

Following our revision of currently available information and jurisprudence, our position that Irving Shipbuilding is not a federal works, undertakings or businesses (FWUB) remains valid. We did not find anything to support the fact that contracting with the federal government to build ships would, by itself, make Irving Shipbuilding's activities an integral part of a FWUB. - On Fri, Mar 19, 2021 at 4:35 PM - **PIPEDA-040565**

**“federal work, undertaking or business....” (FWUB)**

<u>PIPEDA</u> (Privacy law) <u>OPC</u> )- “means any work, undertaking or business that is <b>within the legislative authority of Parliament</b> . It includes...”	<u>Canada Labour Code (ESDC)</u> - “means any work, undertaking or business that is <b>within the legislative authority of Parliament</b> , <b>including, without restricting the generality of the foregoing</b> ,”...
<u>PIPEDA</u> omits” <b>including, without restricting the generality of the foregoing</b> ,” Note how OPC added integral to the definition, but it doesn't exist in legislation. In addition, “it includes”, on its own, is non conditional	<u>Canada Labour Code (CLC)</u> explicitly makes a legal point of expressing the restriction. Suggesting it <b>is used to specify INTEGRAL</b> .This supports that the definitions that follow in <u>PIPEDA</u> are to be individually evaluated and non conditional.

Both PIPEDA and CLC then list 10 almost identical definitions. Upon evaluating the day to day relationships of this **Private Company (to Generalize)**. OPC states the following work, undertaking or business AND OR CORE / Integral work, undertaking or business and asset relationships, **combined or individual** are by Federal Court to be considered trivial or exceptional:

<u>within the legislative authority of Parliament (Halifax Shipyard)</u> -> <u>Provision 91 CONSTITUTION ACT, 1867. Class of Subject Provision 91(7) 7.Militia, Military and Naval Service, and Defence</u> OR <u>Class of Subject Provision 91(10) 10. Navigation and Shipping.</u>	Floating Federal Cities, Core federal infrastructure <u>Public Safety Canada Critical Infrastructure</u> & <u>Federal Economic Initiative</u> , <b>incredibly interconnected and dependent on disciplines, trades, supporting staff and facilities. Can't be mass produced such as planes, tanks or basic “ships” and defend these Classes.</b>
<u>“(a) a work, undertaking or business that is operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada; “</u> <u>“(j) a work, undertaking or business to which federal laws, within the meaning of section 2 of the Oceans Act, apply under section 20 of that Act and any regulations made under paragraph 26(1)(k) of that Act.”</u>	<b>Marine Installation or Structures (MIS) (Ships)</b> <u>Oceans Act and Accord Act, Workplace in the Accord Act AND continental shelf installations (Sovereign rights and jurisdiction of Canada).</u> <u>With locations and interprovincial actions in NFLD, PEI, Vancouver and Ottawa (MAP) That share resources and MIS, Port Facility (Government Abstraction Including this),largest single building for constructing ships in North America.</u>

I believe it would be exceptional to trivialize the relationships in such a quantified example. Consider OPC, ESDC, Ministers, and Irving Legal have very likely presented legal arguments. OPC said it would defend this **standard** in the **Federal Court of Canada**. So without clear federal exemptions, how could these parties support these same definitions used to legislate less quantified examples, such as smaller private companies or fishermen, especially seasonal ones who can't protect themselves? **I've added fishermen and ministers so they can reference this “Federal Precedent” - PIPEDA-040565.**  
**\*\*If ESDC rejects Part III of the Canada Labour Code, it requires clearly defining Jurisdiction and so ”including, without restricting the generality of the foregoing”.\*\***

## Possible Exemptions Closing Statement & Requests

**OPC Website** - *“All businesses that operate in Canada and handle personal information that crosses provincial or national borders are subject to PIPEDA regardless of which province or territory they are based in.”*

**OPC States Irving Shipbuilding** is registered in NB. But operating in NS. And from what I can understand, sending sensitive personal data between Parent (NB), international partners, Government and contractors as basic intended normal operations. [With locations and interactions in PEI, Vancouver, NS, NFLD, NB and Ottawa\(MAP\)](#). All data / metadata from the employee and non-employee perspective were requested from Parent (NB), Child (NS/ NB) and 3rd Party (NS) under PIPEDA and **All have been rejected by OPC**, also You'll note that in their Reply, they only mentioned Irving Shipbuilding.

<b>OPC once stated this was all exempt by “Executive order”</b> which I assume is <a href="#">“Order-in-Council”</a>	<b>OPC refused</b> to provide the orders and ignored the question several times on follow up. <a href="#">I also could find no Orders</a> . <b>Regardless, the provisions still apply to the operations, industry and assets of this Private company.</b>
(example of common interpretation) OPC Manager (PIPEDA) read <a href="#">Provision A</a> in CLC	And said <b>“oh you might get them there”</b> . PIPEDA omits ”including, without restricting the generality of the foregoing,”...

### **I believe I have met any burden of proof, and the burden now lies on OPC**

How can anyone ever interpret this, OPC can't even answer the question! And to be clear - The complexity required to exclude does not equate to an exemption, it's a very specific and non-trivial instance and set of relationships. And as that work progressed they only became more and more applicable both as Private and Integral. **So when do you draw the line and who draws the line?**

**I have a suspicion, You'll draw the line when you want to broadly use these definitions.**

**Im requesting the following be provided on thread:**

- [Human Rights Commissions](#) - I am requesting a publically referenceable case be created in my name. Please include this email, PIPEDA case number, associated attachments, and any correspondence. Please, if possible provide a case number on thread, reply to all.
- [Orders in Council Division](#) - Can you please Provide any Orders, Dates and information relating to exemptions for Irving Shipbuilding, Halifax Shipyard, National Shipbuilding Program, PIPEDA, Privacy Law, Canada Labour Code and or Privacy Standards for employees.
- Daniel Therrien please **clearly explain Jurisdiction**, and confirm the State of Privacy for Employees and HR, **past and present** within 48 Hours.
- If anyone else would care to provide resources, or answer then please do as it would be sincerely appreciated.

This is of my own volition. I haven't collaborated with anyone and have no corporate affiliation or Political affiliation. I do not have a legal background and I have not spoken with or engaged legal counsel. I believe by not answering, it's a violation of my chartered rights. Scott Jewers – 9022209106

If I'm wrong it's okay I'll face it. But if i'm right this is fair. - <https://youtu.be/DQTCS6aWRSc?t=9>

