



Online News Information Bulletin CRTC 2024-115

PDF version

Ottawa, 27 May 2024

Guidance on practice and procedure under the *Online News Act*

Summary

This information bulletin explains how to participate in public proceedings under the *Online News Act*, what rules to follow, and how the rules will be applied.

The Commission intends to apply the rules set out in Part 1 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* to proceedings under the *Online News Act*.

Background

1. The *Online News Act*¹ (the Act) and the *Online News Act Application and Exemption Regulations*² (the Regulations) create a framework to support fair bargaining between news businesses in Canada and the largest online platforms that make news content available. The Act received royal assent on 22 June 2023, and on 19 December 2023, the Regulations came into force.
2. Different kinds of public proceedings can take place before the Commission under the Act. For example, news businesses can apply to be designated as eligible to participate in the mandatory bargaining process and, once eligible, can make complaints about online platforms granting an undue preference or disadvantage while making news content available. In addition, online platforms can apply to be exempt from the mandatory bargaining process. If they apply for an exemption, a public process must follow.
3. The Commission has rules of practice and procedure for proceedings under the other laws that it oversees. However, it does not have procedural rules in place for proceedings under the Act. To address this, the Commission is giving guidance to the public about procedures under the Act.

The practices and procedures

4. In general, for proceedings under the Act, the Commission intends to apply the rules set out under Part 1 of the *Canadian Radio-television and Telecommunications Commission Rules of*

¹ *An Act respecting online communications platforms that make news content available to persons in Canada*, SC 2023, c 23.

² SOR/2023-276, 15 December 2023.

Practice and Procedure (the Rules of Procedure). This means that when filing applications, interventions, and replies, parties should follow these rules.³

5. The Commission needs access to different kinds of information to do its work. Under the Act, parties to Commission proceedings (including individuals and companies) can file some sensitive information (like trade secrets) confidentially. The Commission must protect confidential information and is prohibited from disclosing it except in very limited circumstances.
6. The Commission can disclose information filed confidentially only after hearing from interested parties and deciding that it would be in the public interest. For filing confidential information, and the process to disclose it, the Commission relies on the procedures set out in Broadcasting and Telecom Information Bulletin 2010-961.
7. A party can file information with the Commission and designate it as confidential if it falls into a specific category of information.⁴ The Commission or another party can request that the information be disclosed. The party who filed the information can then reply to the request. Usually, parties requesting disclosure will argue that transparency is in the public interest. Parties wanting to keep information confidential will usually argue that disclosure would lead to a specific harm. The Commission weighs the arguments and makes a decision. If the Commission requires information to be disclosed, the party that filed the information must disclose it.⁵
8. In order to account for the context of the Act, the Commission can choose, either on its own or at the request of a party, to change these procedures in a proceeding if doing so would be fair to parties and in the public interest.
9. If you have questions about these practices and procedures, you can contact the Commission by using one of the ways outlined on the [Commission's website](#).

Secretary General

Related documents

- *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, Broadcasting and Telecom Information Bulletin

³ For more information on how to participate in Commission proceedings, see Broadcasting and Telecom Information Bulletin 2010-959 and the Commission's web page on [how to participate in public proceedings](#).

⁴ These categories are set out at paragraph 4 of Broadcasting and Telecom Information Bulletin 2010-961 and in subsection 55(1) of the Act. If the information does not fall into one of these categories, it cannot be filed confidentially.

⁵ This means that step four of the procedures in Broadcasting and Telecom Information Bulletin 2010-961 would not apply. Under that step, in broadcasting matters, an applicant who filed information that the Commission has determined should be disclosed can choose not to disclose it. However, in this case, the information can no longer be used as evidence and the Commission will not consider it in making its decision (subsection 34(2) of the Rules of Procedure).

CRTC 2010-961, 23 December 2010, modified by Broadcasting and Telecom
Information Bulletin CRTC 2010-961, 26 October 2012

- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom
Information Bulletin CRTC 2010-959, 23 December 2010