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# Practice *Direction*

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## Representations: General guidelines

### Introduction

This *Practice Direction* offers practical guidelines to help improve the effectiveness of representations made to the IPC under the *Act*.

The parties should submit representations that are relevant and factual, and refer to the connections between exemptions claimed under the *Act* and the records in question, or alternatively, explain why an exemption should not apply.

### Burden of proof

Where an institution claims that a record or part is exempt, the *Act* places on the institution the burden of proof that the exemption applies.

### Notice of Inquiry

In appeals streamed to the Adjudication stage, an Adjudicator sends a Notice of Inquiry to one or more parties to help them determine how to make their case. This document summarizes the background of the appeal, describes the records at issue, sets out the issues to be decided, and invites the party to submit representations in writing.

### Representations

Representations are arguments or evidence presented to the Adjudicator to persuade him or her to resolve the appeal in a particular way.

Parties should ensure that they have carefully reviewed the Notice of Inquiry and any accompanying materials, and that in their representations they address each of the issues raised in the Notice of Inquiry to which they would like to respond. Parties are also encouraged to review any relevant IPC orders, other case law or statutory materials and to include references to such material in their representations. Copies of this material should also be provided to assist the Adjudicator.

### Sharing of representations

Representations may be shared with the other party or parties to the appeal, unless there is an overriding confidentiality concern. Please see *Practice Direction* number 7 for more detailed information about sharing of representations.

Parties should ensure that they explain which portions of their representations, if any, they would like withheld from other parties to the appeal. Parties also should ex-

plain which material they would like withheld from which parties. It is important that parties provide detailed reasons for their request to have the Adjudicator withhold representations.

## Additional Information

The IPC has issued *Practice Directions* to provide general information to specific types of parties involved in an appeal, and to assist them in making representations. Please see *Practice Direction* number 3 — Guidelines for individuals whose personal information is at issue in an appeal, *Practice Direction* number 4 — Guidelines for parties whose commercial or business information is at issue in an appeal and *Practice Direction* number 5 — Guidelines for institutions in making representations, for more specific information.

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