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FEDERAL COURT

BETWEEN:



MATTHEW MALONE

- and -

GOVERNOR OF THE BANK OF CANADA

Applicant

Respondent

APPLICATION PURSUANT TO SECTION 41(1) OF THE *ACCESS TO INFORMATION ACT*, RSC 1985, c A-1

NOTICE OF APPLICATION

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Applicant. The relief claimed by the Applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The Applicant requests that this application be heard at Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the [Federal Courts Rules](#) and serve it on the Applicant's solicitor or, if the Applicant is self-represented, on the Applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the [Federal Courts Rules](#), information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date	_____	Issued by	<table border="1"><tr><td>Issued on: March 13, 2026</td></tr><tr><td>Issued by: Kimi Cheong (Registry Officer)</td></tr><tr><td>Address of Local Office: Toronto Local Office / Bureau local de Toronto 180 Queen St. W., Suite 200/180, rue Queen O., Bureau 200 Toronto, Ontario M5V 3L6</td></tr></table>	Issued on: March 13, 2026	Issued by: Kimi Cheong (Registry Officer)	Address of Local Office: Toronto Local Office / Bureau local de Toronto 180 Queen St. W., Suite 200/180, rue Queen O., Bureau 200 Toronto, Ontario M5V 3L6
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TO: **GOVERNOR OF THE BANK OF CANADA**
Bank of Canada
234 Wellington Street
Ottawa, ON K1P 1K9

AND TO: **ATTORNEY GENERAL OF CANADA**
Ontario Regional Office
Department of Justice Canada
120 Adelaide Street West
Suite #400
Toronto, Ontario M5H 1T1

Telephone: 416-973-0942
Fax: 416-954-8982

AGC_PGC_TORONTO.LEAD-DCECJ@JUSTICE.GC.CA

AND TO: **INFORMATION COMMISSIONER OF CANADA**
Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, QC K1A 1H3

APPLICATION

1. This is an Application for judicial review pursuant to subsection 41(1) of the *Access to Information Act*, RSC 1985, c A-1 (“ATIA”) of the decision by the Governor of the Bank of Canada to withhold salary, bonus, at-risk pay, and performance pay records (the “Compensation Records”) requested by the Applicant in his access to information request to the Bank of Canada, bearing reference number A-2024-00035.

Relief Sought

2. The Applicant seeks:

- (a) an Order quashing the Respondent’s decision to withhold the Compensation Records;
- (b) an Order directing the Respondent to reconsider the request for disclosure in accordance with the Court’s reasons;
- (c) in the alternative, an Order directing the Respondent to disclose the Compensation Records, subject to any redactions the Court deems appropriate; and
- (d) such further and other relief as Counsel may advise and this Honourable Court deems just.

Grounds for the Application

The Applicant

3. The Applicant, Matthew Malone, is a Balsillie Fellow at the Balsillie School of International Affairs, an Academic Partner at the Investigative Journalism Foundation, and the Founder of the Open by Default database.

4. The Open by Default database compiles information and documents released by the Government of Canada in response to requests for information made pursuant to the ATIA. That database aims to advance the public interest in government accountability and transparency, particularly by supporting the work of investigative journalists.

The Respondent

5. The Bank of Canada a body corporate existing pursuant to the *Bank of Canada Act*, RSC 1985, c B-2. The Bank of Canada exists as the nation's central bank, with a statutory purpose to regulate credit and currency in the best interests of the economic life of the nation's economy. It is a Crown corporation owned by the federal government. The Bank is under the management of a Board of Directors composed of a Governor, a Deputy Governor, and twelve directors.

6. While requests pursuant to section 6 of the ATIA are made to government institutions, heads of those institutions are designated to make decisions regarding access requests. The Governor of the Bank of Canada is so designated pursuant to section 3 and subsection 3.2(2) of the ATIA as well as section 2 of the Access to Information Act Heads of Government Institutions Designation Order, SI/83-113. Accordingly, for the purposes of subsections 41(1) and 41(5) of ATIA the Respondent in this review is the Governor of the Bank of Canada.

Background

7. On or about July 17, 2023, CTV News journalist Daniel Otis made an access to information request to the Bank of Canada pursuant to section 6 of the ATIA for the following information:

“I request a detailed, itemized and annual list of all compensation information pertaining to Bank of Canada Governors and Senior Deputy Governors from Jan. 1, 2012, to today (July 17, 2023). Such a list could include (but is not exclusive to) financial compensation such as salaries, bonuses, per diems, overtime, bilingual bonuses, at-risk pay, performance pay, vacation pay, etc. Such a list would include any and all compensation provided to Mark Carney, Stephen Poloz, Tiff Macklem, Carolyn Wilkins and Carolyn Rogers in the aforementioned time period.”

8. On or about July 25, the Bank of Canada acknowledged Otis’s request, assigning it the reference number A-2023-00042.

9. On or about November 20, 2023, the Governor of the Bank of Canada gave notice to Otis pursuant to section 7 of the ATIA that access was refused. In accordance with section 10, the Governor of the Bank of Canada stated the record requested was being withheld pursuant to the exemption for personal information under subsection 19(1).

10. On or about December 14, 2023, Otis submitted a complaint to the Office of the Information Commissioner (the “OIC”) pursuant to paragraph 30(1)(a) of the ATIA.

11. On or about June 20, 2024, Information Commissioner of Canada Caroline Maynard (the “Commissioner”) released a “final report” pursuant to subsection 37(2) of the ATIA. She concluded that the information met the requirements under subsection 19(1) and the circumstances set out in subsection 19(2) did not exist.

12. On or about August 9, 2024, Otis contacted the Applicant to inform him about the Commissioner's "final report" and to seek his *pro bono* assistance in filing a review pursuant to subsection 41(1) of the ATIA. While the Applicant was amenable to offering *pro bono* assistance to Otis, the Applicant was travelling for work at the time Otis contacted him. The filing deadline prescribed by subsections 41(1) and 41(6) passed during this time. Otis desired to reset this deadline by submitting a new request that was a verbatim version of A-2023-00042. However, to avoid any risk that doing so would trigger paragraph 30(4)(b), Otis and the Applicant decided that the Applicant should file the request.

The Applicant's ATIA Request

13. On or about August 26, 2024, the Applicant made an access request to the Bank of Canada pursuant to section 6 of the ATIA that was a verbatim copy of Otis's earlier request. The Respondent gave the Applicant's request the reference number A-2024-00035.

14. In response to that request, the Respondent identified certain relevant and responsive records (as defined above, the “Compensation Records”).

15. On or about October 2, 2024, the Respondent gave notice pursuant to section 7 of the ATIA. In accordance with section 10, the Respondent informed the Applicant he would fully withhold the Compensation Records pursuant to the personal information exemption in subsection 19(1).

16. On or about October 16, the Applicant submitted a complaint to the Commissioner pursuant to paragraph 30(1)(a) of the ATIA.

17. On or about November 8, 2024, the Commissioner notified the Applicant that she intended to commence an investigation pursuant to section 32 of the ATIA.

18. During the Commissioner's investigation, the Respondent conceded that the positions of the individuals concerned by the Applicant's request were not eligible for overtime or a bilingual bonus and the individuals did not receive vacation payouts or per diem during the requested time frame. Accordingly, on or about November 6, 2025, the Respondent disclosed this information to the Applicant.

19. The Applicant continued his complaint for the Compensation Records that remained withheld pursuant to the personal information exemption in subsection 19(1).

The Commissioner's "Final Report" and Decision

20. On or about January 21, 2026, the Commissioner issued a "final report" on the Applicant's complaint, bearing file reference number 5824-02573. The Commissioner found the Applicant's complaint "well founded, as portions of the information initially withheld by the Bank did not meet the requirements of the exemption." However, the

Commissioner also concluded the undisclosed Compensation Records met the requirements under subsection 19(1) and the circumstances set out in subsection 19(2) did not exist.

21. On January 30, 2026, the OIC amended her “final report” bearing the same file reference number. She made a factual amendment and confirmed her decision.

This Application

22. The Respondent’s decision to withhold information in the Compensation Records from disclosure on the basis of subsection 19(1) of the ATIA was incorrect, unreasonable, and/or otherwise unlawful, breached the duty of fairness and principles of natural justice, and breached duties established by the ATIA.

23. The Compensation Records do not contain personal information. As such, the Compensation Records should not be withheld pursuant to the exemption for personal information in subsection 19(1) of the ATIA.

24. Further, and in the alternative, the Respondent did not reasonably exercise its discretion under subsection 19(2) of the ATIA.

25. Pursuant to subsection 41(1) of the ATIA, the Applicant seeks review of the matter whether the Compensation Records are exempted from disclosure pursuant to the exemption for personal information in section 19.

Rules and Provisions

26. The Applicant relies on:

- (a) Federal Courts Act, RSC 1985, c F-7;
- (b) Federal Court Rules, SOR/98-106;
- (c) Access to Information Act, RSC 1985, c A-1, ss. 19, 25, 41, 44.1, 48, 49, and 50;
- (d) Privacy Act, RSC 1985, c P-21, ss. 3 and 8; and
- (e) Bank of Canada Act, RSC 1985, c B-2, ss. 3, 5, and 6.

27. Such further and other grounds as counsel may advise and this Honourable Court permit.

Supporting Material

28. Affidavit of Matthew Malone to be sworn and filed;

29. Affidavit of Daniel Otis to be sworn and filed; and

30. Such further and other materials as counsel may advise and this Honourable Court permit.

Dated the 9th day of March 2026



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