



# Commission of Inquiry on Hormone Receptor Testing

## Media Protocol (February, 2008)

### 1. Confidentiality Issues

When a request is made by a witness which could result in either an *in-camera* hearing or a ban on broadcast and publication, whenever possible notice will be given to the media (along with other individuals in the hearing room) on the morning of the hearing in question. The notice will provide details of the request being made as well as of the procedures to be followed.

#### In-Camera Hearings

The media will not be allowed to report or publish **any** information (ie. evidence, name of witness, etc.) given *in-camera*.

There will be no photographs or sketching allowed before, during or after an *in-camera* hearing.

Because the audio and video will be turned off during *in-camera* sessions, the media will be requested to sit in the audience section of the hearing room and the use of all recording devices will be prohibited. Blackberries and cellular telephones must be turned off.

Until such time as the Commissioner issues her ruling on the status of "Confidentiality", photographing or sketching of the witness will be prohibited.

The transcript available to the media for viewing will be the public version, and will not include the *in camera* portion of the hearing.

#### Use of Non-identifying Initials

In circumstances where a ruling has been made that the name of an individual is not to be used, but is instead to be replaced with non-identifying initials, the media must ensure that non-identifying initials are used on all reports, broadcasts and publications with respect to the witness in question.

#### Non-publication of a Name and/or Testimony

In circumstances where a ruling is made that the name and/or testimony of an individual is not to be published, the media is prohibited from publishing or broadcasting same.

Because the audio and video will be turned off, the media will be requested to sit in the audience section of the hearing room and the use of all recording devices will be prohibited. Blackberries and cellular telephones must be turned off.

Until such time as the Commissioner issues her ruling on the status of "Confidentiality", photographing or sketching of the witness will be prohibited.

For ease of reference, related excerpts from the Commission of Inquiry Rules of Procedure and Practice are attached as Appendix A.

**Media Protocol (cont'd)**  
**(February, 2008)**

**2. Media Interviews**

The media is prohibited from conducting interviews or operating recording devices in the main entrance, public overflow area or main hallways at 50 Tiffany Lane.

The media will be permitted to conduct interviews in the designated media interview space in the public overflow/waiting area.

The media will be allowed to obtain visuals of the hearing room 15 minutes prior to the start or following the completion of hearings each day.

The media will not be permitted to conduct interviews in the hearing room. The hearing room is also not available to the media during the morning and afternoon breaks.

Interviews with Commission Co-counsel can be arranged by contacting the Commission Office and/or Media Consultant. The Commissioner and the Commission's administrative staff will not be available for interviews.

## Appendix A

### Related Excerpts from the Commission of Inquiry Rules of Procedure and Practice

14. The Commissioner shall deal with a breach of these Rules as she sees fit including, but not restricted to, revoking the standing of a party or imposing restrictions on the further participation in or attendance at the hearings by any party, counsel, individual, or members of the media.
15. Insofar as it needs to gather evidence, the Commission is committed to a process of public hearings. However, applications may be made to proceed *in camera* in accordance with s. 6(2) of the *Public Inquiries Act, 2006*. Such applications should be made in writing at the earliest possible opportunity pursuant to the provisions of Section II (B) (vi) of these Rules.
30. All evidence shall be categorized and marked P for public sittings and, if necessary, C for sittings *in camera*.
31. A transcript will be posted to the Commission's website which will be fully accessible to the parties, the public and the media.
32. One copy of the P exhibits will be available to be shared by the media.
33. Only those persons authorized by the Commissioner, in writing, shall have access to C transcripts and exhibits.
44. If the proceedings are televised or broadcast by some other medium, applications may be made for an order that the evidence of a witness not be televised or broadcast.
45. Without limiting the application of s. 6 of the *Public Inquiries Act, 2006*, the Commissioner may in her discretion and in appropriate circumstances exclude the public from a hearing, or from part of it, where she decides that the public interest in holding the hearing, or a part of it, in public is outweighed by another consideration, including the consequences of possible disclosure of personal matters, public security, or the right of a person to a fair trial.
46. A witness may apply to the Commissioner for measures aimed at protecting his or her identity for a compelling reason as determined in the sole discretion of the Commissioner. Upon a successful application to the Commissioner the witness may be granted the status of "Confidentiality". For the purposes of the Inquiry, Confidentiality may include the right to have his or her identity disclosed only by way of non-identifying initials, and, if the individual so wishes, the right to testify before the Commission in private, together with any other privacy measures that the party may request and the Commissioner, in her discretion, grants. Subject further to the discretion of the Commissioner, only the Commissioner, Commission staff and counsel, counsel for the parties with standing, counsel for the witness who has been granted Confidentiality, and media representatives may be present during testimony being heard in private.
48. Media reports relating to the evidence of a witness granted Confidentiality shall avoid references that might reveal the identity of the witness. No photographic, audio, visual or other reproduction of the witness shall be made either during the witness' testimony or upon his or her entering and leaving the site of the Inquiry.
51. All parties, their counsel, Commission staff and contracted service providers, and media representatives shall be deemed to undertake to adhere to the rules respecting Confidentiality.