

Re: Complaint against CRTC 5822-03031- CRTC file A-2022-00010

Monica Auer [REDACTED]

Wed, Sep 14, 10:33 AM (1 day ago)

to [REDACTED]

Good morning,

This note is further to your e-mail to me of 8 Sept/22 in which you note CRTC's representations regarding its request for 90 days (30 days + an additional 60 days) to complete my request of 6 July 2022 for the names of the CRTC Commissioners who made Decision 2022-175 (of 29 June 2022).

As you may recall, I responded to your email the same day (8 Sept/22), to say that I disagreed with the length of the CRTC's request.

I have not (to the best of my knowledge) received your response.

Dr. Michael Geist has today tweeted about Decision 2022-175. He apparently also asked the CRTC for information about the 2022-175 decision.

Dr. Geist had asked, however, for the actual minutes of the CRTC's meetings related to 2022-175: it turns out that despite the many, many, many difficulties it foresaw in providing me with simply the names of the CRTC commissioners who voted on the decision, it was able to provide him with the CRTC's actual minutes yesterday - which, incidentally, showed the names not only of the CRTC Commissioners who attended the meeting about 2022-175, but how they voted:

Twitter post by Michael Geist (@mgeist) · Sep 14

CRTC decided Radio-Canada case on content regulation in Nov 2021. Sat on ruling for nearly 8 months, releasing "after" Bill C-11 passed and CBC renewal released. Kept commissioner voting secret and misled committee. @pablorodriguez how is this acceptable?

According to documents I obtained under ATIP, the CRTC sat on the Radio-Canada ruling for nearly 8 months having reached a 6-3 split decision in November 2021. Yet it was only released in late June 2022, after Bill C-11 was passed in the House. Why? michaelgeist.ca/2022/09/mislea...

DECISION: FOLLOW-UP: Complaint against the SRC concerning the use of an offensive word on air (DM# 4108309)

The Commission:

- determined that the content broadcast was not consistent with the professional best practices expected of a public broadcaster and was contrary to the objectives of the *Broadcasting Act*, specifically paragraphs 3(1)(d) and 3(1)(g), and subparagraph 3(1)(m)(viii); and
- determined that corrective measures be imposed on the SRC.

Note:

- Vice-Chairperson Simard, Commissioner Lafontaine and Commissioner Levy voted against the decision. Vice-Chairperson Simard and Commissioner Levy indicated their intention to write a dissent and have it attached to the decision.

As the CRTC was able to provide Dr. Geist with the information I requested, and well before the 4 October 2022 deadline it purported to meet for my simpler request, I am asking that your office find the CRTC in breach of the requirements of the *Access to Information Act* and that this breach be reported in the Commissioner's forthcoming annual report to Parliament.

I am also asking that the CRTC be **required** to provide its response to my request **forthwith**, for two reasons. First, the CRTC has not posted its answer to Dr. Geist on its website (as of 10:15 am this morning), and second, the fact that the CRTC has chosen to answer Dr. Geist before answering my request does not remove its obligation

a) to explain the factual disconnection between its argument to your office that meeting my request would take 90 days and its concomitant response today to Dr. Geist, and

b) to answer my request.

Thank you for your time and consideration of my request.

Monica Auer.

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