



## NATIONAL CITIZENS INQUIRY

Vancouver, BC

Day 3

May 4, 2023

### EVIDENCE

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**Witness 5: Lindsay Kenny**

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[00:00:00]

**Wayne Lenhardt**

The next witness is virtual, and we have Lindsay Kenny. Lindsay, can you hear me?

**Lindsay Kenny**

Yes. I can hear you; can you hear me?

**Wayne Lenhardt**

Yes, I think we're set up. Could you give us your full name and spell it for us, and then I'll do an oath with you.

**Lindsay Kenny**

Lindsay Kenny, L-I-N-D-S-A-Y K-E-N-N-Y.

**Wayne Lenhardt**

Do you promise to tell the truth, the whole truth, and nothing but the truth in your testimony today?

**Lindsay Kenny**

Yes.

**Wayne Lenhardt**

You're an elected councillor for the village of Fruitvale, am I correct?

**Lindsay Kenny**

A former elected official. I was elected in 2018 to 2022. It was my first term.

**Wayne Lenhardt**

Okay. And you got involved with checking things via Freedom of Information, so could you tell me how that first developed?

**Lindsay Kenny**

Yeah, so in 2020, the Prime Minister said that we don't go back to normal until there's a vaccine. And I thought that was kind of odd because we didn't even know where it came from. So when the public health orders started coming out, I started reading them quite carefully. And I noticed there was a provision under the *[Public] Health Act*, section 43: You may ask for reconsideration if there's something that the health officer may have missed or wasn't available at the time; if you're an affected group, you may ask for reconsideration. You may only do that once. So that prompted me to make a Freedom of Information request directly relating to the government's active response to COVID-19 in these public health orders. So I made quite a few Freedom of Information requests. There's just a couple that I would like to speak to today and that would be regarding the mask orders.

**Wayne Lenhardt**

Your first one, I think, involved the order relating to children wearing masks for extended periods in school.

**Lindsay Kenny**

Okay, so the first one in British Columbia was November of 2021, and the Public Safety Minister, which is Mike Farnsworth in our province, mandated the use of masks. I quickly made a Freedom of Information request regarding that order and the response. So under the Freedom of Information request, they have 30 days to release the information, and I was given that information in 60 days. I provided that in my package to the commissioners and the public so the public can review that, but I'll just speak to it a little bit [Exhibit number unavailable].

So there was a comparison between Ontario's mask mandate and Saskatchewan's mask mandate. It wasn't scientifically if we could mask people; it was how much we're going to charge them and where they're going to have to wear them. There was some redacted sections in there regarding law enforcement conversations and that sort of thing. But that was a reasonable response to my request, 60 days, no problem.

You were saying about the children. So a year later, the provincial health officer, Dr. Bonnie Henry, made an order that included children in schools ages five and up. They would be required to wear masks for six hours a day inside schools. And I thought, well, it's time to do an FOI request, and I did an FOI request immediately. I asked for any and all information available to the health officer when making the mask order. And at the same time, I started a petition on Change.org for the information to be released to the public immediately. Under the *Freedom of Information [and Protection of Privacy] Act*, anything that's in the public's interest must be disclosed,

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despite any other provision on this Act and despite making a Freedom of Information request.

When I spoke with the analyst that was taking my Freedom of Information request, I made this very clear to them that I wanted it under public interest. When they responded back to me, they wanted me to narrow my request because they felt that, or the Ministry of Health, rather, felt that it was too broad. So I said, “Well, if that’s too much to reasonably ask for, I would like the information used in line K of the order, which shows that masks suppress SARS-CoV-2.”

A couple of days later, I got a fee estimate. The first 30 hours of a Freedom of Information request are free. When I got the fee estimate back, they wanted \$1,300 for this information. And, of course, I tell the analyst that I will be making a fee waiver request and I want this under public interest, and I provided my petition and I waited to hear back.

In the meantime, I reached out to the school district for their help. I asked the superintendent to help, and the superintendent for School District 20 said that I should delegate to the Board and tell them this information I found with Mike Farnsworth, Public Safety Officer’s Mask Order, and to delegate to them. So I put in a request to delegate to the school district, and I had informed them that children are not covered by WCB and as a parent, I have concerns for children wearing these masks for six hours-plus a day. I would like to know the efficacy of this medical intervention. And I got a letter back: they denied my request to delegate. At the same time, I heard back from the FOI analyst that my fee waiver was declined, that they were not going to waive the fees. I thought that was quite odd.

I immediately made a complaint to the privacy commissioner’s office [Office of the Information and Privacy Commissioner], and an investigation had started. My investigator suggested that I narrow my request once again. I narrowed my request, she suggested that I did, so I agreed. And we narrowed it to the transmission portion and what the efficacy is, and I’ve provided that in my documents. And at the same time, I thought, well, that’s really odd that they denied my fee waiver because this is clearly in the public’s interest: It should be on their website. This is hot off the press. It should be readily available for everyone to review.

So what I did was I made a subsequent FOI request, and I asked for all the information regarding my fee waiver between the analyst and the Ministry of Health. And when I received that back, it appeared that when you’re making requests under public interest, the head of the public body must consider it. And it appeared on my form that someone other than the head of the public body had reviewed my fee waiver. So we move on with this inquiry through the Office of the Information [and] Privacy Commissioner with my complaint for the fee. And a Fact Draft Report was completed, and we served the Ministry with this inquiry.

A couple days later—this is now 20 months later, I should say, since I made my FOI request—I receive a letter that my inquiry is cancelled because they have waived the fees. And I informed them, “Well, that’s well and good, but how can I be sure I’m going to get this information?” They said, “Well, your complaint is based on the fees. The fees are waived, so we’re cancelling it.” So it was cancelled.

On April the 4th, 2023—

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20 months later, since I made this FOI request, and remember they have 30 days—I get my package. And the package release for the mask order was totally irrelevant to what I asked

for. There's a bunch of ProMED articles related to anthrax, booster shots, lettuce infectious yellow virus, syphilis, and salmonellosis. Nothing pertained to masks whatsoever. So now I have another complaint in that they did not fulfill their duties to give me the information that I requested. Funny enough, a week later, I go to my doctor's office. And the masks, you had to wear them in the doctor's office, and they proceed to tell me that I don't need to wear a mask anymore. And I thought, well, that's pretty strange. And I said, "Since when?" And they said, "Well, since last week, April the 6th." I thought, well, that's kind of funny. I received my package on April the 4th. So maybe coincidence, maybe not. I don't know how much time we have left, but I've got another FOI I'd like to speak to. Will I have time to speak to that?

**Wayne Lenhardt**

Sure, we'll try to be brief. In other words, I mean, you've gone through all kinds of gyrations and gotten anything but the information that you've asked for, is that fair?

**Lindsay Kenny**

Correct, yes.

**Wayne Lenhardt**

Sure. Give us a quick snapshot of your other FOI.

**Lindsay Kenny**

So during the time that I started making Freedom of Information requests, I wasn't getting anywhere. It was quite similar to this mask order. But I started researching some of the information that was coming out of the public health office, and I came across this "anonymized residual sero" blood sampling snapshot. Dr. Bonnie Henry is one of the authors on this article. The funding was provided in part by the Michael Smith for Health and Research Foundation [sic] [Michael Smith Foundation for Health Research], and I thought well who is that? So I started researching the Michael Smith Foundation.

A year later, I realized that they had come out with what's called the knowledge gaps relevant to the COVID-19 vaccine rollout in BC. And the Strategic Research Advisory Committee reports to the BC Ministry of Health, Associate Deputy Minister, and the Provincial Health Officer through the chairs. And in this report, I'll just read the themes and questions.

Number one: What is the effectiveness of the vaccine at preventing illness and infection? Under that header, they want to know what the effectiveness is in populations not represented in clinical trials, including pregnant women and children and immune compromised.

Number two: What is the effectiveness of the vaccine at reducing transmission?

Well, this is January 2021, folks. So I thought, it's August at the time. I'm going to FOI the conclusions to this study. So that's exactly what I did, and I provided that in my documents. I was promptly told that the information I was asking for was with the Michael Smith for Health and Research Foundation [sic] [Michael Smith Foundation for Health Research]. And I said, "No, it's not. If there's information, they must have reported it to the BC Ministry of Health and the Provincial Health Officer, it says so on their website. They proceeded to vaccinate children and the population; meanwhile, this Strategic Research Advisory

Committee is asking questions directly relating to the efficacy of the vaccine. I want this information.” Well, they proceed to tell me in an email that the report is not yet complete. So now you’re studying the population without their knowledge. Dr. Bonnie Henry was going on TV saying that the only side effect is hope, optimism, and a brighter future; meanwhile, she has appointed this committee. Now, this is all on their website, folks.

I would encourage everybody to go read the Michael Smith for Health and Research Foundation’s [sic] [Michael Smith Foundation for Health Research] website and search COVID-19 studies. I find this very concerning. They finally responded to my request and they promptly said that, although a thorough search was conducted,

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no records are with the Ministry of Health. And yeah, I would encourage everybody to look at their website.

**Wayne Lenhardt**

Just as an aside here, I think we got evidence in Saskatoon, I think it was, that an individual had a factory, was told the workers had to wear masks in this factory. So he proceeded to do a test on the masks within his factory and found out that the levels of, I think it was CO<sub>2</sub> or CO or both, were high enough that it amounted to a hazardous workplace if the workers were to wear the masks and be subjected to that level of CO<sub>2</sub> and CO. So, but, you know, not everybody has access to that kind of a testing facility.

**Lindsay Kenny**

No, and imagine young children wearing those all day in school. Very inappropriate.

**Wayne Lenhardt**

Anyway, are there any questions from the Commissioners, yes, Heather.

**Commissioner DiGregorio**

Thank you so much for coming and sharing your testimony with us today. I’m just wondering, in your opinion, what is the purpose of the Freedom of Information legislation that we have in this country?

**Lindsay Kenny**

So the Freedom of Information, it’s a very powerful tool to keep your government in check. And a lot of people don’t realize it’s there, but it also creates a public record. When you ask for this information, it gets published so anyone can use this information. Part of my reason for doing this was understanding what exactly the information that they were using in their response, but also to show people that this is the information that’s actually coming out of these authorities. And it’s really important for us to ask these questions. It’s a very powerful tool because we’ve all been silenced, and it’s a great way to make these requests and have them on the public record.

**Commissioner DiGregorio**

And I'm gathering from your testimony, and we've heard this from other witnesses across the country who've also done Freedom of Information requests that the system isn't exactly user friendly and that you ran into a number of obstacles. I'm just wondering what thoughts you have on how it could be improved.

**Lindsay Kenny**

That's funny because I have experience making Freedom of Information requests, and the only problems that I've had in my experience are with the Ministry of Health.

**Commissioner DiGregorio**

So sorry, you're saying that you've made Freedom of Information requests in other areas, non-Covid related as just in pursuit of other goals, and where you really run into the problems has been in this particular subject matter.

**Lindsay Kenny**

Yes, and especially if I ask for the information directly relating to public health orders. Because again, they must demonstrably show that they have evidence to put these orders in. They can't just make them on belief. In my opinion, they have to have evidence.

**Commissioner DiGregorio**

Thank you. Those are my questions.

**Wayne Lenhardt**

Yes, Dr. Massie.

**Commissioner Massie**

Thank you very much. I have a question. I want to make sure I understand about the report that was asked to the Michael Smith Foundation. So they set up a panel of experts, I suppose, to look at all of the issues surrounding this particular technology, the vaccination, and the report is not yet completed, but we have fragments of information. I mean, I'm not sure I understand. You have a few questions that the panel was addressing but were left unanswered, is that what you're saying?

**Lindsay Kenny**

According to their website, the Strategic Research Advisory Committee was established to serve as a bridge between the Provincial Health Officer and government decision makers and the BC Health and Research Community. The committee was appointed by, how I understand it off their website, by the Provincial Health Officer and the Ministry. They had several reports, but this one in particular—

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the knowledge gap study relevant to the COVID-19 vaccine rollout in BC—the questions were put a month after they had started administering this product. I provided it in my documents there. I'm not a scientist, but I was just looking through the Michael Smith

Foundation and I came across this. Another thing that they had touted on their website was that they created the first sequencing ID for the SARS coronavirus in 2006, I believe, so they were part of, I believe, with UBC and the Genome Science Centre of Canada. The way I understand it is, they're actually a cancer research facility, but they do dabble in some genome science stuff.

**Commissioner Massie**

My point is to understand the report or the questions in the report was made public on their website after it rolled out of the vaccine, not before?

**Lindsay Kenny**

Yes. In BC, December, they started giving the vaccine out. This report is dated January 29th, 2021, where they asked these questions relating to the efficacy. So studying the population without their knowledge.

**Commissioner Massie**

So is this fair to say that the questions that were put in the report were not properly addressed before the rollout of the vaccine?

**Lindsay Kenny**

I would say so, in my opinion, yes.

**Commissioner Massie**

And the report is still not completed, so is it an ongoing process, or what's the situation with this committee?

**Lindsay Kenny**

I haven't followed up. When I made my FOI request for the conclusions to that study, it was August 17th of 2021, I made that request. This report asking these questions came out in January [2021]. When I got my response back, it was probably September, they said that there were no records with the Ministry of Health. The FOI analyst that was speaking to the Ministry of Health said to me in an email that the Michael Smith for Health and Research [sic] [Michael Smith Foundation for Health Research] are still working on this study, so their work would not yet be complete. There would be nothing with the Ministry. They would not be reporting anything because their work isn't complete.

**Commissioner Massie**

Thank you.

**Wayne Lenhardt**

We have another question, yes.

**Commissioner Kaikkonen**

You mentioned that the school board refused your request to delegate. Do you have children in that school board?

**Lindsay Kenny**

Yes.

**Commissioner Kaikkonen**

And did they give you a reason why they refused to let you delegate?

**Lindsay Kenny**

Not really. They just basically said that they're following public health orders and that they don't need to hear from me.

**Commissioner Kaikkonen**

And did you appeal that process?

**Lindsay Kenny**

No, I did not.

**Commissioner Kaikkonen**

Thank you.

**Wayne Lenhardt**

Are there any other questions? I think that's a no. So on behalf of the National Citizens Inquiry, I want to thank you for giving us your testimony today. Thanks again.

**Lindsay Kenny**

Thank you so much to everyone, the Citizens Inquiry and the Commissioners and the whole team. Thank you very much for having me.

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***Final Review and Approval: Margaret Phillips, August 25, 2023.***

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