

Federal Court of Appeal



Cour d'appel fédérale

Date: 20121003

Docket: A-364-11

Citation: 2012 FCA 250

**CORAM: NADON J.A.
PELLETIER J.A.
TRUDEL J.A.**

BETWEEN:

MINISTER OF CANADIAN HERITAGE

Appellant

and

JIM BRONSKILL

Respondent

and

INFORMATION COMMISSIONER OF CANADA

Intervener

Heard at Ottawa, Ontario, on October 3, 2012.

Judgment delivered from the Bench at Ottawa, Ontario, on October 3, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Ottawa, Ontario, on October 3, 2012)

NADON J.A.

[1] In view of the concessions made by counsel for the appellant at the hearing, and in particular, that the historical significance of the documents at issue was a valid consideration in the exercise of the discretion to either disclose or not the sought-after documents, we see no basis to interfere with the judgment rendered by Noël J., other than in the following respects:

1. With regard to the first paragraph of the judgment, by striking the words “with specific guidance to consider these reasons, their spirit as well as the examples found in the Annex”.
2. With respect to the second paragraph of the judgment, we would add, after the word “control”, found in line 2 of the paragraph, the words “as described in the access to information request”.

[2] In light of these conclusions, it is not necessary for us to embark upon a review of the application judge’s reasons. Accordingly, we do not wish to be taken as to having endorsed him.

[3] For these reasons, the appeal will be allowed.

“M. Nadon”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-364-11

STYLE OF CAUSE: MINISTER OF CANADIAN
HERITAGE V. JIM BRONSKILL

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: October 3, 2012

REASONS FOR JUDGMENT OF THE COURT BY: NADON, PELLETIER, TRUDEL
J.J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

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