., 1985, c. A-1, s. 20;

2007, c. 15, s. 8.

[Previous Version](#)

Marginal note: Public Sector Pension Investment Board

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

2006, c. 9, s. 148.

Marginal note: Canada Pension Plan Investment Board

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

2006, c. 9, s. 148.

Marginal note: National Arts Centre Corporation

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

2006, c. 9, s. 148.

## OPERATIONS OF GOVERNMENT

Marginal note: 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 in which directors, officers or employees of a government institution, a minister of the Crown or the staff of a minister participate,

(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.

Marginal note: 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 a director, an officer or an employee of a government institution or a member of the staff of a minister of the Crown at the time the report was prepared.

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

2006, c. 9, s. 149.

[Previous Version](#)

Marginal note: 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".

Marginal note: Internal audits

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

Marginal note: Exception

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

2006, c. 9, s. 150.

Marginal note: 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

Marginal note: 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.

Marginal note: 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".

Marginal note: 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

Marginal note: 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

Marginal note: Notice to third parties

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

Marginal note: 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.

Marginal note: 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.

Marginal note: 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.

R.S., 1985, c. A-1, s. 27;

2007, c. 15, s. 9.

[Previous Version](#)

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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".

Marginal note: 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.

■ Marginal note: 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

Marginal note: 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.

Marginal note: 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.

Marginal note: 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.

Marginal note: Written complaint

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

R.S., 1985, c. A-1, s. 31;

2006, c. 9, s. 151.

## INVESTIGATIONS

Marginal note: 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".

Marginal note: 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".

Marginal note: 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".

Marginal note: Investigations in private

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

Marginal note: 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) a third party if

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

(ii) the third party can reasonably be located.

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

R.S., 1985, c. A-1, s. 35;

2006, c. 9, s. 152(F);

2007, c. 15, ss. 10, 12(F).

Marginal note: 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.

Marginal note: 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.

Marginal note: 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 section 67, in a review before the Court under this Act or in an appeal from such proceedings, evidence given by a person in proceedings under this Act and evidence of the existence of the proceedings is inadmissible against that person in a court or in any other proceedings.

Marginal note: 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.

Marginal note: 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;

2006, c. 9, s. 153.

[Previous Version](#)

Marginal note: 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.

Marginal note: 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.

Marginal note: 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.

Marginal note: 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.

Marginal note: 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

Marginal note: 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".

Marginal note: 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.

Marginal note: 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".

Marginal note: 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.

Marginal note: 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

Marginal note: 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".

Marginal note: 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.

Marginal note: 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".



Marginal note: 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.

■ Marginal note: 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).

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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).

Marginal note: 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.

[Previous Version](#)

Marginal note: 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".

Marginal note: 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.

■ Marginal note: Disclosure of offence authorized

(2) The Court may disclose to the appropriate authority information relating to the commission of an offence against a law of Canada or a province by a director, an officer or an employee of a government institution if, in the Court's opinion, there is evidence of such an offence.

■ R.S., 1985, c. A-1, s. 47;

■ 2006, c. 9, s. 154.

[Previous Version](#)

Marginal note: 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".

Marginal note: 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".

Marginal note: 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".

Marginal note: 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".

Marginal note: 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.

■ Marginal note: 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](#).

■ Marginal note: *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.

[Previous Version](#)

Marginal note: 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.

■ Marginal note: *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

Marginal note: Appointment

■ **54.** (1) The Governor in Council shall, by commission under the Great Seal, appoint an Information Commissioner after consultation with the leader of every recognized party in the Senate and House of Commons and approval of the appointment by resolution of the Senate and House of Commons.

■ Marginal note: Tenure

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

■ Marginal note: 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.

■ Marginal note: Interim appointment

(4) In the event of the absence or incapacity of the Information Commissioner, or if that office is vacant, the Governor in Council may appoint any qualified person to hold that office in the interim for a term not exceeding six months, and that person shall, while holding office,

be paid the salary or other remuneration and expenses that may be fixed by the Governor in Council.

■ R.S., 1985, c. A-1, s. 54;

■ 2006, c. 9, s. 109.

[Previous Version](#)

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: Other benefits

(4) The Information Commissioner is deemed to be employed in the federal public administration 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;

■ 2003, c. 22, ss. 224(E), 225(E).

[Previous Version](#)

## ASSISTANT INFORMATION COMMISSIONER

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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".

Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: Other benefits

(4) An Assistant Information Commissioner is deemed to be employed in the federal public administration 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. 57;

■ 2003, c. 22, s. 224(E).

[Previous Version](#)

## STAFF

Marginal note: 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*.

■ Marginal note: 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.

■ R.S., 1985, c. A-1, s. 58;

■ 2006, c. 9, s. 155(F).

[Previous Version](#)

## DELEGATION

Marginal note: 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.

■ Marginal note: Investigations relating to international affairs and defence

(2) The Information Commissioner or an Assistant Information Commissioner may not delegate the investigation of a complaint resulting from a refusal by the head of a government institution to disclose all or part of a record under paragraph 13(1)(a) or (b) or section 15 except to one of eight officers or employees — or one of any greater number of officers or employees fixed by the designated Minister — specifically designated by the Commissioner for the purpose of conducting those investigations.

■ Marginal note: 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.

■ R.S., 1985, c. A-1, s. 59;

■ 2006, c. 9, s. 156.

[Previous Version](#)

## GENERAL

■ Marginal note: 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".

■ Marginal note: 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".

■ Marginal note: 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".

■ Marginal note: 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.

■ Marginal note: 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 a law of Canada or a province by a director, an officer or an employee of a government institution if, in the Commissioner's opinion, there is evidence of such an offence.

■ R.S., 1985, c. A-1, s. 63;

■ R.S., 1985, c. 27 (1st Supp.), s. 187;

■ 2006, c. 9, s. 157.

[Previous Version](#)

■ Marginal note: 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".

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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

Marginal note: 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.

Marginal note: 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".

Marginal note: 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).

Marginal note: 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.

## EXCLUSIONS

Marginal note: 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 Library and Archives of Canada, the National Gallery of Canada, the Canadian Museum of Civilization, the Canadian Museum of Nature, the National Museum of Science and Technology, the Canadian Museum for Human Rights or the Canadian Museum of Immigration at Pier 21 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);



2004, c. 11, s. 22;

2008, c. 9, s. 5;

2010, c. 7, s. 5.

[Previous Version](#)

Marginal note: Canadian Broadcasting Corporation

**68.1** This Act does not apply to any information that is under the control of the Canadian Broadcasting Corporation that relates to its journalistic, creative or programming activities, other than information that relates to its general administration.

2006, c. 9, s. 159.

Marginal note: Atomic Energy of Canada Limited

**68.2** This Act does not apply to any information that is under the control of Atomic Energy of Canada Limited other than information that relates to

(a) its general administration; or

(b) its operation of any nuclear facility within the meaning of section 2 of the [Nuclear Safety and Control Act](#) that is subject to regulation by the Canadian Nuclear Safety Commission established under section 8 of that Act.

2006, c. 9, s. 159.

Marginal note: 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.

Marginal note: 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).

Marginal note: 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.

Marginal note: 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.

## GENERAL

Marginal note: 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;

(c.1) cause statistics to be collected on an annual basis for the purpose of assessing the compliance of government institutions with the provisions of this Act and the regulations relating to access; and

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

■ Marginal note: Duties and functions of designated Minister

(1.1) The designated Minister may fix the number of officers or employees of the Information Commissioner for the purposes of subsection 59(2).

■ Marginal note: 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.

■ R.S., 1985, c. A-1, s. 70;

■ 2006, c. 9, s. 161.

[Previous Version](#)

■ Marginal note: 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.

■ Marginal note: 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".

■ Marginal note: 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.

■ Marginal note: 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.

■ Marginal note: 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".

■ Marginal note: Report of expenses

**72.1** The head of a department or a ministry of state of the Government of Canada shall publish an annual report of all expenses incurred by his or her office and paid out of the Consolidated Revenue Fund.

■ 2006, c. 9, s. 162.

■ Marginal note: 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".

Marginal note: 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".

Marginal note: 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.

Marginal note: 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".

Marginal note: Binding on Crown

**76.** This Act is binding on Her Majesty in right of Canada.

1980-81-82-83, c. 111, Sch. I "76".

Marginal note: Regulations

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

(a) prescribing limitations in respect of the format in which records are to be provided under subsection 4(2.1);

(a.1) prescribing limitations in respect of records that can be produced from machine readable records for the purpose of subsection 4(3);

(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);

(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; and

(j) prescribing criteria for adding a body or office to Schedule I.

Marginal note: 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;

2006, c. 9, s. 163.

[Previous Version](#)

## 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 and Skills Development

*Ministère des Ressources humaines et du Développement des compétences*

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 Safety and Emergency Preparedness  
*Ministère de la Sécurité publique et de la Protection civile*
- 
 Department of Public Works and Government Services  
*Ministère des Travaux publics et des Services gouvernementaux*
- 
 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

- 
 Asia-Pacific Foundation of Canada  
*Fondation Asie-Pacifique du Canada*
- 
 Assisted Human Reproduction Agency of Canada  
*Agence canadienne de contrôle de la procréation assistée*
- 
 Atlantic Canada Opportunities Agency  
*Agence de promotion économique du Canada atlantique*
- 
 Belledune Port Authority  
*Administration portuaire de Belledune*
- 
 British Columbia Treaty Commission  
*Commission des traités de la Colombie-Britannique*
- 
 Canada Border Services Agency  
*Agence des services frontaliers du Canada*
- 
 Canada Emission Reduction Incentives Agency  
*Agence canadienne pour l'incitation à la réduction des émissions*
- 
 Canada Employment Insurance Commission  
*Commission de l'assurance-emploi du Canada*

- Canada Foundation for Innovation  
*Fondation canadienne pour l'innovation*
- Canada Foundation for Sustainable Development Technology  
*Fondation du Canada pour l'appui technologique au développement durable*
- Canada Industrial Relations Board  
*Conseil canadien des relations industrielles*
- 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*
- Canada Revenue Agency  
*Agence du revenu du Canada*
- Canada School of Public Service  
*École de la fonction publique du Canada*
- Canadian Advisory Council on the Status of Women  
*Conseil consultatif canadien de la situation de la femme*
- Canadian Artists and Producers Professional Relations Tribunal  
*Tribunal canadien des relations professionnelles artistes-producteurs*
- Canadian Centre for Occupational Health and Safety  
*Centre canadien d'hygiène et de sécurité au travail*
- Canadian Cultural Property Export Review Board  
*Commission canadienne d'examen des exportations de biens culturels*
- Canadian Environmental Assessment Agency  
*Agence canadienne d'évaluation environnementale*
- 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 for Human Rights

*Musée canadien des droits de la personne*



Canadian Museum of Immigration at Pier 21

*Musée canadien de l'immigration du Quai 21*



Canadian Northern Economic Development Agency

*Agence canadienne de développement économique du Nord*



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 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*



Canadian Wheat Board

*Commission canadienne du blé*



Communications Security Establishment

*Centre de la sécurité des télécommunications*



Copyright Board

*Commission du droit d'auteur*



- Corporation for the Mitigation of Mackenzie Gas Project Impacts  
*Société d'atténuation des répercussions du projet gazier Mackenzie*
- Correctional Service of Canada  
*Service correctionnel du Canada*
- 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*
- Federal Economic Development Agency for Southern Ontario  
*Agence fédérale de développement économique pour le Sud de l'Ontario*
- Federal-Provincial Relations Office  
*Secrétariat des relations fédérales-provinciales*
- Federal Public Service Health Care Plan Administration Authority  
*Administration du Régime de soins de santé de la fonction publique fédérale*
- 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*
- First Nations Financial Management Board  
*Conseil de gestion financière des premières nations*
- First Nations Statistical Institute  
*Institut de la statistique des premières nations*
- First Nations Tax Commission  
*Commission de la fiscalité des premières nations*
- Fraser River Port Authority  
*Administration portuaire du fleuve Fraser*
- Grain Transportation Agency Administrator  
*Administrateur de l'Office du transport du grain*
- 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*
- Indian Residential Schools Truth and Reconciliation Commission  
*Commission de vérité et de réconciliation relative aux pensionnats indiens*
- Indian Residential Schools Truth and Reconciliation Commission Secretariat  
*Secrétariat de la Commission de vérité et de réconciliation relative aux pensionnats indiens*
- International Centre for Human Rights and Democratic Development  
*Centre international des droits de la personne et du développement démocratique*
- Law Commission of Canada  
*Commission du droit du Canada*
- Library and Archives of Canada  
*Bibliothèque et Archives 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*
- The National Battlefields Commission

*Commission des champs de bataille nationaux*



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 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 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 Administrator of the Ship-source Oil Pollution Fund

*Bureau de l'administrateur de la Caisse d'indemnisation des dommages dus à la pollution par les hydrocarbures causée par les navires*



Office of the Auditor General of Canada

*Bureau du vérificateur général du Canada*



Office of the Chief Electoral Officer

*Bureau du directeur général des élections*

Office of the Commissioner of Lobbying  
*Commissariat au lobbying*

Office of the Commissioner of Official Languages  
*Commissariat aux langues officielles*

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 Director of Public Prosecutions  
*Bureau du directeur des poursuites pénales*

Office of the Information Commissioner  
*Commissariat à l'information*

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 Privacy Commissioner  
*Commissariat à la protection de la vie privée*

Office of the Public Sector Integrity Commissioner  
*Commissariat à l'intégrité du secteur public*

Office of the Superintendent of Financial Institutions  
*Bureau du surintendant des institutions financières*

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*

The Pierre Elliott Trudeau Foundation  
*La Fondation Pierre-Elliott-Trudeau*

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 Appointments Commission Secretariat  
*Secrétariat de la Commission des nominations publiques*
- Public Health Agency of Canada  
*Agence de la santé publique du Canada*
- Public Service Commission  
*Commission de la fonction publique*
- Public Service Labour Relations Board  
*Commission des relations de travail dans la fonction publique*
- Public Service Staffing Tribunal  
*Tribunal de la dotation de la fonction publique*
- Quebec Port Authority  
*Administration portuaire de Québec*
- Regional Development Incentives Board  
*Conseil des subventions au développement régional*
- Registry of the Public Servants Disclosure Protection Tribunal  
*Greffe du Tribunal de la protection des fonctionnaires divulgateurs d'actes répréhensibles*
- 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*

■ Security Intelligence Review Committee  
*Comité de surveillance des activités de renseignement de sécurité*

■ Sept-Îles Port Authority  
*Administration portuaire de Sept-Îles*

■ Shared Services Canada  
*Services partagés Canada*

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

■ Specific Claims Tribunal  
*Tribunal des revendications particulières*

■ Statistics Canada  
*Statistique Canada*

■ Statute Revision Commission  
*Commission de révision des lois*

■ St. John's Port Authority  
*Administration portuaire de St. John's*

■ 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, ss. 88, 246, 251, 252;
- SOR/2003-148, 423, 428, 435, 440;

- 2004, c. 2, s. 72, c. 7, s. 5, c. 11, ss. 23, 24;
- SOR/2004-24, 207;
- 2005, c. 9, s. 147, c. 10, ss. 9, 10, c. 30, s. 88, c. 34, ss. 58 to 60, c. 35, s. 42, c. 38, s. 138, c. 46, s. 55.1;
- SOR/2005-251;
- 2006, c. 4, s. 210, c. 9, ss. 90, 91, 129, 164 to 171, 221;
- SOR/2006-24, 28, 34, 70, 99, 217;
- SOR/2007-215;
- 2008, c. 9, s. 6, c. 22, s. 44, c. 28, s. 98;
- SOR/2008-130, 135;
- SOR/2009-174, 243, 248;
- 2010, c. 7, s. 6, c. 12, s. 1674;
- SOR/2011-162, 258.

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## SCHEDULE II

### (Section 24)

Act	Provision
<p>Aeronautics Act <i>Loi sur l'aéronautique</i></p>	<p>subsections 4.79(1) and 6.5(5)</p>
<p>Anti-Inflation Act, S.C. 1974-75-76, c. 75 <i>Loi anti-inflation, S.C. 1974-75-76, ch. 75</i></p>	<p>section 14</p>
<p>Assisted Human Reproduction Act <i>Loi sur la procréation assistée</i></p>	<p>subsection 18(2)</p>
<p>Business Development Bank of Canada Act <i>Loi sur la Banque de développement du Canada</i></p>	<p>section 37</p>
<p>Canada Deposit Insurance Corporation Act <i>Loi sur la Société d'assurance-dépôts du Canada</i></p>	<p>subsection 45.3(1)</p>
<p>Canada Elections Act <i>Loi électorale du Canada</i></p>	<p>section 540</p>
<p>Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3 <i>Loi de mise en œuvre de l'Accord atlantique Canada — Terre-Neuve, S.C. 1987, ch. 3</i></p>	<p>section 119</p>
<p>Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28 <i>Loi de mise en œuvre de l'Accord Canada — Nouvelle-Écosse sur les</i></p>	<p>sections 19 and 122</p>



Act	Provision
<i>hydrocarbures extracôtiers, L.C. 1988, ch. 28</i>	
Canada-Nova Scotia Oil and Gas Agreement Act, S.C. 1984, c. 29 <i>Loi sur l'Accord entre le Canada et la Nouvelle-Écosse sur la gestion des ressources pétrolières et gazières, S.C. 1984, ch. 29</i>	section 53
Canada Pension Plan <i>Régime de pensions du Canada</i>	subsection 104.01(1)
Canada Petroleum Resources Act <i>Loi fédérale sur les hydrocarbures</i>	section 101
Canada Transportation Act <i>Loi sur les transports au Canada</i>	subsection 51(1) and section 167
Canadian Environmental Assessment Act <i>Loi canadienne sur l'évaluation environnementale</i>	subsection 35(4)
Canadian International Trade Tribunal Act <i>Loi sur le Tribunal canadien du commerce extérieur</i>	sections 45 and 49
Canadian Ownership and Control Determination Act <i>Loi sur la détermination de la participation et du contrôle canadiens</i>	section 17
Canadian Security Intelligence Service Act <i>Loi sur le Service canadien du renseignement de sécurité</i>	section 18
Canadian Transportation Accident Investigation and Safety Board Act <i>Loi sur le Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports</i>	subsections 28(2) and 31(4)
Competition Act <i>Loi sur la concurrence</i>	subsections 29(1), 29.1(5) and 29.2(5)
Corporations and Labour Unions Returns Act <i>Loi sur les déclarations des personnes morales et des syndicats</i>	section 18
Criminal Code <i>Code criminel</i>	sections 187, 193 and 487.3
Criminal Records Act <i>Loi sur le casier judiciaire</i>	subsection 6(2) and section 9
Customs Act <i>Loi sur les douanes</i>	sections 107 and 107.1

Act	Provision
Defence Production Act <i>Loi sur la production de défense</i>	section 30
Department of Industry Act <i>Loi sur le ministère de l'Industrie</i>	subsection 16(2)
DNA Identification Act <i>Loi sur l'identification par les empreintes génétiques</i>	subsection 6(7)
Energy Administration Act <i>Loi sur l'administration de l'énergie</i>	section 98
Energy Efficiency Act <i>Loi sur l'efficacité énergétique</i>	section 23
Energy Monitoring Act <i>Loi sur la surveillance du secteur énergétique</i>	section 33
Energy Supplies Emergency Act <i>Loi d'urgence sur les approvisionnements d'énergie</i>	section 40.1
Excise Act, 2001 <i>Loi de 2001 sur l'accise</i>	section 211
Excise Tax Act <i>Loi sur la taxe d'accise</i>	section 295
Export Development Act <i>Loi sur le développement des exportations</i>	section 24.3
Family Allowances Act <i>Loi sur les allocations familiales</i>	section 18
First Nations Fiscal and Statistical Management Act <i>Loi sur la gestion financière et statistique des premières nations</i>	section 108
Hazardous Products Act <i>Loi sur les produits dangereux</i>	section 12
Canadian Human Rights Act <i>Loi canadienne sur les droits de la personne</i>	subsection 47(3)
Income Tax Act <i>Loi de l'impôt sur le revenu</i>	section 241
Industrial Research and Development Incentives Act, R.S.C.	section 13

Act	Provision
1970, c. I-10 <i>Loi stimulant la recherche et le développement scientifiques, S.R.C. 1970, ch. I-10</i>	
Investment Canada Act <i>Loi sur Investissement Canada</i>	section 36
Canada Labour Code <i>Code canadien du travail</i>	subsection 144(3)
Mackenzie Valley Resource Management Act <i>Loi sur la gestion des ressources de la vallée du Mackenzie</i>	paragraph 30(1)(b)
Marine Transportation Security Act <i>Loi sur la sûreté du transport maritime</i>	subsection 13(1)
Motor Vehicle Fuel Consumption Standards Act <i>Loi sur les normes de consommation de carburant des véhicules automobiles</i>	subsection 27(1)
Nuclear Safety and Control Act <i>Loi sur la sûreté et la réglementation nucléaires</i>	paragraphs 44(1)(d) and 48(b)
Old Age Security Act <i>Loi sur la sécurité de la vieillesse</i>	subsection 33.01(1)
Patent Act <i>Loi sur les brevets</i>	section 10, subsection 20(7), and sections 87 and 88
Petroleum Incentives Program Act <i>Loi sur le programme d'encouragement du secteur pétrolier</i>	section 17
Act Proceeds of Crime (Money Laundering) and Terrorist Financing <i>Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes</i>	paragraphs 55(1)(a), (d) and (e)
Railway Safety Act <i>Loi sur la sécurité ferroviaire</i>	subsection 39.2(1)
Sex Offender Information Registration Act <i>Loi sur l'enregistrement de renseignements sur les délinquants sexuels</i>	subsections 9(3) and 16(4)
Shipping Conferences Exemption Act, 1987 <i>Loi dérogatoire de 1987 sur les conférences maritimes</i>	section 11
Softwood Lumber Products Export Charge Act, 2006	section 84

Act	Provision
<i>Loi de 2006 sur les droits d'exportation de produits de bois d'oeuvre</i>	
Special Import Measures Act <i>Loi sur les mesures spéciales d'importation</i>	section 84
Specific Claims Tribunal Act <i>Loi sur le Tribunal des revendications particulières</i>	subsections 27(2) and 38(2)
Statistics Act <i>Loi sur la statistique</i>	section 17
Telecommunications Act <i>Loi sur les télécommunications</i>	subsections 39(2) and 70(4)
Trade-marks Act <i>Loi sur les marques de commerce</i>	subsection 50(6)
Transportation of Dangerous Goods Act, 1992 <i>Loi de 1992 sur le transport des marchandises dangereuses</i>	subsection 24(4)
Yukon Environmental and Socio-economic Assessment Act <i>Loi sur l'évaluation environnementale et socioéconomique au Yukon</i>	paragraph 121(a)
Yukon Quartz Mining Act <i>Loi sur l'extraction du quartz dans le Yukon</i>	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;  
2004, c. 2, s. 73, c. 10, s. 22, c. 15, s. 107, c. 26, ss. 15, 16;  
2005, c. 9, s. 148, c. 34, s. 83, c. 35, ss. 43, 44;  
2006, c. 9, ss. 172, 172.01, c. 13, ss. 118, 119;  
2007, c. 18, s. 134;  
2008, c. 22, s. 45;  
2009, c. 2, s. 255.

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## RELATED PROVISIONS

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### — 2005, c. 26, s. 18(1), as amended by 2005, c. 26, par. 27(2)(a)(E)

#### Definitions

18. (1) The following definitions apply in this section.

"former agency"  
« *ancienne agence* »

"former agency" means the portion of the public service of Canada known as the Economic Development Agency of Canada for the Regions of Quebec.

"new agency"  
« *nouvelle agence* »

"new agency" means the Economic Development Agency of Canada for the Regions of Quebec established by section 8.

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### — 2005, c. 26, par. 18(7)(a)

#### References

(7) A reference to the former agency in any of the following is deemed to be a reference to the new agency:

(a) Schedule I to the *Access to Information Act*, under the heading "*Other Government Institutions*";

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— 2005, c. 38, s. 16, as amended by 2005, c. 38, par. 144(8)(a)(E)

Definitions

16. The following definitions apply in sections 17 to 19 and 21 to 28.

"former agency"  
« *ancienne agence* »

"former agency" means the portion of the federal public administration known as the Canada Border Services Agency.

"new agency"  
« *nouvelle agence* »

"new agency" means the Canada Border Services Agency established under subsection 3(1).

"order P.C. 2003-2064"  
« *décret C.P. 2003-2064* »

"order P.C. 2003-2064" means Order in Council P.C. 2003-2064 of December 12, 2003, registered as SI/2003-216.

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— 2005, c. 38, par. 19(1)(a), (d)

References

19. (1) A reference to the former agency in any of the following is deemed to be a reference to the new agency:

(a) Schedule I to the *Access to Information Act* under the heading "*Other Government Institutions*";

(d) any order of the Governor in Council made under paragraph (b) of the definition "head" in section 3 of the *Access to Information Act*;

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— 2006, c. 5, s. 16

Definitions

16. The following definitions apply in sections 17 to 19.

"former agency"  
« *ancienne agence* »

"former agency" means the portion of the federal public administration known as the Public Health Agency of Canada.

"new agency"  
« *nouvelle agence* »

"new agency" means the Public Health Agency of Canada established under section 3.

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— 2006, c. 5, s. 19

## References

19. (1) A reference to the former agency in any of the following schedules and orders is deemed to be a reference to the new agency:

(a) Schedule I to the *Access to Information Act*, under the heading "OTHER GOVERNMENT INSTITUTIONS";

Deputy head

(2) The designation of a person as deputy head of the former agency in any order of the Governor in Council made pursuant to paragraph 29(e) of the *Canadian Security Intelligence Service Act* or to the definition "deputy head" in subsection 2(1) of the *Public Service Employment Act* is deemed to be a designation of the Chief Public Health Officer as deputy head of the new agency.

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### — 2006, c. 9, par. 120(a)

Transitional — continuation in office

120. A person who holds office under one of the following provisions immediately before the day on which this section comes into force continues in office and is deemed to have been appointed under that provision, as amended by sections 109 to 111, 118 and 119, to hold office for the remainder of the term for which he or she had been appointed:

(a) the Information Commissioner under section 54 of the *Access to Information Act*;

AMENDMENTS NOT IN FORCE

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### — 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*

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### — SOR/2008-130, s. 2

2. Schedule I to the Act is amended by deleting the following under the heading "OTHER GOVERNMENT INSTITUTIONS":

Indian Residential Schools Truth and Reconciliation Commission Secretariat

*Secrétariat de la Commission de vérité et de réconciliation relative aux pensionnats indiens*

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— 2011, c. 25, s. 58

2006, c. 9, s. 165

58. Schedule 1 to the *Access to Information Act* is amended by striking out the following under the heading “OTHER GOVERNMENT INSTITUTIONS”:

Canadian Wheat Board

*Commission canadienne du blé*

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— 2012, c. 1, par. 160(a)

160. In the following provisions, “National Parole Board” is replaced by “Parole Board of Canada”:

(a) Schedule I to the *Access to Information Act*;