

Federal Court



Cour fédérale

Date: 20211015

Docket: T-390-21

Citation: 2021 FC 1086

Ottawa, Ontario, October 15, 2021

PRESENT: The Honourable Mr. Justice Bell

BETWEEN:

WILLIAM JAMES MCCOTTER

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

ORDER AND REASONS

I. Overview

[1] William James McCotter (the “Applicant”) is currently an inmate at a Federal Institution under the care and control of Correctional Service of Canada (“CSC”). He made an application for day parole before the Parole Board of Canada (“PBC”) which was dismissed on October 5th, 2020. The Parole Board of Canada Appeal Division confirmed PBC’s decision on January 20, 2021. The Applicant filed an application for judicial review from that decision on February 19, 2021. In the same Notice of Application, the Applicant also seeks to review several other

decisions from PBC and CSC, including their decisions not to prepare Community Release Plans and to rate his Reintegration Potential as “low”. Those judicial review matters are not before me on this motion.

[2] On May 14, 2021, the Applicant filed an *Ex Parte* Motion for an Order of Confidentiality under Rule 151 of the *Federal Courts Rules*, SOR/98-106 [“Rules”]. Before me, he seeks the following interlocutory relief:

- (1) An order of confidentiality under s. 151 of the *Rules* ;
- (2) An order that the upcoming judicial review hearing be held in-camera ;
- (3) An order in the nature of *mandamus* to require the Parole Board of Canada and Correctional Service of Canada (CSC) not disclose information they hold regarding the applicant and to seal his files ;
- (4) An order in the nature of *mandamus* to compel the Parole Board of Canada, should his parole be granted, to release him to a Private Home Placement.

[3] For the reasons set out below, I am of the view that *mandamus* is not an appropriate remedy in the circumstances and that all of the requests made should be dismissed.

II. Analysis

A. *Should this Court grant an order of confidentiality under s. 151 of the Rules and should it order an in-camera session for the hearing of the judicial review application*

[4] The Applicant contends that in 2006, while in prison, a family member of the victim of his crime assaulted him. He also contends he has received threatening letters from family

members and friends of the victim of his crime. He says those same people threaten to cause him harm upon his release from prison. He says that his rights to privacy and confidentiality, and by extension, his safety, outweigh the public's right to open and accessible court proceedings.

[5] The Respondent contends that the Applicant has failed to demonstrate that the granting of the confidentiality order and the order to proceed in camera are necessary and proportional, when considered in the context of the two-part test set out in *Sierra Club of Canada v Canada (Minister of Finance)* 2002 SCC 41, [2002] 2 SCR 522 ["Sierra Club"] at para 53. The Respondent contends the test is the same for both orders sought (*Canadian Broadcasting Corp. v. The Queen*, 2011 SCC 3, [2011] 1 SCR 65 at para 13); namely:

A confidentiality order under Rule 151 should only be granted when:

- (a) such an order is necessary in order to prevent a serious risk to an important interest [...] because reasonably alternative measures will not prevent the risk; and
- (b) the salutary effects of the confidentiality order, including the effects on the right of civil litigants to a fair trial, outweigh its deleterious effects, including the effects on the right to free expression, which in this context includes the public interest in open and accessible court proceedings.

[6] The Respondent contends the assault and the threats of assault are dated. It also says that any risk of retribution from the family members of the Applicant's victim exists independently of these judicial proceedings. Furthermore, the Respondent contends that the Applicant has not met the onus upon him to demonstrate that information before this Court could put him at risk, or why public access to the hearing must be restricted.

[7] With respect to the second part of the test, the Respondent contends that the deleterious effects of the proposed orders outweigh any salutary effects. Confidentiality orders and orders for an in-camera hearing would result in restrictions on the public's access to the courts, limits on freedom of expression and would violate the open court principle, all being concepts fundamental to the administration of justice (*Toronto Star Newspapers Ltd v. Ontario*, 2005 SCC 41, [2005] 2 SCR 188 at para 1-2).

[8] “Confidentiality will not be lightly ordered [...], the moving party bears a heavy onus and must present evidence demonstrating the need for such an order” (*Canada (Attorney General) v. Almalki*, 2010 FC 733, 372 FTR 309 at para 17). In order to obtain a confidentiality order under s. 151 of the *Rules*, an applicant must meet the two-part test set out by the Supreme Court in *Dagenais v. Canadian Broadcasting Corp.* [1994] 3 SCR 835, 120 DLR (4th) 12 [“Dagenais”] and *R. v. Mentuck* [2001] 3 SCR 442, 205 DLR (4th) 512 [“Mentuck”] and later modified in *Sierra Club*, as identified by the Respondent.

[9] I am of the opinion the Applicant has failed to meet either part of this test. While I disagree with the Respondent's assertion that the threats are “general in nature”, they clearly being specific and on at least one occasion acted upon, the risk of retribution from the family members and friends of the Applicant's victim, exists independently of the within judicial proceedings. The Applicant does not provide any evidence to demonstrate how keeping documents or information relating to these judicial proceedings in the public domain would put his safety any more at risk than it already is.

[10] The Applicant must also establish that at all relevant times the information he wishes to keep confidential was previously treated in that manner (*Teva Canada Limited v. Janssen Inc.*, 2017 FC 437 at para 6; *Desjardins v. Canada (Attorney General)*, 2020 FCA 123 at para 85). PBC's proceedings are open to the public (*Corrections and Conditional Release Act*, SC 1992, c 20 ["CCRA"], s. 140(4)). Furthermore, information about an offender, in circumstances similar to those of the Applicant, can be provided to victims, and others, without the offender's consent (*CCRA* ss. 26, 144.1, 142; *Privacy Act*, R.S.C., 1985, c. P-21, s. 8). The Applicant seeks a confidentiality order for documents and information that is already publicly available.

[11] I would add that because the risk of physical harm faced by the Applicant exists independently of these judicial proceedings, there would be little to no salutary effects to granting the confidentiality order.

[12] With respect to the request for an in-camera hearing, it is well established that the *Dagenais / Mentuck / Sierra Club* test applies to all discretionary actions that might affect the open and accessible court principle (*Vancouver Sun (Re)*, 2004 SCC 43, [2004] 2 SCR 332 at para 31; *Mahjoub (Re)*, 2013 FC 1097, at para 36-37). Therefore, for the reasons already provided, the Applicant fails to meet the applicable test for an in-camera hearing.

B. *Application for an order in the nature of mandamus to prevent the Parole Board of Canada and the Correctional Service of Canada from disclosing information regarding the Applicant and an order sealing his files.*

[13] The Applicant correctly asserts that he failed to obtain a prohibition on publication of his application for day parole before the PBC. As a result, PBC and CSC may provide disclosure of

his personal information. See, s. 24(a) of the *Privacy Act*; s. 26(1), 142(1) and 144(2) of the *CCRA*.

[14] The Respondent submits that this Court does not have jurisdiction to grant the remedy sought by the Applicant, as a writ of *mandamus* cannot be obtained on an interlocutory motion (*Kellapatha v Canada (MIRC)*, 2017 FC 739 [“Kellapatha”] at para 17 ; *Clifton v Hartley Bay Village Council*, 2005 FC 1594 at para 3-5).

[15] The Respondent submits that even if the Court possessed the jurisdiction to issue a writ of *mandamus* on an interlocutory motion, this remedy would not be available in the circumstances. It asserts the Applicant fails the test set out in *Apotex Inc v Canada (Attorney General)*, [1994] 1 FC 742, 69 FTR 152 [“Apotex”] at para 55, the components of which are:

- (1) there is a public legal duty to act;
- (2) the duty must be owed to the applicant;
- (3) there is a clear right to the performance of that duty;
- (4) where the duty sought to be enforced is discretionary, certain additional rules apply;
- (5) no other adequate remedy is available to the applicant
- (6) the order sought will be of some practical value or effect;
- (7) the Court in the exercise of its discretion finds no equitable bar to the relief sought; and
- (8) on a balance of convenience an order of *mandamus* should be issued

[16] I agree with the Respondent that there is no public legal duty to act owed to the Applicant. To the contrary, there is a public legal duty imposed on both the PBC and CSC to provide certain information about an offender, at the request of a victim or others (*Canadian*

Victim's Bill of Rights, SC 2015, c 13, ss. 2, 8(a); *CCRA* ss. 26, 142, 144.1; *Privacy Act* s. 8; *Access to Information Act*, RSC, 1985, c A-1, s. 19).

[17] Regardless of whether or not the Applicant meets the test set out in *Apotex*, I am satisfied his motion for *mandamus* cannot be granted on an interlocutory motion. In the present matter, this Court does not have the power to prevent the PBC and CSC from disclosing information regarding the Applicant, or to compel them to seal the Applicant's files.

C. *Request for Mandamus to compel the Parole Board of Canada to release the Applicant to a Private Home Placement*

[18] The Applicant also requests an order in the nature of *mandamus*, that, in the event parole is granted, he be released to a Private Home Placement. The Applicant says this would best mitigate the opportunities for risk to the public and enhance his reintegration into society.

[19] The Respondent says such a motion is premature. In addition, it adds that it seeks to compel the exercise of PBC's discretion in a particular way. *Mandamus* cannot be used to compel the exercise of discretion in such fashion (*Apotex* at para 55; *CCRA* ss. 133(3), 133(3.1), 133(4)).

[20] Furthermore, as previously indicated, *mandamus* cannot be obtained on an interlocutory motion. Such a remedy can only be obtained on an application for judicial review under s. 18.1 of the *Rules* (*Kellapatha*, at para 17; *Wasylynuk v. Canada (Royal [Canadian] Mounted Police)*,

2020 FC 962, at para 67). It follows, on that basis alone both *mandamus* applications brought by Applicant should be dismissed.

[21] Again, even if this Court had jurisdiction to grant the remedy sought by the Applicant, there are several reasons why the *mandamus* order sought by the Applicant should be dismissed. Parole conditions are at the entire discretion of the PBC (*CCRA*, ss. 133(2) to 133(7)). As set out in *Canada (Chief Electoral Officer) v. Callaghan*, 2011 FCA 74, [2011] 2 FCR 80 at para 126, *mandamus* cannot be sought to compel the exercise of discretion in a particular way. Furthermore, the Applicant is seeking an order that is conditional upon the granting of parole. *Mandamus* cannot be issued to enforce a conditional or future obligation (*Mensingher v Canada (Minister of Employment and Immigration)* (TD), [1987] 1 FC 59, 5 F.T.R. 64).

III. Conclusion

[22] The Applicant has not met the onus upon him to demonstrate he meets the requirements necessary to obtain a confidentiality order under s. 151 of the *Rules* or an in-camera hearing. Furthermore, this Court does not have jurisdiction to grant the *mandamus* orders sought by him. The motion for interlocutory relief is dismissed.

ORDER in T-390-21

THIS COURT ORDERS that:

1. The Applicant's motion for interlocutory relief is dismissed

"B. Richard Bell"

Judge

SCHEDULE

Privacy Act, R.S.C., 1985, c. P-21

8 (1) Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.

(2) Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed

(a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose;

(b) for any purpose in accordance with any Act of Parliament or any regulation made thereunder that authorizes its disclosure;

[...]

24 The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that was collected or obtained by the Correctional Service of Canada or the Parole Board of Canada while the individual who made the request was under sentence for an offence against any Act of Parliament, if the disclosure could reasonably be expected to

(a) lead to a serious disruption of the individual's institutional, parole or statutory release program;

8 (1) Les renseignements personnels qui relèvent d'une institution fédérale ne peuvent être communiqués, à défaut du consentement de l'individu qu'ils concernent, que conformément au présent article.

(2) Sous réserve d'autres lois fédérales, la communication des renseignements personnels qui relèvent d'une institution fédérale est autorisée dans les cas suivants :

a) communication aux fins auxquelles ils ont été recueillis ou préparés par l'institution ou pour les usages qui sont compatibles avec ces fins;

b) communication aux fins qui sont conformes avec les lois fédérales ou ceux de leurs règlements qui autorisent cette communication;

[...]

24 Le responsable d'une institution fédérale peut refuser à un individu la communication des renseignements personnels demandés en vertu du paragraphe 12(1) qui ont été recueillis ou obtenus par le Service correctionnel du Canada ou la Commission des libérations conditionnelles du Canada pendant qu'il était sous le coup d'une condamnation à la suite d'une infraction à une loi fédérale, dans les cas où la communication risquerait vraisemblablement :

a) soit d'avoir de graves conséquences sur son programme pénitentiaire, son programme de libération conditionnelle ou son programme de libération d'office;

Corrections and Conditional Release Act (S.C. 1992, c. 20)

26 (1) At the request of a victim of an offence committed by an offender, the Commissioner

(a) shall disclose to the victim the following information about the offender:

(i) the offender's name,

(ii) the offence of which the offender was convicted and the court that convicted the offender,

(iii) the date of commencement and length of the sentence that the offender is serving, and

(iv) eligibility dates and review dates applicable to the offender under this Act in respect of temporary absences or parole;

(b) may disclose to the victim any of the following information about the offender, where in the Commissioner's opinion the interest of the victim in such disclosure clearly outweighs any invasion of the offender's privacy that could result from the disclosure:

(i) the offender's age,

(ii) the name and location of the penitentiary in which the sentence is being served,

(ii.1) if the offender is transferred, a summary of the reasons for the transfer and the name and location of the penitentiary in which the sentence is being served,

(ii.2) if the offender is to be transferred to a minimum security institution as designated by Commissioner's Directive and it is possible to notify the victim before the transfer, a summary of the reasons for the transfer and the name and location of the institution in which the sentence is to be served,

(ii.3) the programs that were designed to address the needs of the offender and

26 (1) Sur demande de la victime, le commissaire :

a) communique à celle-ci les renseignements suivants :

(i) le nom du délinquant,

(ii) l'infraction dont il a été trouvé coupable et le tribunal qui l'a condamné,

(iii) la date de début et la durée de la peine qu'il purge,

(iv) les dates d'admissibilité et d'examen applicables aux permissions de sortir ou à la libération conditionnelle;

b) peut lui communiquer tout ou partie des renseignements suivants si, à son avis, l'intérêt de la victime justifierait nettement une éventuelle violation de la vie privée du délinquant :

(i) l'âge du délinquant,

(ii) le nom et l'emplacement du pénitencier où il est détenu,

(ii.1) en cas de transfèrement dans un autre pénitencier, le nom et l'emplacement de celui-ci et un résumé des motifs du transfèrement,

(ii.2) dans la mesure du possible, un préavis du transfèrement dans un établissement à sécurité minimale au sens des directives du commissaire, le nom et l'emplacement de l'établissement et un résumé des motifs du transfèrement,

(ii.3) les programmes visant à répondre aux besoins et à contribuer à la réinsertion sociale des délinquants auxquels le délinquant participe ou a participé,

contribute to their successful reintegration into the community in which the offender is participating or has participated,

(ii.4) the serious disciplinary offences that the offender has committed,

(iii) information pertaining to the offender's correctional plan, including information regarding the offender's progress towards meeting the objectives of the plan,

(iv) the date of any hearing for the purposes of a review under section 130,

(v) that the offender has been removed from Canada under the Immigration and Refugee Protection Act before the expiration of the sentence, and

(vi) [Repealed, 2015, c. 13, s. 46]

(vii) whether the offender is in custody and, if not, the reason why the offender is not in custody;

(c) shall disclose to the victim any of the following information about the offender, if, in the Commissioner's opinion, the disclosure would not have a negative impact on the safety of the public:

(i) the date, if any, on which the offender is to be released on temporary absence, work release, parole or statutory release,

(ii) the conditions attached to the offender's temporary absence, work release, parole or statutory release,

(iii) the destination of the offender on any temporary absence, work release, parole or statutory release, whether the offender will be in the vicinity of the victim while travelling to that destination and the reasons for any temporary absence; and

(ii.4) les infractions disciplinaires graves qu'il a commises,

(iii) des renseignements concernant son plan correctionnel, notamment les progrès qu'il a accomplis en vue d'en atteindre les objectifs,

(iv) la date de toute audience prévue à l'égard de l'examen visé à l'article 130,

(v) son renvoi du Canada dans le cadre de la Loi sur l'immigration et la protection des réfugiés avant l'expiration de sa peine,

(vi) [Abrogé, 2015, ch. 13, art. 46]

(vii) s'il est sous garde et, le cas échéant, les raisons pour lesquelles il ne l'est pas;

c) lui communique tout ou partie des renseignements ci-après si, à son avis, cette communication n'aurait pas d'incidence négative sur la sécurité du public :

(i) la date de la mise en liberté du délinquant au titre d'une permission de sortir, d'un placement à l'extérieur ou de la libération conditionnelle ou d'office,

(ii) les conditions dont est assorti la permission de sortir, le placement à l'extérieur ou la libération conditionnelle ou d'office,

(iii) la destination du délinquant lors de sa permission de sortir et les raisons de celle-ci, sa destination lors de son placement à l'extérieur, sa libération conditionnelle ou d'office et son éventuel rapprochement de la victime, selon son itinéraire;

d) lui donne accès à une photographie du délinquant au premier des événements ci-après, ou à toute nouvelle photographie du délinquant prise par le Service par la suite, si, à son avis, cet accès n'aurait pas d'incidence négative sur la sécurité du public :

(d) shall provide the victim with access to a photograph of the offender taken on the occurrence of the earliest of any of the following — and any subsequent photograph of the offender taken by the Service — if, in the Commissioner’s opinion, to do so would not have a negative impact on the safety of the public:

(i) the release of the offender on unescorted temporary absence,

(ii) the offender’s work release,

(iii) the offender’s release on parole, and

(iv) the offender’s release by virtue of statutory release or the expiration of the sentence.

133 (3) The releasing authority may impose any conditions on the parole, statutory release or unescorted temporary absence of an offender that it considers reasonable and necessary in order to protect society and to facilitate the offender’s successful reintegration into society. For greater certainty, the conditions may include any condition regarding the offender’s use of drugs or alcohol, including in cases when that use has been identified as a risk factor in the offender’s criminal behaviour.

(3.1) If a victim or a person referred to in subsection 26(3) or 142(3) has provided the releasing authority with a statement describing the harm, property damage or loss suffered by them as a result of the commission of an offence or its continuing impact on them — including any safety concerns — or commenting on the possible release of the offender, the releasing authority shall impose any conditions on the parole, statutory release or unescorted temporary absence of the offender that it considers reasonable and necessary in order to protect the victim or the person, including a

(i) la mise en liberté du délinquant lors d’une permission de sortir sans escorte,

(ii) son placement à l’extérieur,

(iii) sa libération conditionnelle,

(iv) sa libération d’office ou l’expiration de sa peine.

133(3) L’autorité compétente peut imposer au délinquant qui bénéficie d’une libération conditionnelle ou d’office ou d’une permission de sortir sans escorte les conditions qu’elle juge raisonnables et nécessaires pour protéger la société et favoriser la réinsertion sociale du délinquant. Il est entendu que les conditions peuvent porter sur la consommation de drogues ou d’alcool par le délinquant, notamment lorsqu’il a été établi qu’elle est un facteur de risque dans le comportement criminel du délinquant.

(3.1) Si une victime ou la personne visée aux paragraphes 26(3) ou 142(3) lui fournit une déclaration à l’égard des pertes ou dommages qui lui ont été causés par la perpétration d’une infraction ou des effets que celle-ci a encore sur elle, notamment les préoccupations qu’elle a quant à sa sécurité, ou à l’égard de l’éventuelle libération du délinquant, l’autorité compétente impose au délinquant qui bénéficie d’une libération conditionnelle ou d’office ou d’une permission de sortir sans escorte les conditions — dont l’une pourrait porter que le délinquant doit s’abstenir

condition that the offender abstain from having any contact, including communication by any means, with the victim or the person or from going to any specified place.

(4) Where, in the opinion of the releasing authority, the circumstances of the case so justify, the releasing authority may require an offender, as a condition of parole or unescorted temporary absence, to reside in a community-based residential facility.

142 (1) At the request of a victim of an offence committed by an offender, the Chairperson

(a) shall disclose to the victim the following information about the offender:

- (i) the offender's name,
- (ii) the offence of which the offender was convicted and the court that convicted the offender,
- (iii) the date of commencement and length of the sentence that the offender is serving, and
- (iv) eligibility dates and review dates applicable to the offender under this Part in respect of unescorted temporary absences or parole; and

(b) may disclose to the victim any of the following information about the offender, where in the Chairperson's opinion the interest of the victim in the disclosure clearly outweighs any invasion of the offender's privacy that could result from the disclosure, namely,

- (i) the offender's age,
- (ii) the location of the penitentiary in which the sentence is being served,

d'avoir des contacts, notamment de communiquer par quelque moyen que ce soit, avec elle ou d'aller dans un lieu qui est précisé — qu'elle juge raisonnables et nécessaires pour protéger l'intéressée.

(4) Si elle estime que les circonstances le justifient, l'autorité compétente peut ordonner que le délinquant, à titre de condition de sa libération conditionnelle ou d'une permission de sortir sans escorte, demeure dans un établissement résidentiel communautaire.

142 (1) Sur demande de la victime, le président :

a) communique à celle-ci les renseignements suivants :

- (i) le nom du délinquant,
- (ii) l'infraction dont il a été trouvé coupable et le tribunal qui l'a condamné,
- (iii) la date de début et la durée de la peine qu'il purge,
- (iv) les dates d'admissibilité et d'examen applicables aux permissions de sortir sans escorte ou à la libération conditionnelle;

b) peut lui communiquer, tout ou partie des renseignements suivants si, à son avis, l'intérêt de la victime justifierait nettement une éventuelle violation de la vie privée du délinquant :

- (i) l'âge du délinquant,
- (ii) l'emplacement du pénitencier où il est détenu,
- (iii) la date de ses permissions de sortir sans escorte, de ses permissions de sortir avec escorte approuvées par la Commission au titre du paragraphe 746.1(2) du Code criminel, de

(iii) the date, if any, on which the offender is to be released on unescorted temporary absence, escorted temporary absence where the Board has approved the absence as required by subsection 746.1(2) of the Criminal Code, parole or statutory release,

(iv) the date of any hearing for the purposes of a review under section 130,

(v) any of the conditions attached to the offender's unescorted temporary absence, parole or statutory release and the reasons for any unescorted temporary absence,

(vi) the destination of the offender when released on unescorted temporary absence, parole or statutory release, and whether the offender will be in the vicinity of the victim while travelling to that destination,

(vii) whether the offender is in custody and, if not, the reason that the offender is not in custody,

(viii) whether or not the offender has appealed a decision of the Board under section 147, and the outcome of that appeal, and

(ix) the reason for a waiver of the right to a hearing under subsection 140(1) if the offender gives one.

144 (2) A person who demonstrates an interest in a case may, on written application to the Board, have access to the contents of the registry relating to that case, other than information the disclosure of which could reasonably be expected

(a) to jeopardize the safety of any person;

(b) to reveal a source of information obtained in confidence; or

sa libération conditionnelle ou de sa libération d'office,

(iv) la date de toute audience prévue à l'égard de l'examen visé à l'article 130,

(v) les conditions dont est assortie la permission de sortir sans escorte et les raisons de celle-ci, ainsi que les conditions de la libération conditionnelle ou d'office,

(vi) sa destination lors de sa mise en liberté et son éventuel rapprochement de la victime, selon son itinéraire,

(vii) s'il est sous garde et, le cas échéant, les raisons pour lesquelles il ne l'est pas,

(viii) si le délinquant a interjeté appel en vertu de l'article 147 et, le cas échéant, la décision rendue au titre de celui-ci,

(ix) si le délinquant a renoncé à son droit à une audience au titre du paragraphe 140(1), le motif de la renonciation, le cas échéant.

144(2) Sur demande écrite à la Commission, toute personne qui démontre qu'elle a un intérêt à l'égard d'un cas particulier peut avoir accès au registre pour y consulter les renseignements qui concernent ce cas, à la condition que ne lui soient pas communiqués de renseignements dont la divulgation risquerait vraisemblablement :

a) de mettre en danger la sécurité d'une personne;

(c) if released publicly, to adversely affect the reintegration of the offender into society.

144.1 At the request of a victim, or a person referred to in subsection 142(3), the Board shall, despite section 144, provide the victim or person with a copy of any decision rendered by it under this Part or under paragraph 746.1(2)(c) or (3)(c) of the Criminal Code in relation to the offender and its reasons for that decision, unless doing so could reasonably be expected

- (a) to jeopardize the safety of any person;
- (b) to reveal a source of information obtained in confidence; or
- (c) to prevent the successful reintegration of the offender into society.

Access to Information Act (R.S.C., 1985, c. A-1)

19(2) The head of a government institution may disclose any record requested under this Part that contains personal information if

[...]

- (c) the disclosure is in accordance with section 8 of the *Privacy Act*.

b) de permettre de remonter à une source de renseignements obtenus de façon confidentielle;

c) de nuire, s'ils sont rendus publics, à la réinsertion sociale du délinquant.

144.1 La Commission remet, malgré l'article 144, à la victime ou à la personne visée au paragraphe 142(3), si elles en font la demande, une copie de toute décision qu'elle a rendue sous le régime de la présente partie ou des alinéas 746.1(2)c) ou (3)c) du Code criminel à l'égard du délinquant, motifs à l'appui, sauf si cela risquerait vraisemblablement :

- a) de mettre en danger la sécurité d'une personne;
- b) de permettre de remonter à une source de renseignements obtenus de façon confidentielle;
- c) d'empêcher la réinsertion sociale du délinquant.

19(2) Le responsable d'une institution fédérale peut donner communication de documents contenant des renseignements personnels dans les cas où :

[...]

- c) la communication est conforme à l'article 8 de la *Loi sur la protection des renseignements personnels*.

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-390-21

STYLE OF CAUSE: WILLIAM JAMES MCCOTTER v ATTORNEY
GENERAL OF CANADA

DEALT WITH IN WRITING WITHOUT APPEARANCE OF THE PARTIES

ORDER AND REASONS: BELL J.

DATED: OCTOBER 15, 2021

IN WRITING :

WILLIAM JAMES MCCOTTER

SELF-REPRESENTED

MAYA INUZUKA

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Vancouver, BC

FOR THE RESPONDENT