

Publisher's Note

2018 — Release 4

Previous release was 2018-3

From Your Library:
<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

Drapeau & Racicot

Federal Access to Information and Privacy Legislation Annotated

This release features updates to Chapter 1 (Annotated *Access to Information Act*), Chapter 6 (Annotated *Privacy Act*), and Chapter 12 (Reference Material).

Highlights

- **Chapter 1 — Annotated *Access to Information Act* — Section 20: Third Party Information** — Where a request pertains to information submitted to a government agency by a third party, notice must be given to that third party, who may then argue that disclosure is prohibited by section 20. Section 20 covers trade secrets, confidential scientific or technical information and information the disclosure of which may result in financial loss, competitive disadvantage or interference with contractual negotiations. Litigation concerning those provisions may be costly and time-consuming. In this case, the information submitted did not show that access to information legislation had been successful in ensuring clinical trial transparency: *Doshi v. Canada (Attorney General)*, 2018 FC 710.
- **Chapter 6 — Annotated *Privacy Act* — Section 12: Right of Access** — The Corrections and Conditional Release Act, S.C. 1992, c. 20 provides for a right of access and correction to information. The

Thomson Reuters Canada®

Customer Support

Toronto 1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)

Email CarswellSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Supreme Court of Canada has noted that if the Act is to effectively assist in the rehabilitation of inmates while ensuring the safety of other inmates and staff members and the protection of society, it must base its decisions about inmates in its custody on sound information. This is explicitly recognized in s. 24(1) of the *Corrections and Conditional Release Act*, which requires the Correctional Service of Canada to “take all reasonable steps to ensure that any information about an offender that it uses is as accurate, up to date and complete as possible”: *Ewert v. Canada*, 2018 SCC 30.

- **Chapter 9 — Annotated *Personal Information Protection and Electronic Documents Act* — Section 16: Remedies** — In this case, there was a violation of PIPEDA Principle 4.5 when an employee of the respondent had access to personal information without the access being for genuine business purposes. However, there was no further disclosure. The Court found that there was no malice on the part of the respondent, the respondent did not benefit from its employee’s breach, and it acted swiftly. It readily acknowledged the breach and remedied it diligently. Furthermore, the applicant has not established the nature or the quantum of damages. The Court declined to award damages, noting the language in PIPEDA that damages “may” be awarded for privacy breaches. This was not an appropriate case for damages: *Migliaro v. Royal Bank of Canada*, 2018 FC 525.