



# CRTC Code of Conduct

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## Introduction

As employees of the CRTC, we each play an important role in upholding the reputation of the Commission and the public service by respecting and demonstrating the integrity, objectivity and the impartiality of public institutions, both during and outside work hours.

The Values and Ethics Code for the Public Sector and the CRTC Code of Conduct provide us with guidance and support in our activities. As an independent administrative tribunal responsible for regulating and supervising the Canadian communication system, the CRTC has developed its own code of conduct outlining CRTC specific values and expected behaviours that support and augment the Values and Ethics Code for the Public Sector.

The CRTC Code of Conduct has been developed in collaboration with the CRTC's Corporate Human Resource Committee, the Direct Reports Committee and with input from CRTC staff.

## Objectives of the CRTC Code of Conduct

The *CRTC Code of Conduct* is intended to support and augment the values and expected behaviours of the *Values and Ethics Code for the Public Sector* by identifying Commission-specific values and expected behaviours.

While not addressing every question that could arise, our Code will help to guide our actions, promote dialogue between managers and employees, and resolve ethical issues.

The *CRTC Code of Conduct* recognizes the *Values and Ethics Code for the Public Sector* as the key document outlining the values and expected behaviours that guide public servants in all activities related to their professional duties.

The *Values and Ethics Code for the Public Sector* is intended to clarify the role and expectations of public servants within the framework of Canadian parliamentary democracy as laid out in the *Constitution Act* and the basic principle of responsible government, according to which the powers of the Crown are exercised by ministers who are in turn accountable to Parliament.

## Application

Effective September 6, 2012, the *CRTC Code of Conduct* applies to all individuals employed by the CRTC, including the Chairperson. The Commissioners are governed by their own values and ethics instruments, which are referred to below.

## Roles and Responsibilities

### Employees

As employees, we all have a responsibility to promote a respectful workplace at the CRTC, and to exercise good judgment in our actions. This includes:

- Becoming familiar with and adhering to the *Values and Ethics Code for the Public Sector* and the *CRTC Code of Conduct*;
- Attesting in letters of offer and annually that we are aware of and respect the Codes; and
- Seeking assistance when we have a question or ethical issue related to our work.

The *Values and Ethics Code for the Public Sector* points out that public servants have a fundamental role to play in serving Canadians, communities and the public interest, in accordance with the law. As professionals whose work contributes to Canada's well-being and the enduring strength of the Canadian democracy, we uphold the public trust. By committing to these values, adhering to the expected behaviours and using our good judgement, we strengthen the ethical culture of the public sector and contribute to the maintenance of public confidence in the integrity of all public institutions.

Adhering to these two Codes is a condition of employment for employees at the CRTC.

### Chairperson

The Chairperson is accountable for fostering a respectful workplace and a positive culture of values and ethics at the CRTC. This includes:

- Establishing a code of conduct for the CRTC, including Commission-specific values and expected behaviours;
- Ensuring that there are tools and training for managers and employees to help foster a respectful workplace; and
- Identifying senior officials and appropriate mechanisms to provide advice and assistance to managers and employees on questions of values and ethics at the CRTC.

In addition to the *Values and Ethics Code for the Public Sector* and the *CRTC Code of Conduct*, the Chairperson is subject to the *Conflict of Interest Act*, the *Ethical Guidelines and Statutory Standards of Conduct*, and the *Guidelines for the Political Activities of Public Office Holders*.

## Vice-Chairpersons and Commissioners

The Vice-Chairpersons and Commissioners recognize and respect that they are supported in their decision-making by federal public servants who are bound by the terms of both the *Values and Ethics Code for the Public Sector* and the *CRTC Code of Conduct*. The Vice-Chairpersons and Commissioners are also subject to specific statutes and guidelines that govern the conduct and actions of Governor in Council appointees while in office, specifically the *Conflict of Interest Act*, the *Ethical Guidelines and Statutory Standards of Conduct*, and the *Guidelines for the Political Activities of Public Office Holders*.

## Managers

In addition to respecting, adhering to and demonstrating the values set out in the Codes in their own activities, managers at all levels have an additional responsibility to support and promote the Codes in their organization by understanding, demonstrating and encouraging dialogue about the values and expected behaviours and their application in the workplace.

## Senior Officers

The Chairperson has designated three Senior Officers with responsibilities related to the *CRTC Code of Conduct*. The list of CRTC Senior Officers is found on the *Respectful Workplace* page on the Zone. A brief outline of the roles and responsibilities of each Senior Officer is included below.

### Champion for Values and Ethics

The Champion for Values and Ethics is designated by the Chairperson to inform, support and advise us on our professional conduct in connection with the Codes. The Champion ensures that tools and training designed to help foster a respectful workplace are available, and that mechanisms are in place so that we can obtain information to resolve conflicts about values and ethics in the workplace.

### Senior Official for Conflict of Interest

The Senior Official for Conflict of Interest is designated by the Chairperson to provide us with guidance and help us minimize the possibility of conflicts arising between our private interests and our public service duties. The Senior Official for Conflict of Interest will provide general information and advice about conflicts of interest. When we have a potential conflict of interest and complete a Confidential Report, the Senior Official will also make recommendations to the Chairperson about the situation.

Please see Appendix B of this Code for the CRTC Conflict of Interest Guidelines.

### Senior Officer for Disclosure of Wrongdoing

The Senior Officer for Disclosure of Wrongdoing helps promote a positive environment for disclosing wrongdoing and deals with disclosures of wrongdoing made by employees. The Senior Officer is responsible for supporting the Chairperson in meeting the requirements of the *Public Servants Disclosure Protection Act* (PSDPA).

Please see Appendix E of this Code for the CRTC Guidelines on Disclosure of Wrongdoing.

## **Human Resources**

Human Resources is responsible for advising the Corporate HR Committee, the Operations Committee, senior officials or officers, and managers on the development and implementation of the Codes and related programs and initiatives, and to provide information to employees. It is responsible for monitoring the implementation of the Codes, reporting to the Corporate HR Committee and Executive Management Committee on their implementation, and recommending changes as required. It prepares reports to central agencies as required.

## **Unions**

Unions are responsible for advising employees on the Codes, assisting them in identifying issues and conflict resolution mechanisms, and providing support in dealing with ethical issues. Through their participation on the CRTC Corporate HR Committee and the Labour-Management Consultative Committee, they provide input to the *CRTC Code of Conduct* and supporting information.

# **Essential values and behaviors for the Public Sector and the CRTC**

## **Essential values and expected behaviours for the Public Sector**

As federal public servants, we are expected to conduct ourselves in accordance with the following values and expected behaviours of the public sector as set out in the *Values and Ethics Code for the Public Sector*. Similarly, we can expect to be treated in accordance with these values by our organization.

### **1. Respect For Democracy**

The system of Canadian parliamentary democracy and its institutions are fundamental to serving the public interest. Public servants recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to our democratic system.

Behaviours: Public servants shall uphold the Canadian parliamentary democracy and its institutions by: respecting the rule of law and carrying out their duties in accordance with legislation, policies and directives in a non-partisan and impartial manner; loyally carrying out the lawful decisions of their leaders and supporting ministers in their accountability to Parliament and Canadians; and by providing decision makers with all the information, analysis and advice they need, always striving to be open, candid and impartial.

### **2. Respect For People**

Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. The diversity of our people and the ideas they generate are the source of our innovation.

Behaviours: Public servants shall respect human dignity and the value of every person by: treating every person with respect and fairness; valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce; helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination; and working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.

### **3. Integrity**

Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and impartiality of the federal public sector.

Behaviours: Public servants shall serve the public interest by: acting at all times with integrity and in a manner that will bear the closest public scrutiny, an obligation that may not be fully satisfied by simply acting within the law; never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others; taking all possible steps to prevent and resolve any real, apparent or potential conflicts of interest between their official responsibilities and their private affairs in favour of the public interest; and acting in such a way as to maintain their employer's trust.

#### **4. Stewardship**

Federal public servants are entrusted to use and care for public resources responsibly, for both the short term and long term.

Behaviours: Public servants shall use resources responsibly by: effectively and efficiently using public money, property and resources managed by them; considering the present and long-term effects that their actions have on people and the environment; and acquiring, preserving and sharing knowledge and information as appropriate.

#### **5. Excellence**

Excellence in the design and delivery of public sector policy, programs and services is beneficial to every aspect of Canadian public life. Engagement, collaboration, effective teamwork and professional development are all essential to a high-performing organization.

Behaviour: Public servants shall demonstrate professional excellence by: providing fair, timely, efficient and effective services that respect Canada's official languages; continually improving the quality of policies, programs and services they provide; fostering a work environment that promotes teamwork, learning and innovation.

We are also expected to conduct ourselves in accordance with the *Policy on Conflict of Interest and Post-Employment*, which elaborates on the essential values and expected behaviours contained in the *Values and Ethics Code for the Public Sector*.

## **Essential values and expected behaviours for the CRTC**

In addition to supporting and demonstrating the public sector values and expected behaviours set out above, as employees of an administrative tribunal we have our own culture and values. Therefore, we also strive to respect the following CRTC-specific values and expected behaviours.

### **1. Confidentiality**

Confidentiality refers to the way that we treat and divulge information, whether the manner is formal or informal. We recognize that in the course of our work we may have access to personal, confidential or other sensitive information, and that we have a responsibility to safeguard that information appropriately.

Behaviours: During the course of our work, we keep all Commission activities and decisions confidential until they are made available publicly on our website.

We respect the privacy of individuals who deal with the Commission by protecting their personal information, as required by the *Privacy Act*.

We safeguard all confidential information provided to the Commission as part of a public process or any other submission.

For additional guidance on confidentiality, please refer to Appendix A – Dissemination of Information.

### **2. Impartiality**

Impartiality refers to the treatment of a person or situation by removing all preferences and biases. We recognize that we must be fair, objective and neutral when gathering and analysing information to make recommendations to the Commission.

Behaviours: We do not give preferential treatment or assistance to any person or entity, including friends or family members, when making decisions or participating in any decision-making process, whether as part of a public proceeding, a staffing process, or any other process.

We provide decision-makers with all information, analyses and advice they may need, while making every effort to be open and impartial in presenting a complete and accurate picture of each file.

We achieve our tasks and organize our private affairs in a manner that allows the public to be confident about the integrity, objectivity, and impartiality of the CRTC and all public institutions.

We do not accept or solicit gifts from parties outside the CRTC to be used at Corporate or fundraising events. For additional guidance on impartiality, please refer to Appendix A – Dissemination of Information, Appendix B – Conflict of Interest, and Appendix C – Post-Employment.

### **3. Respect for diversity**

Recognizing that differences between employees are a source of strength for the Commission, we respect diversity. We also recognize the diversity of characteristics and needs of the population we serve.

Behaviours: We respect the requirements and spirit of the *Canadian Human Rights Act*, the *Employment Equity Act*, and the *Official Languages Act*.

We work together in a respectful workplace where people with a variety of backgrounds and viewpoints contribute to our ability to provide effective and fair services to Canadians.

To support us in giving effect to these values and behaviours, the following appendices have been developed as a complement to these CRTC-specific values and expected behaviours.

- [Appendix A – Dissemination of Information](#)
- [Appendix B – Conflict of Interest](#)
- [Appendix C – Post Employment](#)
- [Appendix D – Employment of Relatives](#)
- [Appendix E – Disclosure of Wrongdoing](#)

## **Consequences**

We are aware that any of our actions that breach the Codes can negatively affect the public's perception of all public servants and the reputation of the CRTC and the public service.

We are aware that if we breach the Codes we may be subject to corrective or disciplinary measures, in accordance with the provisions of the Treasury Board *Guidelines for Discipline*.

## **Avenues for Resolution**

The expected behaviours are not intended to address every possible ethical issue that might arise in the course of our daily work. When ethical issues arise, we should discuss and resolve these matters with our immediate supervisor. We can also seek advice and support from Human Resources, our union representative, or the senior managers responsible for disclosure, conflict of interest or values and ethics.

We are all expected to resolve issues in a fair and respectful manner and consider informal processes such as dialogue or mediation.

## **Monitoring**

Human Resources will periodically review the implementation of the *CRTC Code of Conduct* and report to the Corporate HR Committee and Operations Committee. The *CRTC Code of Conduct* will be revised and updated as required.

## **Information**

For more information about values and ethics, the *Values and Ethics Code of the Public Sector* and the *CRTC Code of Conduct*, please contact the Champion of Values and Ethics or Human Resources by phone at 997-2219 or by email at: \*HR Assistance RH.

You can also visit the Respectful Workplace page on the Zone or the Treasury Board [Values and Ethics website](#); or the website for the [Office of the Public Sector Integrity Commissioner of Canada](#).

## **Appendices**

## **Appendix A – Dissemination of Information**

### **Confidentiality and Privacy**

We are all responsible for maintaining the confidentiality of matters and certain kinds of information that are before the Commission. This includes matters that we are directly involved with or have knowledge of. We understand that the release of even a small amount of confidential information may, when added to information available through other sources, reveal a substantial amount of confidential information.

There are several pieces of legislation that deal with the confidentiality of commercially-sensitive information and personal information held by the Commission, such as the *Telecommunications Act*, the *Access to Information Act*, and the *Privacy Act*. The *CRTC Rules of Practice and Procedure* also includes provisions relating to confidentiality<sup>1</sup>. Reference to these documents as well as the Commission's *Release and Protection of Information Guideline* will assist in determining the approach to information under the control of the Commission.

With regard to personal information, even within the Commission, we are expected to keep personal information of parties or members of the public confidential as much as possible. For example, when consulting another staff member about a complaint made by a member of the public, we can pose questions that focus on the substance of the complaint without using the person's name. We are also cautious when answering questions about Commission staff in order to avoid revealing personal information about them.

When applicants or other parties who have an interest in our processes come to us with questions or seeking information about applications, we can provide feedback on questions that relate to process. For example, we can answer questions about what content needs to be covered in an intervention, an application, or another document by referring parties to the Notice of Consultation or the procedural letter that initiated the process, the request for information, the *CRTC Rules of Practice and Procedure*, or past decisions that dealt with similar issues. We can also give limited information about substance to provide background information, on the Commission's general approach to applications for costs or its historical approach to an issue. Staff involved in mediation and arbitration must be careful to respect the confidentiality associated with each process.<sup>2</sup>

The CRTC's decisions speak for themselves. In general, we do not explain or justify CRTC decisions to others<sup>3</sup>. We can, however, point people to the part of the decision which contains the analysis that went into making the final determination.

### **External Contact**

Formal and informal contacts with parties with an interest in the communications industry are essential to maintaining and enhancing our expertise and knowledge. Such contact can include facility tours, seminars, social events, conferences and informational meetings and presentations such as those held before FCM. At the same time, we need to act in a way that protects confidential information, ensures fairness and maintains the Commission's impartiality. This includes ensuring that we meet with representatives of the range of interests dealt with by the Commission, which allows us to keep an even hand as between the various players.

### **Meetings**

Certain types of meetings can present a risk to the integrity of the CRTC's processes. If we have any questions about whether or not a proposed meeting could create a perception of bias on the part of the Commission, we consult our supervisor.

Because of the confidentiality of CRTC decision-making and the importance of not only being, but also being seen, to be fair and impartial at meetings with parties before the CRTC, we may not discuss matters before the Commission. To make it clear to all participants that such matters are not to be discussed, we prepare an agenda for meetings with parties and intervene during the meeting if the conversation appears to be moving to a topic before the Commission. Information from such meetings that may be relevant to any future proceeding must be filed on the record of that proceeding in order to be considered by the Commission. Otherwise, other parties to the proceeding would not be aware of or have the opportunity to comment on the information.

When arranging a meeting or consultation with outside parties, it is a courtesy to remind them (preferably in writing) that, in accordance with the *Access to Information Act* (ATIA), any records and materials from the meeting that are left behind are under the control of the Commission and are therefore subject to the ATIA. Such correspondence is another opportunity to remind participants that matters currently before the Commission are not to be raised.

## **Staff Opinions**

From time to time, parties contact Commission staff for staff's opinion on issues. When providing an opinion in these circumstances, particularly to those unfamiliar with Commission practices, after acting with due diligence to ensure the correctness of the views expressed given the information presented, we make it clear that this is a staff opinion and does not bind the Commission in any way. A Commission determination can also be requested. We also keep detailed notes of any opinion provided.

## **Appendix B - Conflict of interest**

Conflict of interest refers to a situation where an employee may favour their personal interest or that of a family member, friend, or any other person. A conflict of interest can be real or perceived. We must always consider how our actions could be perceived by others.

### **Gifts and hospitality**

As a general rule, we are not allowed to accept gifts, hospitality or other benefits. Any exceptions other than those stipulated in the *Values and Ethics Code for the Public Sector* must be brought to the attention of and discussed with our managers.

We do not accept or solicit gifts from any parties to be used at Corporate or fundraising events. Any exceptions to this must be approved by the Chairperson.

Gifts and hospitality may be accepted only if they are considered a normal expression of courtesy (i.e. a meal during a meeting) and it would not be reasonable to conclude that the gift is an attempt to influence the employee's judgement or the way in which the work will be done. If you are in doubt about the appropriateness of a gift, or if you receive a gift that could be inappropriate but you are not able to refuse it, you must inform your supervisor.

### **Assets and interests**

Because of the nature of the CRTC's work, we need to make sure any investments we have as individuals do not present a real, potential or apparent conflict of interest with the CRTC's activities. Therefore, employees should not have or hold shares in, have obligations toward or play a role in the administration or management of, or influence in any way the industries that have an interest in the Commission decisions.

When we first start working at the CRTC, we must identify the assets and interests we hold by completing a Confidential Report. If at any time we make changes to our investments or interests that may present a conflict, we must provide an updated Confidential Report to HR, who will coordinate the review of the request by the Senior Official for Conflict of Interest.

### **Outside Activities**

When we first start working at the CRTC, or when we undertake a new outside activity, we must complete a Confidential Report to identify those outside activities which could relate to the CRTC's mandate and forward it to HR, who will coordinate the review by the Senior Official for Conflict of Interest.

Our employees can have a private sector job outside of the CRTC or run a small business, providing these activities do not conflict with the CRTC mandate or our own duties. If our work or business could lead to a relationship with a company, individual or organization that brings matters before the CRTC, we must complete a Confidential Report. Such a relationship might create the impression that the company, individual or organization receives special treatment by the CRTC. The Senior Official will review the situation to advise whether there is a real, potential or apparent conflict of interest.

If the Senior Official decides that a conflict exists, we might be asked to limit or change our activity or involvement with the company or individual, or stop the activity altogether.

If we are in doubt about a relationship, we will contact Human Resources.

## **Appendix C - Post-Employment**

The requirements for confidentiality about CRTC matters continue after leaving the CRTC. When our EX minus 1 level employees and above leave the Commission, they must continue to keep confidential CRTC information that is not publicly available.

While we have the right to seek and accept outside employment, our EX minus 1 level employees and above must be careful to minimize the possibility of real, apparent or potential conflicts of interest between their new employment and their most recent responsibilities within the CRTC. Before leaving the CRTC, we should complete a Confidential Report to disclose future employment intentions and discuss potential conflicts and how to mitigate them with the Senior Official for Conflict of Interest.

For the first year after leaving the CRTC, our EX minus 1 level employees and above must not represent a company or individual before the CRTC. This includes:

- sitting as a witness;
- acting as an advisor/counsel;
- serving as an official representative at hearings;
- signing correspondence sent to the CRTC; and/or
- attending meetings with the CRTC or CRTC staff.

During this time, however, it is acceptable to make routine requests for information.

## **Appendix D - Employment of Relatives**

### **Guidelines on Working Relationships with Relatives and Associates**

The Guidelines on Working Relationships with Relatives and Associates are for managers and employees who, in the course of their duties, are required to deal with relatives or associates.

## **Appendix E - Disclosure of Wrong-doing**

In accordance with the internal disclosure procedures established under the *Public Servants Disclosure Protection Act* (PSDPA) the Senior Officer for Internal Disclosure's duties and powers at the CRTC include the following:

- Providing information, advice and guidance to employees regarding the CRTC's internal disclosure of wrong-doing procedures, including the making of disclosures, the conduct of investigations into disclosures, and the handling of disclosures made to supervisors.
- Receiving and recording disclosures and reviewing them to establish whether there are sufficient grounds for further action under the PSDPA.
- Managing investigations into disclosures of wrong-doing, including determining whether to deal with a disclosure under the PSDPA, initiate an investigation or cease an investigation.
- Coordinating handling of a disclosure with the Senior Officer for Internal Disclosure of another federal public sector organization, if a disclosure or an investigation into a disclosure involves that other organization.
- Notifying the person(s) who made a disclosure in writing of the outcome of any review and/or investigation into the disclosure and on the status of actions taken on the disclosure, as appropriate.
- Reporting the findings of investigations, as well as any systemic problems that may give rise to wrongdoing, directly to the Chairperson, with recommendations for corrective action, if any.

As provided by sections 12 and 13 of the PSDPA, if you have information that could indicate a serious breach of the *Values and Ethics Code for the Public Sector* you can bring the matter, in confidence and without fear of reprisal, to the attention of your immediate supervisor, the Senior Officer for Internal Disclosure or the Public Sector Integrity Commissioner.

## **Reference documents**

### **Legislation**

[The Constitution Act](#)  
[Canadian Human Rights Act](#)  
[Official Languages Act](#)  
[Employment Equity Act](#)  
[Public Service Employment Act](#)  
[Financial Administration Act](#)  
[Public Service Labour Relations Act](#)  
[Public Servants Disclosure Protection Act](#)  
[Conflict of Interest Act](#)  
[Lobbying Act](#)  
[Access to Information Act](#)  
[Canadian Charter of Rights and Freedoms](#)  
[Criminal Code](#)  
[Privacy Act](#)

## Related Publications

[Values and Ethics Code for the Public Sector](#)  
[Collective Agreements](#)  
[Informal Conflict Management System \(ICMS\)](#)

## Policies

[Policy on Conflict of Interest and Post-Employment \(TBS\)](#)  
[Policy on Prevention and Resolution of Harassment in the Workplace \(TBS\)](#)  
[Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service](#)

## Guidelines

[Guidelines for Discipline \(TBS\)](#)

## Directive

Directive on Reporting and Managing Financial Conflicts of Interest (TBS) (yet to be published)

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## Notes:

[1] Including Rules 38 and 39 regarding *in camera* hearings such as the parties' ability to designate as confidential some or all of the transcripts of in camera hearings.

[2] See *Practices and procedures for staff-assisted mediation, final offer arbitration, and expedited hearings* Broadcasting and Telecom Information Bulletins CRTC 2009-38 and 2009-38-1, 29 January 2009 at <http://www.crtc.gc.ca/eng/archive/2009/2009-38.htm>.

[3] There are limited exceptions to this general rule. For example, the Commission's confidentiality practices in telecommunications costing proceedings can make it difficult for parties to understand how the final numbers were determined. Subject to approval by the Director General, it would be appropriate for staff to explain the mathematics of the numbers provided by a particular party, without revealing information about any other party. Staff may also be able to provide information to an applicant about why his or her financial capacity was not considered sufficient in assessing an application for a broadcasting licence.

### Date modified:

2012-11-20