

27 January 2025

File No. 5758-24

The Honourable Richard Edjericon, Deputy Speaker
Legislative Assembly of the Northwest Territories
Box 1320, 4570 - 48th Street
Yellowknife, NT X1A 2L9

By email

Dear Mr. Deputy Speaker:

Report dismissing complaint by Deneze Nakehk'o (Daniel Richards) about the disclosure of identifying information about him by the Honourable Shane Thompson, MLA for Nahendeh

[1] This is my report pursuant to section 102(3) and (4) of the *Legislative Assembly and Executive Council Act* dismissing the complaint by Deneze Nakehk'o (Daniel Richards) that Shane Thompson, MLA for Nahendeh had breached section 5 of the MLA's *Code of Conduct* by disclosing confidential information about the complainant without the latter's permission.

[2] I am directing this to you as Deputy Speaker because Mr. Thompson is the Speaker.

Background

[3] The complaint involves the following:

1. On July 15, 2024, Daniel Richards sent an email to MLA Thompson's constituency assistant about extreme heat conditions and the lack of air conditioning at Breynat Hall, the student residence for Aurora College in Fort Smith where students were attending an Observations Communications Course. He copied MLA Thompson, Minister Caitlin Cleveland, Minister Caroline Wawzonek, and Premier R.J. Simpson. The name on Mr. Richards' email was "Daniel" without his last name.

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2. The next day, MLA Thompson forwarded Mr. Richards' email to Minister Cleveland asking for information for the appropriate contact at Aurora College so he could raise this concern with them.
3. On July 26, 2024, Minister Cleveland sent an email to Mr. Richards ("Daniel") describing the inquiries she had made and responding to his concern, with copies to MLA Thompson, Minister Wawzonek, Premier Simpson, and two other persons with the NWT Government.
4. MLA Thompson was contacted by another person attending the course in Fort Smith about the same issue, and he drew this to Minister Cleveland's attention as well. Minister Cleveland told him that her response to that person would be the same as the one she had provided to Mr. Richards ("Daniel").
5. On August 1, 2024, MLA Thompson sent the other person the email string containing Minister Cleveland's response to Mr. Richards, which contained the name "Daniel" and his email address.
6. The other person subsequently asked Mr. Richards whether he was the "Daniel" referred to in the email string. He confirmed he was.
7. Deneze Nakehk'o (Mr. Richards' Indigenous name, which he prefers) has complained to me that MLA Thompson breached the obligation of confidentiality under the MLA's *Code of Conduct* by sharing his name, personal email address, and personal opinions when he sent the email string to the other person.

[4] The following context is also relevant:

- A. MLA Thompson's constituency assistant is Mr. Richards' estranged sister.
- B. In addition to his first email at 8:48 on July 15, Mr. Richards sent two further emails to MLA Thompson's constituency assistant at 9:09 a.m. and 12:31 p.m., with copies to MLA Thompson, Minister Cleveland, Minister Wawzonek, and Premier R.J. Simpson. In my view, the content of the follow-up emails was inappropriate and harassing.
- C. MLA Thompson had previously directed Mr. Richards not to communicate with his constituency assistant, but directly with him. He repeated that request

in an email to Mr. Richards at 2:36 p.m. on July 16, 2024. Mr. Richards responded with emails to MLA Thompson at 4:50 and 4:51 p.m., with copies to Minister Cleveland, Minister Wawzonek, Premier R.J. Simpson, and the constituency assistant. In my view, the content of these emails was insulting.

- D. The other person who contacted MLA Thompson about the heat situation at Breynat Hall in Fort Smith was Mr. Thompson's niece, and she was the one who asked Mr. Richards if he was the "Daniel" in Minister Cleveland's response to Mr. Richards.
- E. On November 29, more than four months after the events, Mr. Richards obtained a copy of MLA Thompson's August 1 email to his niece.
- F. Mr. Richards first raised this matter with me on December 12, 2024, approximately 4½ months after the events in question.

The Code

[5] Section 7 of the Member's *Code of Conduct* provides as follows:

7. Members must take appropriate steps to protect the confidentiality of any personal information, personal health information, or other confidential information that comes into their possession.

[6] The *Guide to the Code* contains the following commentary:

In all your dealings with members of the public, you must determine whether they are sharing their information in confidence or in a public way.

Decision

[7] I dismissed Deneze Nakehk'o's complaint for the following reasons.

[8] The obligation in the *Code* to maintain confidentiality only applies to information which can reasonably be characterized as confidential.

[9] There is nothing in Mr. Richards' July 15, 2024 email to indicate that its content was being shared in confidence. It was not marked as "private" or "confidential". Its content does not involve sensitive personal information. It was copied to four other persons. The fact that information may be personally-identifying does not automatically make it confidential.

[10] Accordingly, MLA Thompson did not breach the *Code*. The complaint must be dismissed pursuant to section 102(2)(a)(iii) of the *Legislative Assembly and Executive Council Act* because it

(iii) ... does not disclose a contravention of this Part [dealing with conflicts of interest] or the Code of Conduct.

[11] Secondly, even if (contrary to my finding above) there were a contravention of the *Code* because MLA Thompson did not strike out "Daniel" and the email address from the email string when forwarding Minister Cleveland's response to his niece (who had raised a similar concern about the heat), I am satisfied that the complaint should be dismissed pursuant to section 102(2)(a)(iv) of the Act as being:

(iv) ... minor or was committed through inadvertence or by reason of an error of judgment made in good faith.

[12] For each of these reasons, I dismissed the complaint.

All of which is respectfully submitted by:



David Phillip Jones, K.C.
NWT Integrity Commissioner

cc: Mr. Glen Rutland, Clerk of the Legislative Assembly
Deneze Nakehk'o (Mr. Daniel Richards)
The Hon. Shane Thompson