

Court File No T-2436-24

FEDERAL COURT

B E T W E E N:

EMMA BRIANT

APPLICANT
(respondent by motion)

- and -

ATTORNEY GENERAL OF CANADA

RESPONDENT
(moving party)

APPLICANT'S RESPONDING MOTION RECORD
(motion to strike)

Sean Hern, KC
Tamir Israel

c/o Sean Hern Law Corporation
185-911 Yates Street, #332
Victoria, BC V8V 4&9

Fax: +1 778-508-3516

Email:
sean@seanhernlaw.com;
tamir@digitalprivacy.ca

Counsel for the Applicant

TO:	OFFICE OF THE REGISTRAR FEDERAL COURT
AND TO:	Attorney General of Canada Department of Justice Canada British Columbia Regional Office 900 - 840 Howe Street Vancouver, BC V6Z 2S9 Suzy Flader (Suzy.Flader@justice.gc.ca) Monica Monroy (Monica.Monroy@justice.gc.ca) Phone: +1 604-666-2061 Fax: +1 604-666-4399 Counsel for the Respondent, Attorney General of Canada

TABLE OF CONTENTS

<u>TAB</u>	<u>TITLE</u>	<u>PAGE</u>
1.	Affidavit of Emma Briant, affirmed	1
2.	Written Representations	70

FEDERAL COURT

BETWEEN:

EMMA BRIANT

APPLICANT

- and -

ATTORNEY GENERAL OF CANADA

RESPONDENT

AFFIDAVIT OF EMMA BRIANT

I, Dr. Emma Briant, Associate Professor, Monash University, Melbourne, Australia, **AFFIRM THAT:**

1. I am the applicant in this proceeding. I have personal knowledge of the facts and matters set out below, except where my knowledge is based on information from other sources, in which case I believe the facts to be true.
2. I am an Associate Professor of News and Political Communication currently teaching at the School of Media, Film and Journalism at Monash University in Melbourne, Australia.
3. My primary area of study, and the subject of much of my published work, is propaganda and information warfare in an age of mass-surveillance, and in particular the resulting human rights and security implications. This includes research on information operations conducted by armed forces around the world.
4. My research has included documenting the role of private sector companies that provide training and services to armed forces on, among other things, conducting information operations. This work has included inquiries into contracts between the Canadian Armed Forces and a company called Emic Consulting Limited as well as changing technologies and policies.
5. In 2020 and 2021, I published work and contributed to news reporting about influence activities and public affairs in the Canadian Armed Forces. I subsequently wished to confirm how my information had been treated during this period, for example, whether information may have been leaked from the Department of National Defence (the "Department") or possibly provided to the Department with the intention of discrediting me or my work, and the news reporting noted above.


6. To inquire into those concerns, on February 28, 2024 I submitted a request for information under the *Privacy Act* to the Department as follows:

I am requesting records that contain any references to myself (Dr. Emma Briant), my work or my media engagement, or discussions and analysis of it and responses to it, held by the public affairs branch of the Canadian Forces/Department of National Defence in Ottawa from the period of 24th June 2020 to 30th October 2020. This should include the details of whom any such data was shared with or received from and who holds the data. In case it helps your inquiry, I was formerly Associate Researcher at Bard College in New York State, US currently Associate Professor at Monash University in Melbourne, Australia.

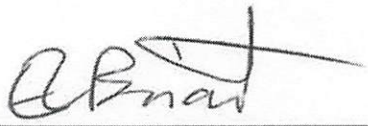
7. Now produced to me and attached to this affidavit as **Exhibit "A"** is a chain of emails beginning on March 16, 2024 and ending April 12, 2024 between the Department and me in relation to my February 28, 2024 access request.
8. Now produced to me and attached to this affidavit as **Exhibit "B"** is a chain of emails beginning on April 12, 2024 and ending August 22, 2024 between the Department and me in relation to my February 28, 2024 access request.
9. Now produced to me and attached to this Affidavit as **Exhibit "C"** is a May 16, 2024 complaint that I submitted to the Privacy Commissioner of Canada regarding the Department's delay in processing my February 28, 2024 access request.
10. Now produced to me and attached to this Affidavit as **Exhibit "D"** is a July 12, 2024 email from the Department acknowledging receipt of a second access request that I made on July 8, 2024 ("Second Request").
11. Now produced to me and attached to this Affidavit as **Exhibit "E"** is an August 5, 2024, letter and Investigation Report issued by the Office of the Privacy Commissioner regarding the Department's delay in processing my February 28, 2024 access request.
12. Now produced to me and attached to this Affidavit as **Exhibit "F"** is a letter from the Department signed August 15, 2024 in response to the Second Request.
13. Now produced to me and attached to this Affidavit as **Exhibit "G"** are the records produced by the Department in response to the Second Request.
14. I have still not received any substantive response or production of records from the Department in response to my February 28, 2024 access request.
15. I was not in the physical presence of Mr. Hern, the lawyer commissioning this affidavit, as I am currently in Melbourne. However, I was in his electronic presence, linked by MS Teams video technology. I am informed by Mr. Hern and believe it to be true that he is

employing a process for remote commissioning of affidavits that has been established by the British Columbia Law Society.

AFFIRMED BEFORE ME in Victoria,
British Columbia, on September 17, 2024



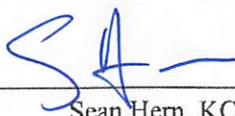
)
)
)
)
)
)
)
)



_____ **Emma Briant**

SEAN HERN, K.C.
Barrister & Solicitor
185-911 Yates Street, #332
Victoria, B.C. V8V 4Y9
sean@seanhernlaw.com

This is **Exhibit "A"** referred to
in the affidavit of Emma Briant,
affirmed before me on September 17, 2024



Sean Hern, KC

RE: Clarification: Request # P-2023-06238

From SAMANTHA.LEACH@forces.gc.ca <SAMANTHA.LEACH@forces.gc.ca>

To emmalbriant<emmalbriant@protonmail.com>

CC JOSHUA.BUTT2@forces.gc.ca

Date Friday, 12 April 2024 at 21:34

Good day Dr. Briant,

I acknowledge your response.

The wording below is satisfactory. We will start the process and you should receive an acknowledgment email shortly.

Thank you for your patience and have a great day.

Respectfully,

Samantha Leach

Supervisor – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

samantha.leach@forces.gc.ca / Tel: 343-573-2284

Superviseure – Protection des renseignements personnels,

Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

samantha.leach@forces.gc.ca / Tel : 343-573-2284

From: Dr Emma L Briant <emmalbriant@protonmail.com>

Sent: Thursday, April 11, 2024 6:40 PM

To: Leach S@Corp Sec DAIP@Ottawa-Hull <SAMANTHA.LEACH@forces.gc.ca>

Subject: RE: Clarification: Request # P-2023-06238

Dear Ms. Leach,

Thank you for your follow-up email. I have made another adjustment for clarity in red, please see below - I hope this is satisfactory as I want to make sure it is a comprehensive search:

I am requesting records, including any communications or other documents, that contain any references to myself, Dr. Emma Briant, Dr. Emma Bryant or any other variation of my name and my work or my media engagement, or discussions and analysis of it and responses to it, held by: Maj Kirk Sullivan, Col Paul Doucette, Jessica Lamirande, Chris Henderson, Col Holly Apostoliuk, Richard Perreault, Maj. JM Mercier, Daniel Le Bouthillier, Jay Janzen This should include the details of whom any such data was shared with or received from and who holds the data. For the period of June 24, 2020 - October 30 2020.

Many thanks,

Dr. Briant

Dr Emma L Briant

Owner: Maven of Persuasion LLC

Associate Professor in News and Political Communication at Monash University, Melbourne

Fellow at Bard College, Human Rights Project

Associate at University of Cambridge, Center for Financial Reporting & Accountability

Speaking agent: Chartwell Speakers

Book agent: Inkwell Management

Author of: *Propaganda and Counter-Terrorism: Strategies for Global Change* from Manchester University Press

Co-Author of: *Bad News for Refugees* with Prof. Greg Philo and Dr. Pauline Donald from Pluto Press.

Support my Patreon: <https://www.patreon.com/emmalbriant>

Website: www.emma-briant.co.uk

[Sign up for my Newsletter!](#)

Follow me on Mastodon @emmalbriant@mastodon.online

Follow me on Twitter @emmalbriant

"I thought yesterday was the first day of the rest of my life but it turns out today is." - Steve Martin

"Women are like teabags . We don't know our true strength until we are in hot water." - Unknown

On Friday, April 12th, 2024 at 12:07 AM, SAMANTHA.LEACH@forces.gc.ca <SAMANTHA.LEACH@forces.gc.ca> wrote:

Good day Dr. Briant,

My sincerest apologies for this error.

I am requesting records that contain any references to myself, Dr. Emma Briant, Dr. Emma Bryant or any other variation of my name and my work or my media engagement, or discussions and analysis of it and responses to it, held by: Maj Kirk Sullivan, Col Paul Doucette, Jessica Lamirande, Chris Henderson, Col Holly Apostoliuk, Richard Perreault, Maj. JM Mercier, Daniel Le Bouthillier, Jay Janzen This should include the details of whom any such data was shared with or received from and who holds the data. For the period of June 24, 2020 - October 30 2020.please provide your consent to proceed with the wording:

I am requesting records that contain any references to myself, Dr. Emma Briant, Dr. Emma Bryant or any other variation of my name and my work or my media engagement, or discussions and analysis of it and responses to it, held by: Maj Kirk Sullivan, Col Paul Doucette, Jessica Lamirande, Chris Henderson, Col Holly Apostoliuk, Richard Perreault, Maj. JM Mercier, Daniel Le Bouthillier, Jay Janzen This should include the details of whom any such data was shared with or received from and who holds the data. For the period of June 24, 2020 - October 30 2020.

Your request remains on hold.

Please advise if you would like to make any changes.

Respectfully,

Samantha Leach

Supervisor – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

samantha.leach@forces.gc.ca/ Tel: 343-573-2284

Superviseure – Protection des renseignements personnels,

Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

samantha.leach@forces.gc.ca/ Tel : 343-573-2284

From: Dr Emma L Briant <emmalbriant@protonmail.com>

Sent: Thursday, April 11, 2024 2:07 AM

To: Leach S@Corp Sec DAIP@Ottawa-Hull <SAMANTHA.LEACH@forces.gc.ca>

Cc: Butt J@Corp Sec DAIP@Ottawa-Hull <JOSHUA.BUTT2@forces.gc.ca>

Subject: RE: Clarification: Request # P-2023-06238

Dear Ms Leach,

Thank you for your email clarifying further DND privacy policies. I am pleased to hear that you will be able to complete my request for a thorough search including searches of individuals who may have moved on. I appreciate you taking the time to clarify my request and I would like to please note the following:

I note that not only did Mr. Butt mis-type 'Janzen' as 'Janze' but you also addressed me incorrectly as 'Bryant' rather than Briant, I do not mind but my name is often mistyped in this way and therefore, I ask not only that you try to spell the other names I have provided correctly in your search, but that when you search for my name you also search the frequent misspelling 'Bryant' also... since it is quite possible that correspondence concerning me might also misspell my name, as you yourself did.

Further, in your email you also say that Mr. Butt has provided "a re-scope to your request below and we have added the additional names to this wording" and you ask that I give consent for the following:

Requesting email communications from June 24, 2020 - October 30 2020 held by: Maj Kirk Sullivan, Col Paul Doucette, Jessica Lamirande, Chris Henderson, Col Holly Apostoliuk, Richard Perreault, Maj. JM Mercier, Daniel Le Bouthillier, Jay Janzen with regards to Emma Briant and their work / media engagement, or discussions and analysis of it and responses to it.

Therefore I wanted to refer you back please to my original email that requested "records that contain any references to myself" - you have narrowed this to only emails. I also asked for this to include "the details of whom any such data was shared with or received from". And I would appreciate you supplying me with categories of data as I requested, to include emails and any other forms of communication, documents or records held that might mention me.

Many thanks for your time in facilitating my request.

Sincerely,

Dr. Briant

Dr Emma L Briant

Owner: Maven of Persuasion LLC

Associate Professor in News and Political Communication at Monash University, Melbourne

Fellow at Bard College, Human Rights Project

Associate at University of Cambridge, Center for Financial Reporting & Accountability

Speaking agent: Chartwell Speakers

Book agent: Inkwell Management

Author of: *Propaganda and Counter-Terrorism: Strategies for Global Change* from Manchester University Press

Co-Author of: *Bad News for Refugees* with Prof. Greg Philo and Dr. Pauline Donald from Pluto Press.

Support my Patreon: <https://www.patreon.com/emmalbriant>

Website: www.emma-briant.co.uk

[Sign up for my Newsletter!](#)

Follow me on Mastodon [@emmalbriant@mastodon.online](#)

Follow me on Twitter [@emmalbriant](#)

"I thought yesterday was the first day of the rest of my life but it turns out today is." - Steve Martin

"Women are like teabags . We don't know our true strength until we are in hot water." - Unknown

On Thursday, April 11th, 2024 at 5:02 AM, SAMANTHA.LEACH@forces.gc.ca
<SAMANTHA.LEACH@forces.gc.ca> wrote:

Good afternoon Ms. Bryant,

My name is Samantha Leach and I am the Tasking team supervisor for Privacy Act requests submitted to The Department of National Defence. Mr. Butt has asked me to step in to assist in the processing of your request to ensure a thorough search is conducted.

To respond to your questions below, unfortunately there isn't a way to determine the specific record holder responsible as positional mailboxes are managed by multiple different individuals at any given time.

We will proceed with your request for records held by the individuals you have identified including the retired/ released individuals. However, please note that user accounts are retained on the network for a period of 60 days after an individual has left the department after which time the account and its contents are deleted permanently as emails are considered transitory documents and it is the employees responsibility to move any email of business nature (corporate records) to be stored in an acceptable system of record. Email servers and .PST files are specifically listed as not being acceptable storage repositories. In addition, the Office of Primary Interest must engage other departments to determine if records are retrievable. It should be noted that this can significantly increase our response time to your request.

To view The Treasury Board directive on Email Standard please click on the link below:

[Guideline for Employees of the Government of Canada: Information Management \(IM\) Basics](#)

Mr. Butt has provided a re-scope to your request below and we have added the additional names to this wording, please provide your consent:

Requesting email communications from June 24, 2020 - October 30 2020 held by: Maj Kirk Sullivan, Col Paul Doucette, Jessica Lamirande, Chris Henderson, Col Holly Apostoliuk, Richard Perreault, Maj. JM Mercier, Daniel Le Bouthillier, Jay Janzen with regards to Emma Briant and their work / media engagement, or discussions and analysis of it and responses to it.

Your request remains on hold until April 17, 2024.

I apologize for any inconvenience the clarification process may have caused you and please do not hesitate to reach out to me if you have any questions related to this request.

Respectfully,

Samantha Leach

Supervisor – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

samantha.leach@forces.gc.ca / Tel: 343-573-2284

Superviseure – Protection des renseignements personnels,

Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

samantha.leach@forces.gc.ca / Tel : 343-573-2284

From: Dr Emma L Briant <emmalbriant@protonmail.com>

Sent: Monday, April 8, 2024 7:56 PM

To: Butt J@Corp.Sec DAIP@Ottawa-Hull <JOSHUA.BUTT2@forces.gc.ca>

Subject: RE: Clarification: Request # P-2023-06238

Dear Tasking Officer Butt,

Thank you for your earlier email.

I note that you explain "each individual named is responsible to conduct a search and provide their own records in response to your request" and your "department does not go through servers to obtain access to records held by DND employees" or positional mailboxes.

In response, I have added three more names to my list below and I have a few questions I would like an answer to, please:

- 1) Is there a way members of the public can determine the specific record holder responsible for a positional mailbox such as SMA(AP)EMISLCAP@ADM(PA) in order to be able to exercise their data privacy rights?
- 2) Can I confirm you are saying it is normal DND policy to refuse to provide information in response to all privacy requests where data is still retained and yet the employee is no longer at DND? My privacy rights - and DND's responsibility for them - do not disappear the day after an individual who may have created data leaves service, so I cannot see how this policy would be compliant with Canadian privacy law.
- 3) Can you confirm whether there is a policy where information and communications from those individuals' accounts is deleted at the point they leave the service? If not I would assume it is still held by DND and can be accessed, by someone, if not you.
- 4) Can you tell me please which individual at DND is responsible for/controller of this archived data?

Please can you direct your search on whatever data you are able to access from the individuals on the following list. I can confirm that the below spellings are accurate though you mis-typed 'Janzen' as 'Janze' in your own email to me, so I would appreciate you searching with the correctly spelled name please. The updated list:

Assistant Deputy Minister for Public Affairs Chris Henderson,

Col. Holly Apostoliuk,

Richard Perreault,

Capt. Kirk Sullivan (during the period covered by this request he was with Public Affairs at the Canadian Embassy in Washington) ADMPA MLO office which is in Ottawa (this is an office operated by several people who have access to the specific email account where there is reference to my activities).

Maj. JM Mercier (during the time period covered by this request he was at ADM(PA) DPAPI in Ottawa)

L Col. Paul Doucette (during the time period covered by this request he was public affairs Canadian Embassy in Washington)

SMA(AP)EMISLCAP@ADM(PA), in Ottawa. There is no one individual assigned to this account but information about me may have been sent there.

Jessica Lamirande in Media Relations

Daniel Le Bouthillier Head, Media Relations

Jay Janzen, then Director-General Military Public Affairs (he may have moved on to NATO, however, you are still responsible for his activities/data from that time)

Thank you again for your time in handling my request. I look forward to your swift reply and compliance with my data request.

Sincerely,

Dr. Briant

Dr Emma L Briant

Owner: Maven of Persuasion LLC

Associate Professor in News and Political Communication at Monash University, Melbourne

Fellow at Bard College, Human Rights Project

Associate at University of Cambridge, Center for Financial Reporting & Accountability

Speaking agent: Chartwell Speakers

Book agent: Inkwell Management

Author of: *Propaganda and Counter-Terrorism: Strategies for Global Change* from Manchester University Press

Co-Author of: *Bad News for Refugees* with Prof. Greg Philo and Dr. Pauline Donald from Pluto Press.

Support my Patreon: <https://www.patreon.com/emmalbriant>

Website: www.emma-briant.co.uk

[Sign up for my Newsletter!](#)

Follow me on Mastodon @emmalbriant@mastodon.online

Follow me on Twitter @emmalbriant

"I thought yesterday was the first day of the rest of my life but it turns out today is." - Steve Martin

"Women are like teabags . We don't know our true strength until we are in hot water." - Unknown

On Friday, March 22nd, 2024 at 2:09 AM, JOSHUA.BUTT2@forces.gc.ca <JOSHUA.BUTT2@forces.gc.ca> wrote:

Good morning Dr Emma Briant,

Please be advised, our office is responsible for coordinating the recovery of documents and the full text of your request is sent to the appropriate record holder and/or individuals named in the request. This means that each individual named is responsible to conduct a search and provide their own records in response to your request. Unfortunately, our department does not go through servers to obtain access to records held by DND employees. Therefore, we would be unable to retrieve records from a positional mailbox as we're unable to determine the specific record holder that should be tasked with providing a response to your request.

Pursuant to Section 12(1) of the *Privacy Act*, the department can only process a request for information not held within a Personal information Bank with *sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution*, as your request is not sufficiently specific as submitted we've placed the request on hold to clarify and obtain the required information to process. Our office has determined that a hold up to 30 day is reasonable to retrieve the required information to process your request and will not keep a *Privacy Act* request on hold indefinitely awaiting the required information.

I've completed a search for the names you've included in your response below and have been unable to specifically identify the following members "Jay Janze, Daniel Le Bouthillier, and Maj. JM Mercier" currently employed with the Canadian Armed Forces / The Department of National Defence and believe these

members have released and therefore we would be unable to task these members with providing a response to your request. If you can provide a spelling correction or additional information to locate these members I can conduct an additional search to locate and have them included in your request.

As the full text is sent to the members identified in the request, I would suggest that we re-scope the text of your request to the below:

Requesting email communications from June 24, 2020 - October 30 2020 held by: Maj Kirk Sullivan, Col Paul Doucette, and Jessica Lamirande in regards to Emma Briant and their work / media engagement, or discussions and analysis of it and responses to it.

Can you please confirm if we may proceed with the re-scope of your request above?

In the absence of other direction from you within the next 30 days, we will presume that you are no longer interested in pursuing your formal request and will consider your request abandoned.

Thank you,

Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

Joshua.butt2@forces.gc.ca

Officier d'attribution des tâches – Protection des renseignements personnels, Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

Joshua.butt2@forces.gc.ca

From: Dr Emma L Briant <emmalbriant@protonmail.com>

Sent: Tuesday, March 19, 2024 6:52 PM

To: Butt J@Corp Sec DAIP@Ottawa-Hull <JOSHUA.BUTT2@forces.gc.ca>
Subject: Re: Clarification: Request # P-2023-06238

Dear Tasking Officer Joshua Butt, thank you for your email.
The individuals that I seek records from include the following:

Capt. Kirk Sullivan (during the period covered by this request he was with Public Affairs at the Canadian Embassy in Washington)

ADMPA MLO office which is in Ottawa (this is an office operated by several people who have access to the specific email account where there is reference to my activities). Information about me may have been circulated in or by this account.

Maj. JM Mercier (during the time period covered by this request he was at ADM(PA) DPAPI in Ottawa)

LCol. Paul Doucette (during the time period covered by this request he was public affairs Canadian Embassy in Washington)

SMA(AP)EMISLCAP@ADM(PA), in Ottawa. There is no one individual assigned to this account but information about me may have been sent there.

Please include also:

Jessica Lamirande in Media Relations

Daniel Le Bouthillier Head, Media Relations

Jay Janzen, then Director-General Military Public Affairs (he may have moved on to NATO, however, you are still responsible for his activities/data from that time and should still have governance and control of it)

I would note in your email that you require me to name the actual locations of said individuals. As you well know, military personnel often move around. As my request covered a time period that is two years ago, I do not presently know the specific location of each individual. Nor as a member of the public would I even have a clue where these military personnel are currently located.

In fact, you actually don't need that information from me since because you are an employee of National Defence you have access to the internal directory of emails/etc and would be able to quickly locate these people and send a request for them to produce any documentation regarding my request.

I would also note that under the Canadian government's guideline on principles to assist requestors there is a provision that you are to "Offer reasonable assistance throughout the request process."

I have included a link so you can review those principles.

<https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/access-information/supporting-tool-access-information-personal-information-requests-principles-assisting-requesters.html>

If you feel you cannot offer me reasonable assistance please let me know as soon as you can as I would like to file a complaint with the Privacy Commissioner.

In addition, in regard to your presumption that you are allowed to unilaterally abandon my request, can you please cite the section in the Privacy Act that allows you to do this without specific direction from me? Thank you for your assistance in this matter.

Sincerely

Dr Emma Briant

Dr Emma L Briant

Owner: Maven of Persuasion LLC

Associate Professor in News and Political Communication at Monash University, Melbourne

Fellow at Bard College, Human Rights Project

Associate at University of Cambridge, Center for Financial Reporting & Accountability

Speaking agent: [Chartwell Speakers](#)

Book agent: [Inkwell Management](#)

Author of: *Propaganda and Counter-Terrorism: Strategies for Global Change* from Manchester University Press

Co-Author of: *Bad News for Refugees* with Prof. Greg Philo and Dr. Pauline Donald from Pluto Press.

Support my Patreon: <https://www.patreon.com/emmalbriant>

Website: www.emma-briant.co.uk

[Sign up for my Newsletter!](#)

Follow me on Mastodon @emmalbriant@mastodon.online

Follow me on Twitter @emmalbriant

"I thought yesterday was the first day of the rest of my life but it turns out today is." - Steve Martin

"Women are like teabags . We don't know our true strength until we are in hot water." - Unknown

On Saturday, March 16th, 2024 at 2:05 AM, JOSHUA.BUTT2@forces.gc.ca
<JOSHUA.BUTT2@forces.gc.ca> wrote:

Good morning Emma Briant,

This message is further to your request submitted online to the Department of National Defence for the following:

I am requesting records that contain any references to myself (Dr. Emma Briant), my work or my media engagement, or discussions and analysis of it and responses to it, held by the public affairs branch of the Canadian Forces/Department of National Defence in Ottawa from the period of 24th June 2020 to 30th October 2020. This should include the details of whom any such data was shared with or received from and who holds the data. In case it helps your inquiry, I was formerly Associate Researcher at Bard College in New York State, US currently Associate Professor at Monash University in Melbourne, Australia.

We must advise you that in accordance with sections 12(1) and 13 of the *Privacy Act*, the department cannot process your request for information as submitted. Any information you believe exist can only be processed if you provide us with sufficiently specific information on its location as to render it reasonably retrievable by the government institution.

Please be advise, our office is only responsible for coordinating the recovery of documents that are already in existence with sufficiently specific information on its location as to render it reasonably retrievable and would be unable to create any documents or answer to questions you may have.

In addition, once a request is received under the *Privacy Act* for records not held in a Public Information Bank, the request is sent to the appropriate record holder and/or individuals named in the request. This means that each individual is responsible to provide their own records in response to a request. Unfortunately, our department does not go through servers to obtain access to records held by DND employees and would be unable to process a request for records held by "*the public affairs branch of the Canadian Forces/Department of National Defence in Ottawa*" and must instead include the specific members you wish to conduct a search and provide records in response to your request.

In order to continue with the processing of your request, we will need:

- a. Specific full names of individuals who hold the requested information and their actual location. It is not sufficiently specific to ask for “an entire specific unit and/or office”

In the absence of other direction from you within the next 30 days, we will presume that you are no longer interested in pursuing your formal request and will consider your request abandoned.

Thank you,

Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

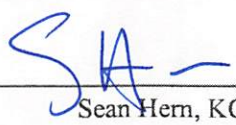
Joshua.butt2@forces.gc.ca

Officier d’attribution des tâches – Protection des renseignements personnels, Direction de l’accès à l’information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

Joshua.butt2@forces.gc.ca

This is **Exhibit "B"** referred to
in the affidavit of Emma Briant,
affirmed before me on September 17, 2024

A handwritten signature in blue ink, appearing to read 'S H', is written over a horizontal line.

Sean Hem, KC

RE: P-2023-06238 Acknowledgement

From JOSHUA.BUTT2@forces.gc.ca <JOSHUA.BUTT2@forces.gc.ca>

To emmalbriant <emmalbriant@protonmail.com>

Date Thursday, 22 August 2024 at 23:15

Good day Dr Emma Briant,

Apologies for the delay in response as I've been out of office and have returned yesterday.

Please note, a thorough search for the records you've requested is still being completed at this time.

We ensure that every released member identified in a *Privacy Act* request will have their closed accounts searched to determine if records remain on the account. After reviewing the OPI's response I've determined this has not been completed and I've returned to the OPI to request this search be completed.

Finally, unfortunately we're unable to partially release records in response to a *Privacy Act* request and must ensure that a search for all member identified in the request have been completed prior to making a release. Once I've received a final response from the OPI regarding a search being completed for the released members I'll be able to move this request forward for review to ensure any release package is in accordance with the *Privacy Act*.

Thank you,

Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

joshua.butt2@forces.gc.ca

Officier d'attribution des tâches – Protection des renseignements personnels, Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

joshua.butt2@forces.gc.ca

From: Dr Emma L Briant <emmalbriant@protonmail.com>
Sent: Wednesday, August 14, 2024 11:29 PM
To: Butt J@Corp Sec DAIP@Ottawa-Hull <JOSHUA.BUTT2@forces.gc.ca>
Subject: RE: P-2023-06238 Acknowledgement

Mr. Butt,

This is absolutely unacceptable. Not only have you not answered the questions in my last email, it sounds from this email like the initial search for information was not completed thoroughly. I explicitly asked that you ensure information in any closed accounts and those of people no longer employed. I was assured these checks were being done. Please provide me with a full explanation for the lapses. Furthermore, you have stated in a previous email that you HOLD information already. I still have not received this. Please sent it immediately.

Sincerely,

Dr. Briant

Dr Emma L Briant

Owner: Maven of Persuasion LLC

Associate Professor in News and Political Communication at Monash University, Melbourne

Fellow at Bard College, Human Rights Project

Associate at University of Cambridge, Center for Financial Reporting & Accountability

Speaking agent: Chartwell Speakers

Book agent: Inkwell Management

Author of: *Propaganda and Counter-Terrorism: Strategies for Global Change* from Manchester University Press

Co-Author of: *Bad News for Refugees* with Prof. Greg Philo and Dr. Pauline Donald from Pluto Press.

Support my Patreon: <https://www.patreon.com/emmalbriant>

Website: www.emma-briant.co.uk

Sign up for my Newsletter!

Follow me on Mastodon @emmalbriant@mastodon.online

Follow me on Twitter @emmalbriant

"I thought yesterday was the first day of the rest of my life but it turns out today is." - Steve Martin

"Women are like teabags . We don't know our true strength until we are in hot water." - Unknown

On Wednesday, 14 August 2024 at 00:42, JOSHUA.BUTT2@forces.gc.ca <JOSHUA.BUTT2@forces.gc.ca> wrote:

Good day Dr Emma Briant,

In this case after reviewing the final response from the office of the Assistant Deputy Minister (Public Affairs) it seems they've indicated that some members hold no records as they're no longer employed with the Department of National Defence. However, the office did not engage the appropriate departments to determine if records remain on the members closed accounts and this must be completed to determine if DND holds records within the scope of your request.

I've asked them to engage with the department responsible for determining if records exist on the members closed accounts however, this process will cause additional delays in our response time.

Thank you,

Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

Joshua.butt2@forces.gc.ca

Officier d'attribution des tâches – Protection des renseignements personnels, Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

Joshua.butt2@forces.gc.ca

From: Dr Emma L Briant <emmalbriant@protonmail.com>

Sent: Tuesday, August 6, 2024 6:04 PM

To: Butt J@Corp Sec DAIP@Ottawa-Hull <JOSHUA.BUTT2@forces.gc.ca>

Subject: RE: P-2023-06238 Acknowledgement

Dear Mr Butt,

Thank you for this further information on the delays. Could I ask you to explain further please the need for 'clarification' with the 'Office of Primary Interest' - what is this office and what do they do, what are you clarifying please? You say this is to ensure compliance with the Privacy Act but you are actually breaching the privacy act with further delays in order to do it.

Dr. Briant

Dr Emma L Briant

Owner: Maven of Persuasion LLC

Associate Professor in News and Political Communication at Monash University, Melbourne

Fellow at Bard College, Human Rights Project

Associate at University of Cambridge, Center for Financial Reporting & Accountability

Speaking agent: [Chartwell Speakers](#)

Book agent: [Inkwell Management](#)

Author of: *Propaganda and Counter-Terrorism: Strategies for Global Change* from Manchester University Press

Co-Author of: *Bad News for Refugees* with Prof. Greg Philo and Dr. Pauline Donald from Pluto Press.

Support my Patreon: <https://www.patreon.com/emmalbriant>

Website: www.emma-briant.co.uk

[Sign up for my Newsletter!](#)

Follow me on Mastodon [@emmalbriant@mastodon.online](https://mstdn.social/@emmalbriant)

Follow me on Twitter [@emmalbriant](https://twitter.com/emmalbriant)

"I thought yesterday was the first day of the rest of my life but it turns out today is." - Steve Martin

"Women are like teabags . We don't know our true strength until we are in hot water." - Unknown

On Wednesday, 7 August 2024 at 00:00, JOSHUA.BUTT2@forces.gc.ca <JOSHUA.BUTT2@forces.gc.ca> wrote:

Good day Dr Emma Briant,

We apologize for the inconvenience this delay may cause you.

With your below consent to proceed without *Maj Kirk Sullivan* I've been able to proceed with preparing the records received in response to your request for scanning and review. During which I've determined our office will require additional clarification from the Office of Primary Interest to ensure the response we provide to your request is in accordance with the *Privacy Act* and unfortunately, I'm still awaiting their final response to this clarification request.

Unfortunately at this time I'm unable to provide you with an estimated time of completion for this request.

I encourage you to check up periodically on your request to see if there are any new updates I can provide.

Thank you,

Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

Joshua.butt2@forces.gc.ca

Officier d'attribution des tâches – Protection des renseignements personnels, Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

Joshua.butt2@forces.gc.ca

From: Dr Emma L Briant <emmalbriant@protonmail.com>

Sent: Monday, August 5, 2024 1:23 PM

To: Butt J@Corp Sec DAIP@Ottawa-Hull <JOSHUA.BUTT2@forces.gc.ca>

Subject: RE: P-2023-06238 Acknowledgement

Dear Mr. Butt,

It has been yet another month without hearing back from you following this email. This is despite you having told me that you had information in your possession and were able to send it to me. The privacy commissioner has been able to complete their whole investigation in the time that you have delayed in sending this information you apparently already have obtained and as I know you are aware they have found you to have refused to comply with my request. I would like a full explanation of the further delay please.

Thank you,

Emma

Sent from [Proton Mail](#) for iOS

On Tue, Jul 9, 2024 at 05:08, <JOSHUA.BUTT2@forces.gc.ca> wrote:

Good afternoon Dr Emma Briant,

My pleasure, and thank you for your below response.

I will be proceeding with submitting the records we've received for scanning and review.

Thank you,

Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

Joshua.butt2@forces.gc.ca

Officier d'attribution des tâches – Protection des renseignements personnels, Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

Joshua.butt2@forces.gc.ca

From: Dr Emma L Briant <emmalbriant@protonmail.com>
Sent: Friday, July 5, 2024 4:54 PM
To: Butt J@Corp Sec DAIP@Ottawa-Hull <JOSHUA.BUTT2@forces.gc.ca>
Subject: RE: P-2023-06238 Acknowledgement

Thank you for explaining this - I think it would be good to please receive what you have obtained from the others. I appreciate your efforts.

Thanks again,

Emma

Sent from [Proton Mail](#) for iOS

On Sat, Jul 6, 2024 at 00:38, <JOSHUA.BUTT2@forces.gc.ca> wrote:

Good day Dr Emma Briant,

Maj Sullivan is still currently employed with The Canadian Armed Forces however unfortunately, I'm unsure of the specific reason their Defence Wide Area Network (DWAN) access has been disabled. A members DWAN access may be disabled when their current roles and responsibilities would not require the access for an extended period of time such as, being deployed, extended leave, extended training/schooling, etc.

Unfortunately, we would be unable to provide a partial response to a request, as we must confirm that a search for all records within the scope has been completed. As currently we still have Maj Sullivan as a named record holder I cannot submit the records I've already received for review until I've received a response from the Maj Sullivan or your confirmation to proceed without their response to your request.

As you've expressed your desire for a swift response to your request I brought the option of proceeding without Maj Sullivan to your attention as you would receive a response to your request with less delay. I'm still currently working with their office to regain the members DWAN access to have a search be completed in response to your request.

Thank you,

Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

Joshua.butt2@forces.gc.ca

Officier d'attribution des tâches – Protection des renseignements personnels, Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

Joshua.butt2@forces.gc.ca

From: Dr Emma L Briant <emmalbriant@protonmail.com>

Sent: Thursday, July 4, 2024 11:15 PM

To: Butt J@Corp Sec DAIP@Ottawa-Hull <JOSHUA.BUTT2@forces.gc.ca>

Subject: RE: P-2023-06238 Acknowledgement

Dear Tasking Officer Butt,

Thank you for your email.

Please can I clarify a few items here? Firstly, can I ask please why Maj. Sullivan would not have had access to his email since 2022? This seems unusual to say the least. Is he still employed by the Canadian military? Also, is it possible for me to request to have what you already have gathered now and receive the data from Maj. Sullivan and when you do access it? It seems odd that I should be told I can't have the rest now if you have it - or should be asked to choose between receiving only partial information, or a far longer delay in the exercise of my information rights.

Many thanks,

Emma

Sent from [Proton Mail](#) for iOS

On Thu, Jul 4, 2024 at 23:53, <JOSHUA.BUTT2@forces.gc.ca> wrote:

Good day Dr Emma Briant,

I'm working with the offices responsible for the members identified in your request and have received a final response for all members except for *Maj Kirk Sullivan*.

I've been advised that this member has not had access to their @forces.gc.ca account from August of 2022 and thus is unable to conduct a search at this time. I've been working with their office to have the members account access restored to allow a thorough search for records to be conducted however, it should be noted significant delays may be experienced as we're continuing to work with additional departments to restore the members access.

If you would like to receive a response to this request as quickly as possible, we would recommend removing Maj Kirk Sullivan as a record holder.

This would allow me to submit all other records received in response to your request for scanning and review to ensure any release package is in accordance with the *Privacy Act*. In addition, it should be noted if you opt to proceed without *Maj Sullivan* as a record holder any communications other members identified in your request would have sent to or received from *Maj Sullivan* would still be considered within the scope of your request.

Please let me know if you'd like to proceed without *Maj Kirk Sullivan* as a record holder.

Thank you,

Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

Joshua.butt2@forces.gc.ca

Officier d'attribution des tâches – Protection des renseignements personnels, Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

Joshua.butt2@forces.gc.ca

From: Dr Emma L Briant <emmalbriant@protonmail.com>

Sent: Tuesday, May 14, 2024 8:50 PM

To: Butt J@Corp Sec DAIP@Ottawa-Hull <JOSHUA.BUTT2@forces.gc.ca>

Subject: RE: P-2023-06238 Acknowledgement

Dear Tasking Officer Butt,

Thank you for your email - it is good to know this option is available to me. I look forward to your swift fulfilment of my request.

Best wishes,

Emma

Dr Emma L Briant

Owner: Maven of Persuasion LLC

Associate Professor in News and Political Communication at Monash University, Melbourne

Fellow at Bard College, Human Rights Project

Associate at University of Cambridge, Center for Financial Reporting & Accountability

Speaking agent: [Chartwell Speakers](#)

Book agent: [Inkwell Management](#)

Author of: *Propaganda and Counter-Terrorism: Strategies for Global Change* from Manchester University Press

Co-Author of: *Bad News for Refugees* with Prof. Greg Philo and Dr. Pauline Donald from Pluto Press.

Support my Patreon: <https://www.patreon.com/emmalbriant>

Website: www.emma-briant.co.uk

[Sign up for my Newsletter!](#)

Follow me on Mastodon [@emmalbriant@mastodon.online](https://mstdn.social/@emmalbriant)

Follow me on Twitter [@emmalbriant](https://twitter.com/emmalbriant)

"I thought yesterday was the first day of the rest of my life but it turns out today is." - Steve Martin

"Women are like teabags . We don't know our true strength until we are in hot water." - Unknown

On Monday, May 13th, 2024 at 10:48 PM, JOSHUA.BUTT2@forces.gc.ca <JOSHUA.BUTT2@forces.gc.ca> wrote:

Good morning Dr. Briant,

Every effort is made to process your request within the prescribed 30-day time limit pursuant to the *Privacy Act*. However, due to a heavy workload that we are working to reduce, it is possible that you may experience a delay before we are able to respond to your request.

I've been in communications with the offices responsible for the members identified in your request and we're still awaiting their final response to your request for records. Once received we can move your request forward for scanning and review to ensure any release package is in accordance with the *Privacy Act*.

Unfortunately at this time I'm unable to provide you with an estimated time of completion for this request.

I encourage you to check up periodically on your request to see if there are any new updates I can provide.

We apologize for the inconvenience this delay may cause you. Please note that you may bring a complaint to the Office of the Privacy Commissioner about this delay. Your complaint may be addressed to:

Office of the Privacy Commissioner of Canada
30 Victoria Street
Gatineau, Quebec
J8X 4H7

Thank you,

Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

Joshua.butt2@forces.gc.ca

Officier d'attribution des tâches – Protection des renseignements personnels, Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

Joshua.butt2@forces.gc.ca

From: Dr Emma L Briant <emmalbriant@protonmail.com>

Sent: Sunday, May 12, 2024 9:30 AM

To: Butt J@Corp Sec DAIP@Ottawa-Hull <JOSHUA.BUTT2@forces.gc.ca>

Subject: Re: P-2023-06238 Acknowledgement

Dear Tasking Officer Butt,

I am writing to follow up on my request 73 days ago under the Privacy Act for records relating to myself held by the listed individuals and accounts. I have not heard from you now for 30 days and it is my understanding that under the Privacy Act you are required to provide me with my data within 30 days of the request. I would be most grateful please if you could provide me with an update on progress in your search, including an explanation for the delay and details of when the information will be provided please?

Many thanks,

Dr. Briant

Sent from [Proton Mail](#) for iOS

On Fri, Apr 12, 2024 at 23:16, <JOSHUA.BUTT2@forces.gc.ca> wrote:

Dear Dr. Briant,

This is to acknowledge receipt of your Privacy Act (Act) request received on February 28, 2024, for:

Consent to re-scoped received April 12, 2024:

I am requesting records, including any communications or other documents, that contain any references to myself, Dr. Emma Briant, Dr. Emma Bryant or any other variation of my name and my work or my media engagement, or discussions and analysis of it and responses to it, held by: Maj Kirk Sullivan, Col Paul Doucette, Jessica Lamirande, Chris Henderson, Col Holly

Apostoliuk, Richard Perreault, Maj. JM Mercier, Daniel Le Bouthillier, Jay Janzen This should include the details of whom any such data was shared with or received from and who holds the data. For the period of June 24, 2020 - October 30 2020.

Original:

I am requesting records that contain any references to myself (Dr. Emma Briant), my work or my media engagement, or discussions and analysis of it and responses to it, held by the public affairs branch of the Canadian Forces/Department of National Defence in Ottawa from the period of 24th June 2020 to 30th October 2020. This should include the details of whom any such data was shared with or received from and who holds the data. In case it helps your inquiry, I was formerly Associate Researcher at Bard College in New York State, US currently Associate Professor at Monash University in Melbourne, Australia.

Please note that every effort is being made to process your request within the prescribed 30-day time limit pursuant to the Act. In addition, your request will be processed in accordance with the Principles for Assisting Requesters as per the Treasury Board Secretariat's policies and guidance which can be found at: <https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/access-information/supporting-tool-access-information-personal-information-requests-principles-assisting-requesters.html>.

Please be advised that the response to your request will be sent to you through Connect (<https://www.canadapost-postescanada.ca/cpc/en/business/postal-services/digital-mail/connect.page>). A portable document format (PDF) of the records will be uploaded to and will remain available for viewing in the Connect portal for 60 days.

For any questions concerning your request or if you wish to opt-out of Connect and obtain a copy of your records via regular mail, please contact our office at (613) 901-6751 or by email aiprp@forces.gc.ca.

Yours truly,
Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)

National Defence / Government of Canada

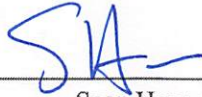
Joshua.butt2@forces.gc.ca

Officier d'attribution des tâches – Protection des renseignements personnels, Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP)

Défense nationale / Gouvernement du Canada

Joshua.butt2@forces.gc.ca

This is Exhibit "C" referred to
in the affidavit of Emma Briant,
affirmed before me on September 17, 2024



Sean Hern, KC

Dr. Emma L Briant
Unit 3, 16 Gordon Ave,
Elwood,
Melbourne, Australia
3184

Office of the Privacy Commissioner of Canada
30 Victoria Street
Gatineau, Quebec
J8X 4H7

16th May 2024

To the Privacy Commissioner,

I am writing to complain about a privacy request I made to the Canadian Department of National Defence for information held about me – key email chains enclosed here as evidence – please examine both my requests and the replies I received. Here is the text of my original request:

I am requesting records that contain any references to myself (Dr. Emma Briant), my work or my media engagement, or discussions and analysis of it and responses to it, held by the public affairs branch of the Canadian Forces/Department of National Defence in Ottawa from the period of 24th June 2020 to 30th October 2020. This should include the details of whom any such data was shared with or received from and who holds the data. In case it helps your inquiry, I was formerly Associate Researcher at Bard College in New York State, US currently Associate Professor at Monash University in Melbourne, Australia.

I initially submitted the request on 28 February 2024 and received acknowledgement of the request from Tasking Officer Butt in Privacy, Directorate Access to Information and Privacy (DAIP) on March 16, 2024 an email which contained claims that DND were unable to access information that was either held by individuals who have left service, but still on DND's servers, or held by a positional mailbox on DND's servers. He said "each individual named is responsible to conduct a search and provide their own records in response to your request" and his "department does not go through servers to obtain access to records held by DND employees" or positional mailboxes.

I tried to find out how a member of the public might find out who controls the positional mailbox holding data about them - as there is no way of obtaining information such as this - and it is a barrier to exercising ones privacy rights. I therefore was concerned Mr. Butt's email violated The Privacy Act and asked:

1) Is there a way members of the public can determine the specific record holder responsible for a positional mailbox such as SMA(AP)EMISLCAP@ADM(PA) in order to be able to exercise their data privacy rights?

2) Can I confirm you are saying it is normal DND policy to refuse to provide information in response to all privacy requests where data is still retained and yet the employee is no longer at DND? My privacy rights - and DND's responsibility for them - do not disappear the day after an individual who may have created data leaves service, so I cannot see how this policy would be compliant with Canadian privacy law.

3) Can you confirm whether there is a policy where information and communications from those individuals' accounts is deleted at the point they leave the service? If not I would assume it is still held by DND and can be accessed, by someone, if not you.

4) Can you tell me please which individual at DND is responsible for/controller of this archived data?

Mr. Butt's supervisor Samantha Leach then responded to my concerns, clarifying their process including a changed position: that they would now seek information from employees who had left employment. She stated my request remained on hold until April 17, 2024 while some re-scoping of my request took place. I was concerned that they proposed text that narrowed the range of what I had requested from "records that contain any references to myself" to "emails". It might be that this excludes relevant data. I was also concerned that Ms. Leach and Mr. Butt both mistyped names of myself and of individuals I was seeking information from in their correspondence, which fuelled my declining faith that they would be competent and careful in undertaking accurate searches for my information.

Nevertheless I gave my consent to the following eventual re-scoping "I am requesting records that contain any references to myself, Dr. Emma Briant, Dr. Emma Bryant or any other variation of my name and my work or my media engagement, or discussions and analysis of it and responses to it, held by: Maj Kirk Sullivan, Col Paul Doucette, Jessica Lamirande, Chris Henderson, Col Holly Apostoliuk, Richard Perreault, Maj. JM Mercier, Daniel Le Bouthillier, Jay Janzen This should include the details of whom any such data was shared with or received from and who holds the data. For the period of June 24, 2020 - October 30 2020."

I received acknowledgement of this rescoping of the request on 12th April stating that "every effort is being made to process your request within the prescribed 30-day time limit pursuant to the Act" – however, I still have not received information, as it is my understanding that they have 30 days to comply, I then followed up asking about progress and have been provided this address to write to. I wish therefore to request both that you please investigate this case due to the extensive delay but also due to aspects of process, which I believe were inconsistent with the Privacy Act. The position of DND is still that there is no way to obtain access to data held on positional mailboxes and that searches of servers for emails after an employee has left cannot be undertaken. Ms Leach claimed that "user accounts are retained on the network for a period of 60 days after an individual has left the department after which time the account and its contents are deleted permanently as emails are considered transitory documents and it is the employees responsibility to move any email of business nature (corporate records) to be stored in an acceptable system of record." This is problematic, not only because our rights do not disappear 60 days after an employee moves on, but as Emails sent internally from an employee who has left to other employees they were working with would still be retained and held by DND even 60 days after the employee has left, in the accounts of existing staff they were communicating with. It is unreasonable to expect a member of the public to know all the names of any person holding data within a military unit or division or running an account at any one time. It is also unacceptable that DND deletes data and abrogates responsibility for data held by former staff who may have left saying it is former staff's responsibility – staff over which they have no control and who may well have an interest in NOT retaining the data in a searchable and secure manner.

I would be very grateful for your swift response to my concerns.

Sincerely,



Dr. Briant

This is **Exhibit "D"** referred to
in the affidavit of Emma Briant,
affirmed before me on September 17, 2024



Sean Hern, KC

----- Forwarded Message -----

From: JOSHUA.BUTT2@forces.gc.ca <JOSHUA.BUTT2@forces.gc.ca>

Date: On Friday, 12 July 2024 at 04:53

Subject: P-2024-02002 Acknowledgement

To: emmalbriant@protonmail.com <emmalbriant@protonmail.com>

Dear Emma Briant,

This is to acknowledge receipt of your *Privacy Act* (Act) request received on July 8, 2024, for:

I am requesting records, including any communications or other documents, that contain any references to myself, Dr. Emma Briant, Dr. Emma Bryant or any other variation of my name and my work or my media engagement, or discussions and analysis of it and responses to it, held by: Maj Kirk Sullivan - This should include the details of whom any such data was shared with or received from and who holds the data. For the period of June 24, 2020 - October 30 2020.

Please note that every effort is being made to process your request within the prescribed 30-day time limit pursuant to the Act. In addition, your request will be processed in accordance with the Principles for Assisting Requesters as per the Treasury Board Secretariat's policies and guidance which can be found at: <https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/access-information/supporting-tool-access-information-personal-information-requests-principles-assisting-requesters.html>.

Please be advised that the response to your request will be sent to you through Connect (<https://www.canadapost-postescanada.ca/cpc/en/business/postal-services/digital-mail/connect.page>). A portable document format (PDF) of the records will be uploaded to and will remain available for viewing in the Connect portal for 60 days.

For any questions concerning your request or if you wish to opt-out of Connect and obtain a copy of your records via regular mail, please contact our office at (613) 901-6751 or by email atip-aiprp@forces.gc.ca.

Yours truly,

Joshua Butt

Tasking Officer – Privacy, Directorate Access to Information and Privacy (DAIP)
National Defence / Government of Canada
joshua.butt2@forces.gc.ca

Officier d'attribution des tâches – Protection des renseignements personnels, Direction de
l'accès à l'information et de la protection des renseignements personnels (DAIPRP)
Défense nationale / Gouvernement du Canada
joshua.butt2@forces.gc.ca



National Defence
National Defence
Headquarters
Ottawa, Ontario
K1A 0K2

Défense nationale
Quartier général de la défense nationale
Ottawa, Ontario
K1A 0K2

French Message to follow / Message Français suit

DND is now offering Connect services

The Department of National Defence's Access to Information and Privacy (ATIP) Office is now providing responses to requests submitted under the *Access to Information Act* and the *Privacy Act* via Connect instead of E-Post which has been discontinued. This service allows you to receive documents digitally in a safe, secure and timely manner **at no cost**.

What is Connect? Connect is a secure messaging service that offers protection for documents, files and messages under the *Canada Post Corporation Act* and the *Criminal Code of Canada*. This means that any information being shared remains secure and supports compliance with federal privacy regulations.

For more information about Connect, please visit: <https://www.canadapost-postescanada.ca/cpc/en/business/postal-services/digital-mail/connect.page>

New to Connect? Simply:

Open a free account at <https://www.canadapost-postescanada.ca/cpc/en/business/postal-services/digital-mail/connect.page> using the email address that was used to submit your Access to Information Act request / Privacy Act request.

Already have a Connect account? Simply:

Wait for an email from Connect connect-connexion@canadapost-postescanada.ca with the subject line **Connect: National Defence? ATIP Request (Your File number) release package**. Click to **<Access Message>** which will launch the Connect Webpage. You must Log in to your account.

*If you have forgotten your username and/or password, use the "forgot username" or "forgot password" feature on the Connect website

Accessing Documents in the Connect Portal

Click on **National defence – ATIP Request** and you will have access to the message which contains the PDF files. Click on PDF link.

Once uploaded, the **records will remain available in the Connect portal for 60 days**.

We recommend that you save the document(s) to your computer once you access the attachment(s).

What is Portable Document Format (PDF)?

This is a universal file format that allows users to read, print, or download an online document while maintaining the fonts, graphics, and general layout of that document. To view a PDF document, users must have Adobe Acrobat Reader installed. Adobe Acrobat Reader is available for free download from the Adobe website (<https://get.adobe.com/reader/>)

Frequently Asked Questions (FAQs) Q: I want to access my document(s) from a smartphone but am unable to open the message I have received in Connect. What do I do?

A: In order to "view" the message in the Connect portal, rotate your phone to landscape and you will be able click on the "view" button.

For any questions concerning your request please contact our office by email:

atip-aiprp@forces.gc.ca.

Message français

Le MDN offre maintenant le service Connexion

Le Bureau de l'accès à l'information et de la protection des renseignements personnels du ministère de la Défense nationale (MDN) fournit maintenant une réponse par Connexion, au lieu de Postel qui a été discontinué, aux demandes présentées au titre de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*. Connexion est un service qui vous permet de recevoir des documents par voie numérique de manière sécurisée et rapide et ce **sans frais de votre part!**

Qu'est-ce que le service Connexion ?

Connexion est un service de messagerie sécurisé qui assure la protection de vos documents, fichiers et messages en vertu de la *Loi sur la Société canadienne des postes* et du Code criminel du Canada. Cela signifie que vous êtes assuré que les renseignements transmis restent protégés et que le service est conforme à la réglementation fédérale en matière de protection des renseignements personnels.

Pour de plus amples renseignements sur le fonctionnement de Connexion, nous vous invitons à consulter la page suivante : <https://www.canadapost-postescanada.ca/scp/fr/entreprise/services-postaux/courrier-numerique/connexion.page>.

Nouveau à Connexion? simplement:

créer un compte, sans frais à <https://www.canadapost-postescanada.ca/scp/fr/entreprise/services-postaux/courrier-numerique/connexion.page> en utilisant le courriel que vous aviez utilisé pour soumettre votre demande d'accès à l'information ou de protection des renseignements personnels.

Vous avez déjà un compte Connexion? Simplement :

Attendre de recevoir un courriel de la part de Connect connect-connexion@canadapost-postescanada.ca avec le sujet : **Connect: Défense nationale AIPRP demande (votre numéro de dossier) - document communicable.**

Cliquez sur <Access Message> qui vous dirigera sur la page Web Connexion. Vous devez ouvrir une session.

*Si vous avez oublié votre nom d'utilisateur ou votre mot de passe, utilisez le bouton « nom d'utilisateur oublié » ou « mot de passe oublié » contenu dans le site Web de Connexion.

Accéder aux documents contenus dans le portail Connexion

Cliquez sur **Défense nationale AIPRP demande** et vous aurez accès au message qui contient les documents en PDF. Cliquez sur les liens PDF.

Une fois les documents téléchargés dans le portail, **les documents seront disponibles sur Connexion durant 60 jours.**

Il est recommandé que vous sauvegardiez le(s) document(s) sur votre ordinateur une fois que vous avez pu avoir accès aux attachements.

Que signifie Format de Document Portatif (PDF)?

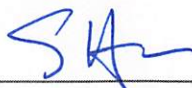
Il s'agit d'un format universel qui permet aux utilisateurs de lire, imprimer ou télécharger un (des) document(s) en ligne tout en conservant le format, les graphiques et l'apparence générale originale de ce document. Afin de visualiser un dossier PDF, l'utilisateur doit avoir Adobe Acrobat Reader installé sur son ordinateur. Adobe Acrobat Reader est disponible à télécharger, à même le site web d'Adobe : <https://get2.adobe.com/fr/reader/>

Questions fréquemment posées Q: Je veux accéder à mes documents à partir d'un téléphone intelligent, mais je suis incapable d'ouvrir le message reçu dans mon service Connexion. Que faire?

R : Afin d'accéder au message dans Connexion, simplement faire pivoter votre téléphone intelligent sur son côté et vous serez ainsi capable d'accéder au bouton « visualiser ».

Pour toutes questions concernant votre demande, prière de communiquer avec notre bureau par courriel à :
atip-aiprp@forces.gc.ca.

This is **Exhibit "E"** referred to
in the affidavit of Emma Briant,
affirmed before me on September 17, 2024



Scan Hern, KC



Emma L. Briant
Unit 3, 16 Gordon Ave, Elwood,
Melbourne, 3184
Australia

2024-08-05

Our File: PA-067793
DND File: P-2023-06238

Dear Emma L. Briant:

Enclosed you will find our report on the investigation of your complaint against National Defence (DND) in which you alleged that the institution failed to satisfy the legislative requirements for responding to your *Privacy Act* request (DND file P-2023-06238).

Our investigation revealed that:

- DND received your access request on 2024-02-28 (DND file P-2023-06238). As of the date of this letter, you have yet to receive a response to your request.

Section 14 of the Act provides that a government institution must either provide a response to a request for access to personal information, or provide access to the personal information requested, within 30 days after the request is received. Section 15 permits the extension of that period by up to 30 additional days if meeting the original time limit would unreasonably interfere with the operations of the government institution or where external consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit. Subsection 16 (3) of the Act states that if an institution fails to provide access to the requested information within the prescribed time limits, it is deemed to have refused access.

In the context of this complaint, DND has exceeded the time limit and failed to respond to your request. Therefore, we have concluded that your complaint is well-founded and the matter is considered a deemed refusal. We have closed your file. It should be noted that the institution has also been informed of the results.

Section 41 of the Act provides a right to apply to the Federal Court of Canada for review of the decision of a government institution to refuse to provide access to personal information. A section 41 application is not a review of the Privacy Commissioner's report. Rather, it is a determination of whether the government institution respected the provisions of the Act in refusing to disclose personal information. Such an application must be filed with the Court within 45 days of receiving this letter and must identify the appropriate Respondent to the application, such as the appropriate Head responsible for DND or the Attorney General of Canada, depending on the specific case. If you decide to proceed to the Court, we suggest you contact the Court's Registry Office nearest you for further information, by consulting the website www.fct-cf.gc.ca.

30 rue Victoria, 1^{er} étage / 30 Victoria Street, 1st Floor
Gatineau QC K1A 1H3

Sans frais/Toll free 1-800-282-1376 Tél./Tel: 819-994-5444 Téléc./Fax: 819-994-5424 www.priv.gc.ca


- 2 -

For additional information on Federal Court applications, you may also find useful our Fact Sheet entitled, *Section 41 of the Privacy Act - Court Review of Refusals to Give Access to Personal Information*, found on our website at www.priv.gc.ca/federalcourtPA.

If you are dissatisfied with the information provided by the institution, this would be considered a new issue and, as such, you must make a new complaint to our Office for us to look into the matter further. Complaints can be submitted to us in writing online at <https://plainte-complaint.priv.gc.ca/en/> or by mail at the coordinates indicated at the bottom of this page.

If you have any questions about this matter, please contact Éliane St-Onge, the Investigator, by email at Eliane.St-Onge@priv.gc.ca or by telephone at 873-354-9713.

Sincerely,



Jason Trudeau
Manager
Compliance, Intake and Resolution Directorate

Encl.



Commissioner
à la protection de
la vie privée du Canada

Office of the
Privacy Commissioner
of Canada

Investigation Report *Privacy Act*

Respondent	Complaint Acceptance Date	Investigator
National Defence (DND)	2024-06-13	Éliane St-Onge

Statutory Time Limits of Privacy Act

Section 14 of the *Privacy Act* allows a government institution 30 days to provide a response to a request for access to personal information.

Section 15 permits the extension of that period by up to an additional 30 days if meeting the original time limit would unreasonably interfere with the operations of the government institution or where external consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit.

Our File	Complaint Type	Respondent File
PA-067793	Time Limit	P-2023-06238

1. Date request received: 2024-02-28
2. Date of final response: No response as of 2024-08-01
3. Number of processing days* between (1) and (2): 137 days*

Findings

As the institution did not respond to the request within the time limit of 30 days, as indicated above, the complaint is well-founded.

As no response to the request have been provided, the matter is considered a **deemed refusal**.

* *Processing days* refers to the number of calendar days when the request was not on hold to obtain clarification, or when the due date fell on a weekend or holiday.

This is **Exhibit "F"** referred to
in the affidavit of Emma Briant,
affirmed before me on September 17, 2024



Sean Hern, KC



National Defence Défense nationale

National Defence Headquarters
Ottawa, Ontario
K1A 0K2

P-2024-02002

Ms. Emma Briant
3- 16 Gordon Ave
Elwood, Victoria 3184

Dear Ms. Briant:

This is in response to your *Privacy Act* (the "Act") request received on July 8, 2024, for:

I am requesting records, including any communications or other documents, that contain any references to myself, Dr. Emma Briant, Dr. Emma Bryant or any other variation of my name and my work or my media engagement, or discussions and analysis of it and responses to it, held by: Maj Kirk Sullivan - This should include the details of whom any such data was shared with or received from and who holds the data. For the period of June 24, 2020 - October 30, 2020.

All available records have been located and processed for release to you in accordance with the *Act*. You will note that certain information has been withheld from disclosure pursuant to sections 19 *Information obtained in confidence and 26 information about another individual of the Act*. Please note that sensitive, non-personal information that would otherwise be protected if requested under the Access to Information Act has been removed and notated with subsection 12(1).

If you believe that there is an error or omission in the personal information you have received, you may request a correction by completing and returning the Record Correction Request Form available on the Treasury Board of Canada Secretariat website at:
www.tbs-sct.gc.ca/tbsf-fsct/350-11-eng.asp.

Please be advised that you may also file a complaint to the Office of the Privacy Commissioner about any matter related to your request. Your notice of complaint should be addressed to:

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

Should you require clarification or assistance regarding your request, please contact Hodon Ahmed by e-mail at Hodon.Ahmed@forces.gc.ca.

Yours truly,

SAUER,
DONNA 205

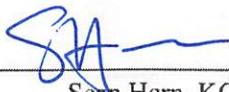
Digitally signed by
SAUER, DONNA 205
Date: 2024.08.15
14:54:05 -04'00'

D. Anne Bank
Executive Director
Access to Information and Privacy

Enclosure: Release Copy

Canada

This is **Exhibit "G"** referred to
in the affidavit of Emma Briant,
affirmed before me on September 17, 2024



Sean Hern, KC

Sullivan Maj KG@4 CDSB Petawawa Pers Svcs@Toronto

From: Grant Capt IJG@CANSOFCOM@Ottawa-Hull
Sent: October 13, 2020 7:34 AM
To: Dawe MGen PS@CANSOFCOM@Ottawa-Hull
Subject: CANSOFCOM media overview - 13 October 2020 | COMFOSCAN aperçu des médias - 13 octobre 2020

Sir,

FYSA, the following offers a selection of media clips for 13 October.

International media articles of particular pertinence include:

- [Iran-backed militias offer truce for U.S. troop withdrawal](#)
- [African Union lifts Mali's suspension imposed in the wake of coup](#)
- [Irregular warfare with China, Russia: Ready or not, it's coming — if not already here](#)

WHEM

Canadian military spent more than \$1 million on controversial propaganda training linked to Cambridge Analytica parent firm (Ottawa Citizen)

The Canadian Forces spent more than \$1 million on behaviour modification training used by the parent firm of Cambridge Analytica, the company that was the centre of a scandal in which personal data of Facebook users was provided to U.S. President Donald Trump's political campaign. The two contracts to train military and civilian public affairs staff at National Defence headquarters in Ottawa were revealed Monday in a report by Emma Briant, a professor at Bard College in the U.S. and a specialist in researching military propaganda...Briant noted the training the Canadian military staff received is a direct descendent of SCL Group's "behavioural dynamics methodology" which promises to help military clients analyze and profile groups to find the best strategy to effectively influence a target audience's behaviour...A spokesperson for the Department of National Defence said the intent of the training contracts was to have military public affairs staff "better identify and understand key audiences" so they could create communications campaigns that "are more customized and beneficial." Staff were also taught strategic campaign planning and "audience research," he added.

EURAF

Ukrainian officers hold exercises on British destroyer (Ukrinform)

Ukraine's Special Operations Forces officers and their colleagues from NATO member states have held joint exercises on UK Royal Navy's destroyer Dragon. "Reconnaissance officers of the 73d special purpose naval centre of the Special Operations Forces of the Armed Forces of Ukraine held joint exercises with colleagues from NATO member states on UK Royal Navy's destroyer Dragon," the press service of the Ministry of Defence of Ukraine informs. During the exercises, boarding operations on the destroyer, close-in fighting, and clean-up operations were practised. Joint exercises are held as part of Operation Orbital, the UK's training mission to Ukraine.

African Union lifts Mali's suspension imposed in the wake of coup (Al-Jazeera)

The African Union on Friday lifted its suspension of Mali which went into effect after a military coup toppled the West African nation's government in August. The decision comes three days after the West African regional bloc ECOWAS announced it was ending its tough post-coup sanctions on Mali, saying it wished to back the country's return to civilian

rule. In a communique, the regional heads of state cited "significant advances" toward a return to democracy in Mali, noting the selection of a civilian president and prime minister to head the process. The sanctions included border closures and a ban on commercial trade and financial flows but not basic necessities, drugs, equipment to fight coronavirus, fuel or electricity.

Gunmen Kill Five Villagers In Central Mali (AFP)

At least five Malian villagers have been killed by suspected jihadists in the centre of the country where attacks and ethnic clashes have been on the rise, witnesses and local officials said on Sunday. The attack followed the kidnapping by gunmen on Tuesday of around 20 people at a weekly market in the same village, Farabougou, near the central Malian town of Niono. "The village is cut off from the country by terrorists who have blocked all access routes," said village chief Boukary Coulibaly. Villagers trying to enter the area were ambushed, leaving five dead and fifteen wounded, he said. Another local official said six people had been killed. A resident contacted by AFP by phone also said that six civilians were killed by the jihadists, and others were missing.

Nigeria abolishes special police squad after nationwide protests (Washington Post)

The police officers accused him of speeding, but Dare Olaitan felt that wasn't true. The 29-year-old filmmaker in Nigeria's biggest city, Lagos, says he requested proof. "Then they slapped me, yanked away my phone and keys and said, 'We are going to an ATM,'" Olaitan said. The men, who'd pulled him over in an unmarked van, identified themselves as part of the federal Special Anti-Robbery Squad, or SARS, a Nigerian police unit that has been tasked over the past three decades with fighting violent crime, including banditry and kidnapping. Similar tales blazed across social media in recent days as thousands of protesters filled the streets in several Nigerian cities to urge the leaders of Africa's most populous nation to disband the squad. They said it routinely commits the kind of crimes it is supposed to thwart.

Swiss Hostage Killed In Mali Was Missionary: Govt (AFP)

A Swiss woman thought to have been killed in Mali was a missionary abducted in 2016, the Swiss foreign ministry said Saturday. Beatrice Stoeckli was a missionary from Basel who was working in Timbuktu when she was taken four years ago – having already been abducted by jihadists once before, in 2012, Swiss news agency Keystone-ATS reported. The Swiss authorities said in a statement released late Friday that for the past four years they had been working with the Malian authorities and other partners for her release.

Report says high ranking jihadists released in Mali exchange (BBC)

More information has come through, following the release of four hostages in Mali last week. They included Malian opposition leader Soumaila Cisse, French humanitarian Sophie Petronin, and two other Italian hostages. It seems they were released in exchange for jihadists or suspected jihadists and more than 200 prisoners in Malian prisons, including two key leaders of the al-Qaeda in Islamic Maghreb (AQIM), who played a key role in terror attacks in Mali as well as in Cote d'Ivoire and Burkina Faso.

Factbox: Foreign hostages held in West Africa's Sahel region (Reuters)

Four hostages including a prominent Malian politician, two Italians and French aid worker Sophie Petronin, have been released in Mali after negotiations led by the West African nation's security services and international partners. Following are details of the at least six foreign hostages still held by Islamist insurgents in Mali, Burkina Faso and Niger.

Victims or villains? The volunteer fighters on Burkina Faso's front line (The New Humanitarian)

When Burkina Faso's government called for civilians to fight against the jihadists terrorising their communities, Amadoum Tamboura was stirred to act. But the weapons the politicians promised never arrived, leaving the 56-year-old defenceless as militants attacked his village. "We were told our mission was to protect our community. [But] you can't use your bare hands," said Tamboura, who fled along with hundreds of others and now lives in the northern town of Kongoussi...But nine months into the programme, volunteers who were supposed to receive weapons and two weeks of training from the government told The New Humanitarian they were ill-equipped and often too afraid to fight the better-armed and battle-hardened militants.

MEAP

Iran-backed militias offer truce for U.S. troop withdrawal (AP)

Iraqi militias backed by Iran have agreed to temporarily halt attacks targeting the American presence in Iraq on the condition that U.S.-led coalition troops withdraw from the country in line with a parliamentary resolution, three of the militia officials said Sunday. The militia officials spoke to The Associated Press just hours after a roadside bomb targeted a convoy transporting equipment for the U.S.-led coalition on a highway south of Baghdad, damaging one vehicle, an Iraqi army statement said. The attack prompted questions over whether such a truce could hold across all militia factions. Roadside bombs and especially rocket attacks targeting the U.S. Embassy -- located inside the heavily fortified Green Zone in Baghdad -- have become a frequent occurrence and have strained ties between Baghdad and Washington.

Al-Qaeda And Islamic State: A 'Fratricidal' Clash (AFP)

To the uninitiated, Al-Qaeda and the Islamic State (IS) group may be pursuing the same long-term goal of spreading Islamic law through territorial expansion and deadly violence. But actually, their ideology and methods differ so fundamentally that they are increasingly turning on each other. Last month, IS in West Africa (ISWAP) released a video showing its men butchering fighters presented as members of the JNIM, an al-Qaeda franchise, in Mali. Fifty-two were killed. According to Mohammed Hafez, a professor at the Naval Postgraduate School in Monterey, California, internecine fighting has claimed the lives of some 300 jihadists in West Africa's Sahel region since July alone.

SECURITYNATO Chiefs of Defence elect next Chairman of the Military Committee - Admiral Rob Bauer of the Netherlands Armed Forces (NATO)

Allied Chiefs of Defence today, 9 October 2020, elected Admiral Rob Bauer, Chief of Defence of the Netherlands Armed Forces to be the next Chairman of the NATO Military Committee, the senior military adviser to the Secretary General. Admiral Bauer will take up the position following the end of Air Chief Marshal Sir Stuart Peach's tenure in June 2021.

INNOVATIONUS Army solidifies requirements to counter small drones (Defense News)

Pentagon leaders approved in late September a set of requirements to help counter small drones, laying a path for how industry can develop technology to plug into a single command-and-control system, according to the general in charge of the effort. The defense secretary delegated the Army in November 2019 to lead the effort to take a petting zoo of counter-small unmanned aircraft systems, or C-sUAS, many of which were rooted in urgent needs from Middle East conflicts, and to consolidate capability into a select group of interim systems. Army Maj. Gen. Sean Gainey, who is leading the effort through the Joint C-sUAS Office, spoke to Defense News on Oct. 2 ahead of the Association of the U.S. Army's annual conference.

The Nagorno-Karabakh conflict is ushering in a new age of warfare (Al-Jazeera)

Both Armenia and Azerbaijan, traditional enemies, have been building up their armed forces over the last decade. They fought a bloody war that ended in 1994, in which tens of thousands of people were killed and hundreds of thousands were displaced on both sides. Azerbaijan's army collapsed and Armenia took control of several regions, including the key regions of Fuzuli and Jabrayil in the south, bordering Iran. President Ilham Aliyev of Azerbaijan has been explicit in his desire to return these regions to Azerbaijan...These tactics have been so effective that many commentators have openly talked about the demise of the tank as an effective instrument of warfare. There is no doubt that tactics will have to change in order for it to survive. Electronic jamming of radar and drone signals -- to counter the enemy's sensors, effectively blinding them -- and sending in tanks with adequate air defence are two potential changes.

The US military is trialing augmented reality goggles for dogs (CNN)

Dogs working in the United States military could in the future wear augmented reality (AR) goggles that enable soldiers to give them remote commands during operations. The goggles are being developed by Command Sight, a Seattle-based

company, with US Army research funding, and would allow military dogs to assist in rescue operations and scout potentially dangerous areas for hazards and explosives while their handlers remain at a safe distance.

COMMENTARY

Irregular warfare with China, Russia: Ready or not, it's coming — if not already here (The Hill)

Last week, amid the hubbub of the presidential debate, revelations about President Trump's taxes, the "SCOTUS War" and the COVID-plagued White House, something important happened that almost everybody missed. The Defense Department released the unclassified summary of the Irregular Warfare Annex to the 2018 National Defense Strategy. The strategy tells our armed forces how to prepare for and win the next war, which almost certainly will be an "irregular war" fight. The military uses terms such as "irregular," "unconventional," "asymmetrical," "hybrid" and "gray zone" to describe any style of combat not resembling the Battle of the Bulge (aka, "regular" war)... Anyone who thinks "Great-Power Competition" will be a conventional war is deluded. Our adversaries are not suicidal, and they know that battling our military in a head-on, conventional-war fight would be organized seppuku. But they also know that the U.S. struggles in irregular wars, as evidenced by Vietnam, Iraq and Afghanistan.

U.S. Africa Policy Needs a Reset (Foreign Affairs)

Early in his administration, U.S. President Donald Trump seemed poised to make major changes to U.S. policy toward Africa. His signature "America first" approach was inherently skeptical of foreign involvement, especially in what he allegedly called "shithole countries" in the developing world. He opposed international trade agreements, including with African nations, that he viewed as unfair to the United States. He sought to reduce U.S. funding for international organizations upon which Africa depends heavily for aid. And as a part of his administration's shift away from countering violent extremism and toward great-power competition with China and Russia, he proposed reducing the small U.S. military presence in Africa.

V/r,

Ian
Captain Ian Grant
Public Affairs Officer
Canadian Special Operations Forces Command
ian.grant2@forces.gc.ca Tel: 613-945-2144 / 343-998-1432

Capitaine Ian Grant
Officier des affaires publiques
Le Commandement des Forces d'opérations spéciales du Canada
ian.grant2@forces.gc.ca Tél: 613-945-2144 / 343-998-1432

Sullivan Maj KG@4 CDSB Petawawa Pers Svcs@Toronto

From: Doucette LCol PM@CDLS(W) Public Affairs@Washington, US
Sent: October 15, 2020 1:30 PM
To: Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US
Subject: RE: Media Query: Forged Letter in Nova Scotia

Ack – good plan. For SJS, just loop in the shared acct: +ADM(PA) SJSCLPA - SMA(AP)EMISLCAP@ADM(PA)@Ottawa-Hull
Thx, Kirk,
PD

From: Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US
Sent: October 15, 2020 1:25 PM
To: Doucette LCol PM@CDLS(W) Public Affairs@Washington, US <PAUL.DOUCETTE3@forces.gc.ca>
Subject: Media Query: Forged Letter in Nova Scotia

Sir,

We received this request from _____ and an expert in Russian influence and information warfare, via a direct message on Twitter:

<https://ottawacitizen.com/news/national/defence-watch/forged-letter-warning-about-wolves-on-the-loose-part-of-canadian-forces-propaganda-campaign-that-went-awry>

Saw this story being plugged by some people who do disinfo stuff — but it stinks. The guy who wrote it often writes “Actually Russia is right, Latvians are Nazis” stuff, and has attacked Canadian forces in the EFP in Latvia for working with said “Nazis”.

Story seems short on details but relies heavily on judgements of people who have credibility with some in the community (Emma Briant) to offer broad condemnations of Canadian forces.

From what I can see, this is a pretty normal training op, probably something got leaked that looks bad but it was never intended to targeted locals. But guessing based on slight info.

Anyway, if you know anymore about this or could point me to someone I could ask,

I plan to send the query to the MRO for further action. I’ll be sure to copy you, VCDS PA, and SJS PA.

Please advise of any concerns.

Kirk

Sullivan Maj KG@4 CDSB Petawawa Pers Svcs@Toronto

From: Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US
Sent: October 15, 2020 1:46 PM
To: Lebouthillier D@ADM(PA) DRMCC@Ottawa-Hull
Subject: RE: Media Query: Forged Letter in Nova Scotia

Thanks, Dan!

From: Lebouthillier D@ADM(PA) DRMCC@Ottawa-Hull
Sent: October 15, 2020 1:45 PM
To: Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US <Kirk.Sullivan@forces.gc.ca>; +ADM(PA) MLO@ADM(PA) DGPA@Ottawa-Hull <mlo-blm@forces.gc.ca>
Cc: Doucette LCol PM@CDLS(W) Public Affairs@Washington, US <PAUL.DOUCETTE3@forces.gc.ca>; Mercier Maj JM@ADM(PA) DPAPI@Ottawa-Hull <Jean-Marc.Mercier@forces.gc.ca>; +ADM(PA) SJSCLPA - SMA(AP)EMISLCAP@ADM(PA)@Ottawa-Hull <ADMPA_SJSCLPA-SMAAP_EMISLCAP@forces.gc.ca>
Subject: RE: Media Query: Forged Letter in Nova Scotia

Ack – will handle.

From: Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US
Sent: October-15-20 1:45 PM
To: +ADM(PA) MLO@ADM(PA) DGPA@Ottawa-Hull <mlo-blm@forces.gc.ca>
Cc: Doucette LCol PM@CDLS(W) Public Affairs@Washington, US <PAUL.DOUCETTE3@forces.gc.ca>; Mercier Maj JM@ADM(PA) DPAPI@Ottawa-Hull <Jean-Marc.Mercier@forces.gc.ca>; +ADM(PA) SJSCLPA - SMA(AP)EMISLCAP@ADM(PA)@Ottawa-Hull <ADMPA_SJSCLPA-SMAAP_EMISLCAP@forces.gc.ca>
Subject: Media Query: Forged Letter in Nova Scotia

Dear MRO,

We received this request from _____ and an expert in Russian influence and information warfare, via a direct message on Twitter:

<https://ottawacitizen.com/news/national/defence-watch/forged-letter-warning-about-wolves-on-the-loose-part-of-canadian-forces-propaganda-campaign-that-went-awry>

Saw this story being plugged by some people who do disinfo stuff — but it stinks. The guy who wrote it often writes “Actually Russia is right, Latvians are Nazis” stuff, and has attacked Canadian forces in the EFP in Latvia for working with said “Nazis”.

Story seems short on details but relies heavily on judgements of people who have credibility with some in the community (Emma Briant) to offer broad condemnations of Canadian forces.

From what I can see, this is a pretty normal training op, probably something got leaked that looks bad but it was never intended to targeted locals. But guessing based on slight info.

Anyway, if you know anymore about this or could point me to someone I could ask,

Is it possible for the PA lead to share the details, which I understand were provided to other reporters,
Her email is

Please do let me know.

Thank you,

Kirk

Captain | capitaine Kirk Sullivan

Assistant Public Affairs Attaché | Attaché adjoint des Affaires publiques
Canadian Defence Liaison Staff (Washington) | Etat-major de liaison des Forces canadiennes (Washington)
Canadian Armed Forces | Forces armées canadiennes
kirk.sullivan@forces.gc.ca, Tel: 240-400-0878

Sullivan Maj KG@4 CDSB Petawawa Pers Svcs@Toronto

From: Lebouthillier D@ADM(PA) DRMCC@Ottawa-Hull
Sent: October 16, 2020 12:45 PM
To: Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US
Subject: RE: Media Query: Forged Letter in Nova Scotia

Follow Up Flag: Flag for follow up
Flag Status: Flagged

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

From: "Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US" <Kirk.Sullivan@forces.gc.ca>
Date: 2020-10-16 12:43 p.m. (GMT-05:00)
To: "Lebouthillier D@ADM(PA) DRMCC@Ottawa-Hull" <DANIEL.LEBOUTHILLIER@forces.gc.ca>
Subject: RE: Media Query: Forged Letter in Nova Scotia

Looking forward to the evolution.

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

From: "Lebouthillier D@ADM(PA) DRMCC@Ottawa-Hull" <DANIEL.LEBOUTHILLIER@forces.gc.ca>
Date: 2020-10-16 12:42 p.m. (GMT-05:00)
To: "Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US" <Kirk.Sullivan@forces.gc.ca>
Subject: RE: Media Query: Forged Letter in Nova Scotia

Oy...so, the lines **might** be evolving.

Given there are broader issues a play, folks here are VERY concerned of any SM engagement. I would recommend you...not.

From: Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US
Sent: October-16-20 12:39 PM
To: Lebouthillier D@ADM(PA) DRMCC@Ottawa-Hull <DANIEL.LEBOUTHILLIER@forces.gc.ca>
Subject: RE: Media Query: Forged Letter in Nova Scotia

Hi Dan,

Do you have a blurb you've been sharing with reporters on this? If so, would you mind sharing? I'm getting pinged about it on Twitter down here and want to make sure I have the full details from you vice just going off the reports.

Kirk

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

From: "Lebouthillier D@ADM(PA) DRMCC@Ottawa-Hull" <DANIEL.LEBOUTHILLIER@forces.gc.ca>
 Date: 2020-10-15 1:45 p.m. (GMT-05:00)
 To: "Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US" <Kirk.Sullivan@forces.gc.ca>, "+ADM(PA) MLO@ADM(PA) DGPA@Ottawa-Hull" <mlo-blm@forces.gc.ca>
 Cc: "Doucette LCol PM@CDLS(W) Public Affairs@Washington, US" <PAUL.DOUCETTE3@forces.gc.ca>, "Mercier Maj JM@ADM(PA) DPAPI@Ottawa-Hull" <Jean-Marc.Mercier@forces.gc.ca>, "+ADM(PA) SJSCLPA - SMA(AP)EMISLCAP@ADM(PA)@Ottawa-Hull" <ADMPA_SJSCLPA-SMAAP_EMISLCAP@forces.gc.ca>
 Subject: RE: Media Query: Forged Letter in Nova Scotia

Ack – will handle.

From: Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US
 Sent: October-15-20 1:45 PM
 To: +ADM(PA) MLO@ADM(PA) DGPA@Ottawa-Hull <mlo-blm@forces.gc.ca>
 Cc: Doucette LCol PM@CDLS(W) Public Affairs@Washington, US <PAUL.DOUCETTE3@forces.gc.ca>; Mercier Maj JM@ADM(PA) DPAPI@Ottawa-Hull <Jean-Marc.Mercier@forces.gc.ca>; +ADM(PA) SJSCLPA - SMA(AP)EMISLCAP@ADM(PA)@Ottawa-Hull <ADMPA_SJSCLPA-SMAAP_EMISLCAP@forces.gc.ca>
 Subject: Media Query: Forged Letter in Nova Scotia

Dear MRO,

We received this request from _____ and an expert in Russian influence and information warfare, via a direct message on Twitter:

<https://ottawacitizen.com/news/national/defence-watch/forged-letter-warning-about-wolves-on-the-loose-part-of-canadian-forces-propaganda-campaign-that-went-awry>

Saw this story being plugged by some people who do disinfo stuff — but it stinks. The guy who wrote it often writes "Actually Russia is right, Latvians are Nazis" stuff, and has attacked Canadian forces in the EFP in Latvia for working with said "Nazis".

Story seems short on details but relies heavily on judgements of people who have credibility with some in the community (Emma Briant) to offer broad condemnations of Canadian forces.

From what I can see, this is a pretty normal training op, probably something got leaked that looks bad but it was never intended to targeted locals. But guessing based on slight info.

Anyway, if you know anymore about this or could point me to someone I could ask,

Is it possible for the PA lead to share the details, which I understand were provided to other reporters,
 Her email is

Please do let me know.

Thank you,

Kirk

Captain | capitaine Kirk Sullivan

Assistant Public Affairs Attaché | Attaché adjoint des Affaires publiques
Canadian Defence Liaison Staff (Washington) | Etat-major de liaison des Forces canadiennes (Washington)
Canadian Armed Forces | Forces armées canadiennes
kirk.sullivan@forces.gc.ca, Tel: 240-400-0878

Sullivan Maj KG@4 CDSB Petawawa Pers Svcs@Toronto

From:
Sent: October 14, 2020 2:27 AM
Subject:
Attachments:

Good Morning,

Please find attached the Press Review.

Kind Regards,

**Pages 12 to / à 16
are withheld pursuant to section
sont retenues en vertu de l'article

19(1)(b)

of the Privacy Act
de la Loi sur la protection des renseignements personnels**

C.2.4 Canada

13 OCT 2020

Canadian military spent more than \$1 million on controversial propaganda training linked to Cambridge Analytica parent firm

The Canadian Forces spent more than \$1 million on behaviour modification training used by the parent firm of Cambridge Analytica, the company that was the centre of a scandal in which personal data of Facebook users was provided to U.S. President Donald Trump's political campaign. The two contracts to train military and civilian public affairs staff at National Defence headquarters in Ottawa were revealed Monday in a report by Emma Briant, a professor at Bard College in the U.S. and a specialist in researching military propaganda.

<https://ottawacitizen.com/news/national/defence-watch/canadian-military-spent-more-than-1-million-on-controversial-propaganda-training-linked-to-cambridge-analytica-parent-firm>

**Pages 19 to / à 21
are withheld pursuant to section
sont retenues en vertu de l'article

19(1)(b)

of the Privacy Act
de la Loi sur la protection des renseignements personnels**

Sullivan Maj KG@4 CDSB Petawawa Pers Svcs@Toronto

From: Rinfret MJ@ADM(PA)@Ottawa-Hull
Sent: October 27, 2020 11:33 AM
To: Kempton LA@ADM(PA)@Ottawa-Hull; Vena L@ADM(PA) DPAPI@Ottawa-Hull;
+ADM(PA) Mat IE PA-Mat IE AP@ADM(PA)@Ottawa-Hull; +ADM(PA) SJSCLPA -
SMA(AP)EMISLCAP@ADM(PA)@Ottawa-Hull; +Media Monitoring - Surveillance
médias@ADM(PA)@Ottawa-Hull; +ADM(PA) MLO@ADM(PA) DGPA@Ottawa-Hull;
Lebouthillier D@ADM(PA) DRMCC@Ottawa-Hull; Bush CPO 2 CD@VCDS
DCFLC@Ottawa-Hull; +DAPA Issues@C Army DAPA@Ottawa-Hull; +DAPA CPaC -
PeCC@C Army DAPA@Ottawa-Hull; +ADM(PA) Linguistic Services - Service
Linguistique@ADM(PA) DGPA@Ottawa-Hull; DND.F C Air Force RCAF(PA) / (AP)ARC
CEMFA F.MDN; Duhamel V@ADM(PA) DGPASP@Ottawa-Hull; Bedford D@ADM(PA)
DECOMM@Ottawa-Hull; Pontiroli I@ADM(PA) DECOMM@Ottawa-Hull; Prigly
ML@ADM(PA) DECOMM@Ottawa-Hull; Portela A@ADM(PA) DMA@Ottawa-Hull;
Taylor KL@ADM(PA) DMA@Ottawa-Hull; Carroll J@ADM(PA) DECOMM@Ottawa-Hull;
Costen B@C Navy DNSM@Ottawa-Hull; Sullivan Maj DM@ADM(PA) DRMCC@Ottawa-
Hull; Bresolin LCdr JS@VCDS CF MP Gp HQ@Ottawa-Hull; Garneau L@ADM(PA)
DRMCC@Ottawa-Hull; Cardiff Pilgrim S@ADM(HR-Civ) D Corp Svcs Mod@Ottawa-Hull;
McKelvey EC@ADM(PA) DRMCC@Ottawa-Hull; Nicolle AL@ADM(PA)
DECOMM@Ottawa-Hull; Lamirande JEI@ADM(PA) DRMCC@Ottawa-Hull; Freeman
W@ADM(PA) DRMCC@Ottawa-Hull; Goodnough KD@ADM(PA) DGPA@Ottawa-Hull;
Sztompka P@C Army DAPA@Ottawa-Hull; Stanford A@ADM(PA) DGMEC@Ottawa-
Hull; Cadieux Maj A@FE SHAPE@Casteau, BE; Bower ML@ADM(PA) DGMEC@Ottawa-
Hull; Bresolin LCdr JS@VCDS CF MP Gp HQ@Ottawa-Hull; +Navy Public Affairs -
Affaires Publiques de la Marine@C Navy DNSM@Ottawa-Hull; Thomson LCol AE@C Air
Force D Air PA@Ottawa-Hull; Broadbent JJ@ADM(PA) DGPA@Ottawa-Hull; +MSC - PLS
Current Ops@ADM(PA) DPAP@Ottawa-Hull; +ADM(PA) S&T - SMA(AP)
S&T@ADM(PA) DPAPI@Ottawa-Hull; +ADM(PA) Speechwriting - Rédaction des
discours SMA(AP)@ADM(PA)@Ottawa-Hull; De Mora J@ADM(PA) DGPA@Ottawa-Hull;
Bailey A@CJOC HQ@Ottawa-Hull; Bouchard Maj VA@CMP CF H Svcs Gp@Ottawa-Hull;
Marsaw MB@ADM(PA) DGPASP@Ottawa-Hull; Kasper CC@ADM(PA) DPAP@Ottawa-
Hull; Gratton M@ADM(PA) DOAS@Ottawa-Hull; Lindahl E@C Air Force D Air
PA@Ottawa-Hull; Brooks MP@ADM(PA) DRMCC@Ottawa-Hull; +ADM(PA) VCDS/RS
PA - VCEMD/SE AP@ADM(PA)@Ottawa-Hull; +ADM(PA) Pol Fin PA - Pol Fin
AP@ADM(PA) DPAPI@Ottawa-Hull; McCorkle M@ADM(PA) DECOMM@Ottawa-Hull;
Janzen BGen JH@ADM(PA) DPAP@Ottawa-Hull; Ormerod H@VCDS DPMC-
OpH@Ottawa-Hull; Thomassin Lt MJF@C Navy DNSM@Ottawa-Hull; Marin
LC@ADM(IM) IM Group Comms@Ottawa-Hull; Simiana JA@CJOC HQ@Ottawa-Hull;
'christine.o'nions@pco-bcp.gc.ca'; 'Quenneville, Line'; Ellis L@CDS@Ottawa-Hull;
Vertefeuille J@ADM(PA) Combat Camera@Ottawa-Hull; Murphy T@ADM(PA)
DRMCC@Ottawa-Hull; Sullivan Capt KG@CDLS(W) Public Affairs@Washington, US;
Kearney Col R@CDS@Ottawa-Hull; Burke Cdr RL@CDS@Ottawa-Hull; Kelly
A@ADM(PA) DECOMM@Ottawa-Hull; Jones J@ADM(PA) DPAPI@Ottawa-Hull;
Callahan CD@ADM(PA) DRMCC@Ottawa-Hull; Forrest CL@C Army DAPA@Ottawa-
Hull; Kloek R@ADM(PA) Combat Camera@Ottawa-Hull; Aqiqi Lt(N) MC@C Air Force D
Air PA@Ottawa-Hull; Blois Capt TJ@ADM(PA) DPAPI@Ottawa-Hull; Khan S@ADM(PA)
DPAP@Ottawa-Hull; Forgues D@ADM(PA) DMA@Ottawa-Hull; Campbell Capt
L@CJOC HQ@Ottawa-Hull; Cutten Capt GSD@CJOC HQ@Ottawa-Hull; Blandford Lt(N)
HEA@ADM(PA) DPAP@Ottawa-Hull; Skotnicki N (Contractor)@C Army
DAPA@Ottawa-Hull; Stadnyk LCol JC@ADM(PA) DPAP@Ottawa-Hull; Andrews
R@ADM(PA)@Ottawa-Hull; Wardak M (Contractor)@ADM(PA) COS(PA)@Ottawa-Hull;

To:

O'Connor Capt D@CJOC HQ@Ottawa-Hull; McLaren Capt TPC@CJOC HQ@Ottawa-Hull; Blandford Lt(N) HEA@ADM(PA) DPAPO@Ottawa-Hull; Doucette LCol PM@CDLS(W) Public Affairs@Washington, US; Brunelle Capt PMSP@ADM(PA) Combat Camera@Ottawa-Hull; James K@ADM(PA) DMA@Ottawa-Hull; Devenney LCol DA@CDS@Ottawa-Hull; 'Allison.Delaney@pco-bcp.gc.ca'; Turdeanu C@ADM(PA) DOAS@Ottawa-Hull; Raghavan S@ADM(PA) DOAS@Ottawa-Hull; Kennedy C@DM@Ottawa-Hull; Cotroneo Lennon S@ADM(PA) DMA@Ottawa-Hull; Gagnon A@ADM(PA) DPAPO@Ottawa-Hull; Bineau Maj AL@CANSOFCOM@Ottawa-Hull; Amrane Lt N@C Air Force D Air PA@Ottawa-Hull; Golbeck LCol BL@CJOC HQ@Ottawa-Hull; Weekes MA@ADM(Pol) D Parl A@Ottawa-Hull; DeVielCastel E@ADM(PA) DGPA@Ottawa-Hull; Chevrier PP@ADM(IM) IM Group Comms@Ottawa-Hull; Nash M@Assoc DM@Ottawa-Hull; Asmar N@Assoc DM@Ottawa-Hull; Babiakova M@Assoc DM@Ottawa-Hull; Lemay DM@ADM(PA) DOAS@Ottawa-Hull; James Maj NA@VCDS CRES@Ottawa-Hull; Grygoryev Capt Y@ADM(PA) DECOMM@Ottawa-Hull; Fiander LM@ADM(PA) DPAPI@Ottawa-Hull; Watson Q@ADM(PA) DOAS@Ottawa-Hull; Mahood-Clarke M@ADM(PA) DECOMM@Ottawa-Hull; Beler S@CANSOFCOM@Ottawa-Hull; Kosche J@Corp Sec DAIP@Ottawa-Hull; Holder LCdr JB@C Navy DNSM@Ottawa-Hull; Brighton Capt JKG@CDS@Ottawa-Hull; Primeau M@ADM(PA) DGMECC@Ottawa-Hull; Crouse T@ADM(PA) DOAS@Ottawa-Hull; Keirstead Maj DJ@ADM(PA) DPAPO@Ottawa-Hull; Wilson PM@ADM(PA)@Ottawa-Hull; Kosche J@Corp Sec DAIP@Ottawa-Hull; Boudreau Col B@CDS@Ottawa-Hull; Robleh H@ADM(Pol) D Parl A@Ottawa-Hull; Hawgood R@ADM(PA) DPAPI@Ottawa-Hull; Lamarre Capt NJ@CFINTCOM@Ottawa-Hull; +Social Media@ADM(PA) DECOMM@Ottawa-Hull; Apostoliuk LCol HAB@ADM(PA) DPAPO@Ottawa-Hull; Spurr Maj SJL@CFSU(O) Operations@Ottawa-Hull; Aptowitz E@ADM(PA) DOAS@Ottawa-Hull; White VC@ADM(PA) DGPA@Ottawa-Hull; Allison LCol KL@CJOC HQ@Ottawa-Hull; Archambault Maj MMM@CJOC HQ@Ottawa-Hull; Peckett L@ADM(PA) DECOMM@Ottawa-Hull; Labonte Capt JA@CDS@Ottawa-Hull; Blouin D@ADM(PA) DPAPI@Ottawa-Hull; Villeneuve C@CFSU(O) Operations@Ottawa-Hull; Provencher Lt LJ@ADM(PA) Combat Camera@Ottawa-Hull; Delaney LCol A@CJOC HQ@Ottawa-Hull; Doucet L@ADM(HR-Civ) D Corp Svcs Mod@Ottawa-Hull; Lacroix MJM@ADM(IM) IM Group Comms@Ottawa-Hull; Kavanagh SA@ADM(PA) DMA@Ottawa-Hull; Murphy KA@ADM(PA) DMA@Ottawa-Hull; Kent Maj CI@C Air Force D Air PA@Ottawa-Hull; Tyler J@ADM(PA) DGPA@Ottawa-Hull

Cc:

Brown CA@ADM(PA) DGPASP@Ottawa-Hull; Abramovitch A@ADM(PA) DGPA@Ottawa-Hull; +ADM(PA) PA CP-CP AP@ADM(PA)@Ottawa-Hull; Kapp R@ADM(PA) DPAPO@Ottawa-Hull; Crosby S@ADM(PA) DGPASP@Ottawa-Hull; Tanner S@ADM(PA) DGPA@Ottawa-Hull; Gaudreau J@ADM(PA)@Ottawa-Hull; Lawrence S@ADM(PA)@Ottawa-Hull

Subject:

Readout AM Coord: Tuesday 27 Oct

AM Coord Readout

- **stories from our morning media summary:**
 -
 - **Defence Watch has guest writer Dave Scanlon looking at what he characterizes as DND/CAF PA pattern of ethical breaches. He quotes U.K academic Emma Briant who observes that the CAF seems to "have introduced a policy of weaponization of influence, domestically."**

3

Marie-Josée Rinfret
EA, ADM PA
613-894-0489

FEDERAL COURT

B E T W E E N:

EMMA BRIANT

APPLICANT

- and -

ATTORNEY GENERAL OF CANADA

RESPONDENT

WRITTEN REPRESENTATIONS(motion to strike)

1. Dr. Briant concedes the mootness of her application for judicial review (“Application”) and does not oppose its dismissal, but seeks the directions of the court as to costs. Dr. Briant specifically seeks to elaborate on the cost principles outlined below as they apply to her Application and on settlement negotiations.
2. Dr. Briant has no pecuniary interest in the outcome of this Application, but brought it to enforce her right of individual access further to section 12 of the *Privacy Act*.¹
3. In this case, Dr. Briant’s Application was brought long after the time for response by the Department of Defence (“DND”) to her information request was due, and in circumstances in which DND had provided no other date by which she could expect production.² Accordingly, but for the bringing of the judicial review application, Dr. Briant could have no expectation of receiving the requested records. Indeed, Dr. Briant’s ability to enforce her quasi-constitutional right to access³ would have been

¹ R.S.C. 1985, c. P-21

² See Email from Joshua Butt, Tasking Officer—Privacy, Directorate Access to Information and Privacy (DAIP), Department of National Defence, dated August 7, 2024, Affidavit of Emma Briant, affirmed Sept 17, 2024, Exhibit B, p 22.

³ As it has been characterized, for example, in *Lavigne v. Canada (Office of the Commissioner of Official Languages)*, 2002 SCC 53 at paras 24-25

in jeopardy had she not filed this Application within the timelines prescribed by s 41 of the *Privacy Act* following a finding of deemed refusal by the Office of the Privacy Commissioner of Canada.⁴ The bringing of the Application is clearly what triggered a response from DND, which was received just prior to the deadline under the court rules for responding to the Application.

4. The Application was therefore an additional and unwarranted cost to obtaining compliance with the statutory regime of the *Privacy Act*.
5. Where an applicant concedes mootness in a circumstance similar to the instant case, the Federal Court of Appeal has held that it is appropriate to award costs to the applicant (*Dagg v Canada (Industry)*, 2010 FCA 316 [“*Dagg*”], paras 10-14).
6. In the context of deemed refusals, this Court has held that interpretation of the *Access to Information Act*'s provisions are instructive when considering their counterparts under the *Privacy Act* (*Cumming v Canada (Royal Mounted Police)*, 2020 FC 271, para 29-30). There is therefore no principled reason the court’s analysis in *Dagg*, which was made in relation to a request under the *Access to Information Act*, should not apply to a request and non-response under the *Privacy Act*.
7. In Dr. Briant’s case, the claim for costs is more compelling than in *Dagg* because Dr. Briant’s application was brought after the expiry of timelines for disclosure, whereas the application in *Dagg* was brought prior.
8. In this case, as was ordered in *Dagg*, such costs should be party-and-party costs to be assessed in accordance with column III of the table to Tariff B of the *Federal Courts Rules* (*Dagg v Canada (Industry)*, 2010 FCA 316, paras 17-19). Moreover this is not a case such as that examined in *Satham v Canadian Broadcasting Corporation*, 2010 FCA 315, where the Applicant is challenging the mootness of its Application following receipt of its records or the substance of that disclosure.

⁴ See Office of the Privacy Commissioner of Canada, Report of Findings, OPC File No PA-067793, Exhibit E, Affidavit of Emma Briant, affirmed November 17, 2024, p 42.

9. Accordingly, Dr. Briant seeks direction from the Court as to a schedule for submissions on costs.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 2nd day of December, 2024.



Sean Hern, KC

Tamir Israel

c/o Sean Hern Law Corporation

185-911 Yates Street, #332

Victoria, BC V8V 4&9

Fax: +1 778-508-3516

Email: sean@seanhernlaw.com;

tamir@digitalprivacy.ca

Counsel for the Applicant

PART V: AUTHORITIES

<u>Statutory Provisions</u>	
1.	<i>Federal Court Rules</i> , SOR/98-106, Rules
2.	<i>Privacy Act</i> , R.S.C. 1985, c. P-21
<u>Case Law</u>	
3.	<i>Cumming v Canada (Royal Mounted Police)</i> , <u>2020 FC 271</u>
4.	<i>Dagg v Canada (Industry)</i> , <u>2010 FCA 316</u>
5.	<i>Lavigne v. Canada (Office of the Commissioner of Official Languages)</i> , <u>2002 SCC 53</u>
6.	<i>Satham v Canadian Broadcasting Corporation</i> , <u>2010 FCA 315</u>