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Ministère de la Justice
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June 21, 2019

Our File Number: 8698372

Jennifer Cox
Director and General Legal Counsel
National Inquiry into Missing and
Murdered Indigenous Women and Girls
j.cox@mmiwg-ffada.ca

Bryan Zandberg
Registrar
National Inquiry into Missing and
Murdered Indigenous Women and Girls
b.zandberg@mmiwg-ffada.ca

Dear Ms. Cox and Mr. Zandberg:

**Re: National Inquiry into Missing and Murdered Indigenous Women and Girls –
draft Cultural Safety Protection Order**

Thank you for the opportunity to comment on the National Inquiry's draft Cultural Safety Protection Order received on June 18, 2019.

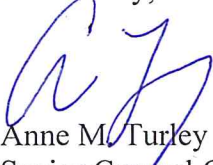
The Government of Canada (Canada) acknowledges the importance of protecting the confidentiality of the testimonies and statements provided by families of missing and murdered Indigenous women and girls and survivors of violence where that evidence was provided *in camera* and in confidence. Canada also recognizes the authority of the Commissioners pursuant to paragraph d of the Terms of Reference to adopt procedures for the proper conduct of the National Inquiry's hearings. The draft Cultural Safety Protection Order focusses on government officials' treatment of the records filed by the National Inquiry at the conclusion of the Inquiry's mandate. It is Canada's position that the draft order is beyond the Commissioners' authority.

Once the National Inquiry transfers its records and papers to the Privy Council Office pursuant to paragraph y of the Terms of Reference, they become records under the control of a scheduled government institution. The federal *Access to Information Act* and the *Privacy Act* govern the disclosure of information in government records. Pursuant to those Acts, officials are charged with determining whether, and under what circumstances, records may be released. The National Inquiry cannot fetter the exercise

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of discretion by government officials under those Acts regarding how and when information may be released. Officials must act in accordance with the applicable statutes. Canada acknowledges that it will be of the utmost importance for officials to take into account the context in which evidence was given by family members and survivors in considering a request for information under either of those Acts.

Yours truly,

A handwritten signature in blue ink, appearing to read 'AT', is positioned above the printed name.

Anne M. Turley
Senior General Counsel