



Ottawa, Canada  
K1A 0N2

September 22, 2009

Mrs. Monica Auer



Dear Mrs. Auer:

This is further to your requests under the *Access to Information Act*, received on March 17, 2009, for the following documents:

Our reference:

A-2008-00073  
A-2008-00077  
A-2008-00078  
A-2008-00079  
A-2008-00080  
A-2008-00081

Requested documents:

*Private TV financials, 2005/2006*  
*Private TV financials, 2000/2001*  
*Private TV financials, 2001/2002*  
*Private TV financials, 2002/2003*  
*Private TV financials, 2003/2004*  
*Private TV financials, 2004/2005*

The review of the documents you have requested is now completed. Please note that the information cannot be released as it qualifies for total exemption from release pursuant to both paragraphs 20(1)(b) and 20(1)(c) of the *Access to Information Act*.

Specifically, the information is confidential under paragraph 20(1)(b) and its release could reasonably be expected to result in material financial loss to, or could reasonably be expected to prejudice the competitive position of, a third party. A copy of section 20 is enclosed for your information.

Please be advised that you are entitled to bring a complaint, regarding the refusal to disclose the records you have requested, to the Information Commissioner within 60 days of the date of this letter. Notice of complaints should be addressed to the:

Information Commissioner  
112 Kent Street, 22<sup>nd</sup> Floor  
Ottawa (Ontario) K1A 1H3

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Should you have any questions, please do not hesitate to contact Abdourahman Mohamed Sadick at 819 997-4274.

Yours sincerely,



Robert A. Morin  
Secretary General

Encl.

## Section 20 – Third party information

20. (1) Subject to this section, the head of a government institution shall refuse to disclose any record requested under this Act that contains

- (a) trade secrets of a third party;
- (b) financial, commercial, scientific or technical information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;
- (c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party; or
- (d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

### Product or environmental testing

(2) The head of a government institution shall not, pursuant to subsection (1), refuse to disclose a part of a record if that part contains the results of product or environmental testing carried out by or on behalf of a government institution unless the testing was done as a service to a person, a group of persons or an organization other than a government institution and for a fee.

### Methods used in testing

(3) Where the head of a government institution discloses a record requested under this Act, or a part thereof, that contains the results of product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide the person who requested the record with a written explanation of the methods used in conducting the tests.

### Preliminary testing

(4) For the purposes of this section, the results of product or environmental testing do not include the results of preliminary testing conducted for the purpose of developing methods of testing.

### Disclosure if a supplier consents

(5) The head of a government institution may disclose any record that contains information described in subsection (1) with the consent of the third party to whom the information relates.

### Disclosure authorized if in public interest

(6) The head of a government institution may disclose any record requested under this Act, or any part thereof, that contains information described in paragraph (1)(b), (c) or (d) if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if the public interest in disclosure clearly outweighs in importance any financial