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Michèle Babin
Manager and Coordinator
Access to Information and Privacy
Office of the Chief Electoral Officer
257 Slater Street
Ottawa, Ontario
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November 14, 2012

RE: *Access to Information Act* request File number A-2011-00132/PA

Dear Ms. Babin,

I write to you today in response to your letter dated September 21st, 2012 concerning Democracy Watch's *Access to Information Act* (ATI Act) request file number A-2011-00132/PA for all rulings, decision letters, emails, and other documents sent to anyone who filed a complaint since April 1st, 2004 with the complainant's personal information removed/redacted and the personal information of anyone who was complained about removed/redacted. This was clarified April 13th, 2012 to include copies of all communications sent to every complainant advising them of the final decision regarding their complaint filed since 1997.

In response to Democracy Watch's access request, you sent a preliminary letter dated August 8th, 2012 which stated that *some* of the records relevant to the request would be withheld in accordance with section 16.3 of the *ATI Act* which states:

16.3 – Subject to section 541 of the Canada Elections Act, the Chief Electoral Officer may refuse to disclose any record requested under this Act that contains information that was obtained or created by or on behalf of a person who conducts an investigation, examination or review in the performance of their functions under the Canada Elections Act.

You then sent a letter dated September 21st, 2012 that made it clear that the only records Democracy Watch would receive are those already available on the Elections Canada website (ie. compliance agreements and court rulings).

The exemption Elections Canada is claiming (16.3) is explicitly restricted by Section 541 of the *Canada Elections Act* that states:

Inspection of instructions, correspondence and other reports

541. (1) All documents referred to in section 403.35, 424, 429, 435.3, 435.35, 451, 455, 478.23 or 478.3, all other reports or statements, other than election documents received from election officers, all instructions issued by the Chief Electoral Officer under this Act, all decisions or rulings by him or her on points arising under this Act and all correspondence with election officers or others in relation to an election are public records and may be inspected by any person on request during business hours.

Therefore, any rulings made by the Chief Electoral Officer must be made available for public inspection. Therefore, Democracy Watch requests that it be informed of how many of the more than 3,000 rulings were made by the Chief Electoral Officer and when one of our representatives can come and see those rulings at the Elections Canada office.

The other exemption Elections Canada is claiming under the *ATI Act* (section 19 personal information) is irrelevant as Democracy Watch has made it very clear in all of its requests that it is not requesting disclosure of anyone's personal information, and severing/redacting the personal information of the complainant or others from every document disclosed is entirely fine with Democracy Watch.

We expect to hear back from you very soon as the delay in fulfilling the request has already exceeded the legally allowed time period.

Sincerely,

Tyler Sommers, Coordinator of Democracy Watch
On behalf of the Board of Directors of Democracy Watch