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Court File No.

FEDERAL COURT

BETWEEN:

Bernard E. Boland

Applicant

and

Office of the Privacy Commissioner of Canada

Respondent

APPLICATION UNDER s. 18.1(1) of the *Federal Court Act* – Application for Judicial Review,
R.S.C., 1985, c. F-7

Notice of Application

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Ottawa, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: 7 June 2024

Issued by: _____

Thomas D'Arcy McGee Building
90 Sparks Street, Main Floor
Ottawa, Ontario
K1A 0H9

TO: Office of the Privacy Commissioner of Canada
30 Victoria Street
1st Floor
Gatineau, QC
K1A1H3

Application

The Applicant requests a Judicial Review of the 15 May 2024 Office of the Privacy Commissioner of Canada's Report of Findings (OPC file PA-066639), received by the Applicant on 16 May 2024. The Applicant makes application for:

1. An order compelling the Office of the Privacy Commissioner of Canada (OPC) to conduct a thorough and comprehensive investigation, consistent with the 7 January 2024 complaint made by the Applicant, Mr. Boland, and as per the recourse mechanism available to the Applicant as specified by Justice Anne M. Turley in *Boland v Attorney General of Canada*, 2024 FC 11.
2. Specifically, the Applicant requests the Court compels the OPC to assess the veracity and adequacy of the 13 Oct 2023 DND disclosed records to address and answer the original *Privacy* request:
... that delegated the authority and authorized Mr. Kin Choi to be the RO for my Harassment Complaint against Jody Thomas;
3. Quash or set aside the OPC's 15 May 2024 Report of Findings until a proper and thorough investigation, consistent with the complaint made by the Applicant and recourse mechanism identified by the Court, is conducted.
4. Costs; and
5. Any other relief that this Honourable Court may deem just.

The grounds for the application are:

1. The OPC failed to properly exercise its jurisdiction to investigate the issues raised in the Applicant's complaint and execute the recourse mechanism specified by Justice Anne M. Turley.
2. The OPC did not investigate the 7 Jan 2024 complaint made by Mr. Boland.
3. By electronic portal on 7 January 2024 Mr. Bernard E. Boland, filed a complaint regarding the 13 Oct 2023 DND response as not being complete and adequate as a response that unequivocally addresses and answers Mr. Boland's original *Privacy* request.
4. The OPC did not pursue the recourse mechanism specified by the Court (*Boland v Attorney General of Canada*, 2024 FC 11) and investigate as requested by the Applicant on 7 Jan 2024.
5. The Applicant, as per Justice Anne M. Turley's recourse mechanism, requested the OPC investigate DND's 13 Oct 2023 response regarding the completeness and adequacy of the DND response in addressing and answering Mr. Boland's original *Privacy* request.

The application will be supported by the following material:

- An Affidavit containing the following Exhibits:
 - OPC confirmation the Applicant's complaint was received;
 - Correspondence between the OPC investigator and the Applicant;

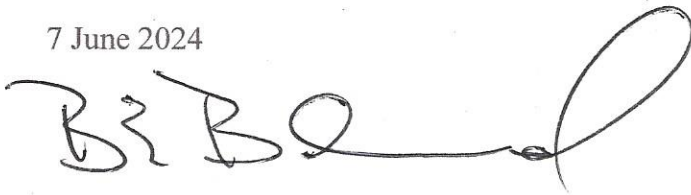
- Documentation provided to the OPC investigator;
- OPC's 15 May 2024 Report of Findings; and
- Such further material that may be advised and that this Honourable Court may allow.

The Applicant requests the following documents held by the OPC be provided:

- A copy of all documents and material reviewed by the OPC during its investigation;
- All internal OPC correspondence related to the Applicant and the OPC investigation following the receipt of 7 Jan 2024 complaint to issuance of the Report of Findings on 15 May 2024; and
- All correspondence exchanged between the OPC and all other parties, not including the Applicant, related to the investigation conducted by the OPC.

The Applicant requests the Hearing be held at Ottawa, Ontario.

7 June 2024

A handwritten signature in black ink, appearing to read 'B. Boland', with a large, stylized loop at the end.

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