

Privy Council Office

1) With regard to the approximately 31,000 documents which were provided to the Public Order Emergency Commission by the Government of Canada:

(a) how many of the 31,000 documents are among the approximately 8,900 documents published on the Commission's website;

- There are 4,029 items originating from the Government of Canada in the Exhibits database on the Commission's website. An index of all files in the Exhibits database is currently in translation, with an expected completion date of April 8th.

(b) how many of the 31,000 documents were not so published or otherwise referred to publicly, broken down by those which are (i) top secret, (ii) secret, (iii) confidential, (iv) protected, or (v) unclassified;

- Sensitivity up to the Protected B level: 14,840
- Secret: 16,632
- Top Secret: 372 (paper format)

TOTAL: 31,844*

- Note that as the Commission's work proceeded, some documents originating from the Government of Canada were reviewed for public disclosure and in some cases redacted. These were then incorporated into other POEC databases for access by all parties granted standing and/or the public. The files that were transferred into these databases have been excluded from the breakdown above to minimize duplication.
- The [Rules of Practice and Procedure \(Règles de pratique et de procédure\)](#) document, available on the POEC website in both official languages, provides additional details on the Commission's protocols and practices for document production, use and access.

(c) which documents, from among the 31,000 documents, were not so published or otherwise referred to publicly;

- responses in (d) to (f)

(d) did Commissioner Rouleau and Commission counsel have access to the complete set of 31,000 documents and, if so, (i) which documents did he or counsel actually access which were not published or otherwise referred to publicly, and (ii) which documents not published or referred to were relied upon by Commissioner Rouleau in preparing his report;

- The Commissioner and counsel had access to all information produced to the Commission. Given that the POEC was an independent commission of inquiry, PCO

cannot comment on how specific documents were used by the Commission. These questions would need to be posed to former Commissioner Justice Rouleau.

(e) did the other parties with standing at the Commission have access to the complete set of 31,000 documents and, if not, (i) which documents did they not have access to, and (ii) why not; and

- (i) Based on documentation received by PCO from the Commission, documents (and other types of content such as images and multimedia) were made available to all parties that had standing through the Party Database. In the Party Database collection, there are 7,372 documents and multimedia content from the Government of Canada.
- (ii) The POEC was an independent commission of inquiry. PCO is unable to respond to this question.

(f) will Canadians have access to the documents which were not published or otherwise referred to publicly and, if so, how, when and where?

- Following an archival assessment of the Commission's holdings by Library and Archives Canada (LAC), the Commission's records of historical value will be transferred to LAC for long-term access and preservation.
- LAC is responsible for enabling public access to the historical records of commissions of inquiry. Once LAC has processed the POEC collection, members of the public can submit requests to [order archival material](#) online or by visiting a LAC location. For records that are sensitive and have restricted access, members of the public can place a request through the [Access to Information and Personal Information Online Request Service](#).
- The LAC website provides detailed guidance on these services.

2) With regard to Matthew Shea's evidence about the *Canada Evidence Act* governing unilingual evidence: which provision or provisions of the Act was he referring to?

- The laws of evidence, including those in the *Canada Evidence Act*, usually require that original documents or copies of original documents be provided as evidence. The Public Order Emergency Commission was the master of its own procedure and adopted rules that allowed it to receive any evidence or information that it considered reliable and helpful in fulfilling its mandate whether or not such evidence or information might otherwise be admissible in a court of law. Exhibits at the Public Order Emergency Commission were submitted in their original format. Documents prepared by the Commission and the legal submissions of the Government of Canada were prepared in both official languages. This is consistent with the approach taken by other recent commissions of inquiry.