



Public Safety
Canada

Sécurité publique
Canada

Office of the
Inspector General
of CSIS

Bureau de
l'inspecteur général
du SCRS

Ottawa, Canada
K1A 0P8

PROTECTED

Our File: [REDACTED] 2007-002

November 2, 2007



Dear Mr. [REDACTED]

This is in response to your *Personal Information Request* dated October 26, 2007, which was received by the Office of the Inspector General of CSIS (OIG-CSIS) on November 1, 2007.

We can advise that, pursuant to section 16(1) of the *Privacy Act*, if the type of information you requested did exist, a refusal to give access could reasonably be expected to be based on one or more of sections 19(1), 20, 21, 22(1)(a&b), 23, 25, 26 or 27 of the *Act*. Based on the information provided in your request, we searched the OIG-CSIS Classes of Personal Information and, in accordance with section 16(2) of the *Act*, we can neither confirm nor deny the existence of any information about you.

If you are not satisfied with the results of your request, you are entitled to submit a complaint to the Privacy Commissioner located at: Place de Ville, Tower B, 112 Kent Street, Ottawa, Ontario, K1A 1H3.

Yours sincerely,

ATIP Coordinator

Canada

What I requested from CSIS;

All information concerning **myself from 1973 forward**, with additional reference to **my time in South Africa (1986 to 1990) & Canadian Government or other involvement from 1990 to 2007**. As well, any information from R.A.J. Brazeau (Administrative Consul - South African Embassy), External Affairs & Jim Forest (CSIS). **Any information pertaining to the Helderberg SA-295 plane crash & the 1988 US/Iraq arms deals that was given to both R.A.J. Brazeau and CSIS, by myself, in 1990**. Any information pertaining to 1990 or later wiretaps by CSIS, legally or illegally acquired, on **my phone/cell lines**. I want everything in my file.

Obviously, information exists on me or the OIG-CSIS would not be able to quote relevant sections (and so many of them) to authorize the refusal. Now I have to ask the question, "Who they are protecting?" - Me, themselves, Foreign Affairs, the ANC, the past South African government, the US, the French, arms dealers, the banks, the stock market, Canadian Universities, etc.... It's a bloody long list ! I suppose I'll be sending in a complaint to the Privacy Commissioner ;-)

The potentially relevant passages in RED

Relevant Portions of the Privacy Act taken from the Canadian Government Website

http://laws.justice.gc.ca/en/ShowDoc/cs/P-21/bo-ga:s_12::bo-ga:s_18//en?page=5&isPrinting=false#codese:16

Where access is refused

16. (1) Where the head of a government institution refuses to give access to any personal information requested under subsection 12(1), the head of the institution shall state in the notice given under paragraph 14(a)

(a) that the personal information does not exist, or

(b) the specific provision of this Act on which the refusal was based or the provision on which a refusal could reasonably be expected to be based if the information existed,

and shall state in the notice that the individual who made the request has a right to make a complaint to the Privacy Commissioner about the refusal.

Existence not required to be disclosed

(2) The head of a government institution may but is not required to indicate under subsection (1) whether personal information exists.

Deemed refusal to give access

(3) Where the head of a government institution fails to give access to any personal information requested under subsection 12(1) within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.

1980-81-82-83, c. 111, Sch. II "16".

Responsibilities of Government

Personal information obtained in confidence

19. (1) Subject to subsection (2), the head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained in confidence from

(a) the government of a foreign state or an institution thereof;

(b) an international organization of states or an institution thereof;

(c) the government of a province or an institution thereof;

(d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government; or

- (e) the council, as defined in the Westbank First Nation Self-Government Agreement given effect by the Westbank First Nation Self-Government Act.

This is likely because I worked for the SADF, Quarter Master General and Counterintelligence in South Africa. I was responsible for the design and deployment of both lethal defensive weapons and DEW type offensive weapons. If I had to guess, I would say the “information” came from R. Adrian. J Brazeau who was the Admin Consul in Pretoria for the Canadian Consulate.

Federal-provincial affairs

- 20.** The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) **the disclosure of which could reasonably be expected to be injurious to the conduct by the Government of Canada of federal-provincial affairs.**

1980-81-82-83, c. 111, Sch. II “20”.

I went to Adrian Brazeau in 1990 to ask that he get my wife and two children out of South Africa, so I offered a trade. I offered information on kickbacks, account numbers, dates and amounts for military officers and politicians as well as who blew up the Helderberg and why. As he and I both knew, I had a target on my back. I just wanted to save my wife and kids, but Adrian refused. He said I was too politically hot and anybody with the information I had was dead man, I just didn't know it yet. Adrian refused to keep my documents, he said they would kill him too. After my screamed at him a few times, Adrian agreed to get her and the kids out, but only if I was dead first, I had to be dead first or no deal.

Maybe the fact that Adrian Brazeau denied our Constitutional Rights and Human Rights has created a situation that might be injurious to the government of Canada.

International affairs and defence

- 21.** The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) **the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs**, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15(2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities, as defined in subsection 15(2) of the Access to Information Act, including, without restricting the generality of the foregoing, any such information listed in paragraphs 15(1)(a) to (i) of the Access to Information Act.

1980-81-82-83, c. 111, Sch. II “21”.

This might involve the 17 high level moles from South Africa that existed within the Canadian government in since before 1990 and onward. To call them out would likely create an international incident, especially since the SA government wanted to import military class lasers in 1987 through one of the moles to the South African Embassy in Ottawa for one of my projects at Atlas Aircraft in Pretoria. I remember when CSIS questioned me on this, Jim Forest knew I had been burned by the government for almost \$800k in 1986 and it was why I left, but he said to me, “Don't you feel patriotic” in regards to giving up the 17 moles. I had to laugh.

Law enforcement and investigation

- 22. (1)** The head of a government institution may refuse to disclose any personal information requested under subsection 12(1)
- (a) that was obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to
 - (i) the detection, prevention or suppression of crime,**
 - (ii) the enforcement of any law of Canada or a province, or
 - (iii) activities suspected of constituting threats to the security of Canada within the meaning of the Canadian Security Intelligence Service Act,

if the information came into existence less than twenty years prior to the request;

This one I don't get at all. I made this request in 2007, but the SA shooter that came to “see” me was dispatched in 2006 and not by the Canadian government. Rumor has it he fell from a plane, accidentally, east of the Grand Banks.

(b) the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations, including, without restricting the generality of the foregoing, any such information

(i) relating to the existence or nature of a particular investigation,

(ii) that would reveal the identity of a confidential source of information, or

(iii) that was obtained or prepared in the course of an investigation; or

(c) the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.

After I got back from South Africa in 1990, one of the CSIS operatives (and I use that term loosely), Jim Forest, told me I could have been charged for working for a foreign military. I think it was a \$15,000 fine and five years, so I said let's do it, I get to put out all my evidence in court, the planes being blown up, the weapons deals, Brazeau putting my wife and kids in harms way, etc., and the issue was dropped very quickly. I don't know what other investigation they could be running on me, but they sure wasted a lot of wire taps, personnel and black SUV's lol

Information obtained by Privacy Commissioner

22.1 (1) The Privacy Commissioner shall refuse to disclose any personal information requested under this Act that was obtained or created by the Commissioner or on the Commissioner's behalf in the course of an investigation conducted by, or under the authority of, the Commissioner.

Exception

(2) However, the Commissioner shall not refuse under subsection (1) to disclose any personal information that was created by the Commissioner or on the Commissioner's behalf in the course of an investigation conducted by, or under the authority of, the Commissioner once the investigation and all related proceedings, if any, are finally concluded.

2006, c. 9, s. 183.

Almost 20 years according to this FOIA date of 2007 and still conducting an investigation into lil 'ole me.

Security clearances

23. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that was obtained or prepared by an investigative body specified in the regulations for the purpose of determining whether to grant security clearances

(a) required by the Government of Canada or a government institution in respect of individuals employed by or performing services for the Government of Canada or a government institution, individuals employed by or performing services for a person or body performing services for the Government of Canada or a government institution, individuals seeking to be so employed or seeking to perform those services, or

(b) required by the government of a province or a foreign state or an institution thereof,

If disclosure of the information could reasonably be expected to reveal the identity of the individual who furnished the investigative body with the information.

1980-81-82-83, c. 111, Sch. II "23".

I didn't have any specific security clearances in regards to the government of Canada. I did a little DND laser work, designed parts of the Defenbunker upgrades, worked with the NRC, did projects for Consumer and Corporate Affairs, ORF/ORDCF, universities and colleges, etc. Maybe it has to do with Ontario Hydro losing that 27kg of nuclear material that Maurice Strong and I talked about? Regardless, whose security clearance are they talking about here, no idea?

Safety of individuals

25. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) the disclosure of which could reasonably be expected to threaten the safety of individuals.

1980-81-82-83, c. 111, Sch. II "25".

Safety of what individual? The Canadian government wasn't around when I got shot, stabbed, poisoned, almost blown up on a mined road or the attempted hit across from Resano Garcia. Canadian government didn't take the suitcase bombs off the plane in Brussels. A nitrates sniffer and a Belgian bomb squad did that. I haven't threatened anybody, not my style, so this stat seems a bit ambiguous, like a catch-all.

Personal Information

Information about another individual

26. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) **about an individual other than the individual who made the request, and shall refuse to disclose such information where the disclosure is prohibited under section 8.**

1980-81-82-83, c. 111, Sch. II "26".

The could redact the names.

Solicitor-client privilege

27. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) **that is subject to solicitor-client privilege.**

1980-81-82-83, c. 111, Sch. II "27".

They even had lawyers involved, that's pretty funny. I guess the Canadian government realized I could sue them and make a helluva mess.

As referenced in Section 26, Personal Information

Disclosure of personal information

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.*

Where personal information may be disclosed

- (2) *Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed*
- (a) *for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose;*
 - (b) *for any purpose in accordance with any Act of Parliament or any regulation made thereunder that authorizes its disclosure;*
 - (c) *for the purpose of complying with a subpoena or warrant issued or order made by a court, person or body with jurisdiction to compel the production of information or for the purpose of complying with rules of court relating to the production of information;*
 - (d) *to the Attorney General of Canada for use in legal proceedings involving the Crown in right of Canada or the Government of Canada;*
 - (e) *to an investigative body specified in the regulations, on the written request of the body, for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation, if the request specifies the purpose and describes the information to be disclosed;*
 - (f) *under an agreement or arrangement between the Government of Canada or an institution thereof and the government of a province, the council of the Westbank First Nation, the government of a foreign state, an international organization of states or an international organization established by the governments of states, or any institution of any such government or organization, for the purpose of administering or enforcing any law or carrying out a lawful investigation;*

- (g) to a member of Parliament for the purpose of assisting the individual to whom the information relates in resolving a problem;
- (h) to officers or employees of the institution for internal audit purposes, or to the office of the Comptroller General or any other person or body specified in the regulations for audit purposes;
- (i) to the Library and Archives of Canada for archival purposes;
- (j) to any person or body for research or statistical purposes if the head of the government institution
 - (i) is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates, and
 - (ii) obtains from the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates;
- (k) to any aboriginal government, association of aboriginal people, Indian band, government institution or part thereof, or to any person acting on behalf of such government, association, band, institution or part thereof, for the purpose of researching or validating the claims, disputes or grievances of any of the aboriginal peoples of Canada;
- (l) to any government institution for the purpose of locating an individual in order to collect a debt owing to Her Majesty in right of Canada by that individual or make a payment owing to that individual by Her Majesty in right of Canada; and
- (m) for any purpose where, in the opinion of the head of the institution,
 - (i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or
 - (ii) disclosure would clearly benefit the individual to whom the information relates.

Personal information disclosed by Library and Archives of Canada

- (3) Subject to any other Act of Parliament, personal information under the custody or control of the Library and Archives of Canada that has been transferred there by a government institution for historical or archival purposes may be disclosed in accordance with the regulations to any person or body for research or statistical purposes.

Copies of requests under paragraph (2)(e) to be retained

- (4) The head of a government institution shall retain a copy of every request received by the government institution under paragraph (2)(e) for such period of time as may be prescribed by regulation, shall keep a record of any information disclosed pursuant to the request for such period of time as may be prescribed by regulation and shall, on the request of the Privacy Commissioner, make those copies and records available to the Privacy Commissioner.

Notice of disclosure under paragraph (2)(m)

- (5) The head of a government institution shall notify the Privacy Commissioner in writing of any disclosure of personal information under paragraph (2)(m) prior to the disclosure where reasonably practicable or in any other case forthwith on the disclosure, and the Privacy Commissioner may, if the Commissioner deems it appropriate, notify the individual to whom the information relates of the disclosure.

Definition of "Indian band"

- (6) In paragraph (2)(k), "Indian band" means
 - (a) a band, as defined in the Indian Act;
 - (b) a band, as defined in the Cree-Naskapi (of Quebec) Act, chapter 18 of the Statutes of Canada, 1984;
 - (c) the Band, as defined in the Sechelt Indian Band Self-Government Act, chapter 27 of the Statutes of Canada, 1986; or
 - (d) a first nation named in Schedule II to the Yukon First Nations Self-Government Act.

Definition of "aboriginal government"

- (7) The expression "aboriginal government" in paragraph (2)(k) means
- (a) Nisga'a Government, as defined in the Nisga'a Final Agreement given effect by the Nisga'a Final Agreement Act;
 - (b) the council of the Westbank First Nation;
 - (c) the Tlicho Government, as defined in section 2 of the Tlicho Land Claims and Self-Government Act; or
 - (d) the Nunatsiavut Government, as defined in section 2 of the Labrador Inuit Land Claims Agreement Act.

Definition of "council of the Westbank First Nation"

- (8) The expression "council of the Westbank First Nation" in paragraphs (2)(f) and (7)(b) means the council, as defined in the Westbank First Nation Self-Government Agreement given effect by the Westbank First Nation Self-Government Act.

R.S., 1985, c. P-21, s. 8; R.S., 1985, c. 20 (2nd Supp.), s. 13, c. 1 (3rd Supp.), s. 12; 1994, c. 35, s. 39; 2000, c. 7, s. 26; 2004, c. 11, s. 37, c. 17, s. 18; 2005, c. 1, ss. 106, 109, c. 27, ss. 21, 25.

As referenced in Section 25, Safety of Individuals and Section 26, Information about another individual

Right of access

12. (1) Subject to this Act, every individual who is a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act has a right to and shall, on request, be given access to
- (a) any personal information about the individual contained in a personal information bank; and
 - (b) any other personal information about the individual under the control of a government institution with respect to which the individual is able to provide sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution.

Other rights relating to personal information

- (2) Every individual who is given access under paragraph (1)(a) to personal information that has been used, is being used or is available for use for an administrative purpose is entitled to
- (a) request correction of the personal information where the individual believes there is an error or omission therein;
 - (b) require that a notation be attached to the information reflecting any correction requested but not made; and
 - (c) require that any person or body to whom that information has been disclosed for use for an administrative purpose within two years prior to the time a correction is requested or a notation is required under this subsection in respect of that information
 - (i) be notified of the correction or notation, and
 - (ii) where the disclosure is to a government institution, the institution make the correction or notation on any copy of the information under its control.

Extension of right of access by order

- (3) The Governor in Council may, by order, extend the right to be given access to personal information under subsection (1) to include individuals not referred to in that subsection and may set such conditions as the Governor in Council deems appropriate.

R.S., 1985, c. P-21, s. 12; 2001, c. 27, s. 269.