

Federal Court



Cour fédérale

~~SUBJECT TO A PUBLICATION BAN~~

Date: 20231012

Docket: DES-5-20

Citation: 2023 FC 1361

Ottawa, Ontario, October 12, 2023

PRESENT: Mr. Justice Norris

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Applicant

and

CAMERON JAY ORTIS

Respondent

and

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

ORDER AND REASONS

[1] Cameron Jay Ortis is a former civilian member of the Royal Canadian Mounted Police who has been charged with offences under the *Security of Information Act*, RSC 1985, c O-5, and the *Criminal Code*, RSC 1985, c C-46.

[2] Crown disclosure provided to Mr. Ortis was redacted to protect certain information on the basis that it is sensitive or potentially injurious information as this is defined in section 38 of the *Canada Evidence Act*, RSC 1985, c C-5 (“*CEA*”). The Attorney General of Canada (AGC) then applied under section 38.04 of the *CEA* for an order confirming the prohibition on disclosure of information on the basis that its release would be injurious to international relations, national defence or national security.

[3] The Court’s adjudication of the AGC’s section 38 claims over information in Crown disclosure as well as information in defence summaries has proceeded in stages: see *Canada (Attorney General) v Ortis*, 2022 FC 142; *Canada (Attorney General) v Ortis*, 2022 FC 477; *Canada (Attorney General) v Ortis*, 2022 FC 617; and *Canada (Attorney General) v Ortis*, 2023 FC 1172 (*Ortis 2023*).

[4] The governing legal principles are set out in these earlier Orders and Reasons. There is no need to repeat them here.

[5] Applying these principles, and subject to paragraph 6, below, I am satisfied that the prohibition on disclosure of all remaining information identified in the notices filed by the AGC but which has not yet been dealt with by the Court should be confirmed. I note that the *amici*

*curiae* who were appointed to assist the Court in this matter did not contest the redactions over any of this remaining information.

[6] For greater certainty, this Order does not include the information relevant to counts 5 to 8 in the indictment dated March 10, 2020, referred to in paragraph 6 of *Ortis 2023*. Nor does it include any information over which claims were made under both section 37 and section 38 of the *CEA*. Since these section 37 claims were not contested, it was not necessary to address the underlying section 38 claims.

**ORDER IN DES-5-20**

**THIS COURT ORDERS that**

1. Pursuant to subsection 38.06(3) of the *Canada Evidence Act*, the prohibition on disclosure with respect to the remaining information identified in notices filed by the Attorney General of Canada is confirmed.
2. For the reasons stated in *Canada (Attorney General) v Ortis*, 2021 FC 737, this Order and Reasons shall not be published in any document, or broadcast or transmitted in any way before the criminal trial of Cameron Jay Ortis in the Ontario Superior Court of Justice has concluded.
3. For greater certainty, the foregoing term does not apply to the filing of this Order and Reasons or any part thereof at the Ontario Superior Court of Justice.
4. Subject to further Order of the Court, the Registry shall not make this Order and Reasons available to any member of the public before the criminal trial of Cameron Jay Ortis in the Ontario Superior Court of Justice has concluded.

“John Norris”

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** DES-5-20

**STYLE OF CAUSE:** THE ATTORNEY GENERAL OF CANADA V  
CAMERON JAY ORTIS ET AL

**PUBLIC HEARING DATES:** SEPTEMBER 20, 21, 2021

***EX PARTE IN CAMERA*  
HEARING DATES:** OCTOBER 4, 5, 6, 21, 2021  
NOVEMBER 2, 3, 2021  
DECEMBER 1, 2, 3, 13, 2021  
JANUARY 20, 21, 2022

**ORDER AND REASONS:** NORRIS J.

**DATED:** OCTOBER 12, 2023

**APPEARANCES:**

Andre Seguin FOR THE APPLICANT  
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