

1960

c 44 Business Records Protection Act

Ontario

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CHAPTER 44

The Business Records Protection Act

1. No person shall, pursuant to or under or in a manner that would be consistent with compliance with any requirement, order, direction or subpoena of any legislative, administrative or judicial authority in any jurisdiction outside Ontario, take or cause to be taken, send or cause to be sent or remove or cause to be removed from a point in Ontario to a point outside Ontario, any account, balance sheet, profit and loss statement or inventory or any resume or digest thereof or any other record, statement, report or material in any way relating to any business carried on in Ontario, unless such taking, sending or removal,

Business records not to be taken from Ontario

- (a) is consistent with and forms part of a regular practice of furnishing to a head office or parent company or organization outside Ontario material relating to a branch or subsidiary company or organization carrying on business in Ontario;
- (b) is done by or on behalf of a company or person as defined in *The Securities Act*, carrying on business in Ontario and as to a jurisdiction outside Ontario in which the securities of the company or person have been qualified for sale with the consent of the company or person; R.S.O. 1960, c. 363
- (c) is done by or on behalf of a company or person as defined in *The Securities Act*, carrying on business in Ontario as a broker, broker-dealer, investment dealer or salesman as defined in *The Securities Act*, and as to a jurisdiction outside Ontario in which the company or person has been registered or is otherwise qualified to carry on business as a broker, broker-dealer, investment dealer or salesman, as the case may be; or
- (d) is provided for by or under any law of Ontario or of the Parliament of Canada. R.S.O. 1950, c. 44, s. 1.

2.—(1) Where the Attorney General or any person having an interest in a business as mentioned in section 1 has reason Undertaking and recognition

to believe that a requirement, order, direction or subpoena as mentioned in section 1 has been or is likely to be made, issued or given in relation to such business, he may apply to a judge or local judge of the Supreme Court in chambers for an order requiring any person, whether or not such person is named in the requirement, order, direction or subpoena, to furnish an undertaking and recognizance for the purpose of ensuring that such person will not contravene section 1 and the judge may make such order as he deems proper.

Contempt
of court

(2) Every person who, having received notice of an application under this section, contravenes this Act shall be deemed to be in contempt of court and liable to one year's imprisonment.

Idem

(3) Every person required to furnish an undertaking or recognizance who contravenes this Act is in contempt of court and in addition to any penalty provided by the recognizance is liable to one year's imprisonment. R.S.O. 1950, c. 44, s. 2.

Procedure

3. The practice and procedure of the Supreme Court applies to every application made under this Act. R.S.O. 1950, c. 44, s. 3.
