

Hello Stephen,

I want to thank the OIC for staying with this and investigating to it's fullest on these strange and unusual activities. I am not a professional and this process has left me with more questions than answers.

Below I want to clarify some inconsistencies in this information. I have forwarded the respective communications to collaborate with Mr. Konkle

- "On December 8, 2021, Justice confirmed to you by email that the extension had been withdrawn, and copied the Office of the Information Commissioner (OIC) on the correspondence."
I have no email dated Dec 8th that confirms the withdrawal of the extension. (attachment #1) In fact it was not until the Dec 15th that I learned the extension had been removed.
At that time the "withdrawal, retraction, cancellation, repeal" (all words described to me so far in this process depending on who one is communicating with) was stated to me in an email that was NOT cc'ed to the OIC.
Due to me noticing this, there were several emails on Dec 15. It was not until several emails that it was cc'ed to the OIC. Now the OIC says they were informed of the retraction of extension on the 8th? before me and without my knowledge. I would like to see this supposed communication on Dec 8th please.
As you can see in my emails I was not informed nor had any indication the extension removed until the 10th.

This statement is a lie "It was placed on hold as of December 1 to allow for additional clarification of scope." It was not placed on hold on Dec 1st an extension of 1875 days was applied. Even in their official "retraction" they use this same lie.
They also say, and now found to be a lie as well "we will communicate to allow you to clarify the scope of your request." Since this letter I have tried to do this in many communications as it was explained I would have the option to "clarify" to reduce the amount of documents to search for. I have not received a response back from the DOJ since. In fact the first complaint was "invalidated" by Malaka. This is where later I will talk about and appeal to the OIC commissioner that illegal document manipulation and inaccuracies in information is purposely happening. 67 in the criminal code.

- Allegation: Justice communicated by phone, despite requesting communication in writing.**
As far as invalidating this claim because I did end up agreeing to overlook the pressure I was placed under. I have dealt with many Government institutions and this is always my first request.
Because of all the confusion that DOJ did on this file I felt no choice but to use that option and it was fruitless to say the least. She lied to me on the phone in front of my witness she knew was listening to the conversation. (my father).
She did not accurately report the conversation in her email I asked she write to document our conversation.
So I was pressured and believe that this is still a valid complaint.
- Allegation: Justice did not meet its responsibilities under subsection 4(2.1) to make every reasonable effort to assist the requester with the above-noted access request(s).**
Dead on and thank you.
- Allegation: Justice did not respond to the above-noted access request(s) within the 30-day or extended period, as required by section 7.**
Oh this is just a big one of those impossible lies once again.
They now say that there is 1,685,376 in my request for documents only filed at the DOJ in the time period of Dec 1st 2020 to Oct 6th 2021. That is 306 days. 1,685,376 / 306 = 5,508 documents made per day. That right there is an impossibility.
Organization of the Department of Justice
Jul 26, 2023 — The Department of Justice is a medium-sized department with around 5,000 employees. Roughly one half of departmental staff are lawyers.
For there to be that amount of documents concerning the legal path, that would mean that over 5500 pages per day were made for 306 days. In an organization of only 5000.
Now they want to process the request when I am looking for ONE document. I sent them a correspondence and even explained to you that I could "clarify" and ask for that ONE all important document that ultimately confirms that the mandates were justly and legally implemented.
What Cabinet, Judge or lawyer had the final justification to deem it so. If I had this, then I could work backwards and request the supporting documents. This is what **"make every reasonable effort to assist the requester with the above-noted access request"** would look like.

- I even asked the OIC to contact the DOJ to ask them to reach out to me on my current request.

Now sir, I appreciate all your and the Commissioners efforts. It has taken years and I suspect that this has given time to "create" what they need. The amount of documents being reported is to hide exactly what they know I am looking for.
A few months ago I put in a new ATIP request to the RCMP where I already know they have the footage/document in their possession. I received the same type of answers and an extension of 30 days placed. I filed a complaint. A few days later I was informed "We do not have this document in our possession".
Without giving my evidence I have tried to appeal to the ATIP RCMP staff that I know they in fact do have this footage. Their answer is now. "We will wait for the complaint process to take place."
Now many Canadians are not asking the right questions and I do not see or read about anyone trying what I am doing. The ATIP ACT is not to be taken lightly and excuses from ATIP handlers like at the RCMP and DOJ are not acting in accordance to the only tools the citizen has.
I believe there is document manipulation and false information is being used to subvert the ATIP ACT. The question now is why.
Because I am not a professional at this and just a mere citizen, these departments are not helping to the best of their abilities.
I am asking the Commissioner to review and see the illegal activities against the ACT and report it to the authorities. I already have with zero interest or respect from RCMP. They would not even take my statement.
Let me ask you this. Why would the criminal release evidence against themselves? Is this not the whole reason for the OIC Commissioner to oversee the ACT is being applied correctly?
What about the actions of the employees that are supposed to adhere to the ACT in their respective positions? Is there nothing in the ACT that deals with such behavior?
I was told by Stephen (very clear man to speak too ty) that he could not investigate unless I specifically complain about it. But what of cases like this where I may not know all of the violations that have taken place?
Is there no independent review board or investigator that can investigate without my input, and is that happening?
If an employee like Malaka that has purposely done "document manipulation" as in the ATIP ACT, what she gets fined a max of \$1000 and that's it? What she has done has affected millions of people and delayed this request more than two years. Also has created far more work also costing the taxpayer far more.
If found that this 67 has been contravened and a fine is established, what comes after that? Does the person not pass the security checks and removed from position? We will never know as citizens especially when they purposely move her positions and time takes hold.

Offences

Obstruction
67 (1) No person shall obstruct the Information Commissioner or any person acting on behalf or under the direction of the Commissioner in the performance of the Commissioner's duties and functions under this Part.

Protection of Information Commissioner
66 (1) No criminal or civil proceedings lie against the Information Commissioner, or against any person acting on behalf or under the direction of the Commissioner, for anything done, **reported or said in good faith** in the course of the exercise or performance or purported exercise or performance of any power, duty or function of the Commissioner under this Part.

I believe the actions of Malaka and coworkers, were not "in good faith".

Other criminal codes that could apply.

False pretence
361 (1) A false pretence is a representation of a matter of fact either present or past, made by words or otherwise, that is known by the person who makes it to be false and that is made with a fraudulent intent to induce the person to whom it is made to act on it.
Exaggeration
(2) Exaggerated commendation or depreciation of the quality of anything is not a false pretence unless it is carried to such an extent that it amounts to a fraudulent misrepresentation of fact.

False pretence or false statement
362 (1) Every one commits an offence who
(a) by a false pretence, whether directly or through the medium of a contract obtained by a false pretence, obtains anything in respect of which the offence of theft may be committed or causes it to be delivered to another person;

Forgery
366 (1) Every one commits forgery who makes a false document, knowing it to be false, with intent
(a) that it should in any way be used or acted on as genuine, to the prejudice of any one whether within Canada or not; or

I appreciate ALL Canadian departments that are operating in good faith. But, I see many are not and even filed a complaint to the PIDC in 2018 for exactly this reason. I now have to add DOJ and a few others to this complaint they closed and did not investigate.
Just so you can see the official complaint I will add it below to show the seriousness of the deep mismanagement going on.
I want to thank the OIC for communicating properly and in good faith.

PIDC complaint 2018

"In order to look into this investigation of scope and magnitude I request this complaint be addressed directly by Mary McFadyen

Systemic cover-up of government in conjunction with private sector wrongdoing 8-year study causing undue physical and mental harm.
At last check Dec 9th 2021 estimated document count is at 70,000+
All personal and documented accounts including written material, emails, voice recordings, video, analytics, technical data and details, executive decisions, tracking information, phone communication and more will be provided at investigation stage.

List of known associated parties:
SaskTel
Unifor
PEBA
Great West Life/Canada Life
Dip Council
CPSS
SPS
RCMP
Ombudsman Saskatchewan
Great West Life/Canada Life Ombudsman
Vital Life
Canadian Human Rights Commission
Prime Minister.gov.ca
House of Commons
ATIP ACT and Oversight committee
OIC Office of Information Committee
House of Commons
And many more....

This complaint stems from my personal accounts.
While enduring this path I met many others and saved their first hand accounts

Because of my health and situation, the usual complaint process is difficult to say the least.

As Citizens, we are starting to see the total breakdown of the systems put in place to protect and govern us. Starting with our legal system, Canadian Currency Program, law enforcement, employee and employer rights, complaint procedures on government bodies and individuals, transparency, policy and procedures, Rights and Freedoms, I could go on and on....The point is, Citizens, employees are held accountable to countless number of laws, policies and procedures almost instantly whether correct or incorrect. The average Canadian cannot absorb the amount of information expected of them.

In my personal experiences the same written laws, policy and procedures are not followed with so many layers of corrupt involvement, even if you get that one employee out of thousands with knowledge and integrity it is career or political suicide to stand by it.
The amount of errors and complete incompetence on attention to detail in responding to complaints is astounding. Many try to stand up to unfair, unjust actions and laws, but instead of instantly being held accountable like the Citizens or employees it will take years.
If someone is sick, many have died while waiting.
that's if they are even able to make it through the first couple stages.

can prove that every one of the associated listed has committed at least one of the following in my personal case, showing a pattern.
Not following policy, procedure or laws, ACT Violations, Rights and Freedoms Violations, discrimination, bullying, disrespectful, unfairness, plausible deniability, document manipulation, fraud, dishonorable contracts, deception, coercion, and so many more as recent as yesterday Dec 9th 2021 from the Department of Justice Canada and Ombudsman of Saskatchewan.

I have come to the end of my rope after having to deal with these two bodies yesterday.
After visiting the Ombudsman webpage yesterday I seen your link and started to investigate your role.
"If you work for an institution that falls under **The Public Interest Disclosure Act** and you have information that could show that a wrongdoing has been committed or is about to be committed, or that you or another employee have been asked to commit a wrongdoing, you may wish to **make a disclosure.**"

Because I am a Saskatchewan government employee I started out years ago when experiencing and being coerced into doing wrongdoing at my workplace with my first point of contact, my manager. It was so bad it started to affect my health, career and personal life. When figuring it out that the management was in on the scheme I went to the director and the Union. After finding out they were also involved I decided to contact whistleblower link on our internal government terminal. What I found out was the president of the organization was also the whistleblower contact and he was in on the scheme so that was not a good Avenue. By this time doctors have told me to take time off work during that time I studied the policy and procedures at SaskTel. I followed the initial advice of my manager to follow the proper chain of command for my complaints. I filed a 63 page document with him outlining the problems and some solutions. It was never reviewed with me so I sent it to the president, HR, the union, the minister of South in the couple others. After approximately 3 months off of work I tried to go back and lasted one week. Doctor told me I needed to take 6 months at that point so I did. During that time I tried to follow the union path and direct communication path. With Doctor approval and medical evidence I ended up going on a DIP. An acronym for long-term disability claim. Claim was denied from the dip Council, after a complaint from myself and a doctor that decision was reversed and allowed me 2 years to get better or the option was that I could not work at any job anymore. During that 2 years many infractions unfairness discrimination insurance fraud many other things were perpetrated by Great West light in conjunction with PEBA.

while I'll I was lucky enough to have a very good friend to support me and continuing my fight for fairness. He is the one that started many of the documents writing for me for example the complaint to The Ombudsman of Saskatchewan. It was his letter in advocacy that got my first meeting with Lindsay. Ian has passed away since then. When she informed me that they were taking on the investigation I assumed it was into the system-wide corruption that has been written out in great detail.
When I was informed in her email yesterday that after several years the report is complete and it is in administrative hands now but may not be released to the public and possibly not even to myself, my heart dropped.
In her email it said that they will be giving the report to the government body that my complaint was made against. This alarms me because I made my complaint against several government bodies and the associated parties that they hired.
The reason I post the segment above from your web page is because of the part about wrongdoing has been committed or may be committed.

Therefore I feel justified in believing more wrongdoing is about to be committed, again.

I believe my experiences are of public interest. From my initial complaints at SaskTel every step that added more wrongdoing.
I have responded to the Ombudsman explaining my position and feel before even seeing "the report" it will be inadequate in dealing with ALL the information and issues.
I would like to add, I started to experience reprisal the moment after my initial complaints at SaskTel. The president broke their own Constitution and policy in not even responding to my 106 page serious complaints filed with him and others. Instead a gag order was placed on me and remains to this day.
The Saskatchewan Ombudsman has many of the required documents on hand but not all.
The online form for submitting a complaint wants me to specify one institution, I am going to say SaskTel but I have listed others that have perpetuated the wrongdoing.
I state everything ever reported by me is true, I have nothing to hide.
Because of my medical reasons such as speech impediment and anxiety, I prefer not to have telephone conversations.
Initial consultation over the phone will be accepted."

Thank you
Dana-lee Melfi
Dana_lee_ca@hotmail.com

From: Stephen Konkle <Stephen.Konkle@oic-ci.gc.ca>
Sent: April 3, 2024 12:59 PM
To: Dana-lee Melfi <dana_lee_ca@hotmail.com>
Subject: OIC 5822-03179: Request for representations under paragraph 35(2)(a)

Dear Dana-Lee Melfi,

I am writing to seek representations from you on the matters you raised in the above-noted complaint against Department of Justice Canada (Justice).

You allege that:

- Justice took an invalid extension of time and eventually withdrew it. This allegation falls under paragraph 30(1)(a).
- Justice improperly placed the access request on hold. This allegation falls under paragraph 30(1)(f).
- Justice communicated by phone, despite requesting communication in writing. This allegation falls under paragraph 30(1)(f).
- Justice did not meet its responsibilities under subsection 4(2.1) to make every reasonable effort to assist the requester with the above-noted access request(s). This allegation falls under paragraph 30(1)(f).
- Justice did not respond to the above-noted access request(s) within the 30-day or extended period, as required by section 7. This allegation falls under paragraph 30(1)(a).

Allegation: Justice took an invalid extension of time and eventually withdrew it.
Justice received the access request on September 23, 2021. On December 1, 2021, Justice took a time extension of 1825 days pursuant to paragraphs 9(1)(a) and 9(1)(b). On December 8, 2021, Justice confirmed to you by email that the extension had been withdrawn, and copied the Office of the Information Commissioner (OIC) on the correspondence. On December 15, 2021, Justice informed the OIC that the extension would be retracted and that Justice would continue to work with you to clarify the request and provide a response to the access request in a timely manner. On December 20, 2021, Justice sent you a letter that formally confirmed the retraction of the extension letter issued on December 1, 2021. As Justice withdrew the time extension, it is my preliminary view that no further investigation into the validity is required.

Allegation: Justice improperly placed the access request on hold.
Justice stated that the file was placed on hold indefinitely as of December 1, 2021, to allow for additional clarification of scope. There is no provision in the Act for putting an access request on hold for any reason, except when suspending the time limit pending the Commissioner's decision on an application under subsection 6.1(1). As such, it is my preliminary view that Justice improperly placed the access request on hold.

Allegation: Justice communicated by phone, despite requesting communication in writing.
On December 1, 2021, Justice acknowledged your preference to communicate in writing, and noted this preference in the file. Later in the day, you indicated that you would take a call, that you wanted a call from a supervisor, and included your phone number. On December 2, 2021 you arranged with Justice for a phone call on December 3, 2021. This phone call occurred as agreed upon. No evidence was received that indicated that Justice communicated by phone on other occasions, or that Justice communicated by phone without your express consent.

Allegation: Justice did not meet its responsibilities under subsection 4(2.1) to make every reasonable effort to assist the requester with the above-noted access request(s).
Subsection 4(2.1) requires that the head of a government institution, without regard to the identity of a person making a request for access to a record under the control of the institution, make every reasonable effort to assist the person in connection with the request, respond to the request accurately and completely and, subject to the regulations, provide timely access to the record in the format requested.

Justice stated that every reasonable effort was made to assist you by providing multiple options, clarifying the request, and guiding you through the process of the access request. In particular, multiple efforts were made to assist in clarifying the request through September and October 2021.

However, communication decreased or ceased to a level where you submitted that it appeared that the access request been abandoned by Justice, or purposely not handed over to a new point of contact. You noted that there was no contact or updates on the file since January 2023. Justice informed the OIC that you emailed twice on August 31, 2023, but that the emails were sent to the attention of individuals no longer working at the department. It is clear that updates regarding the point of contact and regarding the processing of the request were not made, and as such it is my preliminary view that Justice failed to meet its obligations to assist you.

Allegation: Justice did not respond to the above-noted access request(s) within the 30-day or extended period, as required by section 7.
Section 7 requires institutions to respond to access requests within 30 days unless they have transferred a request to another institution or validly extended the 30-day period for responding by meeting the requirements of section 9. When an institution does not respond to a request within the 30-day or extended period, it is deemed to have refused access to the requested records under subsection 10(3).

Nevertheless, the institution is still required to provide a response to the access request.
The response must be in writing and indicate whether the institution is giving access to any or part of the requested records.

- When the response indicates that the institution has given access to the records or part of them, the institution must provide access to those records.
- When the response indicates that the institution has denied access to the records or part of them, the institution must explain that the records do not exist or that the institution has exempted them, or part of them, under a specific provision, which the institution must name.

In specific circumstances, the institution may refuse to confirm or deny in its response whether records exist under subsection 10(2).

Justice received the access request on September 23, 2021. On December 1, 2021, Justice took a time extension of 1825 days pursuant to paragraphs 9(1)(a) and 9(1)(b). However, Justice notified you by formal letter on December 20, 2021, that this time extension was being withdrawn. As such, the deadline to respond to the request remains October 29, 2021. Justice did not respond by this date. It is my preliminary view that Justice is deemed to have refused access to the requested records under subsection 10(3).

Justice advised that there are 168,5376 pages of records responsive to the request, and that review of the records has not yet begun. Justice noted that internal and external consultations may be required, which may cause significant delays. Justice estimated that it would take 14 years to process the request.

Final Representations
If you have any representations you wish to share on the allegations under investigation, and on my preliminary conclusions, please respond to me by return email **by April 18, 2024**.

This is the last opportunity for you to provide the OIC with the requested representations. Once the above deadline has passed, the OIC will conclude its investigation, regardless of whether it has received representations. The Commissioner will then make a finding on the complaint and may issue an order(s) if she finds the complaint to be well founded

Thank you.

Stephen (Steve) Konkle

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