C A N A D A
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

COMMISSION D'ACCÈS À L'INFORMATION

McGILL UNIVERSITY, having its principal place of business at James Administration Building, 845 Sherbrooke Street West, Montréal (Québec) H3A 0G4;

Petitioner

v.

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

and

[redacted]

Respondents

MOTION TO BE AUTHORIZED TO DISREGARD REQUESTS THAT ARE IMPROPER BECAUSE OF THEIR NUMBER AND SYSTEMATIC NATURE

The petitioner

1. The petitioner, The Royal Institution for the Advancement of Learning - McGill University ("McGill") is a university institution mentioned at paragraph (2) of section 1 of the *Act respecting Educational institutions at the university level*, R.S.Q. c. E-14.1, and as such is a public body for the purposes of the *Act respecting Access to documents held by public bodies and the protection of personal information*, R.S.Q. c. A-2.1 ("*Access to information Act*");

The context

2. On or about October 12, 2012, seven months after the shutdown of the anonymous website mcgillleaks.wordpress.com, the respondent Christopher Bangs launched a free website compiling various documents and information about McGill, the whole as it appears from an excerpt of the website mcgillileaked.wordpress.com ("McGilliLeaked") that is meant to encourage people to submit access to information requests to the petitioner (**P-1**);

3. The majority of the documents and information published on McGilliLeaked were obtained by students and student journalists of The McGill Daily and The Link (Concordia University), including by the respondent Christopher Bangs, who for a little more than a year have submitted numerous access to information requests under the *Access to information Act*, the whole as it appears from various articles published in The McGill Daily, The Concordian and La Presse (**P-2**);

4. On February 15, March 1, March 6, July 27, and August 1, 2012, McGill submitted to the Commission d'accès à l'information motions to be authorized to disregard requests because they were improper by reason of their number and their repetitious and systematic nature and because their processing would seriously interfere with the activities of the university, the whole as it appears from the motions dated February 15, March 1, March 6, July 27 and August 1, 2012 (**P-3**);

5. Starting on or about October 5, 2012, the respondents submitted a new wave of access to information requests pertaining to extremely wide matters such as all military and fossil fuels research conducted by McGill, all documents related to the Plan Nord, all memoranda of understanding and agreement between McGill and any organization or corporation or external foundation, etc., the whole as it appears from a press release dated November 13, 2012, and signed by the respondents [redacted] (**P-4**);

The access to information requests

6. On October 5, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "All Memoranda of Understanding and Memoranda of Agreement between McGill University, one of its faculties or departments, one of its centers, or any entity under the authority thereof; and any

> external entity, including but not limited to corporations, governmental bodies, foundations, grant organizations, and individuals regarding support for, research conducted by, or the use of the facilities of the Shock Wave Physics Group or the research conducted by or under the supervision of Professors David Frost, Andrew Higgins, John H.S. Lee, and Evgeny Timofeev;
>
> All information held by the University pertaining to the funding of research conducted by or under the supervision of Professors Andrew Higgins, David Frost, John H.S. Lee, and Evgeny Timofeev;
>
> All information held by the University regarding the use of the Consortium Laval UQAM McGill and Eastern Quebec Supercomputer to research military scenarios, arms, detonation, combustion, and shock waves, or to otherwise support research involving the Shock Wave Physics Group;
>
> All documents containing my name [redacted] or student ID number [redacted] that the University holds, including but not limited to academic, employment, admissions, disciplinary history, and security files."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 5, 2012 (**P-5**);

7. On October 24, 2012, McGill requested additional information to adequately process the access to information portion of the request and on October 25, 2012, received the following clarification from the respondent [redacted] :

> "The time periods you should use in locating the documents described in the first three components of my request are as follows:
>
> For the first component, all MoUs and MoAs meeting the criteria which were signed between 2000 and 2012 (inclusive), OR which were signed prior to 2000 and include a duration or term which is not yet complete, i.e. which are currently in effect.
>
> For the second component, 2000 to 2012, inclusive.
>
> For the third component, 1999 to 2012, inclusive.
>
> You request clarification of certain terms as it is intended for you to understand them in the third component. You should understand them as follows:
>
> "Military scenarios": postulated sequences or developments of events of a military nature in the context of real or simulated armed conflict between a state and another state or between a state and any non-state actor(s).

> "Arms": things designed or used for inflicting bodily harm or physical damage, or things that are or could reasonably be considered to be likely to constitute critical component parts of things designed or used for inflicting bodily harm or physical damage.
>
> "Detonation": the action of causing a bomb or explosive device to explode.
>
> "Combustion": the process whereby a sequence of chemical reactions between a fuel and an oxidant is accompanied by the production of heat and the conversion of chemical species.
>
> "Shock waves": propagating disturbances which carry energy and can propagate through a medium or a field.
>
> In locating documents relating to the last three research areas (detonation, combustion, and shock waves), you should be guided first and foremost by the uses and understandings of, and definitions given to, the terms by researchers and administrators. In contrast, in locating documents relating to the first two research areas (military scenarios and arms), you should be guided first and foremost by the understandings that I have provided above."

the whole as it appears from the correspondence sent to McGill by the respondent [redacted] on October 25, 2012 (**P-6**);

8. On October 25, 2012, McGill asked two supplementary questions regarding the definition of "arms" and the definition of "shock waves", and received the following response:

> "(...) my definition of "arms" would include knives and pellet guns, if they meet the criteria I describe in my definition. (For example, a kitchen knife would not constitute an arm.)
> My definition of "shock waves" does not specify the origin or source. Therefore, yes, research on shock waves related to natural phenomena falls under the scope of my request."

the whole as it appears from the correspondence exchanged between McGill and the respondent [redacted] on October 24 and 25, 2012 (**P-7**);

9. On October 6, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "1. A list of all funding sources for each of the laboratory facilities at McGill used by the Shock Wave Physics Group (Department of Mechanical Engineering), including the High-speed Photographic Lab, Combustion Synthesis Lab, Shock Tube Lab, Dust Combustion Lab, Molten Metal-Water Interaction Lab, SWPG Computer Room, and Combustion Chamber Lab.
>
> 2. A copy of any and all of the University's research or safety policies pertaining to the use of combustion or detonation.

> 3. The Construction Budget Report for the Combustion Chamber Lab as well as the architectural plans for the lab."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 6, 2012 (**P-8**);

10. On November 8, 2012, McGill responded to items 2 and 3 of this access to information request (P-8), as it appears from the correspondence sent to the respondent [redacted] (**P-9**);

11. On October 11, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "the names and research topics of all researchers employed by McGill who receive funding from external bodies involved in military operations, including arms manufacturers, governmental departments of defense, armed forces, and police agencies."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 11, 2012 (**P-10**);

12. On October 19, 2012, McGill requested additional information to adequately process the request but no clarification was provided by the respondent [redacted]. Therefore, on November 12, 2012, McGill responded to the request, advising the respondent [redacted] that without any clarification, the request was "not sufficiently precise to allow the document to be located, as set out in section 42 of the Act".

13. On November 13, 2012, the respondent [redacted] responded by providing the following clarification:

> **"Private military contractors**
> "AirScan", "Academi Xe Blackwater", "Boughton Protection Services", "Custer Battles", "DynCorp", "GK Sierra", Global Enforce Inc.", "Hambright Protection Services", "Halliburton", "ITT Corporation", "JaneGroup Inc.", "Jorge Scientific Corporation", "KBR", "The Intelligence Group International", "MVM, Inc.", "Northrop Grumman", "Obelisk International LLC", "Pathfinder Security Services", "Pinpoint Security Group", "Raytheon", "Red Star Aviation", "RRISC Management", "Raptor Defense", "Saber Teams LLC.", "Titan Corporation", "Triple Canopy Inc.", Versar Inc.", "Vinnell Corporation", "Wes-Intel", "Xeros Services", Grey Feather Solutions", "Defense Intelligence Service", "Tundra Security".
>
> **Arms Manufacturers**
> "Areois Defense", "Armament Technology", "Colt Canada", "Para-Ordnance Manufacturing Inc.", "Elbit Systems", "Israel Military Industries (IMI)", "Israel Weapon Industries (IWI)", "Israel Aerospace Industries (IAI)", "Rafel Advanced Defense Systems", "Oshkosh", "BAE Systems", "Alexander Arms", "Aliant Techsystems", "Armalite", "Barrett Firearms Manufacturing", "Boeing", "Boeing Defense, Space and Security", "Bell Helicopter", "Bushmaster Firearms International",

> "Detonics", "General Dynamics", "Hi-Point Firearms", "Kahr Arms", "Kel-Text CNC Industries", "Kimber Manufacturing", "Knight's Armament Company (KAC)", "Land Warfare Resources Corporation", "Lockheed Martin", "Magnum Research Inc.", :Northrop Corporation", "RND Manufacturing", "Savage Arms", "STI International", "Springfield Armory", "Strayer Voigt Inc", "Sturm, Ruger, & Co.", "THOR Global Defense Group", "Thompson", "Taser International", "Textron Systems", "U.S. Fire Arms Manufacturing Company".
>
> **Departments / Ministries of Defense and Militaries**
> Please consult these three lists for a complete list of Departments or Ministries of Defense and state militaries. The request encompasses sub-units of the departments, like the U.S. Defense Advanced Research Projects Agency (DARPA).
> http://en.wikipedia.org/wiki/List_of_militaries_by_country
> http://en.wikipedia.org/wiki/Ministry_of_Defence_(disambiguation)
> http://en.wikipedia.org/wiki/Department_of_Defence
>
> **Police Departments**
> In Canada: "Royal Canadian Mounted Police", "Canada Border Services Agency", "Correctional Service of Canada" "Parks Canada Park Wardens", "Atomic Energy of Canada Security Service", "National Battlefields Commission Battlefields Park Police", "Environmental and Wildlife Enforcement Officers", "Fishery Officers", "Postal Inspector - Security and Investigation Service", and the Service de Police de la Ville de Montreal.
> In the United States: The Department of Justice and all sub-units, the Department of Homeland Security and all sub-units, and the New York Police Department.
>
> I would like documents dating 2005 - present."

the whole as it appears from the correspondence exchanged between the respondent [redacted] and McGill on October 19, November 12 and 13, 2012 **(P-11)**;

14. On October 11, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "documents detailing all financial contributions to the Conference of Rectors and Principal [sic] of Quebec Universities in the last five years.
>
> documents dealing with any and all lobbyists or lobbying firms retained by McGill in the last five years, including dates of retention and the nature and scope of their activities."

the whole as it appears from the access to information request sent to McGill on October 11, 2012 **(P-12)**;

15. On November 12, 2012, McGill responded to the request stating that it would provide documents after receiving payment, although no response has been received; the whole as it appears from the correspondence exchanged between the respondent [redacted] and McGill on November 12, 2012 **(P-13)**;

16. On October 12, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> *"1. All documents related to Memoranda of Understanding, Memoranda of Agreement, job fair arrangements, internships, donations, speakers, research funding, contracts with and any other donations from the companies listed below;*
>
> *2. The most recent documents listing the amount of any investments held by McGill University, including in the endowment and pension funds, in the companies listed below* ***(and how much money is involved in the other financial ties);***
>
> *3. Documents listing any ties or conflicts of interest that senior university officials or professors have with the companies listed below.*
>
> *The following is the list of companies I am interested in.*
> *Baytex*
> *BP*
> *Canadian Natural Resources*
> *Cenovus Energy*
> *Chevron*
> *Enbridge*
> *Encana*
> *Imperial Oil*
> *Nexen*
> *Royal Dutch Shell Company*
> *Statoil ASA*
> *Suncor Energy*
> *Transcanada Corps*
> *Royal Bank of Canada*
>
> *Anglo American*
> *Exxon Mobil*
> *BHP Billiton*
> *Xstrata*
> *Rio Tinto*
> *Canadian Natural Resources*
> *Mitsubishi Corp*
> *Repsol YPF S.A.*
> *BG Group*
> *Inpex Corp*
> *Statoil ASA*
> *Talisman Energy Inc.*
> *RWE AG*
> *Cenovus Energy Inc*
> *EOG Resources*
> *Wesfarmers*
> *OMV*
> *Oil Search LTD*
> *EnCana Corp.*
> *Mitsui*
> *Crescent Point Energy Corp.*

AGL Energy
Tullow Oil
Santos Limited
ArcelorMittal
Cairn Energy
GDF Suez S.A.
Itochu Corp
Bonavista Energy Corp"

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 12, 2012 (**P-14**);

17. On October 19, 2012, McGill requested additional information to adequately process the request and on October 21, 2012, received the following amended request from the respondent [redacted] :

> "To answer your question about part 1, the documents that I view as most essential for the moment are
>
> - Any contracts or other agreements/memoranda
> - Funding of McGill's research by these companies
> - Donations from these companies.
>
> Would you be willing to let me know if that is narrow enough? If it's not, I suggest dropping the donations."

the whole as it appears from the correspondence exchanged between McGill and the respondent [redacted] on October 19 and 21, 2012 (**P-15**);

18. On October 13, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> 1. *"Access to all documents with my name or student I.D. number on them that the University holds, including but not limited to academic, employment, disciplinary history, and security files."*
>
> and
>
> 2. *"A full and complete list of every time my email address ([redacted]) has been accessed by anyone other than me, including the department and/or company of the individual(s) accessing it."*
>
> and
>
> 3. *"all Memoranda of Understanding and Memoranda of Agreement between the University or any organization under its purview and external governments."*
>
> and

> *4. "all Memoranda of Understanding and Memoranda of Agreement between the University or any organization under its purview and external persons."*

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 13, 2012 (**P-16**);

19. It should be noted that the wording and substance of items 3 and 4 of the respondent [redacted]'s request are identical to the wording and substance of [redacted]'s request dated October 15, 2012 (P-18);

20. On October 17, 2012, McGill verbally requested additional information to adequately process the request and on October 17, 2012, received the following clarification from the respondent [redacted] :

> "all Memoranda of Understanding and Memoranda of Agreement between the University or any organization under its purview and external corporations that are ongoing or currently in effect.
>
> all Memoranda of Understanding and Memoranda of Agreement between the University or any organization under its purview and external --specifically individuals (not companies) who give/have given money as donations or funding-- from within the last year that are ongoing or currently in effect.

the whole as it appears from the correspondence exchanged between McGill and the respondent [redacted] on October 13 and 17, 2012 (**P-17**);

21. It should be noted that the wording and substance of the respondent [redacted]'s clarification are almost identical to the clarification provided by the respondent [redacted] on October 27, 2012 (P-19);

22. On October 19, 2012, McGill requested additional information to adequately process the request and on November 10, 2012, received the following amended request from the respondent [redacted] , as well as a new request :

> "all Memoranda of Understanding and Memoranda of Agreement between the University or any organization under its purview and any Canadian or non-Canadian government agency or department or state-owned enterprise that are ongoing or currently in effect.
>
> I'd also like to submit the following new request:
>
> all Memoranda of Understanding and Memoranda of Agreement between the University or any organization under its purview and Hydro-Quebec."

the whole as it appears from the correspondence exchanged between McGill and the respondent [redacted] on October 19 and November 10, 2012 (**P-18**);

23. On October 15, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "all Memoranda of Understanding and Memoranda of Agreement between the University or any organization under its purview and external corporations.
>
> all Memoranda of Understanding and Memoranda of Agreement between the University or any organization under its purview and external foundations."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 15, 2012 (**P-19**);

24. On October 27, 2012, the respondent [redacted] provided the following additional information:

> "all Memoranda of Understanding and Memoranda of Agreement between the University or any organization under its purview and external corporations that are currently still in effect.
>
> all Memoranda of Understanding and Memoranda of Agreement between the University or any organization under its purview and external foundations that are currently still in effect."

the whole as it appears from the correspondence exchanged between McGill and the respondent [redacted] on October 27, 2012 **(P-20)**;

25. On October 15, 2012, the respondent [redacted] submitted another request to obtain a copy of the following documents and information:

> "documents detailing the costs associated with advertising the positions of Principal of McGill and Deputy Provost (Student Life and Learning), and more generally the planned and actual expenditures for filling those positions."
>
> "All communication between the Service de police de la Ville de Montreal and the Principal's Office or McGill Security Services."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 15, 2012 (**P-21**);

26. On November 14, 2012, McGill responded to the request, asking for payment for documents which could be provided, the whole as it appears from the response McGill provided to the respondent [redacted] on November 14, 2012 **(P-22)**, though, the respondent [redacted] has not replied, nor has picked up the documents;

27. On October 15, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "floor plans or maps of all buildings, tunnels and spaces maintained or operated by McGill University, including emergency exits like fire escapes."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 15, 2012 (**P-23**);

28. On November 14, 2012, McGill responded to the request, the whole as it appears from the response on November 14, 2012 **(P-24)**;

29. On October 14, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "the names and research topics of all researchers employed by McGill who receive funding from external bodies involved in military operations, including arms manufacturers, governmental departments of defense, armed forces, and police agencies.
>
> All information in VP RIR (OSR) regarding Research Proposals for Grants, Commercialization, submissions for Patents and Inventions records, and royalties from patents and inventions for research of the Shockwave Physics Group at McGill, and the research of Professors David Frost, Andrew Higgins, John H.S. Lee, George LeBlanc, and Evgeny Timofeev."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 14, 2012 (**P-25**);

30. It should be noted that the wording and substance of item 1 of the respondent Wolfe's request are identical to the wording and substance of the respondent [redacted]'s request dated October 11, 2012 (P-10);

31. On October 19, 2012, McGill requested additional information to adequately process the request, the whole as it appears from McGill correspondence (**P-26**);

32. On November 13, 2012, the respondent [redacted] provided very broad clarification as follows:

> "Please be advised of the following clarifications to my request dated October 15, 2012. As I understand the large scope of my original request, I would like to narrow the requests to concern a select group of entities from among the number requested. As such, I am requesting the names and research topics of all researchers employed by McGill who receive funding from the entities listed below from the year 2000 to the present:
>
> **Private military contractors**
> "AirScan", "Academi Xe Blackwater", "Boughton Protection Services", "Custer Battles", "DynCorp", "GK Sierra", Global Enforce Inc.", "Hambright Protection Services", "Halliburton", "ITT Corporation", "JaneGroup Inc.", "Jorge Scientific Corporation", "KBR", "The

Intelligence Group International", "MVM, Inc.", "Northrop Grumman", "Obelisk International LLC", "Pathfinder Security Services", "Pinpoint Security Group", "Raytheon", "Red Star Aviation", "RRISC Management", "Raptor Defense", "Saber Teams LLC.", "Titan Corporation", "Triple Canopy Inc.", Versar Inc.", "Vinnell Corporation", "Wes-Intel", "Xeros Services", Grey Feather Solutions", "Defense Intelligence Service", "Tundra Security".

Arms Manufacturers

"Areois Defense", "Armament Technology", "Colt Canada", "Para-Ordnance Manufacturing Inc.", "Elbit Systems", "Israel Military Industries (IMI)", "Israel Weapon Industries (IWI)", "Israel Aerospace Industries (IAI)", "Rafel Advanced Defense Systems", "Oshkosh", "BAE Systems", "Alexander Arms", "Aliant Techsystems", "Armalite", "Barrett Firearms Manufacturing", "Boeing", "Boeing Defense, Space and Security", "Bell Helicopter", "Bushmaster Firearms International", "Detonics", "General Dynamics", "Hi-Point Firearms", "Kahr Arms", "Kel-Text CNC Industries", "Kimber Manufacturing", "Knight's Armament Company (KAC)", "Land Warfare Resources Corporation", "Lockheed Martin", "Magnum Research Inc.", :Northrop Corporation", "RND Manufacturing", "Savage Arms", "STI International", "Springfield Armory", "Strayer Voigt Inc", "Sturm, Ruger, & Co.", "THOR Global Defense Group", "Thompson", "Taser International", "Textron Systems", "U.S. Fire Arms Manufacturing Company".

Departments / Ministries of Defense and Militaries

Please consult these three lists for a complete list of Departments or Ministries of Defense and state militaries. The request encompasses sub-units of the departments, like the U.S. Defense Advanced Research Projects Agency (DARPA).
http://en.wikipedia.org/wiki/List_of_militaries_by_country
http://en.wikipedia.org/wiki/Ministry_of_Defence_(disambiguation)
http://en.wikipedia.org/wiki/Department_of_Defence

Police Departments

In Canada: "Royal Canadian Mounted Police", "Canada Border Services Agency", "Correctional Service of Canada" "Parks Canada Park Wardens", "Atomic Energy of Canada Security Service", "National Battlefields Commission Battlefields Park Police", "Environmental and Wildlife Enforcement Officers", "Fishery Officers", "Postal Inspector - Security and Investigation Service", and the Service de Police de la Ville de Montreal.

In the United States: The Department of Justice and all sub-units, the Department of Homeland Security and all sub-units, and the New York Police Department.

In addition, please provide me with all information in VP RIR (OSR) regarding Research Proposals for Grants, Commercialization, submission for Patents and Inventions records, and royalties from patents and inventions for research of the Shockwave Physics Group at McGill, and the research of Professors David Frost, Andrew Higgins, John H. S. Lee, George LeBlanc, and Evgeny Timofeev."

the whole as it appears from the correspondence dated November 13, 2012 (**P-27**);

33. It should be noted that the wording and substance of the clarification provided by the respondent [redacted] are identical to the clarification of the respondent [redacted] dated November 13, 2012 (P-11);

34. On November 14, 2012, McGill responded to the request by advising the respondent [redacted] that Item 1 of his request was not sufficiently precise to allow the documents to be located without clarification and that McGill had other documents to release upon payment for Item 2, the whole as it appears from the correspondence between McGill and the respondent [redacted] on October 19, November 13 and 14, 2012 (**P-28**);

35. It should be noted that the respondent [redacted] has not replied to this correspondence, nor has he picked up the documents;

36. On October 21, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "(...) documents detailing all of the research funding sources for all professors on McGill Board of Governors during their entire tenure as professors at McGill."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 21, 2012 (**P-29**);

37. On October 24, 2012, McGill requested additional information to adequately process the request and on October 24, 2012, received the following amended request from the respondent [redacted]:

> "All of the professors currently on the Board of Governors, and their research funding throughout their entire tenure as professors."

the whole as it appears from the correspondence sent by McGill to the respondent [redacted] on October 24, 2012 (**P-30**);

38. On November 21, 2012, McGill released the requested documents, the whole as it appears from the correspondence exchanged between McGill and the respondent on November 21, 2012 (**P-31**);

39. On October 22, 2012, the respondent [redacted] submitted an additional request to obtain a copy of the following documents and information:

> "(...) the most current Declaration and Disclosure of Conflict of Interest Forms submitted by all current members of McGill Board of Governors and all individuals who sit on committees of the Board.
>
> I would remind you that those forms are submitted as part of a yearly requirement for Board members, and the conflicts of interest of those members should be public knowledge. As such, I request that nothing be redacted."

the whole as it appears from the request for access to information submitted by the respondent on October 22, 2012 (**P-32**);

40. On November 21,2012, McGill responded to respondent [redacted] October 22's request and provided documents, the whole as it appears from McGill's response (**P-33**);

41. On October 28, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "[A]ll documents held by the University or any entity under the authority thereof regarding a) research activities within the scope of the projects listed as "Finite Element Modeling of Supersonic Chemically Reacting Flows" and "Hybrid Kinetic-Molecular Methods for Rarefied Gas Dynamics" on the website www.cfdlab.mcgill.ca; b) the relationship of Lockheed Martin to these projects; and c) the relationship of any military research agency such as the Defense Advanced Research Projects Agency (DARPA) to these projects. Types of documents sought include but are not limited to academic papers, progress reports, PhD or postdoctoral researcher applications, grant applications, funding requests, memoranda of understanding, memoranda of agreement, briefings, reports, records of communications and meetings, and patent applications."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 28, 2012 (**P-34**);

42. On November 6, 2012, McGill requested additional information to adequately process the request and on November 7, 2012, received the following clarification from the respondent [redacted]:

> "In addition to DARPA, I would like any documents relating to: Defence Research and Development Canada (DRDC), Defense Threat Reduction Agency (DTRA), Air Force Office of Sponsored Research (AFOSR), Office of Naval Research (ONR), National Security Agency (NSA), Army Research Office (ARO).
>
> In terms of PhD/ postdoc applications, I am look for applications to the university department to become a PhD/postdoc researcher, which is different than an application to a granting agency for a grant"

the whole as it appears from the correspondence exchanged between McGill and the respondent [redacted] on November 6 and 7, 2012 (**P-35**);

43. On October 29, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "all information held by the University regarding the use of the Consortium Laval UQAM McGill and Eastern Quebec (CLUMEQ) Supercomputer in support of research involving the CFD Lab

> all records held by the University of communication, whether electronic, by telephone, in-person, or by another means, between any representative of the University, one of its faculties or departments, one of its centers, or any entity under the authority thereof; and any representative of Bombardier, Bell Helicopter, Textron, CAE, Lockheed Martin, or General Atomics, or any affiliate or subsidiary thereof, regarding research involving the CFD Lab"

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 29, 2012 (**P-36**);

44. On November 2, 2012, McGill requested additional information to adequately process the request and on November 5, 2012, received the following clarification from the respondent [redacted] :

> "The time period you may use is 2000-2012.
>
> I decline to restrict my request as you so ask. I do not know which representatives of the University have been in communication with the listed companies regarding CFD lab research, hence the request for access to information. I would suggest, however, that you concentrate your search in certain sectors of the University, including but not limited to the Office of Sponsored Research and the Department of Mechanical Engineering."

the whole as it appears from the correspondence exchanged between McGill and the respondent [redacted] on November 2, 5 and 6, 2012 (**P-37**);

45. On October 29, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "all Memoranda of Understanding and Memoranda of Agreement between McGill University, one of its faculties or departments, one of its centers, or any entity under the authority thereof; and any external entity, including but not limited to corporations, governmental bodies, foundations, grant organizations, and individuals, regarding support for, research conducted by, or the use of the facilities of the Computational Fluid Dynamics (CFD) Lab or the research conducted by or under the supervision of Prof. Wagdi Habashi and/or Dr. Marco Fossati
>
> all information held by the University pertaining to the funding of research conducted by or under the supervision of Professors Wagdi Habashi and/or Dr. Marco Fossati."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on October 29, 2012 (**P-38**);

46. On November 2, 2012, McGill requested additional information to adequately process the request and on November 5, 2012, received the following clarification from the respondent [redacted]:

> "In order to assist in locating the relevant records, I would request that the time period of January 1 2000 to present be applied to the search."

the whole as it appears from the correspondence exchanged between McGill and the respondent [redacted] on November 2, 5 and 6, 2012 (**P-39**);

47. On November 5, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "The catering receipts for the offices of Provost Masi and Principal Monroe-Blum from 2002 to 2012.
>
> The invoices for the filling of the fridge in the office shared by the staffs of Provost Masi and Principal Monroe-Blum during this period."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on November 5, 2012 (**P-40**);

48. On November 23, 2012, McGill requested additional information to adequately process the request and on November 23, 2012, received the following clarification from the respondent [redacted]:

> "I am asking for the costs association with both requests, so the receipt and invoice in this case are the same. For the second request, I am asking for any expenditure from the office or the University to fill the refrigerator(s) in the office, not for any private expenditure."

the whole of as it appears from the correspondence exchanged between McGill and the respondent [redacted] on November 23, 2012 (**P-41**).

49. On November 6, 2012, the respondent [redacted] submitted a second request to obtain a copy of the following documents and information:

> "A list of the law firms McGill engages and the amount paid to each in the last fiscal year."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on November 6, 2012 (**P-42**);

50. On November 10, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "Any documents related to the Plan Nord in the Principal's Office, the office of the Vice-Principal (External Relations), the office of the VP (Research and International Relations) or the Office of Sponsored Research.
>
> the amount of money spent in the last fiscal year on lobbyists and on CREPUQ, and any documents received by the University from its lobbyists or CREPUQ regarding the Plan Nord or fossil fuels."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on November 10, 2012 (**P-43**);

51. Finally, on November 28, 2012, the respondent [redacted] submitted a request to obtain a copy of the following documents and information:

> "(...) all documents related to the purchase of the La Citadelle residence, including but not limited the bid submitted by McGill University and any inspection or report of an inspection of the building requested or made. Furthermore, I request documents listing the final cost figures for renovations and the estimated renovation costs before purchase.
>
> If you require clarification, please do not hesitate to ask, although I remind you that clarifications may not be used to extend the time limit for response."

the whole as it appears from the request for access to information submitted by the respondent [redacted] on November 28, 2012 (**P-44**);

52. It must be noted that certain requests have been processed in whole or in part by McGill which demonstrates the willingness of the university to respect its obligations under the *Access to information Act*;

Systematic nature of the requests

53. It is clear from the various articles published in The McGill Daily, The Concordian and La Presse (P-2), that the requests are specifically formulated not only for the purpose of gathering material for publication on the McGilliLeaks website but essentially as a retaliation measure against McGill in the aftermath of the 2011-2012 student protests;

54. To achieve these purposes, the respondents have put in place a complex system to acquire documents and information whereby different persons will submit within a short time period a series of access to information requests that often target documents and information regarding specific topics, such as military and fossil fuels research conducted by McGill and the Plan Nord (P-4);

55. The requests submitted under this initiative have similar features that include but are not limited to the following:

- the requestors are generally students of McGill or student journalists of The McGill Daily and The Link (Concordia University) or persons associated to McGilliLeaked or persons that could reasonably be linked to such requestors;
- the requests are often overly broad;
- the requests are often frivolous or target trivial documents and information such as documents and information pertaining to the filling of a refrigerator;

- many requests have similar or identical wording;

- the requests can be linked directly or indirectly to one or more categories of documents and information published on McGilliLeaked;

- the requests target documents and information that obviously cannot be communicated under the *Access to information Act* because they are subject to an imperative restriction to the right of access such as documents and information which disclosure would affect public security or confidential financial, commercial, scientific or technical information supplied by a third person;

- the requests involve obviously confidential information, notably documents supplied by research sponsors or clearly protected by intellectual property rights;

56. In fact, this system has already been used by the respondents and others in the perspective of obtaining an unreasonable number of documents related to the 2011 unionized employees strike and the 2011-2012 student protests (P-3);

57. In this context, the previously listed requests for access to information are abusive because of their systematic character;

58. The petitioner has also serious grounds and reasons to believe that the same system will be used in the near future by the respondents and others in order to achieve the same illegitimate purposes;

Abusive character of the requests because of their number

59. The scope of documents and information requested by the respondents is unreasonable, each request often representing hundreds if not thousands of pages, and spanning a time period of often more than 10 years;

60. McGill does not have the resources to process many of the individual requests, notwithstanding the fact that they are all submitted within the same timeframe, even on the same day;

61. Attempts by McGill to respond to the requests have resulted in serious impediments to its activities;

62. In this context, McGill cannot process the requests within the prescribed delay of 20 days nor within the additional 10 days period provided by section 47 of the *Access to information Act*;

63. Consequently, McGill should also be authorized to disregard the previously listed requests because of their number and because their processing would seriously interfere with its activities;

64. The present motion is well founded in facts and in law.

FOR THESE MOTIVES, the petitioner requests that the Commission d'accès à l'information :

GRANT the present motion;

AUTHORIZE the petitioner to disregard the requests (P-5, P-8, P-10, P-12, P-14, P-16, P-19, P-21, P-23, P-25, P-29, P-32, P-34, P-36, P-38, P-40, P-42, P-43 and P-44);

AUTHORIZE the petitioner to disregard future requests that could reasonably be associated to the systematic character of the aforementioned initiative, submitted by the respondents or students of McGill or student journalists of The McGill Daily and The Link (Concordia University) or by persons associated to McGilliLeaked or by persons that could reasonably be linked to such requestors and that show one or many of the following characteristics:

- it is overly broad;
- it is frivolous or target trivial documents and information;
- it is similar or identical to previous requests;
- it is associated to one or more categories of documents and information published on McGilliLeaked;
- it is intended to fail because it is obviously subject to an imperative restriction to the right of access.

Montreal, December 7, 2012

(S) Lavery, de Billy, S.E.N.C.R.L.

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