

Federal Court



Cour fédérale

Date: 20240904

Docket: DES-5-23

Citation: 2024 FC 1388

Ottawa, Ontario, September 4, 2024

PRESENT: The Honourable Mr. Justice Fothergill

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Applicant

and

PATRICK GORDON MACDONALD

Respondent

and

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

ORDER

UPON the Application of the Attorney General of Canada [AGC] pursuant to s 38.04(1) of the *Canada Evidence Act*, RSC 1985, c C-5 [CEA] for an Order confirming the prohibition of

disclosure of information contained in documents referred to in a notice given by counsel for the Public Prosecution Service of Canada [PPSC] to the AGC pursuant to s 38.01(1) of the CEA;

AND CONSIDERING that:

- (a) on July 4, 2023, Mr. Macdonald was charged with offences pursuant to ss 83.18, 83.19 and 83.02 of the *Criminal Code*, RSC, 1985, c C-46 (Ontario Court of Justice Court File No 4011 998 23 1140453500);
- (b) on September 14, 2023, counsel for the PPSC provided notice to the AGC pursuant to s 38.01(1) of the CEA that sensitive or potentially injurious information may be disclosed in connection with the criminal proceeding against Mr. Macdonald; and
- (c) on March 18, 2024, the Court appointed Mr. Harout Haladjian as *amicus curiae* in this Application;

AND CONSIDERING the Court's previous Order in this matter issued on May 15, 2024, and the reasons provided therefor;

AND UPON reading the materials filed, including classified correspondence from counsel for the AGC and the *amicus curiae* submitting a joint proposal regarding the disposition

of this Application in respect of four additional documents that contain information the AGC wishes to protect against disclosure;

AND APPLYING the factual and legal considerations expressed in the Court's previous Order to the four additional documents;

THIS COURT ORDERS that:

1. The attached table summarizing the information in issue shall be disclosed pursuant to s 38.06(2) of the CEA for use in the underlying criminal proceeding.
2. In all other respects, the application of the AGC pursuant to s 38.04 of the CEA to prohibit the disclosure of information is granted, and the prohibition of disclosure is confirmed pursuant to s 38.06(3) of the CEA.

"Simon Fothergill"

Judge

ATTACHMENT

No.	AGC ID	Public Summary
123	AGC0037	The redactions relate to the response to the deconfliction process.
124	AGC0038	Part of the redactions relate to the response to the deconfliction process. The redactions also relate to information that identifies the names and email addresses of CSIS employees as well as administrative procedures.
125	AGC0042	The redactions relate to the response to the deconfliction process.
126	AGC0043	Part of the redactions relate to the response to the deconfliction process. The redactions also relate to the name of a CSIS employee.