

PUBLIC OR CONFIDENTIAL NATURE OF INFORMATION SENT TO COMEX

When reviewing projects submitted to it, COMEX first examines various statutory documents, such as the directive for the impact assessment statement (impact study) issued by the Administrator following COMEX's recommendation and the impact study prepared by the proponent to enable an initial assessment of the project's environmental and social impacts. Such documents are available for public consultation on the website of COMEX as well as on the [environmental assessment register](#) of the [Ministère de l'Environnement et de la Lutte contre les changements climatiques \(MELCC\)](#).

When reviewing the impact study of a project submitted by a proponent, COMEX generally ends up sending questions and comments to the proponent with a view to clarifying certain aspects of the project, obtaining additional information, correcting certain information or requesting clarifications related to the interpretation of data. The document containing the proponent's responses to COMEX's questions and comments is made available to the public.

However, information that is deemed confidential or sensitive may not be made publicly available. For example, the proponent is required to identify the location of threatened species or their habitats, but disclosing such information could be detrimental to the given species or habitat. It is important that COMEX have such information in order to assess the magnitude of an impact on components of the biophysical or social environment, but the information will not be made publicly available if deemed too sensitive.

Similarly, proponents sometimes enter into impact and benefit agreements (IBA) with the community or communities affected by the project or with the Cree Nation Government. IBAs sometimes contain provisions regarding the sharing or confidentiality of specific information. For instance, when consulting a tallyman, a proponent may agree to keep certain information about the tallyman's trapline confidential. For the same reasons as given above, COMEX may need to know such information for the purposes of its project review, but the information will not be made available to the public.

In addition, personal information, subject to consent, may be confidential or sensitive, including personal information (list of names and addresses of persons who participated in consultation and information activities or who responded to surveys, applicant's statement).

All of this information is helpful to COMEX in assessing the environmental or social impacts of a given project, which is why proponents may be asked to provide such information but the information will remain confidential and not be made publicly available. Since all documents prepared or submitted by the proponent or any other stakeholder in the context of COMEX's project review are posted on COMEX's website or entered in the MDDELCC register, proponents must make sure not to include any information that is confidential or could harm the environment or individuals; rather, they must submit such information in a separate document, requesting that it not be made available to the public. The proponent must state the reasons for such a request and support the request by:

- Demonstrating why the information or data should be made confidential and in what way disclosing it to the public could harm either the proponent or other stakeholders in the project;
- Demonstrating that the information or data concerns a proprietary industrial process.