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Model letter 16 **– Notice to third party of intention to disclose**

Our file: [file number]

[date]

[name and address of third party]

Dear [name]:

We have received a request under *the Access to Information Act* to obtain [summary of request].

The enclosed records are relevant to the request and are of interest to [specify: you, your organization]. Although they might contain information described under subsection 20(1) of the Act, we do not have sufficient information in our files to substantiate an exemption under that provision. We have therefore made a preliminary decision to disclose the records to the requester as required by the Act.

Pursuant to subsection 28(1) of the Act, you have 20 days after this notice was given to respond. You may either consent to the disclosure of the information or make written representations explaining why the information should not be disclosed. A copy of sections 20, 27 and 28 of the Act is enclosed to assist you, as well as an Information Sheet listing the criteria for the application of subsection 20(1).

Please be advised that the *Time Limits and Other Periods Act (COVID-19),* which received Royal Assent on July 27, 2020, temporarily suspended certain timelines referred to in section 28 of the *ATIA*. In particular, the timelines for filing an application for judicial review under section 44 of the *ATIA* have been suspended starting March 13, 2020, and ending September 13, 2020 or any earlier day fixed by order of the Governor in Council. The *Time Limits and Other Periods Act (COVID-19)* does not affect the 20 days you have to respond to this notice pursuant to subsection 28(1) of the *ATIA*. A copy of section 6 of the *Time Limits and Other Periods Act (COVID-19)* is also enclosed for your convenience.

We will consider your representations in deciding whether to disclose all or part of the records and inform you of our decision. Should you have any questions or concerns, do not hesitate to contact [Officer’s name] at [Officer’s telephone number] or by e-mail at [Officer’s e-mail address].

Please let us know if you are not the appropriate party to receive this notice, or if another third party may also have an interest in the information or be affected by the disclosure of the information.

Sincerely,

[Coordinator’s name and title]

Enclosures

##### *Access to Information Act*

**Section 20**

20. (1) Subject to this section, the head of a government institution shall refuse to disclose any record requested under this Act that contains

* (a) trade secrets of a third party;
* (b) financial, commercial, scientific or technical information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;
* (b.1) information that is supplied in confidence to a government institution by a third party for the preparation, maintenance, testing or implementation by the government institution of emergency management plans within the meaning of section 2 of the [Emergency Management Act](http://laws-lois.justice.gc.ca/fra/lois/E-4.56/) and that concerns the vulnerability of the third party’s buildings or other structures, its networks or systems, including its computer or communications networks or systems, or the methods used to protect any of those buildings, structures, networks or systems;
* (c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party; or
* (d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

(2) The head of a government institution shall not, pursuant to subsection (1), refuse to disclose a part of a record if that part contains the results of product or environmental testing carried out by or on behalf of a government institution unless the testing was done as a service to a person, a group of persons or an organization other than a government institution and for a fee.

(3) Where the head of a government institution discloses a record requested under this Act, or a part thereof, that contains the results of product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide the person who requested the record with a written explanation of the methods used in conducting the tests.

(4) For the purposes of this section, the results of product or environmental testing do not include the results of preliminary testing conducted for the purpose of developing methods of testing.

(5) The head of a government institution may disclose any record that contains information described in subsection (1) with the consent of the third party to whom the information relates.

(6) The head of a government institution may disclose all or part of a record requested under this Act that contains information described in any of paragraphs (1)(b) to (d) if

* (a) the disclosure would be in the public interest as it relates to public health, public safety or protection of the environment; and
* (b) the public interest in disclosure clearly outweighs in importance any financial loss or gain to a third party, any prejudice to the security of its structures, networks or systems, any prejudice to its competitive position or any interference with its contractual or other negotiations.

**Section 27**

**27.** (1) If the head of a government institution intends to disclose a record requested under this Act that contains or that the head has reason to believe might contain trade secrets of a third party, information described in paragraph 20(1)(b) or (b.1) that was supplied by a third party, or information the disclosure of which the head can reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party, the head shall make every reasonable effort to give the third party written notice of the request and of the head’s intention to disclose within 30 days after the request is received.

(2) Any third party to whom a notice is required to be given under subsection (1) in respect of an intended disclosure may waive the requirement, and where the third party has consented to the disclosure the third party shall be deemed to have waived the requirement.

(3) A notice given under subsection (1) shall include

* (a) a statement that the head of the government institution giving the notice intends to release a record or a part thereof that might contain material or information described in subsection (1);
* (b) a description of the contents of the record or part thereof that, as the case may be, belong to, were supplied by or relate to the third party to whom the notice is given; and
* (c) a statement that the third party may, within twenty days after the notice is given, make representations to the head of the government institution that has control of the record as to why the record or part thereof should not be disclosed.

(4) The head of a government institution may extend the time limit set out in subsection (1) in respect of a request under this Act where the time limit set out in section 7 is extended under paragraph 9(1)(a) or (b) in respect of the same request, but any extension under this subsection shall be for a period no longer than the period of the extension under section 9.

**Section 28**

**28.** (1) Where a notice is given by the head of a government institution under subsection 27(1) to a third party in respect of a record or a part thereof,

* (a) the third party shall, within twenty days after the notice is given, be given the opportunity to make representations to the head of the institution as to why the record or the part thereof should not be disclosed; and
* (b) the head of the institution shall, within thirty days after the notice is given, if the third party has been given an opportunity to make representations under paragraph (a), make a decision as to whether or not to disclose the record or the part thereof and give written notice of the decision to the third party.

(2) Representations made by a third party under paragraph (1)(a) shall be made in writing unless the head of the government institution concerned waives that requirement, in which case they may be made orally.

(3) A notice given under paragraph (1)(b) of a decision to disclose a record requested under this Act or a part thereof shall include

* (a) a statement that the third party to whom the notice is given is entitled to request a review of the decision under section 44 within twenty days after the notice is given; and
* (b) a statement that the person who requested access to the record will be given access thereto or to the part thereof unless, within twenty days after the notice is given, a review of the decision is requested under section 44.

(4) Where, pursuant to paragraph (1)(b), the head of a government institution decides to disclose a record requested under this Act or a part thereof, the head of the institution shall give the person who made the request access to the record or the part thereof forthwith on completion of twenty days after a notice is given under that paragraph, unless a review of the decision is requested under section 44.

##### Information Sheet

**Criteria for the application of section 20**

The *Access to Information Act* provides a right of access to records under the control of government institutions, subject to specific and limited exemptions. To be withheld from disclosure under subsection 20(1) of the Act, third party information must meet the conditions outlined in the provision. The following questions may assist you in preparing your representations.

**Paragraph 20(1)(a) – Trade secrets**

1. Is any information considered to be a trade secret? A trade secret is aplan or process, tool, mechanism or compound that possesses all the following characteristics:
   * The information must be secret in an absolute or relative sense (known only by one or a relatively small number of persons).
   * The possessor of the information must demonstrate that he or she has acted with the intention to treat the information as secret.
   * The information must be capable of industrial or commercial application.
   * The possessor must have an interest (for example, an economic interest) worthy of legal protection.
2. Please explain how the information qualifies as a trade secret.

**Paragraph 20(1)(b) – Confidential financial, commercial, scientific or technical information**

1. Does the record contain financial, commercial, scientific or technical information?
2. Who supplied the information to the government institution?
3. Is the information confidential?
4. Has the information been consistently treated as confidential?
5. What measures have been taken to consistently treat the information as confidential?
6. Is any information in the records publicly known or readily available on request from the third party itself or from another source?

**Paragraph 20(1)(b.1) – Information used by a government institution for emergency management plans**

Please explain how the following five conditions for the exemption to apply are met:

1. The information was supplied to a government institution subject to the *Access to Information Act*.
2. The information was supplied by a third party.
3. The information concerns critical infrastructure information – that is, the vulnerability of a third party’s buildings or other structures; its networks or systems, including its computer or communication networks or systems; or the methods used to protect those buildings, structures, networks or systems.
4. The information was provided in confidence.
5. The information was provided for the preparation, maintenance, testing or implementation, by the government institution, of emergency management plans within the meaning of section 2 of the *Emergency Management Act*.

Section 2 of the *Emergency Management Act* defines “emergency management plan” as “a program, arrangement or other measure (a) for dealing with an emergency by the civil population; or (b) for dealing with a civil emergency by the Canadian Forces in accordance with the *National Defence Act*.”

**Paragraph 20(1)(c) – Financial loss or gain or prejudice to the competitive position of a third party**

1. Could the disclosure of information reasonably be expected to result in material financial gain or loss to you or to someone else?
2. Describe how disclosure of the information could result in a material loss or gain.
3. Could the disclosure of information prejudice your competitive position?
4. Describe in what way there could be prejudice to your competitive position by the disclosure of information.

NOTE: A simple statement to the effect that the disclosure of the information could reasonably be expected to be injurious will not be sufficient.  The questions above are intended to elicit from you a precise indication of how the disclosure of particular information would be injurious.

**Paragraph 20(1)(d)– Interference with negotiations**

1. Could the disclosure of the information reasonably be expected to interfere with your contractual or other negotiations?
2. If so, in what way?
3. Are such contractual or other negotiations now underway or are they clearly expected in the near future? If so, please provide anticipated timelines.

**Section 6 of the *Time Limits and Other Periods Act (COVID-19)***

**Time Limits Related to Proceedings**

**Suspensions**

**6** **(1)** The following time limits are, if established by or under an Act of Parliament, suspended for the period that starts on March 13, 2020 and that ends on September 13, 2020 or on any earlier day fixed by order of the Governor in Council made on the recommendation of the Minister of Justice:

**(a)** any limitation or prescription period for commencing a proceeding before a court;

**(b)** any time limit in relation to something that is to be done in a proceeding before a court; and

**(c)** any time limit within which an application for leave to commence a proceeding or to do something in relation to a proceeding is to be made to a court.

**Court orders — variation**

**(2)** The court may, by order, vary the suspension of a time limit as long as the commencement date of the suspension remains the same and the duration of the suspension does not exceed six months.

**Court orders — effects**

**(3)** The court may make orders respecting the effects of a failure to meet a suspended time limit, including orders that cancel or vary those effects.

**Orders in council**

**(4)** The Governor in Council may, by order made on the recommendation of the Minister of Justice, lift a suspension in circumstances specified in the order.

Model letter 17 **– Notice to third party of intention to disclose testing results under subsection 20(2)**

Our file: [file number]

[date]

[name and address of third party]

Dear [name]:

We have received a request under the *Access to Information Act* to obtain [summary of request].

The enclosed records are relevant to the request and are of interest to [specify: you, your organization]. The information contained in the records falls within paragraph 20(1)[specify: (b), (b.1), (c), (d)] of the Act. However, we believe that the records contain the results of [specify: product, environmental] testing carried out by or on behalf of this institution. Therefore, under subsection 20(2) of the Act we cannot refuse to disclose them to the requester.

Pursuant to subsection 28(1) of the Act, you have 20 days to respond to this notice. You may either consent to the disclosure of the information or make written representations explaining why the information should not be disclosed. Your representations must be confined to the following:

1. that the records do not contain the results of product or environmental testing carried out on behalf of a government institution, or
2. that the testing was done as a service to a person, group of persons or an organization other than a government institution and for a fee.

Please let us know if you are not the appropriate party to receive this notice, or if another third party may also have an interest in the information or be affected by the disclosure of the information.

The enclosed Information Sheet provides a copy of sections 20, 27 and 28 of the Act for your convenience.

Please be advised that the *Time Limits and Other Periods Act (COVID-19),* which received Royal Assent on July 27, 2020, temporarily suspended certain timelines referred to in section 28 of the *ATIA*. In particular, the timelines for filing an application for judicial review under section 44 of the *ATIA* have been suspended starting March 13, 2020, and ending September 13, 2020 or any earlier day fixed by order of the Governor in Council. The *Time Limits and Other Periods Act (COVID-19)* does not affect the 20 days you have to respond to this notice pursuant to subsection 28(1) of the *ATIA*. A copy of section 6 of the *Time Limits and Other Periods Act (COVID-19)* is also enclosed for your convenience.

We will consider your representations and inform you of our final decision regarding the disclosure of the records. Should you have any questions or concerns, do not hesitate to contact [Officer’s name] at [Officer’s telephone number] or by e-mail at [Officer’s e-mail address].

Sincerely,

[Coordinator’s name and title]

Enclosures

***Access to Information Act***

**Section 20 of the *Access to Information Act***

20. (1) Subject to this section, the head of a government institution shall refuse to disclose any record requested under this Act that contains

* (a) trade secrets of a third party;
* (b) financial, commercial, scientific or technical information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;
* (b.1) information that is supplied in confidence to a government institution by a third party for the preparation, maintenance, testing or implementation by the government institution of emergency management plans within the meaning of section 2 of the [Emergency Management Act](http://laws-lois.justice.gc.ca/fra/lois/E-4.56/) and that concerns the vulnerability of the third party’s buildings or other structures, its networks or systems, including its computer or communications networks or systems, or the methods used to protect any of those buildings, structures, networks or systems;
* (c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party; or
* (d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

(2) The head of a government institution shall not, pursuant to subsection (1), refuse to disclose a part of a record if that part contains the results of product or environmental testing carried out by or on behalf of a government institution unless the testing was done as a service to a person, a group of persons or an organization other than a government institution and for a fee.

(3) Where the head of a government institution discloses a record requested under this Act, or a part thereof, that contains the results of product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide the person who requested the record with a written explanation of the methods used in conducting the tests.

(4) For the purposes of this section, the results of product or environmental testing do not include the results of preliminary testing conducted for the purpose of developing methods of testing.

(5) The head of a government institution may disclose any record that contains information described in subsection (1) with the consent of the third party to whom the information relates.

(6) The head of a government institution may disclose all or part of a record requested under this Act that contains information described in any of paragraphs (1)(b) to (d) if

* (a) the disclosure would be in the public interest as it relates to public health, public safety or protection of the environment; and
* (b) the public interest in disclosure clearly outweighs in importance any financial loss or gain to a third party, any prejudice to the security of its structures, networks or systems, any prejudice to its competitive position or any interference with its contractual or other negotiations.

**Section 27 of the *Access to Information Act***

**27.** (1) If the head of a government institution intends to disclose a record requested under this Act that contains or that the head has reason to believe might contain trade secrets of a third party, information described in paragraph 20(1)(b) or (b.1) that was supplied by a third party, or information the disclosure of which the head can reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party, the head shall make every reasonable effort to give the third party written notice of the request and of the head’s intention to disclose within 30 days after the request is received.

(2) Any third party to whom a notice is required to be given under subsection (1) in respect of an intended disclosure may waive the requirement, and where the third party has consented to the disclosure the third party shall be deemed to have waived the requirement.

(3) A notice given under subsection (1) shall include

* (a) a statement that the head of the government institution giving the notice intends to release a record or a part thereof that might contain material or information described in subsection (1);
* (b) a description of the contents of the record or part thereof that, as the case may be, belong to, were supplied by or relate to the third party to whom the notice is given; and
* (c) a statement that the third party may, within twenty days after the notice is given, make representations to the head of the government institution that has control of the record as to why the record or part thereof should not be disclosed.

(4) The head of a government institution may extend the time limit set out in subsection (1) in respect of a request under this Act where the time limit set out in section 7 is extended under paragraph 9(1)(a) or (b) in respect of the same request, but any extension under this subsection shall be for a period no longer than the period of the extension under section 9.

**Section 28 of the *Access to Information Act***

**28.** (1) Where a notice is given by the head of a government institution under subsection 27(1) to a third party in respect of a record or a part thereof,

* (a) the third party shall, within twenty days after the notice is given, be given the opportunity to make representations to the head of the institution as to why the record or the part thereof should not be disclosed; and
* (b) the head of the institution shall, within thirty days after the notice is given, if the third party has been given an opportunity to make representations under paragraph (a), make a decision as to whether or not to disclose the record or the part thereof and give written notice of the decision to the third party.

(2) Representations made by a third party under paragraph (1)(a) shall be made in writing unless the head of the government institution concerned waives that requirement, in which case they may be made orally.

(3) A notice given under paragraph (1)(b) of a decision to disclose a record requested under this Act or a part thereof shall include

* (a) a statement that the third party to whom the notice is given is entitled to request a review of the decision under section 44 within twenty days after the notice is given; and
* (b) a statement that the person who requested access to the record will be given access thereto or to the part thereof unless, within twenty days after the notice is given, a review of the decision is requested under section 44.

(4) Where, pursuant to paragraph (1)(b), the head of a government institution decides to disclose a record requested under this Act or a part thereof, the head of the institution shall give the person who made the request access to the record or the part thereof forthwith on completion of twenty days after a notice is given under that paragraph, unless a review of the decision is requested under section 44.

**Section 6 of the *Time Limits and Other Periods Act* *(COVID-19)***

**Time Limits Related to Proceedings**

**Suspensions**

**6** **(1)** The following time limits are, if established by or under an Act of Parliament, suspended for the period that starts on March 13, 2020 and that ends on September 13, 2020 or on any earlier day fixed by order of the Governor in Council made on the recommendation of the Minister of Justice:

**(a)** any limitation or prescription period for commencing a proceeding before a court;

**(b)** any time limit in relation to something that is to be done in a proceeding before a court; and

**(c)** any time limit within which an application for leave to commence a proceeding or to do something in relation to a proceeding is to be made to a court.

**Court orders — variation**

**(2)** The court may, by order, vary the suspension of a time limit as long as the commencement date of the suspension remains the same and the duration of the suspension does not exceed six months.

**Court orders — effects**

**(3)** The court may make orders respecting the effects of a failure to meet a suspended time limit, including orders that cancel or vary those effects.

**Orders in council**

**(4)** The Governor in Council may, by order made on the recommendation of the Minister of Justice, lift a suspension in circumstances specified in the order.

Model letter 18 **– Notice to third party of intention to disclose in the public interest**

Our file: [file number]

[date]

[name and address of third party]

Dear [name]:

We have received a request under the *Access to Information Act* to obtain [summary of request].

The enclosed records are relevant to the request and are of interest to [specify: you, your organization]. The information contained in the records falls within paragraph 20(1) [specify: (b), (b.1), (c), (d)] of the Act. However, we believe that its disclosure may be in the public interest as it relates to [specify: public health, public safety, the protection of the environment] and that this public interest outweighs in importance any [specify: financial loss to; financial gain to; prejudice to the security of the structures, networks or systems of; prejudice to the competitive position of; interference with the contractual or other negotiations of] [name of third party]. If this is the case, we will be obliged to comply with subsection 20(6) of the Act and disclose the information.

Pursuant to subsection 28(1) of the Act, you have 20 days to respond to this notice. You may either consent to the disclosure of the information or make written representations explaining why the information should not be disclosed. It is important that you demonstrate that the public interest does not outweigh in importance the prejudice that would result from disclosure. The enclosed Information Sheet provides a copy of sections 20, 27 and 28 of the Act for your convenience.

Please be advised that the *Time Limits and Other Periods Act (COVID-19),* which received Royal Assent on July 27, 2020, temporarily suspended certain timelines referred to in section 28 of the *ATIA*. In particular, the timelines for filing an application for judicial review under section 44 of the *ATIA* have been suspended starting March 13, 2020, and ending September 13, 2020 or any earlier day fixed by order of the Governor in Council. The *Time Limits and Other Periods Act (COVID-19)* does not affect the 20 days you have to respond to this notice pursuant to subsection 28(1) of the *ATIA*. A copy of section 6 of the *Time Limits and Other Periods Act (COVID-19)* is also enclosed for your convenience.

We will consider your representations and inform you of our final decision regarding the disclosure of the records. Should you have any questions or concerns, do not hesitate to contact [Officer’s name] at [Officer’s telephone number] or by e-mail at [Officer’s e-mail address].

Sincerely,

[Coordinator’s name and title]

Enclosures

***Access to Information Act***

**Section 20 of the *Access to Information Act***

20. (1) Subject to this section, the head of a government institution shall refuse to disclose any record requested under this Act that contains

* (a) trade secrets of a third party;
* (b) financial, commercial, scientific or technical information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;
* (b.1) information that is supplied in confidence to a government institution by a third party for the preparation, maintenance, testing or implementation by the government institution of emergency management plans within the meaning of section 2 of the [Emergency Management Act](http://laws-lois.justice.gc.ca/fra/lois/E-4.56/) and that concerns the vulnerability of the third party’s buildings or other structures, its networks or systems, including its computer or communications networks or systems, or the methods used to protect any of those buildings, structures, networks or systems;
* (c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party; or
* (d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

(2) The head of a government institution shall not, pursuant to subsection (1), refuse to disclose a part of a record if that part contains the results of product or environmental testing carried out by or on behalf of a government institution unless the testing was done as a service to a person, a group of persons or an organization other than a government institution and for a fee.

(3) Where the head of a government institution discloses a record requested under this Act, or a part thereof, that contains the results of product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide the person who requested the record with a written explanation of the methods used in conducting the tests.

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(6) The head of a government institution may disclose all or part of a record requested under this Act that contains information described in any of paragraphs (1)(b) to (d) if

* (a) the disclosure would be in the public interest as it relates to public health, public safety or protection of the environment; and
* (b) the public interest in disclosure clearly outweighs in importance any financial loss or gain to a third party, any prejudice to the security of its structures, networks or systems, any prejudice to its competitive position or any interference with its contractual or other negotiations.

**Section 27 of the *Access to Information Act***

**27.** (1) If the head of a government institution intends to disclose a record requested under this Act that contains or that the head has reason to believe might contain trade secrets of a third party, information described in paragraph 20(1)(b) or (b.1) that was supplied by a third party, or information the disclosure of which the head can reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party, the head shall make every reasonable effort to give the third party written notice of the request and of the head’s intention to disclose within 30 days after the request is received.

(2) Any third party to whom a notice is required to be given under subsection (1) in respect of an intended disclosure may waive the requirement, and where the third party has consented to the disclosure the third party shall be deemed to have waived the requirement.

(3) A notice given under subsection (1) shall include

* (a) a statement that the head of the government institution giving the notice intends to release a record or a part thereof that might contain material or information described in subsection (1);
* (b) a description of the contents of the record or part thereof that, as the case may be, belong to, were supplied by or relate to the third party to whom the notice is given; and
* (c) a statement that the third party may, within twenty days after the notice is given, make representations to the head of the government institution that has control of the record as to why the record or part thereof should not be disclosed.

(4) The head of a government institution may extend the time limit set out in subsection (1) in respect of a request under this Act where the time limit set out in section 7 is extended under paragraph 9(1)(a) or (b) in respect of the same request, but any extension under this subsection shall be for a period no longer than the period of the extension under section 9.

**Section 28 of the *Access to Information Act***

**28.** (1) Where a notice is given by the head of a government institution under subsection 27(1) to a third party in respect of a record or a part thereof,

* (a) the third party shall, within twenty days after the notice is given, be given the opportunity to make representations to the head of the institution as to why the record or the part thereof should not be disclosed; and
* (b) the head of the institution shall, within thirty days after the notice is given, if the third party has been given an opportunity to make representations under paragraph (a), make a decision as to whether or not to disclose the record or the part thereof and give written notice of the decision to the third party.

(2) Representations made by a third party under paragraph (1)(a) shall be made in writing unless the head of the government institution concerned waives that requirement, in which case they may be made orally.

(3) A notice given under paragraph (1)(b) of a decision to disclose a record requested under this Act or a part thereof shall include

* (a) a statement that the third party to whom the notice is given is entitled to request a review of the decision under section 44 within twenty days after the notice is given; and
* (b) a statement that the person who requested access to the record will be given access thereto or to the part thereof unless, within twenty days after the notice is given, a review of the decision is requested under section 44.

(4) Where, pursuant to paragraph (1)(b), the head of a government institution decides to disclose a record requested under this Act or a part thereof, the head of the institution shall give the person who made the request access to the record or the part thereof forthwith on completion of twenty days after a notice is given under that paragraph, unless a review of the decision is requested under section 44.

**Section 6 of the *Time Limits and Other Periods Act (COVID-19)***

**Time Limits Related to Proceedings**

**Suspensions**

**6** **(1)** The following time limits are, if established by or under an Act of Parliament, suspended for the period that starts on March 13, 2020 and that ends on September 13, 2020 or on any earlier day fixed by order of the Governor in Council made on the recommendation of the Minister of Justice:

**(a)** any limitation or prescription period for commencing a proceeding before a court;

**(b)** any time limit in relation to something that is to be done in a proceeding before a court; and

**(c)** any time limit within which an application for leave to commence a proceeding or to do something in relation to a proceeding is to be made to a court.

**Court orders — variation**

**(2)** The court may, by order, vary the suspension of a time limit as long as the commencement date of the suspension remains the same and the duration of the suspension does not exceed six months.

**Court orders — effects**

**(3)** The court may make orders respecting the effects of a failure to meet a suspended time limit, including orders that cancel or vary those effects.

**Orders in council**

**(4)** The Governor in Council may, by order made on the recommendation of the Minister of Justice, lift a suspension in circumstances specified in the order.

#### Model letter 19 *–* Notice to third party of decision to disclose following representations by third party (or in the absence of representations)

Our file: [file number]

[date]

[name and address of third party]

Dear [name]:

[If representations were received:

We have received your representations in response to our notice dated [date of notice]. We considered your views and have decided that the records requested are not exempt from disclosure under subsection 20(1) of the *Access to Information Act*.]

 [In the absence of representations:

In the absence of the representations requested in our notice of [date of notice], we have decided that the records requested are not exempt from disclosure under subsection 20(1) of the *Access to Information Act*.]

[If the records will be disclosed in part:

We have decided to give the applicant access to the records requested, subject to exceptions permitted or required under the *Access to Information Act*, namely [provisions of the Act and short description]. A copy of the records that will be disclosed is enclosed for your reference.]

Pursuant to section 44 of the Act, you are entitled to request a review of this decision by the Federal Court of Canada within 20 days of the mailing date of this notice. If you do not request a review of this matter, the records in question will be disclosed at the expiration of this period.

Please be advised that the *Time Limits and Other Periods Act (COVID-19),* which received Royal Assent on July 27, 2020, temporarily suspended the timelines for commencing a proceeding before a court, including applications for judicial review under section 44 of the *ATIA*. In accordance with the *Time Limits and Other Periods Act (COVID-19)*, timelines to file for judicial review under section 44 of the *ATIA* have been suspended starting March 13, 2020, and ending September 13, 2020 or any earlier day fixed by order of the Governor in Council.

A copy of section 44 of the Act is enclosed for your convenience, as well as a copy of section 6 of the *Time Limits and Other Periods Act (COVID 19*). We would greatly appreciate being informed should you choose to apply to the Federal Court for a review of our decision.

Do not hesitate to contact [Officer’s name] at [Officer’s Telephone number] or by e-mail at [Officer’s e-mail] if you have any questions or concerns concerning the above.

Sincerely,

[Coordinator’s name and title]

Enclosures

**Section 44 of the *Access to Information Act***

44. (1) Any third party to whom the head of a government institution is required under paragraph 28(1)(b) or subsection 29(1) to give a notice of a decision to disclose a record or a part thereof under this Act may, within twenty days after the notice is given, apply to the Court for a review of the matter.

(2) The head of a government institution who has given notice under paragraph 28(1)(b) or subsection 29(1) that a record requested under this Act or a part thereof will be disclosed shall forthwith on being given notice of an application made under subsection (1) in respect of the disclosure give written notice of the application to the person who requested access to the record.

(3) Any person who has been given notice of an application for a review under subsection (2) may appear as a party to the review.

**Section 6 of the *Time Limits and Other Periods Act (COVID-19)***

**Time Limits Related to Proceedings**

**Suspensions**

**6** **(1)** The following time limits are, if established by or under an Act of Parliament, suspended for the period that starts on March 13, 2020 and that ends on September 13, 2020 or on any earlier day fixed by order of the Governor in Council made on the recommendation of the Minister of Justice:

**(a)** any limitation or prescription period for commencing a proceeding before a court;

**(b)** any time limit in relation to something that is to be done in a proceeding before a court; and

**(c)** any time limit within which an application for leave to commence a proceeding or to do something in relation to a proceeding is to be made to a court.

**Court orders — variation**

**(2)** The court may, by order, vary the suspension of a time limit as long as the commencement date of the suspension remains the same and the duration of the suspension does not exceed six months.

**Court orders — effects**

**(3)** The court may make orders respecting the effects of a failure to meet a suspended time limit, including orders that cancel or vary those effects.

**Orders in council**

**(4)** The Governor in Council may, by order made on the recommendation of the Minister of Justice, lift a suspension in circumstances specified in the order.

Model letter 20 – **Notice to third party of decision to disclose testing results following representations by third party (or in the absence of representations)**

Our file: [file number]

[date]

[name and address of third party]

Dear [name]:

[If representations were received:

We have received your representations in response to our notice dated [date of notice]. We considered your views and confirm our position that the information requested falls under subsection 20(2) of the *Access to Information Act* and should be disclosed.]

[In the absence of representations:

In the absence of the representations requested in our notice of [date of notice], we have confirmed our position that the information requested falls under subsection 20(2) of *the Access to Information Act* and should be disclosed.]

Pursuant to section 44 of the Act, you are entitled to request a review of this decision by the Federal Court of Canada within 20 days of the mailing date of this notice. If you do not request a review of this matter, the records in question will be disclosed at the expiration of this period.

Please be advised that the *Time Limits and Other Periods Act (COVID-19),* which received Royal Assent on July 27, 2020, temporarily suspended the timelines for commencing a proceeding before a court, including applications for judicial review under section 44 of the *ATIA*. In accordance with the *Time Limits and Other Periods Act (COVID-19)*, timelines to file for judicial review under section 44 of the *ATIA* have been suspended starting March 13, 2020, and ending September 13, 2020 or any earlier day fixed by order of the Governor in Council.

A copy of section 44 of the Act is enclosed for your convenience, as well as a copy of section 6 of the *Time Limits and Other Periods Act (COVID 19*). We would greatly appreciate being informed should you choose to apply to the Federal Court for a review of our decision.

Do not hesitate to contact [Officer’s name] at [Officer’s Telephone number] or by e-mail at [Officer’s e-mail] if you have any questions or concerns concerning the above.

Sincerely,

[Coordinator’s name and title]

Enclosures

**Section 44 of the *Access to Information Act***

44. (1) Any third party to whom the head of a government institution is required under paragraph 28(1)(b) or subsection 29(1) to give a notice of a decision to disclose a record or a part thereof under this Act may, within twenty days after the notice is given, apply to the Court for a review of the matter.

(2) The head of a government institution who has given notice under paragraph 28(1)(b) or subsection 29(1) that a record requested under this Act or a part thereof will be disclosed shall forthwith on being given notice of an application made under subsection (1) in respect of the disclosure give written notice of the application to the person who requested access to the record.

(3) Any person who has been given notice of an application for a review under subsection (2) may appear as a party to the review.

**Section 6 of the *Time Limits and Other Periods Act (COVID-19)***

**Time Limits Related to Proceedings**

**Suspensions**

**6** **(1)** The following time limits are, if established by or under an Act of Parliament, suspended for the period that starts on March 13, 2020 and that ends on September 13, 2020 or on any earlier day fixed by order of the Governor in Council made on the recommendation of the Minister of Justice:

**(a)** any limitation or prescription period for commencing a proceeding before a court;

**(b)** any time limit in relation to something that is to be done in a proceeding before a court; and

**(c)** any time limit within which an application for leave to commence a proceeding or to do something in relation to a proceeding is to be made to a court.

**Court orders — variation**

**(2)** The court may, by order, vary the suspension of a time limit as long as the commencement date of the suspension remains the same and the duration of the suspension does not exceed six months.

**Court orders — effects**

**(3)** The court may make orders respecting the effects of a failure to meet a suspended time limit, including orders that cancel or vary those effects.

**Orders in council**

**(4)** The Governor in Council may, by order made on the recommendation of the Minister of Justice, lift a suspension in circumstances specified in the order.

Model letter 21 – **Notice to third party of decision to disclose in the public interest following representations by third party (or in the absence of representations)**

Our file: [file number]

[date]

[name and address of third party]

Dear [name]:

[If representations were received:

We have received your representations in response to our notice dated [date of notice]. We considered your views and have decided that the records for which access have been requested should be disclosed in accordance with subsection 20(6) of the *Access to Information Act*.]

[In the absence of representations:

In the absence of representations requested in our notice of [date] we have decided that the records requested should be disclosed in accordance with subsection 20(6) of the *Access to Information Act*.]

Pursuant to section 44 of the Act, you are entitled to request a review of this decision by the Federal Court of Canada within 20 days of the mailing date of this notice. If you do not request a review of this matter, the records in question will be disclosed to the requester at the expiration of this period.

Please be advised that the *Time Limits and Other Periods Act (COVID-19),* which received Royal Assent on July 27, 2020, temporarily suspended the timelines for commencing a proceeding before a court, including applications for judicial review under section 44 of the *ATIA*. In accordance with the *Time Limits and Other Periods Act (COVID-19)*, timelines to file for judicial review under section 44 of the *ATIA* have been suspended starting March 13, 2020, and ending September 13, 2020 or any earlier day fixed by order of the Governor in Council.

A copy of section 44 of the Act is enclosed for your convenience, as well as a copy of section 6 of the *Time Limits and Other Periods Act (COVID 19*). We would greatly appreciate being informed should you choose to apply to the Federal Court for a review of our decision.

Do not hesitate to contact [Officer’s name] at [Officer’s Telephone number] or by e-mail at [Officer’s e-mail] if you have any questions or concerns concerning the above.

Sincerely,

[Coordinator’s name and title]

Enclosures

**Section 44 of the *Access to Information Act***

44. (1) Any third party to whom the head of a government institution is required under paragraph 28(1)(b) or subsection 29(1) to give a notice of a decision to disclose a record or a part thereof under this Act may, within twenty days after the notice is given, apply to the Court for a review of the matter.

(2) The head of a government institution who has given notice under paragraph 28(1)(b) or subsection 29(1) that a record requested under this Act or a part thereof will be disclosed shall forthwith on being given notice of an application made under subsection (1) in respect of the disclosure give written notice of the application to the person who requested access to the record.

(3) Any person who has been given notice of an application for a review under subsection (2) may appear as a party to the review.

**Section 6 of the *Time Limits and Other Periods Act (COVID-19)***

**Time Limits Related to Proceedings**

**Suspensions**

**6** **(1)** The following time limits are, if established by or under an Act of Parliament, suspended for the period that starts on March 13, 2020 and that ends on September 13, 2020 or on any earlier day fixed by order of the Governor in Council made on the recommendation of the Minister of Justice:

**(a)** any limitation or prescription period for commencing a proceeding before a court;

**(b)** any time limit in relation to something that is to be done in a proceeding before a court; and

**(c)** any time limit within which an application for leave to commence a proceeding or to do something in relation to a proceeding is to be made to a court.

**Court orders — variation**

**(2)** The court may, by order, vary the suspension of a time limit as long as the commencement date of the suspension remains the same and the duration of the suspension does not exceed six months.

**Court orders — effects**

**(3)** The court may make orders respecting the effects of a failure to meet a suspended time limit, including orders that cancel or vary those effects.

**Orders in council**

**(4)** The Governor in Council may, by order made on the recommendation of the Minister of Justice, lift a suspension in circumstances specified in the order.