

international responsibility for compliance is federal.

As foreign competitors to Canadian companies use Access to Information and Privacy (ATIP) requests to seek competitive intelligence, DFAIT may unintentionally expose commercial secrets and compromise trade / competitive positions of companies. Further, there is a lack of awareness that in such cases, notice must be provided to the companies affected prior to release of information.

Current Risk Mitigation

DFAIT presently has the following mitigating actions in place to address this risk:

- DFAIT's Legal Risk Management Framework
- Government-wide Management Framework for International Trade Litigation
- Bilateral relations, protocols, and agreements with other countries
- Contingency fund exists
- Resolution committees and mediation
- Communications Planning and Strategy
- MC on Treaties in Parliament
- DFAIT has immunity under existing conventions

Potential Impacts

If this risk were to materialize, DFAIT and the Government of Canada may suffer erosion to their reputation. Further, there are financial expenses (including losses), and punitive consequences associated with unsuccessful litigation and dispute resolution.

Another potential consequence of this risk is that Canada may not be able to live up to commitments it has made to other countries or may not be able to monitor commitments made by other countries (due to resource constraints).