

NORTHWEST TERRITORIES INFORMATION AND PRIVACY COMMISSIONER

Review Recommendation 02-24
Review File: 01-175-4

BACKGROUND

On June 7th, 2001, I received a request from the Applicant to review what he considered to be a refusal to disclose information about him held by the Department of Health and Social Services, the Hay River Medical Clinic and H.H. Williams Memorial Hospital. He had requested copies of records from each of these public bodies file which contained certain specified allegations against him which he understood to have been made in November of 1988 suggesting that he had physically and/or sexually assaulted two named female persons. During the course of the review, the request was expanded to include records held by the Stanton Regional Hospital in Yellowknife. As well, I asked the Department of Justice to review their records as the Applicant's complaint indicated that the same information was also held by justice officials. The Applicant is convinced beyond any doubt that these allegations exist somewhere on one or more government files. He says the allegations were made by his ex-wife and another woman, that they were made in writing and that the existence of the allegations is negatively affecting the way that various government bodies deal with him. In his Request for Review, the Applicant provided me with the names of a large number of individuals who he said knew about and/or had told him that they had seen the documents in which the allegations were contained.

Each of the public bodies involved was asked to provide me with an outline of the searches undertaken and an explanation as to why the Applicant had been refused access to the information in question.

THE ISSUE

The issue in this case was not whether or not the Applicant was entitled to receive the documents in question, as all concerned agreed that if the documents exist, the Applicant is entitled to receive them. Each of the government departments involved, however, indicated that they had done a thorough review of all of their files and the only references to the alleged assaults were references which had come from the Applicant himself. There was nothing to suggest that such an allegation had ever been made by any third party.

DISCUSSION

In view of the Applicant's adamant insistence that the allegations against him had been made, and that they were on his files, I felt that it was incumbent upon me to do as thorough a search as possible. The Applicant provided me with the names of a number of individuals who he says had, in times past, told him that they had personally seen the allegations on his files. I personally contacted most of the individuals mentioned in the Applicant's complaint letter to determine from them whether each of them could corroborate the Applicant's statements. I also personally attended the Stanton Yellowknife Hospital in Yellowknife and reviewed each of the Applicant's personal medical files. I also heard from the Department of Justice and the Hay River Community Health Board.

Despite the Applicant's insistence on the existence of these allegations, the only evidence of them that I could find anywhere were references to made by the Applicant himself. Each of the individuals I spoke to also confirmed to me that, although they were aware of the Applicant's belief in the existence of the allegations, the only knowledge they had of them was what the Applicant himself had told them personally or by means of a flyer which the Applicant had distributed fairly widely in Hay River. I

could find absolutely nothing in any file or from any person I spoke to from which I could find even a hint that the allegations had ever been received from a source other than the Applicant himself.

Despite the fact that the Applicant is convinced that the allegations are on his file, I therefore conclude that there is nothing to support his conviction. I could find nothing to support the Applicant's belief. I therefore find that there are no records responsive to the Applicant's request for information. I recommend, therefore, that nothing further be done in response to the Applicant's request for information.

Elaine Keenan Bengts
Northwest Territories
Information and Privacy Commissioner