

CORRECTIONS – Document 1

File # / N° de dossier	A-39-16	Citation # (if applicable) / N° de référence (si nécessaire)	
STYLE OF CAUSE / INTITULÉ	DR. GABOR LUKACS V. CTA		
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Sequence # / N° de séquence	A-39-16_20160503_O_E_C_OTT_20160923110729_STS		
Page:	2	Paragraph / Paragraphe	3
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...2016 FCA 130;			
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...2016 FCA 103;			
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AND WHEREAS the applicant has requested under Rule 318 that the Agency produce an unredacted copy of the 1996 Greyhound Decision for the purposes of the application, a decision that the Agency has kept confidential owing to the description in the decision of purportedly confidential commercial arrangements among those parties;

AND WHEREAS the respondent objects to disclosure of the 1996 Greyhound Decision under Rule 318(2) but is prepared to disclose to the appellant a redacted version of the decision in order to respect confidentiality;

AND WHEREAS this Court has considerable flexibility in giving directions under Rule 318(3) and in making a confidentiality order under Rule 152; in particular, it has flexibility in determining whether documents are to be kept confidential as against just the public or as against both the public and the applicant; it can also uphold the objection to disclosure in its entirety: see *Lukács v. Canadian Transportation Agency*, 2016 FCA 103;

AND WHEREAS, overall, as against the need for confidentiality versus the public's interest in the openness of court proceedings, the Court is to be guided by *Sierra Club of Canada v. Canada (Minister of Finance)*, 2002 SCC 41, [2002] 2 S.C.R. 522;

AND WHEREAS the Agency has failed to offer strong proof of the need for confidentiality as against the public; merely asserting "commercial reasons" on the basis of an email from someone speaking for a party involved in the 1996 Greyhound Decision, a twenty-year decision, is not sufficient;