

# Shared Services Canada's Systemic Corruption, Gross Mismanagement and Breach of Public Trust

*Investigation from April 2021 to February 2023*

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## 1. EXECUTIVE SUMMARY

1. SSC has shown complete disregard for Canadian law and the position they hold within the public service.
2. The individual who uncovered SSC's illegal actions and systemic corruption has attempted since April 2021, to resolve this matter at the lowest possible level. This was met by SSC with bad faith, an unwillingness to discuss the matter and no intent to make any meaningful change.
3. It would be alarming for any federal institution to erase privacy law from how they operate. However, the risk and likelihood of corruption is far higher in the entity responsible for the Enterprise Data Centres, Networks and IT Security for 43 Canadian Government departments<sup>1</sup>.
4. SSC has caused clinically diagnosed psychological harm resulting in a disability to the affected individual; a high risk identified by an ATIP employee in their privacy breach report<sup>2</sup>. Despite this, SSC's senior management has chosen to continue to conceal their illegal actions; attempting to use loopholes and semantics to excuse these actions, furthering the damage to the affected individual and their breach of the Public's trust.
5. To the Office of the Privacy Commissioner, Office of the Information Commissioner, Office of the Values and Ethics commissioner, Office of the Auditor General, Office of the Attorney General, Treasury Board Secretariat, Public Sector Integrity Commissioner, Justice Canada and Parliament; do not participate in willful blindness. Show the Public that you deserve their trust, will hold these public officials accountable and will take the appropriate actions to address SSC's systemic corruption.
6. Every statement made in this report is substantiated in the supporting evidence provided.

## 2. CONTEXT

1. Shared Services Canada's (SSC) employees in the Access to Information (ATI) team are entrusted with Private Citizen's information, solely for the purposes of fulfilling their ATI requests. In April 2021, one of these employees stole information from work to try and gain personal files of a frequent ATI requestor; via her own ATI requests that she submitted to the federal government under a fraudulent identity, attempting to gain information about an ongoing federal investigation.<sup>3</sup>
2. Though they were made aware the day after of their employee's illegal actions (despite SSC lying about the date they became aware multiple times), SSC denied the allegations of this breach on multiple occasions to the affected individual<sup>4</sup> and lied to the federal investigator from the Office of the Privacy Commissioner<sup>5</sup>. However, after the affected individual

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<sup>1</sup> SSC's Partners are listed here: <https://www.canada.ca/en/shared-services/corporate/partner-organizations.html> and does not include the additional mandatory and optional clients they provide services to.

<sup>2</sup> 18-SSC PB-2021-00008

<sup>3</sup> 1-SSC's Admissions of Guilt

<sup>4</sup> 2-SSC's Denial to Affected individual

<sup>5</sup> 3-SSC's Obstruction of a Federal Investigation by OPC

presented irrefutable representation to demonstrate what occurred, SSC no longer denies what their employee did, and have now admitted to it on multiple occasions<sup>6</sup>.

3. As severe as these actions are, what is far more concerning is the systemic corruption within SSC that has been uncovered since April 2021.
4. SSC's Deputy Ministers (Paul Glover and Sony Perron), SSC's Ministers (Joyce Murray, Filomena Tassi and Helena Jaczek) and the Office of the Prime Minister have been made aware of this illegal activity on several occasions and have yet to take action.

### 3. SUMMATION OF SSC'S ILLEGAL ACTION

1. Since April 2021, SSC employees have:
  1. Committed fraud<sup>7</sup>;
  2. Broken multiple Canadian laws, including the Criminal Code (see section 380(1) of the Criminal Code<sup>8</sup>), breaching a private citizen's privacy (see section 7 of the Privacy Act<sup>9</sup>) with stolen government information and knowingly concealing the illegal actions of an employee;
  3. Broken TBS directives<sup>10</sup> set out for classifying and handling privacy breaches;
  4. Breached the Policy on Government Security<sup>11</sup> through their gross mismanagement<sup>12</sup>;
  5. Obstructed a federal investigation and lied to a federal investigator<sup>13</sup>;
  6. Targeted and harassed a private Canadian citizen and veteran.<sup>14</sup>
    1. When that individual sought accountability for SSC's illegal actions, they retaliated against him, illegally monitored his social media<sup>15</sup> and tried to restrict his right for access to information<sup>16</sup>;
  7. Created and acted in spite of conflicts of interest<sup>17</sup>;
  8. Created a poisonous culture of systemic corruption<sup>18</sup>;
  9. Broke their oath to uphold the public service values and ethics<sup>19</sup>;
  10. Misused public funds by continuing to employ employees who they know have broken the law and those that have worked to conceal the illegal action;

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<sup>6</sup> 1-SSC's Admissions of Guilt

<sup>7</sup> 1-SSC's Admissions of Guilt

<sup>8</sup> [Criminal Code \(justice.gc.ca\)](https://www.justice.gc.ca/eng/criminal-code/)

<sup>9</sup> [Privacy Act \(justice.gc.ca\)](https://www.justice.gc.ca/eng/privacy-act/)

<sup>10</sup> <https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=26154>

<sup>11</sup> [Policy on Government Security- Canada.ca](https://www.policy.gc.ca/pol/doc-eng.aspx?id=26154)

<sup>12</sup> Gross mismanagement in the public sector is defined by Public Safety Canada as: a serious breach of a code of conduct; an act or omission that creates a substantial and specific danger to the life, health and safety of Canadians or the environment; and, knowingly directing or counselling a person to commit a wrongdoing.

<https://www.publicsafety.gc.ca/cnt/bt/cd-cndct-en.aspx>

<sup>13</sup> 3-SSC's Obstruction of a Federal Investigation by OPC

<sup>14</sup> 4-SSC's Harassment and Targeting of a Private Citizen and Veteran

<sup>15</sup> 5-SSC Monitoring Private Citizen's Social Media

<sup>16</sup> 6-SSC Restricting Requestor's Access to Information

<sup>17</sup> 7-SSC's Conflict of interest

<sup>18</sup> See [section 4](#)

<sup>19</sup> [Values and Ethics Code for the Public Sector- Canada.ca](https://www.valuesandethics.gc.ca/)



11. Made a mockery of public sector governing bodies and the notion of a transparent government by utilizing “weapons and bottlenecks”<sup>20</sup>; and
12. Ultimately, severely breached the Public’s trust through gross mismanagement.

#### 4. SSC’S SYSTEMIC CORRUPTION

1. This occurrence is not a result of an employee’s brief lapse in judgement. The employee knew her behaviour was acceptable to SSC’s senior officials because of the toxic environment they have created, that allows ample room for illegal actions with no repercussions.
2. The Canadian Government prides itself on being transparent, however SSC’s leadership has poisoned the culture within the ATI team who have been taught to deter requestors and employ every method available to them for delaying the release of information.
  1. Megan Trethewey advised her manager in advance of exactly how she planned to target Mr. Leckie.
  2. Megan Trethewey has also bragged to the SSC President’s office about being able to show them “weapons and bottlenecks”<sup>21</sup> available.
  3. On multiple occasions, these delays are by multiple decades<sup>22</sup>
  4. The ATI team has demonstrated time and time again that they hold no regard for their legally mandated duty to assist<sup>23</sup>.
3. Megan Trethewey has admittedly breached the affected individual’s privacy multiple times. Before she breached his privacy again on April 7, 2021, she advised her manager of what she planned to do. However, nothing was done to deter her or have her security clearance put under review for threatening to break the law and commit fraud.
  1. Instead, she was met with comments from her management that they wished someone would give Mr. Leckie “a taste of his own medicine”.<sup>24</sup>
    1. It is important to note that Mr. Leckie has never acted outside of his rights as a Canadian citizen or demanded anything of SSC beyond fulfilling their legally mandated responsibilities under the laws that they are governed by.
      1. This was confirmed by both the Office of the Information Commissioner who have ruled in favor of Mr. Leckie on every dispute<sup>25</sup> and the Office of the Privacy Commissioner who found that SSC has in fact, broken the Privacy Act<sup>26</sup>.
4. SSC’s staff have affirmed that it is common practice for SSC employees to use a fraudulent name to request SSC information via ATI requests; to avoid being reprimanded<sup>27</sup>.
  1. This begs the incredibly concerning question as to why SSC employees would risk committing fraud and breaching privacy law to obtain information on subjects they become privy to, at work?

<sup>20</sup> 8-SSC’s use of Weapons and Bottlenecks

<sup>21</sup> 8-SSC’s use of Weapons and Bottlenecks

<sup>22</sup> 9-OIC’s Ruling on ATIP# A-2020-00107 & 10-SSC’s Unjustifiable Extension to Release Records

<sup>23</sup> 11-SSC’s Breach(es) to their Duty to Assist

<sup>24</sup> 12-SSC’s Deep-Rooted Corruption (taste of own medicine quote)

<sup>25</sup> 13-OIC Ruling SSC’s Vexatious Claims Unfounded

<sup>26</sup> 14-OPC’s Ruling on Privacy Breach PA-059751

<sup>27</sup> 15-Third-Party Investigator’s Report

5. The most reasonable response to why SSC employees would take such a risk is that they are aware of SSC's arbitrary and illegal use of the term "privacy incident" for a privacy breach that they illegally deem to be immaterial.
6. A third-party investigator (hired by SSC after many months of Mr. Leckie's requests to resolve this matter and demonstrate intent to make meaningful positive change), found that SSC did not mismanage the privacy breach because they managed it as a "privacy incident"<sup>28</sup>.
  1. Contrary to SSC's claim that this did not need to be handled as a breach, OPC found in favor of Mr. Leckie on December 30, 2022 that this was in fact a privacy breach.
  2. Privacy incidents are not recognized by Canadian Privacy Law, TBS directives, and as of May 2022, were not documented in any of SSC's processes and procedures.
    1. The investigator identified this as a legal risk to SSC<sup>29</sup>.
7. SSC has unilaterally and without authority, created a new term to reclassify what is - as confirmed by OPC<sup>30</sup> and SSC's own admission<sup>31</sup> - a privacy breach. SSC is intentionally breaking the Public's trust, Canadian law and TBS directives every time they unlawfully classify a breach as an incident.

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<sup>28</sup> 15-Third-Party Investigator's Report

<sup>29</sup> 15-Third-Party Investigator's Report

<sup>30</sup> 14-OPC's Ruling on Privacy Breach PA-059751

<sup>31</sup> 1-SSC's Admissions of Guilt

## 5. Use of Privacy Incidents at SSC

1. TBS defines a privacy breach as:
  1. “A privacy breach involves improper or unauthorized collection, use, disclosure, retention or disposal of personal information....A privacy breach may occur within an institution or off-site and may be the result of inadvertent errors or malicious actions by employees, third parties, partners in information-sharing agreements or intruders.”<sup>32</sup>
2. TBS deems a breach “material” if it<sup>33</sup>:
  1. Involves sensitive personal information; and
  2. Could reasonably be expected to cause serious injury or harm to the individual and/or involves a large number of affected individuals.
3. TBS outlines multiple examples of sensitive information, but for the purposes of this report, we draw your attention to the example stating that sensitive personal information includes “Information compiled and identifiable as part of an investigation into a possible violation of law”.
  1. Megan Trethewey stole information from work to seek information from OIC on the ongoing federal investigation into Mr. Leckie’s allegation that SSC was breaking ATI law. On that same evening, Megan Trethewey also attempted to gain access to Mr. Leckie’s personal HR file.
  2. SSC has a responsibility to report illegal actions following the procedures in place for them by Canadian Law, Treasury Board Secretariat and the Office of the Privacy Commissioner; instead they have unlawfully chosen to remove Privacy law from their operating protocol and follow their own process they have created.
4. In 2020, SSC reported 1 material privacy breach to Parliament.<sup>34</sup>
5. In 2021, SSC reported 1 material privacy breach (where an employee accessed unauthorized files – which cannot be in reference to the breach against Mr. Leckie) to Parliament.<sup>35</sup>
6. In 2021, SSC also reported to Parliament that they had no complaints under the privacy act. This is false as Mr. Leckie’s complaint # PA-059751 was active since April 2021.
7. The results of an ATI record count search – provided by SSC – found the term “privacy incident” was used approximately 789,000<sup>36</sup> times since January 1, 2017.
  1. If even 1% are in reference to material privacy breaches, that would equate to 7,890 breaches that have gone unreported by SSC.
8. The facts presented in this report prove far beyond a reasonable doubt that SSC has lied to Parliament and the Public.

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<sup>32</sup> <https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=26154>

<sup>33</sup> <https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=26154>

<sup>34</sup> [Annual Report to Parliament on the Administration of the Privacy Act – 2020-21 - Canada.ca](#)

<sup>35</sup> [Annual Report to Parliament on the Administration of the Privacy Act – 2021-22 - Canada.ca](#)

<sup>36</sup> 16-SSC’s # of Records with “Privacy Incident”

## 6. SSC'S GROSS MISMANAGEMENT

1. SSC's management took no action after the employee advised them in advance, of what illegal actions she planned on taking.
2. SSC's management was almost immediately made aware when the employee took action by stealing information from work and committing fraud.
3. SSC should have followed the procedures in place for responding to a Privacy Breach<sup>37</sup> by reporting the situation, notifying the affected individual, recognizing the severity of the situation, and assuring them that all appropriate action will be taken to hold the employee accountable.
4. Instead, SSC's management decided to resolve this "diplomatically"<sup>38</sup> with the employee, not alert the affected individual, attempt to cover up the employee's wrongdoing by denying the allegation multiple times to the affected individual and to the OPC investigator<sup>39</sup> (though that very pertinent fact did not make it into the final version of OPC's report<sup>40</sup>); with the defence that they have done nothing wrong because they have [illegally] reclassified the breach as a "privacy incident".
  1. A justification that you have not broken the law because you have changed the rules you are governed by, is not a defence.
5. SSC no longer disputes that their employee stole information from work, misused it to try to obtain information on a private citizen and committed fraud in requests for information to the Canadian Government; but still have yet to employ any meaningful change to discourage employees from abusing the power they hold with access to Government information. Furthermore, SSC has implemented means for hiding privacy breaches to protect their employees rather than complying with the law; thereby continuing their pattern of lies to the Public and Parliament.

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<sup>37</sup> 17-How Health Canada (HC) and Global Affairs Canada (GAC) Respond to Breaches

<sup>38</sup> 14-OPC's Ruling on Privacy Breach PA-059751

<sup>39</sup> 3-SSC's Obstruction of a Federal Investigation by OPC

<sup>40</sup> 14-OPC's Ruling on Privacy Breach PA-059751

## 7. REPERCUSSIONS FOR PUBLIC OFFICIALS

1. On December 30, 2022, OPC confirmed that SSC did breach section 7 of the Privacy Act.<sup>41</sup>
2. OPC's only recommendations for resolution are for SSC to have ATI employees redo their mandatory training within 6 months (which will now be over 2 years since the breach) and to put in place procedures for alerting management when an employee may breach someone's privacy and when a breach occurs – to ensure they are aware of the repercussions.<sup>42</sup>
  1. However, these procedures already exist – SSC is responsible for alerting their security officer, labour relations and holding their employees accountable for illegal actions.
2. After almost 2 years of Mr. Leckie trying to find a meaningful resolution, the governing body on Privacy simply mandates them to redo training to understand the repercussions of breaching Privacy law.
3. Unfortunately, this means that there are in fact, no repercussions for breaking privacy law and committing fraud if you are a public servant. SSC's most senior leadership (specifically, Sony Perron and Paule Labbe) have repeatedly tried to cover up these illegal actions and broken the law themselves on numerous occasions.

## 8. REGAINING THE PUBLIC'S TRUST

1. The systemic corruption within SSC must be addressed.
2. This breach could have been quickly resolved if SSC respected the laws they are governed by. Instead, SSC targeted a private citizen, severely restricted (and in some instances, completely removed) his right to access to information and failed in their duty to assist, have broken multiple Canadian laws and TBS directives with their illegal reclassification of privacy breaches, concealed the illegal actions of employees; and have yet to demonstrate any remorse for their actions or intent to rectify the situation in a meaningful way.
3. The following actions should be taken immediately to implement meaningful positive change, begin regaining the public's trust and demonstrate the Government's ability to take accountability for their actions:
  1. Security clearance reviews (with evidence provided from Mr. Leckie) of:
    1. Paul Glover
    2. Sony Peron
    3. Paule Labbé
    4. Stephane Cousineau
    5. Tiffany Caron
    6. Robin Debeau
    7. Sean Kealey
    8. James Larkin
    9. Pierre Gagnon
    10. Eric Le
    11. Megan Trethewey
    12. Philip Hiliard Trethewey

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<sup>41</sup> 14-OPC's Ruling on Privacy Breach PA-059751

<sup>42</sup> 14-OPC's Ruling on Privacy Breach PA-059751

2. A written apology recognizing the occurrence of the breach, harassment, and SSC's mismanagement of the situation.
3. A corrected and updated letter to the affected individual.
4. An end of the use of the term "privacy incident" or receive TBS approval for the use of the term and associated procedures.
5. The proactive disclosure of SSC's use of "privacy incident" to OIC, OPC, Parliament and the public (public statement approved by Mr. Leckie).
6. SSC's rescindment of their ATIP delegation.
7. The resignation of Chief Privacy Officer (Paule Labbé).
8. The immediate termination of Megan Trethewey.
9. SSC's commitment to utilize this as a case study for employee training (e.g. via CSPS).
10. James Larkin's return of the Judy Booth award.

## 9. SUPPORTING EVIDENCE

## 1-SSC's Admissions of Guilt

a)

Ms. Trethewey is a senior analyst in the SSC-ATIP office. On April 7, 2021, Ms. Trethewey submitted two ATI requests to SSC-ATIP for the Labour Relations and employment records of Mr. Leckie, a former employee of SSC. Ms. Trethewey submitted these two requests under her husband's name, Philip Hilliard, who is a federal employee at DND. Furthermore, Ms. Trethewey submitted additional ATI requests to the Office of the Information Commissioner for Mr. Leckie's personal information. In her requests to the OIC, she specified that she wanted OIC to seek consent from Mr. Leckie to release his personal information.

Caron,  
Tiffany

Digitally signed by  
Caron, Tiffany  
Date: 2021.10.20  
21:49:29 -04'00'

Tiffany Caron  
Director General, Corporate Secretariat | Directrice Générale, Secrétariat ministériel  
Shared Services Canada | Services partagés Canada





Shared Services Canada Services partagés Canada

P.O. Box 9808 STN T CSC  
Ottawa,  
Ontario K1G  
4A8

July 30, 2021

Stewart Leckie  
67 Bartley Crescent  
Ottawa, Ontario  
K2J1R9

Dear Mr. Leckie,

On April 7<sup>th</sup>, 2021, the Access to Information and Privacy (ATIP) Division became aware of an incident involving your personal information. As a result, the ATIP Division conducted an investigation and assessment of the incident as required under Shared Services Canada's (SSC) Directive on privacy breaches and SSC's Standard for Managing Privacy Breaches. Through the investigation, we found that your personal information was inappropriately used by a SSC employee. Details are as follows:

- On April 7<sup>th</sup>, 2021, your personal information which was limited to your name, was inappropriately used by a SSC employee in order to request documents about you.
- The Access to Information request was **not** tasked out and as such no documents containing your personal information was retrieved or given to that employee or any other party.
- We are actively working with the Office of the Privacy Commissioner in this matter.

Once we became aware of the inappropriate use of personal information, actions were taken to restrict access to outstanding requests you have made. The Access to Information and Privacy (ATIP) Division at Shared Services Canada were notified. The ATIP Division is currently analyzing the incident to determine how this happened in an effort to avoid such occurrence in the future.

The protection and security of personal information is a priority for the Government of Canada. Notwithstanding this incident, we have strict safeguards in place to protect the confidentiality and security of personal information. Our employees are well trained and extremely diligent in their efforts to protect the information that is in their care. We take our role in safeguarding your personal information and using it in an appropriate manner very seriously.

Please note that under the *Privacy Act* you are entitled to register a complaint with the Office of the Privacy Commissioner of Canada ([www.priv.gc.ca](http://www.priv.gc.ca)) with regard to this breach. Complaints may be forwarded to the following:





Shared Services Canada      Services partagés Canada

P.O. Box 9808 STN T CSC  
Ottawa,  
Ontario K1G  
4A8

<https://www.priv.gc.ca/en/report-a-concern/file-a-formal-privacy-complaint/file-a-complaint-about-a-federal-institution/>

Should you have any questions regarding this notice or if you would like more information, please do not hesitate to communicate with me.

Sincerely,

Tiffany Caron  
Corporate Secretary, Shared Services Canada

c)

✉ You received only one notification letter, as the breach was treated as a single incident.

I hope this information helps clarify the issues you have brought forward.

Thank you

Paule Labbé

## 2-SSC's Denial to Affected individual

a) Hello Mr. Leckie,

In response to your recent correspondence, along with new ATIP requests, alleging a potential breach of your personal information, I wish to inform you that Shared Services Canada (SSC) takes these allegations very seriously.

SSC strives to comply with the *Privacy Act* and takes all necessary steps to safeguard the personal information of its employees and Canadian citizens.

An enquiry into your allegations found no indication that your personal information was disclosed to a third party contrary to the *Privacy Act*. If you have specific information indicating the contrary, please provide it at your earliest convenience.

On our part, we will continue to action your existing and any new requests under the Act.

*Tiffany Caron*

Director General, Corporate Secretariat | Directrice Générale, Secrétariat ministériel

Shared Services Canada | Services partagés Canada

[Tiffany.Caron@canada.ca](mailto:Tiffany.Caron@canada.ca)

Tel 613-286-0811

b) I would also like to address your comments regarding your safety. As noted in my earlier email, we have found no indication that your personal information was disclosed to a third party contrary to the *Privacy Act* within SSC. To be clear, none of your personal information was ever retrieved, read or shared at SSC. We are currently cooperating with the Privacy Commissioner and Office of the Information Commissioner on their investigations.

On our part, we will continue to action your existing and any new requests under the Act.

Do not hesitate to contact me if you have any other questions related to administrative matters related to your active files.

Thanks,

*Tiffany*

*Tiffany Caron*

Director General, Corporate Secretariat | Directrice Générale, Secrétariat ministériel

Shared Services Canada | Services partagés Canada

[Tiffany.Caron@canada.ca](mailto:Tiffany.Caron@canada.ca)

Tel 613-286-0811

c)



**Perron, Sony (SSC/SPC)**  
to me ▾

Wed, Nov 30, 2022, 12:19 PM ☆ ↶ ⋮

Mr. Leckie,

As you were informed in January 2022, an investigation was launched into allegations you made regarding inaction and potential interference in an investigation by Shared Services Canada management. Shared Services Canada hired an independent investigator to conduct an administrative investigation, and this investigation found **no evidence** to support the allegations. At my request the SSC head of Security shared with you the findings of the investigation.

For this reason, Ms. Paule Labbé will remain your point of contact in the department. As indicated before, I am hopeful that the mediation process will help to establish a way forward and regularize your interactions with SSCs Access to Information and Privacy Unit. While we want you to be well-supported when making requests under the Act, I am also obliged to ensure that interactions with SSC employees remain respectful and are focussed on the services these employees provide as a part of their day-to-day functions.

To reiterate, Ms. Labbé will remain your point of contact for current and future requests. Additionally, I expect that SSCs Access to Information and Privacy Unit will make recommendations and suggestions to refine your requests and to make information available efficiently and in a timely manner, where possible.

Thank you,

Sony Perron

d)

**Sean Kealey <Sean.Kealey@ssc-spc.gc.ca>**  
To: "Stewartdleckie@gmail.com" <Stewartdleckie@gmail.com>

Wed, Aug 24, 2022 at 3:14 PM

Mr. Leckie,

As you were informed on January 24, 2022, an investigation was launched into the allegations you made on October 6, 2021 regarding inaction and potential interference in an investigation by the Office of the Privacy Commissioner (OPC) by Shared Services Canada management. Shared Services Canada took this complaint seriously and hired an independent investigator to conduct an administrative investigation into these allegations.

The administrative investigation looked specifically into the following allegations:

- o SSC Managements' alleged inaction in addressing the situation.
- o SSC Managements' alleged actions to conceal the incident; and
- o SSC officials' alleged attempts to interfere with the OPC investigation.

The investigator looked into each of these allegations and found no evidence to support them.

We appreciate you bringing this matter to our attention,

**Sean Kealey**

**Dirigeant principal de la sécurité /Chief Security Officer**

Directeur général, Sécurité, gestion des locaux et du matériel  
Director General, Security, Accommodation and Materiel Management  
Services ministériels / Corporate Services Branch  
Services partagés Canada / Shared Services Canada

### 3-SSC's Obstruction of a Federal Investigation by OPC

a)



Stewart Leckie <stewartdleckie@gmail.com>

#### OPC Case File: PA-0549751

Loren Myers <Loren.Myers@priv.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Tue, Jul 27, 2021 at 12:54 PM

Mr. Leckie,

The right to file an application to the Federal Court within 45 days relates to denial of access complaints investigated by the OIC and the OPC concerning Information or Privacy Requests. Regarding your alleged unauthorized disclosure of your personal information by SCC (OPC complaint file PA-059751), there is no similar right provided under the *Privacy Act* for privacy breaches. At this time, we are able to inform you that the SCC ATIP Department provided us with the results of its internal investigation on July 22, 2021, noted as follows:

*'Please note that we have completed an internal fact finding on this subject. We can confirm that the employee did not make any unauthorized disclosure of the complainant's personal information. In addition, the fact finding confirmed that no other SSC ATIP employee made the alleged disclosure.'*

What this means is that there has been no suitable evidence uncovered at this time to validate your privacy breach allegations. Unless you can link any SCC employees with written proof, this Office's investigation will be concluded on a lack of evidence. We are aware that you have an investigation on-going with the OIC, and if suitable evidence is uncovered, you could present it to us at that time. Please be advised that this Office cannot contact the OIC and any evidence will have to be secured by yourself and provided to us.

To conclude, in order to provide you more time to present evidence, your case file noted above will be left open to August 31, 2021. If we do not hear back from you by that time, your file will be closed at that time. However, if you ever secure evidence beyond that date, please contact this Office at that time.

Regards,

**Mr. Loren G. Myers, CIPP/C**

**Enquêteur Principal / Senior Investigator**

Commissariat à la protection de la vie privée du Canada / 30, rue Victoria, Gatineau, QC K1A 1H3

Office of the Privacy Commissioner of Canada / 30 Victoria Street, Gatineau, QC K1A 1H3

Téléphone /Telephone (819) 431-7905

Avis de confidentialité : Le présent message électronique (y compris les pièces qui y sont annexées, le cas échéant) s'adresse au destinataire indiqué et peut contenir des renseignements de caractère privé ou confidentiel. Si vous n'êtes pas le destinataire de ce





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**RE: OPC Case File: PA-059751**

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**Loren Myers** <Loren.Myers@priv.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Fri, Jul 30, 2021 at 3:40 PM

Thanks for sending us this letter. This is most definitely an interesting change of events. Please leave this matter with me to look into and I will get back to you by the end of the next week at the latest. Have a good weekend!

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: Stewart Leckie <stewartdleckie@gmail.com>  
Date: 2021-07-30 2:59 p.m. (GMT-05:00)  
To: Loren Myers <Loren.Myers@priv.gc.ca>  
Subject: Re: OPC Case File: PA-059751

Good Afternoon Loren,

Please see attached letter. I would like to schedule a time to speak with you (or as you have had the file re-assigned, whom you deem appropriate) to discuss next steps.

Many thanks,  
Stewart Leckie



a)

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## **A-2020-00107: Clarification of Access to Information Request**

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**St-Jean, Miriam (SSC/SPC)** <miriam.st-jean@canada.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Thu, Dec 17, 2020 at 9:38 AM

Good morning Stewart,

Section 6 of the [Access to Information Act](#) describes the parameters for making a request. It states that a request "shall provide sufficient detail to enable an experienced employee of the institution to identify the record with a reasonable effort."

Section 6.1 (1) describes a mechanism for an institution to decline to act on a request: "With the Information Commissioner's written approval, the head of a government institution may, before giving a person access to a record or refusing to do so, decline to act on the person's request if, in the opinion of the head of the institution, the request is vexatious, is made in bad faith or is otherwise an abuse of the right to make a request for access to records."

Your request as currently worded does not provide sufficient detail to allow an employee to identify records with a reasonable effort. Asking every employee at SSC to provide any emails that use words such as "language" and "complaint" would be beyond a reasonable effort regardless of the time frame.

In earlier correspondence I have recommended a few different options to try to narrow in on the information that you are seeking for you to consider.

In order to proceed with your request, we would need the following information:

1. A list of individuals or specific groups to task with the request
2. A more specific subject of the request, such as "emails concerning language complaints," rather than emails with certain words in them

Thank you,

Miriam St-Jean

Senior ATIP Analyst, Access to Information and Privacy Protection Division

Strategic Engagement Branch / Corporate Secretariat

Shared Services Canada / Government of Canada

[miriam.st-jean@canada.ca](mailto:miriam.st-jean@canada.ca) / Tel. : 819-661-0947

b) 106. Mr. Larkin stated that when initially informed by Mr. Gagnon, he was told that they had received two ATIP requests asking specifically for Mr. Leckie's information and that they were suspicious in that they were made by [REDACTED] which was unusual. He initially thought that they could have come from Mr. Leckie's Legal Counsel.

141. When asked to explain the meaning of Right of Access, Section 4 of the Access to Information Act, Ms. Caron stated that anybody can make an ATIP request on anyone and does not have to provide her/his legal name. However, the ATIP group can request proof of identity as was the case with Ms. Trethewey's requests.

162. Ms. Caron agreed that Ms. Labbé's email to Mr. Leckie referring to "*organizational changes*" and that ATIP functions are "*now*" part of Strategy and Engagement Branch under her responsibility could be interpreted as recent changes as opposed to when they actually occurred, in 2019.



## 5- SSC Monitoring Private Citizen's Social Media

- a) In June 2021, Mr. Leckie posted in an Administrative Services (AS) community Facebook group seeking advice from other government employees regarding the privacy breach.

**Caron,  
Tiffany** Digitally delivered  
Caron, Tiffany  
Date 05/11/14 14:26  
P. 0000-0000

**Tiffany Carter**  
Director General, Corporate Secretariat (Director General, Secretariat ministeriel)  
Shared Services Canada / Services ministériels Canada

- b)

Urchhart, Veronique (CPVP/OPC) <Veronique.Urchhart@priv.gc.ca>

Thu, Dec 8, 2022 at 3:29 PM

To: Stewart Leckie <[stewardleckie@gmail.com](mailto:stewardleckie@gmail.com)>

As an Ombudsman, our role at the OPC is to receive and review allegations impartially, and proceed with investigations that fall within the jurisdiction of the *Privacy Act*. Since April 2021, you have brought a number of allegations to our attention and these have resulted in their own distinct investigations. I understand that more recently, you have concerns that SSC is monitoring your social media activities, and you have provided clear details to our Office in support of these allegations, and these complaints have also resulted in the launch of investigations. We evaluate each submission on its own merit while also taking into consideration any possible trends, which for example, could suggest a systemic issue and our Office would need to consider how/if to address those matters.

Sincerely,

Véronique Urquhart

## 5-SSC Restricting Requestor's Access to Information

a)



Stewart Leckie <stewartdieckie@gmail.com>

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### epost Connect: A-2021-00397 Shared Services Canada

Paule Labbé <Paule.Labbe@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartdieckie@gmail.com>

Fri, Apr 1, 2022 at 12:16 PM

Mr. Leckie, yes, all questions relating to an information request should go through me.

Paule Labbé

Assistant Deputy Minister, Strategy and Engagement Branch  
Shared Services Canada  
[paule.labbe@ssc-spc.ca](mailto:paule.labbe@ssc-spc.ca) / Cell: 613-513-9151

Sous-ministre adjointe, Direction générale de la stratégie et de la mobilisation  
Services Partagés Canada  
[paule.labbe@ssc-spc.ca](mailto:paule.labbe@ssc-spc.ca) / Cellulaire: 613-513-9151

(she/her/elle)

*Powering world-class technology for Government / La force derrière la technologie de pointe au gouvernement*

---

**From:** Stewart Leckie <stewartdieckie@gmail.com>  
**Sent:** March 31, 2022 9:25 AM  
**To:** Paule Labbé <Paule.Labbe@ssc-spc.gc.ca>  
**Subject:** Re: epost Connect: A-2021-00397 Shared Services Canada

Good Morning Paule,

I think I understand Paule.

So I have a question about an ATI request I submitted where you are the subject. To confirm, you would like to be the only person who receives questions, controls communication, and the processing of an ATI that you are personally a subject of and I will not be provided any alternative method of asking this question except through you?

Many thanks,  
Stewart Leckie



b)

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**epost Connect: A-2021-00317 Shared Services Canada**

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**Sony Perron** <Sony.Perron@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Tue, Jul 19, 2022 at 3:08 PM

I acknowledge reception of your request. While I have full Ati delegated authority, I do not oversee individual requests that are being worked or released. As requested I will look at your question regarding the measure implemented to protect your information. Someone will get back to you with that information.

However please continue to interact directly with Mrs Labbe as she is always the best place to update you on the progress achieved in addressing your request. I have full confidence in her integrity and the diligence of her work.

Regards,

Sony

Envoyé de mon iPhone

c)

---

**epost Connect: A-2021-00317 Shared Services Canada**

---

**Stewart Leckie** <stewartdleckie@gmail.com>  
To: Sony Perron <sony.perron@ssc-spc.gc.ca>

Tue, Jul 19, 2022 at 2:53 PM

Good afternoon Sony,

I hope you are doing well and enjoying the summer.

I am writing to you today in regards to the A-2021-00317 release sent to me today.

I haven't had a chance to review the material yet but would like to know what steps were taken in the tasking, retrieval and redaction process for this ATI request.

I understand you may not be aware of the details of this file, but there is an ongoing privacy complaint and accompanying investigation into this file.

In short the director of ATIP James Larkin proactively added Deputy Director Pierre Gagnon into the email communication chain for an ATIP that Pierre was the subject of, therefore breaching my privacy by notifying the subject of an ATIP of the requestor identity, personal contact information and more.

Due to the above situation I would like to know what was done to protect my privacy from further breaches, ensure that redactions were conducted in an honest, fair and ethical manner and any other prudent steps taken.

I am reaching out to you directly as I have no ability to contact anyone in ATIP and Paul Labbe is current under investigation for wrongdoing in several of my cases and holds a conflict of interest (highlighted by their unprofessional communication to a member of the public, which you have been made aware of and have not responded to).

To illustrate that I have exhausted all options beyond dealing with your office directly:

- Megan Trethewey, stole protected information from work and used a false identity to intimidate (indicating effect, not motive) a member of the public from pursuing ATIs
- Deputy Director Pierre Gagnon - several investigations ongoing (including internal to SSC)
- Director James Larking (several investigations ongoing)
- Director General Tiffany Caron - several investigations ongoing, concealed information from Federal investigators, levied 21 vexatious claims that were found to have no merit and much more
- ADM Paule Labbe, several investigations ongoing and inappropriate exchanges with a member of the public by actively discouraging them from pursuing ATIs and complaints alike

Please be advised I am uncomfortable with you sharing this information with Paule Labbe or any of the individuals listed above as they have ongoing conflicts of interest with myself, however am still entitled by law to have duty to assist provided to me.

Please advise,  
Stewart Leckie

[Quoted text hidden]

a)

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**A-2021-00317: SSC is seeking approval to decline to act on your access request**

---

**Pierre Gagnon** <Pierre.Gagnon6@ssc-spc.gc.ca>  
To: "stewartdleckie@gmail.com" <stewartdleckie@gmail.com>  
Cc: Eric Le <Eric.Le@ssc-spc.gc.ca>

Wed, Jan 12, 2022 at 4:10 PM

Mr. Stewart Leckie,

As required by subsection 6.1(1.3) of the *Access to Information Act*, we are writing to notify you that Shared Services Canada is seeking the Information Commissioner's approval to decline to act on access request A-2021-00317 received by SSC on December 10, 2021:

"Any and all communications between Megan Trethewey & Pierre Gagnon. From 30 July 2021 to 10 December 2021 Including but not limited to: emails, drafts, deleted messages and calendar events in -megan.trethewey@canada.ca Text messages, MMS messages, voicemails for phone numbers - 613-291-0609 & 343-574-7452 &/or any other phone numbers associated with either party Any other items including hand written notes, documents, decks, presentations, briefing notes etc. I am requesting a server search be done for this material as I have concerns about the individuals ability to conduct this search honestly."

It is SSC's position that this request is vexatious and made in bad faith within the meaning of section 6.1(1) of the *Act* because the primary aim in making this request is not to gain information but rather to improperly target a specific SSC employee contrary to the objectives and principles of the *Act*.

The initial due date for this file is January 13, 2022, but please be advised that this request is now on hold pending the OIC's decision.

Any further communication on this matter will come directly from the OIC.

Thank you

Pierre Gagnon  
Deputy Director, Access to Information and Privacy Protection Division  
Strategic Engagement Branch / Corporate Secretariat  
Shared Services Canada | Government of Canada  
pierre.gagnon6@canada.ca / Tel: 343-574-7452

b)

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## Privacy Incident Extensions

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**Stewart Leckie** <stewartdleckie@gmail.com>

Tue, Dec 20, 2022 at 1:58 PM

To: Paule Labbé <Paule.Labbe@ssc-spc.gc.ca>, Sony Perron <sony.perron@ssc-spc.gc.ca>

Good Afternoon Paule,

Please find attached extension letters for:

A-2022-00250

A-2022-00249

A-2022-00248

A-2022-00247

A-2022-00246

A-2022-00245

A few questions:

When will we be able to discuss prioritization of returns?

When will we be able to discuss a rolling release?

Could you please explain how the time extensions were calculated? Due to recent information being uncovered, these lengthy time extensions could be viewed as obstruction or interference as a delay tactic to not release information about ongoing illegal activities. I am not suggesting that this is the case but rather am seeking to understand.

I would also like to request that another SSC representative be provided to oversee the processing of these files, as 689,666 of 786,431 (87.7%) occurrences of the term "privacy incident" in the past 6 years occurred while you were the ADM overseeing the Access to Information and Privacy group. I am concerned that this represents a conflict of interest.

Please advise,  
Stewart Leckie

---

### 6 attachments



**A-2022-00250 - Extension Letter.pdf**

49K



**A-2022-00249 - Extension Letter.pdf**

49K



**A-2022-00248 - Extension Letter.pdf**

49K



**A-2022-00247 - Extension Letter.pdf**

49K



**A-2022-00246 - Extension Letter.pdf**

53K



**A-2022-00245 - Extension Letter.pdf**

49K



c)



Stewart Leckie <stewartdleckie@gmail.com>

---

**epost Connect: A-2021-00397 Shared Services Canada**

**Paule Labbé** <Paule.Labbe@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Fri, Apr 1, 2022 at 12:16 PM

Mr. Leckie, yes, all questions relating to an information request should go through me.

Paule Labbé

Assistant Deputy Minister, Strategy and Engagement Branch

Shared Services Canada

paule.labbe@ssc-spc.ca / Cell: 613-513-9151

Sous-ministre adjointe, Direction générale de la stratégie et de la mobilisation

Services Partagés Canada

paule.labbe@ssc-spc.ca / Cellulaire: 613-513-9151

(she/her/elle)

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---

**From:** Stewart Leckie <stewartdleckie@gmail.com>  
**Sent:** March 31, 2022 9:25 AM  
**To:** Paule Labbé <Paule.Labbe@ssc-spc.gc.ca>  
**Subject:** Re: epost Connect: A-2021-00397 Shared Services Canada

Good Morning Paule,

I think I understand Paule.

So I have a question about an ATI request I submitted where you are the subject. To confirm, you would like to be the only person who receives questions, controls communication, and the processing of an ATI that you are personally a subject of and I will not be provided any alternative method of asking this question except through you?

Many thanks,  
Stewart Leckie

a) **Laura Mayo**

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**From:** megan trethewey <Megan.Trethewey@ssc-spc.gc.ca>  
**Sent:** September 10, 2021 2:49 PM  
**To:** Laura Maria Ramos Samayoa; Eric Le; James Larkin; Hormuzdyar Nekoo; Cassandra Welsh; Belinda Charette; Kristopher Laframboise; Pier-Etienne Rodrigue; Jameida Clarke; Michelle Morin; Stéphane Boudrias; Ann-Mary Salama; Laura Mayo; Omar Elgazzar; Jolyanne Ouellet; Rowhena Rajaram; John Robert; André Thibert; Devon Berman; Christina David; Miriam St-Jean; Julie Hodgert; Sandra Akeson; Axel Ngamije-Gaga; Pierre Gagnon

we know the bottlenecks ! this is another weapon to show PO!!

b)

**Laura Mayo**

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**From:** megan trethewey <Megan.Trethewey@ssc-spc.gc.ca>  
**Sent:** September 28, 2021 1:56 PM  
**To:** Roxanne Moore; Chad Lorrain; Denis Schryburt; Stéphane Boudrias; André Thibert; Pier-Etienne Rodrigue; Jamey Gill;  
8:teamsvisitor:efff78388dff4e54b88251aa744872ae; Pierre Gagnon; Eileen White; Danny Pon; Laura Mayo; Jaime Laffin; Zoe McMillan; Rowhena Rajaram; Andreea Gustin; Naoufel Chbihi; Kevin MacEwen; John Robert; Miriam St-Jean; Cassandra Welsh; Darren Finlayson; Laura Maria Ramos Samayoa

since we are working from home, is my personal phone/personal computer subject to an ATIP request?



Commissariat à l'information  
du Canada      Office of the Information  
Commissioner  
of Canada

30 Victoria,  
Gatineau, Québec • K1A 1H3 •

## Information Commissioner's final report

**Institution:** Shared Services Canada

**Date:** 2022-05-12

**OIC file number:** 5820-02800

**Institution file number:** A-2020-00107

### Complaint

The complainant alleged that Shared Services Canada (SSC) has wrongfully refused to process an access request made under the *Access to Information Act* for records related to informal official language complaints.

SSC attempted on a number of occasions to secure agreement by the complainant to reduce the scope of the access request. During this process, the complainant agreed to restrict the access request to a one-year timeframe and amended it as follows:

I am requesting any and all emails with a subject line that includes "Official" "official" "OL" "ol" "Languages" "languages" "Language" "Language" AND CONTAINS ANY OF THE FOLLOWING: "Complaint" "complaint" "Complaints" complaints" for the calendar year of 2020. Response do not need to include any signature lines or attachments.

Even with the new wording, SSC refused to process the request as it felt that the request did not meet the requirements of section 6 of the Act.

### Investigation

When an institution refuses to process a request under the Act, it bears the burden of showing that it is justified.

I have reviewed and carefully considered all submissions made by SSC. If they are not addressed in this final report, it is because I did not find them relevant to determine the matters at issue.

## **Section 6: Request for access to record**

Section 6 of the Act requires that a request for access to a record under the Act be made in writing to the government institution that has control of the record and shall provide, “sufficient detail to enable an experienced employee of the institution to identify the record with a reasonable effort.”

### **Does the request meet the requirements of section 6?**

SSC alleges that processing the request as worded would still require tasking all of its employees to search for records responsive to the request. SSC has more than eight thousand three hundred (8,300) employees.

In its representations, SSC stated that a request requiring that such a large number of employees be tasked does not provide sufficient detail to meet the requirements of section

6. In addition, according to SSC, there is an implicit statutory requirement for a request to target specific groups of individuals with the retrieval of records in order to be considered valid.

SSC also argues that the requirement of “reasonable effort” under section 6 should consider the administrative burden that a specific request will have on the operations of an institution. SSC’s position is that the burden imposed by the request does not constitute a reasonable effort because of the work involved in tasking the individuals and retrieving the records. In addition, the administrative effort required to process the request within the legislated timeframe would unreasonably conflict with the core activities of each branch.

I cannot agree with SSC’s position. The term “reasonable effort” is not a stand-alone requirement; it is to be read in its entire context, in which it is the effort to “identify” the records that needs to be reasonable. The Supreme Court of Canada endorsed this approach in *Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 S.C.R. 27 at para 21, and stated that “the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.”

It is also my view that the requirements of section 6 do not put a limit on the number of individuals who must be tasked in order to search for and provide responsive records, nor do they require that specific groups be targeted. Rather, paragraph 9(1)(a) of the Act provides an extension of time due to the volume of records when the request is for a large number of records or requires searching through a large number of records and meeting the 30-day deadline would unreasonably interfere with the institution’s operations.

To this, SSC's position is that an extension of time does not alleviate the burden on an institution, but will prolong it and create a liability for years to come. While I acknowledge the effort that is required from an institution with this type of request, the Act does not allow an institution to refuse to process a request on the sole basis that it will create a burden on its operations.

In addition to the administrative burden, SSC asserts that the request, as worded, does not provide sufficient detail to enable an experienced employee to identify records with a reasonable effort. This is because SSC opines that the keywords will generate a large number of records that are non-responsive.

A request will generally be considered to provide "sufficient detail to enable an experienced employee of the institution to identify the record with a reasonable effort" if there is a timeframe and a subject. The keywords used in the request are specific enough to allow an employee to identify what the complainant is seeking. The narrowed scope of the access request asks for emails with the subject line containing the listed keywords, not the body of the email nor any potential attachments. In addition, the complainant excluded from the scope of the request signature lines containing the keywords, and restricted the request to a one-year timeframe.

I further note that during the time that SSC officials were attempting to re-scope the request, they suggested to the complainant that a group of individuals (for example, Human Resources) within the department could be tasked as the Office of Primary Interest (OPI).

The rationale for this suggestion was that tasking and receiving responsive records from a smaller group of individuals would reduce the administrative burden associated with tasking everyone in the department, and could provide the complainant with records related to

official language complaints. For their part, the complainant repeatedly confirmed that they were not interested in a small group of individuals' email messages containing subject lines with the specified keywords, rather, they are seeking all email messages created during a specific timeframe.

If a smaller group of individuals (i.e. Human Resources) could identify records responsive to the request as worded – using keywords – then it would stand to reason that a larger group of individuals could also identify records relevant to the request.

It is therefore my view that the request is sufficiently detailed to enable an experienced employee to identify responsive records with a reasonable effort.

I must also disagree with SSC's submissions that there is no valid reason to task every employee, on the basis that the search would retrieve significant amounts of personal

information that would be redacted under the Act. This is not a valid justification to refuse to process a request. Subsection 19(1) of the Act exists to protect personal information;

therefore there is no reason for SSC to refuse to process the request on the basis that information would be exempted. Whether some or all of the requested information consists of personal information that would be exempt under the Act is not relevant to an institution's ability to identify responsive records.

In light of the above, I conclude that the request meets the requirements of section 6.

### **Observation**

I note that in defending its decision not to process the request, SSC made representations suggesting the request is vexatious and an abuse of the right of access. Section 6.1 of the Act provides for a separate process under which institutions can address requests that are, in their view, vexatious, made in bad faith, or otherwise an abuse of the right to make a request for access to records. This process, which is subject to my approval prior to refusing to act on the request, was not followed in the current instance. As SSC did not avail itself of this process, I will not address these submissions.

### **Result**

The complaint is well founded.

### **Order**

Under [subsection 36.1\(1\)](#) of the *Access to Information Act*, I order the Minister of Public Services and Procurement Canada to accept the access request, as meeting the requirements of section 6, and to proceed accordingly.

On March 29, 2022, I issued my initial report to the Minister of Public Services and Procurement Canada setting out my intended order. The deadline for a response was April 22, 2022 which I extended until May 6, 2022. At the signing of this final report, no response has been received.

[Section 41](#) of the Act provides a right to any person who receives this report to apply to the Federal Court for a review. Complainants and institutions must apply for this review within 35 business days after the date of this report. The person who applies for a review must serve a copy of the application for review to the relevant parties, as per [section 43](#). If no one applies for a review by this deadline, this order takes effect on the 36th business day after the date of this report.



Caroline Maynard  
Information Commissioner of Canada

9- SSC's Unjustifiable Extension to Release Records



Shared Services  
Canada

PO Box 9808  
STN T CSC  
K1G 4A8

Services partagés  
Canada

Casier postal 9808  
Station T, CSC  
K1G 4A8

Our File:  
A-2020-00107

VIA EPOST to: [stewartdleckie@gmail.com](mailto:stewartdleckie@gmail.com)

Mr. Stewart Leckie  
67 Bartley  
Crescent  
Ottawa, Ontario K2J 1R9

Dear Stewart Leckie:

This is further to your request received under the *Access to Information Act* on December 16, 2020, for the following:

**I am requesting any and all emails with a subject line that includes "Official" "official" "OL" "ol" "Languages" "languages" "Language" "language" AND CONTAINS ANY OF THE FOLLOWING: "Complaint" "complaint" "Complaints" "complaints" for the calendar year of 2020. Responses do not need to include any signature lines or attachments.**

Unfortunately, we will not be able to respond to your request within the thirty (30) day statutory limit. Consequently, in accordance with paragraph 9(1)(a) of the *Act*, we will require an extension of 8,766 days beyond the original statutory time limit since the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the Department. Please be assured that if we can complete the processing of your request by an earlier date, we shall do so.

Please be advised that you are entitled to bring a complaint to the Information Commissioner of Canada regarding the processing of your request within sixty (60) days of the date of this notice. Should you wish to avail yourself of this right, your notice of complaint, with reference to the file number listed above, should be sent to:

Office of the Information Commissioner of Canada  
30 Victoria Street  
Gatineau (Québec) K1A 1H3

Should you have any questions, please do not hesitate to contact Paule Labbé by email at [paule.labbe@ssc-spc.gc.ca](mailto:paule.labbe@ssc-spc.gc.ca).

Yours sincerely,

For James Larkin  
Director, Access to Information and Privacy Protection

c.c.: Office of the Information Commissioner of Canada





Shared Services  
Canada

PO Box 9808  
STN T CSC  
K1G 4A8

Services partagés  
Canada

Casier postal 9808  
Station T, CSC  
K1G 4A8

*Our File:*

A-2022-00040 / PG

Stewart Leckie  
67 Bartley Crescent  
Ottawa, Ontario K2J  
1R9

Dear Stewart Leckie:

This is further to your request received under the *Access to Information Act* on May 26, 2022, for the following:

**I am requesting any and all emails with a subject line that includes “Official” “official” “OL” “ol” “Languages” “languages” “Language” “Language” AND CONTAINS ANY OF THE FOLLOWING: “Complaint” “complaint” “Complaints” complaints” for the calendar year of 2019. Response do not need to include any signature lines or attachments..**

Unfortunately, we will not be able to respond to your request within the thirty (30) day statutory limit. Consequently, in accordance with paragraph 9(1)(a) of the *Act*, we will require an extension of 421 days beyond the original statutory time limit since the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the Department. Please be assured that if we can complete the processing of your request by an earlier date, we shall do so.

Please be advised that you are entitled to bring a complaint to the Information Commissioner of Canada regarding the processing of your request within sixty (60) days of the date of this notice. Should you wish to avail yourself of this right, your notice of complaint, with reference to the file number listed above, should be sent to:

Office of the Information Commissioner of Canada  
30 Victoria Street  
Gatineau (Québec) K1A 1H3

Should you have any questions, please do not hesitate to contact Paule Labbe by email at [paule.labbe@ssc-spc.gc.ca](mailto:paule.labbe@ssc-spc.gc.ca).

Yours sincerely,

For  
James Larkin





Shared Services  
Canada

PO Box 9808  
STN T CSC  
K1G 4A8

Services partagés  
Canada

Casier postal 9808  
Station T, CSC  
K1G 4A8

*Our File:*

A-2022-00041 / PG

Stewart Leckie  
67 Bartley Crescent  
Ottawa, Ontario K2J  
1R9

Dear Stewart Leckie:

This is further to your request received under the *Access to Information Act* on May 26, 2022, for the following:

**I am requesting any and all emails with a subject line that includes “Official” “official” “OL” “ol” “Languages” “languages” “Language” “Language” AND CONTAINS ANY OF THE FOLLOWING: “Complaint” “complaint” “Complaints” complaints” for the calendar year of 2021. Response do not need to include any signature lines or attachments..**

Unfortunately, we will not be able to respond to your request within the thirty (30) day statutory limit. Consequently, in accordance with paragraph 9(1)(a) of the *Act*, we will require an extension of 583 days beyond the original statutory time limit since the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the Department. Please be assured that if we can complete the processing of your request by an earlier date, we shall do so.

Please be advised that you are entitled to bring a complaint to the Information Commissioner of Canada regarding the processing of your request within sixty (60) days of the date of this notice. Should you wish to avail yourself of this right, your notice of complaint, with reference to the file number listed above, should be sent to:

Office of the Information Commissioner of Canada  
30 Victoria Street  
Gatineau (Québec) K1A 1H3

Should you have any questions, please do not hesitate to contact Paule Labbe by email at [paule.labbe@ssc-spc.gc.ca](mailto:paule.labbe@ssc-spc.gc.ca).

Yours sincerely,

For  
James Larkin



## 10-SSC's Breach(es) to their Duty to Assist

- [2] I find that the institution has not met its burden of establishing that the access to information request is vexatious, made in bad faith, or is an abuse of the right of access. I also find that SSC did not establish that it fulfilled its duty to assist obligations under subsection 4(2.1) prior to seeking approval to decline to act.

## 11-SSC's Deep-Rooted Corruption (taste of own medicine

quote) a)

149. Ms. Caron confirmed that she had been made aware by Mr. Larkin of the [REDACTED] in relation to the requests Ms. Trethewey made. Mr. Larkin had mentioned that he [REDACTED] that Mr. Gagnon might have jokingly commented to the effect that he wished they gave Mr. Leckie a taste of his own medicine. Ms. Caron added, that Mr. Larkin had stated that he was looking into it as he wanted to determine if [REDACTED] Mr. Larkin subsequently confirmed that he discussed with Ms. St-Jean, Ms. David and Mr. Gagnon and that [REDACTED] Ms. Caron added that Ms. Trethewey confirmed during the fact-finding meeting that she acted alone in making her requests.



Commissariat à l'information du Canada    Office of the Information Commissioner of Canada

30 Victoria,  
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## Information Commissioner's Decision

### **Subject:     Application for Approval to Decline to Act on an Access Request**

**OIC files:** 6.1-2021-00014, 6.1-2021-00015, 6.1-2021-00016, 6.1-2021-00017, 6.1-2021-00018, 6.1-2021-00019, 6.1-2021-00020, 6.1-2021-00021, 6.1-2021-00022, 6.1-2021-00023, 6.1-2021-00024, 6.1-2021-00025, 6.1-2021-00026, 6.1-2021-00027, 6.1-2021-00028, 6.1-2021-00029, 6.1-2021-00030, 6.1-2021-00031, 6.1-2021-00032, 6.1-2021-00033

**Institution:** Shared Services Canada

**Institution's file:** A-2021-00211, A-2021-00212, A-2021-00213, A-2021-00214, A-2021-00215, A-2021-00216, A-2021-00217, A-2021-00218, A-2021-00219, A-2021-00222, A-2021-00223, A-2021-00224, A-2021-00225, A-2021-00226, A-2021-00227, A-2021-00228, A-2021-00229, A-2021-00230, A-2021-00231, A-2021-00234

**Date of decision:** February 3, 2022

### **Summary**

- [1] Shared Services Canada (SSC) submitted 20 applications to the Information Commissioner for approval to decline to act on 20 separate, but related access to information requests submitted by the same requester, under subsection 6.1(1) of the *Access to Information Act*. In SSC's view, each one of these requests is vexatious, made in bad faith, and constitutes an abuse of the right of access. SSC submitted the same representations in support to each of its applications and also maintained that it met its duty to assist the requester in connection with these requests.
- [2] I find that the institution has not met its burden of establishing that any of the 20 access to information requests is vexatious, made in bad faith, or is an abuse of the right of access. I also find that SSC did not establish that it fulfilled its duty to assist obligations under subsection 4(2.1) prior to seeking approval to decline to act.

- [3] The applications are denied; SSC is required to act on the 20 access requests at issue.

## Application

- [4] SSC seeks the Information Commissioner's approval to decline to act on 20 access requests made by the same requester under subsection 6.1(1) of the Act. While I have reviewed and decided each application on its own merit, I have decided to respond to the 20 applications with one decision letter given that the 20 access requests at issue are related; they were submitted by the same requester and the representations made by SCC and the requester are the same for all 20 applications.

## General Principles

- [5] Subsection 6.1(1) provides that the head of a government institution may seek the Information Commissioner's written approval to decline to act on an access request if, in the opinion of the head of the institution, the request is vexatious, is made in bad faith or is otherwise an abuse of the right to make a request for access to records. The institution bears the burden of establishing that the request meets the requirements under subsection 6.1(1) of the Act.
- [6] The right of access to information to records under the control of a government institution has been recognized as quasi-constitutional in nature (*Blood Tribe (Department of Health) v. Canada (Privacy Commission)*, 2006 FCA 334 at para 24; see also: *Canada (Information Commissioner) v. Canada (Minister of National Defence)*, 2011 SCC 25 at para 40). Bearing this in mind, authorization to decline a request will only be granted if the application is supported by clear and compelling evidence (see, for example: *Saskatchewan (Advanced Education) (Re)*, 2010 CanLII 28547 (SK IPC) at paras 43-47; *Northwest Territories (Public Body) (Re)*, 2017 CanLII 73304).
- [7] Institutions, pursuant to subsection 4(2.1), also have an obligation to assist requesters in connection with their requests. This provision states:

The head of a government institution shall, without regard to the identity of a person making a request for access to a record under the control of the institution, make every reasonable effort to assist the person in connection with the request, respond to the request accurately and completely and, subject to the regulations, provide timely access to the record in the format requested.

- [8] As explained in guidance and process documents issued by the Office of the Information Commissioner (OIC) regarding 6.1 applications, institutions should

only seek the Commissioner's approval to decline to act on an access request after having made every reasonable effort to help the requester with the request. If the



Commissioner is not satisfied that the institution has fulfilled its obligation under subsection 4(2.1), the Commissioner may find an application for approval pursuant to 6.1 to be premature.

## Factual Background

[9] On September 22, 2021, SSC received the following 20 requests:

Access request	Access request text	OIC file
A-2021-00211	I am requesting all phone records including sent, received, drafted and/or deleted SMS/MMS, call logs, voicemails to and/or from [REDACTED] [hereinafter referred to as "Employee A"] between the dates of August 15 2021 to 31 August 2021.	6.1-2021-00014
A-2021-00212	I am requesting all emails sent, received, drafted and/or deleted to or from [Employee A] between the dates of August 1 2021 to 15 August 2021.	6.1-2021-00015
A-2021-00213	I am requesting all phone records including sent, received, drafted and/or deleted SMS/MMS, call logs, voicemails to and/or from [Employee A] between the dates of July 17 2021 to 31 July 2021	6.1-2021-00016
A-2021-00214	I am requesting all emails sent, received, drafted and/or deleted to or from [Employee A] between the dates of July 17 2021 to 31 July 2021.	6.1-2021-00017
A-2021-00215	I am requesting all phone records including sent, received, drafted and/or deleted SMS/MMS, call logs, voicemails to and/or from [Employee A] between the dates of July 1 2021 to 16 July 2021	6.1-2021-00018
A-2021-00216	I am requesting all emails sent, received, drafted and/or deleted to or from [Employee A] between the dates of June 1 2021 to 16 June 2021.	6.1-2021-00019
A-2021-00217	I am requesting all emails sent, received, drafted and/or deleted to or from [Employee A] between the dates of July 1 2021 to 16 July 2021	6.1-2021-00020
A-2021-00218	I am requesting all phone records including sent, received, drafted and/or deleted SMS/MMS, call logs, voicemails to and/or from [Employee A] between the dates of June 17 2021 to 30 June 2021	6.1-2021-00021
A-2021-00219	I am requesting all phone records including sent, received, drafted and/or deleted SMS/MMS, call logs, voicemails to and/or from [Employee A] between the dates of April 15 2021 to 30 April 2021.	6.1-2021-00022

A-2021-00222	I am requesting all phone records including sent, received, drafted and/or deleted SMS/MMS, call logs, voicemails to and/or from [Employee A] between the dates of June 1 2021 to 16 June 2021.	6.1-2021-00023
A-2021-00223	I am requesting all emails sent, received, drafted and/or deleted to or from [Employee A] between the dates of June 17 2021 to 30 June 2021	6.1-2021-00024
A-2021-00224	I am requesting all emails sent, received, drafted and/or deleted to or from [Employee A] between the dates of May 16 2021 to 31 May 2021.	6.1-2021-00025
A-2021-00225	I am requesting all emails sent, received, drafted and/or deleted to or from [Employee A] between the dates of May 1 2021 to 15 May 2021	6.1-2021-00026
A-2021-00226	I am requesting all phone records including sent, received, drafted and/or deleted SMS/MMS, call logs, voicemails to and/or from [Employee A] between the dates of May 16 2021 to 31 May 2021.	6.1-2021-00027
A-2021-00227	I am requesting all phone records including sent, received, drafted and/or deleted SMS/MMS, call logs, voicemails to and/or from [Employee A] between the dates of May 1 2021 to 15 May 2021	6.1-2021-00028
A-2021-00228	I am requesting all emails sent, received, drafted and/or deleted to or from [Employee A] between the dates of April 15 2021 to 30 April 2021	6.1-2021-00029
A-2021-00229	I am requesting all emails sent, received, drafted and/or deleted to or from [Employee A] between the dates of April 1 2021 to 14 April 2021.	6.1-2021-00030
A-2021-00230	I am requesting all phone records including sent, received, drafted and/or deleted SMS/MMS, call logs, voicemails to and/or from [Employee A] between the dates of April 1 2021 to 14 April 2021	6.1-2021-00031
A-2021-00231	I am requesting all phone records including sent, received, drafted and/or deleted SMS/MMS, call logs, voicemails to and/or from [Employee A] between the dates of August 1 2021 to 15 August 2021	6.1-2021-00032
A-2021-00234	[a]ny and all communications between [Employee A] [REDACTED] [REDACTED] ) & the forensics investigation team (forensicsinvestigations-enquetejudiciaire@ssc-spc.gc.ca) from 1 November 2020 to 27 September 2021	6.1-2021-00033

- [10] These requests were submitted by the requester on September 22 and 27, 2021, and SSC has currently requested the Information Commissioner's approval to decline to act all 20.
- [11] By way of context:
- a) The requester has alleged that SSC employees, including Employee A, breached the requester's privacy.
  - b) An SSC internal investigation of matters concluded that no privacy breach was committed, but that the requester's personal information was "used inappropriately".
  - c) Employee A was subject to disciplinary action.
  - d) The Office of the Privacy Commissioner of Canada ("OPC") is conducting an ongoing investigation of the requester's allegations of a breach of privacy.
  - e) The requester has made multiple requests under the Act for records involving specific individuals within SSC's Access to Information and Privacy [ATIP] division.
  - f) All 20 requests submitted by the requester on either September 22 or 27, 2021, are for records of communication involving Employee A.

## **Positions of the parties**

### **SSC's Submissions:**

- [12] SSC maintains that the 20 requests at issue are vexatious, made in bad faith or are otherwise an abuse of the right to make a request for access to records, because the primary aim of the requests is not to access information.
- [13] SSC did not offer distinct arguments in support of its position that these requests are vexatious and / or made in bad faith. In support of both claims, SSC stated, among other things, that:
- a) the requester has made multiple access requests;
  - b) a number of these requests are similar and / or repetitive;
  - c) SSC has already responded to similar requests;
  - d) the requester has already received all relevant information; and

- e) rather than exercise the right of access, the requester means to target and harass a specific SSC employee(s) and / or "... annoy, harass, embarrass or cause discomfort".

[14] With regard to the volume of requests made, SSC states that:

- a) since December 2020, the requester has made a total of 77 requests (55 of which have been submitted since the start of the 2021 fiscal year);
- b) 18.5% of SSC's current active requests are from the requester; and
- c) the requester has also filed 10 complaints to the OIC against SSC (7 of which remain active).

[15] With regard to the repetitiveness of the requests, SSC states that 45 of the requester's requests submitted since December 2020 have targeted specific employees within its Corporate Secretariat, with more than 1/3 of those specifically targeting Employee A. As examples of some of these requests, SSC referred to previous requests for: all records of cellular communications between Employee A and a named individual from August 1, 2020 to July 29, 2021; and all records of communication between Employee A and a named individual between November 1, 2020 to July 29, 2021.

[16] According to SSC:

- a) no responsive records were found in response to five (5) of the requester's previous requests (A-2021-00110, A-2021-00111, A-2021-00113, A-2021-00174, A-2021-00175, A-2021-00180, A-2021-00191), four of which targeted Employee A;
- b) "[t]here have been no change in circumstances that could justify these repeated requests targeting a specific individual".

[17] With regard to the requester's intentions, SSC maintains that the requester's "...primary intent is to burden the employee in question with the weight of these 20 requests" and "to ensure that [Employee A] is aware and engaged". By way of evidence, SSC states that:

- a) whereas in the past, the requester "refused to subdivide his request text into smaller timeframes," the requester has now split what could have been 3 requests into 20; and
- b) although the requester when submitting some previous requests asked that SSC conduct a server search to locate responsive records, the requester did not do so when submitting the current request(s).

- [18] SSC also refers to an email, dated October 6, 2021, from the requester to the President of SSC and Prime Minister, in which the requester is said to have:
- a) stated that he has completed his fact-finding exercise through his numerous ATIP requests;
  - b) indicated that he wants to see:
    - a) the termination with cause, of an employee acknowledged by SSC to have misused the requester's personal information; and
    - b) confirmation that two other named SSC employees do not receive a performance pay this year;
  - c) alleged that "SSC deceived OPC and obstructed their investigation into his case and that those guilty should be held accountable".
- [19] According to SSC, based on the above, SSC-ATIP can "... only conclude that these 20 latest requests are merely aimed to negatively impact SSC-ATIP's operations and employees".
- [20] SSC alleges that the requester's pattern of communications with SSC "tends to contain deliberately hurtful remarks and unfounded allegations as to the competency of SSC employees".
- [21] In addition, SSC states that because the OPC is conducting an ongoing investigation of Employee A's alleged breach of the requester's privacy and was subject to disciplinary action, the requester's current request(s) is "an attempt to bypass official procedures".
- [22] Similar submissions are made by SSC in support of its position that the requests are also an abuse of the right of access. SSC states:
- a) the requester has 22 active requests out of SSC's current 119 requests;
  - b) the 20 requests are for all of Employee A's communications;
  - c) "[the requester's] actions demonstrate that gaining access to information is not his primary aim";
  - d) "[d]espite being notified that no records exist for [4 previous requests – files: A-2021-00174, A-2021-00175, A-2021-00180 and A-2021-00191], and that an internal SSC investigation and an OPC inquiry has been launched into the alleged privacy breach, [the requester] continues to submit substantially similar requests targeting

[Employee A]”;

- e) the requester has made several complaints about his requests; and
- f) all relevant and available information has already been provided to him (A-2021- 00110; A-2021-00111).

[23] With regard to SSC's duty to assist obligations under subsection 4(2.1), SSC refers to efforts made to assist the requester with previous requests, specifically:

- a) attempts to clarify and / or narrow the scope of the requester's previous requests; and
- b) accommodating the requester by conducting server searches to identify records responsive to some previous requests based on alleged "concerns about the individuals' ability to conduct this search honestly", even though the requester had no right to dictate the manner in which SSC identified responsive records.

[24] SSC, however, maintains that attempts to assist the requester with respect to the current 20 requests would be futile. By way of explanation, SSC states that:

- a) attempting to clarify these requests would be of no assistance as the requests are clear;
- b) conversations with the requester have routinely escalated and resulted in the requester "making slanderous accusations about [SSC's ATIP office] and its perceived incompetency and untrustworthiness"; and
- c) SSC "... has already made reasonable efforts to fulfill [the requester's] requests regarding the privacy breach".

**The Requester's Submissions:**

[25] The requester explains that his access requests are directed towards obtaining information regarding breaches of his personal information. He states that he believes it is "well within" his rights to investigate these matters and maintains that "[b]eing relentless in the pursuit of understanding how my privacy has been breached is not vexatious".

[26] The requester also states that the OPC has confirmed that their investigation is not being impeded by his access requests.

- [27] The requester denies using inappropriate language in his communications with SSC, maintaining that “I use direct professional language”. He also provides copies of a number of his communications with SSC.
- [28] With regard to SSC’s duty to assist obligations, the requester maintains that these obligations were not fulfilled, stating that he “... would have happily entered into discussions and could have agreed to consolidate these ATIPs into one or two during the same timeframe”.
- [29] I have reviewed and carefully considered all submissions made by both SSC and the requester. If they are not addressed in this decision, it is because I did not find them relevant to determine the matters at issue.

### **Duty to assist**

- [30] I must first say that I am not satisfied that SSC has established that it fulfilled its duty to assist obligations under subsection 4(2.1), prior to applying for approval to decline to act.
- [31] Helping a requester in previous requests does not absolve an institution of its obligation to assist a requester with new requests received.
- [32] Institutions have an obligation to assist requesters in connection with their request as per subsection 4(2.1). As explained in the Guidance and Process documents issued by the Office of the Information Commissioner regarding 6.1 applications, institutions should only seek the Commissioner’s approval to decline to act on an access request after having made every reasonable effort to help the requester with the access request.
- [33] Although SSC’s failure to fulfill its duty to assist obligations is a sufficient basis for me to reject its applications, I also find that SCC has not established that any of the 20 requests is vexatious, made in bad faith, or is an abuse of the right of access.

### **Vexatious**

- [34] The term “vexatious” is not defined in the Act. Although the term is generally understood to mean with intent to annoy, harass, embarrass or cause discomfort, Justice Stratas in *Canada v. Olumide*, 2017 FCA 42, noted that when defining “vexatious” it is best not to be overly precise.



- [35] I agree with Justice Stratas' pronouncement. What is "vexatious" may come in all shapes and sizes; it is fact dependent and must be assessed case-by-case.
- [36] Factors that may support a finding that a request is vexatious include:
- a) excessive volume of access requests;
  - b) a request that is submitted over and over again by one individual or a group of individuals working in concert with each other;
  - c) a history or an ongoing pattern of access requests designed to harass or annoy a public body;
  - d) the timing of access requests.
- [37] These factors and all other relevant factors must be considered collectively when determining if a request is vexatious or not.
- [38] A request is not "vexatious" simply because a public body is annoyed or irked because the request is for information the release of which may be uncomfortable for the public body. (see for example: *Saskatchewan (Advanced Education) (Re)*, 2010 CanLII 28547 (SK IPC), *Insurance Corporation of British Columbia (Re)*, [2002] B.C.I.P.C.D. No. 57 (BC OIPC), at para 4). Conversely, a request will be considered "vexatious" if it is established that the primary purpose of the request is not to gain access to the information sought, but instead is to continually or repeatedly harass.
- [39] In the present instance, SSC's position that the requests are vexatious was not supported by clear and compelling evidence.
- [40] While the requester has made a number of requests to the SSC, SSC did not establish that this volume of requests is enough to make these 20 requests "vexatious". As noted by Saskatchewan's former Information Commissioners "... a single applicant may submit a large number of access requests for various records to a government institution without making illegitimate use of the access rights afforded by [the Act]" (see for example: *Saskatchewan (Advanced Education) (Re)*, *supra*).
- [41] While a number of the requests are similar in that they seek records of communications involving Employee A, SSC did not show that any of these requests are duplicative or repetitive. Each request at issue is for Employee A's emails or phone records between a two-week period, starting on April 1, 2021. Other requests specifically cited by SSC as being proof of repetitiveness actually involved different information, specific employees by name or similar information, albeit for different timeframes.

- [42] SSC also did not show that the requester has already received the information requested. The fact that SSC did not find records responsive to some of the requester's previous requests is not evidence that the requester has already obtained the information currently sought.
- [43] With regard to the requester's intent, SSC failed to provide clear or compelling evidence that the requester's primary intention is other than to gain access to the information sought.
- [44] I am not satisfied that the requester's failure to combine the 20 requests at issue proves any improper motive.
- [45] I am also not satisfied that the requester's failure to specify that SSC retrieve responsive records via a server search establishes that the primary intention of the requester is not to gain access, but is instead to target and harass a specific SSC employee(s) and / or "... annoy, harass, embarrass or cause discomfort". SSC, within its submissions, took issue with the requester having previously specified the manner in which SSC was to conduct its search for responsive records. If concerned about the burden of these 20 requests on Employee A, it is open to SSC to explore different means of conducting a reasonable search for responsive records that would not involve Employee A, for example, through its Information Technology infrastructure.
- [46] SSC also did not sufficiently establish that the requester's October 6, 2021, correspondence to the President of SSC and Prime Minister evidences that the 20 requests are "... merely aimed to negatively impact SSC-ATIP's operations and employees".
- [47] Although SSC states that the requester indicated in his October 6<sup>th</sup> correspondence that he has completed his fact-finding exercise through ATIP requests, this correspondence post-dates the requests submitted on September 22 or 27, 2021. It is therefore reasonable to infer that these 20 requests were part of that fact-finding exercise; the requester's statement does not support a finding that at the time of these requests being submitted, all requested information had already been received and therefore the requests must have been for an improper purpose.
- [48] The fact that the requester may also have communicated that he wanted individuals held accountable or penalized for their alleged misuse of his personal information and / or their lack of candour or cooperation during the OPC's investigation also does not, in my view, amount to clear and compelling evidence that the primary purpose of the request is other than to gain access. This is because, based on the totality of submissions and evidence before me, it is reasonable to infer that the primary intent in submitting these 20 requests is to obtain information and / or evidence

regarding Employee A's alleged breach of the requester's privacy and / or misuse of the

requester's personal information. I cannot conclude that this objective is contrary to the Act's intended purpose. A requester is entitled to seek information regarding the potential use or disclosure of their personal information and / or other matters which they believe to be inappropriate or unlawful.

- [49] There was also no clear and compelling evidence of any pattern of inappropriate communications on the part of the requester that would render the request vexatious, nor did SSC substantiate its assertion that the request is vexatious on the basis that the requests are "an attempt to bypass official procedures". There is no apparent reason why these requests cannot be processed alongside other procedures.
- [50] In light of the above, it is my view that SSC failed to meet its burden of establishing that any of the 20 requests is vexatious.

### **Bad faith**

- [51] Black's Law Dictionary, (10<sup>th</sup> ed.), defines "bad faith" as "dishonesty of belief or purpose". Generally speaking, a request made for a wrongful, dishonest or improper purpose would be considered a request made in "bad faith".
- [52] In some instances, a request has been considered to be in bad faith when the requester has had an improper objective above and beyond a collateral intention to use the information in some legitimate manner (see, for example: *Conseil scolaire public de district du Centre-Sud-Ouest (Re)*, CanLII 56386 (ON IPC)). As with "vexatiousness", "bad faith" must be assessed case-by-case.
- [53] As previously noted, SSC relied on the same submissions made in support of its claim that the requests are vexatious, to support its position that these requests are also made in bad faith. As explained above, those submissions were not supported by any clear and compelling evidence that the primary intent of the request is other than to gain access. Therefore, its burden of establishing that the requests are made in bad faith was not made out.

### **Abuse of the right of access**

- [54] "Abuse" is commonly understood to mean a misuse or improper use.
- [55] The volume of requests submitted does not alone substantiate a finding of abuse (see *London Police Services Board (re) (1995)*, Order M-618 (Ontario IPC)). However, volume, along with other factors, may support a finding of abuse of the right of access.

- [56] In Saskatchewan, former Commissioner Gary Dickson identified some of these factors. He found that the repetitive nature of the requests, combined with the cyclical manner in which both access requests and request for review were submitted, amounted to a finding of abuse of process (see *Saskatchewan (Advanced Education) (Re)*, 2010 CanLII 28547 (SK IPC)).
- [57] Abuse of the right of access must be looked at on a case-by-case basis, and as highlighted above, may in some situations, arise based on a combination of factors.
- [58] As previously noted, although the requester has made multiple requests, including a number of requests for records of communications involving Employee A, SSC did not establish that the 20 requests at issue are duplicative or repetitive of other requests made. Other requests referred to within SSC's application were for different information and / or analogous information but for different timeframes. Therefore, the fact that SSC previously failed to identify records in response to some of the requester's previous requests does not establish that SSC has already responded to these 20 requests or that the requester has already received the requested records.
- [59] The fact that the requester has made complaints about some of SSC's responses to previous access requests, likewise, does not evidence that the 20 requests are an abuse of the right of access.
- [60] SSC did not establish that the requester's actions demonstrate that gaining access to information is not his primary aim. Where an access request is motivated by an attempt to fact find or obtain proof of wrongdoing, these purposes cannot be considered unreasonable or illegitimate. Requesters may seek information to assist them in a dispute with a public body or to obtain information regarding what they consider to be inappropriate or unlawful behaviour.
- [61] SSC did not establish that requests for information pertaining to matters that may underlie parallel complaints to the OPC or matters that were the subject of an internal SSC investigation and / or disciplinary actions, is an abuse of the right of access.
- [62] I am not persuaded that because an internal SSC investigation and OPC inquiry has been launched into alleged privacy breaches, the requester is committing an abuse of the right of access by submitting 20 requests for information potentially relevant to those alleged breach(es).
- [63] The requester has a right to avail himself of rights to complain regarding responses to requests made under the Act. He also has rights to seek redress for alleged breaches of his personal information. Exercising those rights does not extinguish a right to make an access request for potentially related information or render such a

request an abuse of the right of access.

[64] I find that the purpose of each of the 20 requests at issue does not suggest an abuse of the right of access in the circumstances of this case.

## **Result**

[65] SSC has failed to establish that any of its 20 applications has merit.

[66] SSC is not authorized to decline to act on the 20 access requests at issue.

[67] SSC must give written notice to the requester of my refusal of its application and of the date on which the running of the time period to respond to the access requests resumes, as required by subsection 6.1(1.4) of the Act.



Caroline Maynard  
Information Commissioner of Canada



# Information Commissioner's Decision

## **Subject:     Application for Approval to Decline to Act on an Access Request**

**Our file:** 6.1-2021-00034

**Institution:** Shared Services

Canada **Institution's file:** A-2021-

00317 **Date of decision:** March 7, 2022

## **Summary**

- [1] Shared Services Canada (SSC) submitted a request to the Information Commissioner for approval to decline to act on an access to information request under subsection 6.1(1) of the *Access to Information Act* (the Act). In SSC's view, the request is vexatious, made in bad faith, and constitutes an abuse of the right of access. SSC also maintained that it met its duty to assist the requester in connection with the request.
- [2] I find that the institution has not met its burden of establishing that the access to information request is vexatious, made in bad faith, or is an abuse of the right of access. I also find that SSC did not establish that it fulfilled its duty to assist obligations under subsection 4(2.1) prior to seeking approval to decline to act.
- [3] The application is denied; SSC is required to act on the access request at issue.

## **Application**

- [4] SSC seeks the Information Commissioner's approval to decline to act on an access request under subsection 6.1(1) of the Act.



## General Principles

- [5] Subsection 6.1(1) provides that the head of a government institution may seek the Information Commissioner's written approval to decline to act on an access request if, in the opinion of the head of the institution, the request is vexatious, is made in bad faith or is otherwise an abuse of the right to make a request for access to records. The institution bears the burden of establishing that the request meets the requirements under subsection 6.1(1) of the Act.
- [6] The right of access to information to records under the control of a government institution has been recognized as quasi-constitutional in nature (*Blood Tribe (Department of Health) v. Canada (Privacy Commission)*, 2006 FCA 334 at para 24; see also: *Canada (Information Commissioner) v. Canada (Minister of National Defence)*, 2011 SCC 25 at para 40). Bearing this in mind, authorization to decline a request will only be granted if the application is supported by clear and compelling evidence (see, for example: *Saskatchewan (Advanced Education) (Re)*, 2010 CanLII 28547 (SK IPC) at paras 43-47; *Northwest Territories (Public Body) (Re)*, 2017 CanLII 73304).
- [7] Institutions, pursuant to subsection 4(2.1), also have an obligation to assist requesters in connection with their requests. This provision states:

The head of a government institution shall, without regard to the identity of a person making a request for access to a record under the control of the institution, make every reasonable effort to assist the person in connection with the request, respond to the request accurately and completely and, subject to the regulations, provide timely access to the record in the format requested.

- [8] As explained in guidance and process documents issued by the Office of the Information Commissioner(OIC) regarding 6.1 applications, institutions should only seek the Commissioner's approval to decline to act on an access request after having made every reasonable effort to help the requester with the request. If the Commissioner is not satisfied that the institution has fulfilled its obligation under subsection 4(2.1), the Commissioner may find an application for approval pursuant to section 6.1 to be premature.

## Factual Background

- [9] On December 10, 2021, SSC received an access request for: "*Any and all communications between [two named SSC employees, hereafter "Employee A" & "Employee B"]. From 30 July 2021 to 10 December 2021.*"

[10] The requester when submitting the request asked that SSC's forensics department be tasked with the retrieval of responsive records based on concerns "...about the individuals [sic] ability to conduct this search honestly."

[11] By way of context:

- a) The requester has alleged wrongdoing on the part of SSC employees, including alleged breaches of the requester's privacy.
- b) A SSC internal investigation of matters concluded that no privacy breach was committed, but that the requester's personal information was "used inappropriately".
- c) Employee A was the subject of disciplinary action.
- d) The Office of the Privacy Commissioner of Canada (OPC) is conducting an ongoing investigation of the requester's allegations of a breach of privacy.
- e) The requester has made multiple requests under the Act for records involving specific individuals within SSC's Access to Information and Privacy (ATIP) division.

## **Positions of the parties**

### **SSC's Submissions:**

[12] SSC maintains that the request at issue is vexatious, made in bad faith and constitutes an abuse of the right to make a request for access to records because the primary aim of the request is not to access information.

[13] SSC did not offer distinct arguments in support of its position that this request is vexatious and / or made in bad faith. In support of both claims, SSC states, among other things, that:

- a) the requester has made multiple access requests and complaints to the OIC;
- b) the requester means to target and harass a specific SSC employee(s), inflict psychological harm and / or, more generally, "... annoy, harass, embarrass or cause discomfort".
- c) the requester is attempting to "skirt official procedure" regarding the privacy incident; and

- d) there has been “no change in circumstances that could justify these repeated requests targeting the same individuals again over and over”.

[14] With regard to the number of requests made, SSC states:

- a) since December 2020, the requester has made a total of 96 requests (74 since the start of the 2021 fiscal year);
- b) 47 of the requests submitted since December 2020 have targeted specific employees, with 31 involving the records of one employee; and
- c) 22.2% of SSC’s current active requests are from the requester.

[15] SSC also states that the requester has filed 15 complaints to the OIC, 11 of which remain active.

[16] In support of its claim that the requester’s intent is to harass a specific SSC employee(s), inflict psychological harm and / or, more generally, “... annoy, harass, embarrass or cause discomfort”, SSC refers to an email, dated October 6, 2021, from the requester to the President of SSC and Prime Minister, in which the requester is said to have:

- a) stated that he has completed his fact-finding exercise through his numerous ATIP requests;
- b) indicated that he wants to see:
  - a) the termination with cause, of an employee acknowledged by SSC to have misused the requester’s personal information; and
  - b) confirmation that two other named SSC employees do not receive a performance pay this year; and,
- c) alleged that “SSC deceived OPC and obstructed their investigation into his case and that those guilty should be held accountable”.

[17] SSC maintains that the above, along with the number of requests and complaints made (including the fact that the requester has submitted 14 requests since October 6, 2022 -- 12 of which have targeting records held by SSC ATIP and/or specific SSC employees), evidence that the current request is “merely aimed to negatively impact SSC-ATIP operations and employees”.

[18] In further support of its claim that the requester’s intentions are primarily intended to harass and / or cause harm, SSC alleges that the requester’s pattern of communications with SSC “tends to contain deliberately hurtful remarks and

unfounded allegations as to the competency of SSC employees". In this regard, SSC refers to emails having been sent by the requester to SSC (yet did not include these emails or a description of their contents within its section 6.1 application), as well as the fact that the requester asked when submitting the current request that SSC's forensics department be tasked with retrieving responsive records based on concerns "...about the individual's ability to conduct this search honestly".

- [19] Beyond the above, SSC alleges that the requester repeatedly visited the LinkedIn profiles of three of its employees, while also alleging that the requester on Facebook sought advice from other government employees regarding "...the privacy incident ..." and that one of the requester's posts "...contains a false allegation accusing ATIP of deliberately concealing evidence from the OPC".
- [20] Finally, SSC alleges that the requester's current request is "but another in a series of actions undertaken by the requester to seemingly attempt to skirt official procedures", as:
  - a) SSC has already conducted an internal investigation on the privacy incident and the employee at the source of the incident was subject to disciplinary action; and,
  - b) an ongoing investigation is being conducted by the OPC.
- [21] SSC asserts that "[a]s far as SSC-ATIP is aware, there have been no change in circumstances that could justify these repeated requests to target the same individuals again over and over."
- [22] Similar submissions are made by SSC in support of its position that the request also constitutes an abuse of the right of access. More specifically, SSC states that the requester continues to repeatedly submit requests targeting the same SSC-ATIP employees, even though:
  - a) an internal SSC investigation and OPC inquiry were launched into the matter of the privacy incident;
  - b) the requester previously stated that their "fact-finding exercise" had been completed;
  - c) the requester, in response to some of their previous requests, has been informed that no records; and,
  - d) the requester has made several complaints about requests to the OIC; and

- e) “all relevant and available information has already been provided to him by his own admission”.

[23] With regard to SSC's duty to assist obligations under subsection 4(2.1), SSC states:

- a) SSC-ATIP has fulfilled its duty to assist obligations in connection with several of the requester's other requests targeting specific SSC-ATIP employees;
- b) SSC-ATIP cannot assist the requester any further to obtain the information sought because it has already made reasonable efforts to fulfill requests regarding the privacy incident; and
- c) after receiving the current request, SSC-ATIP sought to clarify with the requester what sort of new information was being sought "...in order to narrow the scope of the request", however, "the requester refused to elaborate".

#### **The Requester's Submissions:**

[24] The requester makes a number of submissions regarding alleged wrongdoing on the part of SSC employees and states that the current request, and other requests submitted, are made "...to uncover information regarding the wrongdoing that has occurred" and " ...to find answers regarding several laws that have been broken, which is the purpose of ATIP."

[25] The requester also alleges that the individuals who submitted the section 6.1 are under investigation for wrongdoing, and that "this is a very clear conflict of interest".

[26] I have reviewed and carefully considered all submissions made by both SSC and the requester. If they are not addressed in this decision, it is because I did not find them relevant to determine the matters at issue.

#### **Duty to assist**

[27] To begin with, based on SSC's application, I am not satisfied that SSC has established that it fulfilled its duty to assist obligations under subsection 4(2.1), prior to applying for approval to decline to act.

[28] SSC's assertions that it fulfilled its duty to assist obligations in connection with several of the requester's requests and / or made reasonable efforts to fulfill requests regarding the privacy incident does not establish that SSC met its duty to assist obligations in the current instance.

[29] On its face, the current request is clear. There is also no evidence of this request being duplicative of previous requests made.

- [30] It is therefore not clear how SSC's stated efforts to clarify with the requester, "what sort of new information..." was being sought "...in order to narrow the scope of the request" was actually in fulfillment of SSC's duty to assist obligations set out in subsection 4(2.1).
- [31] Although this is a sufficient basis for my denying SSC's section 6.1 application, I have gone on to consider SSC's submissions in support of its claim that the request is vexatious, made in bad faith, or is an abuse of the right of access. For reasons set out below, SSC's application is further denied because SSC did not establish that any of these claims are made out.

### **Vexatious**

- [32] The term "vexatious" is not defined in the Act. Although the term is generally understood to mean with intent to annoy, harass, embarrass or cause discomfort, Justice Stratas in *Canada v. Olumide*, 2017 FCA 42, noted that when defining "vexatious" it is best not to be overly precise.
- [33] I agree with Justice Stratas' pronouncement. What is "vexatious" may come in all shapes and sizes; it is fact dependent and must be assessed case-by-case.
- [34] Factors that may support a finding that a request is vexatious include:
- a) excessive volume of access requests;
  - b) a request that is submitted over and over again by one individual or a group of individuals working in concert with each other;
  - c) a history or an ongoing pattern of access requests designed to harass or annoy a public body;
  - d) the timing of access requests.
- [35] These factors and all other relevant factors must be considered collectively when determining if a request is vexatious or not.
- [36] A request is not "vexatious" simply because a public body is annoyed or irked because the request is for information the release of which may be uncomfortable for the public body. (see for example: *Saskatchewan (Advanced Education) (Re)*, 2010 CanLII 28547 (SK IPC), *Insurance Corporation of British Columbia (Re)*, [2002] B.C.I.P.C.D. No. 57 (BC OIPC), at para 4). Conversely, a request will be considered "vexatious" if it is established that the primary purpose of the request is not to gain access to the information sought, but instead is to continually or repeatedly harass.

- [37] In the present instance, SSC's position that the request is vexatious was not supported by clear and compelling evidence.
- [38] While the requester has made a number of requests to SSC, as well as complaints regarding some of those requests to the OIC, SSC failed to establish that this rendered the current request "vexatious". As noted by Saskatchewan's former Information Commissioners "... a single applicant may submit a large number of access requests for various records to a government institution without making illegitimate use of the access rights afforded by [the Act]" (see for example: *Saskatchewan (Advanced Education) (Re)*, *supra*).
- [39] As for the requester's intent, I am also not satisfied that the requester's October 6, 2021, correspondence evidences that the current request is "... merely aimed to negatively impact SSC-ATIP's operations and employees".
- [40] Based on SSC's application, it is not clear whether and / or how SSC responded to the "fact-finding exercise" referred to within the requester's October 6th correspondence. Moreover, even if the requester at the time did not intend to submit additional requests, it was open to the requester to change their mind; the fact that subsequent requests were made does not establish that those requests are vexatious and / or for a purpose other than access.
- [41] I am also not satisfied that because the requester may have communicated that they wanted individuals held accountable or penalized for the alleged misuse of the requester's personal information and / or a lack of candour or cooperation during the OPC's investigation, this amounts to clear and compelling evidence that the primary purpose of the request is other than to gain access.
- [42] Based on the totality of submissions and evidence before me, it is reasonable to infer that the primary intent of the request is to obtain information and / or evidence regarding the alleged breach of the requester's privacy and / or misuse of the requester's personal information. I cannot conclude that this objective is contrary to the Act's intended purpose. A requester is entitled to seek information regarding the potential use or disclosure of their personal information and / or other matters which they believe to be inappropriate or unlawful.
- [43] Although the requester, when making the request, asked that SSC's forensics department be tasked with the retrieval of responsive records based on concerns "...about the individuals [sic] ability to conduct this search honestly", this falls short of establishing a pattern of communications that contains deliberately hurtful remarks and unfounded allegations. In addition, the requester's proposed method of retrieving responsive records would seem likely to address prospective concerns that employee(s), whose records are being sought, might feel unduly burdened or harassment.



- [44] As for SSC's allegations regarding the requester's internet activities, I point to the apparent incongruity of SSC describing, on the one hand, what the requester has reportedly stated on Facebook while, at the same time, alleging that the requester's visits to the individual's LinkedIn pages evidence harassment on the requester's part.
- [45] There is also no clear and compelling evidence that the request is part of an effort "to skirt official procedures". The fact that SSC has already conducted an internal investigation of the privacy incident, the employee at the source of the incident was subject to disciplinary action and matters are currently under investigation by the OPC does not preclude the requester from exercising their rights under the Act. There is no apparent reason why the request cannot be processed alongside other procedures.
- [46] SSC did not establish that the requester's actions demonstrate that gaining access to information is not the requester's primary aim. Where an access request is motivated by an attempt to fact find or obtain proof of wrongdoing, these purposes cannot be considered unreasonable or illegitimate. Requesters are entitled to seek information to assist them in a dispute with a public body or to obtain information regarding what they consider to be inappropriate or unlawful behaviour.
- [47] In light of the above, it is my view that SSC failed to meet its burden of establishing that this request is vexatious.

### **Bad faith**

- [48] Black's Law Dictionary, (10<sup>th</sup> ed.), defines "bad faith" as "dishonesty of belief or purpose". Generally speaking, a request made for a wrongful, dishonest or improper purpose would be considered a request made in "bad faith".
- [49] In some instances, a request has been considered to be in bad faith when the requester has had an improper objective above and beyond a collateral intention to use the information in some legitimate manner (see, for example: *Conseil scolaire public de district du Centre-Sud-Ouest (Re)*, CanLII 56386 (ON IPC)). As with "vexatiousness", "bad faith" must be assessed case-by-case.
- [50] As previously noted, SSC relied on the same submissions made in support of its claim that the request is vexatious, to support its position that this request was also made in bad faith. As explained above, those submissions were not supported by any clear and compelling evidence that the primary intent of the request is other than to gain access. Therefore, its burden of establishing that the request is made in bad faith was not made out.

## **Abuse of the right of access**

- [51] “Abuse” is commonly understood to mean a misuse or improper use.
- [52] The volume of requests submitted does not alone substantiate a finding of abuse (see *London Police Services Board (re) (1995)*, Order M-618 (Ontario IPC)). However, volume, along with other factors, may support a finding of abuse of the right of access.
- [53] In Saskatchewan, former Commissioner Gary Dickson identified some of these factors. He found that the repetitive nature of the requests, combined with the cyclical manner in which both access requests and request for review were submitted, amounted to a finding of abuse of process (see *Saskatchewan (Advanced Education) (Re)*, 2010 CanLII 28547 (SK IPC)).
- [54] Abuse of the right of access must be looked at on a case-by-case basis, and as highlighted above, may in some situations, arise based on a combination of factors.
- [2] SSC did not establish that the request is duplicative or repetitive of other requests made. It also offered no evidence that the requested information has already been provided to the requester or that no responsive records would be found.
- [3] The fact that an internal SSC investigation and OPC inquiry were launched in relation to alleged breaches of the requester’s privacy does not render the current request an abuse of the right of access, nor does the fact that the requester, at one point in time, indicated that their fact-finding exercise was done.
- [4] The requester is entitled to avail themselves of their right to seek additional information under the Act, as well as their right to complain regarding responses to requests made. The exercise of those rights does not evidence an abuse of the right of access simply because the requester at one point suggested that they would not make further access requests and / or an independent investigation of the requester’s concerns is being conducted by the OPC.
- [5] I find that the purpose of the request at issue does not suggest an abuse of the right of access in the circumstances of this case.

## Result

- [6] SSC has failed to establish that this application has merit.
- [7] SSC is not authorized to decline to act on the request at issue.
- [8] SSC must give written notice to the requester of my refusal of its application and of the date on which the running of the time period to respond to the access request resumes, as required by [subsection 6.1](#)(1.4) of the Act.



Caroline Maynard  
Information Commissioner of Canada



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# *REPORT OF FINDINGS*

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## ***Privacy Act (“the Act”)***

***Investigation # PA-059751***

*Investigation into allegation of inappropriate use of the complainant’s personal information by  
a Shared Services Employee*

Date: December 30, 2022

## Overview

1. The complainant alleged that Shared Services Canada (“SSC”) inappropriately disclosed his personal information to a third party who subsequently used it to submit requests for information about him. Specifically, he filed complaints with the Office of the Information Commissioner (“OIC”) concerning how SSC had processed his own requests for information under the Access to Information Act (“ATIA”), and the OIC subsequently contacted him to obtain his consent to release his personal information to a third party who had submitted an ATIA request pertaining to him.
2. At issue then, is whether SSC contravened sections 7 and 8 of the *Privacy Act*, which state that:
  - Section 7: Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be used by the institution, with exceptions;
  - Subsection 8(1): Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.
3. SSC explained that, after an internal investigation, an SSC Access to Information and Privacy (“ATIP”) employee used the complainant’s name and the knowledge that he had submitted complaints to the OIC to submit requests under the ATIA for information pertaining to him to both the OIC and SSC. The employee used the name of a third party, specifically their spouse without their knowledge, and without the consent of the complainant to submit the requests. SSC confirmed that the employee did not disclose any of the complainant’s personal information.
4. During the investigation we found no evidence that the complainant’s personal information was disclosed, however, based on the facts before us, we determined that the complainant’s personal information was inappropriately used without the complainant’s consent and as such, we find the allegation to be **well-founded and conditionally resolved**.
5. Accordingly, SSC accepted our recommendations that within 6 months of the issuance of this report, (i) all SSC ATIP employees complete training to remind them of their obligations under the Access to Information and Privacy Acts, and the related TBS policies and (ii) SSC establish clear procedures to follow in the event of alleged internal breach.

## Background

6. The complainant is a former SSC employee. Following his departure from SSC, the complainant indicated that he was doing some research and up to early April 2021, the complainant submitted multiple requests under the ATIA.
7. The complainant specified that at the time of the events at issue, he had submitted approximately 15 complaints to the OIC regarding SSC's processing of his ATIA requests.
8. On April 8, 2021, the OIC contacted the complainant to obtain his consent prior to releasing his information to a third party who had submitted a request for information to the OIC pertaining to him.
9. The OIC provided the name of the third-party requester to the complainant and with this information, he was able to link the name to an SSC ATIP employee ("the employee"), who was the spouse of the requester.

## Analysis

### **Issue: Was the complainant's personal information inappropriately used and disclosed?**

10. Section 7 and subsection 8(1) of the *Privacy Act* states that personal information shall not be used or disclosed by the institution, without the consent of the individual to whom it relates.
11. The complainant alleged that a third party was using his personal information, that only could have been known to SSC ATIP and the OIC, to obtain information about him via ATIA requests.
12. During the investigation, the complainant notified our Office that he received a letter from SSC advising him that it had determined an employee had inappropriately used his personal information to submit ATIA requests.
13. As indicated in the overview, SSC confirmed that it completed a thorough search and investigation into the allegations and there was no indication of any inappropriate disclosure.
14. In their representation, SSC indicated that they conducted an internal investigation and established that an ATIP employee used the complainant's personal information to submit an ATIA request to OIC, as well as SSC, while using their spouse's name without

their knowledge. During the investigation, when questioned if management was aware of their intention<sup>1</sup>, the employee reported that they jokingly made their team leader aware, that they were considering submitting ATIA requests for the complainant's personal information. SSC indicated to our Office that this was months prior to the incident and that they had no knowledge of the employee's actions at the time they submitted the requests.

15. SSC explained that they first became aware that the complainant's personal information may have been breached when they received two requests under the ATIA specifically requesting information held by SSC about the complainant. The analyst assigned to process the requests noted that they seemed unusual<sup>2</sup> and as such, immediately notified management.
16. SSC reported that it would request proof of requester's identification<sup>3</sup> prior to processing any of the requests. They noted they would also have required the complainant's consent to release any information to another requester. SSC was able to later confirm that the email address used by the requester was a personal email account associated to the spouse of one of the SSC ATIP employees. This allowed SSC to determine that the employee in question used their spouse's name and email address, without their knowledge or consent, to submit two ATIA requests at SSC. These two requests were in addition to one that the employee sent to the OIC also in an attempt to get information pertaining to the complainant.
17. SSC does not dispute that an ATIP employee inappropriately used the personal information of an ATIP requester that they obtained in the course of their duties. We find that the employee's use of the personal information of an ATIP requester for purposes other than processing his request(s) without his consent was a contravention of section 7 of the *Privacy Act*, and the complaint is **well-founded and conditionally resolved**.
18. Unfortunately, no measures can undo the inappropriate use of the complainant's personal information in this case. However, we found that SSC has appropriate procedures in place that are in line with the Treasury Board Secretariat ("TBS") Directives which establishes consistent practices and procedures for processing requests for access to government records made under the *Access to Information Act*<sup>4</sup>. Also, in the matter at hand, the process of confirming the identity of the requestor alerted

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<sup>1</sup> The employee participated in a fact-finding interview during SSC's internal investigation.

<sup>2</sup> In their representation, SSC noted that the request seemed unusual as it was requesting information about a known requester and the requester was another individual

<sup>3</sup> Section 4.2.16 Policy on Privacy Protection notes that institutions need to ensure that requesters' identities are protected and only used or disclosed when authorized by the Act unless there is a clear need-to-know.

<sup>4</sup> Section 4.1.4 of the Directive on the Administration of the Access to Information Act establishes procedures for

confirming the eligibility of the requester



SSC to the fact that the request was fraudulent and was able to discontinue processing the two requests.

19. We nonetheless recommended that, within 6 months of this report, (i) SSC proceeds with training to all SSC ATIP staff to remind them of their obligations under the Access to Information and Privacy Acts, and the related TBS policies. Such training should advise employees of all possible consequences of inappropriately using their position within the public service and information received through their work for their own benefit and personal use. We also encourage SSC to remind all staff of the importance of privacy- oriented practices within the organization.
20. With respect to the handling of the situation at issue, it was reported in the Privacy Breach report ("the report") that management was attempting to handle the matter with the employee diplomatically. While the ATIA requests in question were received on April 7, 2021, the report notes that senior management was notified of the incident on April 15 2021. SSC later clarified that senior management was first made aware of the incident on April 13, 2021.
21. We are of the opinion that advising senior management in a timely manner is important in addressing a privacy breach; as such, the ATIP Coordinator of the institution should be made aware as soon as possible after the discovery of a privacy breach. The early involvement of senior management will ensure that mitigation and corrective measures are implemented without delay and appropriate internal officials are also promptly notified to respond to the incident. This in line with the TBS Privacy Breach Management toolkit<sup>5</sup> which is intended to help individuals involved in a potential breach in taking appropriate steps to respond to such incidents. If certain circumstances may delay the debriefing of senior management, a notification via email as soon as possible would be appropriate and recommended.
22. To that end, we further recommended that, also within 6 months of this report, (ii) SSC establish clear procedures to respond to the possibility that an employee may breach someone's personal information or to allegations of an internal breach when it is brought to the attention of the unit. This should include notifying and escalating the matter to the appropriate members of the management team and clearly articulate roles and responsibilities. SSC has accepted both our recommendations.

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<sup>5</sup> <https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/privacy/breach- management.html#step2>



**Administrative Investigation Report # SIU-  
043-2021**

**Presented to**

**Mr. Sean Kealey Chief  
Security Officer  
Shared Services Canada May**

**13, 2022**

**19(1)**

Pierre Giguère  
Investigator

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## **1. BACKGROUND**

1. On Oct 6, 2021, Mr. Paul Glover, the President of Shared Services Canada (SSC) received a complaint from Mr. Stewart Leckie, a former SSC employee and member of the public, alleging that an employee of Shared Services Canada, currently employed in the Access to Information and Privacy (ATIP) Unit had intentionally disclosed Mr. Leckie's personal information. The complaint included allegations that SSC management failed to act appropriately and potentially interfered in an investigation conducted by the Office of the Privacy Commissioner (OPC). The complainant, Mr. Leckie, reported that the incident (breach of privacy) was being investigated by the OPC.

2. Due to the nature of the allegations made by the complainant, Shared Services Canada's Chief Security Officer (CSO) initiated an administrative investigation into the matter. RHEA Inc., a private security firm, was mandated to conduct the administrative investigation in January 2022.

## **2. MANDATE<sup>1</sup>**

3. *"To conduct an administrative investigation into the allegations of inaction and potential interference in the case of a breach of security by Shared Service Canada Officials as reported on October 6, 2021. The specifics to be investigated are:*

- 1. Shared Services Canada Employee's Management actions in addressing the situation;*
- 2. Shared Services Canada Employee's Management potential actions to conceal the incident; and*
- 3. Shared Services Canada officials' attempts to interfere with the Office of the Privacy Commissioner investigation."*

4. The administrative investigation is to focus exclusively on the resulting actions relating to a Privacy Breach which allegedly occurred on April 7, 2021 after work hours, at which time Ms. Megan Trethewey, a Senior Analyst within Shared Services Canada ATIP Unit, made two ATIP requests to Shared Services Canada to obtain documentation from Labour Relations and Human Resources relating to Mr. Leckie. She also sent a separate request to the Office of the Information Commissioner (OIC) to obtain any documentation they may possess relating to Mr. Leckie.

## **3. AUTHORITY TO CONDUCT AN ADMINISTRATIVE INVESTIGATION**

5. The authority to conduct this administrative investigation derives from the Policy on Government Security (PGS). Section 4 – Requirements, sub-section 4.1.7 of the PGS states that Deputy Heads must ensure that security incidents and other security related incidents are assessed, investigated documented, acted on and reported to the appropriate authority and to the affected stakeholders.

## **4. CONTEXT**

6. Mr. Stewart Leckie left his position in the Canadian Military Reserve in 2018. In 2019 he joined Shared Services Canada as an employee. While working at Shared Services Canada he sought promotional opportunities until he was informed that he could not qualify for those opportunities, because he was not bilingual. Due to this turn of events, he sought employment in the private sector and left SSC in 2020.

7. During his exit interview with Shared Services Canada in 2020, Mr. Leckie mentioned that while he believes the Official Languages Act is necessary, in his opinion, Shared Services Canada misinterprets it. He stated that he planned to prove his point by actively researching the Act further and by creating a research paper on his findings. He intimated that he would share his findings with Shared Services Canada so that the

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<sup>1</sup> Administrative Investigation Terms of Reference January 2022

department may address any related business risks. Shortly after the exit interview, Mr. Leckie initiated a number of Access to Information and Privacy (ATIP) requests to Shared Services Canada.

8. On April 8, 2021, Mr. Leckie was informed by a representative of the Office of the Information Commissioner (OIC) about an ATIP request made by a private citizen relating to him. Mr. Leckie became concerned by this call, because he had not mentioned to anyone that he had complained to the OIC about Shared Services Canada. The OIC representative mistakenly provided the name of the ATIP requester to Mr.

Leckie and identified the person as a [REDACTED] Mr. Leckie's subsequent research [REDACTED] GauthiY3 that [REDACTED] is [REDACTED] [REDACTED] Ms. Megan [REDACTED] 2022-11-02 21:09:15 ATIP employee. He suspected at that point that Ms. Megan Trethewey had shared his [REDACTED] information inappropriately with [REDACTED] contrary to the requirements of the ATIP Act 19(1)

9. Since then a number of exchanges between Shared Services Canada and Mr. Leckie have taken place. Mr. Leckie is of the opinion that Shared Services Canada has not fully disclosed to him all of the facts relating to his Privacy Breaches (requests to SSC and to OIC by the SSC-ATIP employee) that occurred on April 7, 2021. This resulting lack of confidence towards Shared Services Canada officials, led to the allegations he brought to the attention of the President, Mr. Paul Glover by email on October 6, 2021.

## **5. INVESTIGATION LAUNCH MEETING**

10. On January 26, 2022, a virtual meeting was held at 11:00 with the SSC Chief Security Officer Robin Dubeau, the Director of Security Pascal Savard and Jean-Philippe Gagnon Investigations Manager, to confirm the Terms of Reference for the investigation (Annex 1). The undersigned requested to be provided all of the emails that Mr. Dubeau or anyone in Security had received from Mr. Leckie along with the replies.

## **6. PERSONS MET**

- 1) Mr. Robin Dubeau Chief Security Officer  
Shared Services Canada
- 2) Mr. Pascal Savard Director of Security  
Deputy Chief Security Officer Shared Services Canada
- 3) Mr. Jean-Philippe Gagnon  
Investigations Manager Shared Services Canada

## **7. PERSONS INTERVIEWED**

- 1) Mr. Stewart Leckie Complainant
- 2) Ms. Megan Trethewey Senior Analyst  
Access to Information and Protection of Privacy Division Shared Services Canada
- 3) Mr. Zakaria El-Keurti  
Senior Human Resources Advisor Privy Council Office

- 4) Ms. Paule Labbé Assistant Deputy  
Minister  
Strategy and Engagement Branch Shared  
Services Canada
- 5) Mr. Jean-François Sigouin Team Lead,  
Labour Relations Human Resources  
Shared Services Canada
- 6) Mr. Stéphane Cousineau Assistant Deputy  
Minister International Platform Branch  
Global Affairs Canada
- 7) Mr. Pierre Gagnon Assistant  
Director  
Access to Information and Protection of Privacy Division Shared Services  
Canada
- 8) Mr. James Larkin Director  
Access to Information and Protection of Privacy Division Shared Services  
Canada
- 9) Ms. Tiffany Caron Director General  
Corporate Secretariat Shared  
Services Canada
- 10) Ms. Jolyanne Ouellet Acting Deputy  
Director Policy and Governance Unit  
Shared Services Canada

## **8. OBSERVERS**

- 1) [REDACTED] 19(1)  
Union Representative
- 2) Ms. Sandra Benoit Director  
Strategic Governance, Briefing and  
Correspondence Shared Services Canada
- 3) Ms. Michelle Morin Senior  
Analyst  
Policy and Governance Unit Shared  
Services Canada

## 9. CAVEAT

11. During the interviews, the undersigned was provided verbal and documentary information addressing a wide array of issues and topics. Some of this information has been deemed by the undersigned not to relate to the mandate of this administrative investigation and has therefore not been taken in consideration in this report. Only the information directly relating to the allegations reported was taken into consideration for this administrative investigation. However, all of the information received was useful to the undersigned to provide context and background.

## 10. SUMMARIES OF INTERVIEWS AND DISCUSSIONS

### Virtual Interview with Mr. Stewart Leckie on February 2<sup>nd</sup> and 22, 2022

12. Mr. Leckie joined Shared Services Canada in 2019 after retiring from the Armed Forces. While at Shared Services Canada, he enjoyed interacting with his colleagues and the work he was doing. He explored advancement opportunities, which did not materialize because the SSC Ombudsman informed him that he needed to be bilingual. He therefore sought employment in the private sector and left SSC in 2020.

13. Mr. Leckie is of the opinion that the Official Languages Act is misinterpreted within Shared Services Canada and mentioned it during his exit interview at Shared Services Canada in 2020. He stated that he planned to prove his point by actively researching the Act further and by creating a research paper on his findings. He added that he would share his findings with Shared Services Canada so that the department may address any related business risks. Shortly after his departure from Shared Services Canada Mr. Leckie initiated a number of Access to Information and Privacy (ATIP) requests relating to the Official Languages to Shared Services Canada.

14. On April 8, 2021, Mr. Leckie was informed by a representative of the Office of the Information Commissioner (OIC) about an ATIP request made by a private citizen relating to him. Mr. Leckie became concerned by this call, because he had not mentioned to anyone that he had complained to the OIC about Shared Services Canada. He wondered why this confidential information had leaked to a private person and who had leaked the information. The OIC representative mistakenly provided the name of the ATIP requester to Mr. Leckie and identified that person as a [REDACTED]. On April 26, 2021, Mr. Leckie lodged a complaint with the Office of [REDACTED] Commissioner (OPC).

15. Mr. Leckie's subsequent research led him to conclude that [REDACTED] Ms. Megan Trethewey, a Senior Analyst within the ATIP unit at Shared Services Canada. While [REDACTED] Mr. Leckie suspected at that point that Ms. [REDACTED] 19(1) Trethewey had shared his personal information inappropriately with [REDACTED] contrary to the requirements of the ATIP Acts.

16. On June 1<sup>st</sup>, 2021, he was informed by email by Director General Tiffany Caron (Annex 2) that SSC had done a fact-finding on the allegation he had brought forward relating to the potential breach of his personal information. Ms. Caron informed him that SSC had concluded that there was no substance to support the allegation. Mr. Leckie provided a detailed response by email on the same day to Ms. Caron. Ms. Caron replied by stating that his information had not been shared with an outside third-party individual. Mr. Leckie wrote back explaining that his complaint was not about a specific individual, but rather about the privacy breach that had occurred. He wanted to know how the breach happened and why. Director General Caron provided a further response, which in Mr. Leckie's opinion, still did not address the core of his complaint.

17. Mr. Leckie stated that Ms. Caron had denied that anything had happened June 1<sup>st</sup> and on June 24<sup>th</sup>. She had also denied any wrongdoing in a letter she wrote to the OPC on July 22, 2021. From Mr. Leckie's perspective, the denial letter, which was provided to the OPC on July 22<sup>nd</sup>, is an obstruction of a federal investigation.



18. In late July 2021, Mr. Loren Myers, the investigator from the Office of the Privacy Commissioner, assigned to his complaint, contacted Mr. Leckie to inform him that Shared Services Canada had denied that any of the allegations the Office of the Privacy Commissioner were investigating had occurred and that the OPC investigation would be closed (Annex 3). In response on the same day, Mr. Leckie provided the OPC with further arguments and supporting documentation asking that the investigation be continued.

19. On July 30, 2021, Ms. Caron sent a Notification Letter to Affected Individual (Annex 4), in which she states: *"...Through the investigation, we found that your personal information was inappropriately used by a SSC employee. Details are as follows:*

- *On April 7<sup>th</sup>, 2021, your personal information which was limited to your name, was inappropriately used by an SSC employee in order to request documents about you.*
- *The Access to Information request was **not** tasked out and as such no documents containing your personal information was retrieved or given to that employee or any other party."*

20. On October 29, 2021, Mr. Leckie sent an email to Ms. Labbé (Annex 5) to the effect that he had learned that SSC-ATIP had made a submission to the OIC to have a series of his ATIP requests labelled as vexatious. In the documentation provided by SSC-ATIP to support their representation, it is noted, *"Ms. Trethewey is a senior analyst in the SSC-ATIP Office. On 7 April 2021, Ms. Trethewey submitted two ATI requests to SSC-ATIP for the Labour Relations and employment records of Mr. Leckie, a former employee of SSC. Ms. Trethewey submitted these two requests under [REDACTED] Furthermore, Ms. Trethewey subm[REDACTED] Information Commissioner for Mr. Leckie's personal information. In her request to the OIC, she specified she wanted OIC to seek consent from Mr. Leckie to release his personal information."*

21. Mr. Leckie provided two scenarios that in his opinion, could explain what transpired on April 7, 2021: 19(1)

- Ms. Trethewey took information from the ATIP group, relayed the information to who [REDACTED] ed the ATIPs about him. In this case sharing of information outside SCC would have occurred, contrary to the Privacy Act.
- Ms. Trethewey [REDACTED]  
[REDACTED]  
[REDACTED] A security breach was also committed.

22. Mr. Leckie mentioned that he has an ongoing complaint with the Office of the Privacy Commissioner resulting from the ATIP incident on April 7. Since then, other items have been added to the original complaint because, according to him, SSC has breached his privacy a minimum of five times and only two privacy breaches reports have been addressed satisfactorily.

23. In his view, Ms. Caron [REDACTED] in the way she dealt with the situation. On each occasion when he was unsatisfied with the action taken in relation to the ATIP incident on April 7, 2021, Mr. Leckie asked for a discussion with Ms. Caron to resolve the issue. Mr. Leckie then escalated his requests to the ADM, Mr. Stéphane Cousineau and eventually to the President of SSC, Mr. Paul Glover.

24. Mr. Leckie had a number email exchanges as part of the incident on April 7, 2021 with Paul Glover, Stéphane Cousineau, Paule Labbé, Tiffany Caron, James Larkin and Pierre Gagnon. It is Mr. Leckie's opinion that Stéphane Cousineau of his duties w[REDACTED] p, because Mr. Cousineau never provided an acknowledgement or took any action after Mr. Leckie informed him on several occasions about the privacy breaches.

25. Mr. Leckie mentioned that he made an official complaint with the Ottawa Police Service. He doubts that resources were assigned to the complaint. The RCMP and the Military Police were notified as well.

26. Mr. Leckie stressed that while he is very active and perseverant in making ATIP requests, at no time did he threaten any Shared Services Canada employees. He says he would never threaten anyone for such an issue. He is simply following procedures.

27. Mr. Leckie is disappointed that to date, he has not been provided an apology from Shared Services Canada or an expression of remorse.

#### Virtual Interview with Ms. Megan Trethewey on February 16, 2022

28. Ms. Trethewey has been working at Shared Services Canada - ATIP as an Access to Information and Privacy Analyst since February 8, 2016. [REDACTED] 19(1)

29. She confirmed having submitted three ATIP requests on April 7, 2021 relating to Mr. Stewart Leckie, a name she obtained during the course of her duties as an ATIP analyst at SSC:

- Two to SSC to be sent to Labour Relations and HR for the employment records of Mr. Leckie, and
- One to the Office of the Information Commissioner to be provided any investigation files they may have pertaining to Mr. Leckie.

30. She confirmed submitting the ATIP requests [REDACTED] by Mr. Leckie's behaviour with the ATIP Unit. She stated that he was difficult to deal with.

31. She added that a requesters' information is private information and it should be treated as such by anyone working in the ATIP Unit regardless of who the requester is. 19(1)

32. Ms. Trethewey [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

33. As a Senior Analyst with SSC-ATIP, she [REDACTED] to be provided any of Mr. Leckie's information. [REDACTED]

34. Ms. Trethewey received a response from the Office of the Information Commissioner [REDACTED] 24 to 48 hours after having sent the ATIP request. The OIC response stated "*we cannot confirm or deny that records exist*". 19(1)

35. Approximately two days after submitting her ATIP request to SSC, her manager, Pierre Gagnon, [REDACTED] He knew about her ATIP requests because he was personally responsible for addressing all ATIP requests received by the unit. Once the requests are received, Mr. Gagnon assigns them out to the analysts for processing. In this case, the SSC-ATIP analyst [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

36. Both of her ATIP requests to SSC and to the OIC would have been closed around April 8 or 9, 2021.

37. [REDACTED] 19(1)  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19(1)

38. [REDACTED] kin and Mr. El-Keurti, SSC-Labour Relations Advisor. Mr. Larkin [REDACTED] [REDACTED] Mr. Larkin and Mr. El-Keurti [REDACTED]

39. [REDACTED] non and [REDACTED] Ms. Labbé [REDACTED] Ms. Labbé [REDACTED]

40. [REDACTED] Gagnon, Mr. Larkin and Ms. Caron.

41. [REDACTED] kin's [REDACTED]

19(1)

#### Virtual Interview with Mr. Zakaria El-Keurti, on February 22, 2022

42. Mr. El-Keurti was involved in this file as a Labour Relations advisor. The ATIP Unit was one of his clients. Mr. Larkin informed him about the incident shortly after Ms. Trethewey's ATIPs regarding Mr. Leckie had been detected within SSC-ATIP. When contacted, Mr. El-Keurti was informed by Mr. Larkin that Mr. Larkin wanted to speak with him about an urgent file. Mr. Gagnon had informed Mr. Larkin [REDACTED] Mr. Larkin had informed his Director General of the situation.

43. During his first virtual meeting, Mr. Larkin had invited his Director General Tiffany Caron to attend the meeting because Mr. Larkin [REDACTED] Mr. Larkin had been [REDACTED] Mr. Larkin requested that his Director General be part of every discussion and exchange of written information with Labour Relations, in order to prevent any potential perception or allegation of conflict of interest. Mr. Larkin followed the rules as they relate to Labour Relations complaints. The only meeting Ms. Caron did not attend [REDACTED] Mr. El-Keurti supervisor, Mr. Jean-François Sigouin, also attended some of the meetings held [REDACTED]

19(1)

44. When first discussing with Ms. Caron and Mr. Larkin, Mr. El-Keurti expressed his professional view that:

- the situation fell within the scope of Labour Relations' mandate;

- [REDACTED]
- [REDACTED] and [REDACTED]

19(1)

[REDACTED]

19(1)

45. Mr. El-Keurti was asked if the delay of 5 to 6 weeks between the time that Ms. Trethewey's ATIPs were noted and the day that virtual fact-finding activities began was deemed normal. He replied that it was not an unreasonable delay because: some stakeholders (Ms. Caron, Mr. Larkin, Mr. Sigouin and himself) were not available; other priority files had to be addressed by Labour Relations; and internal consultations within Labour Relations had to be done.

[REDACTED] 3-4 weeks  
[REDACTED] "ple", 5-6 weeks was  
reasonable.

19(1)

46. [REDACTED] **GauthiY3**  
2022-11-02 21:39:57

19(1)

47. [REDACTED] **GauthiY3**  
2022-11-02 21:41:06

19(1)

48. [REDACTED]

19(1)

49. [REDACTED]

#### In person interview with Ms. Paule Labbé, on February 28, 2022

51. Ms. Labbé is the Assistant Deputy Minister (ADM) responsible for Strategy and Engagement Branch at Shared Services Canada since September 2020. Her areas of responsibilities include the Access to Information and Protection of Privacy Division, however since her Delegation of Authority for that unit was not completed until the last Federal Elections, Mr. Stéphane Cousineau ADM at Shared Services Canada

remained the Delegated Authority but was not the ADM accountable for the unit's activities. An agreement was made between Ms. Labbé and Mr. Cousineau to have Mr. Cousineau forward to her, any communications relating to ATIP he may receive, so that either Ms. Labbé or someone from her Branch would provide a response. This is the process which was followed by Mr. Cousineau when he received emails from Mr. Leckie.

52. When receiving an email, Ms. Labbé's staff would review the content of the correspondence to determine who would be the appropriate person to provide a response. [REDACTED]

19(1), 23

[REDACTED] She would not necessarily follow up on the issue once a response was provided. From past experience, when answering an email such as the ones the complainant sent, it generates a reply back, as was the case.

53. The email sent by Mr. Leckie on August 18, 2021, to Mr. Paul Glover, President of Shared Services at the time (Annex 6), and to Mr. Stéphane Cousineau complaining that Mr. Cousineau had not engaged with him, was answered by Mr. Glover (Annex 7) and Ms. Labbé on the same day (Annex 8).

54. When asked if she was provided the email of July 9, 2021, sent by Mr. Leckie (Annex 9) to Mr. Cousineau asking Mr. Cousineau to acknowledge receipt of the email. Ms. Labbé confirmed that she had not. She believes that the request would have been sent directly to Ms. Caron since it was an ATIP issue. Ms. Labbé confirmed that Mr. Cousineau's indirect involvement, on this file, ceased on July 9, 2021.

55. Ms. Labbé mentioned that [REDACTED] and from her recollection most of the emails received from Ms. Leckie were answered.

56. In relation to the incident of April 7, 2021, the situation was addressed by [REDACTED] Ms. Caron briefed her shortly after the incident was uncovered, as the incident was significant and she needed to be informed. Ms. Caron related to Ms. Labbé steps already taken, and information about the incident that was known at the time, and the next steps they were going to take to respond to the incident. These next steps included discussing with Labour Relations and informing Security, etc. From the information related to her, she concluded that the proper actions were taken and she agreed with the proposed course of action. Ms. Labbé added that privacy, and the importance of ensuring privacy was a constant theme. In part, it was a top of the mind issue, not only because of this incident but also within the broader COVID and vaccination mandate discussions. The ATIP team took steps to increase privacy training across the department.

GauthiY3

2022-11-02 21:44:29

19(1)

57. [REDACTED]

58. [REDACTED]

59. [REDACTED]

19(1)

60. [REDACTED]

61. Ms. Labbé clarified that no Privacy Breach resulted from Ms. Trethewey's ATIP request due to the vigilance of an analyst. The requests were never processed.

62. [REDACTED]

63. [REDACTED]

19(1)

64. When asked if anyone had ever mentioned, during the discussions relating to this file, to not provide Mr. Leckie the information he was entitled to. Ms. Labbé mentioned that it never happened.

65. Ms. Labbé added that SSC management officials fully understand their obligations as public servants. The culture at Shared Services Canada as it relates to the Access to the Information is one of respect for what it stands for.

66. [REDACTED] 19(1)

67. When discussing if she had been involved in the exchanges between the ATIP unit and the Office of the Privacy Commissioner in relation to the ongoing OPC investigation resulting from Mr. Leckie's complaint, Ms. Labbé stated that she was not involved in any of those exchanges and that she was not privy to the content of the information provided between the two organizations.

68. [REDACTED] 19(1)

69. [REDACTED] 19(1)

#### Virtual Interview with Mr. Jean-François Sigouin, on March 10, 2022

71. Mr. Sigouin stated that he was informed shortly after Ms. Trethewey's actions were uncovered. His level of involvement as a Team Lead included; taking part in the discussions with Ms. Caron and Mr. Larkin in the presence of Mr. El-Keurti to provide guidance [REDACTED] and reviewing of the fact-finding questionnaire. 19(1), 23

72. [REDACTED]

73. [REDACTED]

74. [REDACTED] 19(1)

75. [REDACTED]

19(1)

76. Between April 8, 2021, the day the actions of Ms. Trethewey were discovered [REDACTED]

77. [REDACTED]

19(1)

78. [REDACTED]

79. [REDACTED]

80. [REDACTED]

81. [REDACTED]

19(1),  
23

82. [REDACTED]

83. [REDACTED]

19(1)

**In person interview with Mr. Stéphane Cousineau, on March 18, 2022.**

84. Mr. Cousineau mentioned that because of a restructuring exercise at SSC, which was completed near the end of fiscal year 2019/2020, Ms. Labbé became the ADM responsible for the ATIP Unit. He is not aware if the Delegation of Authority was amended at that time.

85. Mr. Cousineau stated that while he did not remember [REDACTED] he does remember having received two emails from Mr. Sterwart Leckie. The first email was received on June 24 (Annex 10), 2021 and the second email was received on July 9, 2021. Both emails were forwarded to Ms. Labbé and Ms. Caron as they had advised him that they would do the follow up. They also confirmed that they were working on the file.

19(1)

86. Mr. Cousineau did not reply to Mr. Leckie's emails, because he did not want to interfere with the work being done by Ms. Labbé and Ms. Caron. He conducted his due diligence by confirming that Ms. Labbé and Ms. Caron were involved and that Mr. Leckie would get a response to his emails.

**Virtual Interview with Mr. Pierre Gagnon, on March 25, 2022, in the presence of [REDACTED] 19(1)**

87. Mr. Gagnon is the Assistant Director within the ATIP unit at SSC. He has been in the position for approximately eight months. He has two Team Lead reporting to him. His supervisor is Mr. James Larkin, Director of ATIP at SSC.

88. Mr. Gagnon mentioned that at one time, Ms. Trethewey was acting in a Team lead position and as such she was reporting to him. She now reports to a Team Lead. [REDACTED] 19(1)

89. Mr. Gagnon explained that the ATIP mailbox is managed by an assistant who informs him when he needs to follow up on a request. When [REDACTED] Ms. Trethewey's ATIPs were received, they were referred to him as they were deemed suspicious. He assigned the requests to an analyst who reviewed the requests and discussed the suspicions with him. A proof of identification was requested, which is a normal practice when doubts relating to the origin of a request are present. 19(1)

90. While the follow up was done between the analyst and the requester, Mr. Gagnon informed his Director Mr. Larkin that he had received suspicious ATIP requests and that he was following up on the matter. No further details were provided at the time as the analyst had requested a proof of identity.

91. [REDACTED]

92. [REDACTED] 19(1)

93. [REDACTED] 19(1)

94. Mr. Gagnon advised [REDACTED] in processing Mr. Leckie's ATIP requests.

95. When asked [REDACTED] Mr. Gagnon explained that anyone can make an ATIP request on anyone as it is permitted by the legislation. Therefore, [REDACTED] 19(1)

96. Mr. Gagnon confirmed that the Standard on Managing Privacy Breaches is the reference document being used when reviewing a reported privacy breach.

97. [REDACTED] 19(1)



98. [REDACTED] 19(1)
99. [REDACTED]
100. Mr. Gagnon was also involved in informing the Director General Tiffany Caron as per usual procedure when an incident needs to be brought to the attention of senior management. [REDACTED] 19(1)
101. Mr. Gagnon was consulted at times to ensure accuracy of correspondence when replies were being drafted for the Office of the Privacy Commissioner or for other replies such as responses to Mr. Leckie.
102. [REDACTED] 19(1)
103. In concluding the interview, Mr. Gagnon added that the ATIP Unit is very professional in addressing all ATIP requests they receive. They have tried to be as transparent as much as possible in addressing Mr. Leckie's requests while remaining impartial.

**In person interview with Mr. James Larkin, on March 30, 2022, in the presence of Ms. Sandra Benoit.**

104. Mr. Larkin has been the Director of Access to Information and Protection of Privacy Division since his arrival at Shared Services Canada in October 2017. His primary responsibility is the oversight of ATIP day-to-day operations and to provide briefings to senior management on complex and or significant ATIP requests. Mr. Pierre Gagnon reports to him as the Deputy Director Operations.
105. [REDACTED] 19(1)
106. Mr. Larkin stated that when initially informed by Mr. Gagnon, he was told that they had received two ATIP requests asking specifically for Mr. Leckie's information and that they were suspicious in that they were made by [REDACTED] which was unusual. [REDACTED] that they could have come from Mr. Leckie's Legal Counsel. 19(1)
107. Mr. Larkin explained that he was also informed of the incident by Ms. St-Jean, an analyst within ATIP and her supervisor Ms. David who he met on April 13, 2021, as they were concerned that [REDACTED] in the submission of the requests received on April 7, 2021. [REDACTED] 19(1)
108. Upon being made aware of Ms. St-Jean and Ms. David's concerns, Mr. Larkin informed his Director General, Tiffany Caron and then he contacted Labour Relations to report the incident so they can initiate their investigation into the matter.
109. On April 15, 2021, Mr. Larkin received a call from Mr. Gagnon to address the concerns raised by Ms. St-Jean and Ms. David as Mr. Gagnon had spoken with Ms. St-Jean and Ms. David. Mr. Gagnon also 19(1)

explained that he wanted to gather all of the facts before briefing Mr. Larkin so that Mr. Larkin could make an informed decision relative to the next steps to be undertaken. Mr. Larkin confirmed that as a result of his discussion with Mr. Gagnon, he had no concerns that [REDACTED]

110. Mr. Larkin told Mr. Gagnon that Labour relations had been informed of [REDACTED] GauthiY3  
2022-11-02 21:57:22

111. Mr. Larkin spoke with Ms. St-Jean and Ms. David individually afterward [REDACTED] 19(1)  
[REDACTED] to explain the steps he  
[REDACTED] had taken and that he would be handling the matter. [REDACTED]

112. When informed that Ms. Trethewey was the one who has made the two ATIP requests Mr. Larkin directed Mr. Gagnon to ensure that [REDACTED] processing any of Mr. Leckie's ATIP requests.

113. Within a day or two after being informed of the incident, he met with Mr. El-Keurti of Labour Relations. He wanted Ms. Caron involve as he did not want anyone to feel that [REDACTED] 19(1)

114. Labour Relations were providing guidance in how to address the incident, [REDACTED]

115. [REDACTED]

116. [REDACTED] 19(1)

117. [REDACTED]

118. [REDACTED]

119. Mr. Larkin explained that under the Information Act, Section 4(1) anyone can make an ATIP request on any person who may have records held by the federal government. He added, that under the Privacy Act, Section 12(1) only the individual concerned can make a request for their information or if the requester has the consent to do so on behalf of the person named in the request. Usually such consent is attached to the ATIP request.

120. [REDACTED] Mr. Larkin mentioned that it is common for SSC employees making ATIP requests about the department to conceal their name for fear of reprimand and that there are no provisions in the Information Act stating that a requester must use his/her own name when making an ATIP request. 19(1)

121. [REDACTED]

122. Mr. Larkin confirmed that as per the definition of a privacy breach within the SSC Standard on managing privacy breach, Section 4.1.0, Ms. Trethewey's actions equates to a privacy breach due to the inappropriate use of information as stated in the Notification Letter to Affected Individual. He added however, that there is a nuance in the current incident because it is not a privacy breach in the context of having provided

a person's information to a third party or by leaving it unattended in plain view. He added that only Mr. Leckie's name was breached. His Human Resources file and or his Labour Relations file, if there is one, were not retrieved and provided to anyone. No ATIP employees and or Ms. Trethewey [REDACTED] were provided Mr. Leckie's information.

123. [REDACTED] 19(1)

124. Mr. Larkin explained that when Ms. Caron stated in her correspondence to Mr. Leckie that no privacy breach had occurred, it was based on the common understanding that there had been a privacy incident not a privacy breach as per the conclusion of the Policy and Governance group.

125. Mr. Larkin explained that they refer to a privacy breach when there is a material breach, which is where there is grievous harm or potential harm to the person whose information was breached.

126. Mr. Larkin agreed that while July 30, 2021, the Notification Letter to Affected Individual (Annex 4) makes no mention of a privacy breach, the email Ms. Labbé sent to Mr. Leckie on January 7, 2021(Annex 11) refers to a privacy breach. He confirmed that there was technically a privacy breach due to the inappropriate use of Mr. Leckie's information.

127. Mr. Larkin defines the five-week delay between the April 13 and the fact-finding meeting on May 17, 2021, as being reasonable. They knew within two weeks of being informed of the incident that a fact-finding meeting would be held but it took another two weeks to schedule it to ensure everyone's availability.

128. [REDACTED]

129. [REDACTED] 19(1)

130. [REDACTED] 19(1), 23

131. [REDACTED]

132. Mr. Larkin explained that the correspondence provided to the OPC was [REDACTED] Team. This is the usual process for any complaint lodged with the OPC in relation to [REDACTED] 19(1) privacy breach. He would have been informed of the correspondence to be sent to the OPC. The Policy and Governance Team worked directly with the OPC investigator. They received the requests from the OPC and actioned them.

133. When asked if the paragraph contained in one of the correspondence to the OPC (Annex 3) which states: "Please note that we have completed an internal fact finding on this subject. We can confirm that the employee did not make any unauthorized disclosure of the complainant's personal information. In addition, the fact finding confirmed that no other SSC ATIP employee made the alleged disclosure." was accurate, Mr. Larkin confirmed that it was. He added that Ms. Trethewey's ATIP requests were never tasked and that they were closed after they had received confirmation from the requester that the requests were abandoned.

GauthiY3  
2022-11-02 22:16:02

**In person interview with Ms. Tiffany Caron, on April 6, 2022**

134. Ms. Caron has been the Director General of Corporate Secretariat at Shared Services Canada since April 2020. She is SSC Chief Privacy Officer, her responsibilities includes being accountable for the Delegated Authority from the Deputy Minister, ensuring the ongoing operations of ATIP and to debrief Senior management on ongoing ATIP requests.

135. Ms. Caron recalls the incident of April 7, 2021. She was informed within a couple of days of the requests being received, as they were deemed unusual because of the wording and that Mr. Leckie was not the requester.

136. On April 12, 2021, she was made aware by Mr. Larkin that the requests were made by one of the ATIP employees. Mr. Larkin [REDACTED] as the actions of the employee [REDACTED]. [REDACTED] She referred Mr. Larkin to Mr. El-Keurti, SSC Labour Relations. She took part on the initial call with Mr. El-Keurti as Mr. Larkin had invited her.

137. [REDACTED] 19(1)

138. She briefed her ADM, Ms. Labbé and the DM's Chief of Staff to inform them and to confirm that they were investigating the incident. [REDACTED]

139. [REDACTED] 19(1)

140. [REDACTED]

141. When asked to explain the meaning of Right of Access, Section 4 of the Access to Information Act, Ms. Caron stated that anybody can make an ATIP request on anyone and does not have to provide her/his legal name. However, the ATIP group can request proof of identity as was the case with Ms. Trethewey's requests.

142. When presented SSC Privacy Breach document, SSC Standard on Managing Privacy Breaches (Section, 4.1.0) and TBS Directive on Privacy Practices (Appendix A, Definition of Privacy Breach), Ms. Caron agreed that the definition of a privacy breach contained within the documents includes the use of personal information.

143. Ms. Caron confirmed that the requirements under the SSC Directive on Privacy Breaches, Section 6, Requirements, were followed for the most part. The exception being that not all parties were informed as they considered the facts (immaterial and material breaches) and if there was a need to inform the individual concerned. The decision to not inform the concerned individual was based on the conclusion that no personal information had been accessed, as the requests were never processed. The same procedure was followed for other unrelated cases.

144. Ms. Caron mentioned that they followed the Standard on Managing Privacy Breaches when reviewing the incident to determine what occurred. This incident was taken very seriously due to the potential reputational and credibility related ramifications.

145. She mentioned that the ATIP Policy and Governance group had conducted a review of the incident and had concluded that the incident was not a privacy breach but rather a privacy incident. It was considered a privacy incident because it was a misuse of the name only. Nothing material such as Social Insurance Number, address, phone number, Human Resources information was ever retrieved, or read by anyone in Access to Information.

146. Ms. Caron stated that even though the term Privacy Incident is not defined in SSC Directive on Privacy Practices, it is regularly used within SSC when an event does not require that a notification be done to the affected individual. This would be in cases where there is no risk assessed as it relates to the privacy of the individual concerned.

147. She added, that Ms. Trethewey never used Mr. Leckie's information [REDACTED] as it was available to Ms. Trethewey when processing Mr. Leckie's ATIP requests. When Ms. Trethewey's made her ATIP requests she included in her wording something to the effect to reach out to Mr. Leckie to obtain his consent. Ms. Trethewey

[REDACTED] 19(1)

148. Ms. Caron mentioned that she holds the ATIP employees to a higher standard of accountability as they have access to a large volume of personal information and as such, the employees' discretion is paramount.

149. Ms. Caron confirmed that she had been made aware by Mr. Larkin of the [REDACTED] in relation to the requests Ms. Trethewey made. Mr. Larkin had mentioned that he [REDACTED] that Mr. Gagnon might have jokingly commented to the effect that he wished they gave Mr. Leckie a taste of his own medicine. Ms. Caron added, that Mr. Larkin had stated that he was looking into it as he wanted to determine if Mr. Larkin subsequently [REDACTED] Ms. David and Mr. Gagnon and that [REDACTED] Ms. Caron added that Ms. Trethewey confirmed during the [REDACTED] in making her requests. 19(1)

150. Mr. Larkin was the lead in addressing the incident with Labour Relations. He kept her informed throughout the process. [REDACTED] 19(1)

151. When asked if the five-week delay between the day the incident occurred to the fact-finding meeting was appropriate, M [REDACTED] le because Labour Relations had to develop the questionnaire

152. Ms. Caron stated that she did not communicate with Mr. Leckie upon being informed of the incident of April 7, 2021 because it was too early and the nature of the incident did not require that he be informed. However, she mentioned receiving an email from Mr. Leckie at the end of April. The content of the email was vague and was relating to privacy issues. She believes that the email may have resulted from Mr. Leckie being informed of Ms. Trethewey's ATIP request to the Office of the Information Commissioner on April 7, 2021. 19(1) 23

153. Ms. Caron confirmed that she had been briefed on the conclusion of the fact-finding meeting by Mr. Larkin. He informed her that [REDACTED]

154. [REDACTED]

155. [REDACTED] 19(1)

19(1)

156. [REDACTED]

157. Ms. Caron considers the period of eight weeks between the fact-finding meeting and the rendering meeting reasonable considering that Labour Relations had to conduct their research and had other files to work on.

158. When asked about her exchanges with Mr. Leckie, Ms. Caron stated that she informed Mr. Leckie in early June that they had done an “*enquiry*” and that his information was never breached. Ms. Caron clarified that when she mentioned an “*enquiry*” she was actually stating that they had confirmed that the ATIP requests Ms. Trethewey made were never actioned and Human Relations had confirmed, through a forensic search, that no one had accessed Mr. Leckie’s file.

159. Ms. Caron confirmed that since her arrival at SSC she reported to Ms. Labbé who has been the ADM responsible for ATIP. Mr. Cousineau was never her supervisor. Due to administrative delays, Ms. Labbé’s ATIP Delegation of Authority was finalized last year. The emails sent to Mr. Cousineau by Mr. Leckie were redirected to her or Ms. Labbé because there were no reasons for Mr. Cousineau to be involved.

160. Ms. Caron signed the Notification Letter to Affected Individual on July 30, 2021, her last day of work [REDACTED] Ms. Caron reported that shortly after receiving the Notification Letter to Affected Individual, Mr. Leckie replied to Ms. Caron thanking her and mentioned that more was to come the week after. Ms. Caron never heard from Mr. Leckie afterwards even though she had mentioned in her correspondence that Mr. Leckie could contact her to discuss it.

161. When discussing the terminology used in the exchanges with Mr. Leckie, Ms. Caron agreed that there were inconsistencies. The term “*misuse of information*” was referred to in the Notification Letter to Affected Individual, while the term “*breach*” was used in Ms. Labbé’s email of January 7, 2022.

162. Ms. Caron agreed that Ms. Labbé’s email to Mr. Leckie referring to “*organizational changes*” and that ATIP functions are “*now*” part of Strategy and Engagement Branch under her responsibility could be interpreted as recent changes as opposed to when they actually occurred, in 2019.

163. Ms. Caron mentioned that they were more transparent on this case than usual. Typically, for cases of misuse of information, they would not inform the individual. In this case, Mr. Leckie was informed because they wanted to be transparent with him. They went as far as they could in advising Mr. Leckie that his information was not breached while protecting the privacy of the employee concerned.

164. When referring to the OPC investigation, Ms. Caron confirmed that she was made aware of the investigation but that she was not involved in the exchange of documentation.

165. Ms. Caron mentioned that she has been told that SSC was fully cooperating with the OPC investigation. If for any reason, the OPC had determined that SSC was not cooperating with their investigation the issue would have been raised to her level for resolution.

#### **Discussion with OPC Communications representative on April 13, 2022.**

166. The undersigned contacted OPC Communications to inquire as to the OPC definition of Obstruction as per Sections 68 (1) of the Privacy Act as the Act is silent on this aspect. The OPC representative confirmed that the OPC had not defined what constituted Obstruction when conducting an investigation.

167. The OPC representative explained that such event is quite rare but refused to confirm if such incident occurred within the federal departments over the last year.

168. The OPC representative was unable to explain the OPC official procedure when a department is obstructing or not fully cooperating with their investigator.

**Virtual interview with Ms. Jolyanne Ouellet on April 14, 2022, in the presence of Ms. Michelle Morin.**

169. Ms. Ouellet has been with the Policy and Governance Unit since June 2019. Until last month, she was a Senior Analyst within the Unit. She is currently replacing the Deputy Director while absent. Her responsibilities within the Policy and Governance Unit as a Senior Analyst includes liaising with other departments such as the Office of the Privacy Commissioner when they are conducting an investigation. She is the point of contact for the OPC to gather the information, the documentation requested. To do so, she will reach out to the employees who produced the documentation and forward it to the OPC.

170. Ms. Ouellet confirmed being provided the OPC "*Notification of new unauthorized use and disclosure complaint*" (Annex 12) in relation to this file, which was sent on June 16, 2021 to the SSC-ATIP generic mailbox.

171. As soon as she was provided the notification, Ms. Ouellet reached out to the OPC investigator to introduce herself and confirm that she was SSC's point of contact. The OPC investigator requested specific information that Ms. Ouellet collected and forwarded. Ms. Ouellet's interaction with the OPC investigator was very limited.

172. Ms. Ouellet mentioned that for the past 3-4 months she has not heard from the OPC investigator. She sent follow up emails to inquire if additional information was required but never received any replies from the investigator.

173. Ms. Ouellet confirmed that she always provided the information requested by the OPC investigator by the set diary date. Ms. Ouellet also confirmed that she received full cooperation from the employees when requesting the documentation being asked by the OPC. Ms. Ouellet never heard comments from the concerned employees to the effect that the sought documentation should not be provided.

174. Ms. Ouellet stated that she never got any correspondence from the OPC to the effect that SSC was not cooperating with their investigation or that SSC was obstructing it.

**Discussion with Ms. Michelle Morin on April 14, 2022.**

175. Ms. Morin [REDACTED] ATIP analyst working within the Policy and Governance Unit at SSC. Ms. Morin confirmed, from experience unrelated to this investigation, that the OPC follows a set procedure when a department is not fully responsive to their requests. Ms. Morin stated that the OPC representative would initially inform the concerned department that there are collaborative issues and that the OPC request that the situation be rectified. In the event that the issues persist, the notification would be gradually escalated to the Senior Management levels within the OPC and the concerned department until the issues are addressed at the OPC's satisfaction. (b)(7)

**Discussion with Police Forces**

176. During the in initial interview with Mr. Leckie, the undersigned was informed that Mr. Leckie had complained to the Ottawa Police Service, that he had informed the RCMP and contacted the Military Police (ref: paragraph 25, page 8). The undersigned did not make any contact with the named Police Services because

Mr. Leckie mentioned in an email (Annex 13) to Mr. Len Bastien ADM, Information Management, Defence Chief Information Officer, Department of National Defence, on July 13, 2021, ...*"that the Military Police would not take any action..."*"I contacted the RCMP who have indicated they are unable to do anything..."I have contacted the Ottawa Police Department and they have indicated they are unable to do anything"...

## 11. ANALYSIS

### **Shared Services Canada Employee's Management actions in addressing the situation**

177. On April 7, 2021, [REDACTED] Ms. Trethewey [REDACTED] 19(1) to send two ATIP requests to SSC relating to Mr. Leckie. Upon being received at SSC-ATIP unit, the requests were deemed suspicious because they were not made by Mr. Leckie. In addition, the name and the email of the requester left a doubt as to the proper identity of the requester. When asked to provide proof of identity, the requester sent an email confirming that he was abandoning the ATIP requests. The requests were not actioned and the files were closed.

178. Once the requests were deemed suspicious, the assigned ATIP analyst immediately informed her management. The Deputy Director, Pierre Gagnon, briefly informed his Director James Larkin. However, Mr. Gagnon did not possess all of the facts at the time as they were trying to identify the requester.

179. On April 13, 2021, Mr. Larkin met with Ms. St-Jean and Ms. David as they were concerned that [REDACTED] in the suspicious ATIP requests they had received the week before. Their concerns related to a conversation that was overheard during a virtual meeting. Mr. Larkin did inform his Director General Tiffany Caron of the concerns raised and that he was looking into it. Mr. Larkin informed Mr. El-Keurti of Labour Relations so that they could investigate the issue. Ms. Caron informed her Assistant Deputy Minister, Ms. Labbé and the Deputy Minister's Chief of Staff due to the nature of the incident. 19(1)

180. By April 15, 2021, Mr. Larkin had cleared [REDACTED] of any suspicion and had discussed his follow up actions with Ms. St-Jean and Ms. David. By now, Mr. Larkin was aware that the person who had made the requests was [REDACTED] a Senior ATIP Analyst by the name of Megan Trethewey. 19(1)

181. Mr. Gagnon was informed by Mr. Larkin that Labour Relations were involved and that an administrative investigation would be conducted. Mr. Larkin gave the directive to remove Ms. Trethewey from processing Mr. Leckie's ATIP requests and to ensure that no one had access to the ATIP requests Ms. Trethewey made on April 7, 2021.

182. [REDACTED] 19(1)

183. [REDACTED] 19(1)



184. The delay of 5-6 weeks between the discovery of Ms. Trethewey's actions and the fact-finding meeting is considered reasonable by Mr. Lakin, Mr. El-Keurti and Mr. Sigouin. Mr. Larkin mentioned that within two weeks of the incident being reported he knew that there would be a fact-finding meeting but it took two weeks to have the meeting due to the unavailability of the individuals who had to be present. Mr. El-Keurti mentioned that stakeholders could have been unavailable, other priority files had to be addressed by Labour Relations and internal consultation within Labour Relations had to be done. Mr. Sigouin stated that Labour Relations within Labour Relations, prepare the questionnaire for the fact-finding meeting. [REDACTED] added that the delay between the reporting of an incident to Labour Relations and a fact-finding meeting varies in general depending on the circumstances and Labour Relations priorities. 19(1)

185. The delay between the fact-finding meeting and the rendering meeting is also deemed acceptable by Mr. El-Keurti, Mr. Sigouin and Mr. Larkin. Mr. El-Keurti explained that the delay was caused due to the unavailability of the individuals involved with the file who were away on leave. Labour Relations did not want to bring new people in to address this situation. Mr. Sigouin mentioned that the delay was also due to: [REDACTED] a competing organizational priority that Labour Relations was addressing as a result of COVID-19; the volume of work they had to manage. For his part, Mr. Larkin attributed the delay to: [REDACTED] 19(1) and the limited availability of certain individuals due to the summer holidays.

186. The review of the totality of the information collated through interviews, documents provided by the complainant, witnesses and the respondents does not permit to identify any issues that would lead to conclude that the employee's management did not address the incident fully and quickly. Therefore, this allegation is **Unfounded**. 19(1)

#### ***Shared Services Canada Employee's Management potential actions to conceal the incident***

187. Mr. El-Keurti and Mr. Sigouin confirmed that they never heard neither Ms. Caron nor Mr. Larkin [REDACTED]

188. Mrs. Labbé confirmed that the events were reported to her by Ms. Caron [REDACTED]

189. Ms. Caron mentioned that Mr. Larkin [REDACTED]

190. Mr. Larkin stated that as soon as he was informed of the situation he contacted Mr. El-Keurti in Labour Relations so that they could initiate their own investigation. He confirmed that [REDACTED]

191. [REDACTED]

is **Unfounded**.

19(1)  
Therefore, this allegation

**Shared Services Canada officials' attempts to interfere with the Office of the Privacy Commissioner investigation**

192. The undersigned noted that the Privacy Act does not provide a definition for Obstruction. The Communications Unit at the Office of the Privacy Commissioner was contacted to obtain their definition of Obstruction. The OPC representative mentioned that Obstruction was not defined by the OPC. She added that such instances are rare. The OPC representative refused to answer when asked if such an incident had occurred within the last year.

193. The OPC representative could not provide the OPC procedures when faced with a non-cooperating department or with a department obstructing them during an investigation.

194. When Ms. Ouellet was assigned as the liaison person for the OPC investigation she introduced herself electronically to the OPC investigator and proceeded to obtain the information requested. Ms. Ouellet stated that she did not experience any resistance from the employees she contacted to obtain the documentation required. The employees cooperated fully.

195. Ms. Ouellet mentioned that she was never informed by OPC investigator of any collaboration issues.

196. The undersigned discussed with Ms. Morin who had mentioned being aware of the OPC procedure as she had experienced it in the past while working on an unrelated file. Ms. Morin stated that the OPC representative would initially inform the concerned department that there are collaborative issues and that the OPC request that the situation be rectified. In the event that the issues persist, the notification would be gradually escalated to the Senior Management levels within the OPC and the concerned department until the issues are addressed to the OPC's satisfaction.

197. Based on the analysis of the information provided and the absence of an OPC notification to the effect the SSC was not cooperating with the OPC investigation or that SSC may have not provided accurate information to the OPC investigator or that SSC may have interfered with the OPC investigation, this allegation is considered, based on the balance of probabilities, as **Unfounded**.

**12. CONCLUSIONS**

198. While conducting the investigation, the undersigned was provided documentary and verbal information by the parties interviewed. [REDACTED]

199. The totality of the information relating to the investigation did not provide any evidence to support the allegations brought to the attention of Mr. Clover. The allegations are therefore deemed unfounded (Ref: as stated in paragraphs 186, 191 and 197).

200. The investigation reveals that SSC Senior management viewed [REDACTED] and that they immediately addressed the matter when it was discovered. Shared Services Canada's Labour Relations officials were contacted early to provide guidance and advice and to ensure that [REDACTED]

19(1)

201. During the investigation, it was observed that some administrative procedures may be in need of revision or update so as to avoid misunderstanding or miscommunications. These are reported for informational purposes within the Observations and Recommendations section of this report as they may be useful to SSC in taking corrective measures as deemed necessary and appropriate

### **13. OBSERVATIONS and RECOMMENDATIONS**

#### **Observation 1**

201. Prior to advising Mr. Leckie [REDACTED] a determination had to be made as to the gravity of the situation and whether a privacy breach had occurred as per the definitions contained in the Privacy Act. SSC **makes** use of the SSC Standard on Managing Privacy Breaches to guide its decisions regarding such matters.

202. SSC's Policy and Governance Group was mandated to review the incident and concluded that there was no privacy breach. However, it also concluded that a "privacy incident" had occurred. The term "*privacy incident*" could not be found by the undersigned in the Privacy Act or in any of SSC's policies or standards. It appears that this term is used by SSC-ATIP officials to indicate an incident where the information of a person was not left in plain view, lost or inappropriately shared with a third party.

203. Both Mr. Larkin and Ms. Caron confirmed that the term privacy incident is commonly used as part of their work.

204. The fact that the term "*privacy incident*" does not appear in any departmental documentation or the Act could leave the department exposed to a legal challenge given that the conclusions and disciplinary actions taken appeared to have been based on the fact that a Privacy Incident had occurred as opposed to a Privacy Breach.

#### **Recommendation 1**

205. It is strongly recommended that the SSC Access to Information and Privacy Protection Division with the assistance of the Policy and Governance Group consult with their Legal Counsel and TBS Policy group to confirm that the term "*Privacy Incident*" is an acceptable term to use when determining the gravity of a reported incident. If so, SSC should review and update any and all related policies, directives, standards and operating procedures.

#### **Observation 2**

206. Ms. Caron confirmed that she did not communicate with Mr. Leckie upon being informed of the incident of April 7, 2021 because, from her perspective, it was too early and the nature of the incident did not require that he be informed. She did however, reply on June 1, 2021 (Annex 2) to an email Mr. Leckie had sent her earlier raising a potential breach of his personal information. In her reply, Ms. Caron informed Mr. Leckie "*An enquiry into your allegations found no indication that your personal information was disclosed to a third party contrary to the Privacy Act.*"

207. On June 24, 2021, Ms. Caron sent a response email (Annex 14) to Mr. Leckie. She states in the email: "...As noted in my earlier email, we have found no indication that your personal information was disclosed to a third party contrary to the Privacy Act within SSC. To be clear, none of your personal information was ever retrieved, read or shared at SSC..."

208. On July 27, 2021, Mr. Leckie received an email from the OPC investigator. A paragraph within the email quotes information received from SSC, which reads: "*Please note that we have completed an internal fact finding on this subject. We can confirm that the employee did not make any unauthorized disclosure of the*

complainant's personal information. In addition, the fact finding confirmed that no other SSC ATIP employee made the alleged disclosure."

209. On July 30, 2021, Ms. Caron sent a Notification Letter to Affected Individual, and stated in this letter: "...Through the investigation, we found that your personal information was inappropriately used by a SSC employee. Details are as follows:

- On April 7<sup>th</sup>, 2021, your personal information which was limited to your name, was inappropriately used by an SSC employee in order to request documents about you.
- The Access to Information request was **not** tasked out and as such no documents containing your personal information was retrieved or given to that employee or any other party."

210. On October 29, 2021, Mr. Leckie informed Ms. Labbé via email (Annex 5) that he learned that SSC- ATIP had made a submission to the OIC to have a series of his ATIP requests labelled as vexatious. Within its justification for such a request, SSC-ATIP stated, "Ms. Trethewey is a senior analyst in the SSC-ATIP Office. On 7 April 2021, Ms. Trethewey submitted two ATI requests to SSC-ATIP for the Labour Relations and employment records of Mr. Leckie, a former employee of SSC. Ms. Trethewey submitted these two requests

Furthermore, Ms. Trethewey submitted additional ATI requests to the Office of the Information Commissioner for Mr. Leckie's personal information. In her request to the OIC, she specified she wanted OIC to seek consent from Mr. Leckie to release his personal information."

211. On January 7, 2022, Ms. Labbé sent a reply email (Annex 11) to Mr. Leckie, as Mr. Leckie had asked why he had only received one Notification Letter to affected Individual since Ms. Trethewey had made two ATIP requests on April 7, 2021. In her reply email Ms. Labbé states: "You received only one notification letter, as the breach was treated as a single incident."

212. Whereas SSC appears to have concluded that a privacy incident occurred and not a privacy beach, the correspondence mentioned above tells a different story. The most recent official correspondence states that a "breach" had in fact occurred.

#### Recommendation 2

213. It is recommended that SSC put in place mechanisms to ensure that all correspondence sent or exchanged with a single requester be reviewed and vetted to ensure consistency of messaging and full compliance with the Act. This would avoid, inconsistent messaging that can lead to an erosion of trust in SSC- ATIP by requesters.

#### Observation 3

214. Mr. Leckie raised his concerns to Mr. Stéphane Cousineau through emails (Annexes 9-10) as he erroneously believed that Mr. Cousineau was the ADM responsible for the ATIP group. The internal restructuring that led to the ADM of Strategy and Engagement Branch to become responsible for the ATIP group was completed by the end of fiscal year 2019/2020 as per Mr. Cousineau's comments. However, the Delegation of Authority that comes with this added responsibility was not finalized until more than 12 months after the restructuring.

#### Recommendation 3

215. It is recommended that SSC keep its Delegation of Authorities up-to-date, communicate important organizational changes expeditiously, and inform all impacted staff and stakeholders in order to avoid confusion as to who is accountable and responsible for actions in response of privacy incidents.

## 1. ANNEXES

PROTECTED B



# **Administrative Investigation Terms of Reference**

**File number:** SIU-043-2021

Investigations Manager  
Departmental Security Division  
Date: January 2022



Shared Services Canada  
Services partagés Canada

**Canada**

## CONTEXT

1. On Oct 6, 2021, the Department received a complaint message from a member of the public, alleging that an employee of Shared Services Canada (SSC), currently employed in the Access to Information and Privacy (ATIP) division had intentionally disclosed personal information. The complaint included allegations of management's inaction and potential interference in an investigation by the Office of the Privacy Commissioner (OPC). The complainant reported that this incident (breach of privacy) is currently under investigation by the OPC. The allegations of inaction and interference in an OPC investigation remain a concern.

## TERMS OF REFERENCE

To conduct an administrative investigation into the allegations of inaction and potential interference in the case of a breach of privacy by SSC officials.  
Specifically, :

- o SSC Employee's Management actions in addressing the situation.
  - o SSC Employee's Management potential actions to conceal the incident; and
  - o SSC officials' attempts to interfere with the OPC investigation.
2. The administrative investigation will be conducted through the validation of existing information and/or the collection of additional information through interviews.
  3. The investigation will be carried out by a third-party investigator, hired from RHEA security group, and funded by the office of the Chief Security Officer. The investigator is to report findings to SSC Chief Security Officer under the authority of the President of SSC.
  4. The purpose of the investigation is to gather all relevant facts relating to the above-mentioned incident and to provide an investigative report.
  5. Any adverse information gathered during the investigation could be used to initiate a review for cause of employees' security status or secret clearance.
  6. The investigator will ensure that:
    - o The investigation will be carried out in a confidential manner on a need-to-know basis; the rights of procedural fairness are accorded to the respondent before any decision is made; and the interviews and communications will be conducted in the official language of the individual's choice.
    - o Each individual interviewed will be offered the opportunity to be accompanied by a person of their choice;
    - o The employees against whom the allegations are made will be provided with an opportunity to respond to the allegations.



7. Prior to transmitting the report to senior management, a copy of the final draft investigative report will be provided to the employees, while respecting the *Privacy Act* and the *Access to Information Act*.
8. *Once the employees have been given the opportunity to comment, the report will be finalized and submitted to Chief Security Officer electronically in a protected B format.*

**Dubeau,  
Robin**

Robin Dubeau  
Chief Security Officer

Digitally signed by  
Dubeau, Robin  
Date: 2022.01.13  
16:44:25 -05'00'

Pierre Giguère  
RHEA Investigator



## ANNEX 2

10/4/21, 9:50 AM

Gmail - Recent ATIP requests



Stewart Leckie <stewartdleckie@gmail.com>

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### Recent ATIP requests

**Tiffany Caron** <Tiffany.Caron@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Tue, Jun 1, 2021 at 2:21 PM

Hello Mr. Leckie,

In response to your recent correspondence, along with new ATIP requests, alleging a potential breach of your personal information, I wish to inform you that Shared Services Canada (SSC) takes these allegations very seriously.

SSC strives to comply with the *Privacy Act* and takes all necessary steps to safeguard the personal information of its employees and Canadian citizens.

An enquiry into your allegations found no indication that your personal information was disclosed to a third party contrary to the *Privacy Act*. If you have specific information indicating the contrary, please provide it at your earliest convenience.

On our part, we will continue to action your existing and any new requests under the Act.

*Tiffany Caron*

Director General, Corporate Secretariat | Directrice Générale, Secrétariat ministériel

Shared Services Canada | Services partagés Canada

[Tiffany.Caron@canada.ca](mailto:Tiffany.Caron@canada.ca)

Tel 613-286-0811

<https://mail.google.com/mail/u/0?ik=af04c14ff8&view=pt&search=all&permmsgid=msg-f%3A1701389715469484868&simpl=msg-f%3A170138971546...> 1/1

## ANNEX 3

10/4/21, 10:27 AM

Gmail - OPC Case File: PA-0549751



Stewart Leckie <stewartdleckie@gmail.com>

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### OPC Case File: PA-0549751

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Loren Myers <Loren.Myers@priv.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Tue, Jul 27, 2021 at 12:54 PM

Mr. Leckie,

The right to file an application to the Federal Court within 45 days relates to denial of access complaints investigated by the OIC and the OPC concerning Information or Privacy Requests. Regarding your alleged unauthorized disclosure of your personal information by SCC (OPC complaint file PA-059751), there is no similar right provided under the *Privacy Act* for privacy breaches. At this time, we are able to inform you that the SCC ATIP Department provided us with the results of its internal investigation on July 22, 2021, noted as follows:

*'Please note that we have completed an internal fact finding on this subject. We can confirm that the employee did not make any unauthorized disclosure of the complainant's personal information. In addition, the fact finding confirmed that no other SSC ATIP employee made the alleged disclosure.'*

What this means is that there has been no suitable evidence uncovered at this time to validate your privacy breach allegations. Unless you can link any SCC employees with written proof, this Office's investigation will be concluded on a lack of evidence. We are aware that you have an investigation on-going with the OIC, and if suitable evidence is uncovered, you could present it to us at that time. Please be advised that this Office cannot contact the OIC and any evidence will have to be secured by yourself and provided to us.

To conclude, in order to provide you more time to present evidence, your case file noted above will be left open to August 31, 2021. If we do not hear back from you by that time, your file will be closed at that time. However, if you ever secure evidence beyond that date, please contact this Office at that time.

Regards,

**Mr. Loren G. Myers, CIPP/C**

**Enquêteur Principal / Senior Investigator**

Commissariat à la protection de la vie privée du Canada / 30, rue Victoria, Gatineau, QC K1A 1H3

Office of the Privacy Commissioner of Canada / 30 Victoria Street, Gatineau, QC K1A 1H3

Téléphone /Telephone (819) 431-7905

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10/4/21, 10:27 AM

Gmail - OPC Case File: PA-0549751

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## ANNEX 4



Shared Services  
Canada

Services partagés  
Canada

P.O. Box 9808 STN T CSC  
Ottawa, Ontario  
K1G 4A8

July 30, 2021

Stewart Leckie  
67 Bartley Crescent  
Ottawa, Ontario  
K2J1R9

Dear Mr. Leckie,

On April 7<sup>th</sup>, 2021, the Access to Information and Privacy (ATIP) Division became aware of an incident involving your personal information. As a result, the ATIP Division conducted an investigation and assessment of the incident as required under Shared Services Canada's (SSC) Directive on privacy breaches and SSC's Standard for Managing Privacy Breaches. Through the investigation, we found that your personal information was inappropriately used by a SSC employee. Details are as follows:

- On April 7<sup>th</sup>, 2021, your personal information which was limited to your name, was inappropriately used by a SSC employee in order to request documents about you.
- The Access to Information request was **not** tasked out and as such no documents containing your personal information was retrieved or given to that employee or any other party.
- We are actively working with the Office of the Privacy Commissioner in this matter.

Once we became aware of the inappropriate use of personal information, actions were taken to restrict access to outstanding requests you have made. The Access to Information and Privacy (ATIP) Division at Shared Services Canada were notified. The ATIP Division is currently analyzing the incident to determine how this happened in an effort to avoid such occurrence in the future.

The protection and security of personal information is a priority for the Government of Canada. Notwithstanding this incident, we have strict safeguards in place to protect the confidentiality and security of personal information. Our employees are well trained and extremely diligent in their efforts to protect the information that is in their care. We take our role in safeguarding your personal information and using it in an appropriate manner very seriously.

Please note that under the *Privacy Act* you are entitled to register a complaint with the Office of the Privacy Commissioner of Canada ([www.priv.gc.ca](http://www.priv.gc.ca)) with regard to this breach. Complaints may be forwarded to the following:

Canada





Shared Services  
Canada

Services partagés  
Canada

P.O. Box 9808 STN T CSC  
Ottawa, Ontario  
K1G 4A8

<https://www.priv.gc.ca/en/report-a-concern/file-a-formal-privacy-complaint/file-a-complaint-about-a-federal-institution/>

Should you have any questions regarding this notice or if you would like more information, please do not hesitate to communicate with me.

Sincerely,

Caron,  
Tiffany

Digitally signed by  
Caron, Tiffany  
Date: 2021.07.30  
10:37:32 -04'00'

Tiffany Caron  
Corporate Secretary, Shared Services Canada

Canada 

## ANNEX 5

**Paule Labbé**

---

**From:** Stewart Leckie <stewartdleckie@gmail.com>  
**Sent:** February 7, 2022 2:45 PM  
**To:** Paul Glover  
**Cc:** Paule Labbé; Adrianna McGillivray; Angie Pommainville  
**Subject:** Re: SSC ATIP Seeking to Decline ATIP Requests  
**Attachments:** 6.1-2021-00014 to 00333 - Feb 3 2022.pdf

Good Afternoon Paul,

I am emailing you today to inform you that the Information Commissioner Caroline Maynard has found that "SSC has failed to establish that any of its 20 applications has merit" when your SSC ATIP group attempted to label 20 of my ATIP's as vexatious. Paule & yourself had oversight on this (Please reference Paule Labbe's response on 29 October).

I would like to let you know that the SSC ATIP group has failed to provide a response to me within the allowable time under the ATIP Act of 30 days, as it appears they waited until the last moment to submit the baseless vexatious claims.

Please note the Information Commissioner has directed you to:  
"SSC must give written notice to the requester of my refusal of its application and of the date on which the running of the time period to respond to the access requests resumes, as required by subsection 6.1(1.4) of the Act."

Could you please advise me on what SSC is doing to ensure that the SSC ATIP Act abides by the TBS Directive of Duty to Assist as I have previously requested and action the directions issued by the Information Commissioner for SSC to take?

I have attached for your review the Commissioners findings for your convenience.

Stewart Leckie

On Fri, Oct 29, 2021 at 2:36 PM Stewart Leckie <stewartdleckie@gmail.com> wrote:  
Good Day Paulé,

Please see the attached notice that your SSC ATIP Division via Tiffany Caron submitted to OIC attempting to label a series of ATIP requests as vexatious. I dispute much of this representation however I would like to draw your attention to this specific paragraph:

*"Ms. Trethewey is a senior analyst in the SSC-ATIP office. On April 7, 2021, Ms. Trethewey submitted two ATIP requests to SSC-ATIP for the Labour Relations and employment records of Mr. Leckie, a former employee of SSC. Ms. Trethewey submitted these two requests [REDACTED]"*

*"Furthermore, Ms. Trethewey submitted additional ATIP requests to the Office of the Information Commissioner for Mr. Leckie's personal information. In her requests to the OIC, she specified that she wanted OIC to seek consent from Mr. Leckie to release his personal information."*

19(1)

[REDACTED] I do not know what would be; I urge you to contact labour relations on the subject immediately.

I remind you that the Privacy Commissioner's report can only provide recommendations, you and your management team are the only ones that can take appropriate action.

In response to your message below, I am not seeking information on the process of a vexatious claim; but am requesting information on how to make a formal complaint when SSC's ATIP division fails to uphold their duty to assist (as set out by TBS). Please advise.

Many thanks,  
Stewart Leckie

On Fri, Oct 29, 2021 at 9:19 AM Paule Labbé <[Paule.Labbe@ssc-spc.gc.ca](mailto:Paule.Labbe@ssc-spc.gc.ca)> wrote:

Dear Mr. Leckie,

Thank you for your email. In accordance with the Office of the Information Commissioner's timeline for processing an institution's request to decline to act pursuant to section 6.1 of the *Access to Information Act*, once the Information Commissioner receives the institution's application, she will invite you, the requester, to provide your submissions if she deems that the application merits consideration. You will then have ten business days from the day the Information Commissioner contacts you to provide information as to why you believe the institution should not decline to act on the access requests in question.

Should you have any questions, please consult the Office of the Information Commissioner.

Sincerely,

Paule Labbé

Assistant Deputy Minister, Strategy and Engagement Branch

Shared Services Canada

[paule.labbe@canada.ca](mailto:paule.labbe@canada.ca) / Cell: 613-513-9151

Sous-ministre adjointe, Direction générale de la stratégie et de l'engagement

Services Partagés Canada

[paule.labbe@canada.ca](mailto:paule.labbe@canada.ca) / Cellulaire: 613-513-9151

## ANNEX 6

10/4/21, 10:57 AM

Gmail - Privacy Breach - 7 April 2021



Stewart Leckie <stewartdleckie@gmail.com>

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### Privacy Breach - 7 April 2021

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Stewart Leckie <stewartdleckie@gmail.com>

Wed, Aug 18, 2021 at 7:38 AM

To: paul.glover@ssc-spc.gc.ca, adrianna.mcgillivray@ssc-spc.gc.ca

Good morning Mr. Glover,

I hope you are well.

I feel that it is important that I bring to your attention that Mr. Cousineau has yet to provide a response to the Privacy Breach referenced below; I am confident that had you been properly briefed, you would not allow it to go unaddressed. I greatly appreciate your attention on this matter.

Many thanks,

Stewart Leckie

[Quoted text hidden]



Notification Letter to Affected Individual \_ DG Signed.pdf  
175K

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## ANNEX 7

10/4/21, 10:58 AM

Gmail - Privacy Breach - 7 April 2021



Stewart Leckie <stewartdleckie@gmail.com>

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### Privacy Breach - 7 April 2021

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Paul Glover <Paul.Glover@ssc-spc.gc.ca>

Wed, Aug 18, 2021 at 1:45 PM

To: Stewart Leckie <stewartdleckie@gmail.com>, Adrianna McGillivray <Adrianna.McGillivray@ssc-spc.gc.ca>

Hi Stewart.

Thanks for you email.

My understanding is that if you have not already, you should very shortly be receiving a reply from the appropriate ADM.

Paul Glover

(he/il)

President

Shared Services Canada

Government of Canada

[paul.glover@ssc-spc.gc.ca](mailto:paul.glover@ssc-spc.gc.ca) / Tel.: 613-670-1777

Président

Services partagés Canada

Gouvernement du Canada

[paul.glover@ssc-spc.gc.ca](mailto:paul.glover@ssc-spc.gc.ca) / Tél.: 613-670-1777

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## ANNEX 8

10/4/21, 11:00 AM

Gmail - RE: Privacy Breach - 7 April 2021



Stewart Leckie <stewartleckie@gmail.com>

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### RE: Privacy Breach - 7 April 2021

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Paule Labbé <Paule.Labbe@ssc-spc.gc.ca>  
To: "stewartleckie@gmail.com" <stewartleckie@gmail.com>  
Cc: Angie Pommainville <Angie.Pommainville@ssc-spc.gc.ca>

Wed, Aug 18, 2021 at 9:35 AM

Dear Mr. Leckie,

My colleague Stephane Cousineau forwarded me your message. As a result of organizational changes, the Access to Information and Privacy (ATIP) functions are now part of the Strategy and Engagement Branch under my responsibility.

I understand that this issue is under investigation by the Office of the Privacy Commissioner and the Office of the Information Commissioner, therefore it would be inappropriate for me to comment further until the investigation is completed. However, I will assure you that we are cooperating with both offices on their investigations.

SSC's ATIP team will continue to process your new and existing requests under the Act.

Sincerely,

Paule Labbé

Assistant Deputy Minister, Strategy and Engagement Branch

Shared Services Canada

[paule.labbe@canada.ca](mailto:paule.labbe@canada.ca) / Cell: 613-513-9151

Sous-ministre adjointe, Direction de la stratégie et de l'engagement

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## ANNEX 9

10/4/21, 10:13 AM

Gmail - Recent ATIP requests



Stewart Leckie <stewartdleckie@gmail.com>

### Recent ATIP requests

Stewart Leckie <stewartdleckie@gmail.com>  
To: stephane.cousineau@canada.ca

Fri, Jul 9, 2021 at 1:06 PM

Good Afternoon Mr. Cousineau,

It has been two weeks since I reached out seeking assistance and feedback from you. As per Tiffany's request "Do not hesitate to contact me if you have any other questions related to administrative matters related to your active files." I have removed her from this thread.

After my first email to you I received the response below from Tiffany. I wanted to ensure that you were aware of the uniformed and false statements she has made on behalf of your department.

1) She states - "As noted in my earlier email, we have found no indication that your personal information was disclosed to a third party contrary to the *Privacy Act* within SSC."

An individual with the same name as the spouse of one of your employees working in ATIP with at least some visibility on my files submitted an ATIP against me, with information that was only available to myself, OIC & SSC. In addition, OIC & I already had possession of the information requested; the only group that did not, was SSC. Tiffany appears to be willingly ignoring a significant security breach from not one but two Federal departments.

2) She states - "To be clear, none of your personal information was ever retrieved, read or shared at SSC."

The ATIP group within SSC, by definition, would be required to retrieve and read my ATIP requests which include my personal information. Based on her statement it appears that SSC is choosing to deny the proof of a security breach and the evidence of the most likely culprits who conducted this illegal action.

As I suspect you are unable to address the below while there are ongoing investigations, I simply ask that you acknowledge receipt of this email.

I continue to wait for your response,  
Stewart Leckie  
[Quoted text hidden]

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## Annex 10

10/4/21, 10:01 AM

Gmail - Recent ATIP requests



Stewart Leckie <stewartdleckie@gmail.com>

### Recent ATIP requests

Stewart Leckie <stewartdleckie@gmail.com>

Thu, Jun 24, 2021 at 11:14 AM

To: "Caron, Tiffany (SSC/SPC)" <tiffany.caron@canada.ca>, stephane.cousineau@canada.ca

Good Morning Mr. Cousineau,

I hope you are doing well and are staying healthy and safe.

I wanted to reach out as it has now been just shy of a month since I have provided proof of an illegal targeted security breach that occurred within the SSC ATIP group and provided the most likely path on how this occurred. I have followed up with Tiffany Caron multiple times now and it appears that I am simply being ignored (and possibly the security breach is being ignored as well?).

I have requested multiple times that this issue is escalated to the ADM level with no response, I have expressed concerns about the safety of my child, wife & myself personally and those concerns have been ignored, I have also indicated I hoped that this issue could be resolved at the lowest level and again have been ignored.

I have engaged other investigative bodies (Office of the Information Commissioner, Office of the Privacy Commissioner, Military Police etc) however wanted to ensure that you had visibility on this escalating issue. If you have not seen the below email first hand I encourage you to review the evidence in the email thread below.

Does SSC intend to engage with me to resolve this illegal security breach or is the intention to ignore the individual who has been harmed in this matter (me) and only engage with the investigative bodies?

Cheers,  
Stewart Leckie  
[Quoted text hidden]

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## ANNEX 11

**Paule Labbé**

---

**From:** Paule Labbé  
**Sent:** January 7, 2022 1:03 PM  
**To:** Stewart Leckie  
**Cc:** Robin Dubeau  
**Subject:** RE: Complaint message Oct 6th, 2021

Good day Mr. Leckie,

SSC ATIP provided you a letter dated July 30<sup>th</sup>, 2021 that covered the inappropriate use of your personal information relating to two ATIP request submitted by an SSC ATIP employee. As indicated in the letter, your name and the fact that you made ATIP requests was the only personal information at issue.

No other personal information of yours (including your HR file) under the control of SSC was collected by the ATIP office or disclosed to Ms. Trethewey or a third party. Furthermore, on December 16, 2021, you received a no record response letter, for your ATIP request A-2021-00301. Finally, we did task Human Resources for your HR file as per your ATIP request (P-2021-00034) on December 2, 2021. This request is still ongoing and expected to be completed shortly.

At SSC, we follow breach notification process as outlined by Treasury Board's Guideline for Privacy Breaches. It states that:

**Institutions should consider notifying individuals whose personal information has been wrongfully disclosed, stolen or lost.**

- To the extent possible, it is strongly recommended that institutions notify all affected individuals whose personal information has been or may have been compromised through theft, loss or unauthorized disclosure, especially if the breach:
  - Involves sensitive personal data such as financial or medical information, or personal identifiers such as the Social Insurance Number;
  - Can result in identity theft or some other related fraud; or
  - Can otherwise cause harm or embarrassment detrimental to the individual's career, reputation, financial position, safety, health or well-being.
- Care should be exercised in the notification process to not unduly alarm individuals, especially where the institution only suspects but cannot confirm that certain individuals have been affected by the breach.

✎ You received only one notification letter, as the breach was treated as a single incident.

I hope this information helps clarify the issues you have brought forward.

Thank you

Paule Labbé

Assistant Deputy Minister, Strategy and Engagement Branch  
Shared Services Canada

[paule.labbe@canada.ca](mailto:paule.labbe@canada.ca) / Cell: 613-513-9151

Sous-ministre adjointe, Direction générale de la stratégie et de la mobilisation  
Services Partagés Canada

[paule.labbe@canada.ca](mailto:paule.labbe@canada.ca) / Célulaire: 613-513-9151

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## ANNEX 12

**From:** Loren Myers <[Loren.Myers@priv.gc.ca](mailto:Loren.Myers@priv.gc.ca)>  
**Sent:** June 16, 2021 12:57 PM  
**To:** SSC ATIP - SPC AIPRP <[ATIP-AIPRP@ssc-spc.gc.ca](mailto:ATIP-AIPRP@ssc-spc.gc.ca)>  
**Subject:** New PA Complaint File: PA-059751

**To:** SCC ATIP Coordinator

**Ref:** Notification of new unauthorized use and disclosure complaint

The complainant Stewart Lecki has complained to this Office on April 26, 2021 that he alleged that a SCC ATIP employee (Megan Tretheway) made an unauthorized disclosure of his confidential personal information regarding ATIP Requests he filed with SCC [REDACTED]. He became aware of this disclosure when the OIC contacted him on April 8, 2021 when [REDACTED] likely filed an information request with the OIC [REDACTED] to attempt to seek his personal information held by the OIC. The complainant added that the SCC disclosure of his personal information may not be limited to just one SCC staff member.

Please assign an analyst to this new *Privacy Act* unauthorized use and disclosure complaint and have them contact me by July 16, 2021, in order to review this matter in more detail to develop SCC's representations that will be required by this Office.

Regards,

Mr. Loren G. Myers, CIPP/C

Enquêteur Principal / Senior Investigator

Commissariat à la protection de la vie privée du Canada / 30, rue Victoria, Gatineau, QC K1A 1H3

Office of the Privacy Commissioner of Canada / 30 Victoria Street, Gatineau, QC K1A 1H3

Téléphone / Telephone (819) 431-7905

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## ANNEX 13

10/4/21, 10:24 AM

Gmail - Privacy/Security Breach



Stewart Leckie <stewartdleckie@gmail.com>

### Privacy/Security Breach

Stewart Leckie <stewartdleckie@gmail.com>  
To: len.bastien@forces.gc.ca

Tue, Jul 13, 2021 at 9:16 AM

Good Morning Mr. Bastien,

Thank you for responding via LinkedIn.

#### The Background:

To give you some background I left the Reserves in 2018 and shortly thereafter found myself missing service to my country. I decided to explore a career in the Public Service and took an entry level position at Shared Services Canada (SSC) in the Senior Assistant Deputy Ministers Office (SADMO) Operations and Management Branch (OMB). I thoroughly enjoyed my time there and after about a year I wanted to progress my career commensurate to my experience level. After qualifying in a variety of pools and inventories I began my networking efforts to find a position. I was quickly told that as long as I was "only an English speaker" & that "we (SSC) cannot simply hire qualified candidates" that I would not be welcome to pursue an advancing career within SSC.

This was truly hurtful but the reality of the situation and found myself a comfortable role in the private sector. I however was not able to get past the discrimination (from my perspective) surrounding language and decided I was going to write a research paper on the subject (Merit hiring policy vs what actually happens).

After my time in the SADMO, I was familiar with the ATIP process and began to submit a number of ATIP requests to SSC, as I was going to use them as my case study. SSC challenged one of my requests as they believed it was too broad and this was escalated to the Office of the Information Commissioner (OIC) and an investigation was opened in early February 2021.

On 8 April 2021, the Office of the Information Commissioner, received the below ATIP.

*"All records between the Office of the Information Commissioner of Canada (OIC) and Mr. Stewart Leckie. This includes any iteration of that name, short form used to refer to him or identification number used to represent him. Please consult the individual to obtain permission to release his information under Section 19(2) of the Access to Information Act."*

As this ATIP was requesting information about me personally, OIC had to contact me to obtain my permission to release this information, which I declined. The individual that I was speaking with from OIC informed me of the name & spelling of the requestor as well as the fact that they submitted this ATIP as a private citizen.

After confirming with OIC that they had not released any of my information and knowing that I had not informed anyone of my ATIP activity or my interactions with OIC out of a (clearly founded) fear of reprisal, the only source this information could have come from was the SSC ATIP group. This unto itself is proof that a privacy breach occurred and that at least one of the employees within the SSC ATIP group has released at least my name and the fact that an OIC investigation is ongoing (both of which are protected information).

The ATIP requestor's name was [REDACTED] (confirmed spelling), after significant searching I was unable to find any government employees through GEDS (or private citizens through OSINT) who could have had a link to this information going by that name. However my investigation has given me a strong working theory as to at least two Government employees who are likely involved.

19(1)

There is an employee at DND named [REDACTED] who is an employee working in the SSC ATIP group and has had at least some visibility on my files. [REDACTED]  
[REDACTED] I believe this is where the alias/second last name [REDACTED] was obtained.

#### The DND Side:

Most of the above information is not your concern and I have engaged the Office of the Privacy Commissioner (OPC) who has begun an investigation at SSC which is ongoing. The estimated timeline for this investigation is anywhere between 6 months to 2 years.

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10/4/21, 10:24 AM

Gmail - Privacy/Security Breach

In addition to this, on April 6th 2021 (2 days prior to OIC receiving the ATIP against me) I was told that I was no longer being considered for a position at DND. This position would have been in the same area (Information Management) that Philip appears to work (according to his LinkedIn). I have NO proof that this was influenced by him however the timing appears to be highly suspect.

I cannot prove 100% that Megan Trethewey shared my protected information with her husband Philip Trethewey that was then illegally utilized; however I do not think it is a stretch to say that this is by far the most likely scenario.

The OPC highly recommended I contact the Departmental Security Officer at DND. I attempted to do so and was redirected to the Military Police. I was asked to go to 60 Moodie Dr. and had an interview with Sgt. Greenhorn who indicated he would get back to me shortly. Two weeks later, I followed up and it turns out no notes, records or reports were ever produced or actioned from this conversation. The MCpl acting as the 2IC also informed me that the Military Police would not take any action on this situation as "it is the Military Police's role to protect DND Assets, and DND employees are DND Assets".

I contacted the DND Ombudsman's Office who indicated they were unable to do anything.

I contacted the Internal Disclosures Office who have indicated they are unable to do anything.

I contacted the RCMP who have indicated they are unable to do anything.

I have contacted the Ottawa Police Department and they have indicated they are unable to do anything.

After just shy of 9 years of Military Service and just under 2 years of working in the Public Service, I take security clearances and the Public Servant's oath very seriously. I am trying to provide this information to DND proactively as it appears there is a civilian DND employee who is illegally obtaining protected information and utilizing it for his own ends. This should at the very least trigger some sort of review of his security clearance. I cannot speculate publicly as to the motivations of these two government employees who appear to be willing to take illegal action.

I have provided the above information in good faith and request that you limit the sharing of this information.

Should you be willing/able to discuss further, I would greatly appreciate that.

Many thanks,  
Stewart Leckie

## Annex 14

10/4/21, 10:10 AM

Gmail - Recent ATIP requests



Stewart Leckie <stewartleckie@gmail.com>

### Recent ATIP requests

Tiffany Caron <Tiffany.Caron@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartleckie@gmail.com>

Thu, Jun 24, 2021 at 8:43 PM

Mr. Leckie,

As indicated in Mr. Gagnon's email of June 16, 2021, your concerns have been escalated to the ATIP Director, James Larkin and myself as Director General. As your recent requests are directed to the Human Resources sector of SSC, we do not feel that there is a need to engage a third party in order to process your requests. I believe your assertions were escalated to the appropriate levels within SSC.

Concerning your allegation that SSC ATIP did not follow the duty to assist principals, we disagree and note that you have the option of filing a complaint with the Office of the Information Commissioner of Canada at the address below.

Office of the Information Commissioner of Canada

30 Victoria Street

Gatineau (Québec) K1A 1H3

I had not responded to your last email as I have been made aware of your complaint filed to the Office of the Privacy Commissioner in regards to an alleged breach of your personal information. As this is an active investigation, I would ask you to direct all further communication to the Office of the Information Commissioner (OIC) and/or the Office of the Privacy Commissioner (OPC) where you have submitted formal complaints.

I would also like to address your comments regarding your safety. As noted in my earlier email, we have found no indication that your personal information was disclosed to a third party contrary to the *Privacy Act* within SSC. To be clear, none of your personal information was ever retrieved, read or shared at SSC. We are currently cooperating with the Privacy Commissioner and Office of the Information Commissioner on their investigations.

On our part, we will continue to action your existing and any new requests under the Act.

Do not hesitate to contact me if you have any other questions related to administrative matters related to your active files.

Thanks,

*Tiffany*

*Tiffany Caron*

Director General, Corporate Secretariat | Directrice Générale, Secrétariat ministériel

Shared Services Canada | Services partagés Canada

[Tiffany.Caron@canada.ca](mailto:Tiffany.Caron@canada.ca)

Tel 613-286-0811

<https://mail.google.com/mail/u/0?ik=af04c14ff8&view=pt&search=all&permmsgid=msg-f%3A1703497479948106595&simpl=msg-f%3A170349747994...> 1/2

10/4/21, 10:10 AM

Gmail - Recent ATIP requests

[Quoted text hidden]

<https://mail.google.com/mail/u/0?ik=af04c14ff8&view=pt&search=all&permmsgid=msg-f%3A1703497479948106595&simpl=msg-f%3A170349747994...> 2/2

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a) **Clarification required: Access to Information Request file A-2022-00245**

SSC ATIP - SPC AIPRP <ATIP-AIPRP@ssc-spc.gc.ca>  
To: "stewartdleckie@gmail.com" <stewartdleckie@gmail.com>

Mon, Dec 5, 2022 at 1:15 PM

Dear Stewart Leckie:

This is to acknowledge receipt of your request under the *Access to Information Act*, for the following:

In a recently released third party investigation into SSC's gross mismanagement of a Privacy Breach that occurred on 7 April 2021 by current SSC ATIP employee Megan Trethewey (aka Philip Hilliard), former Director General Tiffany Caron is quoted as saying "that even though the term Privacy Incident is not defined in SSC Directive on Privacy Practices, it is regularly used within SSC when an event does not require that a notification be done to the affected individual. This would be in cases where there is no risk assessed as it relates to the privacy of the individual concern.". Earlier in the report former DG Tiffany Caron states "When presented SSC Privacy Breach document, SSC Standard on Managing Privacy Breaches (Section, 4.1.0) and TBS Directive on Privacy Practices (Appendix A, Definition of Privacy Breach), Ms Caron agreed that the definition of a privacy breach contained within the documents includes the use of personal information".

I am seeking all occurrences of the term "privacy incident" from all sources of record keeping within SSC between the dates of 1 January 2022 to 24 November 2022.

Please note I am requesting a forensic search be completed as it would be inappropriate for the SSC ATIP group to do a search for a term used to conceal privacy breach occurrences (known, sponsored and supported by every level of management President, ADM, Director General, Director, Deputy Director etc.).

**Clarification required: Access to Information Request file A-2022-00245**

SSC ATIP - SPC AIPRP <ATIP-AIPRP@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Wed, Dec 14, 2022 at 11:05 AM

Good morning Mr. Leckie,

For this file the preliminary search has returned an estimate of 245,333 pages. It would take our office approximately 20 years to process this amount of pages.

Please provide additional information to narrow the scope of the request.

Thank you,

SSC ATIP



b)

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**Clarification required: Access to Information Request file A-2022-00246**

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**SSC ATIP - SPC AIPRP** <ATIP-AIPRP@ssc-spc.gc.ca>  
To: "stewartdleckie@gmail.com" <stewartdleckie@gmail.com>

Mon, Dec 5, 2022 at 1:19 PM

Dear Stewart Leckie:

This is to acknowledge receipt of your request under the *Access to Information Act*, for the following:

In a recently released third party investigation into SSC's gross mismanagement of a Privacy Breach that occurred on 7 April 2021 by current SSC ATIP employee Megan Trethewey (aka Philip Hilliard), former Director General Tiffany Caron is quoted as saying "that even though the term Privacy Incident is not defined in SSC Directive on Privacy Practices, it is regularly used within SSC when an event does not require that a notification be done to the affected individual. This would be in cases where there is no risk assessed as it relates to the privacy of the individual concern.". Earlier in the report former DG Tiffany Caron states "When presented SSC Privacy Breach document, SSC Standard on Managing Privacy Breaches (Section, 4.1.0) and TBS Directive on Privacy Practices (Appendix A, Definition of Privacy Breach), Ms Caron agreed that the definition of a privacy breach contained within the documents includes the use of personal information". I am seeking all occurrences of the term "privacy incident" from all sources of record keeping within SSC between the dates of 1 January 2021 to 31 December 2021.

Please note I am requesting a forensic search be completed as it would be inappropriate for the SSC ATIP group to do a search for a term used to conceal privacy breach occurrences (known, sponsored and supported by every level of management President, ADM, Director General, Director, Deputy Director etc.).

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**Clarification required: Access to Information Request file A-2022-00246**

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**SSC ATIP - SPC AIPRP** <ATIP-AIPRP@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Wed, Dec 14, 2022 at 11:06 AM

Good morning Mr. Leckie,

For this file the preliminary search has returned an estimate of 316,000 pages. It would take our office approximately 25 years to process this amount of pages.

Please provide additional information to narrow the scope of the request.

Thank you,

SSC ATIP

c)

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**Clarification required: Access to Information Request file A-2022-00247**

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**SSC ATIP - SPC AIPRP** <ATIP-AIPRP@ssc-spc.gc.ca>  
To: "stewartdleckie@gmail.com" <stewartdleckie@gmail.com>

Mon, Dec 5, 2022 at 1:36 PM

Dear Stewart Leckie:

This is to acknowledge receipt of your request under the *Access to Information Act*, for the following:

In a recently released third party investigation into SSC's gross mismanagement of a Privacy Breach that occurred on 7 April 2021 by current SSC ATIP employee Megan Trethewey (aka Philip Hilliard), former Director General Tiffany Caron is quoted as saying "that even though the term Privacy Incident is not defined in SSC Directive on Privacy Practices, it is regularly used within SSC when an event does not require that a notification be done to the affected individual. This would be in cases where there is no risk assessed as it relates to the privacy of the individual concern.". Earlier in the report former DG Tiffany Caron states "When presented SSC Privacy Breach document, SSC Standard on Managing Privacy Breaches (Section, 4.1.0) and TBS Directive on Privacy Practices (Appendix A, Definition of Privacy Breach), Ms Caron agreed that the definition of a privacy breach contained within the documents includes the use of personal information". I am seeking all occurrences of the term "privacy incident" from all sources of record keeping within SSC between the dates of 1 January 2020 to 31 December 2020.

Please note I am requesting a forensic search be completed as it would be inappropriate for the SSC ATIP group to do a search for a term used to conceal privacy breach occurrences (known, sponsored and supported by every level of management President, ADM, Director General, Director, Deputy Director etc.).

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**Clarification required: Access to Information Request file A-2022-00247**

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**SSC ATIP - SPC AIPRP** <ATIP-AIPRP@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Wed, Dec 14, 2022 at 11:07 AM

Good morning Mr. Leckie,

For this file the preliminary search has returned an estimate of 128,333 pages. It would take our office approximately 11 years to process this amount of pages.

Please provide additional information to narrow the scope of the request.

Thank you,

SSC ATIP

d)

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**Clarification required: Access to Information Request file A-2022-00248**

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SSC ATIP - SPC AIPRP <ATIP-AIPRP@ssc-spc.gc.ca>  
To: "stewartdleckie@gmail.com" <stewartdleckie@gmail.com>

Mon, Dec 5, 2022 at 1:38 PM

Dear Stewart Leckie:

This is to acknowledge receipt of your request under the *Access to Information Act*, for the following:

In a recently released third party investigation into SSC's gross mismanagement of a Privacy Breach that occurred on 7 April 2021 by current SSC ATIP employee Megan Trethewey (aka Philip Hilliard), former Director General Tiffany Caron is quoted as saying "that even though the term Privacy Incident is not defined in SSC Directive on Privacy Practices, it is regularly used within SSC when an event does not require that a notification be done to the affected individual. This would be in cases where there is no risk assessed as it relates to the privacy of the individual concern.". Earlier in the report former DG Tiffany Caron states "When presented SSC Privacy Breach document, SSC Standard on Managing Privacy Breaches (Section, 4.1.0) and TBS Directive on Privacy Practices (Appendix A, Definition of Privacy Breach), Ms Caron agreed that the definition of a privacy breach contained within the documents includes the use of personal information". I am seeking all occurrences of the term "privacy incident" from all sources of record keeping within SSC between the dates of 1 January 2019 to 31 December 2019.

Please note I am requesting a forensic search be completed as it would be inappropriate for the SSC ATIP group to do a search for a term used to conceal privacy breach occurrences (known, sponsored and supported by every level of management President, ADM, Director General, Director, Deputy Director etc.).

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**Clarification required: Access to Information Request file A-2022-00248**

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SSC ATIP - SPC AIPRP <ATIP-AIPRP@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Wed, Dec 14, 2022 at 11:08 AM

Good morning Mr. Leckie,

For this file the preliminary search has returned an estimate of 38,833 pages. It would take our office approximately 5 years to process this amount of pages.

Please provide additional information to narrow the scope of the request.

Thank you,

SSC ATIP



e)

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**Clarification required: Access to Information Request file A-2022-00249**

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**SSC ATIP - SPC AIPRP** <ATIP-AIPRP@ssc-spc.gc.ca>  
To: "stewartdleckie@gmail.com" <stewartdleckie@gmail.com>

Mon, Dec 5, 2022 at 1:39 PM

Dear Stewart Leckie:

This is to acknowledge receipt of your request under the *Access to Information Act*, for the following:

In a recently released third party investigation into SSC's gross mismanagement of a Privacy Breach that occurred on 7 April 2021 by current SSC ATIP employee Megan Trethewey (aka Philip Hilliard), former Director General Tiffany Caron is quoted as saying "that even though the term Privacy Incident is not defined in SSC Directive on Privacy Practices, it is regularly used within SSC when an event does not require that a notification be done to the affected individual. This would be in cases where there is no risk assessed as it relates to the privacy of the individual concern.". Earlier in the report former DG Tiffany Caron states "When presented SSC Privacy Breach document, SSC Standard on Managing Privacy Breaches (Section, 4.1.0) and TBS Directive on Privacy Practices (Appendix A, Definition of Privacy Breach), Ms Caron agreed that the definition of a privacy breach contained within the documents includes the use of personal information". I am seeking all occurrences of the term "privacy incident" from all sources of record keeping within SSC between the dates of 1 January 2018 to 31 December 2018.

Please note I am requesting a forensic search be completed as it would be inappropriate for the SSC ATIP group to do a search for a term used to conceal privacy breach occurrences (known, sponsored and supported by every level of management President, ADM, Director General, Director, Deputy Director etc.).

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**Clarification required: Access to Information Request file A-2022-00249**

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**SSC ATIP - SPC AIPRP** <ATIP-AIPRP@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Wed, Dec 14, 2022 at 11:09 AM

Good morning Mr. Leckie,

For this file the preliminary search has returned an estimate of 39,599 pages. It would take our office approximately 5 years to process this amount of pages.

Please provide additional information to narrow the scope of the request.

Thank you,

SSC ATIP



f)

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**Clarification required: Access to Information Request file A-2022-00250**

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**SSC ATIP - SPC AIPRP** <ATIP-AIPRP@ssc-spc.gc.ca>  
To: "stewartdleckie@gmail.com" <stewartdleckie@gmail.com>

Mon, Dec 5, 2022 at 1:40 PM

Dear Stewart Leckie:

This is to acknowledge receipt of your request under the *Access to Information Act*, for the following:

In a recently released third party investigation into SSC's gross mismanagement of a Privacy Breach that occurred on 7 April 2021 by current SSC ATIP employee Megan Trethewey (aka Philip Hilliard), former Director General Tiffany Caron is quoted as saying "that even though the term Privacy Incident is not defined in SSC Directive on Privacy Practices, it is regularly used within SSC when an event does not require that a notification be done to the affected individual. This would be in cases where there is no risk assessed as it relates to the privacy of the individual concern.". Earlier in the report former DG Tiffany Caron states "When presented SSC Privacy Breach document, SSC Standard on Managing Privacy Breaches (Section, 4.1.0) and TBS Directive on Privacy Practices (Appendix A, Definition of Privacy Breach), Ms Caron agreed that the definition of a privacy breach contained within the documents includes the use of personal information". I am seeking all occurrences of the term "privacy incident" from all sources of record keeping within SSC between the dates of 1 January 2017 to 31 December 2017.

Please note I am requesting a forensic search be completed as it would be inappropriate for the SSC ATIP group to do a search for a term used to conceal privacy breach occurrences (known, sponsored and supported by every level of management President, ADM, Director General, Director, Deputy Director etc.).

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**Clarification required: Access to Information Request file A-2022-00250**

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**SSC ATIP - SPC AIPRP** <ATIP-AIPRP@ssc-spc.gc.ca>  
To: Stewart Leckie <stewartdleckie@gmail.com>

Wed, Dec 14, 2022 at 11:10 AM

Good morning Mr. Leckie,

For this file the preliminary search has returned an estimate of 18,333 pages. It would take our office approximately 3 years to process this amount of pages.

Please provide additional information to narrow the scope of the request.

Thank you,

SSC ATIP

a



Public Health Agency of Canada Agence de  
la santé publique du Canada

Access to Information and Privacy Division Holland  
Cross, Tower B  
7th Floor, Suite 700, Room 741  
1600 Scott Street, Address locator: 3107A Ottawa,  
Ontario K1A 0K9

Dear Stewart Leckie,

I am writing to inform you that the matter you brought to our attention on December 14, 2022 constitutes a privacy breach involving your personal information. I assure you that the Public Health Agency of Canada takes the protection and appropriate use of personal information very seriously.

Personal information collected by the Agency has defined and specific uses. Following an investigation into this matter, it has been determined that your personal information was not used consistent with the processing of a request made under the *Access to Information Act*. Accessing information about an applicant through publicly available sources, such as social media or other similar websites, is not an acceptable practice.

Your active requests are now reassigned to another ATIP analyst; the new analyst will reach out to you separately.

Please note that under the *Privacy Act* you are entitled to register a complaint with the Office of the Privacy Commissioner of Canada with regard to this breach. Complaints may be forwarded to the following:

Office of the Privacy Commissioner of Canada 30  
Victoria Street  
Gatineau (Quebec) K1A  
1H3

Online privacy complaint form: <https://plainte-complaint.priv.gc.ca/en/register-pa>

Additional information is available on the Privacy Commissioner's website at <http://priv.gc.ca>.

Thank you again for bringing this matter to our attention. Sincerely,

Curtis Mathews

A/Director, Access to Information and Privacy  
Health Canada and Public Health Agency of Canada / Government of Canada  
[curtis.mathews@hc-sc.gc.ca](mailto:curtis.mathews@hc-sc.gc.ca) / Tel: 613-302-1721 / TTY: 1-800-465-7735

Directeur intérimaire, Accès à l'information et protection des renseignements personnels  
Santé Canada et Agence de la santé publique du Canada / Gouvernement du Canada  
[curtis.mathews@hc-sc.gc.ca](mailto:curtis.mathews@hc-sc.gc.ca) / Tel: 613-302-1721 / TTY: 1-800-465-7735

b)

Access to Information and Privacy Division Global  
Affairs Canada  
125 Sussex Drive  
Ottawa, Ontario K1A  
0G2

Dear Stewart Leckie:

Thank you for your email dated January 14, 2022, in which you expressed concern regarding the use of your personal information. We assure you that Global Affairs Canada takes this matter very seriously.

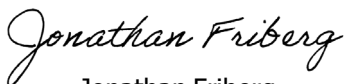
Following our review, we have deemed that your personal information was inappropriately used to conduct a search through the social networking website, LinkedIn.

Personal information collected by the Department has defined and specific uses. Identity authentication without the requester's knowledge or consent is not one of them, nor is it a common practice within our office.

Consequently, the responsible analyst has received appropriate training regarding the management and safeguarding of personal information. In addition, a message was distributed to the Department's ATIP Division reminding employees of their obligations regarding the personal information of requesters, and emphasized that it should never be used for searches in the World Wide Web or through social networking websites. When proof of identity is required, ATIP officers must obtain this information directly from the requester.

Again, thank you for bringing this matter to our attention, and if you have any questions, please do not hesitate to get in touch with our office. Should you have any questions regarding this notice or if you would like more information, please do not hesitate to communicate with the undersigned.

Sincerely,



Jonathan Friberg  
Deputy Director  
Access to Information and Privacy  
Global Affairs Canada

Privacy Incident Report and Risk Assessment

SSC-PB-2021-00008

<input type="checkbox"/>	Language (e.g. mother tongue, official and other languages, etc.)	
<input type="checkbox"/>	Personal identifying number (e.g. Personal Record Identifier (PRI), SIN, etc.)	
<input type="checkbox"/>	Views and opinions	
<input type="checkbox"/>	Photos	
<input type="checkbox"/>	Citizenship status (e.g. citizen, landed immigrant, etc.)	
<input type="checkbox"/>	Other	

4. What is the format of the records?	
<input type="checkbox"/>	Paper
<input checked="" type="checkbox"/>	Electronic

5. What is the foreseeable harm to the affected individual(s)?	
<input checked="" type="checkbox"/>	Inconvenience
<input checked="" type="checkbox"/>	Distress
<input type="checkbox"/>	Loss of standing or reputation
<input type="checkbox"/>	Financial loss
<input type="checkbox"/>	Identity theft
<input type="checkbox"/>	Physical harm
<input checked="" type="checkbox"/>	Psychological harm
<input type="checkbox"/>	Other (please explain below)

6. What is the foreseeable harm to the Department?	
<input checked="" type="checkbox"/>	Loss of standing or reputation
<input type="checkbox"/>	Financial loss
<input checked="" type="checkbox"/>	Loss of public trust
<input type="checkbox"/>	Impact to national interest
<input type="checkbox"/>	Other (please explain below)

7. Security
Should Security (Physical Security and/or IT Security) be involved?
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
Is a Security investigation currently underway? If yes, please provide contact information below.
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No

8. Notification
Has the affected individual(s) been notified of the incident?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
Do(es) the affected individual(s) <u>need to be notified</u> ? (To be determined in consultation with ATIP).
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
Are there any other parties that need to be notified? If yes, please explain below.
<input type="checkbox"/> Yes
<input checked="" type="checkbox"/> No
La lettre de notification à l'individu affecté a été envoyée le 30 juillet 2021 par e-post.