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## Charlie Angus

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Commissioner Daniel Therrien  
Office of the Privacy Commissioner of Canada  
30 Victoria St.  
Gatineau, QC K1A 1H3

April 2, 2019

**Re: Potential *Privacy Act* breach**

Dear Commissioner Therrien,

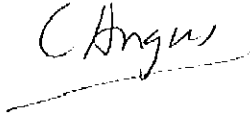
The leak of confidential information surrounding Manitoba Superior Court Chief Justice Glenn Joyal's application to be considered for a position on the Supreme Court of Canada is shocking. It is not only an attack on the independence of the judiciary and a mark of flagrant disrespect for the importance of its work, but potentially a breach of the *Privacy Act*.

It is unclear where the breach of Chief Justice Joyal's personal information occurred. If it came from a government institution as defined in s. 3 of the *Act*, then it was manifestly a breach of s. 8, which specifies that personal information "shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section." Section 8, it should be said, does not include political expediency as a permissible reason for the disclosure of personal information.

Applications for judicial positions are submitted to the Office of the Commissioner for Federal Judicial Affairs, whose privacy notice to applicants states that "the personal information collected is used to support the Advisory Board's mandate to assess applications received from candidates and provide a list of qualified candidates to the Prime Minister for appointment as Justices of the Supreme Court of Canada. Personal information collected is protected in conformity with the *Privacy Act*. The personal information collected may be used and disclosed to other government institutions and organizations, including the Privy Council Office, the Department of Justice and the Office of the Prime Minister as well as to third parties, for the purposes of this assessment and the recommendation of candidates for appointment."

In order to reassure Canadians that the law has not been broken, I ask that you investigate the source of the leak to determine if there was a breach of the *Privacy Act*, beginning with the following institutions: the Privy Council Office, the Office of the Commissioner of Federal Judicial Affairs, the Department of Justice, and the Office of the Prime Minister of Canada.

Sincerely,

A handwritten signature in black ink that reads "C Angus". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Charlie Angus, MP  
Timmins—James Bay

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**Hon. Peter Kent, P.C., M.P. - Thornhill**

Daniel Therrien  
Privacy Commissioner of Canada  
30 Victoria Street  
Gatineau, Quebec  
K1A 1H3

March 28, 2019

Dear Commissioner Therrien,

I'm writing to request your investigation of a leak of confidential information which I believe to be a very serious violation of the *Privacy Act*.

As you may have read, confidential information, (that would have been known only by Prime Minister Trudeau and his closest advisors) related to the appointment of a Supreme Court Justice has been disclosed to media who have in turn published this information.

Confidentiality in the process of judicial appointments is crucial to protecting the integrity of the selection process. This confidentiality also seeks to ensure that the reputations of judges not ultimately selected are not tarnished.

It is of great concern that as a result of this unauthorized disclosure, the reputation of a respected jurist may have been damaged for political purposes.

Chief Justice Glenn Joyal of the Manitoba Court of Queen's Bench responded to the news reports with a statement clarifying reasons for his withdrawal from consideration, citing his wife's health. He said, "I fear that someone is using my previous candidacy to the Supreme Court of Canada to further an agenda unrelated to the appointment process."

I respectfully suggest that the anonymous release of this personal information represents a violation under Section 29 (1)(h)(ii).

- 29 (1) Subject to this Act, the Privacy Commissioner shall receive and investigate complaints**
- (h) in respect of any other matter relating to
    - (i) the collection, retention or disposal of personal information by a government institution,
    - (ii) the use or disclosure of personal information under the control of a government institution, or**
    - (iii) requesting or obtaining access under subsection 12(1) to personal information.

Therefore, I am requesting that you undertake an investigation of this apparent serious breach of the Privacy Act and to publish a report of your findings.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Kent".



Hon. Peter Kent, P.C., MP  
Thornhill, ON  
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T: 613-992-0253  
Shadow Minister, Ethics  
Standing Committee on Ethics