



## RESPONSE TO PETITION

Prepare in English and French marking 'Original Text' or 'Translation'

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PETITION No.: **421-01150**

BY: **MR. GARRISON (ESQUIMALT-SAANICH-SOOKE)**

DATE: **FEBRUARY 15, 2017**

PRINT NAME OF SIGNATORY: **THE HONOURABLE JODY WILSON-RAYBOULD**

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Response by the Minister of Justice and Attorney General of Canada

SIGNATURE

Minister or Parliamentary Secretary

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SUBJECT

**Access to information**

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**ORIGINAL TEXT**

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**REPLY**

Section 38 of the *Canada Evidence Act* is a regime that protects “sensitive information” and “potentially injurious information”, as defined in the Act, the disclosure of which could be harmful to Canada’s international relations, national defence or national security. Entities that are listed to the Schedule of the *Canada Evidence Act* are exempt from the general notice provisions, set out in section 38.01 of the Act, where they have the ability to conduct closed proceedings to protect “sensitive information” or “potentially injurious information”. The Military Police Complaints Commission (MPCC) does not presently have this capability.

While the mandate of the MPCC allows it to conduct *in camera* (i.e., closed) proceedings if information identified in section 250.42 of the *National Defence Act* is likely to be disclosed, the scope of section 250.42 does not fully encompass “sensitive information” or “potentially injurious information”. As a result, the MPCC does not meet the strict requirements to be listed in the Schedule to the Act. The Government is committed to protecting Canadians by ensuring that Canada’s national defence and national security interests are protected both at home and abroad. That is why tools such as the Schedule to the *Canada Evidence Act* are essential and are updated from time to time where required.