

Sharing of Representations

APPLICATION

1. This Practice Direction applies when an Appeal proceeds to Inquiry and Representations are provided to the IPC.

GENERAL

2. In the interests of procedural fairness, the IPC will generally provide Representations received from a Party to the other Party or Parties, unless the IPC decides that some or all of the Representations should be withheld.
3. Parties should draft their Representations in such a manner that they can be shared with other Parties.

REQUEST TO WITHHOLD REPRESENTATIONS

4. A Party seeking to have the IPC withhold information, if any, in its Representations from the other Party or Parties shall explain clearly and in detail the reasons for its request, with specific reference to the criteria below.
5. If a Party does not specifically request to withhold any part of their Representations, then the IPC will share the Representations unless in the IPC's opinion any of the criteria below apply.



CRITERIA FOR WITHHOLDING REPRESENTATIONS

6. The IPC may withhold information contained in a Party's Representations where:
 - (a) disclosure of the information would reveal the substance of a record claimed to be exempt or excluded;
 - (b) the information would be exempt if contained in a record subject to the Act; or
 - (c) the information should not be disclosed to the other Party for another reason.
7. For the purpose of section 6(c) above, the IPC will apply the following test:
 - (a) the Party communicated the information to the IPC in confidence that it would not be disclosed to the other Party;
 - (b) confidentiality is essential to the fair, full, and satisfactory resolution of the Appeal; and
 - (c) the importance of respecting the Party's confidentiality in the circumstances outweighs any potential prejudice that may result to the other Party or Parties.
8. In certain circumstances the IPC may decide to conduct an Inquiry in private.

REQUEST TO WITHHOLD REPRESENTATIONS NOT ACCEPTED

9. Should the IPC decide not to accept a Party's submission that information in its Representations should be withheld, an IPC staff member will notify the Party of the decision to disclose the information on a specified date, and will not disclose that portion of the Representations to the other Party or Parties for the period of time specified in the notice, after which it will be disclosed.