Info Source
Access to Information Act
Privacy Act

Number 22
June 1999
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Note: This Bulletin is in large print to assist persons with visual disabilities.
STATISTICAL TABLES 1998-1999
ACCESS TO INFORMATION
Disposition of Requests

<table>
<thead>
<tr>
<th>Requests received</th>
<th>14,340</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests completed</td>
<td>100.0%</td>
</tr>
<tr>
<td></td>
<td>(Includes requests brought forward from previous year)</td>
</tr>
</tbody>
</table>

Disposition of requests completed:

<table>
<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>All disclosed</td>
<td>39.8%</td>
<td>5,713</td>
</tr>
<tr>
<td>Some disclosed</td>
<td>33.7%</td>
<td>4,837</td>
</tr>
<tr>
<td>No records disclosed – excluded</td>
<td>0.3%</td>
<td>47</td>
</tr>
<tr>
<td>No records disclosed – exempted</td>
<td>2.7%</td>
<td>379</td>
</tr>
<tr>
<td>Transferred</td>
<td>1.6%</td>
<td>226</td>
</tr>
<tr>
<td>Treated informally</td>
<td>2.7%</td>
<td>389</td>
</tr>
<tr>
<td>Could not be processed</td>
<td>19.2%</td>
<td>2,749</td>
</tr>
<tr>
<td>(Reasons include insufficient information provided by applicant, no records exist and abandonment by applicant)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Access to Information – 1998-1999

#### Source of Requests

<table>
<thead>
<tr>
<th>Requests received</th>
<th>100.0%</th>
<th>14,340</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td>43.6%</td>
<td>6,259</td>
</tr>
<tr>
<td>Business</td>
<td>33.5%</td>
<td>4,785</td>
</tr>
<tr>
<td>Organizations</td>
<td>11.3%</td>
<td>1,622</td>
</tr>
<tr>
<td>Media</td>
<td>9.8%</td>
<td>1,409</td>
</tr>
<tr>
<td>Academics</td>
<td>1.8%</td>
<td>265</td>
</tr>
</tbody>
</table>

### Access to Information – 1998-1999

#### Ten Institutions Receiving Most Requests

<table>
<thead>
<tr>
<th>Requests received by all institutions</th>
<th>100.0%</th>
<th>14,340</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizenship and Immigration</td>
<td>19.3%</td>
<td>2,770</td>
</tr>
<tr>
<td>National Archives</td>
<td>13.7%</td>
<td>1,970</td>
</tr>
<tr>
<td>National Defence</td>
<td>7.2%</td>
<td>1,031</td>
</tr>
<tr>
<td>Health</td>
<td>6.8%</td>
<td>972</td>
</tr>
<tr>
<td>Public Works and Government Services</td>
<td>4.7%</td>
<td>676</td>
</tr>
<tr>
<td>Royal Canadian Mounted Police</td>
<td>4.0%</td>
<td>575</td>
</tr>
<tr>
<td>Human Resources Development</td>
<td>3.7%</td>
<td>531</td>
</tr>
<tr>
<td>Revenue</td>
<td>3.4%</td>
<td>482</td>
</tr>
<tr>
<td>Indian and Northern Affairs</td>
<td>2.9%</td>
<td>419</td>
</tr>
<tr>
<td>Foreign Affairs and International Trade</td>
<td>2.7%</td>
<td>385</td>
</tr>
<tr>
<td>Other Departments</td>
<td>31.6%</td>
<td>4,529</td>
</tr>
</tbody>
</table>
### Access to Information – 1998-1999

#### Time Required to Complete Requests

<table>
<thead>
<tr>
<th>Requests completed</th>
<th>100.0%</th>
<th>14,340</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 30 days</td>
<td>53.7%</td>
<td>7,699</td>
</tr>
<tr>
<td>31 – 60 days</td>
<td>18.6%</td>
<td>2,662</td>
</tr>
<tr>
<td>61 + days</td>
<td>27.7%</td>
<td>3,979</td>
</tr>
</tbody>
</table>

#### Access to Information – 1998-1999

#### Exemptions

<table>
<thead>
<tr>
<th>Total exemptions</th>
<th>100.0%</th>
<th>11,457</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 19 – Personal information</td>
<td>29.3%</td>
<td>3,371</td>
</tr>
<tr>
<td>Section 20 – Third party information</td>
<td>24.4%</td>
<td>2,798</td>
</tr>
<tr>
<td>Section 21 – Operations of government</td>
<td>15.9%</td>
<td>1,825</td>
</tr>
<tr>
<td>Section 16 – Law enforcement and investigations</td>
<td>7.9%</td>
<td>906</td>
</tr>
<tr>
<td>Section 13 – Information obtained in confidence</td>
<td>5.6%</td>
<td>640</td>
</tr>
<tr>
<td>Section 23 – Solicitor-client privilege</td>
<td>5.4%</td>
<td>619</td>
</tr>
<tr>
<td>Section 15 – International affairs and defence</td>
<td>5.3%</td>
<td>604</td>
</tr>
<tr>
<td>Section 14 – Federal-provincial affairs</td>
<td>2.5%</td>
<td>286</td>
</tr>
<tr>
<td>Section 18 – Economic interests of Canada</td>
<td>1.9%</td>
<td>220</td>
</tr>
</tbody>
</table>
Costs and Fees for Operations

Requests completed 14,340

Cost of operations $14,297,387

Cost per request completed $997

Fees collected $289,788

Fees collected per request completed $20.21

Fees waived $115,067

Fees waived per request completed $8.02
STATISTICAL TABLES 1998-1999 PRIVACY
Privacy – 1998-1999
Disposition of Requests

<table>
<thead>
<tr>
<th>Requests received</th>
<th>34,670</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests completed</td>
<td>100.0% 36,133</td>
</tr>
<tr>
<td>(Includes requests brought forward from previous year)</td>
<td></td>
</tr>
<tr>
<td>Disposition of requests completed:</td>
<td></td>
</tr>
<tr>
<td>All disclosed</td>
<td>50.6% 18,306</td>
</tr>
<tr>
<td>Some disclosed</td>
<td>35.3% 12,741</td>
</tr>
<tr>
<td>No records disclosed - excluded</td>
<td>0.0% 8</td>
</tr>
<tr>
<td>No records disclosed - exempted</td>
<td>1.0% 345</td>
</tr>
<tr>
<td>Could not be processed</td>
<td>13.1% 4,733</td>
</tr>
<tr>
<td>(Reasons include insufficient information provided by applicant, no records exist and abandonment by applicant)</td>
<td></td>
</tr>
</tbody>
</table>
### Privacy – 1998-1999

#### Five Institutions Receiving Most Requests

<table>
<thead>
<tr>
<th>Requests received by all institutions</th>
<th>100.0%</th>
<th>34,670</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Defence</td>
<td>26.0%</td>
<td>9,031</td>
</tr>
<tr>
<td>Correctional Service</td>
<td>16.4%</td>
<td>5,676</td>
</tr>
<tr>
<td>Human Resources Development</td>
<td>14.1%</td>
<td>4,909</td>
</tr>
<tr>
<td>National Archives</td>
<td>12.0%</td>
<td>4,138</td>
</tr>
<tr>
<td>Citizenship and Immigration</td>
<td>11.6%</td>
<td>4,029</td>
</tr>
<tr>
<td>Other Departments</td>
<td>19.9%</td>
<td>6,887</td>
</tr>
</tbody>
</table>

### Privacy – 1998-1999

#### Time Required to Complete Requests

<table>
<thead>
<tr>
<th>Requests completed</th>
<th>100.0%</th>
<th>36,133</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 30 days</td>
<td>55.4%</td>
<td>20,040</td>
</tr>
<tr>
<td>31 – 60 days</td>
<td>14.0%</td>
<td>5,034</td>
</tr>
<tr>
<td>61 + days</td>
<td>30.6%</td>
<td>11,059</td>
</tr>
</tbody>
</table>
### Privacy – 1998-1999

#### Exemptions

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Information about another individual</td>
<td>66.5%</td>
<td>11,375</td>
</tr>
<tr>
<td>22</td>
<td>Law enforcement and investigation</td>
<td>18.8%</td>
<td>3,221</td>
</tr>
<tr>
<td>19</td>
<td>Personal information obtained in confidence</td>
<td>7.6%</td>
<td>1,294</td>
</tr>
<tr>
<td>24</td>
<td>Individuals sentenced for an offence</td>
<td>2.4%</td>
<td>414</td>
</tr>
<tr>
<td>27</td>
<td>Solicitor-client privilege</td>
<td>2.1%</td>
<td>353</td>
</tr>
<tr>
<td>21</td>
<td>International Affairs and defence</td>
<td>1.8%</td>
<td>312</td>
</tr>
<tr>
<td>23</td>
<td>Security clearances</td>
<td>0.3%</td>
<td>56</td>
</tr>
<tr>
<td>25</td>
<td>Safety of individuals</td>
<td>0.2%</td>
<td>29</td>
</tr>
<tr>
<td>18</td>
<td>Exempt banks</td>
<td>0.2%</td>
<td>26</td>
</tr>
<tr>
<td>28</td>
<td>Medical records</td>
<td>0.1%</td>
<td>13</td>
</tr>
<tr>
<td>20</td>
<td>Federal-provincial affairs</td>
<td>0.0%</td>
<td>2</td>
</tr>
</tbody>
</table>

**Total exemptions**: 100.0% 17,095

### Costs and Fees for Operations

- **Requests completed**: 36,133
- **Cost of operations**: $9,186,184
- **Cost per request completed**: $254
STATISTICAL TABLES 1983-1999 ACCESS TO INFORMATION

### Disposition of Requests

<table>
<thead>
<tr>
<th>Requests received</th>
<th>145,814</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests completed</td>
<td>100.0%</td>
</tr>
<tr>
<td>(Includes requests brought forward from previous year)</td>
<td></td>
</tr>
<tr>
<td><strong>Disposition of requests completed:</strong></td>
<td></td>
</tr>
<tr>
<td>All disclosed</td>
<td>34.0%</td>
</tr>
<tr>
<td>Some disclosed</td>
<td>35.1%</td>
</tr>
<tr>
<td>No records disclosed – excluded</td>
<td>0.6%</td>
</tr>
<tr>
<td>No records disclosed – exempted</td>
<td>3.3%</td>
</tr>
<tr>
<td>Transferred</td>
<td>2.1%</td>
</tr>
<tr>
<td>Treated informally</td>
<td>5.6%</td>
</tr>
<tr>
<td><strong>Could not be processed</strong></td>
<td>19.3%</td>
</tr>
<tr>
<td>(Reasons include insufficient information provided by applicant, no records exist and abandonment by applicant)</td>
<td></td>
</tr>
</tbody>
</table>
### Access to Information – 1983-1999

#### Time Required to Complete Requests

<table>
<thead>
<tr>
<th>Requests completed</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>100.0%</td>
<td>141,572</td>
</tr>
<tr>
<td>0 – 30 days</td>
<td>56.8%</td>
<td>80,381</td>
</tr>
<tr>
<td>31 – 60 days</td>
<td>18.1%</td>
<td>25,588</td>
</tr>
<tr>
<td>61 + days</td>
<td>25.1%</td>
<td>35,603</td>
</tr>
</tbody>
</table>

### Access to Information – 1983-1999

#### Costs and Fees for Operations

<table>
<thead>
<tr>
<th>Requests completed</th>
<th>141,572</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of operations</td>
<td>$125,213,889</td>
</tr>
<tr>
<td>Cost per request completed</td>
<td>$884</td>
</tr>
<tr>
<td>Fees collected</td>
<td>$2,092,241</td>
</tr>
<tr>
<td>Fees collected per request completed</td>
<td>$14.78</td>
</tr>
<tr>
<td>Fees waived</td>
<td>$731,141</td>
</tr>
<tr>
<td>Fees waived per request completed</td>
<td>$5.16</td>
</tr>
</tbody>
</table>
STATISTICAL TABLES 1983-1999 PRIVACY
Privacy – 1983-1999
Disposition of Requests

<table>
<thead>
<tr>
<th>Requests received</th>
<th>664,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests completed</td>
<td>657,143</td>
</tr>
<tr>
<td>(Includes requests brought forward from previous year)</td>
<td></td>
</tr>
</tbody>
</table>

**Disposition of requests completed:**

<table>
<thead>
<tr>
<th>All disclosed</th>
<th>61.4%</th>
</tr>
</thead>
<tbody>
<tr>
<td>403,634</td>
<td></td>
</tr>
<tr>
<td>Some disclosed</td>
<td>24.4%</td>
</tr>
<tr>
<td>160,479</td>
<td></td>
</tr>
<tr>
<td>No records disclosed – excluded</td>
<td>0.1%</td>
</tr>
<tr>
<td>112</td>
<td></td>
</tr>
<tr>
<td>No records disclosed – exempted</td>
<td>0.8%</td>
</tr>
<tr>
<td>5,702</td>
<td></td>
</tr>
<tr>
<td>Could not be processed</td>
<td>13.3%</td>
</tr>
<tr>
<td>87,216</td>
<td></td>
</tr>
</tbody>
</table>

(Reasons include insufficient information provided by applicant, no records exist and abandonment by applicant)
**Privacy – 1983-1999**

**Time Required to Complete Requests**

<table>
<thead>
<tr>
<th>Requests completed</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 30 days</td>
<td>60.0%</td>
<td>392,548</td>
</tr>
<tr>
<td>31– 60 days</td>
<td>22.0%</td>
<td>142,226</td>
</tr>
<tr>
<td>61 + days</td>
<td>18.0%</td>
<td>122,369</td>
</tr>
</tbody>
</table>

**Privacy – 1983-1999**

**Costs and Fees for Operations**

<table>
<thead>
<tr>
<th>Requests completed</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of operations</td>
<td>$107,402,262</td>
</tr>
<tr>
<td>Cost per request completed</td>
<td>$163</td>
</tr>
</tbody>
</table>
FEDERAL COURT CASES

Prepared by the
Information Law and Privacy Section,
Department of Justice
RAHMAN v. MINISTER OF EMPLOYMENT AND IMMIGRATION
INDEXED AS: RAHMAN v. CANADA
(MINISTER OF EMPLOYMENT AND IMMIGRATION)

File No.: IMM-2078-93

References: [1994] F.C.J. No. 2041 (QL)
(F.C.T.D.)

Date of Decision: June 10, 1994

Before: Denault J. (F.C.T.D.)

Section(s) of ATIA / PA: S. 8(2)(a) Privacy Act (PA)

Abstract
- Immigration
- Authority to collect information relating to admissibility and Convention refugee claim
- Disclosure of border documents to Convention Refugee Determination Division within para. 8(2)(a) of the Privacy Act

Issue

Whether the border documents were inadmissible on the grounds that their disclosure to the Convention Refugee Determination Division contravened the Privacy Act.

Facts

This was an application for judicial review of a decision made by the Convention Refugee Determination Division of the Immigration and Refugee Board (hereinafter the “CRDD”)
which dismissed the applicant’s claim for refugee status on the ground that his testimony generally lacked credibility. In reaching its decision, the CCRD relied on border documents, specifically on the “examination sheet” of an immigration officer who examined the applicant at the port of entry. A comparison of the applicant’s oral testimony with this documentary evidence led the CCRD to conclude that the applicant gave totally different, mutually exclusive, reasons for his departure from Bangladesh and that, therefore, he lacked credibility.

The applicant submitted, among other things, that the border documents were inadmissible because they were protected by the *Privacy Act*. More particularly, the applicant argued that a determination of admissibility is unrelated to a Convention refugee determination and that, therefore, the immigration officer had no authority to collect information relating to the applicant’s refugee claim. The applicant further argued that the proper procedure for their disclosure pursuant to the *Access to Information Act* had not been followed.

**Decision**

The application for judicial review was dismissed. (With respect to the issue of whether the CCRD’s determination was arbitrary and capricious, see the text of the decision.)
Reasons

The immigration officer had authority, under subs. 12(1) of the *Immigration Act*, to collect information to determine whether the applicant should be admitted into Canada. It was also within his authority, under subs. 44(1) of that Act, to collect the information that the applicant was seeking a determination of a refugee claim and any other information relevant to that claim. The border documents to which the CCRD referred contained information relevant to both his admissibility and his refugee claim.

The purpose for which the information was collected may be expressed as general immigration purposes or, more specifically, as admissibility and refugee determination purposes. Under either interpretation, the use by the Convention Refugee Determination Division of the information for the purpose of determining whether the applicant was a Convention refugee may be considered for the same purpose for which it was obtained or, in the alternative, a consistent purpose pursuant to para. 8(2)(a) of the *Privacy Act*.

Since neither para. 8(2)(a) nor the *Privacy Act* or the *Access to Information Act* mandate a particular procedure for disclosure, it would be unreasonable to impose an intervening process, other than timely disclosure to the applicant, between the Canada Employment and Immigration Commission (the institution who collected the information) and the Immigration and Refugee Board.
IGBINOSUN v. MINISTER OF CITIZENSHIP AND IMMIGRATION
INDEXED AS: IGBINOSUN v. CANADA
(MINISTER OF CITIZENSHIP AND IMMIGRATION)

File No.: IMM-7410-93


Date of Decision: November 17, 1994


Section(s) of ATIA / PA: S. 8(2)(a) Privacy Act (PA)

Abstract

• Immigration
• Convention refugee claim
• Allegation of improper disclosure of personal information to Nigerian police officials
• Consistent use within meaning of para. 8(2)(a) of the Privacy Act

Issue

Whether disclosure, if any, of personal information to Nigerian police officials without the individual’s consent contravened the Privacy Act.
Facts

This is an application for judicial review of the decision of the Immigration Refugee Board rejecting the refugee claim of the applicant on the ground that he lacked credibility. The applicant, a citizen from Nigeria, signed two personal information forms which differed in content. In one of the forms, the applicant stated that he had been charged with murder and released on bail in Nigeria. Information obtained from the Nigerian police through Canadian diplomatic channels revealed that the applicant had not been charged with murder. In reaching its decision, the Board admitted into evidence the telex from the Canadian High Commission in Lagos which confirmed that information.

The applicant submitted that the admission into evidence of the telex violated his rights under the Privacy Act. He argued that the confidential statements in the personal information form had been improperly disclosed by officials of the Canadian government.

Decision

The application for judicial review was dismissed. (With respect to the issue of whether the Board exercised its discretion properly, see the text of the decision.)
Reasons

There was no evidence to indicate that any confidential information given by the applicant in his personal information form had been disclosed. Alternatively, even if Canadian officials had provided confidential information to the Nigerian police, the disclosure was made for the purpose of permitting the Minister to formulate an opinion as to whether the applicant’s claim raised a matter which fell within one of the Articles of the United Nations Convention Relating to the Status of Refugees. Since the applicant provided the information for immigration purposes, its use, if any, by the Minister or his representatives was clearly “for a use consistent with that purpose” within the meaning of para. 8(2)(a) of the Privacy Act. The Court referred to Rahman v. Canada (Minister of Employment and Immigration), decision dated June 10, 1994, F.C.T.D., No. IMM-2078-93.
SINCLAIR STEVENS v. PRIME MINISTER OF CANADA
INDEXED AS: STEVENS v. CANADA (PRIME MINISTER)

File No.: T-2419-93
Date of Decision: April 2, 1997
Before: Rothstein J.
Section(s) of ATIA / PA: Ss. 23, 53 Access to Information Act (ATIA)

Abstract
• Award of costs under s. 53 ATIA
• Application for judicial review of decision not to release solicitor’s accounts dismissed
• No important new principles raised
• Considerations relevant in award of costs under ATIA

Issues
(1) Whether the application for judicial review raised important new principles in relation to the ATIA so that the Court must award costs to the applicant;

(2) If not, whether the Court should nevertheless exercise its discretion under subs. 53(1) to award costs to the applicant.
Facts

This is an application by the applicant, the Hon. Sinclair Stevens, for costs under s. 53 of the Access to Information Act. The Federal Court, Trial Division dismissed Mr. Stevens’ application for judicial review of the refusal by the Privy Council Office to release the billing accounts and the supporting documents of the Commission counsel ((1997), 144 D.L.R. (4th) 553).

The issues raised in the course of the application for review were the following: whether solicitors’ accounts are subject to solicitor-client privilege, whether there was a waiver of that privilege and whether the head of a government institution, in deciding whether or not to disclose information that is subject to solicitor-client privilege under s. 23 of the Act, had regard to the relevant considerations for the exercise of discretion under the section.

Decision

The application for costs was dismissed.

Reasons

Issue 1

The privilege and waiver principles arising in this case do not qualify as important new principles in relation to the Act. They are issues which will apply in other contexts as well as in the ATIA context.

In addition, there is no basis for construing solicitor-client privilege narrowly under the ATIA so as to exclude solicitors’ accounts or portions of them from the privileged
categorization. Firstly, the Trial Division decision dismissed such an approach: “Solicitor-client privilege is a substantive rule of law, and its breadth is not meant to vary depending on whether it is invoked for the purposes of the Access to Information Act or in some other context.” Secondly, the fact that solicitor-client privilege is not affected by the subs. 2(1) principle that exemptions are to be interpreted narrowly does not constitute an important new principle in relation to the Act.

Finally, the issue respecting the exercise of discretion under s. 23 of the ATIA did not raise a new important principle.

**Issue 2**

The applicant’s arguments in support of a discretionary award of costs were rejected. (1) Although the case was complex, complexity did not favour the applicant as opposed to the respondent; both had to contend with complex issues; (2) the amelioration of hardship is not a relevant consideration in the award of costs under the ATIA; (3) although the ambiguity of the respondent’s position regarding the identity of the client in the solicitor-client relationship would have been a factor to consider in reducing or eliminating an award to a successful party, it does not justify a discretionary award of costs to the unsuccessful party.

**Comments**

The applicant’s appeal from the Trial Division decision dismissing the s. 41 ATIA application for judicial review was dismissed (A-263-97, June 5, 1998).
GRIMARD V. CHIEF COMMISSIONER OF THE
CANADIAN HUMAN RIGHTS COMMISSION
INDEXED: GRIMARD V. CANADA
(CANADIAN HUMAN RIGHTS COMMISSION)

File No.: A-642-94


Date of Decision: May 11, 1998

Before: Denault, Desjardins and Décary

Section(s) of ATIA / PA: S. 19 Access to Information Act (ATIA)

Abstract

• Personal information
• Consent
• S. 48 Canadian Human Rights Act
• Out-of-court settlement and non-disclosure clause
• Public interest

Issue

Is s. 19 of the ATIA applicable to a settlement approved by the Canadian Human Rights Commission?

Facts

This is an appeal from the decision of the Trial Division ((1994), 93 F.T.R. 251 (F.C.T.D.)) dismissing an application for review submitted under the authority of s. 41 of the ATIA.
The applicant had applied to the Access to Information Coordinator of the Canadian Human Rights Commission (the CHRC) for the text of an agreement approved on January 28, 1993 in Tmychyshyn v. Canadian Pacific Ltd.

This agreement was the result of a complaint submitted to the CHRC by a diabetic, Mr. Gregory Tmychyshyn, against his employer, Canadian Pacific Ltd. The claimant alleged that the employer’s policy of refusing employment to diabetics who had to use insulin was based on a prohibited ground of discrimination pursuant to ss. 3 and 7 of the Canadian Human Rights Act (the CHRA).

During the proceedings before the CHRC, but before the hearing began before a Human Rights Tribunal, the parties settled their dispute. Under subs. 48(1) of the CHRA, the parties had to refer the terms of the settlement to the CHRC for approval.

The applicant, a medical expert in health and safety, had been following Mr. Tymchyshyn’s complaint closely and, after the January 1993 agreement was reached, he submitted a request for access to the record, in accordance with the ATIA. The applicant asked that the contents of the agreement be disclosed to him because the individual concerned gave his consent and the public interest required such disclosure. The CHRC refused to provide the record on the grounds that the agreement contained a non-disclosure clause and that subs. 19(1) of the ATIA prohibited it from disclosing the wording of the agreement. The applicant appealed from this decision to the Information Commissioner, where his application suffered the same fate.
The applicant appealed from the decision of the Commissioner to the Federal Court. The Federal Court Trial Division ruled (1) that the decisions by the CHRC and the Information Commissioner were in compliance, on the facts and at law, with the provisions of the ATIA; (2) that s. 48 of the CHRA protects the public interest; and (3) that a non-disclosure clause endorsed by the CHRC must be respected by both the Court and the public authorities.

Decision
The appeal is dismissed.

Reasons
In order to conclude that the appellant’s argument has merit, the individual referred to in subs. 19(2) of the ATIA must have duly consented to disclosure. It is by no means a given that the letter in which the individual concerned stated that he had no objection to disclosure of the document, if authorized by the Court, constituted such consent. As counsel for the individual put it in the letter: “While Mr. [X] is prepared to abide by his agreement with [Y], if the Court orders disclosure of the settlement agreement, he has no personal objection to release of this information.”

Furthermore, the Court sees no reason to intervene in the decision of the Trial Judge, who relied on s. 48 of the Canadian Human Rights Act to reject the argument that it was necessary to disclose the document for the sake of public interest.
Comments

We must compare this decision with *Canada (Canadian Broadcasting Corporation) v. Canada (National Capital Commission)*, dated May 19, 1998 (T-2200-97), in which it was held that a confidentiality clause does not take precedence over the *Access to Information Act*. The two cases are distinguishable because, in *Grimard*, the non-disclosure clause was endorsed by the Canadian Human Rights Commission.
CANADIAN BROADCASTING CORPORATION
v. NATIONAL CAPITAL COMMISSION
INDEXED AS: CANADA (CANADIAN BROADCASTING CORP.)
v. CANADA (NATIONAL CAPITAL COMMISSION)

File No.: T-2200-97

(F.C.T.D.)

Date of Decision: May 19, 1998

Before: Teitelbaum J.

Section(s) of ATIA / PA: Ss. 2(1), 20(1)(c), (d), 44(1) Access to Information Law (ATIA)

Abstract

• Reasonable expectation of probable harm test
• Confidentiality clause

Issues

(1) Should the Agreement be exempt from disclosure pursuant to paras. 20(1)(c) or 20(1)(d)?

(2) What effect does the confidentiality clause in the Agreement have on the application of the ATIA?
Facts

This was a s. 44 ATIA application for review of the decision by the National Capital Commission (“NCC”) to disclose an Agreement between themselves and the Canadian Broadcasting Corporation (“CBC”).

The CBC and the NCC entered into an Agreement in 1996 to produce and broadcast Canada Day shows for 1996 and 1997. The Agreement contained all the terms and conditions pursuant to which the parties agreed to produce and broadcast the shows. Article 7.14 of the Agreement contained a confidentiality clause between the parties and required the prior written consent of the other party before making any reference to the Agreement’s terms. The confidentiality clause also noted that the NCC is subject to the ATIA, and that the “NCC recognizes that the CBC is exempt from the provisions of the ATIA and that this exemption supersedes the foregoing”.

On July 31, 1997 the NCC received a request under the ATIA pertaining to the Agreement. On September 24, 1997 the NCC indicated that they would be disclosing the Agreement. On October 10, 1997 the CBC filed an originating notice of motion for review of the decision to disclose.

Decision

The application for judicial review was dismissed.
Reasons

Issue 1

Teitelbaum J. first outlined the test which the applicant would have to meet in relation to paras. 20(1)(c) and (d). He referred to *Canada Packers Inc. v. Canada (Minister of Agriculture)*, [1989] 1 F.C. 47 (C.A.) at page 60 where the Court held that exceptions to access in paras. 20(1)(c) and (d) require a reasonable expectation of probable harm. Teitelbaum J. also noted *Canada (Information Commissioner) v. Canada (Prime Minister)*, [1993] 1 F.C. 427 (T.D.) in reference to how the statute places a “heavy burden” upon the party attempting to prevent disclosure. Finally, he reiterated the standard of proof as being the balance of probabilities (*Tridel Corp. v. Canada (Canada Mortgage and Housing Corp.*) (1996), 115 F.T.R. 185 (F.C.T.D.) at pages 196 and 201).

In reference to para. 20(1)(c), Teitelbaum J. applied *SNC-Lavalin v. Canada (Minister of Public Works)* (1994), 79 F.T.R. 113 (F.C.T.D.) at page 217 where the Court held that an applicant cannot merely affirm by affidavit that disclosure would cause the harm discussed in para. 20(1)(c) of the Act. The Court stated that these affirmations are the very findings that the Court must make and so further evidence establishing harm is necessary.

On these facts, Teitelbaum held that the affidavits merely confirmed the probability of harm without giving any evidence of the reasonable expectation of probable harm to the applicant if the information was divulged. Evidence was necessary as the reasonable expectation of probable harm was not self-evident.
In reference to para. 20(1)(d), Teitelbaum J. relied on Canada (Information Commissioner) v. Canada (Minister of External Affairs), [1990] 3 F.C. 665 (T.D.) at pages 682-683 where the Court held that para. 20(1)(d) requires proof of a reasonable expectation that actual contractual negotiations other than daily business operations of the applicant will be obstructed by disclosure. Evidence of the possible effect of disclosure on other contracts generally and hypothetical problems are insufficient to qualify under the exemption. Also noted was Société Gamma Inc. v. Canada (Secretary of State) (1994), 79 F.T.R. 42 (F.C.T.D.) where the Court stated that para. 20(1)(d) must refer to an obstruction in negotiations rather than merely the heightening of competition which might flow from disclosure.

On these facts, because of the lack of evidence about the effect on actual contractual negotiations, the applicant failed to satisfy the requirements of para. 20(1)(d) of the ATIA.

**Issue 2**

The confidentiality clause in the Agreement will not prevent the Court from granting access to the terms of the Agreement if disclosure does not contravene paras. 20(1)(c) and (d) of the Act. It may affect the relationship of the contracting parties, but will not affect any third party making an access request pursuant to the law.
Abstract

- Refusal to disclose information about the applicant and another in a sexual harassment report
- Information about another individual (s. 26 PA)
- Paramountcy of s. 26 over right to one’s personal information
- Role of Court where discretionary exemptions at issue

Issues

1. Whether views provided by a person in a sexual harassment complaint in which he or she is involved constitute “personal information” or are “views given in the course of employment” under subpara. 3 (j)(v) of the Privacy Act;

2. Whether “personal information” about both the applicant and another person must be disclosed to the applicant under the Privacy Act.
Facts

The information at issue was personal information about both the applicant and another individual in a sexual harassment report. Pursuant to a Privacy Act request, the applicant obtained the report. However, certain portions were expurgated on the basis that it was personal information about an individual other than the applicant. The information at issue was personal information about both the applicant and another individual in the sexual harassment report. While the applicant was not referred to directly, there was no doubt the information related to him and the other person. The applicant sought access to the information that had not been disclosed.

Decision

The application is dismissed.

Reasons

The Court held that views of a person respecting a sexual harassment complaint in which he or she is involved clearly qualify as personal information and cannot be viewed as views “given in the course of employment” under subpara. 3 (j)(v) of the Privacy Act. The Court also held that the applicant’s right to personal information about himself was not paramount to the discretionary exception conferred on the head of the government institution under s. 26 of the Privacy Act. Specifically, when the information is about both the person making the request and another person, the head of the government institution has the discretion to exempt from disclosure the other person’s personal information.
The Court adopted the standard expressed in *Kelly v. Canada (Solicitor General)* (1992), 53 F.T.R. 147 (F.C.T.D.), aff’d (1993), 154 N.R. 319 (F.C.A.), that exemptions require two decisions by the head of an institution: first, a factual determination as to whether the material comes within the description of material potentially subject to being withheld from disclosure; and second, a discretionary decision as to whether that material should nevertheless be disclosed. As to the first determination, the Court was satisfied that the personal information was about the applicant and another individual. As to the second determination, the Court found that the decision was purely discretionary and properly exercised.
THE HONOURABLE SINCLAIR M. STEVENS v. THE PRIME MINISTER OF CANADA (THE PRIVY COUNCIL)
INDEXED AS: STEVENS v. CANADA (PRIME MINISTER)

File No.: A-263-97

(F.C.A.)

Date of Decision: June 5, 1998

Before: Stone, Linden and Robertson

Section(s) of ATIA / PA: Ss. 23, 25 Access to Information Act (ATIA)

Abstract

• Solicitor-client privilege
• Solicitor’s bills of accounts
• Act done by counsel or mere statement of fact exception to privilege
• Severance and waiver of the privilege

Issues

(1) Whether and to what extent the billing accounts of a lawyer are protected by the solicitor-client privilege from disclosure under the Access to Information Act? (Yes);

(2) Whether the Trial Division Judge erred in his decision? (No).
Facts

In 1992, Mr. Stevens made a complaint under the Access to Information Act for disclosure by the Privy Council Office ("PCO") of the billing accounts and the supporting documents of the Commission counsel. The request sought all legal accounts submitted by and cheque requisitions or authorizations, subsequent to February 15, 1987, until the present relating to the Commission of Inquiry into Allegations of Conflict of Interest Concerning the Honourable Sinclair M. Stevens. The request was partially successful, Mr. Stevens being provided with approximately 336 pages of legal accounts, receipts and other related documents. However, the narrative portions on 73 pages of the disclosed accounts were expurgated on the basis of s. 23 ATIA. The Commissioner wrote Mr. Stevens that the expurgated material was properly withheld from disclosure.

Mr. Stevens filed a s. 41 application to the Federal Court (Trial Division). Rothstein J. ((1997), 144 D.L.R. (4th) 553) dismissed the application ruling that the material was protected by the solicitor-client privilege, as it was “directly related to the seeking, formulating or giving of legal advice or assistance”. He also found that disclosure to the PCO did not constitute disclosure to a third party, as the PCO is simply another department of government; therefore, there was no waiver of the privilege. Even in the event that the PCO were a third party, disclosure to that Office still would not amount to waiver, as the disclosure was compulsory pursuant to Order in Council P.C. 1986-1139. As well, the disclosure of some material did not amount to waiver as this disclosure was inadvertent. Likewise, he held that disclosure of part of the
records, in the context of the Act, did not amount to waiver of the privilege attaching to the expurgated material. Finally, Rothstein J. found that there was nothing improper about the discretionary decision and that there was no duty to give reasons for that decision.

This is an appeal from Rothstein J.’s decision.

Decision
The appeal is dismissed with costs.

Reasons
Issue 1
A solicitor’s bills of accounts (also known as a statement of account, legal bills, legal account, solicitor’s account or billing accounts) is protected by the solicitor-client privilege. Any communications between a lawyer and a client in the course of obtaining, formulating or giving legal advice is privileged and may not be disclosed without the client’s consent. The bills of account presented pursuant to that arrangement are merely a necessary extension of those negotiations. This is the basic rule as it applies in Canadian law today. An exception to the privilege relates to that information which is not a communication but is rather evidence of an act done by counsel or is a mere statement of fact. This prevents a stifling of the discovery process which would take place if a client could, by merely communicating a fact to his or her lawyer, prevent the discovery of that fact.
Just as obtaining legal aid is part of obtaining legal advice, so too is the negotiation of financial terms of the relationship with a solicitor. However, Linden J.A. did rule that lawyer’s trust accounts and other accounting records (like a lawyer’s trust account, money held in trust for a client, trust account ledgers, general ledgers, bank reconciliation ledgers, execution of an agreement for the purchase or sale of property) are not so privileged.

The expenses of government bodies, pertaining to legal fees or otherwise, are always of interest to the public. It is public money that is being spent. In so far as the intent of the Act is generally to promote the transparency of government activity, the incorporation of the common law doctrine of solicitor-client privilege indicates that it was meant to be excluded from the operation of the Act. This same privilege, when considered by Parliament in the context of the *Income Tax Act*, led to a recognition that in the interests of collecting revenue, the privilege that might otherwise protect some solicitor’s financial records was dispensable. Parliament did not make that same determination in enacting this Act.

Though the appellant contends that the information which he seeks relates only to acts of counsel and therefore should not be privileged, Linden J.A. was satisfied that the narrative portions of the bills of account are indeed communications. This is not analogous to a situation where a lawyer sells a piece of property for the client or otherwise acts on the client’s behalf. The research of a subject or the writing of an opinion or any other matter of that type are directly related to the giving of advice. Despite the fact that the appellant is
content to have the specific topic of research remain privileged, those other portions of the bills of account still constitute communications for the purpose of obtaining legal advice. In those circumstances the lawyer is not merely a witness to an objective state of affairs, but is in the process of forming a legal opinion. This is true whether the lawyer is conducting research (either academic or empirical), interviewing witnesses or other third parties, drafting letters or memoranda, or any of the other myriad tasks that a lawyer performs in the course of his or her job. It is true that interviewing a witness is an act of counsel, and that a statement to that effect on a bill of account is a statement of fact, but these are all acts and statements of fact that relate directly to the seeking, formulating or giving of legal advice. And when these facts or acts are communicated to the client they are privileged. This is so whether they are communicated verbally, by written correspondence, or by statement of account.

Issue 2
Linden J.A. was satisfied that the Trial Division Judge’s analysis of the waiver and discretion issues was correct. The question of whether or not people have waived their right to privilege, absent explicit waiver, is one which must be judged according to all the circumstances.

With respect to the release of portions of the records, a similar view has been adopted in British Columbia. In *Lowry v. Canadian Mountain Holidays Ltd* (1984), 59 B.C.L.R. 137, at p. 143, Finch J. emphasized that all the circumstances must be taken into consideration and that the conduct of the party
and the presence of an intent to mislead the court or another litigant is of primary importance. Linden J.A. stated that this approach is appropriate in this case, particularly in light of s. 25 of the Act, which allows the disclosure of portions of privileged information. This is an attempt to balance the rights of individuals to access to information, on the one hand, while maintaining confidentiality where other persons are entitled to that confidentiality on the other hand. It would be a perverse result, he said, if the operation of s. 25 of the Act were thereby to abrogate the discretionary power given to the government head under s. 23 of the Act.

Linden J.A. also stated that with respect to the release of portions of the records, that the Government has released more information than was legally necessary. The itemized disbursements and general statements of account detailing the amount of time spent by Commission counsel and the amounts charged for that time are all privileged. But it is the Government qua client which enjoys the privilege; the Government may choose to waive it, if it wishes, or it may refuse to do so. By disclosing portions of the accounts the Government was merely exercising its discretion in that regard.
HOOGERS v. MINISTER OF COMMUNICATIONS;
STEINHOFF v. MINISTER OF COMMUNICATIONS
INDEXED AS: HOOGERS v. CANADA
(MINISTER OF COMMUNICATIONS)

File Nos.: T-2587-93, T-265-94, T-595-95


Date of Decision: June 11, 1998

Before: McKeown J.

Section(s) of ATIA / PA: Ss. 2(1), 13(1), 15(1), 16(1), (3), 19(1), 31, 49, 50 Access to Information Act (ATIA)

Abstract

• Judicial review under s. 41 ATIA

• Exemptions under ss. 13(1) (information obtained in confidence from other governments), 15(1) (international affairs), 16(1) (law enforcement and investigations) and 19(1) (personal information) ATIA

• Role of Court under ss. 49 and 50 ATIA

Issue

Whether the respondent Minister of Communications properly applied the exemptions set out in subss. 13(1), 15(1), 16(1) and 19(1) of the ATIA.
Facts

The applicants made requests to the National Archives of Canada under the ATIA for all records of the Canadian Security Intelligence Service and the Royal Canadian Mounted Police relating to the National Office and the Vancouver Local of the Canadian Union of Postal Workers covering the years 1965 to 1992. The respondent, the Minister of Communications, refused to release some of the documents on the basis of the exemptions set out in subss. 13(1), 15(1), 16(1) and 19(1) of the ATIA. The Information Commissioner investigated the applicants’ complaints and reported that the information that continued to be withheld was properly exempted under the specified sections of the Act. The applicants sought judicial review under s. 41 of the ATIA of the refusal to disclose the records.

Decision

The application for judicial review was dismissed.

Reasons

In interpreting the exemption provisions, the Court must keep in mind the purposes of the ATIA as stated in subs. 2(1), which are that government information should be made available to the public and exemptions should be limited and specific. As to the role of the Court under s. 49, where disclosure was refused based on ss. 13(1), 19(1) or para. 16(1)(a), the Court must determine that the head of the institution was not authorized to refuse disclosure. This is a factual determination based on a review of the material and a
comparison with the provisions of the ATIA. In contrast, under s. 50, where either s. 15 or para. 16(1)(c) is applied to refuse disclose, the Court must determine that the head of the institution did not have reasonable grounds to refuse to disclose before it can intervene.

With respect to s. 13, the Court must determine whether the information was received in confidence, and must be satisfied that it was so stipulated. It must also be satisfied that the parties supplying the information had been requested to consent to the release and that such consent had been denied.

With respect to para. 16(1)(c), the Court must determine whether there was a reasonable expectation of injury at the time the applications for request were made and be satisfied that the records sought were in connection with a lawful investigation.

As to the interpretation of para. 16(1)(c), the Court relied on the Federal Court of Appeal’s ruling in Rubin v. Canada (Minister of Transport) (1997), 221 N.R. 145 to the effect that the words “conduct of lawful investigations” in para. 16(1)(c) relate to a particular investigation and not to some unknown future investigation.

The Court found, after a review of the material, that (1) where s. 49 was applicable, the head of the institution was authorized to refuse disclosure; and (2) where s. 50 was applicable, there was no instance where the head of the institution did not have reasonable grounds on which to refuse disclosure.
Lavigne v. Office of the Commissioner of Official Languages and Privacy Commissioner of Canada
Indexed as: Lavigne v. Canada (Office of the Commissioner of Official Languages)

File No.: T-909-97

References: Federal Court (Trial Division). Not reported.

Date of Decision: October 16, 1998

Before: Dubé J.

Section(s) of ATIA / PA: Ss.3(g) and 22(1)(b) Privacy Act (PA) and s. 60, 72, 73 and 74 Official Languages Act

Abstract

- Personal information (definition) – Opinions or views about another individual (para. 3(g)) PA
- Personal information collected in the course of a lawful investigation (para. 22(1)(b)) Privacy Act – Injury test under this exemption
- Statutory obligation under the Official Languages Act to keep the information confidential (sections 60, 72, 73 and 74)
Issues

1. Is the information requested by the applicant “personal information” as defined by the PA? Yes

2. Was the relevant “non personal information” (included in the information requested by the applicant) which was not disclosed to the applicant properly severed in accordance with the PA? Yes

3. Was the “personal information” requested by the applicant and not disclosed to him by the respondent properly exempted under para. 22(1)(b) of the PA or any other applicable exemptions? No

4. What impact do sections 60, 72, 73 and 74 of the Official Languages Act have upon the applicant’s request for information? None

Facts

The Applicant (Robert Lavigne) alleges that he was forced to use the French language at work when he was employed in the Montreal office of the Department of Health and Welfare (now called HRDC). He filed 4 complaints with the Office of the Commissioner of Official Languages (“OCOL”) which investigated. During the investigation, OCOL conducted a number of interviews including interviews with individuals who worked with the applicant on a daily basis. OCOL issued its report which concluded that the applicant’s four complaints were well founded. Following OCOL’s report, the applicant applied to the Federal Court for a remedy against Health and Welfare in accordance with the provisions of Part X of the Official Languages Act.
In the course of the review before the Federal Court, HRDC filed a number of affidavits, including those of three individuals (Chartrand, Doyon and Dubé). The applicant launched the present application to obtain the information contained in the notes taken by OCOL’s investigators in the course of these interviews. The Applicant was given parts of the interviews in question and is now attempting to obtain the remainder of the requested material. OCOL is still reluctant to release the answers provided by Mr. Chartrand, Mrs. Doyon and Mrs. Dubé.

Section 60 Official Languages Act (“OLA”) stipulates that every investigation by the Commissioner of Official Languages shall be conducted in private. Section 72 states that the latter and his officials shall not disclose any information that comes to their knowledge in the performance of their duties. Section 73 provides that the Commissioner may disclose information in the course of proceedings before the Federal Court of Canada under Part X or any appeal therefrom. The Commissioner did not release the information because of para. 22 (1)(b) PA on the basis that disclosure would be injurious to the enforcement of the Official Languages Act and because the Commissioner is abiding by sections 60, 72, 73 OLA dealing with the confidentiality of information obtained during an investigation.

Decision

Pursuant to section 49 of the PA, this Court allowed the application and ordered the respondent to disclose all the “personal information” requested by the applicant. Costs were awarded to the applicant.
Reasons

Subsection 60(2) of the *Official Languages Act* provides that the Commissioner of Official Languages shall, before completing his investigation, “take every reasonable measure to give to that individual or institution a full and ample opportunity to answer any adverse allegation or criticism, and to be assisted or represented by counsel for that purpose”. The Court stated that the non-disclosure provision in section 72 of the *Official Languages Act* is specifically made subject to “this [Privacy] Act” including, of course, the above subsection 60(2) and section 73 of the *Official Languages Act*. Again, subsection 60(2) provides that the individual be given full and ample opportunity to answer any adverse allegation or criticism, and section 73 stipulates that the Commissioner of Official Languages may disclose information in the course of proceedings before the Federal Court of Canada under Part X or an appeal therefrom.

The purposive clause in section 2 of the *PA* states in clear terms that “the purpose of this Act is to extend the present laws of Canada” both to “protect the privacy of individuals with respect to personal information about themselves” and to provide them “with a right of access to that information”.

The message is clear: disclosure is the rule and exemption is the exception. In this case, the exemption invoked by the respondent falls under para. 22(1)(b) of the *PA* to the effect that the release of the information will be injurious to the conduct of lawful investigations. A similar exemption appears under para. 16(1)(c) ATIA. The latter exemption was defined by the Federal Court of Appeal in *Rubin v. Canada* as being a
limited and specific exemption relating to the ongoing investigation and not to other investigations in the future.
In the instant case, the investigation was over.

In Justice Dubé’s view, the applicant is entitled to receive the “personal information” he seeks. That information, he says, is not exempt from disclosure under para. 22(1)(b) of the PA. The respondent has not established that there is a reasonable expectation of probable harm to the conduct of its investigations from such a disclosure. Witnesses to investigations ought to be informed in advance that their testimony about an individual may be disclosed to him. They will be very careful what they say. Proper circumspection will protect the integrity of the investigative process and the right of the individual concerned to be fully informed of the case against him. Promises of confidentiality are not essential as the respondent has the power to issue subpoenas, if necessary. The “personal information” to which the applicant is entitled is defined under section 3 of the PA, that is information about himself that is recorded in any form and includes (under subs. 3(g)) views or opinions of other individuals about him. Under the PA, the applicant is not entitled to information other than “personal information”.

OCCAM MARINE TECHNOLOGIES LIMITED v. NATIONAL RESEARCH COUNCIL OF CANADA
INDEXED AS: OCCAM MARINE TECHNOLOGIES LTD. v. CANADA (NATIONAL RESEARCH COUNCIL)

File No.: T-146-98
Date of Decision: October 19, 1998
Before: MacKay J.
Section(s) of ATIA / PA: Ss. 20 (1)(b), (c) Access to Information Act (ATIA);
 s. 8(2)(a) Access to Information Regulations

Abstract
• Funding proposals relating to research and development activities
• Documents withheld pursuant to paras. 20(1)(b) and (c)
• Policy regarding confidentiality of information
• General financial success not relevant factor under para. 20(1)(c)
• Blacked out portion of document, although readable, not constituting disclosure under access law
• Interpretation of para. 8(2)(a) Access to Information Regulations
Issues

(1) Use of the exemption under para. 20(1)(b) to exempt the information sought from disclosure although the third parties were not contacted.

(2) Use of the exemption under para. 20(1)(c) to exempt the information sought from disclosure when the information deals with a third party which has great financial success.

(3) Refusal to give access to original document pursuant to para. 8(2)(a) of the Regulations.

Facts

The applicant is involved in research and development activities and has forwarded various proposals for funding to the Industrial Research Assistance Program (IRAP), which is administered by the respondent. Part of the mandate under IRAP is to provide funding for project designed to enhance a company’s technical capability. In assessing funding requests, the respondent relies on information forwarded by the applicants regarding their proposed projects. The director and owner of Occam filed an access request with the respondent for Minutes # 78 of an IRAP meeting at which two other companies’ proposals were considered.

These Minutes, consisting of two pages were given to the applicant after page one had been severed because it contained third party information pursuant to paras. 20(1)(b) and (c) of the ATIA.
The applicant filed a second access request for Minutes # 77 where further proposals were examined. Most of the four pages of Minutes # 77 were severed and the exemptions under paras. 20(1)(b) and (c) were relied upon. In the course of responding to this second request, and to satisfy the applicant that the first request met the requirement of the Act, the Access Bureau of the respondent gave another copy of page one of Minutes # 78 with exempted third party information severed by blacking out portions of the document. This copy had more information severed by blacking out than had earlier copies. Furthermore, the applicant was able to read the entire document by holding it up to light.

The applicant complained to the Information Commissioner (the Commissioner) pursuant to the ATIA.

The Commissioner concluded that the withheld information qualified for exemption under paras. 20(1)(b) and (c) of the ATIA and that, although the applicant had been able to read through the blacked out portion of part of the document, it had not been disclosed pursuant to the access law. Therefore, the exemption relied upon for that specific part is still available to the government institution.

Decision

The application for review is dismissed. The information severed from the copy provided to the applicant of Minutes # 78, by covering portions of that record using black ink, is information included within paras. 20(1)(b) and 20(1)(c) of the ATIA which, in accord with the ATIA, shall not be disclosed.
The Court will not intervene in relation to the decision by the respondent to refuse to release or to permit access for examination to the source document requested, namely page one of Minutes # 78 because this reasonable decision was within the discretion of the respondent.

Reasons

Issue 1
The Court relied upon the criteria set out in *Air Atonabee Ltd. v. Canada (Minister of Transport)* (1989), 27 F.T.R. 194 (F.C.T.D.) to conclude that the information exempted met all four elements, namely:

1. financial, commercial, scientific or technical information, given dictionary definitions of “financial”, “commercial”, “scientific” and “technical”;

2. information determined to be confidential given an objective assessment of its content, its purposes and the conditions under which it was prepared and communicated;

3. supplied to a government institution by a third party; and

4. treated consistently in a confidential manner by the third party.

That the respondent did not seek assurance that the third parties consistently treated the information as confidential before refusing to disclose the information under para. 20(1)(b) did not undermine the respondent’s grounds for considering that the confidential regime applicable by its policy, from the
time the information was received would continue to be applicable and relied upon by third parties concerned, unless they were to advise otherwise.

The Court held that although the applicant was able to discern the contents of page one of Minutes # 78 that were intended to be severed but were inadequately obliterated does not relieve the respondent from its obligations under the ATIA. This information is exempt from disclosure pursuant to para. 20 (1)(b).

**Issue 2**
The Court concludes that the general financial success or lack of it, of any third party has no significance in relation to the decision to refuse to disclose requested information. Further, the decision of the respondent to exempt this information pursuant to para. 20(1)(c) and to refuse to release the information, was not unreasonable. The Court relied on *Canada Packers Inc. v. Canada (Minister of Agriculture)*, [1989] 1 F.C. 47 (C.A.).

**Issue 3**
The Court held that para. 8(2)(a) of the Regulations did not depend upon the extent of information severed from a record. Rather it provides for the head of the institution to refuse access to a record, while providing access to a copy containing disclosable information, where disclosure of part of the record, the original, may be refused under the ATIA and that part cannot reasonably be severed for examination of the balance. The respondent exercised its discretion under para. 8(2)(a) of the Regulations reasonably in refusing to give access to the source document from which the copies were made and the Court will not intervene.
Abstract

- Statement of concurrence of bill of costs
- Motion to dismiss
- Interest required by a department under s. 44 ATIA
- Meaning of “under the control” of s. 4 ATIA
- Solicitor-client privilege

Issues

1. Are the records in question under the control of the Department of Finance within the meaning of subs. 4(1) ATIA? Yes.

2. Does s. 20 (third party information) apply to exempt the information requested? Since no argument was presented under s. 20 ATIA, the section therefore does not apply.
3. Does s. 23 (solicitor-client privilege) apply to exempt the information requested? No.

4. Is the motion by Desjardins, Ducharme to dismiss the Department’s memorandum of fact and law well founded? (Desjardins, Ducharme argue that the rule restricting the right of intervention of administrative tribunals, the decisions of which are challenged in court, to jurisdictional issues only is applicable in this case. Consequently, according to Desjardins, Ducharme, the Department could not, in its memorandum, defend its decision to disclose the records requested by the intervener). No.

Facts

Objection under s. 44 ATIA of the decision of the Coordinator to disclose the statements of concurrence concerning the bills of costs of Me André Joli-Coeur, the amicus curiae designated by the Supreme Court of Canada for the purposes of the hearing of the Reference re Secession of Quebec. Me Gauthier of the firm Desjardins, Ducharme was required to certify the accuracy of the costs submitted by Me Joli-Coeur and to send them to the Department of Finance so that Me Joli-Coeur could be paid.

A few days before the hearing of its application for review, the applicant filed a motion to dismiss the Department of Finance’s memorandum of fact and law.
Decision

(1) The applicant’s application for review is dismissed (i.e. the information requested under the ATIA will have to be disclosed at the appropriate time and place). The Coordinator is ordered not to disclose Me Gauthier’s statements of concurrence until the time for the appeal of the decision has expired. In the event that the applicant decides to appeal the decision, the Coordinator shall not disclose the statements of concurrence until the Court of Appeal has disposed of the appeal.

(2) The motion to dismiss is denied.

Reasons

Issue 1
Me Gauthier’s statements of concurrence are records under the control of a government institution, namely, the Department of Finance. These statements were sent to the defendant so that it could exercise the responsibility conferred on it by subs. 53(7) of the Supreme Court Act. Given the decision of the Federal Court of Appeal in Canada Post Corp. v. Canada (Minister of Public Works), [1995] 2 F.C. 110 (C.A.), the simple material possession of records by the defendant is sufficient under the terms of subs. 4(1) ATIA to require it to disclose the information requested. Along the same lines, Nadon J. cited Strayer J. in Ottawa Football Club v. Canada (Minister of Fitness and Amateur Sports), [1989] 2 F.C. 480 (T.D.).
Issue 2
The applicant did not invoke, and therefore did not demonstrate, any of the exemptions provided in subs. 20(1) ATIA to justify a refusal to disclose the records requested by the intervener.

Issue 3
Nadon J. was of the opinion that s. 23 did not apply. The relationship between Me Joli-Coeur and the Supreme Court was not a solicitor-client relationship within the meaning of s. 23 ATIA. Even if solicitor-client privilege did exist, this exemption does not apply to Me Gauthier’s statements of concurrence. The letter from the Assistant Deputy Minister to Me Joli-Coeur clearly states that the [Translation] “detail of the professional acts will be considered by all parties as protected by solicitor-client privilege”. The Court found that “only the detail of Me Joli-Coeur’s professional acts were deemed to be confidential”.

Issue 4
The motion to dismiss is denied. The rule restricting the right of intervention of administrative tribunals to questions of jurisdiction only does not apply in this instance since the nature of the recourse set out in the ATIA is de novo recourse (Air Atonabee Ltd. v. Canada (Minister of Transport) (1989), 27 F.T.R. 194 (F.C.T.D.) is cited to this effect). Nadon J. concurred with the statement of the Department of Finance that [Translation] It flows from the very essence and structure of the ATIA that the government institution in possession of records the disclosure of which is requested is a fully-fledged party to the judicial review process provided for...
in this Act and that it can therefore inform the Court of its position with respect to the disclosure of the record at issue; such is its capacity whether it objects to disclosure, in which case the ATIA imposes on it the explicit burden of justifying its position, or whether the objection comes from a third party, as is the case in this instance.

The judge went on to comment that, in his opinion, ss. 44 and 48 ATIA leave no doubt that a government institution may participate fully in the discussions concerning disclosure or non-disclosure of the information requested. Section 48 explicitly states that a government institution that refuses to disclose has the burden of demonstrating the validity of its refusal. Consequently, s. 48 allows the government institution to be part of the discussion. The judge states that, when a government institution agrees to disclose, it is s. 44 that applies. Under such circumstances, the government institution may participate fully in the discussion. It would be illogical to allow the government institution to participate fully only when it refuses disclosure.

Comments
The judge’s comments concerning the motion to dismiss clarify the nature of the recourse under s. 44 (de novo hearing) and the right of a department to appear before the Court to defend its decision.
DON B. ROGERS v. COMMISSIONER OF OFFICIAL LANGUAGES
INDEXED AS: ROGERS v. CANADA (COMMISSIONER OF OFFICIAL LANGUAGES)

File No.: T-2634-97
Date of Decision: December 30, 1998
Before: Wetston J. (F.C.T.D.)
Section(s) of ATIA / PA: S. 41 Privacy Act (PA)

Abstract
• Personal information
• Draft document
• Retention under Privacy Regulations
• Criteria: Personal information substantially identical (or not) to later version

Issue
Whether a federal government institution has the obligation to retain draft documents containing personal information for a period of two years in accordance with the Privacy Regulations.
Facts

This is an application under s. 41 of the *Privacy Act* against the decision of the Commissioner of Official Languages (the “respondent”) for failing to release two documents which do not exist in the file. The respondent refused the applicant’s request for a draft working document (the “preliminary report”), not filed and now destroyed, and for a document (the “fax”) which the respondent alleges does not exist or may never have existed and, therefore, was also not filed.

The documents at issue pertain to a complaint submitted to the Office of the Commissioner of Official Languages (“OCOL”) against the designation of a position as bilingual CCC-imperative. OCOL’s principal investigator phoned the applicant to inform him of his preliminary findings to the effect that the CCC level of the position was justified, but that the imperative designation of the position was not justified and should be changed to non-imperative. However, the final report, which was issued under the supervisor’s signature, concluded that the designation of the position as bilingual imperative CCC was warranted.

The applicant submits that the respondent’s policies indicate that the following should not be in a file: duplication and drafts of no archival or legal value. The applicant argues that the preliminary report communicated to him by phone (1) was not a duplicate of the final report released to him as it was penned by a different author and reached an opposite conclusion and (2) was of archival and legal value because it was communicated to him. With respect to the fax, the applicant submits that the respondent had either withheld it purposely or destroyed it deliberately or negligently.
The respondent explained that when a draft is provided to a superior for comments or approval, the supervisor will write his comments on the draft itself and return the file to the investigator. The draft on the investigator’s computer is thereupon modified and reprinted by the investigator, and so on until the final approved version of the document is signed. The respondent further explained that the signed version is always kept on file while the earlier draft versions may neither be physically placed on file nor saved as several drafts.

The respondent submits that it did not have a duty to keep the preliminary report on file for two years in accordance with the *Privacy Act* for the following reasons: (1) most of the information in the preliminary report was analysis; (2) the personal information contained in the final report would have been the same or would have been contained in the preliminary report; (3) the personal information contained in the preliminary report was contained in the documents already provided to the applicant. With respect to the fax, it is the respondent’s submission that even if that document did exist, it would contain the same information about the applicant as was contained in the final report.

Decision

The s. 41 application was dismissed.

Reasons

The Commissioner of Official Languages is bound by the Treasury Board policies with respect to how federal institutions should implement the *Privacy Act*. 
The Court cannot, with any degree of certainty, determine if the preliminary report contained any personal information whatsoever. In these circumstances, the best it can do is infer whether the reports may have likely been different with respect to the personal information contained therein.

The Court was of the view that a preliminary report or draft report that contains personal information must be retained for two years pursuant to the Privacy Regulations if the personal information contained in such a document is different from, or not substantially identical to, later versions of the same document. Conversely, if the personal information is substantially identical the draft need not be retained on file.

In the case at bar, the Court found that there was no reasonable basis to conclude that the personal information in the preliminary report, despite the different conclusion contained in the final report, was substantially different than the personal information contained in the final report.

Finally, the Court refused to draw the inferences advanced by the applicant regarding the deliberate destruction of the fax as such inferences, in light of the evidence, would have been unreasonable.
IN THE MATTER OF THE Privacy Act and
SECTION 108 OF THE Customs Act
INDEXED AS: CANADA (PRIVACY COMMISSIONER) (RE)

File No.: T-864-98
Date of Decision: January 29, 1999
Section(s) of ATIA / PA: S. 8(2)(b) Privacy Act (PA)

Abstract
• Disclosure of information on Customs Traveller Declaration Card to Canada Employment Insurance Commission
• Purpose: to identify claimants in receipt of employment insurance benefits during unreported absences from Canada
• Question of validity of disclosure under para. 8(2)(b) Privacy Act and para. 108(1)(b) Customs Act
• Construction of statutes
• Datamatch and para. 8(2)(b) of the Privacy Act
• Exercise of ministerial discretion under para. 108(1)(b) Customs Act

Issue
Is the disclosure of personal information by the Department of National Revenue to the Canada Employment Insurance Commission pursuant to the Ancillary Memorandum of
Understanding for data capture and release of customs information on travellers authorized by s. 8 of the *Privacy Act* and s. 108 of the *Customs Act*?

**Facts**

This is an application by way of a special case stated for opinion of this Court, pursuant to para. 17(3)(b) of the *Federal Court Act*.

Recipients of benefits under the *Employment Insurance Act* have an obligation, while receiving benefits, to search for work at all times while claiming benefits and to report any absences from Canada immediately. The Canada Employment Insurance Commission (the “Commission”) and Customs Canada undertook a datamatch program to identify employment insurance claimants who fail to report they were outside Canada while receiving benefits, and to recover any resulting overpayments and, where appropriate, to impose penalties. Customs agreed to disclose to the Commission certain information contained on the Traveller Declaration Card (the E-311 Card) which would be used solely for the purposes of the *Employment Insurance Act*. Customs concluded that the information could be released to the Commission under para. 108(1)(b) of the *Customs Act*, without offending the *Privacy Act*. The disclosure to the Commission was done pursuant to a blanket authorization issued by the Minister of National Revenue in 1991 under para. 108(1)(b). That authorization allows for the disclosure of information obtained for the purpose of the *Customs Act* when, *inter alia*, the information is required for the administration or enforcement of a law of Canada or of a province.
The information made available by Customs consists of the traveller’s name, date of birth, postal code, purpose of travel and dates of departure from and return to Canada.

The Commission conducts the match by comparing both sources of information to produce what is commonly referred to as “hits” – names of persons who appear as out of the country and are receiving employment insurance benefits. The Commission then undertakes a number of further steps to identify claimants who received employment insurance benefits during unreported absences from Canada. Those claimants are then contacted and asked to provide information or an explanation in respect of the evidence that they had received employment insurance benefits during an unreported absence from Canada.

Decision
The disclosure of personal information by the Department of National Revenue to the Canada Employment Insurance Commission pursuant to the Ancillary Memorandum of Understanding for data capture and release of customs information on travellers is not authorized by s. 8 of the Privacy Act and s. 108 of the Customs Act.

Reasons
This case was based on statutory interpretation. When ascertaining the meaning of a statute, the courts are to apply a contextual approach: the words of the statute are to be given their ordinary grammatical sense and read harmoniously with the scheme of the Act.
Disclosure under para. 8(2)(b) of the Privacy Act
Under subs. 8(1) of the Privacy Act, personal information shall not be disclosed by a government institution unless the individual has consented to its disclosure or unless the disclosure falls under one of the exceptions set out in subs. 8(2). One of those exceptions, para. 8(2)(b), is very broad. It authorizes the disclosure of personal information for any purpose in accordance with any Act of Parliament that authorizes its disclosure. In reaching that conclusion, the Court rejected the Privacy Commissioner’s argument that the use of the pronoun “its” in para. 8(2)(b) reflects Parliament’s intention that the disclosure of personal information must be specifically authorized by an Act of Parliament. The Privacy Act deals only with personal information; the use of the possessive pronoun “its” is simply indicative of the limited scope of the Act.

Disclosure under para. 108(1)(b) of the Customs Act
On the issue of whether para. 108(1)(b) of the Customs Act excludes personal information, the Court found that an ordinary and normal construction of the words of that provision leads to the conclusion that any information, whether personal or not, may be disclosed where authorized by the Minister.

The issue under the Customs Act revolved around the exercise of the Minister of National Revenue’s discretion under para. 108(1)(b) of that Act. The Court found that the authorization issued by the Minister was an invalid exercise of discretion for the following reasons:
(1) in exercising his or her discretion, a Minister is required to rely on considerations which are relevant to the purposes of the Act in question. In this case, the Act in question is the *Customs Act*; (2) by issuing a blanket authorization, the Minister has fettered his discretion.

In reaching its conclusions, the Court relied on the Federal Court of Appeal’s decision in *Glaxo Wellcome PLC v. Canada (Minister of National Revenue)*, [1998] F.C.J. No. 874 (QL) (F.C.A.) which reiterated the test enunciated in *Maple Lodge Farms v. Government of Canada*, [1982] 2 S.C.R. 2 respecting the exercise of a discretion by a Minister. The Court stated in *Glaxo* that “...a reviewing court is restricted to considering whether the Minister exercised his or her discretion in good faith, in accordance with the principles of natural justice and whether he or she relied on considerations which are relevant to the Act’s purposes”.

The purpose of ss. 107 and 108, as stated in *Glaxo*, is “to preserve the confidentiality of information gathered in the administration of the Act and to disclose it only in limited circumstances”. The condition specified in the blanket authorization that information be communicated if required for the administration or the enforcement of “any law of Canada or a province”, and not simply the *Customs Act*, does not constitute limited circumstances. In addition, to determine disclosure based on an assessment of whether or not the information is required to administer or enforce a law of Canada or a province indicates a reliance upon considerations extraneous to the statutory objective of the *Customs Act*, as set out in *Glaxo*. 
Secondly, the Minister has fettered his discretion by not examining the particular circumstances of the matter. As stated in *Glaxo*, “the essence of discretion requires nevertheless that each matter be examined on its own merits and in relation to its own particular facts and circumstances”. At the very least, the Minister himself ought to have considered the Program as a whole. Instead, the Minister’s sweeping authorization undermines the entire purpose of para. 108(1)(b).

**Comments**

This case is under appeal.
ALIMENTS PRINCE FOODS INC. V. DEPARTMENT OF AGRICULTURE AND AGRI-FOOD
INDEXED AS: ALIMENTS PRINCE FOODS INC. V. CANADA (DEPARTMENT OF AGRICULTURE AND AGRI-FOOD)

File No.: T-1817-98


Date of Decision: February 19, 1999

Before: Dubé J. (F.C.T.D.)

Section(s) of ATIA / PA: S. 44 of the Access to Information Act (ATIA)

Abstract

• Motion for dismissal based on s. 55 of the Quebec Code of Civil Procedure
• Challenge as to the Department’s standing to act as defendant
• Distinction between s. 44 of the ATIA and an application under s. 18.1 of the Federal Court Act
• Sufficient interest to act given the de novo nature of the application described in s. 44

Issue

Does a government institution have the standing to act as defendant in a judicial review of its decision to release third party records?
Facts

This concerns a motion for dismissal based on s. 55 of the *Quebec Code of Civil Procedure*. The motion, filed by Aliments Prince Foods (hereinafter the “plaintiff”), seeks a declaration from the Court that the Department of Agriculture and Agri-Food (hereinafter the “defendant”) does not have sufficient interest to act. The defendant released records about the plaintiff in response to an access request by a Radio-Canada reporter concerning Aliments Prince Foods. Following this disclosure, the plaintiff made an application for judicial review under s. 18.1 of the *Federal Court Act* and s. 44 of the *ATIA*. The Department is named as defendant in the application. However, the plaintiff challenges this designation on the following grounds: (1) the *ATIA* does not give a government institution that has released records the standing to be a party in an action and defend its decision; (2) the principal person concerned is the one who made the access request, and the Department does not have sufficient interest since it has already rendered its decision and, consequently, it no longer needs to defend the decision unless its jurisdiction is challenged.

Decision

The motion for dismissal is denied.
Reasons

The proceedings under s. 44 of the ATIA differ from those provided in s. 18.1 of the Federal Court Act. Section 44 specifies a *de novo* application. As defendant, the government institution must appear in court upon notice of the third party’s application, to present the reasons for its decision.

In addition, according to s. 18.5 of the Federal Court Act, when provision is expressly made by an Act for an appeal to the Federal Court from a decision of a federal board, commission or other tribunal, that decision is not subject to review except in accordance with that Act. In the case at bar, the appropriate remedy is provided by s. 44: see *Canada Post Corp. v. Canada (Minister of Public Works)* (1993), 68 F.T.R. 235 (F.C.T.D.).

Comments

This decision is under appeal.
INFORMATION COMMISSIONER V. MINISTER OF NATIONAL DEFENCE
INDEXED AS: CANADA (INFORMATION COMMISSIONER) V. CANADA (MINISTER OF NATIONAL DEFENCE)

File No.: A-785-96


Date of Decision: April 19, 1999

Before: Desjardins, Décary and Noël JJ.A. (F.C.A.)

Section(s) of ATIA / PA: Ss. 7, 9, 10, 35, 36, 37, 41, 42

Access to Information Act (ATIA)

Abstract
• Deemed refusal and true refusal
• Failure to respond within the time limit prescribed by ATIA
• Alleged loss of right to invoke discretionary exemptions
• Requirement of ss. 41 and 42 that the investigation of the merits of the exemptions be completed before the Court hears an application for judicial review
• Investigation and powers of the Information Commissioner

Issues
(1) Did the Trial Division err in finding that the proceeding instituted by the Information Commissioner under s. 42 was premature?
(2) Can a government institution still invoke discretionary exemptions once a judicial review application has been filed before the Federal Court?

(3) Did the Trial Division err in holding that a party which claims that its right to a full cross-examination on the affidavits of the adverse party’s witnesses has been breached cannot raise this during the hearing of the review application, but must do so by interlocutory motion under Federal Court Rule 332.1 (now Rules 83, 84 and 85)?

Facts

In 1994, the Department of National Defence (hereinafter “DND”) received a request for access seeking the disclosure of a report. DND notified the person seeking access that it would invoke the extension of time provisions of s. 9 ATIA. At the expiration of this time limit, the person seeking access made two complaints to the Information Commissioner alleging failure to meet the deadline. The Commissioner investigated and considered the complaints to be resolved given DND’s commitment to inform the complainant, by a specified deadline, whether access would be given to all the records or a part thereof. When DND failed to respond by the deadline (DND had still not disclosed 155 of the 1,204 pages of the report), the Commissioner initiated two new complaints pursuant to subs. 30(3) ATIA. The Commissioner negotiated with DND further extensions of time to respond but the institution did not comply within them. In 1995, the Commissioner filed a notice of application for judicial review in the Federal Court pursuant to para. 42(1)(a) ATIA. Twenty days
after the application was filed, DND informed the complainant of its final decision refusing to disclose 22 pages of the requested record. The Commissioner asked the Trial Division:

…[to] order the Minister of National Defence, on the conditions it considers appropriate, to give written notice to the applicant as to whether or not access to each of the requested records or a part thereof will be given.

The Commissioner also argued as follows:

It [the institution] is barred from raising discretionary exemptions, however with respect to the mandatory exemptions set out in the Act, our position before you is that we are not claiming it is barred from raising those exemptions.

The Trial Division ((1996), 120 F.T.R. 207) dismissed the review application on the ground that it was premature. The Court held that DND’s decision did not constitute a deemed refusal to disclose based on the government institution’s continuing failure to give access, but rather a final disclosure after deadline. According to the Court, a disclosure after deadline does not necessarily nullify the government institution’s right to avail itself of the exemptions provided by the Act because the Commissioner still had the opportunity to consider the merits of the exemptions and to solicit the comments of the government institution.
The Commissioner appealed from this decision. He argued that the Trial Judge erred because, according to the Commissioner, he had conducted the investigation required by s. 42 ATIA, thereby fulfilling all the conditions precedent to instituting the proceeding provided in subs. 42(1) ATIA.

Decision

The Federal Court of Appeal, in a unanimous decision, dismissed the appeal, thereby affirming the Trial Division’s decision that the application for judicial review made by the Commissioner was premature.

Reasons

Issue 1

The Federal Court cannot hear an application for judicial review under s. 41 until the Commissioner has completed his investigation of the refusal to disclose records. However, in the instant case, the first part of the Commissioner’s investigation was limited to obtaining the institution’s response to the question of whether or not access to each of the requested records or a part thereof would be given by DND.

“There was never”, states the Court, “any question of considering the merits of the refusal, and the Commissioner’s recommendation dealt with the answer to be given, not at all with access to the record”. According to the Court, it was clear that the Commissioner could not do what he did, i.e. file a complaint and decide on it immediately, without even giving the institution the chance to respond. The Court rejected the Commissioner’s argument that the effect of the deemed refusal was to prevent the institution from subsequently
invoking the exemptions set out in the Act and consequently that the Commissioner’s initial investigation allowed him to decide on the merits of the complaint. In the Court’s opinion, by applying to the Federal Court, the Commissioner skipped a step. He acted as if he had investigated the merits of what until that time had been a deemed refusal, although he had not yet done so.

As the second part of the investigation concerning the merits of the refusal to give access had still not been undertaken at the time of the hearing at trial and therefore had not yet been investigated, it necessarily followed that the Court could not grant the Commissioner’s request “[to] order the Minister of National Defence… to [give] access…”. This application was therefore premature.

The investigation that the Commissioner must conduct is the cornerstone of the access to information system. It represents an informal method of resolving disputes in which the Commissioner is vested not with the power to make decisions, but instead with the power to make recommendations to the institution involved. The fact that the Commissioner’s investigation constitutes a condition precedent to the exercise of the power of review, as provided in ss. 41 and 42 of the Act, attests to the importance of this investigation. The Commissioner could not therefore properly apply to the Trial Division of this Court for review as he had not fulfilled the condition precedent required in para. 42(1)(a), namely, that the investigation of the merits of the exemptions applied by the institution be complete.
The Court of Appeal explained the procedure to be followed by the Commissioner where a federal institution fails to disclose a record within the time limit prescribed by the Act. In these cases, under the terms of subs. 10(3) ATIA, there is a deemed refusal to give access, with the result that the government institution, the complainant and the Commissioner are placed in the same position as if there had been a refusal within the meaning of s. 7 and subs. 10(1) ATIA. The Commissioner may then initiate a complaint under s. 30 ATIA and notify the head of the institution (s. 32). He conducts the investigation, in the course of which the institution is given a reasonable opportunity to make representations (subs. 35(2)) and for the purposes of which the Commissioner has the powers prescribed by ss. 36 and 37 ATIA. According to the Court, in the instant case, as soon as the institution failed to comply within the time limit, the Commissioner could have initiated his investigation as if there had been a true refusal. The Commissioner’s powers to investigate are such that he may, at the beginning of an investigation, compel the institution to explain the reasons for its refusal.

Issue 2
The Federal Court of Appeal reaffirmed the principles it enunciated in *Davidson v. Canada (Solicitor General)*, [1989] 2 F.C. 341, that hold that a government institution cannot invoke discretionary exemptions after the Commissioner’s investigation is complete because to do so would deprive the complainant of the benefit of this investigation, which constitutes the first of two safeguards, the second being
judicial review. In the instant case, as this first step had not yet been undertaken, if the government institution intends to invoke any discretionary exemptions, it must do so during the Commissioner’s investigation.

**Issue 3**
The Court concluded that the Trial Judge had properly exercised his discretion on this issue and that the Commissioner had had all the time required between the cross-examination of respondent’s witness on February 27, 1996, and the hearing of the review application on September 23, 1996, to file an interlocutory motion.
ACCESS TO INFORMATION AND PRIVACY COORDINATORS
Access to Information and Privacy Coordinators

Agricultural Products Board
see Agriculture and Agri-Food Canada

Agricultural Stabilization Board
see Agriculture and Agri-Food Canada

Agriculture and Agri-Food Canada
Victor Desroches
Sir John Carling Building
930 Carling Avenue, Room 841
Ottawa, Ontario K1A 0C5
Tel: (613) 759-6765
Fax: (613) 759-6547

Atlantic Pilotage Authority Canada
Peter MacArthur
Purdy’s Wharf, Tower 1
1959 Upper Water Street, Suite 1402
Halifax, Nova Scotia B3J 3N2
Tel: (902) 426-2550
Fax: (902) 426-4004

Atlantic Canada Opportunities Agency
Claudia Gaudet
Blue Cross Centre
644 Main Street, 3rd Floor
P.O. Box 6051
Moncton, New Brunswick E1C 9J8
Tel: (506) 851-3845 / 1-800-561-7862
Fax: (506) 851-7403

Atomic Energy Control Board
Bernard Beaudin
280 Slater Street
P.O. Box 1046, Station B
Ottawa, Ontario K1P 5S9
Tel: (613) 947-2977
Fax: (613) 995-5086

Bank of Canada
Ted Requard
234 Wellington Street, 2nd Floor
Ottawa, Ontario K1A 0G9
Tel: (613) 782-8537
Fax: (613) 782-7003
British Columbia Treaty Commission
Chief Commissioner
1155 West Pender Street, Suite 203
Vancouver, British Columbia  V6E 2P4
Tel: (604) 482-9200
Fax: (604) 482-9222

Business Development
Bank of Canada
Robert D. Annett
5 Place Ville Marie, Suite 300
Montréal, Quebec  H3B 5E7
Tel: (514) 283-3554
Fax: (514) 283-9731

Canada Council for the Arts
Irène Boilard
350 Albert Street, 9th Floor
P.O. Box 1047
Ottawa, Ontario  K1P 5V8
Tel: (613) 566-4414 Ext:4261
Fax: (613) 566-4411

Canada Deposit Insurance Corporation
Claudia Morrow
50 O’Connor Street, 17th Floor
Ottawa, Ontario  K1P 5W5
Tel: (613) 947-0268
Fax: (613) 996-6095

Canada Economic Development for Quebec Regions
Joane Simon
800 Victoria Square, Tour de la Bourse
Suite 3800, P.O. Box 247
Montréal, Quebec  H4Z 1E8
Tel: (514) 283-8418
Fax: (514) 283-9679

Canada Industrial Relations Board
Ruth Smith
C.D. Howe Bldg., West Tower
240 Sparks Street, 4th Floor
Ottawa, Ontario  K1A 0X8
Tel: (613) 947-5441
Fax: (613) 947-5407

Canada Information Office
Marlene Fournier
155 Queen Street, 5th Floor
Ottawa, Ontario  K1P 6L1
Tel: (613) 992-1692
Fax: (613) 992-8350

Canada Lands Company Limited
see Public Works and Government Services Canada
Canada Mortgage and Housing Corporation
Doug Tyler
700 Montreal Road, Room C2-218A
Ottawa, Ontario  K1A 0P7
Tel: (613) 748-2892
Fax: (613) 748-4098

Canada-Ports Corporation
David Cuthbertson
330 Sparks Street, Place de Ville, Tower C
Ottawa, Ontario  K1A 0N6
Tel: (613) 957-6729
Fax: (613) 996-9393

Canada-Newfoundland Offshore Petroleum Board
Jim Doyle
TD Place
140 Water Street, 5th Floor
St. John’s, Newfoundland  A1C 6H6
Tel: (709) 778-1464
Fax: (709) 778-1473

Canada Post Corporation
Richard A. Sharp
2701 Riverside Drive, Suite N0643
Ottawa, Ontario  K1A 0B1
Tel: (613) 734-6871
Fax: (613) 734-7329

Canada-Nova Scotia Offshore Petroleum Board
Michael S. McPhee
TD Centre
1791 Barrington Street, 6th Floor
Halifax, Nova Scotia  B3J 3K9
Tel: (902) 422-5588
Fax: (902) 422-1799

Canadian Centre for Management Development
Carole Jolicoeur
de LaSalle Academy
373 Sussex Drive, Room B-211
Ottawa, Ontario  K1N 8V4
Tel: (613) 947-9338
Fax: (613) 947-3668

Canadian Centre for Occupational Health and Safety
Bonnie Easterbrook
250 Main Street East
Hamilton, Ontario  L8N 1H6
Tel: (905) 572-2981 Ext 4401
Fax: (905) 572-2206
Canadian Commercial Corporation
Sharon M. Fleming
50 O’Connor Street, 11th Floor
Ottawa, Ontario  K1A 0S6
Tel: (613) 943-0953
Fax: (613) 995-2121

Canadian Cultural Property
Export Review Board
David A. Walden
15 Eddy Street, 3rd Floor
Hull, Quebec  K1A 0M5
Tel: (819) 997-7761
Fax: (819) 997-7757

Canadian Dairy Commission
Monique Castonguay
1525 Carling Avenue, Suite 300
Ottawa, Ontario  K1A 0Z2
Tel: (613) 792-2035
Fax: (613) 998-4492

Canadian Environmental Assessment Agency
Suzanne Latour
200 Sacré-Coeur Boulevard, 13th Floor
Hull, Quebec  K1A 0H3
Tel: (819) 953-5537
Fax: (819) 994-1469

Canadian Film Development Corporation
John P. Pelletier
2 Bloor Street West, 22nd Floor
Toronto, Ontario  M4W 3E2
Tel: (416) 973-6436 (Ext. 2510)
Fax: (416) 973-2826

Canadian Food Inspection Agency
Reg Gatenby
Camelot Court, Room: 2375E
59 Camelot Dr
Nepean, Ontario  K1A 0Y9
Tel: (613) 225-2342 Ext 4215
Fax: (613) 228-6639

Canadian Forces
see National Defence

Canadian Government Standards Board
see Public Works and Government Services Canada

Canadian Grain Commission
see Agriculture and Agri-Food Canada
Canadian Heritage
E.W. Aumand
25 Eddy Street, Room 1496
Hull, Quebec  K1A 0M5
Tel: (819) 997-2894
Fax: (819) 953-9524

Canadian Human Rights Commission
Lucie Veillette
Canada Place
344 Slater Street, 8th Floor
Ottawa, Ontario  K1A 1E1
Tel: (613) 943-9505
Fax: (613) 941-6810

Canadian International Development Agency
François Arsenault
Place du Centre
200 Promenade du Portage, 12th floor
Hull, Quebec  K1A 0G4
Tel: (819) 997-0845
Fax: (819) 953-3352

Canadian International Trade Tribunal
Susanne Grimes
Standard Life Centre
333 Laurier Avenue West, 17th Floor
Ottawa, Ontario  K1A 0G7
Tel: (613) 993-4717
Fax: (613) 998-1322

Canadian Museum of Civilization
Louise Dubois
100 Laurier Street
P.O. Box 3100, Station B
Hull, Quebec  J8X 4H2
Tel: (819) 776-7115
Fax: (819) 776-7122

Canadian Museum of Nature
Greg Smith
P.O. Box 3443, Station D
Ottawa, Ontario  K1P 6P4
Tel: (613) 566-4214
Fax: (613) 364-4022

Canadian Polar Commission
Alan Saunders
Constitution Square
360 Albert Street, Suite 1710
Ottawa, Ontario  K1R 7X7
Tel: (613) 943-8605
Fax: (613) 943-8607

Canadian Radio-television and Telecommunications Commission
Jennifer Wilson
Terrasses de la Chaudiere
1 Promenade du Portage, 5th Floor
Hull, Quebec  K1A 0N2
Tel: (819) 997-1540
Fax: (819) 994-0218
Canadian Security Intelligence Service  
Raymond Fournier  
P.O. Box 9732, Station T  
Ottawa, Ontario  K1G 4G4  
Tel: (613) 231-0506  
Fax: (613) 231-0672

Canadian Space Agency  
Sylvie Garbusky  
6767 route de l’Aéroport  
Saint-Hubert, Quebec  J3Y 8Y9  
Tel: (450) 926-4866  
Fax: (450) 926-4878

Canadian Transportation Agency  
John Parkman  
Jules Léger Building  
15 Eddy Street, 16th Floor  
Hull, Quebec  K1A 0N9  
Tel: (819) 994-2564  
Fax: (819) 997-6727

Canadian Wheat Board  
Deborah Harri  
423 Main Street  
P.O. Box 816, Station Main  
Winnipeg, Manitoba  R3C 2P5  
Tel: (204) 983-1752  
Fax: (204) 983-0341

Citizenship and Immigration Canada  
Diane Burrows  
Jean Edmonds Tower North  
300 Slater Street, 3rd Floor  
Ottawa, Ontario  K1A 1L1  
Tel: (613) 957-6512  
Fax: (613) 957-6517

Copyright Board Canada  
Ivy Lai  
56 Sparks Street, Room 800  
Ottawa, Ontario  K1A 0C9  
Tel: (613) 952-8628  
Fax: (613) 952-8630

Correctional Investigator Canada  
Todd Sloan  
275 Slater Street, Room 402  
Ottawa, Ontario  K1P 5H9  
Tel: (613) 990-2690  
Fax: (613) 990-9091

Correctional Service of Canada  
Margo E. Milligan  
Sir Wilfrid Laurier Building  
340 Laurier Avenue West  
1st Floor, Section C  
Ottawa, Ontario  K1A 0P9  
Tel: (613) 992-8248  
Fax: (613) 995-4412
Custodian of Enemy Property
see Public Works and Government Services Canada

Defence Construction Canada
Sue Greenfield
Place de Ville, Tower B
112 Kent Street, 17th Floor
Ottawa, Ontario  K1A 0K3

Tel: (613) 998-0998
Fax: (613) 998-1218

Department of Finance Canada
Cynthia Richardson
L'Esplanade Laurier, East Tower
140 O'Connor Street, 21st Floor
Ottawa, Ontario  K1A 0G5

Tel: (613) 992-6923
Fax: (613) 995-7223

Department of Foreign Affairs and International Trade
Barbara Richardson
Lester B. Pearson Building, Tower D
125 Sussex Drive, 1st Floor
Ottawa, Ontario  K1A 0G2

Tel: (613) 992-1487 / 992-1425
Fax: (613) 995-0116

Department of Justice Canada
Anne Brennan
284 Wellington Street, 1st Floor
Ottawa, Ontario  K1A 0H8

Tel: (613) 952-8361
Fax: (613) 957-2303

Director of Soldier Settlement
see Veterans Affairs Canada

Director Veterans’ Land Act, The
see Veterans Affairs Canada

Energy Supplies Allocation Board
see Natural Resources Canada

Environment Canada
René Bolduc
Les Terrasses de la Chaudiere, North Tower
10 Wellington Street, 4th Floor
Hull, Quebec  K1A 0H3

Tel: (819) 997-2992
Fax: (819) 997-1781
Export Development Corporation
Serge Picard
151 O’Connor Street, 6th Floor
Ottawa, Ontario  K1A 1K3
Tel: (613) 598-2899
Fax: (613) 237-2690

Farm Credit Corporation Canada
Janet Wightman
1800 Hamilton Street
P.O. Box 4320
Regina, Saskatchewan  S4P 4L3
Tel: (306) 780-8568
Fax: (306) 780-8641

Federal Bridge Corporation Limited
Norman B. Willans
World Exchange Plaza
45 O’Connor Street, Suite 840
Ottawa, Ontario  K1P 1A4
Tel: (613) 993-6880
Fax: (613) 993-6945

Federal Mortgage
Exchange Corporation
see Department of Finance Canada

Federal-Provincial Relations Office
see Privy Council Office

Finance Canada
see Department of Finance Canada

Fisheries and Oceans Canada
Terry Murray
200 Kent Street, Station 530
Ottawa, Ontario  K1A 0E6
Tel: (613) 993-2937
Fax: (613) 998-1173

Fisheries and Oceans Research
Advisory Council
see Fisheries and Oceans Canada

Fisheries Prices Support Board
see Fisheries and Oceans Canada

Foreign Affairs and
International Trade
see Department of Foreign Affairs and
International Trade

Forestry Canada
see Natural Resources Canada
Freshwater Fish Marketing Corporation
Millie Smith
1199 Plessis Road
Winnipeg, Manitoba R2C 3L4

Tel: (204) 983-6461
Fax: (204) 983-6497

Great Lakes Pilotage Authority Canada
Robert Lemire
202 Pitt Street
P.O. Box 95
Cornwall, Ontario K6H 5R9

Tel: (613) 933-2991
Fax: (613) 932-3793

Hazardous Materials Information Review Commission
Sharon Watts
200 Kent Street, Suite 9000
Ottawa, Ontario K1A 0M1

Tel: (613) 993-4472
Fax: (613) 993-4686

Health Canada
J.A. Schriel
Brooke Claxton Building (0909D)
Room 967D
Ottawa, Ontario K1A 0K9

Tel: (613) 957-3051
Fax: (613) 941-4541

Historic Sites and Monuments Board of Canada
Michel Audy
25 Eddy Street, 5th Floor
Hull, Quebec K1A 0M5

Tel: (819) 997-4059
Fax: (819) 953-4909

Human Resources Development Canada
Jean Dupont
Phase IV
140 Promenade du Portage, 2nd Floor
Hull, Quebec K1A 0J9

Tel: (819) 994-0416
Fax: (819) 953-0659
<table>
<thead>
<tr>
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<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Immigration and Refugee Board</td>
<td>Sergio Poggione</td>
<td>344 Slater Street, 14th Floor, Ottawa, Ontario  K1A 0K1</td>
<td>(613) 995-3514</td>
<td>(613) 996-9305</td>
</tr>
<tr>
<td>Indian and Northern Affairs Canada</td>
<td>Diane Leroux</td>
<td>Les Terrasses de la Chaudiere, North Tower, 10 Wellington Street, Room 517, Hull, Quebec  K1A 0H4</td>
<td>(819) 997-8277</td>
<td>(819) 953-5492</td>
</tr>
<tr>
<td>Industry Canada</td>
<td>Marilyn Eades</td>
<td>C.D. Howe Building, 6th Floor West, 235 Queen Street, Room 643D, Ottawa, Ontario  K1A 0H5</td>
<td>(613) 954-2753</td>
<td>(613) 941-3085</td>
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<tr>
<td>International Centre for Human Rights and Democratic Development</td>
<td>Raymond Bourgeois</td>
<td>63 De Brésoles, 1st Floor, Montréal, Quebec  H2E 2R7</td>
<td>(514) 283-6073</td>
<td>(514) 283-3792</td>
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<tr>
<td>International Development Research Centre</td>
<td>Chantal Schryer</td>
<td>250 Albert Street, P.O. Box 8500, Ottawa, Ontario  K1G 3H9</td>
<td>(613) 236-6163, Ext: 2598</td>
<td>(613) 235-6391</td>
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<td>Jacques Cartier and Champlain Bridges Incorporated</td>
<td>Lorraine Versailles</td>
<td>Complexe Bierville, 1010 de Sérigny, Room 700, Longueuil, Quebec  J4K 5G7</td>
<td>(450) 651-8771 Ext: 231</td>
<td>(450) 677-6912</td>
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<td>Justice Canada</td>
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<td>see Department of Justice Canada</td>
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<td>Laurentian Pilotage Authority Canada</td>
<td>Nicole Sabourin</td>
<td>Stock Exchange Tower, 715 Victoria Square, 6th Floor, P.O. Box 680, Montréal, Quebec  H2Y 2H7</td>
<td>(514) 283-6320 Ext: 213</td>
<td>(514) 496-2409</td>
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<td>Law Commission of Canada</td>
<td>Cathy Hallessey</td>
<td>Trebla Building, 473 Albert Street, 11th Floor</td>
<td>Ottawa, Ontario</td>
<td>K1A 0H8</td>
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<td>Tel: (613) 946-8980, Fax: (613) 946-8988</td>
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<td>Leadership Network</td>
<td>Jocelyne Geoffroy</td>
<td>122 Bank Street, P.O. Box 3431, Station D</td>
<td>Ottawa, Ontario</td>
<td>K1P 1H3</td>
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<td></td>
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<td>Tel: (613) 943-9313, Fax: (613) 943-5205</td>
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<td>Medical Research Council of Canada</td>
<td>Guy D’Aloisio</td>
<td>Holland Cross, Tower B, 1600 Scott Street, 5th Floor</td>
<td>Ottawa, Ontario</td>
<td>K1A 0W9</td>
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<td>Tel: (613) 954-1946, Fax: (613) 954-1800</td>
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<td>Millennium Bureau of Canada</td>
<td>Tom Volk</td>
<td>255 Albert Street, 10th Floor, P.O. Box 2000</td>
<td>Ottawa, Ontario</td>
<td>K1P 1E5</td>
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<td>Tel: (613) 995-5444, Fax: (613) 943-3226</td>
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<td>National Archives of Canada</td>
<td>Francoise Houle</td>
<td>395 Wellington Street, Room 128</td>
<td>Ottawa, Ontario</td>
<td>K1A 0N3</td>
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<td>Tel: (613) 996-7241, Fax: (613) 995-0919</td>
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<td>National Arts Centre</td>
<td>Danielle Robinson</td>
<td>P.O. Box 1534, Station B</td>
<td>Ottawa, Ontario</td>
<td>K1P 5W1</td>
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<td>Tel: (613) 947-7000 Ext: 542, Fax: (613) 943-1402</td>
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<tr>
<td>National Battlefields Commission</td>
<td>Michel Leullier</td>
<td>390 de Bernières Avenue</td>
<td>Québec, Quebec</td>
<td>G1R 2L7</td>
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<td></td>
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<td>Tel: (418) 648-3506, Fax: (418) 648-3638</td>
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<td>Merchant Seamen Compensation Board</td>
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<td>Development Canada</td>
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</table>
National Capital Commission
Ginette Grenier
40 Elgin Street, Suite 202
Ottawa, Ontario K1P 1C7
Tel: (613) 239-5198
Fax: (613) 239-5361

National Defence
B.J. Petzinger
North Tower
101 Colonel By Drive, 6th Floor
Ottawa, Ontario K1A 0K2
Tel: (613) 995-8393
Fax: (613) 995-5777

National Energy Board
Denis Tremblay
444 – Seventh Avenue S.W.
Calgary, Alberta T2P 0X8
Tel: (403) 299-2717
Fax: (403) 292-5503

National Film Board of Canada
Geneviève Cousineau
P.O. Box 6100, Station Centre-ville
Montréal, Quebec H3C 3H5
Tel: (514) 283-9028
Fax: (514) 496-1646

National Gallery of Canada
Yves Dagenais
380 Sussex Drive
Ottawa, Ontario K1N 9N4
Tel: (613) 991-0040
Fax: (613) 993-9163

National Library of Canada
Paul McCormick
395 Wellington Street, Room 199
Ottawa, Ontario K1A 0N4
Tel: (613) 996-2892
Fax: (613) 996-3573

National Museum of Science and Technology
Graham Parsons
2421 Lancaster Road
P.O. Box 9724, Station T
Ottawa, Ontario K1G 5A3
Tel: (613) 991-3033
Fax: (613) 990-3635

National Farm Products Council
Lise Leduc
Martel Building
270 Albert Street, 13th Floor
P.O. Box 3430, Station D
Ottawa, Ontario K1P 6L4
Tel: (613) 995-1411
Fax: (613) 995-2097
National Parole Board
John Vandoremalen
340 Laurier Avenue West, 9th Floor
Ottawa, Ontario K1A 0R1
Tel: (613) 954-6547
Fax: (613) 957-3241

National Research Council Canada
Huguette Brunet
Montreal Road Campus
Building M-58, Room W-314
Ottawa, Ontario K1A 0R6
Tel: (613) 990-6111
Fax: (613) 991-0398

National Round Table on the Environment and the Economy
Gene Nyberg
Canada Building
344 Slater Street, Suite 200
Ottawa, Ontario K1R 7Y3
Tel: (613) 995-7581
Fax: (613) 992-7385

Natural Resources Canada
Jean Boulais
580 Booth Street, 11th Floor
Ottawa, Ontario K1A 0E4
Tel: (613) 995-1305
Fax: (613) 995-0693

Natural Sciences and Engineering Research Council of Canada
Victor Wallwork
350 Albert Street, 13th Floor
Ottawa, Ontario K1A 1H5
Tel: (613) 995-6214
Fax: (613) 992-5337

Northern Pipeline Agency Canada
C.F. Gilhooly
Lester B. Pearson Building
125 Sussex Drive
Ottawa, Ontario K1A 0G2
Tel: (613) 993-7466
Fax: (613) 998-8787

Northwest Territories Water Board
Vicki Losier
Goga Cho Building, 2nd Floor
P.O. Box 1500
Yellowknife, Northwest Territories X1A 2R3
Tel: (867) 669-2772
Fax: (867) 669-2719
Office of the Auditor General of Canada
Susan Kearney
240 Sparks Street, 11th Floor
Ottawa, Ontario  K1A 0G6
Tel: (613) 995-3708
Fax: (613) 947-9556

Office of the Chief Electoral Officer
Patricia Hassard
257 Slater Street, Room 9-104
Ottawa, Ontario  K1A 0M6
Tel: (613) 990-5596
Fax: (613) 993-5880

Office of the Commissioner of Official Languages
Marie Bergeron
344 Slater Street, 3rd Floor
Ottawa, Ontario  K1A 0T8
Tel: (613) 947-5598
Fax: (613) 993-5082

Office of the Comptroller General
see Treasury Board of Canada Secretariat

Office of the Inspector General of the Canadian Security Intelligence Service
Martin Somberg
Sir Wilfrid Laurier Building
340 Laurier Avenue West, 8th Floor
Ottawa, Ontario  K1A 0P8
Tel: (613) 993-7204
Fax: (613) 990-8303

Office of the Superintendent of Financial Institutions Canada
Allan Shusterman
255 Albert Street, 15th Floor
Ottawa, Ontario  K1A 0H2
Tel: (613) 990-8031
Fax: (613) 952-5031

Pacific Pilotage Authority Canada
Bruce Chadwick
1199 West Hastings Street, Suite 300
Vancouver, British Columbia  V6E 4G9
Tel: (604) 666-6771
Fax: (604) 666-1647
Patented Medicines Prices Review Board
Sylvie Dupont-Kirby
Standard Life Centre
333 Laurier Avenue West, Suite 1400
P.O. Box L40
Ottawa, Ontario  K1P 1C1

Tel: (613) 954-8299
Fax: (613) 952-7626

Pension Appeals Board
Mina McNamee
Capital Square Bldg
222 Queen Street, 9th Floor
Ottawa, Ontario  K1P 5V9

Tel: (613) 995-0612
Fax: (613) 995-6834

Petroleum Monitoring Agency Canada
see Natural Resources Canada

Prairie Farm Rehabilitation Administration
see Agriculture and Agri-Food Canada

Privy Council Office
Ciuneas Boyle
Blackburn Building
85 Sparks Street, Room 400
Ottawa, Ontario  K1A 0A3

Tel: (613) 957-5210
Fax: (613) 991-4706

Procurement Review Board of Canada
see Canadian International Trade Tribunal

Public Service Commission of Canada
Jane Roszell
L’Esplanade Laurier, West Tower
300 Laurier Avenue West, Room A1711
Ottawa, Ontario  K1A 0M7

Tel: (613) 996-8841
Fax: (613) 947-6979

Public Service Staff Relations Board
Monique Montgomery
C.D. Howe Bldg, West Tower
240 Sparks Street, 6th Floor
P.O. Box 1525, Station B
Ottawa, Ontario  K1P 5V2

Tel: (613) 990-1757
Fax: (613) 990-1849
Public Works and Government Services Canada
Anita Lloyd
Place du Portage, Phase III
11 Laurier Street, Room 15A2
Ottawa, Ontario  K1A 0S5
Tel: (819) 956-1816
Fax: (819) 994-2119

Regional Development Incentives Board
see Industry Canada

Revenue Canada
Gilles Gaignery
Albion Tower
25 Nicholas Street, 14th Floor
Ottawa, Ontario  K1A 0L5
Tel: (613) 957-8819
Fax: (613) 941-9395

Royal Canadian Mint
Marguerite Nadeau
320 Sussex Drive
Ottawa, Ontario  K1A 0G8
Tel: (613) 993-1732
Fax: (613) 952-8342

Royal Canadian Mounted Police
Superintendent Robert G. Lesser
1200 Vanier Parkway
Ottawa, Ontario  K1A 0R2
Tel: (613) 993-5162
Fax: (613) 993-5080

Royal Canadian Mounted Police
External Review Committee
Bernard Cloutier
60 Queen Street, Room 513
P.O. Box 1159, Station B
Ottawa, Ontario  K1P 5Y7
Tel: (613) 990-1860
Fax: (613) 990-8969

Royal Canadian Mounted Police
Public Complaints Commission
Kay R. Baxter
P.O. Box 3423, Station D
Ottawa, Ontario  K1P 6L4
Tel: (613) 946-5211
Fax: (613) 952-8045

Seaway International Bridge Corporation Ltd
Hendrik Saaltink
P.O. Box 836
Cornwall, Ontario  K6H 5T7
Tel: (613) 932-6601 Ext: 23
Fax: (613) 932-9086
Security Intelligence Review Committee
Madeleine DeCarufel
Jackson Building
122 Bank Street, 4th Floor
Ottawa, Ontario K1P 5N6

Tel: (613) 990-8441
Fax: (613) 990-5230

Social Sciences and Humanities Research Council of Canada
Rachel Hamelin
Constitution Square, Tower 2
350 Albert Street, 11th Floor
Ottawa, Ontario K1P 6G4

Tel: (613) 992-0562
Fax: (613) 992-1787

Solicitor General Canada
Duncan Roberts
Sir Wilfrid Laurier Bldg.
340 Laurier Avenue West
Ottawa, Ontario K1A 0P8

Tel: (613) 991-2931
Fax: (613) 990-9077

Standards Council of Canada
Susan MacPherson
45 O’Connor Street, Suite 1200
Ottawa, Ontario K1P 6N7

Tel: (613) 238-3222 Ext 113
Fax: (613) 995-4564 Ext 113

Statistics Canada
Louise Desramaux
R.H. Coats Bldg., 25th floor
Tunney’s Pasture
Ottawa, Ontario K1A 0T6

Tel: (613) 951-9349
Fax: (613) 951-3825

Status of Women Canada
Céline Champagne
350 Albert Street, 5th Floor
Ottawa, Ontario K1A 1C3

Tel: (613) 995-4008
Fax: (613) 957-3359

Transportation Safety Board of Canada
Gertrude René de Cotret
Place du Centre
200 Promenade du Portage, 4th Floor
Hull, Quebec K1A 1K8

Tel: (819) 994-8001
Fax: (819) 997-2239
Transport Canada
Linda Savoie
Place de Ville, Tower C
330 Sparks Street, 26th floor
Ottawa, Ontario K1A 0N5
Tel: (613) 993-6162
Fax: (613) 991-6594

Treasury Board of Canada Secretariat
Donald J. Rennie
L’Esplanade Laurier, East Tower
140 O’Connor Street, 9th Floor
Ottawa, Ontario K1A 0R5
Tel: (613) 952-7200
Fax: (613) 998-9071

Veterans Affairs Canada
Barry Johnston
Daniel J. MacDonald Building
161 Grafton Street, Room 344
P.O. Box 7700
Charlottetown, Prince Edward Island
C1A 8M9
Tel: (902) 566-8609
Fax: (902) 368-0496

Western Economic Diversification Canada
Ron Sewell
200 Kent Street, 8th Floor
P.O. Box 2128, Station D
Ottawa, Ontario K1P 5W3
Tel: (613) 952-9554
Fax: (613) 952-7188

Yukon Territory Water Board
Judi Doering
419 Range Road, Suite 106
Whitehorse, Yukon Y1A 3V1
Tel: (867) 667-3980
Fax: (867) 668-3628

Veterans Review Appeal Board Canada
see Veterans Affairs Canada
REFERENCE

CANADA AND THE CANADA SITE
Reference Canada

Reference Canada is the federal government’s bilingual, toll-free general information and referral service.

You may contact Reference Canada at the following telephone numbers:

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TTY .............................. 1 800 465-7735
Manitoba ..................... 1 800 282-8060
TTY .............................. (204) 945-4796
Quebec ......................... 1 800 363-1363
TTY .............................. 1 800 361-9596

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The Canada Site provides Internet users with a single electronic access point to general information about Canada, the federal government and its programs and services. The Internet address for this site is www.Canada.gc.ca.
DEPOSITORY SERVICES PROGRAM
The Depository Services Program (DSP) is a network that distributes federal government publications to more than 800 libraries in Canada, plus another 146 institutions around the world that hold collections of Canadian government publications. The service, sponsored by the Treasury Board and administered by Public Works and Government Services Canada, ensures that federal departments and agencies get their publications in the hands of their clients – the Canadian public, universities and other governments – cost-effectively and efficiently.

Every government department and agency subject to the Communications Policy is required to provide copies of its publications to the DSP. The publications are then sent to public and academic libraries which house, catalogue and provide reference services for them. The depositories make the collections available free of charge to all Canadians and for interlibrary loans.

In addition, the DSP provides publications to members of Parliament and senators, the research bureaus of political parties, central libraries of the federal government, and media libraries. The government also uses the DSP to fulfil its international obligations under official library exchanges to such institutions as the Library of Congress and to university libraries in other countries that have Canadian studies programs.
The DSP, established in 1927, ensures that departments and agencies have a way of making their conventional, electronic and alternative media publications available to the public. Without the DSP, Canadians would have difficulty gaining timely access to federal government information.

There are two types of depository libraries. “Full” depository libraries automatically receive all information products disseminated through the program. “Selective” depository libraries choose from a checklist those publications that are of particular interest to their users. DSP sites are regionally distributed across Canada.

For further information, contact Depository Services Personnel at the address below:

**Depository Services Program**
PWGSC
350 Albert Street, 4th Floor
Ottawa, Ontario K1A 0S5

Phone: (613) 993-1325
Fax: (613) 941-2410
Website: http://dsp-psd.pwgsc.gc.ca
### Depository Libraries

**Note:** “Full” depository libraries are indicated by an asterisk (*)

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Jasper Place Branch
Edmonton, Alberta

Edmonton Public Library
Southgate Branch
Edmonton, Alberta

Edson and District Public Library
Edson, Alberta

Fort McMurray Public Library
Fort McMurray, Alberta

Grand Centre Public Library
Cold Lake, Alberta

Grande Prairie Public Library
Grande Prairie, Alberta

Grande Prairie Regional
College Library
Grande Prairie, Alberta

Grant MacEwan Community College
Technical Services
Edmonton, Alberta

High River Centennial Library
High River, Alberta

Keyano College Library
Fort McMurray, Alberta

Lakeland College Library
Vermilion Campus
Vermilion, Alberta

Leduc Public Library
Leduc, Alberta

Legislature Library*
Government Documents
Edmonton, Alberta

Lethbridge Community College
Buchanan Library
Lethbridge, Alberta

Lloydminster Public Library
Lloydminster, Alberta

Mount Royal College Library
Serials Department
Calgary, Alberta

Northern Alberta Institute
of Technology
McNally Library
Edmonton, Alberta
Olds College
Library, acquisitions
Olds, Alberta

Parkland Regional Library
Lacombe, Alberta

RCMP Century Library
Beaverlodge, Alberta

Red Deer College
Learning Resources Centre
Red Deer, Alberta

Red Deer Public Library
Red Deer, Alberta

Southern Alberta Institute of Technology
Learning Resources Center
Calgary, Alberta

St. Albert Public Library
St. Albert Place
St. Albert, Alberta

University of Alberta
Bibliothèque – Faculté Saint-Jean
Edmonton, Alberta

University of Alberta
John A. Weir Memorial Law Library
Law Centre
Government Documents Section
Edmonton, Alberta

University of Alberta*
Humanities and Social Sciences Library
Edmonton, Alberta

University of Alberta Library
Winspear Business Reference Room
Edmonton, Alberta

University of Calgary
Health Sciences Library
Calgary, Alberta

University of Calgary Library*
Government Documents
Calgary, Alberta

University of Lethbridge Library
Government Documents
Lethbridge, Alberta

Vegreville Public Library
Vegreville, Alberta

Wetaskiwin Public Library
Wetaskiwin, Alberta

Yellowhead Regional Library
Spruce Grove, Alberta

British Columbia
Alert Bay Public Library
Alert Bay, British Columbia
British Columbia Institute of Technology Library
Burnaby, British Columbia

Burnaby Public Library
Bob Prittie Metrotown Branch
Burnaby, British Columbia

Burns Lake Public Library
Burns Lake, British Columbia

Camosun College Library
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Victoria, British Columbia

Capilano College Library
North Vancouver, British Columbia

Cariboo College Library
Kamloops, British Columbia

Cariboo-Thompson Nicola Library System
Merritt Branch
Merritt, British Columbia

Castlegar and District Public Library
Castlegar, British Columbia

Chilliwack Public Library
Fraser Valley Regional Library System
Chilliwack, British Columbia

College of New Caledonia Library
Prince George, British Columbia

College of the Rockies
Cranbrook, British Columbia

Coquitlam Public Library
Coquitlam, British Columbia

Cranbrook Public Library
Cranbrook, British Columbia

Dawson Creek Municipal Public Library
Dawson Creek, British Columbia

Delta Pioneer Ladner Library
Delta, British Columbia

Douglas College Library
New Westminster, British Columbia

Elkford Public Library
Elkford, British Columbia

Fernie Public Library
Fernie, British Columbia

Fort St. James Centennial Library
Fort St. James, British Columbia

Fort St. John Public Library
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*Simon Fraser University also includes W.A.C. Bennett Library.
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The Pas, Manitoba

University of Manitoba
E.K. Williams Law Library
Winnipeg, Manitoba

University of Manitoba*
Elizabeth Dafoe Library
Government Documents
Winnipeg, Manitoba

University of Winnipeg Library
Winnipeg, Manitoba

Western Manitoba Regional Library
Brandon, Manitoba

Western Manitoba Regional Library
Carberry / North Cypress Branch
Carberry, Manitoba

Western Manitoba Regional Library
Neepawa Branch
Neepawa, Manitoba

Winnipeg Public Library
Winnipeg, Manitoba

New Brunswick
Atlantic Canada Opportunities Agency Library
Moncton, New Brunswick

Bibliothèque Le Cormoran
Centre Samuel de Champlain
Saint-Jean, New Brunswick

Bibliothèque régionale
d’Albert-Westmorland-Kent
Richibucto, New Brunswick

Bibliothèque régionale de Chaleur
Campbellton, New Brunswick

Bibliothèque régionale
du Haut-Saint-Jean
Edmundston, New Brunswick

Centre universitaire de Shippegan
Bibliothèque
Shippegan, New Brunswick

Centre universitaire Saint Louis Maillet
Bibliothèque
Edmundston, New Brunswick

Collège communautaire du Nouveau-Brunswick
Bibliothèque
Campus de Bathurst
Bathurst, New Brunswick

Collège communautaire du Nouveau-Brunswick
Campus d’Edmunston
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Edmundston, New Brunswick
Kennebecasis Public Library  
Rothesay, New Brunswick

L.P. Fisher Public Library  
Woodstock, New Brunswick

Moncton Public Library  
Moncton, New Brunswick

New Brunswick Community College  
Moncton, New Brunswick

Région de Bibliothèques Chaleur  
Bibliothèque du centenaire Nepisiguit  
Bathurst, New Brunswick

Saint John Regional Library  
Information Centre  
Saint John, New Brunswick

St. Croix Public Library  
St. Stephen, New Brunswick

University of New Brunswick  
Gerard V. LaForest Law Library  
Fredericton, New Brunswick

University of New Brunswick  
Ward Chipman Library  
Saint John, New Brunswick

York Regional Library  
Fredericton, New Brunswick

Newfoundland

College of the North Atlantic Library  
St. John’s, Newfoundland

Corner Brook City Library  
Corner Brook, Newfoundland

Fisheries and Marine Institute Library  
St. John’s, Newfoundland

Gander Regional Library  
Gander, Newfoundland

Legislative Library  
Confederation Building  
St. John’s, Newfoundland

Memorial University*  
Queen Elizabeth II Library  
Government Documents  
St. John’s, Newfoundland

Memorial University of Newfoundland  
Sir Wilfred Grenfell College Library  
Corner Brook, Newfoundland

Provincial Information and Library Resources Board  
Provincial Resource Library  
Arts and Culture Centre  
Government Documents  
St. John’s, Newfoundland
Provincial Library Services
West Newfoundland and Labrador Division
Corner Brook, Newfoundland

Provincial Public Library Board
Central Division
Gander, Newfoundland

Westviking College Library
Stephenville, Newfoundland

Northwest Territories
Aurora College
Thebacha Campus Library
Fort Smith, Northwest Territories

Inuvik Centennial Library
Inuvik, Northwest Territories

Legislative Assembly Building*
Legislative Library
Yellowknife, Northwest Territories

Yellowknife Public Library
Yellowknife, Northwest Territories

Nova Scotia
Acadia University Library*
Wolfville, Nova Scotia

Annapolis Valley Regional Library
Bridgetown, Nova Scotia

Cape Breton Regional Library
Sydney, Nova Scotia

Colchester-East Hants
Regional Library
Truro, Nova Scotia

Dalhousie University
Faculty of Law Library
Halifax, Nova Scotia

Dalhousie University*
Killam Memorial Library
Government Documents
Halifax, Nova Scotia

DalTech Library
DalTech
Dalhousie University
Halifax, Nova Scotia

Eastern Counties Regional Library
Mulgrave, Nova Scotia

Fisheries and Oceans
Bedford Institute of Oceanography Library
Dartmouth, Nova Scotia

Halifax Regional Library
Lower Sackville, Nova Scotia
Mount Saint Vincent University
Library
Serials Department
Halifax, Nova Scotia

Nova Scotia Agricultural College
MacRae Library
Truro, Nova Scotia

Nova Scotia College of Art
Library
Halifax, Nova Scotia

Nova Scotia Legislative Library
Halifax, Nova Scotia

Nova Scotia Provincial Library
User Services
Halifax, Nova Scotia

Nova Scotia Teachers College
Learning Resources Centre
Truro, Nova Scotia

Pictou-Antigonish Regional Library
New Glasgow, Nova Scotia

South Shore Regional Library
Bridgewater, Nova Scotia

St. Francis Xavier University
Angus L. MacDonald Library
Government Documents Department
Antigonish, Nova Scotia

St. Mary’s University
Patrick Power Library
Halifax, Nova Scotia

Université Saint-Anne
Bibliothèque Louis R. Comeau
Church Point, Nova Scotia

University College of Cape Breton
Library
Sydney, Nova Scotia

Western Counties Regional Library
Yarmouth, Nova Scotia

Nunavut
Nunavut Arctic College
Nunatta Campus Library
Iqaluit, Nunavut

Nunavut Legislative Library
Iqaluit, Nunavut

Ontario
Advocacy Resource Center for the Handicapped
Toronto, Ontario

Agriculture and Agri-Food Canada
Library
Ottawa, Ontario

Ajax Public Library
Ajax, Ontario
Algoma University College
Arthur A. Wishart Library
Government Documents
Sault Ste. Marie, Ontario

Algonquin College of Applied Arts and Technology
Library
Woodroffe Campus
Nepean, Ontario

Algonquin College of Applied Arts and Technology
Resource Center
School of Renfrew County
Pembroke, Ontario

Algonquin College of Applied Arts and Technology
Rideau Campus
Resource Centre
Ottawa, Ontario

Algonquin College of Applied Arts and Technology
School of Lanark County
Resource Center
Perth, Ontario

Ancaster Public Library
Ancaster, Ontario

Arnprior Public Library
Arnprior, Ontario

Atikokan Public Library
Atikokan, Ontario

Atomic Energy Control Board Library
Ottawa, Ontario

Atomic Energy of Canada Limited Research
Main Library
Chalk River Laboratories
Chalk River, Ontario

Aurora Public Library
Aurora, Ontario

Bancroft Public Library
Bancroft, Ontario

Barrie Public Library
Barrie, Ontario

Base Borden Public and Military Library
CFB Borden, Ontario

Bathurst Clack Library
Thornhill, Ontario

Belleville Public Library
Belleville, Ontario

Bibliothèque publique de Bourget
Bourget, Ontario
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<td>Canadian Centre for Management Development Information Services</td>
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Carleton University
MacAdrum Library
Maps, Data and Government Information Centre (MADGIC)
Ottawa, Ontario

Centennial College of Applied Arts and Technology
Scarborough, Ontario

Chapleau Public Library
Chapleau, Ontario

Chatham-Kent Public Library
Chatham, Ontario

Chatham-Kent Public Library
Wallaceburg Branch
Wallaceburg, Ontario

Chief Electoral Officer of Canada Library
Ottawa, Ontario

City of Nanticoke Public Library
Selkirk Branch
Selkirk, Ontario

City of Nanticoke Public Library
Waterford Branch
Waterford, Ontario

City of York Public Library
Evelyn Gregory Branch
City of York, Ontario

City of York Public Library
Mount Dennis Branch
City of York, Ontario

Clarington Public Library
Bowmanville Branch
Bowmanville, Ontario

Clarington Public Library
Clarke Branch
Orono, Ontario

Clearview Public Library
Stayner, Ontario

Cobourg Public Library
Cobourg, Ontario

Cochrane Public Library
Cochrane, Ontario

Collège Boréal
Centre de ressources
Sudbury, Ontario

Collège universitaire de Hearst
Bibliothèque Maurice Saulnier
Hearst, Ontario

Collingwood Public Library
Collingwood, Ontario

Commissioner of Official Languages Library
Ottawa, Ontario
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Etobicoke Public Library
Albion Branch
Etobicoke, Ontario

Etobicoke Public Library
Brentwood Public Library
Etobicoke, Ontario

Etobicoke Public Library
Eatonville Branch
Etobicoke, Ontario

Etobicoke Public Library
Long Branch
Etobicoke, Ontario

Etobicoke Public Library
New Toronto Library
Etobicoke, Ontario

Etobicoke Public Library
Richview Branch
Etobicoke, Ontario

Export Development Corporation
Library and Information Services
Ottawa, Ontario

External Affairs and International Trade Canada
Library
Ottawa, Ontario

Fanshawe College Library
London, Ontario

Fisheries and Oceans Canada Library
Ottawa, Ontario

Fort Erie Public Library
Centennial Branch
Fort Erie, Ontario

Fort Frances Public Library
Fort Frances, Ontario

Frontenac County Library
Kingston, Ontario

Gananoque Public Library
Gananoque, Ontario

Georgian College of Applied Arts and Technology
Learning Resource Centre
Barrie, Ontario

Georgina Public Library
Keswick Branch
Keswick, Ontario

Glendon College
Leslie Frost Library
Government Documents
Toronto, Ontario
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Kanata Public Library
Hazeldean Branch
Kanata, Ontario

Kent County Public Library
Tilbury Branch
Tilbury, Ontario

King Township Public Library
King City, Ontario

King’s College
The Lester A. Wemple Library
London, Ontario

Kingston Public Library
Kingston, Ontario

Kitchener Public Library
Business and Government Publications
Kitchener, Ontario

La cité collégiale
Centre de documentation B105
Ottawa, Ontario

Lakefield Public Library
Lakefield, Ontario

Lakehead University
Faculty of Education Library
Thunder Bay, Ontario

Lakehead University*
Chancellor Paterson Library
Government Documents
Thunder Bay, Ontario

Lambton College of Applied Arts and Technology
Resource Centre
Sarnia, Ontario

Lambton County Library
Sarnia Branch
Sarnia, Ontario

Laurentian University*
J.N.Desmarais Library
Access Services Department
Sudbury, Ontario

Leamington Public Library
Leamington, Ontario

Legislative Library*
Parliament Buildings
Collection Development
Toronto, Ontario

Lennox and Addington County Public Library
Napanee Branch
Napanee, Ontario

Library of Parliament*
Official publications
Ottawa, Ontario
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<td>McMaster University*</td>
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<td>Metro Urban Affairs Library</td>
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Mohawk College
Brant Elgin Campus
Library Resource Centre
Brantford, Ontario

Mohawk College of Applied Arts and Technology Library
Hamilton, Ontario

National defence of Canada
Ottawa, Ontario

National Library of Canada
Official Publications Division
Ottawa, Ontario

National Library of Canada*
Canadian Acquisitions
Government Documents
Ottawa, Ontario

National Research Council
Canada Institute for STI Library
Ottawa, Ontario

Natural Resources Canada
Library
Ottawa, Ontario

Nepean Public Library
Centennial Branch
Nepean, Ontario

Nepean Public Library
Ruth E. Dickinson Branch
Walter Baker Sports Centre
Nepean, Ontario

New Tecumseth Public Library
Alliston, Ontario

Newmarket Public Library
Newmarket, Ontario

Niagara College of Applied Arts and Technology
Learning Resource Centre
Welland, Ontario

Niagara Falls Public Library
Niagara Falls, Ontario

Niagara-on-the-Lake Public Library
Niagara-on-the-Lake, Ontario

Nickel Center Public Library
Coniston Branch
Coniston, Ontario

Nickel Centre Public Library
Garson Branch
Garson, Ontario
Nipigon Public Library
Nipigon, Ontario

North Bay Public Library
Reference Department
North Bay, Ontario

North York Public Library
Barbara Frum Branch
North York, Ontario

North York Public Library
Business and Urban Affairs
North York, Ontario

North York Public Library
Don Mills Regional Branch
North York, Ontario

North York Public Library
Fairview Branch
North York, Ontario

North York Public Library
North York, Ontario

North York Public Library
York Woods Regional Branch
North York, Ontario

Northern College
Kirkland Lake Campus
Library Resource Center
Kirkland Lake, Ontario

Northern College
Porcupine Campus Library
Timmins, Ontario

Northern Miner Library
North York, Ontario

Oakville Public Library
Central Branch
Oakville, Ontario

Office of the Auditor General
Information and Library Services
Ottawa, Ontario

Office of the Superintendent of
Financial Institutions
Library
Ottawa, Ontario

Offices of the Information and
Privacy Commissioners
Canada Library (OOIPC)
Ottawa, Ontario

Ontario Institute for Studies in
Education
R.W.B. Jackson Library
Toronto, Ontario

Ontario Library Service
North West Office
Thunder Bay, Ontario
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Queen’s University*
Joseph S. Stauffer Library
Documents Unit
Kingston, Ontario

Queen’s University
William R. Lederman Law Library
Kingston, Ontario

Rayside Balfour Public Library
Librarian
Chelmsford, Ontario

Red Lake Public Library
Red Lake, Ontario

Revenue Canada
Library
Ottawa, Ontario

Richmond Hill Public Library
Richmond Hill, Ontario

Ridgetown College of Agricultural Technology Library
Ridgetown, Ontario

Royal Military College
Massey Library
Kingston, Ontario

Ryerson Polytechnical Institute
Library Technical Services
Toronto, Ontario

Sault College of Applied Arts and Technology
Sault Ste. Marie, Ontario

Sault Ste. Marie Public Library
Sault Ste. Marie, Ontario

Scarborough Public Library Board
Scarborough, Ontario

Scugog Memorial Public Library
Port Perry, Ontario

Seneca College of Applied Arts and Technology
Newnham Campus
Learning Resource Centre
North York, Ontario

Shelburne Public Library
Shelburne, Ontario

Sheridan College
Davis Campus Library
Brampton, Ontario

Sheridan College
Trafalgar Road Campus Library
Oakville, Ontario

Simcoe Public Library
Simcoe, Ontario

Sioux Lookout Public Library
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Kirkland Lake, Ontario

Thorneloe College  
Laurentien University  
Sudbury, Ontario

Thorold Public Library  
Thorold, Ontario

Thunder Bay Public Library  
Thunder Bay, Ontario

Thunder Bay Public Library*  
Government Documents  
Thunder Bay, Ontario

Tillsonburg Public Library  
Tillsonburg, Ontario

Timmins Public Library  
Timmins, Ontario

Toronto Public Library  
Jane Dundas Branch  
Toronto, Ontario

Toronto Public Library  
Maria A. Shchuka Library  
Toronto, Ontario

Toronto Public Library  
S. Walter Stewart Branch  
Toronto, Ontario

Toronto Public Library  
Toronto, Ontario

Toronto Public Library  
Weston Branch  
Toronto, Ontario

Town of Caledon Library  
Albion Bolton Branch  
Bolton, Ontario

Town of Caledonia, Ontario

Town of Haldimand Public Libraries  
Caledonia, Ontario

Town of Markham Public Libraries  
Technical Services Department  
Markham, Ontario

Town of Pickering Public Library  
Central Library  
Pickering, Ontario

Transport Canada  
Library and Research Services (AFK)  
Ottawa, Ontario

Trent University  
Thomas J. Bata Library  
Government Documents Section  
Peterborough, Ontario

Trenton Memorial Public Library  
Trenton, Ontario
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* indicates that the library is part of a university network.
University of Windsor
Paul Martin Law Library
Windsor, Ontario

Uxbridge Township Public Library
Uxbridge, Ontario

Valley East Public Library
Hanmer, Ontario

Victoria County Public Library
Lindsay, Ontario

Victoria University Library
Toronto, Ontario

Wainfleet Township Public Library
Wainfleet, Ontario

Walden Public Library
Lively, Ontario

Waterloo Public Library
Waterloo, Ontario

Waterloo Regional Library
Waterloo, Ontario

Welland Public Library
Welland, Ontario

Wellington County Public Library
Fergus, Ontario

Wentworth Libraries
Hamilton, Ontario

Whitby Public Library
Whitby, Ontario

Whitchurch-Stouffville Public Library
Whitchurch Branch
Stouffville, Ontario

Wilfrid Laurier University
Government Documents Library
Waterloo, Ontario

Windsor Public Library*
Government Documents
Windsor, Ontario

Woodstock Public Library
Woodstock, Ontario

York University
Law Library
Toronto, Ontario

York University*
Scott Library
Government Documents
North York, Ontario

York University
Steacie Science Library
Downsview, Ontario
Prince Edward Island
Confederation Centre Public Library
Charlottetown, Prince Edward Island

Government Services Library*
Government Documents
Charlottetown, Prince Edward Island

Holland College Library
Charlottetown, Prince Edward Island

Provincial Library Service
Morell, Prince Edward Island

Rotary Regional Library
Summerside, Prince Edward Island

University of Prince Edward Island
Robertson Library
Charlottetown, Prince Edward Island

Veterans Affairs Library
Charlottetown, Prince Edward Island

Quebec
Atwater Library
Bibliothèque Atwater
Montréal, Quebec

Beaconsfield Public Library
Beaconsfield, Quebec

Bibliothèque Adélard-Berger
Saint-Jean-sur-Richelieu, Quebec
Bibliothèque de Pointe-Claire
Pointe-Claire, Quebec

Bibliothèque de Québec
Québec, Quebec

Bibliothèque de St. Bruno
Saint-Bruno-de-Montarville, Quebec

Bibliothèque du cégep de
Lévis-Lauzon
Lauzon, Quebec

Bibliothèque Gatien-Lapointe
Trois-Rivières, Quebec

Bibliothèque intermunicipale
Pierrefonds-Dollard-des-Ormeaux
Pierrefonds, Quebec

Bibliothèque Jacques-le-Moyne-de-Sainte-Marie
Varennes, Quebec

Bibliothèque municipale
commémorative de St-Lambert
St-Lambert, Quebec

Bibliothèque municipale
Centres biblio-culturels
Montréal-Nord, Quebec

Bibliothèque municipale d’Alma
Alma, Quebec

Bibliothèque municipale de Amos
Amos, Quebec

Bibliothèque municipale de
Baie-Comeau
Baie-Comeau, Quebec

Bibliothèque municipale de Beauport
Beauport, Quebec

Bibliothèque municipale de Beloeil
Beloeil, Quebec

Bibliothèque municipale de Candiac
Candiac, Quebec

Bibliothèque municipale de
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Charlesbourg, Quebec

Bibliothèque municipale de Chicoutimi
Chicoutimi, Quebec

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Gatineau, Quebec

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Granby, Quebec

Bibliothèque municipale de
Greenfield Park
Greenfield Park, Quebec

Bibliothèque municipale de Jonquière
Ville de Jonquière, Quebec
Bibliothèque municipale de Shawinigan
Shawinigan, Quebec

Bibliothèque municipale de Sherbrooke
Sherbrooke, Quebec

Bibliothèque municipale de Sorel
Sorel, Quebec

Bibliothèque municipale de St-Hubert
St-Hubert, Quebec

Bibliothèque municipale de St-Jérôme
St-Jérôme, Quebec

Bibliothèque municipale de Terrebonne
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Bibliothèque municipale de Tracy
Tracy, Quebec

Bibliothèque municipale de Val d’Or
Val d’Or, Quebec

Bibliothèque municipale de Verdun
Verdun, Quebec

Bibliothèque municipale de St-Basile-le-Grand
St-Basile-le-Grand, Quebec

Bibliothèque municipale de ville de la Baie
Ville de la Baie, Quebec

Bibliothèque municipale Maison du Citoyen
Hull, Quebec

Bibliothèque municipale Saul Bellow
Lachine, Quebec

Bibliothèque nationale du Québec
Montréal, Quebec

Bibliothèque nationale du Québec
Section des achats, dons et échanges
Montréal, Quebec

Bibliothèque publique
Cap-de-la-Madeleine, Quebec

Bibliothèque publique Côte Saint-Luc
Côte Saint-Luc, Quebec

Bibliothèque publique de Asbestos
Asbestos, Quebec

Bibliothèque publique de Pincourt
Pincourt, Quebec

Bibliothèque Reginald J.P. Dawson
Mont Royal, Quebec

Bibliothèque T.A. Saint-Germain
Saint-Hyacinthe, Quebec
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Matane, Quebec

Cégep de Rimouski
Bibliothèque
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Rivière-du-Loup, Quebec

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Montréal, Quebec

Cégep de Saint-Jérôme
Bibliothèque
Saint-Jérôme, Quebec

Cégep de Saint-Laurent
Bibliothèque
Saint-Laurent, Quebec

Cégep de Sept-Îles
Bibliothèque
Sept-Îles, Quebec

Cégep de Shawinigan
Bibliothèque
Shawinigan, Quebec

Cégep de Sorel-Tracy
Bibliothèque
Tracy, Quebec

Cégep de St-Hyacinthe
Centre de documentation
Saint-Hyacinthe, Quebec

Cégep de St-Jean-sur Richelieu
Bibliothèque
St-Jean-sur Richelieu, Quebec

Cégep de Ste-Foy
Centre de média
Ste-Foy, Quebec

Cégep de Victoriaville
Centre de documentation
Victoriaville, Quebec

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Collège de Lévis
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Collège de Sainte-Anne-de-la Pocatière
Bibliothèque
La Pocatière, Quebec

Collège de Sherbrooke
Centre des médias
Sherbrooke, Quebec

Collège de Valleyfield
Bibliothèque
Valleyfield, Quebec

Collège Édouard-Montpetit
Bibliothèque
Longueuil, Quebec

Collège Jésus Marie
Bibliothèque
Québec, Quebec

Collège Lionel-Groulx
Bibliothèque
Sainte-Thérèse, Quebec

Collège Montmorency
Bibliothèque
Laval, Quebec

Concordia University Libraries*
Publications officielles
Montréal, Quebec

Concordia University
Vanier Library, Government Publications
Loyola Campus
Montréal, Quebec

Dawson College Library
Periodicals Department
Westmount, Quebec

École des hautes études commerciales
Bibliothèque Myriam et J.-Robert Ouimet
Montréal, Quebec

École nationale d’administration publique
Bibliothèque
Sainte-Foy, Quebec

École nationale d’administration publique
Centre de documentation
Montréal, Quebec

École Polytechnique de Montréal
Bibliothèque
Montréal, Quebec
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Communication-Québec
Service de la banque de renseignements
Québec, Quebec

National Transportation Agency of Canada
Library
Hull, Quebec

Pettes Memorial Library
Knowlton (Lac Brome), Quebec

Public Works and Government Services Canada
Library
Hull, Quebec

Séminaire de Sherbrooke
Bibliothèque
Sherbrooke, Quebec

Service de la bibliothèque de Laval
Développement des collections
Laval, Quebec

Services documentaires multimédia*
Publications officielles fédérales
Montréal, Quebec

The Fraser-Hickson Institute Library
Bibliothèque
Montréal, Quebec

Transportation Safety Board of Canada Library
Hull, Quebec

Université de Laval
Faculté de droit #5124
Service de documentation JURID
Québec, Quebec

Université de Montréal
Bibliothèque de droit
Pavillon Maximilien Caron
Montréal, Quebec

Université de Montréal
Bibliothèque de médecine vétérinaire
Saint-Hyacinthe, Quebec

Université de Montréal*
Bibliothèque des sciences humaines et sociales
Publications officielles
Montréal, Quebec

Université de Montréal
Bibliothèque Para-médicale
Montréal, Quebec
Université de Sherbrooke
Bibliothèque de Droit
Sherbrooke, Quebec

Université de Sherbrooke*
Bibliothèque générale
Publications gouvernementales
Sherbrooke, Quebec

Université du Québec à Chicoutimi
Services des publications officielles
Bibliothèque
Chicoutimi, Quebec

Université du Québec à Hull
Bibliothèque
Hull, Quebec

Université du Québec à Montréal*
Bibliothèque
Publications Gouvernementales et internationales
Montréal, Quebec

Université du Québec à Rimouski
Rimouski, Quebec

Université du Québec à Trois-Rivières
Bibliothèque
Publications gouvernementales
Trois-Rivières, Quebec

Université du Québec en Abitibi-Témiscamingue
Bibliothèque
Rouyn-Noranda, Quebec

Université Laval*
Bibliothèque générale
Section des acquisitions
Québec, Quebec

Vanier College Library
Saint Laurent, Quebec

Westmount Public Library
Westmount, Quebec

Saskatchewan
Chinook Regional Library
Swift Current Branch
Swift Current, Saskatchewan

College of Notre Dame
Lane Hall Memorial Library
Wilcox, Saskatchewan

Collège Mathieu
Bibliothèque
Gravelbourg, Saskatchewan

Estevan Public Library
Estevan, Saskatchewan

John M. Cuelenaere Library
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<td>Library</td>
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Wapiti Regional Library
Tisdale Branch
Prince Albert, Saskatchewan

Western Producer
Managing editor
Saskatoon, Saskatchewan

Weyburn Public Library
Weyburn, Saskatchewan

Yukon
Whitehorse Public Library
Whitehorse, Yukon

Yukon College Library
Whitehorse, Yukon

Australia
Australian National University
Menzies Library
Canberra, A.C.T., Australia

Flinders University of
South Australia Library
Adelaide, South Australia, Australia

National Library of Australia
Gift and Exchange Unit (D22/1)
Canberra, A.C.T., Australia

Parliament of Australia
Department of the
Parliamentary Library
Parliament House
Canberra, A.C.T., Australia

State Library of Queensland
South Brisbane
Queensland, Australia

State Library of Victoria
Melbourne, Victoria, Australia

Belgium
Ambassade du Canada
Centre Culturel et Information
Bibliothécaire
Bruxelles, Belgium

Bibliothèque du Parlement
Palais de la Nation
Bruxelles, Belgium

Bibliothèque Royale Albert 1er
Service des échanges internationaux
Bruxelles, Belgium

Université Catholique de Louvain
Centre général de documentation
Louvain-La-Neuve, Belgium

Université libre de Bruxelles
Centre de gestion des bibliothèques
Service des dons et des échanges
Bruxelles, Belgium
Brazil
Universidade de Saô Paulo
Biblioteca filosofia lettres cienci
Saô Paulo – S.P., Brazil

Bulgaria
Kiril i Metodi Narodna
Biblioteka
Sofia, Bulgaria

China
National Library of Beijing
International Exchange Section
Haiden District Beijing, China

Croatia
Nacionalna i Suericilisna Knjiznica
Biblioteka
Official Publications Collections
Zagreb, Croatia

Denmark
Arhus Universitet
Statsbiblioteket
Tidsskriftafdelingen
Arhus C, Denmark

Fiji
University of the South Pacific Library
Suva, Fiji

Finland
Eduskunna Kirjasto
Library of Parliament
Helsink, Finland

France
Ambassade du Canada
Bibliothèque
Paris, France

Bibliothèque Nationale de France
Service des Échanges Internationaux
Paris, France

Chambre de Commerce France – Canada
Bibliothèque
Paris, France

Université de Bordeaux I
Bibliothèque
Institut d’études Politiques
Centre d’études canadienne en sciences sociales
Talence, France

Université de Bourgogne
Bibliothèque canadienne
Faculté des lettres
Dijon, France

Université de Caen
Bibliothèque des sciences de l’homme
Caen, France
Université de Grenoble
Bibliothèque universitaire
Centre d’Études Politiques
Institut d’Études Canadiennes
St. Martin Hères, France

Université de Lyon
Centre Jacques Cartier – Bibliothèque
Lyon, France

Université de Paris I
C.R.H.N.A.
Bibliothèque
Paris, France

Université de Poitiers
Bibliothèque universitaire
Section Droit-lettres
Poitiers, France

Université de Rouen
Institut pluridisciplinaire des études canadiennes
Faculté des lettres et sciences humaines
Mont Saint Aignan, France

Germany
Deutscher Bundestag Bibliothek
Bonn, Germany

Freie Universität Berlin
Universitätsbibliothek
Berlin, Germany

Philips – Universität Marburg
Universitätsbibliothek
Zeitschriftenakzession
Marburg/Lahn, Germany

Staatsbibliothek zu Berlin*
Publications officielles (Canada)
Preussischer Kulturbesitz Abteilung
Amtsdruckschriften und Tausch
Internationaler Amtlicher Schriftentausch
Paketausgabe
Berlin, Germany

Universität Trier
Universitätsbibliothek
Trier, Germany

Universitätsbibliothek Augsburg
Augsburg, Germany

Zentralbibliothek der Wirtschaftswissenschaften
Bibliothek des institut für Weltwirtschaft
Kiel, Germany

Great Britain
British Library*
Acquisition Unit
H & SS Overseas English
West Yorkshire, Great Britain

Cambridge University Library
Cambridge, Great Britain
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<td>University of Newcastle Upon Tyne Social and</td>
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Indonesia
Perpustakaan Dewan Perwakilan
Senajan Pintu 8, Jakarta, Indonesia

Ireland
National University of
Maynooth Library
Maynooth, County Kildare, Ireland

Oireachtas Library
Dublin, Ireland

Israel
Library of the Knesset
Jerusalem, Israel

Italy
Camera dei Deputati
Biblioteca
Roma, Italy

Università di Bologna
Facolta di economia e commercio
Biblioteca
Bologna, Italy

Jamaica
The University of the West Indies
Mona Campus Library
Kingston, Jamaica

Japan
Aoyama Gakuin University
School of International Politics, Economics and Business
Foreign Books Section
Library
Tokyo, Japan

Hokkaido University Library
Sapporo, Japan

Keio University
Library and Information Centre
Tokyo, Japan

Kwansei Gakuin University Library
Hyâgo – Ken, Japan

National Diet Library*
Library Cooperation Department
Chiyoda-ku
Tokyo, Japan

Tsukuba University Library
Tsukuba-Shi, Ibaraki-ken, Japan

University of Tokyo
Center for American Studies
Library
Tokyo, Japan
Kenya
University of Nairobi
Library Foreign Documents
Gifts Section
Nairobi, Kenya

Korea
National Library of Korea
Planning & Cooperation Division
Seoul, Korea

Yonsei University
Centre for Canadian Studies
Institute of East-West Studies
Seoul, Korea

Malaysia
The National Library of Malaysia
Legal Deposit, Gifts and Exchange Division
Kuala Lumpur, Malaysia

Mexico
Biblioteca Nacional de Mexico
Director
Mexico DF, Mexico

New Zealand
Parliamentary Library
Wellington, New Zealand

University of Canterbury Library
Christchurch, New Zealand

Nigeria
National Library of Nigeria
Logos, Nigeria

Norway
Nasjonalbiblioteket
Oslo, Norway

Stortingsbiblioteket
Stortinget
Oslo, Norway

Poland
Biblioteka Sejmowa
Dzial Documentacji Parlamentarnej
Warszawa, Poland

Portugal
Biblioteca Nacional-Lisboa
Servicio Portugês Trocas
Lisboa, Portugal

Romania
Biblioteca Centrala de Stat
Servicul Schimb cu Stainstatea
Bucarest, Romania

Russia
Parlamentskaya
Biblioteka Rf
Moscow, Russia
Singapore
National University of Singapore
Library
Central Library
Serials Department
Singapore, Singapore

South Africa
The State Library
Foreign Official Publications
Pretoria, South Africa

Spain
Biblioteca Nacional
Departmento de Mantenimiento y Desarrollo de las Colecciones
Madrid, Spain

Universidad Autonoma de Barcelona
Campus Universitario
Biblioteca General
Bellaterra, Spain

Sri Lanka
University of Sri Lanka Library
Peradeniya, Sri Lanka

Sweden
Riksdagsbiblioteket
Stockholm, Sweden

Switzerland
Bureau International du Travail
Bibliothèque
Section des périodiques
Genève, Switzerland

ETH Bibliothek
Zürich, Switzerland

Office des Nations Unies à Genève
Palais des Nations
Bibliothèque
Genève, Switzerland

Université de Lausanne
Bibliothèque cantonale et universitaire
Lausanne, Switzerland

Tanzania
University of Dar Es Salaam
Library
Dar Essalaam, Tanzania

The Netherlands
Bibliotheek der Rijksuniversiteit
Utrecht, The Netherlands

Bibliotheek der Rijksuniversiteit Leiden
Leiden, The Netherlands

State University of Groningen
Faculty of Arts Library
Groningen, The Netherlands
United States
Alaska State Library
Canadian Depository Librarian
Government Publications Services
Juneau, Alaska, U.S.A.

Boise State University
The Library Serials Department
Boise, Idaho, U.S.A.

Bridgewater State College
Clement C. Maxwell Library
Canadian Documents Department
Bridgewater, Massachusetts, U.S.A.

Brigham Young University
Harold B. Lee Library
Provo, Utah, U.S.A.

California State University, Sacramento
The Library
Sacramento, California, U.S.A.

Canadian Consulate General
Library
New York, New York, U.S.A.

Canadian Embassy Library
Washington, D.C., U.S.A.

Case Western Reserve University
Law School Library
Cleveland, Ohio, U.S.A.

Dartmouth College
Baker Memorial Library
Hanover, New Hampshire, U.S.A.

Duke University
William R. Perkins Library
Exchanges Division
Durham
North Carolina, U.S.A.

Harvard University
Widener Library
Government Documents
Cambridge, Massachusetts, U.S.A.

John Hopkins University
School of Advanced
International Studies
Sydney R and Elsa W Mason Library
Washington, D.C., U.S.A.

Library of Congress*
Canadian Government Documents
Exchange and Gift Division
Washington, D.C., U.S.A.

Michigan State University
Main Library
Government Documents
East Lansing, Michigan, U.S.A.

Montana State University
Renne Library
Bozeman, Montana, U.S.A.
New York Public Library Division E
Grand Central Station
New York, New York, U.S.A.

University of Arizona Library
Tucson, Arizona, U.S.A.

New York State Library
State Education Department
Cultural Education Center
Government Documents Section
Albany, New York, U.S.A.

University of California at Los Angeles
Henry J Bruman Library, Maps and Government Information
University Research Library A4510
Los Angeles, U.S.A.

Northwestern University
Library
Evanston, Illinois, U.S.A.

University of California
University Library
Government and Social Science Information
Berkeley, California, U.S.A.

Pennsylvania State University
Pattee Library
University Park, Pennsylvania, U.S.A.

University of Chicago
The Joseph Regenstein Library
Document Processing
Chicago, Illinois, U.S.A.

St. Lawrence University
Owen D. Young Library
Canton, New York, U.S.A.

University of Georgia Libraries
Government Documents Department
Athens, Georgia, U.S.A.

State Historical Society of Wisconsin
Government Publications Section
Madison, Wisconsin, U.S.A.

University of Illinois at Urbana-Champaign
230 Documents library
Urbana, Illinois, U.S.A.

State University of New York at Buffalo
Lockwood Memorial Library
Acquisitions Dept./Document Processing
Buffalo, New York, U.S.A.

University of Kentucky Libraries
Margaret I. King Library South
Lexington, Kentucky, U.S.A.

United Nations
Dag Hammarskjold Library
New York, New York, U.S.A.
University of Maine
Raymond H. Fogler Library
Orono, Maine, U.S.A.

University of Massachusetts at Amherst
Acquisition Department
Serials Section
University Library
Amherst, Massachusetts, U.S.A.

University of Michigan
Harlan Hatcher Graduate Library
Documents Center
Ann Arbor, Michigan, U.S.A.

University of Minnesota
Wilson Library
Government Publications
Minneapolis, Minnesota, U.S.A.

University of New Hampshire Library
Documents Department
Durham, New Hampshire, U.S.A.

University of New York State College of Arts and Science
Benjamin F. Feinberg Library, acquisitions
Plattsburgh, New York, U.S.A.

University of Oregon Library
Documents and Public Affairs Service
Eugene, Oregon, U.S.A.

University of Pittsburgh
G-49 Hillman Library
Pittsburgh, Pennsylvania, U.S.A.

University of Southern California
Doheny Memorial Library
Government Documents Department
Los Angeles, California, U.S.A.

University of Texas at Austin
Lyndon B. Johnson School of Public Affairs
Edie and Lew Wasserman Public Affairs Library (SRH3.243)
Austin, Texas, U.S.A.

University of Vermont
Bailey-Howe Memorial Library
Documents Department
Burlington, Vermont, U.S.A.

University of Virginia
Law Library
Charlottesville, Virginia, U.S.A.

University of Washington Libraries
Government Publications Division
Seattle, Washington, U.S.A.

Western Washington University
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Bellingham, Washington, U.S.A.
Yale University Library
Seeley G. Mudd Library
Government Documents Center
New Haven, Connecticut, U.S.A.

Uruguay
Biblioteca del Palacio Legislativo
Montevideo, Uruguay

Venezuela
Biblioteca Nacional
Division de canje y donaciones
Caracas, Venezuela

Zimbabwe
University of Zimbabwe
Library
Harare, Zimbabwe