

Timeline of events

January 31, 2022 – Hans McCarthy (the Applicant) signed a letter authorizing the Canadian Taxpayers Federation (CTF) to submit Access to Information (ATI) requests on his behalf. One such request, A-2021-00347, sought Band Council Resolutions authorizing withdrawals from a trust fund connected to concerns reported in national media.

February 21, 2022 – The Applicant sent an email to the Frog Lake First Nation (FLFN) Chief and Council requesting a copy of the Schedule of Remuneration and Expenses, as required by the First Nations Financial Transparency Act. The Chief and Council did not respond to this request.

July 20, 2022 – The Applicant filed a complaint with Indigenous Services Canada (ISC) (the “ISC Complaint”) regarding the failure to provide financial transparency.

July 22, 2022 – The Applicant provided ISC with supporting documents for the ISC Complaint, including a report prepared by Chartered Accountant Dave Oswald outlining concerns of apparent misuse of funds by the FLFN. Shortly thereafter, ISC informed the Applicant that it would not proceed with the complaint.

July 25, 2022 – The Department formally denied disclosure of records under the Applicant’s ATI Request A-2021-00347.

July 27, 2022 – On behalf of the Applicant, the CTF submitted two formal complaints to the Office of the Information Commissioner (OIC), numbered 5822-02966 and 5822-02967, challenging the denial of access.

February 2023 – The Applicant attended an FLFN Council meeting and raised questions about the Chief and Council’s remuneration. Council members reacted negatively, threatening to have him removed from the meeting, though this was not carried out.

June 20, 2023 – Allison Knight, Senior Director of Investigations at the OIC, issued reports on the complaints. She concluded that the records fell within statutory exemptions under sections 19(1) (personal information) and 20(1)(b) (confidential third-party information) of the Access to Information Act. The complaints were found not to be well-founded.

August 8, 2023 – The Applicant filed the present Application with Federal Court seeking review of these matters.