

# Corrections Should Have Released Ashley's Files Says Privacy Commissioner



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**June 29, 2009 (Ottawa)** – The Canadian Association of Elizabeth Fry Societies (CAEFS) has been forced to take the government to court in order to obtain the files that Ashley Smith asked them to access on her behalf. Ashley died at the Grand Valley Institution, a federal penitentiary for women, on October 19, 2007.

“Although the Privacy Commissioner has ruled that CAEFS was legally entitled to Ashley’s files, the Correctional Service of Canada persists in its refusal to provide these records to us,” reported Kim Pate, Executive Director of the Canadian Association of Elizabeth Fry Societies. “We have been requesting this material for two years, since well before Ashley’s tragic death. We owe it to Ashley’s memory, and to the women still facing the sort of treatment to which she was subjected, to pursue this matter,” continued Pate.

“The Privacy Commissioner should not be leaving this struggle to us alone,” added Lucie Joncas, the President of the Association. “The Privacy Commissioner of Canada has determined that the *Privacy Act* gives us the legal right to obtain these records, even though Ashley is no longer alive. We are dismayed by the decision of the Privacy Commissioner to refuse to pursue this any further. The Privacy Commissioner has a policy which states that they will take to court organizations that refuse to implement her recommendations. We have pursued every avenue available to us. A small, voluntary organization like ours, with two salaried positions and limited fiscal resources, should not be forced to ensure that the Government fulfills its legal obligations. CAEFS requested that Commissioner’s office assist us in this case, but they have refused to do so. We have no choice but to try to rectify this travesty ourselves,” stated Ms Joncas.

“We are extremely disappointed with respect to the denial of access to information Ashley Smith wanted us to have on her behalf. We were frustrated by the denial of the Correctional Service of Canada, but we are equally disappointed by the Privacy Commissioner’s unwillingness to pursue the legitimate privacy rights of individuals – particularly since the Privacy Commissioner has appeared before Parliament and indicated that the enforcement mechanisms under the *Privacy Act* are inadequate. This is one important matter where there happens to be an enforcement mechanism and she could have used her vast resources in an attempt to solidify the privacy rights of all Canadians. What good is asking for better enforcement mechanisms if the Commissioner is not willing to use the existing ones?” concluded Ms Pate.

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## **Contact:**

**Canadian Association of Elizabeth Fry Societies (CAEFS)** is a federation of member societies who work with and on behalf of marginalized, victimized, criminalized, and imprisoned women and girls.

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