



July 28, 2022

VIA EMAIL: FCARegistry-CAFGreffe@cas-satj.gc.ca

The Judicial Administrator
Federal Court of Appeal
90 Sparks Street, Main floor
Ottawa, Ontario
K1A 0H9

Dear Sir/Madam:

Re: *Air Passenger Rights v Attorney General of Canada*
Court File No.:A-102-20

This letter is in relation to the Order issued by Gleason J.A. on July 19, 2022, more specifically paragraph 5 of that Order. Please bring this letter to Gleason J.A.'s attention on an urgent basis.

The Order issued by Gleason J.A. on July 19, 2022 required the Agency to disclose the private Twitter messages and messages received over the CTA's Info email account from passengers about cancelled flights over the period in respect of which disclosure was ordered, no later than 10 days from the date of the Order.

If the Court of Appeal sees fit, I propose that this letter stand as an informal motion by the Agency to request: (1) an order extending the deadline for disclosure by an additional 5 days per Rule 8; and (2) an order of confidentiality per Rule 151. In the alternative, should the Court of Appeal direct, the Agency will bring a formal motion.

Request for extension

In preparing the documents for disclosure, the Agency is redacting the confidential information contained therein in accordance with the requirements of the *Privacy Act* and the *Access to Information Act*. The disclosure package is voluminous and contains upwards of 1100 pages of materials. Agency staff has been working diligently to meet tomorrow's deadline, but it has become apparent today that it will not be possible to make the necessary redactions and annotations within that timeframe. The granting of a 5 day extension will allow Agency staff to complete the task without causing any prejudice to the Applicant.

Request for an order of confidentiality

The materials to be disclosed contain information that could harm the privacy rights of individuals as well as the commercial interests of carriers protected by the *Privacy Act* and the *Access to Information Act*. As such, the Agency submits that this information should be treated as confidential, notwithstanding the public interest in open and accessible court proceedings.

The personal information being redacted includes, for example, passport numbers, personal email addresses, credit card numbers, and in some cases, information about family and religious beliefs. This information was provided to the Agency by individuals with the expectation that it would not be disseminated publically. Protecting the personal information of individuals from being disseminated through open court proceedings is an important public interest, and should be given considerable weight. The personal information being redacted is in no way relevant to the Applicant's bias allegations, and the Applicant will not suffer any prejudice if this information is kept confidential.

The information that could harm the commercial interests of carriers includes, for example, offers of settlement. This confidential information is often forwarded by individuals in their private communications with the Agency after they have contacted their carriers. Protecting commercial interests from being disseminated through open court proceedings is an important public interest that should be given considerable weight, particularly in this case, given the Applicant's vocation as an advocate for air passenger rights. The information that could harm the commercial interests of carriers that is being redacted is in no way relevant to the Applicant's bias allegations, and the Applicant will not suffer any prejudice if this information is kept confidential.

Yours truly,



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