

Federal Court



Cour fédérale

Date: 20170913

Docket: T-1535-15

Citation: 2017 FC 827

Ottawa, Ontario, September 13, 2017

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

**THE INFORMATION COMMISSIONER
OF CANADA**

Applicant

and

THE PRIME MINISTER OF CANADA

Respondent

PUBLIC JUDGMENT AND REASONS

(Confidential Judgment and Reasons issued September 13, 2017)

I. Overview

[1] The Information Commissioner of Canada challenges the denial of a reporter's 2013 request for copies of certain records held by the Privy Council Office relating to Senators Mike Duffy, Mac Harb, Patrick Brazeau and Pamela Wallin. PCO located 28 pages of material, but withheld 27 of them. The records in issue all relate to requests for [REDACTED]

[REDACTED] in response [REDACTED]

[REDACTED]. The reporter complained to the Information Commissioner about the denial of access, and the Commissioner began an investigation.

[2] In 2015, PCO denied the requester access to the documents, claiming exemptions for personal information, Ministerial advice, and solicitor-client privilege (under ss 19(1), 21(1)(a), and 23 respectively of the *Access to Information Act*, RSC 1985, c A-1 [ATIA]; see Annex A for statutory provisions and other enactments cited). However, PCO did allow the release of some innocuous information, such as letterhead, signatures, dates, and names. The Commissioner informed the reporter of the results of her investigation, and the reporter consented to the Commissioner's commencing this application for judicial review of the PCO's decision, which had been taken in the name of the respondent, the Prime Minister of Canada.

[3] The questions before me are whether the exemptions on which PCO relied were correctly invoked, and whether any residual discretion available to PCO was reasonably exercised. I will look at the various exemptions individually. The issues are:

1. Is any information exempt on the ground that it amounts to personal information under s 19(1) of the ATIA? If so, should it be disclosed anyway because it is already in the public domain (s 19(2)(b)) or because the public interest outweighs the privacy interests involved (s 19(2)(c))?
2. Is any information exempt on the ground that it contains advice to the Prime Minister (s 21(1)(a))? If so, should PCO have exercised its discretion to disclose it?

3. Is any information exempt on the ground of solicitor-client privilege (s 23)? If so, should PCO have exercised its discretion to disclose it?

II. Issue One - Is any information exempt on the ground that it amounts to personal information under s 19(1) of the ATIA?

[4] The information that PCO seeks to protect relates [REDACTED]. Records containing personal information cannot be disclosed (ATIA, (s 19(1)), and “personal information” is broadly defined as “information about an identifiable person that is recorded in any form” (*Privacy Act*, RSC 1985, c P-21, s 3. Clearly, at least some of the information in issue is about identifiable persons.

[5] PCO concedes that some personal information is already in the public domain. It is publicly known that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[6] With respect to other information not in the public domain, the Commissioner points out that personal information does not include information relating to “any discretionary benefit of a financial nature, . . . including the name of the individual and the exact nature of the benefit” (*Privacy Act*, s 3(1)).

[7] The Prime Minister argues that the exemption for discretionary financial benefits does not apply here because providing [REDACTED] to employees is not a benefit. According to the Prime Minister, giving public servants [REDACTED] [REDACTED]. As such, the employees are not placed in a better position than they otherwise would have occupied – they are simply [REDACTED].

[8] The Prime Minister also points out that the definition of a benefit in the *Income Tax Act* would capture only those benefits that increase a person’s net worth or economic position; [REDACTED] would not meet that definition.

[9] I disagree with the Prime Minister’s position. The exemption relating to discretionary financial benefits applies here.

[10] First, the information in issue relates to a financial benefit: [REDACTED] with a substantial monetary value. Second, granting the benefit is discretionary: legal assistance is provided [REDACTED] [REDACTED] must make a judgment call about whether to [REDACTED] [REDACTED] in the circumstances.

[11] The case law defines a “benefit” broadly as some form of advantage, favour, gift, or profit. The benefit is financial if it concerns money or money’s worth (*Sutherland v Canada (Minister of Indian and Northern Affairs)*, [1994] 3 FC 527 at para 14.

[12] By those criteria, providing [REDACTED] to a public servant amounts to a benefit. It is a form of advantage specially provided to Crown employees.

[13] Further, the *Income Tax Act*'s definition of a benefit, on which the Prime Minister relies, serves only to identify taxable benefits. To be taxable, a benefit must materially improve the financial situation of the taxpayer. The Prime Minister points out that the [REDACTED] [REDACTED] does not improve an employee's financial circumstances and, therefore, should not be regarded as a benefit. There is no such requirement, however, in respect of the benefits referred to in the *Privacy Act*.

[14] In addition, the benefit here is financial. [REDACTED]
[REDACTED]
[REDACTED] according to *Policies for Ministers' Offices*, [REDACTED]
[REDACTED]. One of the objectives of the [REDACTED] public servants [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. In this case, the public servants [REDACTED]
[REDACTED]. In my view,
this amounts to a benefit of a financial nature.

[15] In addition, to my mind, [REDACTED] is a financial benefit. The rationale behind the benefit here is fairness – ensuring that public servants [REDACTED]. However, the fact that fairness animates [REDACTED] does not mean that [REDACTED] does not provide public servants with a financial benefit. In the absence of the Policy, public servants could potentially [REDACTED]. Instead, [REDACTED]. In my view, that is a financial benefit.

[16] The Prime Minister also submits that the benefit of [REDACTED] cannot be described as discretionary because it forms part of an express or implied term of the contract of employment for exempt staffers. In addition, the [REDACTED]. Therefore, [REDACTED] residual discretion, says the Prime Minister, to [REDACTED].

[17] I disagree. The financial benefit is clearly discretionary.

[18] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

[19] [REDACTED] must consider [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[20] Further, I note that the *Policies for Ministers' Offices* state that Ministers [REDACTED]

[REDACTED]
[REDACTED] This wording suggests that public servants [REDACTED]
[REDACTED]
[REDACTED]

[21] In its communication to the Commissioner, PCO stated that [REDACTED]
[REDACTED]

According to PCO, therefore, [REDACTED]
[REDACTED]

[REDACTED] But even if [REDACTED], it does not follow that all public servants are [REDACTED]
[REDACTED]
[REDACTED].

Given their breadth, it would not be fair to [REDACTED], as the Prime Minister contends.

[22] Finally, I note that the exemption relating to discretionary financial benefits applies if the information in question merely “relates to” a financial benefit; all that is required is some link or connection to the financial benefit. In my view, that connection has been established here.

[23] Accordingly, in respect of the information PCO seeks to protect as personal information, I find that the exemption on which PCO relies is not applicable.

[24] It is therefore unnecessary to consider whether the public interest should override the exemption (PA, s 8(2)(m)(i)).

III. Issue Two - Is any information exempt because it contains advice to the Prime Minister (s 21(1)(a))?

[25] The Prime Minister submits that documents containing advice and recommendations provided to a government institution or to a Minister of the Crown are exempt from disclosure under s 21(1)(a) of the ATIA. Further, factual information contained in documents setting out advice and recommendations should also be exempt because the facts are inextricably linked with the advice and recommendations.

[26] I agree with the general proposition put forward by the Prime Minister about the exemption for advice and recommendations; however, I disagree with his submission that the factual basis for advice and recommendations is caught by the exemption. Purely factual information does not amount to advice or recommendations (*Canada (Information Commissioner) v Canada (Minister of Industry)*, 2001 FCA 254, at paras 50-52). Therefore, one must review any document containing advice or recommendations to determine whether there are facts that are severable and can be disclosed.

[27] I have reviewed the documents in issue and have found that they contain factual information alongside some advice and recommendations. The factual portions can clearly be disclosed. Further, the Prime Minister's decisions do not constitute advice or recommendations: they, too, can be disclosed.

[28] Accordingly, I find that the following information in the disputed documents can be disclosed as being purely factual or as expressing a decision rather than advice or recommendations:

- Description of [REDACTED];

- [REDACTED]
- Decisions taken [REDACTED].

[29] The Prime Minister has discretion to decide whether to disclose advice and recommendations. That discretion must be exercised reasonably, balancing the factors that favour disclosure and those that militate against it. In this case, he exercised that discretion in choosing not to disclose the information.

[30] The Commissioner has not persuaded me that the Prime Minister's discretion was improperly exercised. I find that a variety of factors were taken into account, including the harm that would result from disclosure, the sensitive and personal nature of the information, and the importance of the information to the Crown. While factors favouring disclosure were not explicitly set out, they were implicit in PCO's analysis. I am satisfied, in these circumstances, that the senior officials charged with balancing the factors for and against disclosure would be fully aware of the significant public interest in the release of information about a matter of intense public discourse.

[31] In my view, it would be a somewhat artificial exercise for those senior officials to set out explicitly the factors favouring public disclosure. I am confident that they would be fully aware of the overarching public interest that would generally support release of information in government hands, especially in respect of a matter of considerable public debate, and that they would premise their analysis on the assumption that important factors tending toward public disclosure were clearly present. Where, as here, the analysis focuses mainly on the factors that

militate against disclosure, one should not conclude that the factors favouring disclosure were not weighed in the balance.

IV. Issue Three - Is any information exempt on the ground of solicitor-client privilege (s 23)?

[32] The Prime Minister maintains that some of the documents in issue contain legal advice and, therefore, cannot be disclosed.

[33] The Commissioner agrees that some legal opinions regarding the scope of [REDACTED] [REDACTED] are contained in the contested documents. However, the Commissioner also points out that some of the information the Prime Minister seeks to protect does not fall within the ambit of legal advice privilege.

[34] I agree with the Commissioner that some of the information that the Prime Minister wishes to shield does not fall within the scope of solicitor-client privilege; that information includes [REDACTED], portions of a memorandum from the then Clerk of the PCO to the Prime Minister about [REDACTED], and a decision made in respect of [REDACTED]. In my view, at least some portions of these documents did not involve communications between a solicitor and client relating to the provision of legal advice that was intended to be confidential. Therefore, they were not privileged (*Canada v Solosky* (1979), [1980] 1 SCR 821, at p 837). (However, some portions of the Clerk's memorandum are exempt under s 21(1)(a) as advice to the Prime Minister).

[35] With respect to the documents that clearly fall within the privilege, I am satisfied that PCO reasonably exercised its proper discretion not to disclose them. Again, the factors favouring disclosure of this information are not explicitly set out in the record. However, as discussed above, I am confident that the senior officials who considered whether this information could be disclosed would be well aware of the public interest values that would favour its release in these circumstances. They would also be well aware of the near absolute nature of solicitor-client privilege. Finally, they would have seen that, other than a letter from [REDACTED] [REDACTED] (containing communications from the client), the information covered by the privilege related primarily to the [REDACTED], a matter of fairly minimal public interest.

V. Conclusion and Disposition

[36] I am satisfied that some of the information withheld by PCO should have been disclosed. In particular, all of the records in issue should be disclosed except for the redactions I have set out in the Appendix.

[37] There is no order as to costs. The parties may make submissions on the question whether any redactions to these reasons are required (as opposed to the Appendix, which shall remain confidential) within 30 days.

CONFIDENTIAL JUDGMENT in T-1535-15

THIS COURT'S JUDGMENT is that the records in the previously-redacted 27 pages are to be disclosed with the exception of the portions outlined in the Appendix, with no costs.

"James W. O'Reilly"

Judge

Appendix

	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>
■	<p>[Redacted]</p> <p>[Redacted]</p>
■	<p>[Redacted]</p>
■	<p>[Redacted]</p>
■	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>
■	<p>[Redacted]</p> <p>[Redacted]</p>

	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
■	<p>[REDACTED]</p>
■	<p>[REDACTED]</p>
■	<p>[REDACTED]</p>

	
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ANNEX A

<i>Access to Information Act,</i> RSC 1985, c A-1	<i>Loi sur l'accès à l'information,</i> LRC (1985), ch A-1)
Personal information	Renseignements personnels
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 <i>Privacy Act</i> .	19 (1) Sous réserve du paragraphe (2), le responsable d'une institution fédérale est tenu de refuser la communication de documents contenant les renseignements personnels visés à l'article 3 de la <i>Loi sur la protection des renseignements personnels</i> .
Where disclosure authorized	Cas où la divulgation est autorisée
(2) The head of a government institution may disclose any record requested under this Act that contains personal information if	(2) Le responsable d'une institution fédérale peut donner communication de documents contenant des renseignements personnels dans les cas où :
...	[...]
(b) the information is publicly available; or	b) le public y a accès;
(c) the disclosure is in accordance with section 8 of the <i>Privacy Act</i> .	c) la communication est conforme à l'article 8 de la <i>Loi sur la protection des renseignements personnels</i> .
Advice, etc.	Avis, etc.
21 (1) The head of a government institution may refuse to disclose any record requested under this Act that contains	21 (1) Le responsable d'une institution fédérale peut refuser la communication de documents datés de moins de vingt ans lors de la demande et contenant :
(a) advice or recommendations developed by or for a	a) des avis ou recommandations élaborés par ou pour une institution

<p>government institution or a minister of the Crown,</p>	<p>fédérale ou un ministre;</p>
<p>Solicitor-client privilege</p>	<p>Secret professionnel des avocats</p>
<p>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.</p>	<p>23 Le responsable d'une institution fédérale peut refuser la communication de documents contenant des renseignements protégés par le secret professionnel qui lie un avocat à son client.</p>
<p><i>Privacy Act, RSC 1985, c P-21</i></p>	<p><i>Loi sur la protection des renseignements personnels, LRC (1985), ch P-21</i></p>
<p>Definitions</p>	<p>Définitions</p>
<p>3 In this Act,</p>	<p>3 Les définitions qui suivent s'appliquent à la présente loi.</p>
<p>Personal Information means information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing,</p>	<p>Renseignements personnels Les renseignements, quels que soient leur forme et leur support, concernant un individu identifiable, notamment :</p>
<p>(a) information relating to the race, national or ethnic origin, colour, religion, age or marital status of the individual,</p>	<p>a) les renseignements relatifs à sa race, à son origine nationale ou ethnique, à sa couleur, à sa religion, à son âge ou à sa situation de famille;</p>
<p>(b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been</p>	<p>b) les renseignements relatifs à son éducation, à son dossier médical, à son casier judiciaire, à ses antécédents professionnels ou à des opérations financières auxquelles il a participé;</p>

involved,

(c) any identifying number, symbol or other particular assigned to the individual,

c) tout numéro ou symbole, ou toute autre indication identificatrice, qui lui est propre;

(d) the address, fingerprints or blood type of the individual,

d) son adresse, ses empreintes digitales ou son groupe sanguin;

(e) the personal opinions or views of the individual except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual by a government institution or a part of a government institution specified in the regulations,

e) ses opinions ou ses idées personnelles, à l'exclusion de celles qui portent sur un autre individu ou sur une proposition de subvention, de récompense ou de prix à octroyer à un autre individu par une institution fédérale, ou subdivision de celle-ci visée par règlement;

(f) correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to such correspondence that would reveal the contents of the original correspondence,

f) toute correspondance de nature, implicitement ou explicitement, privée ou confidentielle envoyée par lui à une institution fédérale, ainsi que les réponses de l'institution dans la mesure où elles révèlent le contenu de la correspondance de l'expéditeur;

(g) the views or opinions of another individual about the individual,

g) les idées ou opinions d'autrui sur lui;

(h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual by an institution or a part of an institution referred to in

h) les idées ou opinions d'un autre individu qui portent sur une proposition de subvention, de récompense ou de prix à lui octroyer par une institution, ou subdivision de celle-ci,

paragraph (e), but excluding the name of the other individual where it appears with the views or opinions of the other individual, and

(i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual,

but, for the purposes of sections 7, 8 and 26 and section 19 of the *Access to Information Act*, does not include

(j) information about an individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual including,

(i) the fact that the individual is or was an officer or employee of the government institution,

(ii) the title, business address and telephone number of the individual,

(iii) the classification, salary range and

visée à l'alinéa e), à l'exclusion du nom de cet autre individu si ce nom est mentionné avec les idées ou opinions;

i) son nom lorsque celui-ci est mentionné avec d'autres renseignements personnels le concernant ou lorsque la seule divulgation du nom révélerait des renseignements à son sujet;

toutefois, il demeure entendu que, pour l'application des articles 7, 8 et 26, et de l'article 19 de la *Loi sur l'accès à l'information*, les renseignements personnels ne comprennent pas les renseignements concernant :

j) un cadre ou employé, actuel ou ancien, d'une institution fédérale et portant sur son poste ou ses fonctions, notamment :

(i) le fait même qu'il est ou a été employé par l'institution,

(ii) son titre et les adresse et numéro de téléphone de son lieu de travail,

(iii) la classification, l'éventail des salaires et

responsibilities of the position held by the individual,

les attributions de son poste,

(iv) the name of the individual on a document prepared by the individual in the course of employment, and

(iv) son nom lorsque celui-ci figure sur un document qu'il a établi au cours de son emploi,

(v) the personal opinions or views of the individual given in the course of employment,

(v) les idées et opinions personnelles qu'il a exprimées au cours de son emploi;

(k) information about an individual who is or was performing services under contract for a government institution that relates to the services performed, including the terms of the contract, the name of the individual and the opinions or views of the individual given in the course of the performance of those services,

k) un individu qui, au titre d'un contrat, assure ou a assuré la prestation de services à une institution fédérale et portant sur la nature de la prestation, notamment les conditions du contrat, le nom de l'individu ainsi que les idées et opinions personnelles qu'il a exprimées au cours de la prestation;

(l) information relating to any discretionary benefit of a financial nature, including the granting of a licence or permit, conferred on an individual, including the name of the individual and the exact nature of the benefit, and

l) des avantages financiers facultatifs, notamment la délivrance d'un permis ou d'une licence accordés à un individu, y compris le nom de celui-ci et la nature précise de ces avantages

(m) information about an individual who has been dead for more than twenty years;

m) un individu décédé depuis plus de vingt ans.

Disclosure of personal

Communication des

information	renseignements personnels
Where personal information may be disclosed	Cas d'autorisation
8 (2) Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed	8 (2) Sous réserve d'autres lois fédérales, la communication des renseignements personnels qui relèvent d'une institution fédérale est autorisée dans les cas suivants :
...	[...]
(m) for any purpose where, in the opinion of the head of the institution,	m) communication à toute autre fin dans les cas où, de l'avis du responsable de l'institution :
(i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or	(i) des raisons d'intérêt public justifieraient nettement une éventuelle violation de la vie privée,
(ii) disclosure would clearly benefit the individual to whom the information relates.	(ii) l'individu concerné en tirerait un avantage certain.
<i>Policy on Legal Assistance and Indemnification</i>	<i>Politique sur les services juridiques et l'indemnisation</i>
5.1 Objective	5.1 Objectif
The objectives of this policy are to:	Les objectifs de la présente politique sont les suivants :
<ul style="list-style-type: none"> • protect Crown servants from personal financial losses or expenses incurred while they were acting within the scope of their duties or in the course of their employment, and were not 	<ul style="list-style-type: none"> • protéger les fonctionnaires de l'État de pertes financières personnelles ou de dépenses subies pendant qu'ils exerçaient leurs fonctions ou dans le cadre de leur emploi, et qu'ils

acting against the interests of the Crown;

- protect the Crown's interest and its potential or actual liability arising from the acts or omissions of its Crown servants; and
- ensure continued and effective public service to Canadians.

n'agissaient pas à l'encontre des intérêts de l'État;

- protéger les intérêts de l'État en ce qui concerne sa responsabilité réelle ou éventuelle résultant des actes ou des omissions de ses fonctionnaires;
- assurer aux Canadiens la pérennité et l'efficacité des services de la fonction publique.

Policy Requirements

Approval authorities are responsible for:

...

6.1.5 Three basic eligibility criteria: In considering Crown servants for legal assistance or indemnification, determining whether the Crown servant:

- acted in good faith;
- did not act against the interests of the Crown; and
- acted within the scope of their duties or course of employment with respect to the acts or omissions giving rise to the request.

6.1.6 Legal assistance: Deciding whether to approve

Exigences de la politique

Les autorités approbatrices ont les responsabilités suivantes :

[...]

6.1.5 Trois critères d'admissibilité de base : évaluer la demande de services juridiques ou d'indemnisation du fonctionnaire de l'État, en établissant si le fonctionnaire :

- a agi de bonne foi;
- n'a pas agi à l'encontre des intérêts de l'État;
- a agi dans l'exercice de ses fonctions ou dans le cadre de son emploi, relativement à l'acte ou à l'omission qui a donné lieu à la demande.

6.1.6 Services juridiques : décider d'approuver ou non la

legal assistance requests of Crown servants who meet the three basic eligibility criteria in the following situations:

- when they are sued or threatened with a suit;
- when they are charged or likely to be charged with an offence;
- when they are named in a legal action or under threat of being named in a legal action; or
- when they are faced with serious personal liability before any court, tribunal or other judicial body.

6.1.9 Parliamentary proceedings, commissions of inquiry, inquests or other similar proceedings: Deciding whether to approve requests for legal assistance where a Crown servant is requested or compelled to appear in connection with a parliamentary proceeding, a commission of inquiry, an inquest or other similar proceedings, provided two qualifying criteria are met:

- that it is in the public interest to have the Crown servant appear;

demande de services juridiques d'un fonctionnaire de l'État qui satisfait aux trois critères d'admissibilité de base :

- lorsqu'il est poursuivi en justice ou menacé de poursuite;
- lorsqu'il est inculpé ou susceptible d'être inculpé;
- lorsqu'il est nommé ou susceptible d'être nommé dans une poursuite;
- lorsqu'il fait face à une responsabilité personnelle grave devant tout tribunal, cour ou autre organisme judiciaire.

6.1.9 Procédures parlementaires, commissions d'enquête, enquêtes et autres instances similaires : décider d'approuver ou non la demande de services juridiques dans le cas où le fonctionnaire de l'État est convoqué ou contraint de se présenter dans le cadre d'une procédure parlementaire, d'une commission d'enquête, d'une enquête ou d'une autre instance similaire, à condition qu'il satisfasse aux deux critères d'admissibilité suivants :

- il est dans l'intérêt public que le fonctionnaire de l'État

and

- that the matter concerns events where the Crown servant was acting within the scope of his or her duties, or in the course of employment.

Policies for Minister's Offices – January 2011

8.6.1 Indemnification and legal assistance

This protection is currently identical to those covering Crown servants, as set out in the Policy on Legal Assistance and Indemnification. Ministers and their exempt staff will be entitled to indemnification against personal civil liability and will be eligible for legal assistance, provided they meet basic policy requirements, which are to have acted honestly and without malice within the scope of their duties and met reasonable expectations. This need may arise from any act or omission of the minister or exempt staff member in the conduct of portfolio or other official government business.

se présente;

- l'affaire concerne des événements où le fonctionnaire de l'État exerçait ses fonctions ou agissait dans le cadre de son emploi.

Politiques à l'intention des cabinets des ministres – janvier 2011

8.6.1 Indemnisation et aide juridique

Cette protection est actuellement identique à celle qui est offerte aux préposés de l'État, conformément à la Politique sur les services juridiques et l'indemnisation. Les ministres et leur personnel exonéré sont admissibles à une indemnisation en ce qui concerne leur responsabilité civile et ont droit à une aide juridique pourvu qu'ils respectent les exigences de base de la politique, c.-à-d., qu'ils ont agi honnêtement et sans malice dans le cadre de leurs fonctions et qu'ils ont raisonnablement satisfait aux attentes. Ce besoin peut découler d'une action ou d'une omission du ministre ou du membre du personnel exonéré exerçant des activités du portefeuille ou d'autres fonctions officielles de l'État.

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-1535-15

STYLE OF CAUSE: THE INFORMATION COMMISSIONER OF CANADA
v THE PRIME MINISTER OF CANADA

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: NOVEMBER 29 - 30, 2016

PUBLIC JUDGMENT AND REASONS: O'REILLY J.

DATED: SEPTEMBER 13, 2017

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