

FEDERAL COURT

*SIMPLIFIED ACTION*

B E T W E E N:

EDGAR SCHMIDT

Plaintiff

- and -

ATTORNEY GENERAL OF CANADA

Defendant

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AFFIDAVIT OF NAOMI GREY SWORN APRIL 29, 2015

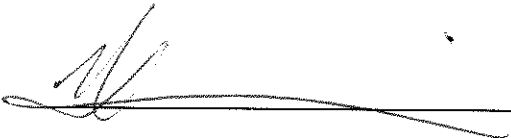
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I, Naomi Grey, of the City of Toronto, in Ontario, swear that:

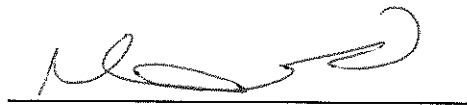
1. I am the daughter of the plaintiff in this proceeding.
2. In April of 2012, I made an access-to-information request of the Department of Justice Canada, using wording for the request that the plaintiff provided to me.
3. Attached to this affidavit as Exhibit A is the first letter provided in response to my request. That response itself also sets out my request.
4. Attached to this affidavit as Exhibit B is the second and final letter provided to me in response to my request.

5. Attached to this affidavit as Exhibit C is the CD-ROM provided together with Exhibit B.
6. I described the information I had received in response to the request in a telephone conversation with the plaintiff shortly after I received it and soon after he saw the response for himself when he visited us in Toronto.
7. I then put the exhibits away and did not consult them until the plaintiff recently asked me to look for them. I found them around April 13 of this year and promptly called the plaintiff. He asked me to scan the letters and provide the scans to him and copy the CD and provide that to him also. I did this on or about April 18.
8. No information other than what is in the Exhibits to this affidavit was provided in response to my request.

Sworn before me at the City of Toronto,  
in Ontario, on April 29, 2015



**MICHELLE GAUVIN**  
REGISTRY OFFICER  
AGENT DU GREFFE



Naomi Grey

180 Queen Street West	180, rue Queen Ouest
Suite 200	bureau 200
Toronto, Ontario	Toronto, Ontario
M5V 3L6	M5V 3L6



Department of Justice  
Canada

Ministère de la Justice  
Canada

Access to Information and Privacy Coordinator  
275 Sparks Street, 9th Floor  
Ottawa, Ontario K1A 0H8

Telephone: (613) 952-8361  
Facsimile: (613) 957-2303

**PROTECTED B**

Our file: A-2012-00157 / SH

May 3, 2012

Ms. Naomi Grey  
198A Vaughan Rd.  
Toronto, Ontario M6C 2M3

This is Exhibit " A " referred to in  
the affidavit of NAOMI GREY  
sworn before me in TOR  
on the 29 day of APR 20 15  
[Signature]  
Commissioner of oaths

**MICHELLE GAUVIN**  
REGISTRY OFFICER  
AGENT DU GREFFE

Dear Ms. Grey:

This is to acknowledge that your request of April 15, 2012, and application fees were received in this Office on April 26, 2012. Further to your discussion with Stefany Hollingsworth of my office, your point #2 under *Note* has been amended as follows to obtain, pursuant to the *Access to Information Act* (the *Act*):

*"Documents that set out the current practice or policy of the Department of Justice in carrying out its duties to support — or act in the name of — the Minister or Deputy Minister under any of the following three legislative provisions:*

- *Section 3 of the Canadian Bill of Rights*
- *Section 4.1 of the Department of Justice Act*
- *Subsections 3(2) and (3) of the Statutory Instruments Act*

*Note:*

- 1. I am not looking for many documents, the key ones that are intended to guide members of the department in these duties are sufficient, even if the same information is referred to or repeated elsewhere. Therefore no exhaustive search is being asked for. It should be easy to locate the key documents and to provide those.*
- 2. I am not looking for any cabinet confidences, just statements of work-guiding policy or practice.*
- 3. That being said, I am looking to you to distinguish between legal position (not subject to solicitor-client privilege) and legal advice (maybe subject to solicitor-client privilege). If a key document contains both legal advice and statements of legal position or understanding, I expect you to separate out the legal advice and to provide to me the remainder of the document.*
- 4. I want particularly the documents that provide guidance in carrying out these statutory responsibilities to any unit of the department that deals especially with human rights and, if applicable, similar documents for the units that write legislation.*
- 5. In particular, the department must of necessity adopt a working or administrative interpretation of what these legislative provisions require of the Minister, the Deputy Minister (and by implication of the department when acting in support of or in the name of these officials). What I want will include the key statements of what the department understands these provisions to require by way of examination and reporting.*
- 6. I would much prefer receiving the documents in digital form.*

*What I would also like, but these need not come at the same time:*

*Any non-current versions of those same documents that were applicable after 1999.*

*Any non-current versions of those same documents that were applicable after 1990 and before 2000."*

We are undertaking the necessary search of our records and will contact you again in due course regarding this request.

In general terms, please be aware that in addition to the application fees, there are two other types of fees: 1) photocopying fees and 2) search and preparation fees after the first five hours. The right to charge these fees arises out of section 11 of the *Act*. The specific amount of the fees is set by paragraph 7 of the *Act* Regulations (the Regulations) which states the following:

Subject to subsection 11(6) of the *Act*, a person who makes a request for access to a record shall pay (a) an application fee of \$5.00 at the time the request is made; (b) where applicable, a fee for reproduction of the record or part thereof to be calculated in the following manner: (i) for photocopying a page with dimensions of not more than 21.5 cm by 35 cm, \$0.20 per page.

Finally, subsection 11(2) of the *Act* states that, for every hour in excess of five hours that is reasonably required to search for the record or prepare any part of it for disclosure, payment of an amount set by the Regulations may be charged.

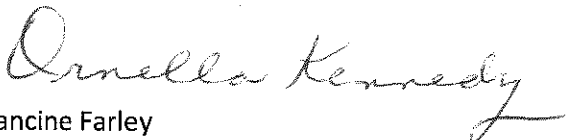
Should there be any additional fees, we will let you know the amount and what it covers.

If you have any questions concerning the processing of your request, do not hesitate to contact Stefany Hollingsworth at 613-941-9922.

Please be advised that you are entitled to complain to the Information Commissioner concerning the processing of your request within sixty days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

Office of the Information Commissioner  
Tower B, Place de Ville  
112 Kent Street, 7th Floor  
Ottawa, Ontario K1A 1H3

Sincerely,



Francine Farley  
Coordinator





Department of Justice  
Canada  
Access to Information and Privacy Coordinator  
275 Sparks Street, 9th Floor  
Ottawa, Ontario K1A 0H8

Ministère de la Justice  
Canada

Telephone: (613) 952-8361  
Facsimile: (613) 957-2303


**PROTECTED B**

Our file: A-2012-00157 / SH

June 21, 2012

Ms. Naomi Grey  
198A Vaughan Rd.  
Toronto, Ontario M6C 2M3

Dear Ms. Grey:

This is Exhibit " B " referred to in  
the affidavit of NAOMI GREY  
sworn before me in TOR  
on the 25 day of APR 20 15  
  
**MICHELLE GAUVIN**  
REGISTRY OFFICER  
AGENT DU GREFFE

This letter is further to your request of April 15, 2012, filed under the *Access to Information Act* to obtain:

*"Documents that set out the current practice or policy of the Department of Justice in carrying out its duties to support — or act in the name of — the Minister or Deputy Minister under any of the following three legislative provisions:*

- Section 3 of the Canadian Bill of Rights*
- Section 4.1 of the Department of Justice Act*
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*Any non-current versions of those same documents that were applicable after 1999.*

*Any non-current versions of those same documents that were applicable after 1990 and before 2000."*

I am pleased to enclose the releasable documents relevant to your request (888 of 2,697 pages). You will notice that information is exempt from release by virtue of sections 23 [solicitor-client privilege information] and 68(a) [published material] of the *Access to Information Act*. Furthermore, please note that other versions of the Manual (available in both official languages) are also available on the following website: <http://www.justice.gc.ca/eng/dept-min/pub/legis/rm-mr/>.

This completes our processing of your request. If you have any questions concerning the above, do not hesitate to contact Stefany Hollingsworth at 613-941-9922.

Please be advised that you are entitled to complain to the Information Commissioner concerning the processing of your request within sixty days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

Office of the Information Commissioner  
Tower B, Place de Ville  
112 Kent Street, 7th Floor  
Ottawa, Ontario K1A 1H3

Sincerely,

A handwritten signature in cursive script, reading "Francine Farley". The signature is written in dark ink and is positioned above the printed name and title.

Francine Farley  
Coordinator

Encl.

This is Exhibit " C " referred to in  
the affidavit of NADMI GREY  
sworn before me in TOR  
on the 29 day of APR 20 15  
[Signature]  
Commissioner of oaths

**MICHELLE GAUVIN**  
REGISTRY OFFICER  
AGENT DU GREFFE