

Third Party Notice Explanatory Note
Section 19 - Disclosure harmful to business interests of a third party

The *Access to Information Act (ATIA)* provides a right of access to records in the custody or under the control of a public body.

We received an access to information request for records that may contain information that affects your business interests under section 19 of the *ATIA*. We are required to disclose as much of the requested record as possible but must refuse to disclose the specific third-party business information described in section 19 of the *ATIA*.

We are notifying you in order to give you an opportunity to express any concerns that you may have about disclosure of the records. To be withheld from disclosure, the third party business information must meet *all three* of the criteria in section 19 of the *ATIA*.

These criteria are:

1. The information is a trade secret or commercial, financial, labour relations, scientific or technical information of a third party.
2. The information was supplied, implicitly or explicitly, in confidence. There must be evidence that the information has been consistently treated in a confidential manner.
3. One or more specified harms will occur if the information is disclosed. The disclosure of the information will:
 - harm significantly the competitive position or interfere significantly with the negotiating position of the third party;
 - result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied;
 - result in undue financial loss or gain to any person or organization, or
 - reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

In addition to the above, section 19(2) of the *ATIA* requires a public body to refuse to disclose information about a third party that was collected on a tax return or for the purpose of determining tax liability or collecting a tax.

You have two options:

1. You may consent in writing to the disclosure of all or some of the information; or
2. If you feel that the provisions in section 19 apply to some or all of the information in the requested records, please tell us in writing why you believe the information should not be disclosed. It must provide detailed evidence to support your claim for the exception and align with the three part test outlined above. Please mark the exact portions of the records you wish to have withheld.

Your representations will be one of the factors that we consider in deciding whether or not to disclose all or part of the records. If we decide to disclose all or part of the records, you will be notified beforehand. If you disagree with the decision, you may ask the Information and Privacy Commissioner to review the decision.