

By Fax (613) 952-7226

December 18, 2014

Administrator
Federal Court of Appeal
90 Sparks St., First Floor
Ottawa, Ontario
K1A 0H9

Dear Madam/Sir:

**Re: Dr. Gabor Lukacs v. Canadian Transportation Agency
Federal Court of Appeal File No.: A-218-14**

On December 11, 2014 the Applicant wrote a letter (the "Letter") to this Court seeking direction with respect to this Court's order of December 10, 2014 granting the Privacy Commissioner leave to intervene in the above-noted proceeding (the "Order"). In the Order, the Privacy Commissioner is granted leave to file a memorandum of fact and law within 20 days following the Order.

In his Letter, the Applicant indicates that he was not afforded the opportunity to respond to the Privacy Commissioner's motion seeking leave to intervene. The Applicant suggests in his Letter that this issue may be corrected by revoking the Order and providing him the opportunity to respond to the Privacy Commissioner's motion seeking leave to intervene. The Privacy Commissioner takes no position on the determination of the issue of whether the Applicant should be permitted to file responding materials in regard to the Privacy Commissioner's motion for leave to intervene. The Privacy Commissioner does, however, consider that the Court's Order has finally disposed of the Applicant's motion dated November 14, 2014.


We note that the issue raised by the Applicant in his Letter concerning a response to the Privacy Commissioner's motion for leave to intervene has created uncertainty regarding the Privacy Commissioner's status as intervener and the appropriate procedural next steps in this matter.

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In light of these uncertainties, the Privacy Commissioner asks that the timeline set out in the Order for filing the Privacy Commissioner's memorandum of fact and law be suspended until the issue raised in the Letter is resolved. We further ask that if the Court maintains the Order, the Privacy Commissioner be provided with 20 days to file its memorandum of fact and law from the date on which the Court disposes of the Letter, not counting the period of time during the Christmas recess.

Should the Court revoke the Order and grant the Applicant an opportunity to respond to the Privacy Commissioner's motion for leave to intervene, the Privacy Commissioner may wish to exercise a right of reply in accordance with the time limit set out in Rule 369(3), running from the date on which the Privacy Commissioner is served with any response by the Applicant to the motion for leave to intervene.

Yours truly,



Jennifer Seligy
Legal Counsel
Office of the Privacy Commissioner of Canada

Tel: (819) 994-5910
Fax: (819) 994-5863
jennifer.seligy@priv.gc.ca

c.c. Dr. Gábor Lukács, Applicant
Ms. Odette Lalumière, Legal Counsel for the Canadian Transportation Agency