

Important Note:

Canadian Environmental Assessment Act (CEAA) Canadian Environmental Assessment Registry Requirements Release of Documents (Public Access)

Section 55 of the *Canadian Environmental Assessment Act* (CEAA) provides for the establishment of the Canadian Environmental Assessment Registry (CEAR) for the purpose of facilitating public access to records relating to environmental assessments and providing notice in a timely manner of the assessments. The registry consists of two complementary components:

- An internet site – An electronic registry administered by the Canadian Environmental Assessment Agency to which Responsible Authorities contribute specific information about each environmental assessment; and
- Project files – The physical files maintained by the Responsible Authorities during an environmental assessment and which contain records and/or documents that are produced, collected or submitted with respect to an environmental assessment.

There may be some records or information contained within a record and/or document that is provided to a Responsible Authority which might be excluded from the CEAR (i.e., for public disclosure), if it meets the criteria for exclusion as set out in paragraphs 55.5 (1) and (2) of CEAA. Examples of this type of information would be:

- Trade secrets of a third party;
- Financial, commercial, scientific or technical information that is confidential information and is treated consistently in a confidential manner;
- Information the disclosure of which could reasonably be expected to result in material financial loss or gain to you or to prejudice your competitive position;
- Information the disclosure of which could reasonably be expected to interfere with your contractual or other negotiations; and
- Personal information.

A copy of section 55 of CEAA is enclosed for your easy reference. Please note the references made in section 55 to the *Access to Information Act*.

Fisheries and Oceans Canada (DFO), in its role as Responsible Authority under CEAA, must address concurrently, in a manner that meets the spirit of CEAA:

- The proponent's right to protect certain information from public disclosure;
- The proponent's expectation of completing the assessment within a reasonable time frame; and
- The public's right to access the relevant information.

Should you believe that information that you are submitting might qualify for exclusion from the registry, please clearly identify this portion(s) of the information and provide, in writing, the rationale for its exclusion at the time of submission. A "CEAR Exclusion Form", which can be used for this process, is available from the DFO office reviewing the project. The rationale will be reviewed by DFO under section 55 of CEAA to determine if the information should be excluded from public disclosure.

For further information concerning the CEAA process and the public document registry please refer to information on Canadian Environmental Assessment Agency's Internet site at www.ceaa-acee.gc.ca or contact the local CEA Agency Office.

ATTACHMENT:

- SECTION 55 OF CEAA