

# SCC Allows Interveners for Key Freedom of Expression Case

In *Minister of Public Safety and Security (Formerly the Solicitor General), et al. v. Criminal Lawyers Association*,<sup>[1]</sup> the Supreme Court of Canada (SCC) recently allowed various interveners time to reply in this important case dealing with limits on the right to freedom of expression. The issue at stake is whether or not there is a right to freely obtain certain types of information from the government. It became an issue when a judge presiding over a new trial for several men convicted of first degree murder found that police were negligent in not disclosing and maintaining pertinent evidence. An internal Ontario Provincial Police (OPP) investigation found no evidence to support the judge's claim. Subsequent to the OPP investigation, the Criminal Lawyers Association (CLA) applied to obtain records relating to the investigation under provincial privacy legislation.<sup>[2]</sup> Numerous tribunals denied the CLA requests.<sup>[3]</sup> The Ontario Court of Appeal agreed with the CLA, saying it violated the right to freedom of expression under the *Charter of Rights and Freedoms*.<sup>[4]</sup> A Supreme Court hearing of the appeal is expected on December 11, 2008.<sup>[5]</sup>

---

[1] Leave granted November 29, 2007, on S.C.C. No. 32172.

[2] *Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31*.

[3] *Ontario (Solicitor General) (Re), 2000 CanLII 20776 (ON I.P.C.); Criminal Lawyers' Association v. Ontario (Ministry of Public Safety and Security) (2004), 70 O.R. (3d) 332 (Div. Ct.)*.

[4] *The Criminal Lawyers' Association v. Ontario (Public Safety and Security) (2007), 86 O.R. (3d) 259 (C.A.)*.

[5] Supreme Court of Canada, Docket No. 32172.