

FEDERAL COURT

**BETWEEN :**

**THE INFORMATION COMMISSIONER OF CANADA**

**Applicant**

**- and -**

**THE MINISTER OF INDUSTRY**

**Respondent**

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**PUBLIC AFFIDAVIT OF PETER DI GANGI  
IN REPLY TO THE AFFIDAVIT FILED BY THE RESPONDENT  
(DI GANGI AFFIDAVIT NO. 3)**

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I, Peter Di Gangi, of the City of Ottawa, SWEAR THAT:

1. I am Director of the Algonquin Nation Secretariat ("ANS") since 1997 and as such I have knowledge of the matters herein deposed to, except where indicated to be based on information and belief, in which case I believe them to be true.
2. I have conducted historical research in relation to the comprehensive claims of the Wolf Lake First Nation, the Barriere Lake First Nation, and the Timiskaming First Nation.
3. As indicated in paragraph 24 of my affidavit sworn February 20, 2004, the Comprehensive Claims Policy requires that a claimant group submit a documented statement that it has traditionally used and occupied the territory claimed. To this end, it is necessary to show continuity of group membership and occupation of particular territories.
4. In the course of my research, I recognized that there was an information gap in the records for the Wolf Lake and Barriere Lake bands and incomplete records for the Timiskaming band for the period 1902-1950. In order to fill this gap, I requested access to the 1911, 1921, 1931, and 1941 census records for specified districts in Quebec and Ontario.

5. After Statistics Canada refused to grant me access to the requested records, I complained to the Information Commissioner. During the course of the Information Commissioner's investigation into my complaint, Statistics Canada offered to explore alternative ways to support my research. In particular, Statistics Canada representatives raised the possibility that the National Registration records, collected under the authority of the *National Resource Mobilization Act* and the *War Measures Act*, might help with my research.
6. Given that the National Registration records cover the period 1940-1946, it would be difficult to link the population documented in the 1901 census data with the National Registration data because of the gap in records for the period 1901 to 1940.
7. I have read the affidavit of Mary Ledoux, sworn March 31, 2005. In paragraphs 11 and 20, Ms. Ledoux enumerates the questions found in the census questionnaires and in the National Registration questionnaire. The National Registration questionnaire does not contain a question on the respondent's family members, except "number of dependents". However, the census records show the "name of each person in family or household" and "relationship to head of family or household". Because the census data documents entire families, with name-specific data, access to census records would allow a researcher to establish a reasonably complete picture of Algonquin family lines through the decades.
8. While the National Registration data would be useful to corroborate more comprehensive records, it alone would not provide a full picture of the Algonquin population during the 1940-1946 period.
9. In paragraph 18 of Mary Ledoux's affidavit, the affiant refers to aggregate data that lists the number of Indians residing in each Census sub-district. Given that there are no names included, it would be difficult to establish family lines using the aggregate data.
10. During the Information Commissioner's investigation of my complaint, I advised Statistics Canada representatives that the ANS did not require unfettered access to the census records. We were prepared to have supervised access or any reasonable alternative that would ensure that our researchers were able to view relevant information. One caveat was that we wanted our senior researcher to review the records and gather information. This review could not be left to a Statistics Canada employee, because that person would likely not know the family histories and surnames, and would not be in a position to determine which entries were relevant.

11. If an ANS researcher were given permission to view the census records, the researcher would be willing to enter into a confidentiality agreement and undertake not to subsequently disclose any information that does not relate to Algonquin ancestors.
12. In the past, the ANS has reviewed a large volume of materials that contained personal information on the understanding that we were to look only for the information relating to our clients. All custodians of personal information share concerns about privacy, but most of them seem prepared to accept the fact that we are legitimate researchers with a mandate, and that we will conduct our research in a professional, ethical way that respects concerns related to confidentiality.
13. I make this affidavit in support of an application for review pursuant to paragraph 42(1)(a) of the *Access to Information Act* and for no improper purpose.

Sworn before me )  
at the City of Ottawa, )  
in the Province of Ontario )  
on this \_\_\_ day of April 2005. )

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Commissioner for taking oaths

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Peter Di Gangi