

[Date]

[Third Party's name]

[Third Party's address]

Email: [Email Address if applicable]

Dear [Applicant's name]

Access to Information Request #: [Request number]

[Public Body] received a request under the *Access to Information Act* (the Act) for the following:

[Request Wording Note: review and remove any personal information from the scope of the request]

Timeframe: [Time Period]

There are records that may contain information of which the disclosure would [affect the business interests of [organization] and/or invade your personal privacy] under section [19/20] of the Act. The records under consideration for disclosure are attached.

Please notify me if you are not the appropriate party to receive this notice, or if another third party may also have an interest in the information or be affected by its disclosure.

OPTION 1: Section 19:

As section 19 of the Act indicates, [Public Body] must withhold information if disclosure would harm the business interests of the third party. To refuse access to third party business information all the following requirements in section 19(1) of the Act must be met:

1. Disclosure would reveal the specific types of information described in more detail in the attached explanatory note;
2. The information was supplied in confidence; and
3. Disclosure could reasonably be expected to result in one or more of the harms specified on the attached explanatory notified.

An explanatory note about section 19 is attached to this letter to assist you. You have 20 business days to respond to this notice.

After reviewing the material, please provide your views on the disclosure of the records in writing by [20 Days from date of letter]. You may either: (1) consent to the disclosure

of the information; or (2) make written representations explaining why the information should not be disclosed.

If you wish to have any of your business information withheld, it is important that you provide clear and specific reasons that focus on the type of harm that would likely result as specified in section 19 of the Act.

OPTION 2: Section 20:

As section 20 of the Act indicates, [Public Body] must withhold personal information if disclosure would result in an unreasonable invasion of a third party's personal privacy. An explanatory note about section 20 is attached to this letter to assist you. You have 20 business days to respond to this notice.

After reviewing the material, please provide your views on the disclosure of the records in writing to me by [20 Days from date of letter]. You may either: (1) consent to the disclosure of the information; or (2) make written representations explaining why the information should not be disclosed.

If you wish to have any of your personal information withheld, it is important that you provide clear and specific reasons that focus on the type of harm that would likely result as specified in section 20 of the Act.

ALL OPTIONS

We are required to make a decision concerning access within 30 business days after this notice. Your input and other relevant factors will be considered when deciding whether to disclose the information. Please note that if we do not receive your written representations by [20 Days from date of letter], we must make a decision based on the information we have. We will give you written notice of the decision by [30 Days from date of letter].

If you have any questions, please contact [name/title, phone number, email address].

Sincerely,

[Name and Title]

Enclosure

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

The *Access to Information Act* (the Act) 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 Act. 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 Act.

To be withheld under section 19(1) of the Act, the information must meet *all three* of the following criteria:

1. The information would reveal trade secrets, commercial, financial, labour relations, scientific or technical information of a third party; and
2. The information was supplied implicitly or explicitly in confidence, and
3. Disclosure of the information could reasonably be expected to result in one or more of the following harms or conditions.
 - 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 (this does not apply where a statute or regulation requires that the information 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 Act 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.

We are notifying you to give you an opportunity to provide representations concerning disclosure. You have two options:

1. Consent in writing to the disclosure of some or all of the information; or
2. Tell us in writing why the information should not be disclosed. Your representations should identify the specific information to be withheld and explain why section 19 would apply. Please mark the exact parts of the records you wish to have withheld.

Your representations will be one of the factors considered in deciding whether to give access to all, part, or none of the record. We will notify you of the decision. If there is a decision to disclose, you will have the opportunity to ask the Office of the Information and Privacy Commissioner to review that decision before access is given.

Third Party Notice Explanatory Note
Section 20 - Disclosure harmful to personal privacy

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

We received an access to information request for records that may contain information that if disclosed may be an unreasonable invasion of your personal privacy under section 20 of the Act. We are required to disclose as much of the requested record as possible but must refuse to disclose personal information if the disclosure would be an unreasonable invasion of a third party's privacy.

We are notifying you to give an opportunity to provide representations concerning disclosure.

You have two options:

1. Consent in writing to the disclosure of some or all of the information; or
2. Tell us in writing why the information should not be disclosed. You should identify the specific information to be withheld and explain why disclosure would result in an unreasonable invasion of your personal privacy. Please mark the exact parts of the records you wish to have withheld.

Your representations will be considered in deciding whether to give access to all, some or none of the personal information. We will notify you of the decision. If there is a decision to disclose, you will have the opportunity to ask the Office of the Information and Privacy Commissioner to review that decision before access is given.