

Federal Court



Cour fédérale

Date: 20200724

Docket: T-1779-18

Montréal, Québec, July 24, 2020

PRESENT: Case Management Judge Alexandra Steele

IN THE MATTER OF a reference pursuant to subsection 18.3(1) of the *Federal Courts Act*, R.S.C. 1985, c. F-7 of questions or issues of law and jurisdiction concerning the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5 that have arisen in the course of an investigation into a complaint before the Privacy Commissioner of Canada

BETWEEN:

THE PRIVACY COMMISSIONER OF CANADA

Applicant

ORDER

CONSIDERING the order issued on July 24, 2020 granting leave to the Canadian Broadcasting Corporation / Société Radio-Canada [CBC] and the Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic [CIPPI] leave to intervene in the present reference;

CONSIDERING that in the order dated on July 24, 2020, the Court indicated that the directions as to procedure for the intervention pursuant to Rule 109 of the *Federal Courts Rules* [the Rules] would be set out in a concurrent order;

CONSIDERING that the present order constitutes the directions as the procedure to be followed by the interveners in this reference;

ACCORDINGLY, THE COURT ORDERS THAT:

1. CBC and CIPPIC shall each be permitted to serve and file an intervener's memorandum of fact and law pursuant to Rule 70 that shall not exceed fifteen (15) pages, exclusive of the front cover, table of contents, list of authorities in Part V, appendices and back cover.
2. CBC and CIPPIC shall serve their respective memoranda within fifteen (15) days of date of the service and filing of the last responding memoranda of fact and law, or the expiry of the time for doing so, whichever is earlier (paragraph 13 of the Order of November 2, 2018).
3. In accordance with Rules 151 and 152, CBC and CIPPIC shall be entitled to have access to the confidential information set out in paragraph 8 of the Order of November 2, 2018 for the sole purpose of preparing serving and filing their memoranda of fact and law and making oral submissions at the hearing, and for no other purpose. CBC and CIPPIC shall be bound by the terms of paragraph 8 of the Order of November 2, 2018.
4. CBC and CIPPIC shall work together to ensure that they do not duplicate the submissions of the parties to the reference and that there is no duplication in their interveners' submissions.
5. CBC and CIPPIC shall not add to the evidentiary record.

6. The right to make oral submissions is deferred to the hearing judge who will determine whether the interveners may address the Court and if so, the length of oral submissions.
7. CBC and CIPPIC shall not be permitted to seek costs, nor shall they be liable for costs absent any abuse of process on their part.
8. CBC and CIPPIC shall not be entitled to appeal the reference to the Federal Court of Appeal; however, their right to apply for leave to intervene on appeal is reserved.

“Alexandra Steele”

Case Management Judge