



Broadcasting Circular CRTC 2006-5

Ottawa, 1 December 2006

To the licensees of broadcasting undertakings and applicants of broadcasting licences

Guidelines for the filing of confidential information to the Commission¹

1. Section 20 of the *CRTC Rules of Procedure* (the Rules) sets out a mechanism by which applicants may request that specific types of material or information submitted in an application be treated by the Commission as confidential where the public interest will best be served by doing so.
2. Specifically, section 20 of the Rules states that:
The Commission may, at the request of an applicant, if in the opinion of the Commission the public interest will best be served by so doing, treat as confidential the following material or information, if such material or information can be separated from the application and is marked "Confidential", namely
 - a) financial statements of an applicant who holds a licence;
 - b) evidence of the financial capacity of any person participating in an application; and
 - c) the names of prospective employees of an applicant.
3. The onus is on the applicant to request confidentiality for the information or material and to clearly demonstrate that the public interest will best be served by treating the information as confidential. Each request for confidentiality is considered on a case-by-case basis.
4. Applicants are reminded to submit all applications through epass. Epass is a unique credential that allows applicants to communicate securely with the Government of Canada.
5. When submitting confidential documents to the Commission, applicants must:

¹ For further information, applicants should refer to *Guidelines respecting the confidential treatment of annual returns and material or information filed in support of a broadcasting application before the Commission*, Circular No. 429, 19 August 1998, and *Electronic filing of applications*, Broadcasting Circular CRTC 2005-466, 5 July 2005.

- ensure that documents are submitted in a separate electronic file and must incorporate ***confidential*** in the name of the file;
 - clearly identify the confidential documents by indicating ***confidential*** on each page and file an abridged version of the document;
 - ensure cover letters, emails and faxes include ***contains confidential information*** in the body of the message;
 - click in the box beside ***contains confidential documents*** in Cover Page – Step 1 of epass;
 - click in the box under ***confidential*** in Cover Page - Step 2 of epass.
6. These procedures ensure that Commission staff processing the applications/documents are made aware that some or all of the documents being filed contain confidential information. For instructions on how to file applications using Epass, consult the CRTC web site at <http://www.crtc.gc.ca/eng/file.htm>.
 7. Should the Commission deny a request for confidentiality, it will advise the applicant and provide it with an opportunity to withdraw the information. The Commission will also advise the applicant, at that time, whether such withdrawal will result in the application being deemed to be incomplete.
 8. Should a confidential document be posted on the Commission’s web site, applicants are reminded that it is their responsibility to advise the Commission’s Client Services Division immediately by phone using the toll-free line at 1-877-249-2782 or TDD line at 1-877-909-2782, in order to have the document removed.

Secretary General

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>