

Mailing Address
 P.O. Box 547
 Halifax, N.S.
 B3J 2R7

August 9, 1983

Mr. John Gillis
 Regional Manager
 Offenders Programs
 Regional Headquarters
 Correctional Services Canada
 1222 Main Street, 2nd Floor
 Moncton, New Brunswick
 E1C 1H6

Dear Mr. Gillis:

Re: Donald Marshall, Jr.

I represent Mr. Marshall in conjunction with his application to the Attorney General of Nova Scotia for compensation. As you are well aware, Mr. Marshall was incarcerated in Dorchester Penitentiary for a period of approximately 10 years and 10 months on a conviction for murder. The conviction was overturned by the Nova Scotia Court of Appeal in May of 1983 and an acquittal was entered.

In preparation for Mr. Marshall's application for compensation, I am attempting to obtain as much background information on Mr. Marshall as possible. I have already received actuarial tables computing the estimated loss of wages while Mr. Marshall was incarcerated. I would also like to obtain copies of any psychological or psychiatric assessments which were done on Mr. Marshall while he was incarcerated in Dorchester between 1971 and 1982. It is my intention to have this material perused by a forensic psychiatrist in order to determine what if any psychological and/or psychiatric damage was done to Mr. Marshall by this lengthy period of incarceration.

Mr. John Gillis
August 9, 1983
Page 2

q With this in mind, I am writing you to request copies of any psychological and/or psychiatric assessments done on Mr. Marshall. Should you need a release signed by Mr. Marshall, please do not hesitate to advise me of this and I will forward it to you by return mail.

Thanking you in advance for your cooperation in this matter, I remain.

Yours truly,

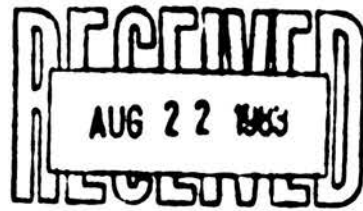
Felix A. Cacchione

FAC/oh



Correctional Service
Canada

Service correctionnel
Canada



Your file Votre référence

FC 2

Our file Notre référence

August 19, 1983

Mr. Felix A. Cacchione
Barrister & Solicitor
P.O. Box 547
Halifax, N.S.
B3J 2R7

Dear Mr. Cacchione,

I am responding to your letter of August 9, 1983 concerning your interest in obtaining information related to the case of Donald Marshall.

In respect to any information that the Correctional Service of Canada may have relating to any case, there are set procedures for retrieval of such information. In accordance with the Canadian Human Rights Act, Part IV, your client must apply formally for his psychological or psychiatric files. These files shall be subject to examination for exemptions required by Section 54 (a to g) of the Canadian Human Rights Act.

Upon his receipt of the exempted files, your client may share the information with you. If you then find the information to be insufficient, you may subpoena the original files to court. The Correctional Service of Canada is obliged to inform the court of our suggested exemptions. The court shall decide what information yourself and your client may see.

Formal application for files can be done at our District Office, CSC Parole, Halifax, N.S. I hope this information will expedite your task.

Yours truly,

John Gillis
Regional Manager Offender Programs
Correctional Service of Canada
2nd Floor, 1222 Main Street
Moncton, N.B.
ETC 1H6

August 22, 1983

Mr. Donald Marshall
5651 Ogilvie Street
Apartment 113
Halifax, Nova Scotia
B3H 1B9

Dear Donald:

Please contact me upon receipt of this letter as I need to have you attend with me at the Parole Office in Halifax in order to apply for the release of your psychological and/or psychiatric files. These files are very important for the compensation application which is to be made soon.

Yours truly,

Felix A. Cacchione

FAC/oh

August 29, 1983

The Privacy Coordinator
Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

Dear Sir/Madam:

Re: Donald Marshall Jr.

I represent Mr. Marshall in conjunction with his application to the Attorney General of Nova Scotia for compensation. Mr. Marshall was incarcerated in Dorchester Penitentiary for a period exceeding 10 years on a conviction for murder. This conviction was overturned by the Nova Scotia Court of Appeal in May of 1983 and an acquittal was entered.

In preparation for Mr. Marshall's application for compensation, I am attempting to obtain as much background information on Mr. Marshall as possible. I would appreciate receiving copies of any psychiatric or psychological assessments which were done on Mr. Marshall while he was incarcerated in Dorchester Penitentiary between November, 1971 and March, 1982. It is my intention to have this material perused by a forensic psychiatrist in order to determine what if any psychological and/or psychiatric damage was done to Mr. Marshall by reason of his lengthy incarceration.

I have enclosed two Record Access Request Forms duly signed by Mr. Marshall on August 26, 1983. I look forward to receiving the information requested.

Yours truly,

Felix A. Cacchione

FAC/oh
enc.



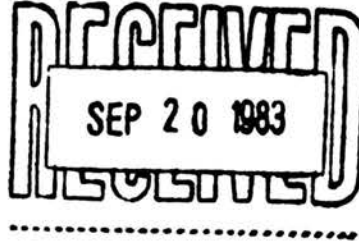
Correctional Service
Canada

Service correctionnel
Canada

Ottawa, Canada
K1A 0P9

FC 6

83.09.15



Votre référence Your file

Notre référence Our file

417-1 (622)

Lambert & Cacchione
Barristers & Solicitors
Suite 903
1649 Hollis Street,
Post Office Box 547,
Halifax, Nova Scotia
B3J 2R7

Re: Donald MARSHALL Jr.


Dear Mr. Cacchione:

I refer to your letter of August 29th, with which you enclosed access requests submitted by Mr. Donald Marshall.

Part IV of the Canadian Human Rights Act, under which these requests were submitted, was repealed on promulgation of the Privacy Act July 1st, 1983. The Personal Information Bank numbers were changed at that time.

While there are differences in the two pieces of legislation, Mr. Marshall's right of access remains virtually unchanged with respect to the documents he has requested. I wish to advise, however, that rather than suggest a formal resubmission of his requests, I am treating them as requests under the Privacy Act and that the requested information will be forwarded shortly.

Yours sincerely,


E.G. Jamieson
Director, Information Access &
Records Management
Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

FC7

October 19, 1983

Mr. E.G. Jamieson
Director, Information Access
& Records Management
Correctional Service Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

Dear Sir:

Re: Donald Marshall, Jr.
Your File 417-1(622)

Please accept my belated thanks for your letter of September 15. I am writing to inquire as to the status of Mr. Marshall's request for access to the information he is seeking. It appears that negotiations with the Attorney General of Nova Scotia are near at hand and therefore the information requested would be of great value.

Thanking you in advance for your co-operation, I remain.

Yours truly,

Felix A. Cacchione

FAC/oh



Correctional Service Canada Service correctionnel
Canada

Ottawa, Canada
K1A 0P9

FC 9

Voire référence Your file

83.11.22

Notre référence Our file

83.OTT.PRI.CSC.P10.0367

83.OTT.PRI.CSC.P40.0366

Mr. Donald J. Marshall, Jr.
c/o Lambert & Cacchione
Barristers & Solicitors
Suite 903
1649 Hollis Street,
Post Office Box 547
Halifax, Nova Scotia
B3J 2R7

Dear Mr. Marshall:

Re: Access Request 83.OTT.PRI.CSC.P10.0367
IDRIS Bank - CSC - P10

This is in reply to your application for personnel information about yourself, made under the Privacy Act, which was received by this office on 83.09.19. We are attaching copies of all accessible information which you requested. A portion of the information is, however, not accessible since it qualified for exemption under the Privacy Act as listed below:

Section Folio# Act states:

26 Vol. I	IL 144, 137 126, 110, 103 to 105, 82, 77 to 79, 69, 62, 4.	26. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) about an individual other than the individual who made the request, and shall refuse to disclose such information where the disclosure is prohibited under section 8.
Vol. II	IL 216 to 218, 193b, 189, 185, 184b, 178	
Vol. III	R 61, 50 to 59, 39 to 47, 28 to 35, 23	

/...2

<u>Section</u>	<u>Folio#</u>	<u>Act states:</u>
19(1)(d) Vol. I	IL 105, 104, 87, 86 69, 63, 11, 10	The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained in confidence from
Vol. II	IL 247, 239 238, 216 to 218, 212, 215, 221, 210.	(d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government.

<u>Section</u>	<u>Folio#</u>	<u>Act states:</u>
25 Vol. I	IL 104	The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) the disclosure of which could reasonably be expected to threaten the safety of individuals.

<u>Section</u>	<u>Folio#</u>	<u>Act states:</u>
19(1)(c) Vol. II	IL 265 to 267, 260	The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained in confidence from the government of the province or an institution thereof.

RE: Access Request 83.OTT.PRI.CSC.P40.0366
Health Care Bank CSC-P40

Section	Folio#	Act states:
26	Vol. I- 3 Vol.II- 5,70 Vol.III-7,8, 4,5	The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) about an individual other than the individual who made the request, and shall refuse to disclose such information where the disclosure is prohibited under section 8.

Section	Folio#	Act states:
19(1)(d)	Vol.2- 3 Vol.3- 10, 7 8, 4, 5	The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained in confidence from (d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government.

Section	Folio#	Act states:
19(1)(c)	Vol.6- 3, 4 Vol.11- 1 Vol.12 - 20, 16, 14, 13, 8, 7, 1	The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained in confidence from the government of the province or an institution thereof.

/...4

-4-

Please be advised that you are entitled to bring a complaint regarding the withholding of the exempted information you requested to the Privacy Commissioner.

Notice of complaints should be addressed to:

Privacy Commissioner
Tower B, Place de Ville
112 Kent Street,
Ottawa, Ontario
K1A 1H3

Furthermore, you are entitled under section 12(2)(a) of the Privacy Act to request a correction in respect to any error or omission in the record disclosed to you.

A Record Correction Request Form, to be used for this purpose, is attached to this letter: please complete and return it to us for further processing.

If your request for correction should be turned down, for any reason, you will be entitled to request a notation to your record in respect of any error or omission you believe it may contain.

I should also inform you that while the records provided to you contain documents referring to the results of various psychological tests to which you submitted, we have not included the raw tests themselves. Should you wish to view these particular documents, we would be prepared to make available a qualified psychologist who would be able to explain to you the interpretation of the various tests. If you wish to do so, I would ask that you advise me of your wishes.

Yours sincerely,



8 E.G. Jamieson
Director, Information Access &
Records Management Division
Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

January 12, 1984

Privacy Commissioner
Tower B, Place de Ville
112 Kent Street
Ottawa, Ontario
K1A 1H3

Dear Privacy Commissioner:

RE: DONALD MARSHALL, JR.

I am retained as solicitor by Mr. Donald Marshall, Jr. Pursuant to a request made under section 12(1) of the Privacy Act, we have received a certain amount of the personal information held by Correctional Service Canada. However, as the attached letter dated 83.11.22 reveals, a portion of my client's personal information held by that government institution was not disclosed and the institution claims exemption from disclosure pursuant to various stated sections of the Privacy Act.

As you may be aware, my client was wrongly convicted of murder in 1971 and was incarcerated in federal institutions for well over a decade and finally exonerated by the Nova Scotia Supreme Court in 1983.

Having reviewed the disclosed information together with the relevant sections of the Act, I am of the opinion that certain of the claimed exemptions have no application to the personal information requested and not disclosed; or, to the extent that the exemptions cited may be relied on to frustrate disclosure, I believe the Act otherwise provides for the release to my client of the personal information sought. Moreover, in my reading, the disclosed information reveals a hap-hazard, inconsistent and arbitrary application of the claimed exemptions from disclosure.

Privacy Commissioner
January 12, 1984
Page 2

I also have some reason to believe that the information revealed neither contains nor acknowledges the existence of certain other personal information held by that government institution, which, in my view, is also eligible for disclosure. In particular, I refer to the written reports and other communications which are, in my understanding, routinely and invariably made to parole and penal institutions by local police officials advertent to the opinions of these officials about a person in custody and the recommendations and opinions as to the propriety of the release of that individual into the community. In my client's case, I have no doubt that such reports and recommendations were made and that such opinions were expressed. And while the disclosed information would appear to admit the existence of some such documentation, the opinions, reports and recommendations are themselves apparently not admitted, much less disclosed.

In view of the foregoing, I hereby request a review by the Privacy Commissioner of my client's request for access to personal information and of the claims for exemption from disclosure as made by the government institution.

I am prepared to forward further representations at a later date in addition to such further particulars as may be required to facilitate this review.

Yours very truly,

Felix A. Cacchione

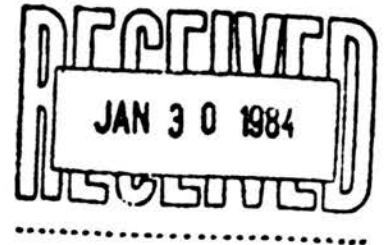
FAC/oh
enc.



Office of the
Privacy Commissioner
of Canada

Ottawa, Canada
K1A 1H3

Bureau du Commissaire
à la protection de la vie privée
du Canada



FC 17

January 20, 1984.

Mr. Felix A. Cacchione,
Lambert & Cacchione,
Barristers & Solicitors,
Suite 903, 1649 Hollis Street,
Post Office Box 547,
Halifax, Nova Scotia.
B3J 2R7

Dear Mr. Cacchione:

This is to acknowledge receipt of your letter of complaint dated 12 January 1984 on behalf of your client, Mr. Donald Marshall, Jr., which was received at this office on 18 January 1984.

Your complaint concerning the exemptions claimed by the Correctional Services Canada is being assigned to a Privacy Investigator in this office and you will be receiving further correspondence in due course.

Yours sincerely,


Marcel J. Cote,
Investigator.

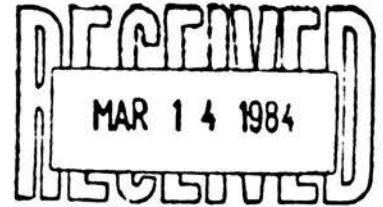


Office of the
Privacy Commissioner
of Canada

Ottawa, Canada
K1A 1H3

Bureau du Commissaire
à la protection de la vie privée
du Canada

58



March 9, 1984.

File: P1030/84

FC 26

Mr. Felix A. Cacchione,
Lambert & Cacchione,
Barristers & Solicitors,
Suite 903, 1649 Hollis Street,
Post Office Box 547,
Halifax, Nova Scotia.
B3J 2R7

Dear Mr. Cacchione:

Because of the time that has elapsed since Mr. Cote's letter of January 20, 1984, I feel I should bring you up to date on our investigation into Mr. Marshall's complaint lodged with us in January.

As you are probably aware, we must make a detailed examination of all exemptions and discuss with the department their explicit reasons for claiming exemptions. Often this involves considerable discussion between the department and ourselves.

This takes time, but please rest assured we are pursuing this matter with all due haste and you should hear from us again soon.

Yours sincerely,


A.B. McKenzie,
Privacy Investigator.



Correctional Service Canada Service correctionnel
Canada

Ottawa, Canada
K1A 0P9

Voire référence *Your file*

84.04.02

Notre référence *Our file*

83.OTT.PRI.CSC.P10.0367
83.OTT.PRI.CSC.P40.0366

Mr. Donald J. Marshall Jr.
c/o Lambert & Cacchione
Barristers & Solicitors
Suite 903, 1649 Hollis Street,
P.O. Box 547
Halifax, Nova Scotia
B3J 2R7

Dear Mr. Marshall:

Following representation made on your behalf by the Privacy Commissioner I am pleased to forward you copy of:

(File CSC-P40--366) pages 1,7,8,13,14,16,20 of Volume 12
page 01 of Volume 11, pages 04,03 of volume 6 and page 7
of volume 3.

(File CSC-P10-0367) page IL 62.

You will note that an exemption still applies on pages IL 62 of file CSC P10-0367 and page 7 of volume 3 of file CSC-P40-0366, under Section 26 & sub-section 24(b) of the Privacy Act.

Due to an administrative error information was exempted under subsection 19(1)(c) or 19(1)(d), it should have read Section 24(b) of the Privacy Act which states:

24. "The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that was collected or obtained by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board while the individual who made the request was under sentence for an offence against any Act of Parliament, if the disclosure could reasonably be expected to:

/...2

(b) reveal information about the individual originally obtained on a promise of confidentiality, expressed or implied".


This information appears on the following files:

CSC P40 - pages 5,7,8,10 of volume 3
page 3 of volume 2

CSC P10 - pages 10,11,63,62,69,86,87,
105,104,210,212,215,221,218,
216,239,238,247,260,265,266,
and 267.

Hoping this is satisfactory, I remain

Yours sincerely,



E.G. Jamieson
Director, Information Access
& Records Management
Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

c.c.: Privacy Commissioner's Investigator: Mr. B. Gavin



RECORD ACCESS REQUEST FORM

FORMULAIRE DE DEMANDE DE CONSULTATION DE DOSSIER

(CANADIAN HUMAN RIGHTS ACT-PART IV)

(LOI CANADIENNE SUR LES DROITS DE LA PERSONNE, PARTIE IV)

Use this form to find out what information is held about you in any bank listed in the index of Federal Information Banks.

Please print clearly. Only one access request per form.

FOR OFFICIAL USE ONLY/RÉSERVÉ À L'ADMINISTRATION

Office address/Adresse au bureau

Date

Receiving officer/Reçu(e) par

ACCESS INFORMATION/RENSEIGNEMENTS SUR LA CONSULTATION

Agency/Organisme

Correctional Services Canada

Information bank no. and title/N° et titre de la banque de données

- 23241 - Offender Health Care Record

Other detail(s) specified in the index for this bank/Autre(s) renseignement(s) précisé(s) dans le catalogue à l'égard de cette banque

PERSONAL INFORMATION/RENSEIGNEMENTS PERSONNELS

Surname/Nom

Marshall

Given names/Prénoms

Donald Jr.

Soc. Ins. No. if required / N° d'ass. soc., s'il y a lieu

110-036-019

Address/Adresse

5651 Ogilvie St. # 113

City/Ville

Hfx

Province

NS

Postal Code/Code postal

B3H 1B4

Telephone No./N° de téléphone

Home/Résidence

429-6234

Work/Travail

Surname in bank if different from above/Nom figurant dans la banque s'il diffère du nom mentionné ci-dessus

N/A

Other personal information specified in the index/Autres renseignements personnels figurant dans le catalogue

INFORMATION DESIRED/RENSEIGNEMENTS DEMANDÉS

Does the bank contain a record in my name? / La banque contient-elle un dossier établi à mon nom?

I wish to examine my record / Je désire consulter mon dossier

As it is / Tel quel

All in English / Tout en anglais

All in French / Tout en français

In its entirety / Dans sa totalité

Or the portion(s) specified below / Ou la(les) partie(s) précisée(s) ci-après

IMPORTANT - NOTE/IMPORTANT - À NOTER

If this request follows a previous inquiry, please quote reference number here.

When you have completed this form send it to the official identified in the index, for this bank.

Date

Signature

PLEASE QUOTE THE ABOVE REFERENCE NUMBER ON ALL CORRESPONDENCE

62

STATEMENT

FC

ALL SAINTS' SPRINGHILL HOSPITAL

SPRINGHILL, NOVA SCOTIA

FC 297

Hospital No. 1007

Date Jan. 10, 1979

No 83474

Name 1007 Donald Marshall

Address Springhill Medium Security Institution

Payable By Dept. of Sol. General

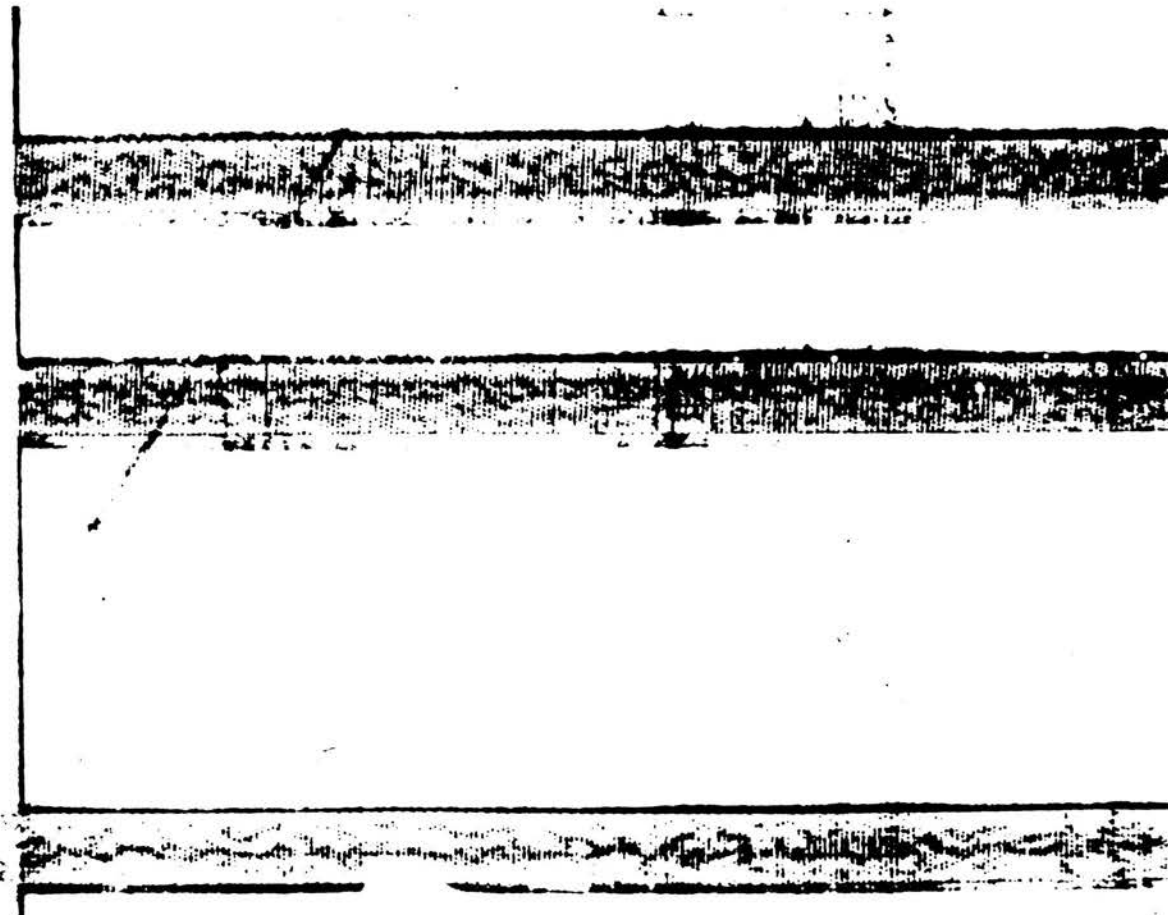
				DR.	DR.
				N.S.M.I.C.	OTHER
STANDARD WARD					
From	to	@ \$	a day		
DIFFERENTIAL					
From	to	@ \$	a day		
SPECIAL NURSE'S BOARD					
From	to	@ \$	a day		
LABORATORY		"T" Units			
Right Wrist & Scaphoid Views		"R" Units	5.00		15 60
X-RAY		"T" Units			
DRUGS and DRESSINGS, etc.					
MISCELLANEOUS CHARGES					
AMOUNTS DUE					15 60

A & D FORM No.

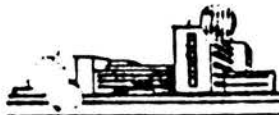
Form 36 SM 6-75

000001

rel 12



63



THE MONCTON HOSPITAL Moncton, N. B.
MacBeath Ave. Tel. 855-1600

FC 249

RE: _____
CASE NO: E32-79

DATE February 8/79

Springhill Institution
P O Box 2140
Springhill NS

IN PATIENT		DAYS	RATE	AMOUNT
PUBLIC WARD SERVICE				
FROM	TO re: Donald MARSHALL			
SEMI-PRIVATE SERVICE				
FROM	TO #1927			
PRIVATE SERVICE				
FROM	TO			
AMBULANCE				
OUT PATIENT		UNITS		
LABORATORY				
X-RAY				
EMERGENCY Jan 31/79 (referral) Exam of RT Wrist				
AMBULANCE				
OTHER				
TOTAL CHARGES				\$ 21.00
PAID ON ACCOUNT				\$
				\$
BALANCE DUE				\$ 21.00

000007

RENDERED BY L J
ACCOUNTS DUE WHEN RENDERED

201 12

RE: _____ DATE February 8/79

CASE NO: E32-79

FC 299

Springhill Institution
P O Box 2140
Springhill NS

IN PATIENT		DAYS	RATE	AMOUNT
PUBLIC WARD SERVICE				
FROM	TO			
TO: Donald H. St. A...				
SEMI-PRIVATE SERVICE				
FROM	TO			
#1987				
PRIVATE SERVICE				
FROM	TO			
AMBULANCE				
OUT PATIENT		UNITS		
LABORATORY				
X-RAY				
EMERGENCY	Jan 31/79 (referral)			
Exam of RT Wrist				
AMBULANCE				
OTHER				
TOTAL CHARGES				\$ 21.00
PAID ON ACCOUNT				\$
				\$
BALANCE DUE				\$ 21.00

000008

RENDERED BY _____
 ACCOUNTS DUE WHEN RENDERED

ref 12

APR 10 1979
RJB

65

THE MONMOUTH HOSPITAL

1997

FC 2-9

PROGRESS REPORT

April 29/79

DATE

Re Donald Marshall

Grand Tic - Apr. 25/79 - Excision of
Schwannoma Rt Wrist with
Insertion of Swanson Slast
Prosthesis.

Will change cast & remove
sutures in 2 weeks
10 mg 292 Tabs q 4 hr
for pain

[Handwritten Signature]

000013

PROGRESS RECORD

"CLEAREST COPY POSSIBLE"

vol 12

THE MONCTON HOSPITAL

DISCHARGE SUMMARY

cc: Dr. R. A. Burden ✓

Name: R. DONALD MARSHALL

Case Number 77912

Room

Doctor D. I. MACLELLAN

Dictated by DR. D. I. MACLELLAN

AB

ADMITTED: April 24/79

DISCHARGED: April 29, 1979

In 1972, this 25 year old man injured his right wrist playing hockey. His wrist was sore at that time, however, he did not receive any medical treatment. Over the years his wrist continued to be sore and painful with limitation of motion. He recently had x-rays taken of his right wrist and these showed an old non-union fracture of the scaphoid and he was admitted for bone grafting.

Past History: Appendectomy, no other serious illnesses or injuries.

Physical Examination: A well nourished, well developed 25 year old male.

EENT: Negative.

Head & Neck: Negative.

Chest: Clear to P&A.

Heart: Rhythm regular. No murmurs or thrills.

Abdomen: McBurney incision scar right lower quadrant.

ORTHOPEDIC EXAMINATION: There is some tenderness over the dorsum of the right wrist. There is pain on motion of the right wrist with restriction of motion, extension of wrist is 20 degrees and flexion 20-30 degrees.

Laboratory Investigations: Urinalysis specific gravity 1013, ph 5, sugar nil, protein nil. Hemoglobin 14.7 gm%. Red Cell count 5,010,000, white cell count 9,000, polymorphs 54%, eosinophils 2%, lymphocytes 43%, monocytes 1%. BUN 11. pc sugar 93. SMA 12 normal. Chest x-ray normal.

Course in Hospital: X-rays of the right wrist showed a fractured scaphoid in its proximal aspect. The proximal fragment looked somewhat dense with a little cystic change. On April 25, 1979, the patient was taken to the operating room where it was intended to do a bone grafting. At operation there was some arthritic changes at the distal radial surface. The proximal fragment of the scaphoid was small and after freshening the fracture surface and inspecting the joint it was felt that it would be better to insert a scaphoid prosthesis. The scaphoid was removed and a Swanson #3 silastic prosthesis was inserted. The patient had an uneventful afebrile postoperative course. There was little swelling of the fingers postop, but this subsided in 48 hours. The patient was discharged and will be followed in the out-patient department. He is to have the cast changed and the sutures removed in two weeks time.

Final Diagnosis: Old non-union fracture right carpal scaphoid.

Operation: Removal of scaphoid right wrist with insertion of silastic prosthesis.

I have read and approved this complete Medical Record on

000014

Signature of Doctor

Pgs 65 /sdw

DISCHARGE SUMMARY

mal 12

RE: Donald Marshall
 CASE NO: Inmate No. 1977
 77912
 902-79

DATE April 29, 1979

FC 297

Solicitor General
 Springhill Institution
 Springhill, N.S.
 B0A 1L0

IN PATIENT		DAYS	RATE	AMOUNT
PUBLIC WARD SERVICE				
FROM	TO			
SEMI-PRIVATE SERVICE				
FROM	TO			
PRIVATE SERVICE				
FROM <u>April 24/79</u>	TO <u>April 29/79</u>	<u>5</u>	<u>118.30</u>	<u>591.50</u>
AMBULANCE				
OUT PATIENT		UNITS		
LABORATORY				
X-RAY				
EMERGENCY				
AMBULANCE				
OTHER				
			TOTAL CHARGES	\$ <u>591.50</u>
			PAID ON ACCOUNT	\$
				\$
			BALANCE DUE	\$ <u>591.50</u>

RENDERED BY _____
 ACCOUNT DUE WHEN RENDERED

rel. 12

68
FC 297

THE HOUSTON HOSPITAL
Houston, Texas

DATE July 11, 1979

Springhill Ind. P. 119
4 M Box 21 W
Springhill W S

IN PATIENT	DAYS	RATE	AMOUNT
EMERGENCY SERVICE			
EMERGENCY SERVICE	10		
EMERGENCY SERVICE	10		
EMERGENCY SERVICE	10		
AMBULANCE			
OUT PATIENT	DAYS		
EMERGENCY			
EMERGENCY			
EMERGENCY			
EMERGENCY			
OTHER			
OTHER	July 4 '79--recheck exam of shoulder		\$25.00

TOTAL CHARGES \$ 46.00
PAID ON ACCOUNT \$
BALANCE DUE \$ 46.00

RENDERED BY *[Signature]*
ACCOUNTS DUE SECTION NUMBER 000020

12

PATIENT NAME		XRAYED HERE BEFORE	
ADDRESS		YES	NO
DATE OF BIRTH	AGE	SEX	MARITAL STATUS
12/9/33	51		
INSURANCE NUMBER	RESPONSIBILITY FOR PAYMENT		OTHER DISPECTY
	NEW	W.B.	OTHER
EMPLOYER	ADDRESS		
NEAREST OF KIN	RELATION	ADDRESS (NEXT OF KIN)	
NEAREST OF KIN'S EMPLOYER	ADDRESS		
DATE OF ACCIDENT	TIME	NAME OF RESPONSIBLE PARTY	IF THIRD PARTY LIABILITY INDICATED FILL IN BELOW
EXAMINATION REGION			FOR XRAY DEPT USE ONLY
Right wrist			4/1/22
DETAILS OF ACCIDENT			
10/4/77			
AUTHORIZE THE RELEASE OF MEDICAL DETAILS OF THE ILLNESS TO PROPER AGENCIES IN CONNECTION WITH THE INSURANCE AND I AGREE TO ASSUME RESPONSIBILITY FOR CHARGES NOT COVERED BY INSURANCE			PATIENT'S SIGNATURE
X _____ ADMITTING CLERK			X _____

ALL SAINTS SPRINGHILL HOSPITAL	
XRAY NUMBER	17856
NAME	
EXAM	Rt
ADDRESS	
DATE	12/25/77
AGE	
DOCTOR	
BIRTH-DATE	

OBSERVATION

Right Wrist: There is a fracture of the proximal end of the scaphoid.

*s Scaphoid Views: We are dealing with a fracture of proximal third of the scaphoid.

Dr. A. Slomic

000001

_____ TECH _____ M.D.

COPY DISTRIBUTION:- WHITE-CHART, BUFF-DOCTOR

sl 11

OUT PATIENT CONSULTATION EXTERNE NON RESIDENT

LAB REGION: 2 CHAUNIS DIAGNOSTIC

TYPE OF SPECIMEN: _____

THESE QUESTIONS MUST BE ANSWERED FOR ALL TYPING - GROUPING - ANTIBODY INVESTIGATIONS
 VOUS DEVEZ REPENDRE À CES QUESTIONS POUR TOUTES LES RECHERCHES DE RH, GROUPEMENT ET ANTICORPS

PREVIOUS TRANSFUSIONS: NO YES HOW MANY? COMBIEN?

HISTORY OF PREGNANCIES: NO YES ANTECEDENTS MATERNITÉS: NO YES

NO. OF NORMAL BIRTHS: NO. OF MISCARRIAGES: NO. OF STILL BIRTHS: NO. OF MORTALS:

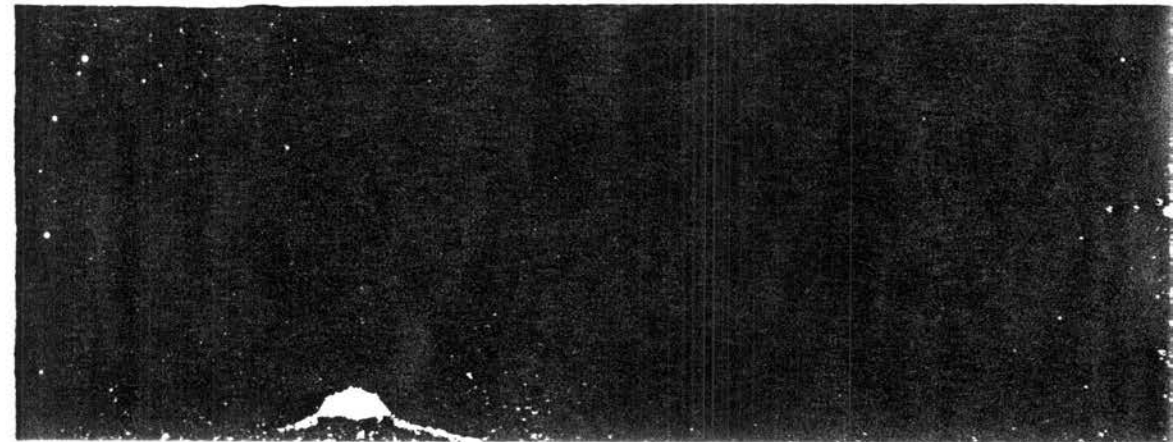
DATE OF ACTIVITY:

X TESTS REQUIRED		INDIQUER D'UN "X" EXAMENS REQUIS			
X	TEST EXAMEN	RESULTS RESULTATS	X	TEST EXAMEN	RESULTS RESULTATS
	GROUPING (ABO) GROUPEMENT (ABO)				DIRECT COOMBS COOMBS DIRECT
	REVERSE GROUPING GROUPEMENT INVERSE				
	SUB GROUPS OF A SOUS GROUPE DE A				
	RH TYPING (SLIDE) TYPE R H (LAMELLE)				
	RH TYPING (TUBE) TYPE R H (TUBE)				
	D- FACTOR FACTEUR D-				A S O TITRE TITRE A S O
	PROBABLE GENOTYPE GENOTYPE PROBABLE				C REACTIVE PROTEIN PROTEINE REACTIVE À C
	ANTIBODY SCREEN DÉPISTAGE ANTICORPS				RHEUMATOID FACTOR FACTEUR RHUMATOÏDE
	ANTIBODY IDENTIFICATION IDENTIFICATION ANTICORPS				
	TITRE				BLOOD SANG KOLMER WASSERMAN
	ANTIBODIES COLD SCREEN ANTICORPS A FROID (TEST GLOBAL)		X		C. S. F. KOLMER WASSERMAN
	ANTIBODIES COLD (PANEL) ANTICORPS A FROID (TEST SÉLECTIF)		X		V D R L SLIDE TEST TEST DE LAMELLE V D R L
	ANTIBODY ELUTION ELUTION D ANTICORPS				V D R L QUANTITATIVE QUANTITATIF
	ANTIBODIES NON SPECIFIC ANTICORPS NON SPÉCIFIQUES				SPECIMEN PROCUREMENT PRIS DE SANG
	ANTIBODIES HYPER IMMUNE ANTICORPS HYPER IMMUNISÉS				SPECIMEN DISPATCH ENVOI DE L'ÉCHANTILLON

REMARKS: HEMARQUES: _____
 HE 0256

DATE TEST COMPLETED: _____
 DATE DE COMPLÈTEMENT DES TESTS: _____
 7/2 19/10
 SIGNATURE OF SEROLOGIST: *A.S.S.*
 SIGNATURE DU SÉROLOGISTE

SEROLOGY SEROLOGIE vol 6 000004



159

DEPARTMENT OF HEALTH LABOUR & EMPLOYMENT
 PROVINCE OF NOVA SCOTIA
 MINISTÈRE DE LA SANTÉ, DU TRAVAIL ET DE L'EMPLOI
 DIVISION DE LABORATOIRE

NO REPORT TO... (ENVUE/LE RAPPORT A...)

Director
Dorchester Pen
Dorchester, N.S.

OUT PATIENT CONSULTATION EXTERNE NON RESIDENT

71 MAR 4 1997
 09 1997
 Dorchester Penitentiary,
 Antigonish, N.S.

501 00623
 FC 290

June 20/22

18 REGION REGIONS

2

PREVIOUS TRANSFUSIONS TRANSFUSIONS ANTERIEURES

A blood.

THESE QUESTIONS MUST BE ANSWERED FOR ALL TYPING - GROUPING - ANTIBODY INVESTIGATIONS
 VOUS DEVEZ REpondre À CES QUESTIONS POUR TOUTES LES RECHERCHES DE RH, GROUPEMENT ET ANTICORPS

PREVIOUS TRANSFUSIONS TRANSFUSIONS ANTERIEURES

NO. YES. HOW MANY? / OUI. OUI. COMBIEN?

HISTORY OF PREGNANCIES ANTÉCÉDENTS MATERNITÉ

NO. OF PREGNANCIES / NO. DE GROSSESSES

NO. OF STILL BIRTHS / NO. DE MORTS NÉS

DATE / DATE

7

X TESTS REQUIRED		RESULTS	INDIQUER D'UN 'X' EXAMENS REQUIS		RESULTS
X	TEST EXAMEN	RESULTS	X	TEST EXAMEN	RESULTS
<input checked="" type="checkbox"/>	GROUPING (ABO) / GROUPEMENT (ABO)			DIRECT COOMBS / COOMBS DIRECT	
	REVERSE GROUPING / GROUPEMENT INVERSE				
	SUB GROUPS OF A / SOUS GROUPE DE A				
	RH TYPING (SLIDE) / TYPE RH (LAMELLE)				
<input checked="" type="checkbox"/>	RH TYPING (TUBE) / TYPE RH (TUBE)				
	D. FACTOR / FACTEUR D.			A S O TITRE / TITRE A S O	
	PROBABILE GENOTYPE / GENOTYPE PROBABLE			C REACTIVE PROTEIN / PROTEINE REACTIVE A C	
	ANTIBODY SCREEN / DÉPistAGE ANTICORPS			RHEUMATOID FACTOR / FACTEUR RHUMATOÏDE	
	ANTIBODY IDENTIFICATION / IDENTIFICATION ANTICORPS				
	TISSUE			BLOOD SANG / KOLMER WASSERMAN	
	ANTIBODIES (RED BLOOD) / ANTICORPS (ROUGE) (TEST SÉLECTIF)		<input checked="" type="checkbox"/>	C.S.F. / KOLMER WASSERMAN	
	ANTIBODIES (RED BLOOD) / ANTICORPS (ROUGE) (TEST SÉLECTIF)			V.D.R.L. SLIDE TEST / TEST DE LAMELLE V.D.R.L.	<i>Non reactive</i>
	ANTIBODY ELUTION / ELUTION ANTICORPS			V.D.R.L. QUANTITATIVE / QUANTITATIF	
	ANTIBODIES (WASH SPECIFIC) / ANTICORPS (LAVAGE SPÉCIFIQUE)			SPECIMEN PROCUREMENT / PRIS DE SANG	
	ANTIBODIES (HYPER SENSITIVE) / ANTICORPS (HYPER SENSITIVE)			SPECIMEN DISPATCH / ENVOI DE L'ÉCHANTILLON	

REMARKS / REMARQUES

SEROROLOGY / SÉROLOGIE

7 2 2 2

000003

SIGNATURE OF SEROLOGIST / SIGNATURE DU SÉROLOGISTE

Amb

"CLEAREST COPY POSSIBLE."

rel 6

From the history it would appear that MARSHALL has given at least two to three different accounts of what had happened that night S.24(b)
S. 24 (b)

History of previous crimes:

June 1970 - Theft Under \$50. was given one day for this
Nov. 1970 - Charged of Supplying Liquor to a minor and was given 5 months
May 1971 - Damage to Property Under \$50. - Dismissed
Nov. 1971 - Current Offence

BACKGROUND

This man was born in Sydney, N.S. in 1953 where he lived all his life. The family [S.26] consisting of 11 children, father and mother. There were six brothers and four sisters. The inmate was the third member of the family. Both parents are working, father as a plasterer

S. 26

The father is S.26 presently chief of the MicMac Tribe of Nova

Scotia.

S.26 He said for a large part of his life he was brought up by baby sitters. MARSHALL himself claims to remember nothing of his childhood. He claims he received an average normal upbringing and remembers no bad home experience during these years. As a little boy, he described himself as being shy, sneaky, organizer individual who enjoyed doing pranks such as petty theft, smashing pumpkins, etc. At eight years of age, he joined Cubs then Air Cadets. At the age of 13 he was kicked out of Air Cadets for stealing. He claims to have enjoyed the experience with the groups. He went to school at the usual age of five or six. His first two grades were in Indian school, enjoyed school and experienced no difficulties. From grade three on he went to public school in Sydney. He repeated two grades during this time. He said he was very unhappy in the white school, he felt that he was put down, he was shy and he had difficulty. At one period he had a Nun for a teacher. He got along very well with her. The Nun was replaced by another teacher who was very grouchy and he got into trouble with her and when she was taking him to the principal to be punished, he kicked her in the stomach and was expelled because of this.

After school he worked with his father plastering full time for about a year and a half, then worked 3 months on laundry trucks and one year in part time building work. He smokes, he tried hash once, he drinks and he felt that drink was a big contributor to his crime. His religion is R.C., he attends church sporadically. He has no religious faith.

PERFORMANCE IN THE INSTITUTION

When he came in he was a cleaner in the kitchen at Dorchester and he got average assessments there but since coming to Springhill he is described as an excellent worker and hasn't got into any trouble. He is active in the

PSYCHOLOGICAL

... / 3

000007

vol 3

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S.26

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Office of the
Privacy Commissioner
of Canada

Bureau du Commissaire
à la protection de la vie privée
du Canada

Ottawa Canada
K1A 1H3

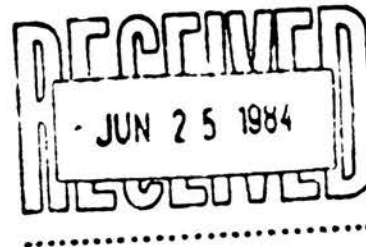
74

FC 44

June 21, 1984

File: P1030/84

Mr. Felix A. Cacchione,
Lambert & Cacchione,
Barristers & Solicitors,
Suite 903, 1649 Hollis Street,
Post Office Box 547,
Halifax, Nova Scotia.
B3J 2R7



Dear Mr. Cacchione:

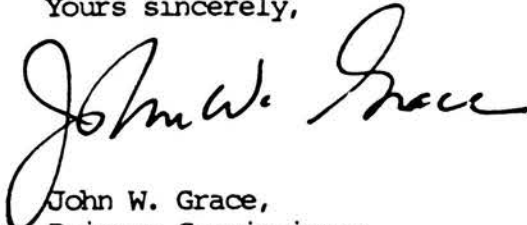
Please accept my apology for the lengthy delay in dealing with Mr. Marshall's complaint. Part of this delay was occasioned by the demands I placed on Correctional Service Canada to justify their exemptions to me.

I am pleased that as a result of our representations on your behalf additional documents were released to you.

I have now reached the concluding stage in my investigation when I would be prepared to consider any further representations that you might like to make on behalf of Mr. Marshall. Your representations may be in writing. However, if you prefer to meet with me personally suitable arrangements can be made.

I trust this will be of assistance and I look forward to hearing from you in the near future.

Yours sincerely,


John W. Grace,
Privacy Commissioner.

July 25/04

D.M.G.

- Mr. Raven - Pinner; Comm. - do all w.
to make further representations

- he's going on vacation - back in 2 weeks

- advise

- letter sent to Mr. Coy's July 25/04

August 9, 1984

Mr. John W. Grace
Privacy Commissioner
Tower B
Place de Ville
112 Kent Street
Ottawa, Ontario
K1A 1H3

Dear Mr. Grace:

RE: DONALD MARSHALL, JR.

Thank you very much for your letter of June 21, 1984.

Upon reflection and after reviewing the additional material provided by Correctional Service Canada, I have concluded that it is very much in my client's interest to pursue this matter further with you before you close your file.

I would like the opportunity to make further representations and I think this can best be done in a personal meeting, rather than in writing. One of the difficulties we face in attempting to avail ourselves of the Privacy Act stems from the fact that it is a very recent statute and I think these representations can be most usefully made in a frank and private discussion where we would have an opportunity to explore and exchange views on its interpretation and application.

I would propose a meeting in Halifax at my office at the earliest mutually convenient date. I suggest a meeting here for two reasons. First, my client is in no position to finance travel arrangements, and second, I would like to have Michael Coyle, who has been assisting me with this aspect of Mr. Marshall's case, present at these discussions.

Mr. John W. Grace

- 2 -

August 9, 1984

I hope this will be satisfactory and I look forward to meeting with you.

Yours very truly,

Felix A. Cacchione

FAC:jeg



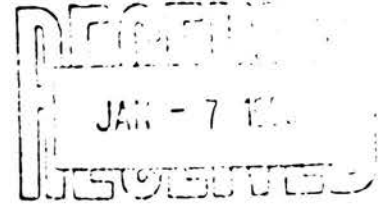
Office of the
Privacy Commissioner
of Canada

Ottawa Canada
K1A 1H3

Bureau du Commissaire
à la protection de la vie privée
du Canada

78

FC 223



File: 1030/84

December 17, 1984

Lambert & Cacchione
Barristers & Solicitors
Suite 903, 1649 Hollis Street
Halifax, Nova Scotia
B3J 2R7

Attention: Felix A. Cacchione

Dear Mr. Cacchione:

Re: Donald Marshall, Jr.

The Office of the Privacy Commissioner received a letter from your office dated August 9, 1984, requesting a date to meet with the Privacy Commissioner. I called you on behalf of the Privacy Commissioner in early October, but have had no answer to my telephone call.

Could you please let us know whether or not you wish to proceed with this matter.

Thank you very much.

Yours sincerely,

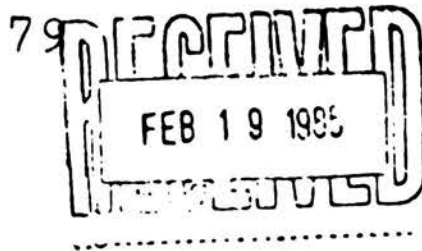
G.J.C. van Berkel
Legal Advisor



Office of the
Privacy Commissioner
of Canada

Ottawa Canada
K1A 1H3

Bureau du Commissaire
à la protection de la vie privée
du Canada



FC 62

File: 1030/84

February 14, 1985

Lambert & Cacchione
Barristers & Solicitors
Suite 903, 1649 Hollis Street
Halifax, Nova Scotia
B3J 2R7

Attention: Felix A. Cacchione

Dear Mr. Cacchione:

Re: Donald Marshall, Jr.

We wrote to you on December 17, 1984 but have received no answer. I assume that you do not wish to make any submissions on behalf of your client, Donald Marshall, Jr.

If we do not receive any communication from you within the next two weeks we will proceed to deal with the file.

I trust this is satisfactory.

Yours sincerely,

G.J.C. van Berkel
Legal Advisor

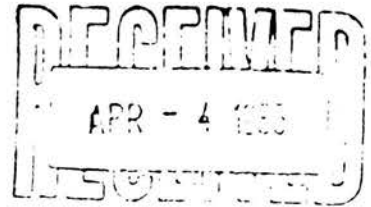


Office of the
Privacy Commissioner
of Canada

Ottawa Canada
K1A 1H3

Bureau du Commissaire
à la protection de la vie privée
du Canada

80



April 1, 1985

File: P.1030/84

Mr. Felix A. Cacchione
Lambert & Cacchione
Barristers & Solicitors
Suite 903, 1649 Hollis Street
P.O. Box 547
Halifax, N.S.
B3J 2R7

FC 62
*Please file in
Marshall closed
file*

A

Dear Mr. Cacchione:

Re: Donald Marshall, Jr.

This is further to my letter of June 21, 1984, and subsequent letters to you from Mr. van Berkel dated December 17, 1984 and February 14, 1985.

As no representations have been forthcoming, I am now concluding this complaint. As previously stated, I was most pleased that our representations on Mr. Marshall's behalf resulted in the release of additional documents to him.

Our inquiries have satisfied me that the exemptions claimed by Correctional Service Canada were correct; therefore, I have no basis to make a recommendation to the Minister for their release. I have personally reviewed this information and it is my finding that its exemption meets the provisions of the Privacy Act.

If you wish to pursue further your request for access to this information, under the Privacy Act you have the right to request a review of the department's refusal by the Federal Court of Canada.

If you encounter any further problems related to the Privacy Act, please do not hesitate to inform me.

Yours sincerely,

John W. Grace
John W. Grace
Privacy Commissioner